



Community Development Department

**BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
August 26, 2020**

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
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Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for public hearing items on this agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail

address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and, if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety.

Some of the Planning and Zoning Commissioners will be attending this meeting remotely, but it is anticipated that most will participate remotely. The number of meeting participants attending in person in the Tom Baker Meeting Room, including the Planning and Zoning Commissioners, will be limited to maintain social distancing.

Item No.	Page No.
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MINUTES

1. Consider approval of the minutes of the July 22, 2020 meeting of the Bismarck Planning & Zoning Commission.



REGULAR AGENDA FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission.

- 2. Lots 1-3, Block 3, Meadowlark Commercial 7th Addition (JW)**
Annexation | ANNX2020-007 1
- Staff recommendation: approve* approve continue table deny

FINAL CONSIDERATION and PUBLIC HEARINGS

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

- 3. Stoneridge Addition Second Replat (JW) 6**
- Zoning Change (PUD to PUD) | ZC2020-008
Staff recommendation: approve approve continue table deny
 - Minor Subdivision Final Plat | MPLT2020-007
Staff recommendation: approve approve continue table deny
- 4. Silver Ranch Second Addition (DN) 19**
- Zoning Change (A, R10, CA & P to R10, CA & P) | ZC2020-005
Staff recommendation: approve approve continue table deny
 - Major Subdivision Final Plat | FPLT2020-009
Staff recommendation: approve approve continue table deny
- 5. Silver Ranch Third Addition (DN) 31**
- Partial Annexation | ANNX2020-005
Staff recommendation: approve approve continue table deny
 - Zoning Change (A to R10, RM20 & P) | ZC2020-006
Staff recommendation: approve approve continue table deny
 - Fringe Area Road Master Plan Amendment | FRMP2020-002
Staff recommendation: approve approve continue table deny
 - Major Subdivision Final Plat | FPLT2020-010
Staff recommendation: approve approve continue table deny
- 6. Lot 1, Block 1, Pat's Acres and Auditor's Lots A, B and C of the NE¹/₄ of the NE ¹/₄ of Section 14, T139N-R80W/Hay Creek Township (WH) Zoning Change (RR & A to PUD) | ZC2020-009..... 51**
- Hay Creek Township*
- Staff recommendation: approve* approve continue table deny

7. **Lot 6, Block 4, Tatley Meadows V (WH)**
Special Use Permit (Child Care Center) | SUP2020-012..... 63

Staff recommendation: approve approve continue table deny

8. **Lot 2, Block 1, Eugenes First Addition First Replat (WH)**
Special Use Permit (Auto Laundry/Car Wash) | SUP2020-013..... 73

Staff recommendation: approve approve continue table deny

9. **Lot 1, Block 1, YMCA First Addition (DN)**
Special Use Permit (Temporary Signs) | SUP2020-014 81

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

10. **Other**

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for **September 23, 2020.**

Enclosures: Meeting Minutes of July 22, 2020
 Building Permit Activity Month to Date Report for July 2020
 Building Permit Activity Year to Date Report for July 2020



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

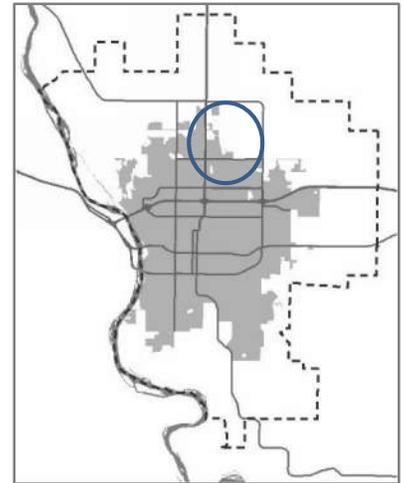
Agenda Item # 2
 August 26, 2020

Application for: Annexation

TRAKiT Project ID: ANN2020-007

Project Summary

Title:	Meadowlark Commercial 7 th Addition, Lots 1-3, Block 3
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Skyline Properties LLC
Project Contact:	Sanjay Patel, Managing Partner
Location:	In northeast Bismarck, north of 43 rd Avenue NE and east of US Highway 83, between Brookside Lane and 57 th Avenue NE, along the west side of North 19 th Street
Project Size:	11.37 acres
Request:	Annex property for future commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 lots in 1 block	Number of Lots:	3 lots in 1 block
Land Use:	Undeveloped	Land Use:	Commercial uses
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	12/2015	Platted:	12/2015	Annexed:	N/A
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Staff Analysis

Skyline Properties LLC is requesting approval of the annexation of Lots 1-3, Block 3, Meadowlark Commercial 7th Addition.

The annexation also includes the unannexed portions of the North 19th Street and Brookside Lane rights-of-way adjacent to this request. Annexation of these portions of North 19th Street and Brookside Lane would avoid

(continued)

segments of public rights-of-way in this location being outside corporate limits while the adjacent properties are within corporate limits.

Annexation of the property, including the adjacent rights-of-way, would allow for commercial development and the construction Brookside Lane and North 19th Street at the time of site development.

Utility Capital Charges

The annexation of any new lots within in the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 1-3, Block 3, Meadowlark Commercial 7th Addition and the westerly half of the North 19th Street right-of-way between 57th Avenue NE and Brookside Lane, adjacent to Lots 1-3, Block 3, and the entire right-of-way for Brookside Lane adjacent to Lots 1-2, and the west half of Lot 3, Block 3, as well as the north half of Brookside Lane adjacent to the east half of Lot 3, Block 3, Meadowlark Commercial 7th Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

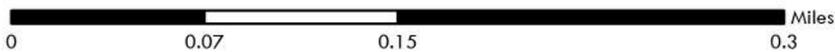
Staff report prepared by: Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

ANNX2020-007

ANNEXATION OF MEADOWLARK COMMERCIAL 7TH ADD, L1-3, B3

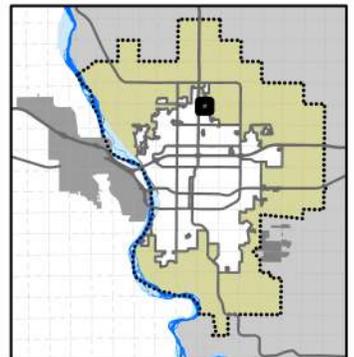


- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
 Community Development Department
 Planning Division
 August 18, 2020 (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.

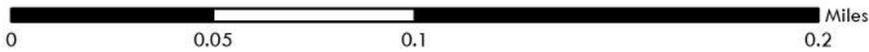
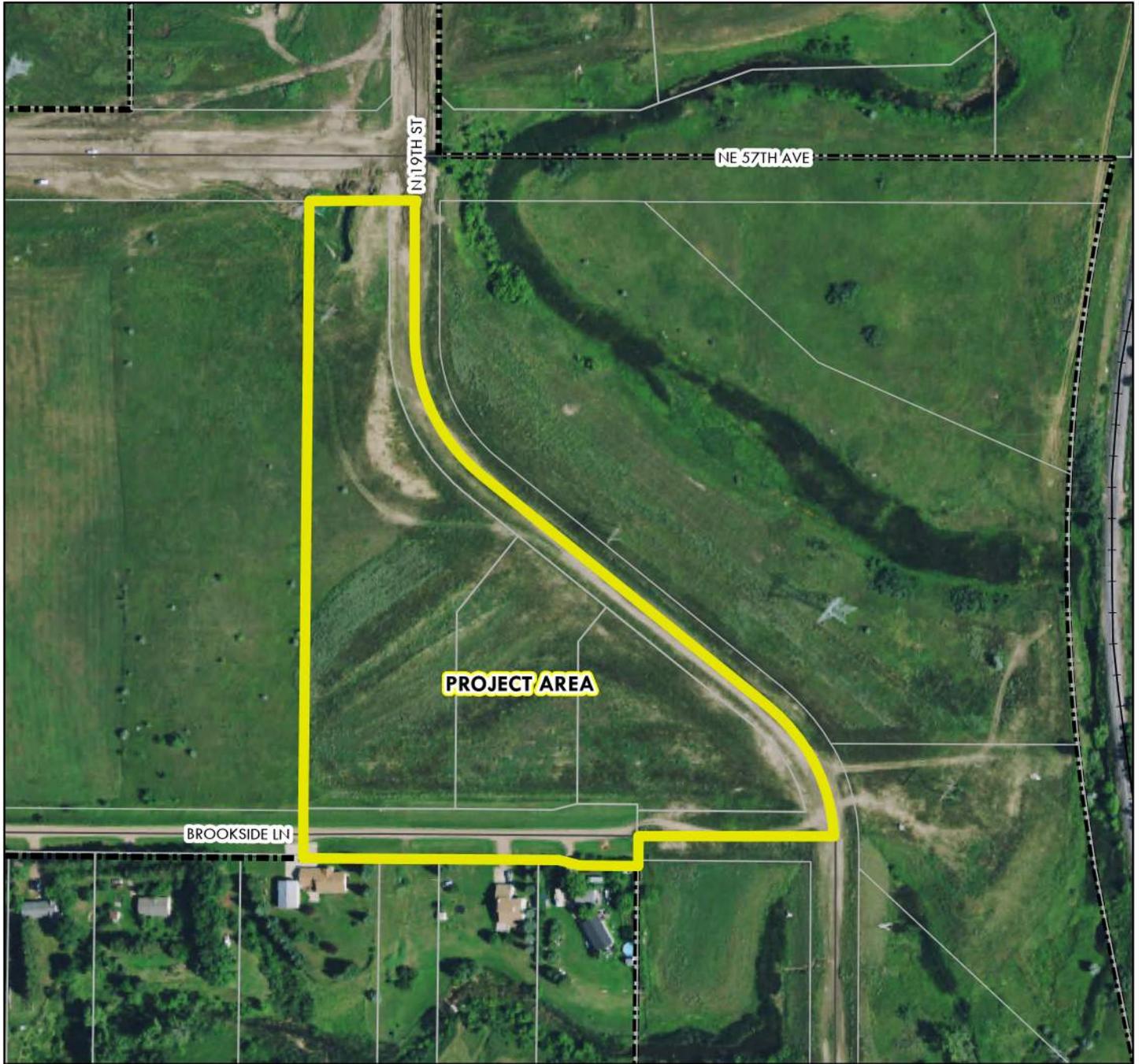




Aerial Map

MEADOWLARK COMMERCIAL 7TH ADD, L1-3, B3

ANNX2020-007

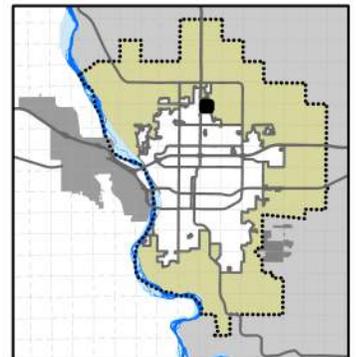


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
 Community Development Department
 Planning Division
 August 18, 2020

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Zoning and Plan Reference Map

MEADOWLARK COMMERCIAL 7TH ADD, L1-3, B3

ANNX2020-007
ZC2020-005

Zoning Districts

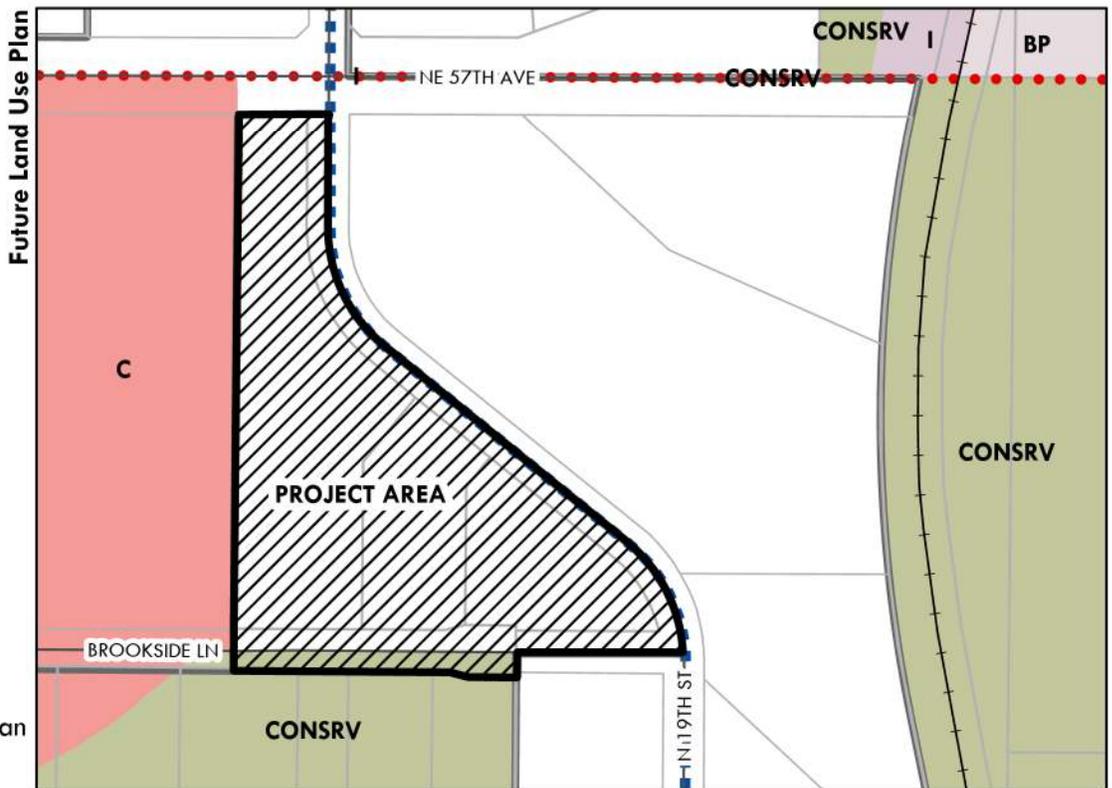
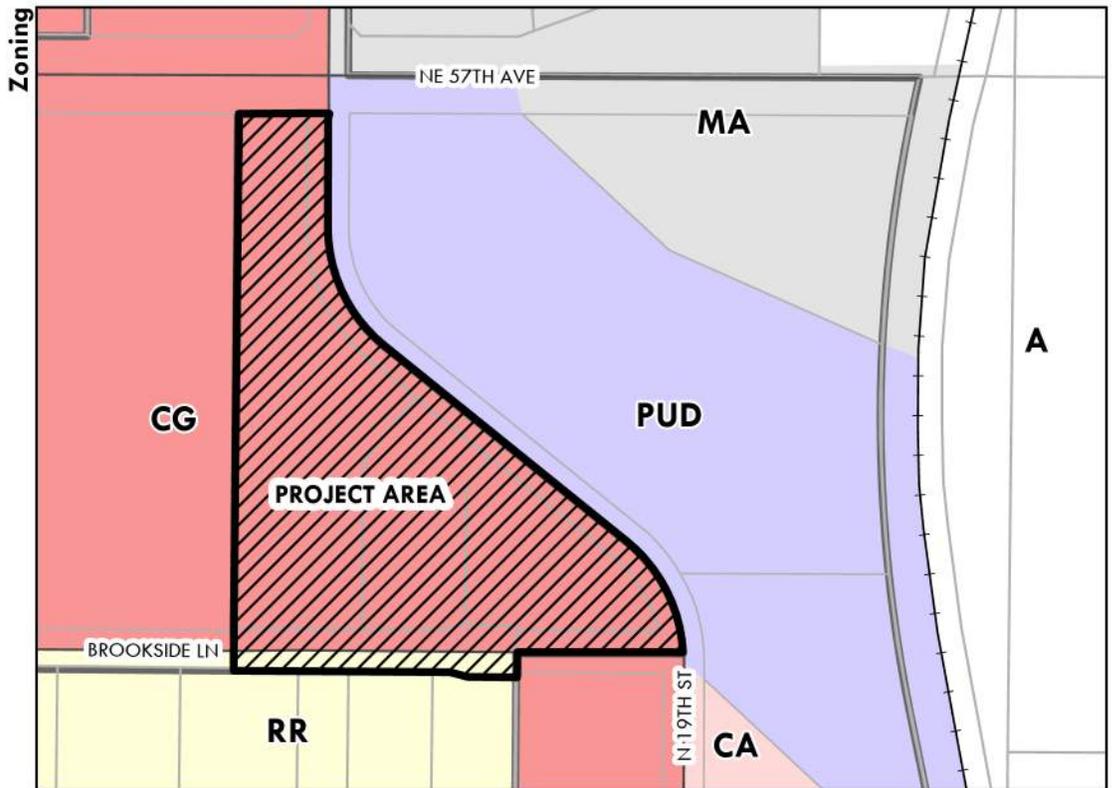
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
August 18, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

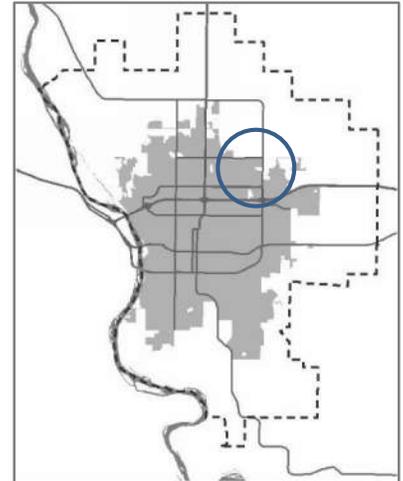
Agenda Item # 3
August 26, 2020

**Application for: Zoning Change
Minor Subdivision Final Plat**

TRAKiT Project ID: ZC2020-008
MPLT2020-007

Project Summary

Title:	Stoneridge Addition Second Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Verity Homes of Bismarck, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	In northeast Bismarck, west of Centennial Road and north of East Century Avenue, along the west side of French Street
Project Size:	1.75 acres
Request:	Replat and rezone property to allow for two 8-unit multifamily buildings



Site Information

Existing Conditions

Number of Lots:	16 lots in 1 block
Land Use:	Multifamily residential
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:	16 lots in 1 block
Land Use:	Multifamily residential
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:	04/2014 PUD 04/2015 PUDA	Platted:	04/2015	Annexed:	04/2011
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Staff Analysis

Verity Homes of Bismarck, LLC is requesting approval of a zoning change from an existing PUD – Planned Unit Development to a new PUD – Planned Unit

Development and minor subdivision final plat titled Stoneridge Addition Second Replat.

The Planning and Zoning Commission, at their meeting of July 22, 2020, called for a public hearing on the proposed zoning change.

The proposed zoning change and minor subdivision final plat would allow for the development of two 8-unit, 2-story multifamily buildings with attached garages on individual lots. Staff have determined that a zoning change rather than a PUD Amendment would be needed, as the overall layout of the development is changing significantly. The density of the project will not differ from the density in the existing PUD.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 21 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include multifamily residential to the north across Jericho Road, developing CG – Commercial zoned property to the east across French Street, and RM – Residential and CG – Commercial zoned property to the south across Greensboro Drive and single-family residential to the west.

Required Findings of Fact (relating to land use)

Zoning Change

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/or 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 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; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Minor Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from an existing PUD – Planned Unit Development to a new PUD – Planned Unit Development, as outlined in the attached draft

PUD Ordinance, and minor subdivision final plat for Stoneridge Addition Second Replat.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Draft PUD Ordinance
5. PUD Written Statement
6. Minor Subdivision Final Plat
7. Proposed Site Plan
8. Proposed Building Elevations

Staff report prepared by:

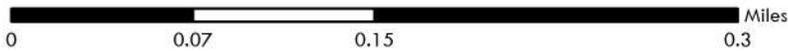
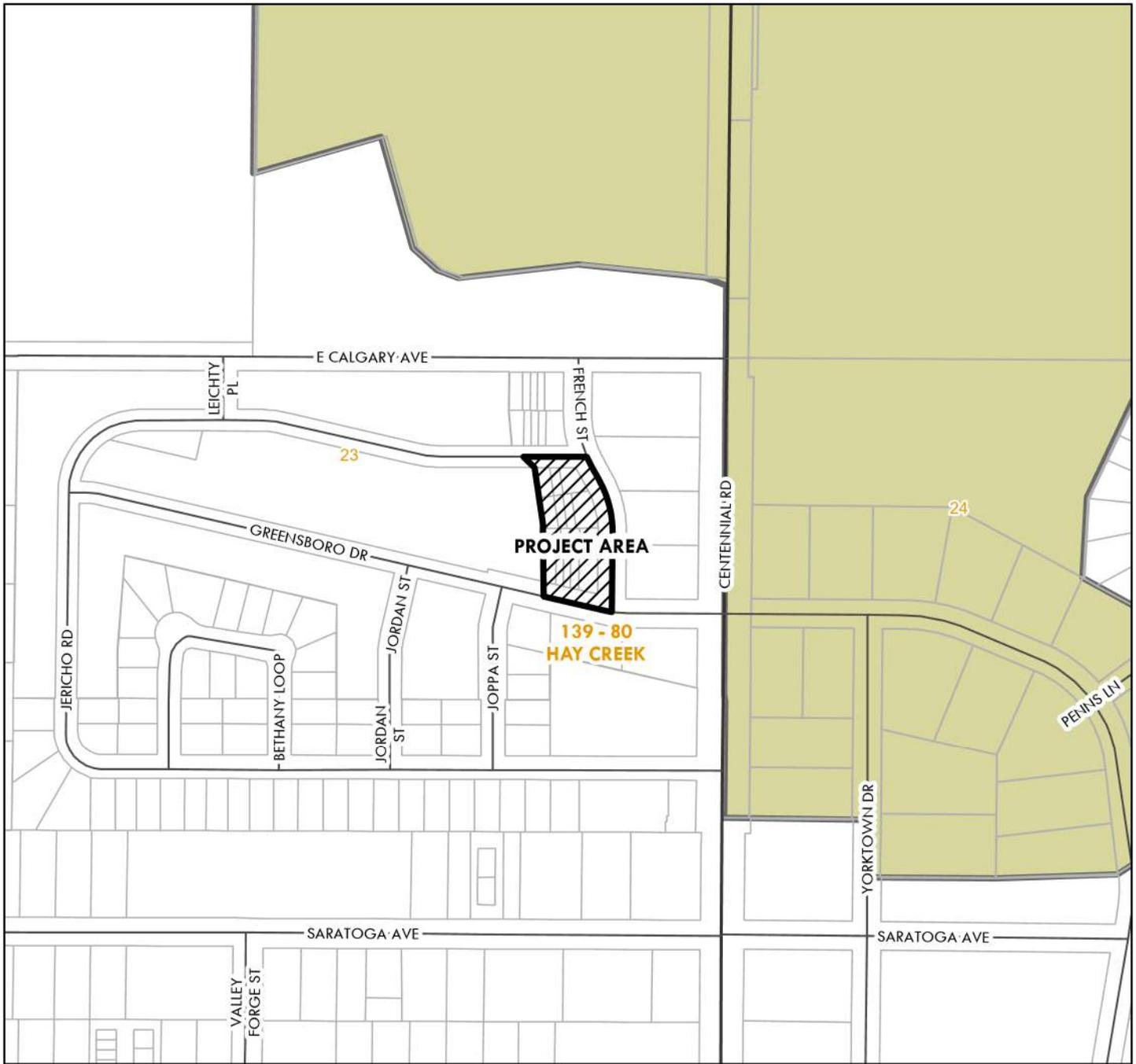
Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

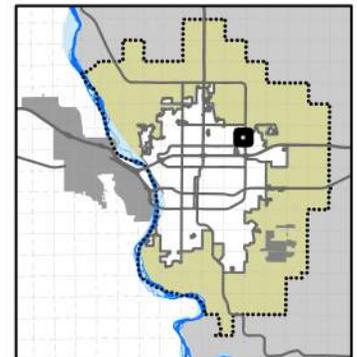
STONERIDGE ADDITION 1ST REPLAT, L1-16, B1

ZC2020-008



- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
 Community Development Department
 Planning Division
 July 14, 2020 (HLB)

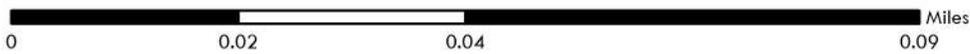
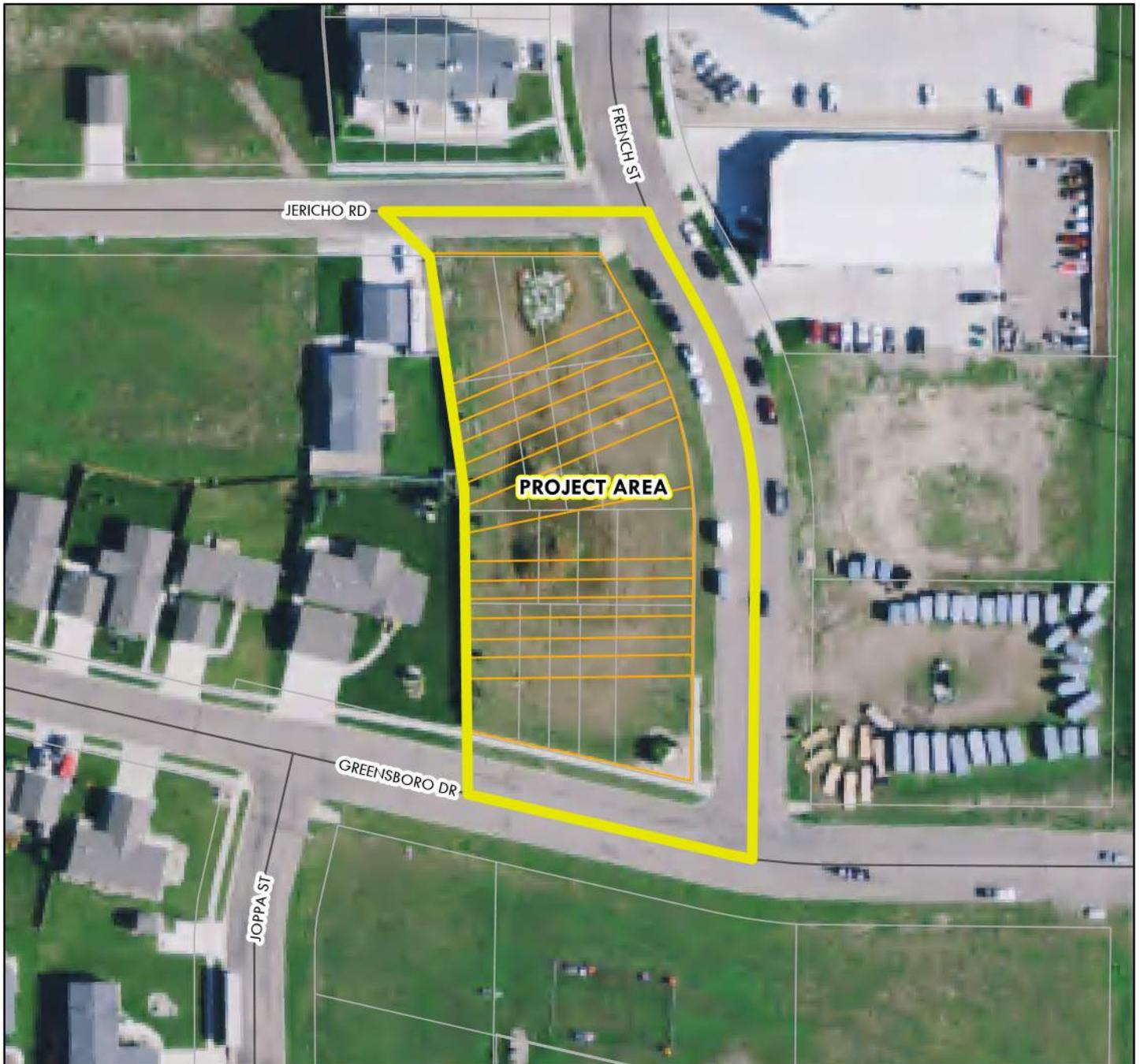
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Aerial Map

STONERIDGE ADDITION SECOND REPLAT

MPLT2020-007
ZC2020-008

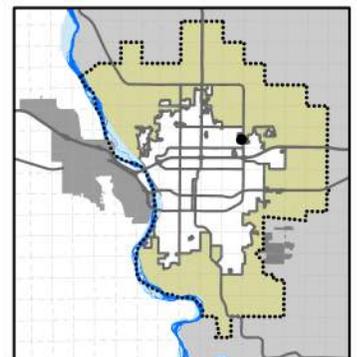


- Lots Pending Approval
- City Limits
- Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 18, 2020

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Zoning and Plan Reference Map

STONERIDGE ADDITION SECOND REPLAT

MPLT2020-007
ZC2020-005

Zoning Districts

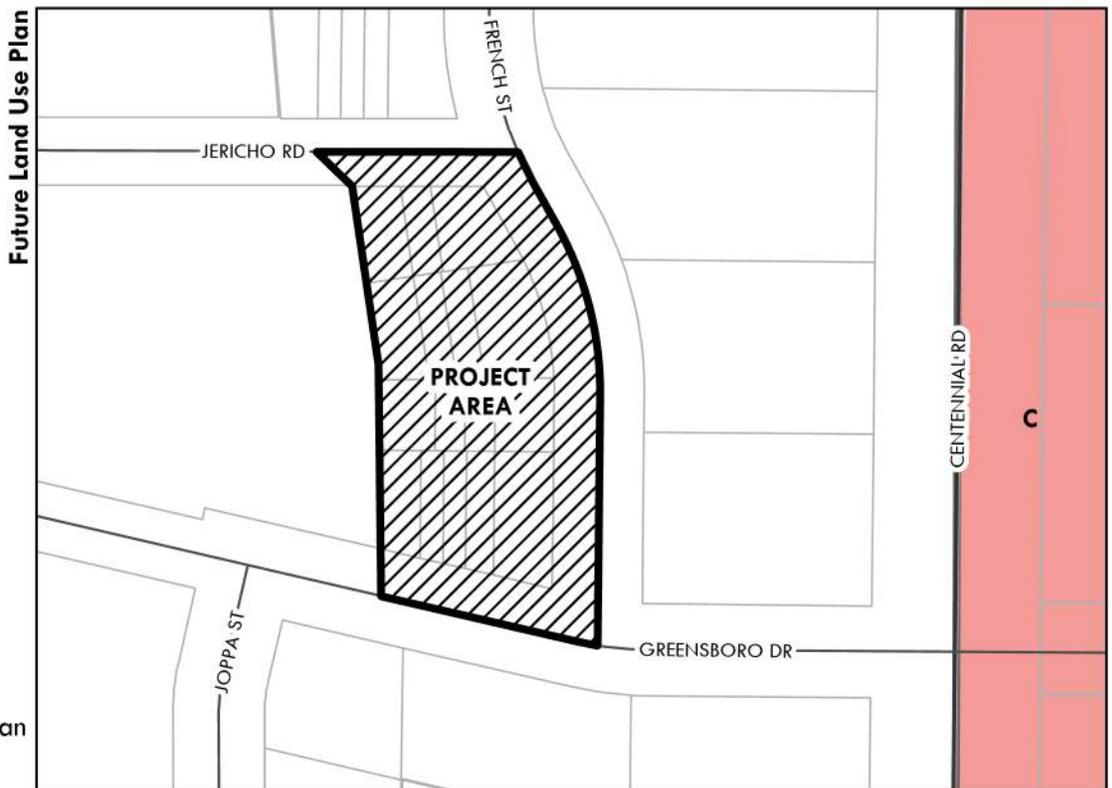
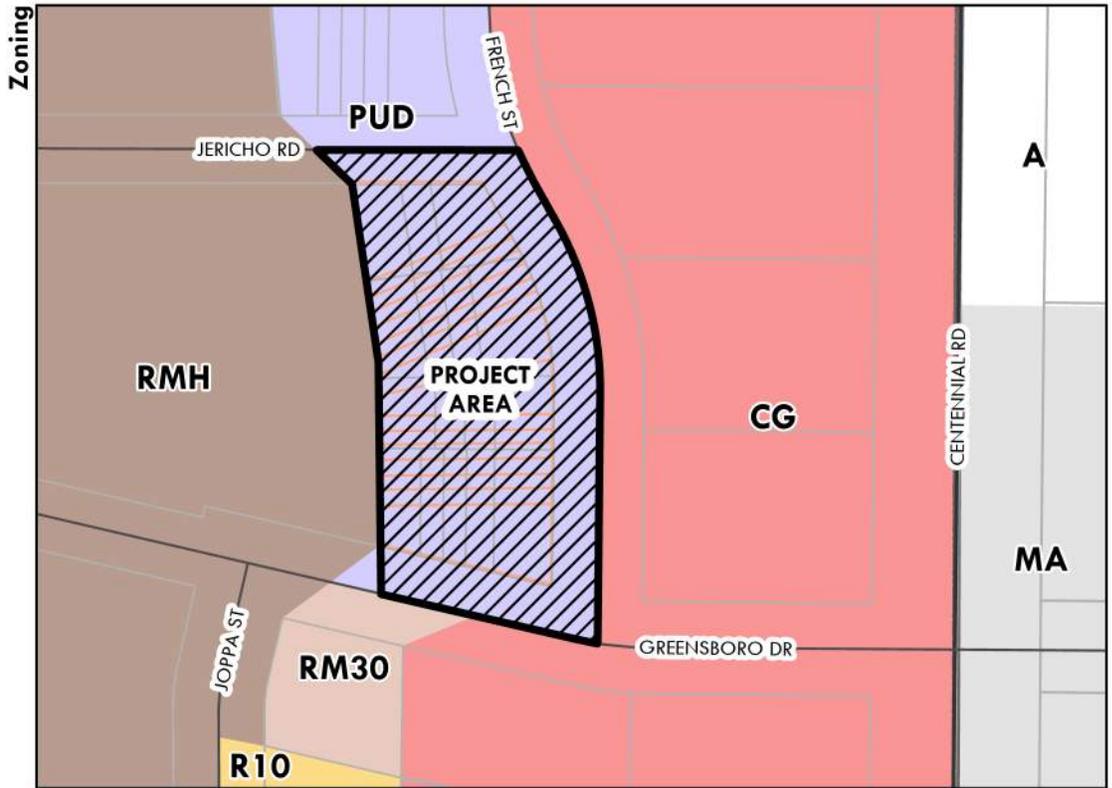
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RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
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C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
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LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
August 18, 2020

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the PUD – Planned Unit Development zoning district and included within the PUD – Planned Unit Development zoning district:

Lots 1-16, Block 1, Stoneridge Addition Second Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. Two eight-unit, two-story residential row houses with rear loaded attached garages.
3. *Special Uses*. The following uses shall be allowed with a special use permit
 - a. None.
4. *Dimensional Standards*. The following dimensional standards shall apply to all structures within district:

- a. The minimum lot area shall be 1,600 square feet.
 - b. The minimum lot width shall be 12 feet.
 - c. Front yard setbacks adjacent to public rights-of-way shall be 25 feet.
 - d. Side yard setbacks shall be zero feet for attached row houses and six feet, measured from the common lot line, between the two eight-unit row houses to each building.
 - e. Rear yard setback, along the private access easement located along the west side of the property, shall be zero feet.
5. *Development Standards.* The following development standards shall apply to all development within the district.
- a. *Off-street Parking and Loading.* All off-street parking and loading must conform to the layout shown and number indicated on the submitted site plan.
 - b. *Landscaping and Screening.* Street trees and perimeter parking lot landscaping must be installed in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
6. *Design and Aesthetic Standards.* The following design and aesthetic standards shall apply to all development within the district:
- a. *Design standards.* The design of the two eight-unit row houses shall generally comply with the elevations submitted with site plan and be complementary to the existing neighborhood.
 - b. *Signs.* Signs must be installed in accordance with Chapter 14-03.1 of the City Code of Ordinances (Signs), following requirements for RM – Residential zoning districts.
 - c. *Lighting.* All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to adjacent properties.
 - d. *Screening.* Mechanical equipment and solid waste collection 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).
7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit

Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

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



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

STONERIDGE ADDITION SECOND REPLAT

Request for Stoneridge PUD Zoning Change

Verity Homes of North Dakota is proposing to develop approximately 1.7 acres located west of French Street, north of Greensboro Drive, and south of Jericho Road. The area is currently platted as Stoneridge Addition First Replat.

Verity Homes is considering developing the property into a residential development with 2 eight-unit rowhouse structures, 2 story homes with garages, platted as individual lots.

The projected density of the area will not change, as the existing PUD & plat allows for 16 units to be constructed.

Vehicle access for the buildings will be provided through an access easement on the west side of the lot, to be maintained by the Home Owners' Association. Garage doors will not face the public right-of-way, allowing for better aesthetics along the east property line.

Additional parking for the subdivision will be provided along the landscape buffer on the west side of the property.

The request also includes a variation in setback requirements, namely 0' setbacks off of the private access easement & 6' side yard setbacks on the lot line common to both buildings, (Lots 8 & 9 Block 1 of the replat).

The building setback adjacent to public rights-of-way will remain at 25'.

Lot size minimums shall be:

Lot width—12'

Lot Area—1600 SF

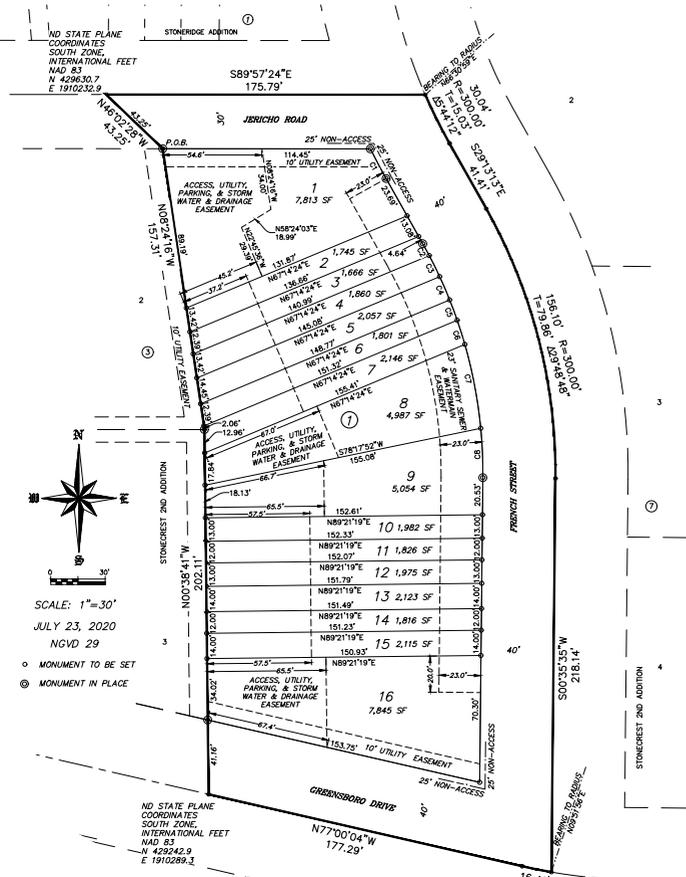
Lot Width at Bldg Setback—12'

See site plan for PUD specifics.

STONERIDGE ADDITION SECOND REPLAT

BEING A REPLAT OF PARTS OF JERICO ROAD, FRENCH STREET, & GREENSBORO DRIVE RIGHTS-OF-WAY AND

ALL OF BLOCK 1 STONERIDGE ADDITION FIRST REPLAT
OF THE SE 1/4 OF SECTION 23 TOWNSHIP 139 NORTH, RANGE 80 WEST
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF PARTS OF JERICO ROAD, FRENCH STREET, & GREENSBORO DRIVE RIGHTS-OF-WAY AND ALL OF BLOCK 1 STONERIDGE ADDITION FIRST REPLAT OF THE SE 1/4 OF SECTION 23 TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 BLOCK 3 STONERIDGE 2ND ADDITION; THENCE NORTH 46 DEGREES 00 MINUTES 28 SECONDS WEST, A DISTANCE OF 43.25 FEET TO THE CENTERLINE OF JERICO ROAD RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 175.79 FEET TO THE CENTERLINE OF FRENCH STREET RIGHT-OF-WAY; THENCE SOUTHEASTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, THE RADII OF WHICH BEARS NORTH 68 DEGREES 30 MINUTES 59 SECONDS EAST, AN ARC LENGTH OF 30.04 FEET; THENCE SOUTH 29 DEGREES 13 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 41.41 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 156.10 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 218.14 FEET TO THE CENTERLINE OF GREENSBORO DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE RIGHT, ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, THE RADII OF WHICH BEARS NORTH 09 DEGREES 51 MINUTES 56 SECONDS EAST, AN ARC LENGTH OF 16.41 FEET; THENCE NORTH 77 DEGREES 00 MINUTES 04 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 177.29 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 3 BLOCK 3 STONERIDGE 2ND ADDITION; THENCE NORTH 00 DEGREES 38 MINUTES 41 SECONDS WEST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE, A DISTANCE OF 202.11 FEET TO THE SOUTHEAST CORNER OF LOT 2 BLOCK 3 STONERIDGE 2ND ADDITION; THENCE NORTH 08 DEGREES 24 MINUTES 16 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 157.31 FEET TO THE POINT OF BEGINNING, CONTAINING 1.75 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ DAY OF _____, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING & ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2020, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
BEV EHRHRT - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "LX RIDGE SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

WE, THE VERITY HOMES OF BISMARCK, BEING THE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "STONERIDGE ADDITION SECOND REPLAT" AND RE-DEDICATE ALL RIGHTS-OF-WAY TO THE CITY OF BISMARCK, AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL, THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR, UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENTS, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION. SAID EASEMENTS TO ARE ALSO

WE ALSO DEDICATE WATERMAIN & SANITARY SEWER EASEMENTS TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR WATERMAIN & SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ARTHUR GOLDAMMER, PRESIDENT
VERITY HOMES OF BISMARCK, LLC

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER, PRESIDENT OF VERITY HOMES OF BISMARCK, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

Curve #	Length	Radius	Delta
C1	18.58'	340.00'	3°07'51"
C2	7.42'	260.00'	1°38'10"
C3	13.03'	260.00'	2°52'14"
C4	14.00'	260.00'	3°05'07"
C5	12.01'	260.00'	2°38'50"
C6	14.06'	260.00'	3°05'56"
C7	47.38'	260.00'	10°26'31"
C8	27.38'	260.00'	6°02'00"

AREA DATA	
LOTS	48,814 SF, 1.12 ACRES
STREETS	27,500 SF, 0.63 ACRES
TOTAL	76,314 SF, 1.75 ACRES

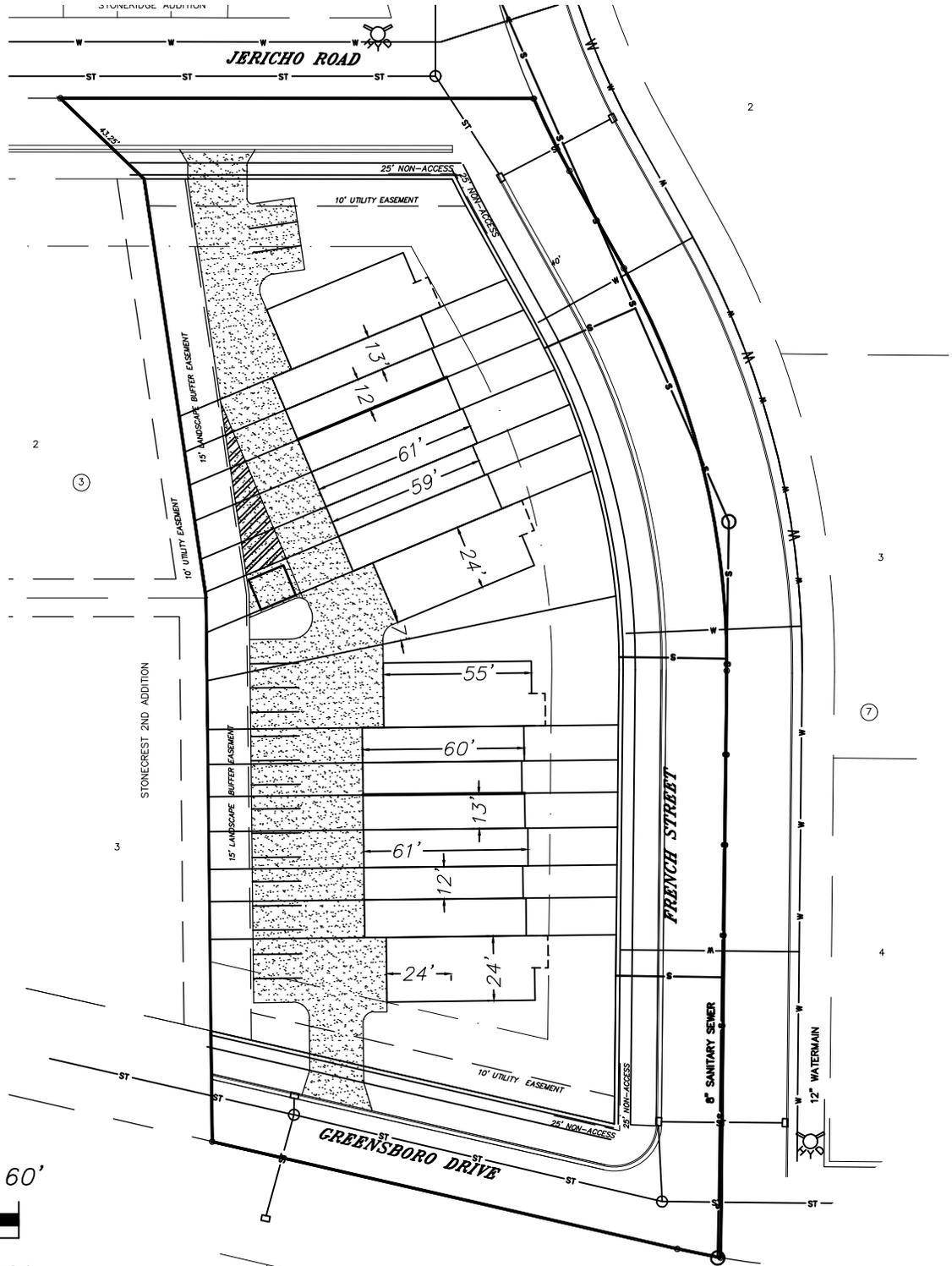
NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

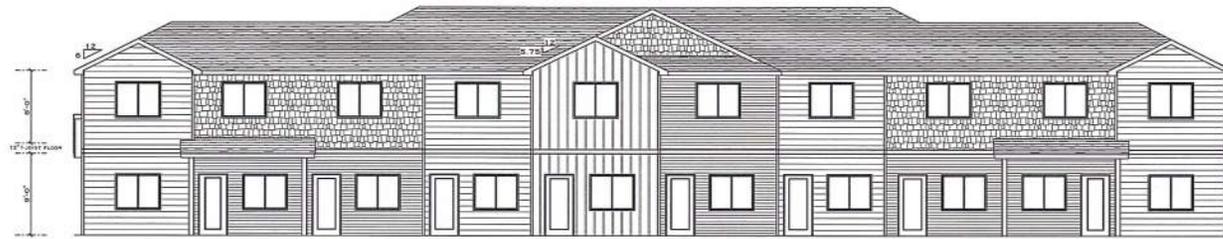
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

STONERIDGE ADDITION SECOND REPLAT PUD SITE PLAN



JUNE 18, 2020
SCALE 1" = 60'

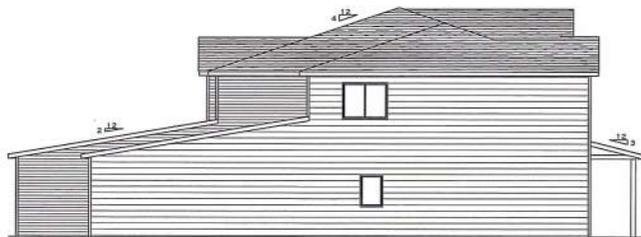
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS.



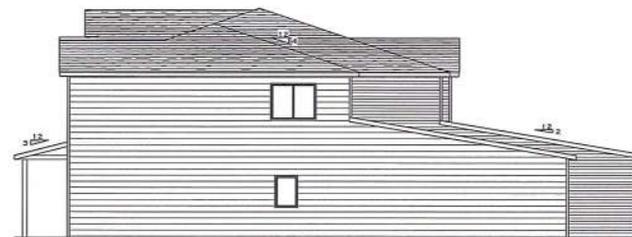
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

FRONT STREET MILLWORK & LUMBER INC.
 3320 E. CECILY AVE. - BISMARCK, ND 58505
 PHONE: 701.223.0500
 MARCIE@FRONTSTREETMILLWORK.COM

DRAWING CODE:
VERITY HOMES
 PLAN NUMBER: VH-STONE RIDGE RENTALS 2018

DRAWN BY: MARCIE FRANKLUND
 DATE: OCTOBER 6, 2017
 REVISION:
 WEDNESDAY, JANUARY 16, 2019

SCALE:
1/8" = 1'-0"



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

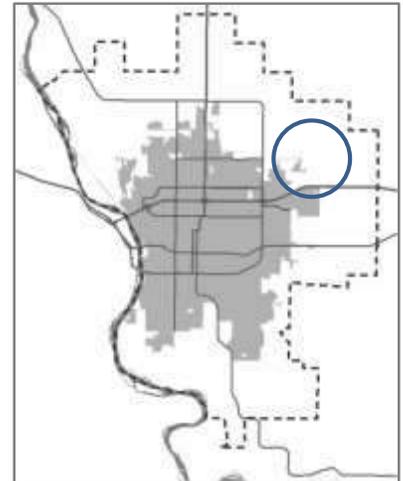
Agenda Item # 4
 August 26, 2020

Application for: Zoning Change
Major Subdivision Final Plat

TRAKiT Project ID: ZC2020-005
 FPLT2020-009

Project Summary

Title:	Silver Ranch Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Silver Ranch 19, LLLP (owner) Investcore, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, on the south side of 43 rd Avenue NE (a replat of Lots 1-24, Block 7, Silver Ranch First Addition First Replat, and part of the NE¼ of Section 19, T139N-R79W/Gibbs Township)
Project Size:	24.55 Acres
Request:	Replat residential, commercial, and park lots and plat and rezone additional commercial lots



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	46 lots in 1 block	Number of Lots:	26 lots in 2 blocks
Land Use:	Undeveloped	Land Use:	Single and two-family residential, neighborhood commercial, and park
Designated GMP Future Land Use:	Medium Density Residential/Mixed Use (portions not previously platted)	Designated GMP Future Land Use:	Medium Density Residential/Mixed Use (portions not previously platted)
Zoning:	A – Agricultural R10 – Residential CA – Commercial P – Public Use	Zoning:	R10 – Residential CA – Commercial P – Public Use
Uses Allowed:	A – Agriculture R10 – Single and two-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	R10 – Single and two-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	R10 – 10 units / acre CA – 30 units / acre	Max Density Allowed:	R10 – 10 units / acre CA – 30 units / acre

(continued)

Property History

Zoned:	05/2018 (Silver Ranch First Addition First Replat)	Platted:	05/2018 (Silver Ranch First Addition First Replat)	Annexed:	N/A
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Staff Analysis

Investcore Inc. and Silver Ranch 19, LLLP are requesting approval of a zoning change from the R10 – Residential, CA – Commercial, P – Public and A – Agricultural zoning districts to the R10 – Residential, CA – Commercial and P – Public zoning districts and approval of a major subdivision final plat for Silver Ranch Second Addition.

The Planning and Zoning Commission considered this request at their meeting of June 24, 2020 and called for a public hearing on the zoning change and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 10 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include developing two-family residential areas to the west and agricultural land in all other directions.

The majority of this plat is a replat of portions of Silver Ranch First Addition First Replat, resulting in a net reduction of residential lots from to 45 to 23. Most of the lots previously planned for two-family development would be converted to lots sized for single-family homes.

Additional land is included in the plat on the east side of Silver Ranch Road, with a requested zoning of CA – Commercial, which matches the current zoning across this collector roadway to the west.

Conformance with Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the new portion proposed for platting as Medium Density Residential/Mixed Use. The requested CA – Commercial zoning district conforms to this classification,

as it could be utilized for either neighborhood commercial uses or multifamily residential.

The Growth Phasing Plan identifies this entire plat, even areas already platted, as a Future Urban Growth Area. This area cannot currently be served with city utilities until a sanitary sewer trunkline is extended through the undeveloped areas east of this plat. The necessary infrastructure should be in place prior or in conjunction with annexation of these lots, and the City would not be responsible for costs of installation. Annexation is not proposed at this time.

Transportation and Access

This plat would convert a previously platted loop road, Bronze Loop, into two separate cul-de-sacs, Iron Circle and Iron Place. A waiver for use of the cul-de-sacs has been submitted, citing topography as a justification. According to the statement, the previous loop road would require the foundations of homes to be placed on significant fill, while the use of cul-de-sacs would allow homes to be built on natural slopes. The slopes are approximately 15-18% in this area, which are under the threshold when a slope protection easement would typically be required.

Secondary access may become an issue during construction of this subdivision. An alternate means of access must be provided once 32 residential building permits are issued with a single access. Although this is not a concern at the present platting stage, the developer should be aware that the sequence of roadway construction will determine how many lots can be developed.

Both police and fire staff have expressed concerns with any new development in this area without further access improvements to the overall area. The existing primary access to the Silver Ranch development, the two-lane rural 43rd Avenue NE, could be strained by further

(continued)

development, and the only secondary access currently available would add considerable distance for emergency response from the stations.

A temporary turnaround for emergency vehicles may be necessary at the southern terminus of Silver Ranch Road if the platted segment of the right-of-way is constructed without continuation of the roadway to the southeast. Staff recommends obtaining an easement for such a turnaround beyond the extent of the plat to use for a turnaround, if needed.

Park and Open Space

Lots 25, Block 1 was originally platted for a park to satisfy the conditions of the Neighborhood Parks and Open Space ordinance and policy for the entire Silver Ranch First Addition. The park lot will be included in the replat, with a slightly expanded footprint to allow sufficient space for stormwater conveyance and a multiuse trail. The Bismarck Parks and Recreation District has expressed interest in installing the planned improvements for this park in the short-term, to allow the existing residents to have access to these amenities and effectively communicate the park’s existence to prospective residents. Because of the change in lot numbering and dimensions for the park, an addendum to the Park Development Agreement will be presented to the Bismarck Parks and Recreation District for review. Because the overall programming, location, and function of the park would not change, this addendum is not attached to the report.

A stormwater and drainage easement is included as part of Lot 1, Block 2, Silver Ranch 2nd Addition. This was shown as a separate lot on the preliminary plat, but has been combined with the lot to the north because this stormwater detention facility will remain privately owned. The Parks and Recreation District does not intend to use this land for continuation of a trail.

The area includes a series of wetlands. A jurisdictional determination is pending from the U.S. Army Corps of Engineers, with possible measures necessary to mitigate any impacts to these wetlands from development or construction of infrastructure. The City Engineer conditionally approved the post construction stormwater management permit and noted that a final resolution of

wetland permitting process may require amendments to the permit and/or the plat.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to annexation or establishment of the street improvement district for this subdivision, whichever is initiated last.

Required Findings of Fact (relating to land use)

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/or other agencies may 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, if necessary trunklines are extended prior to annexation;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The requirements of the neighborhood parks and open space policy have been met with an existing park development agreement;
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/or 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 located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;

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

Staff Recommendation

Based on the above findings, staff recommends approval for a zoning change from the R10 – Residential, CA – Commercial, P – Public and A – Agricultural zoning districts to the R10 – Residential, CA – Commercial and P – Public zoning districts, and of a major subdivision final plat for Silver Ranch Second Addition, including the waiver request for cul-de-sacs, with the following conditions:

1. An easement for an emergency vehicle turnaround is obtained immediately beyond the southeast terminus of Silver Ranch Road in conjunction with recordation of the plat.
2. The City would not enter into any contracts relating to the construction of municipal infrastructure in any delineated wetland areas until a resolution on the jurisdictional determination, avoidance and mitigation is achieved with the US Army Corps of Engineers.

Attachments

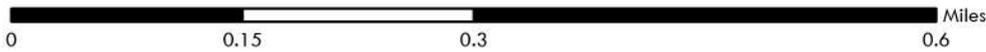
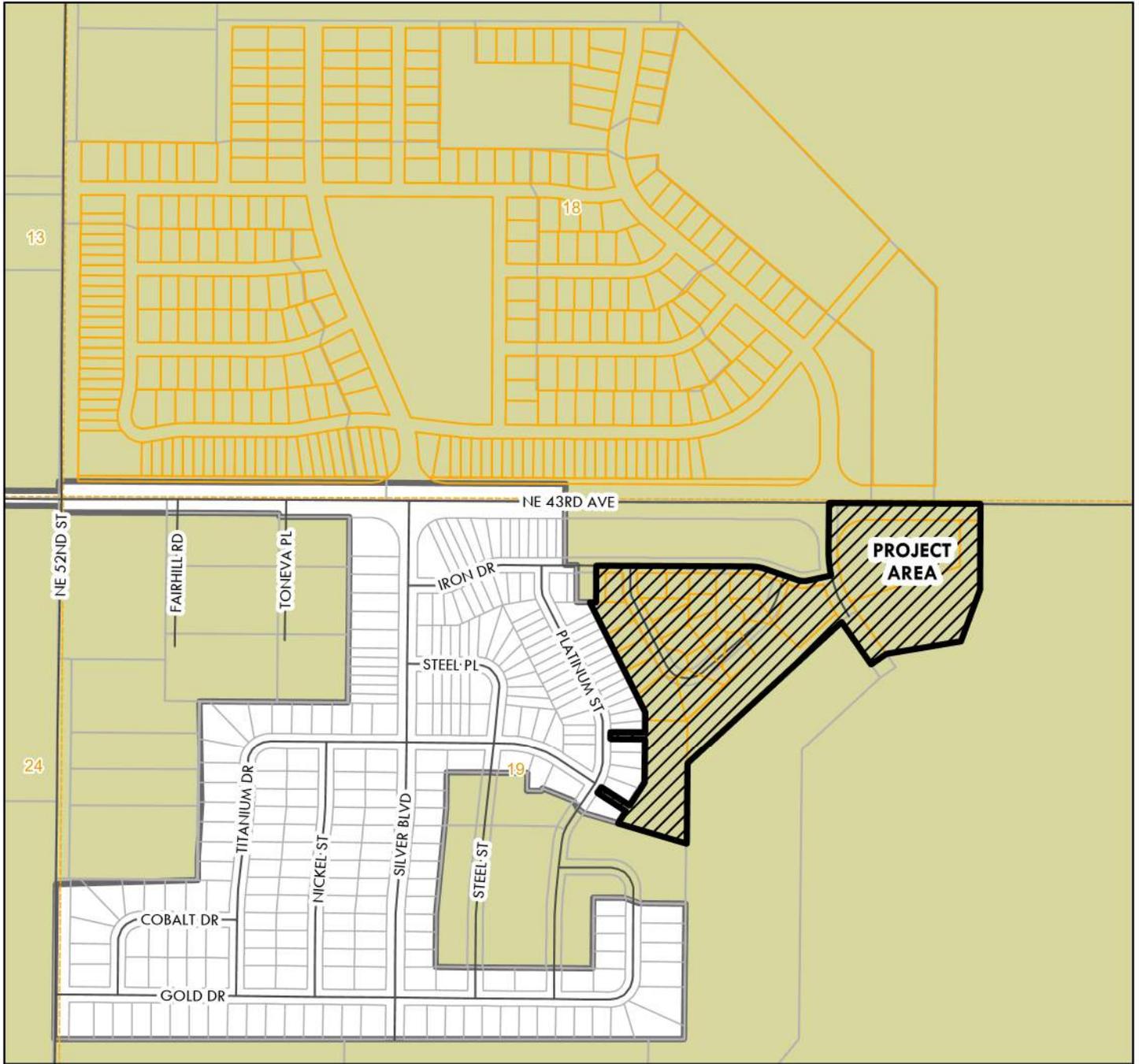
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed zoning map
5. Final Plat
6. Preliminary Plat
7. Cul-de-sac Waiver Request

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



Location Map
SILVER RANCH SECOND ADDITION

FPLT2020-009
ZC2020-005

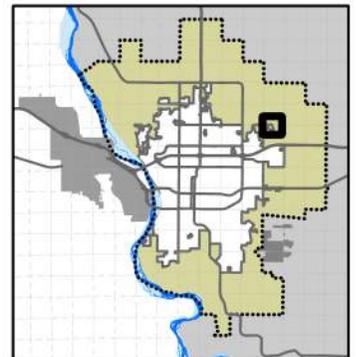


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 13, 2020 (HLB)

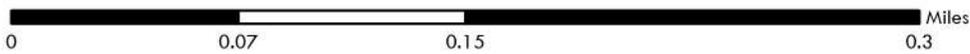
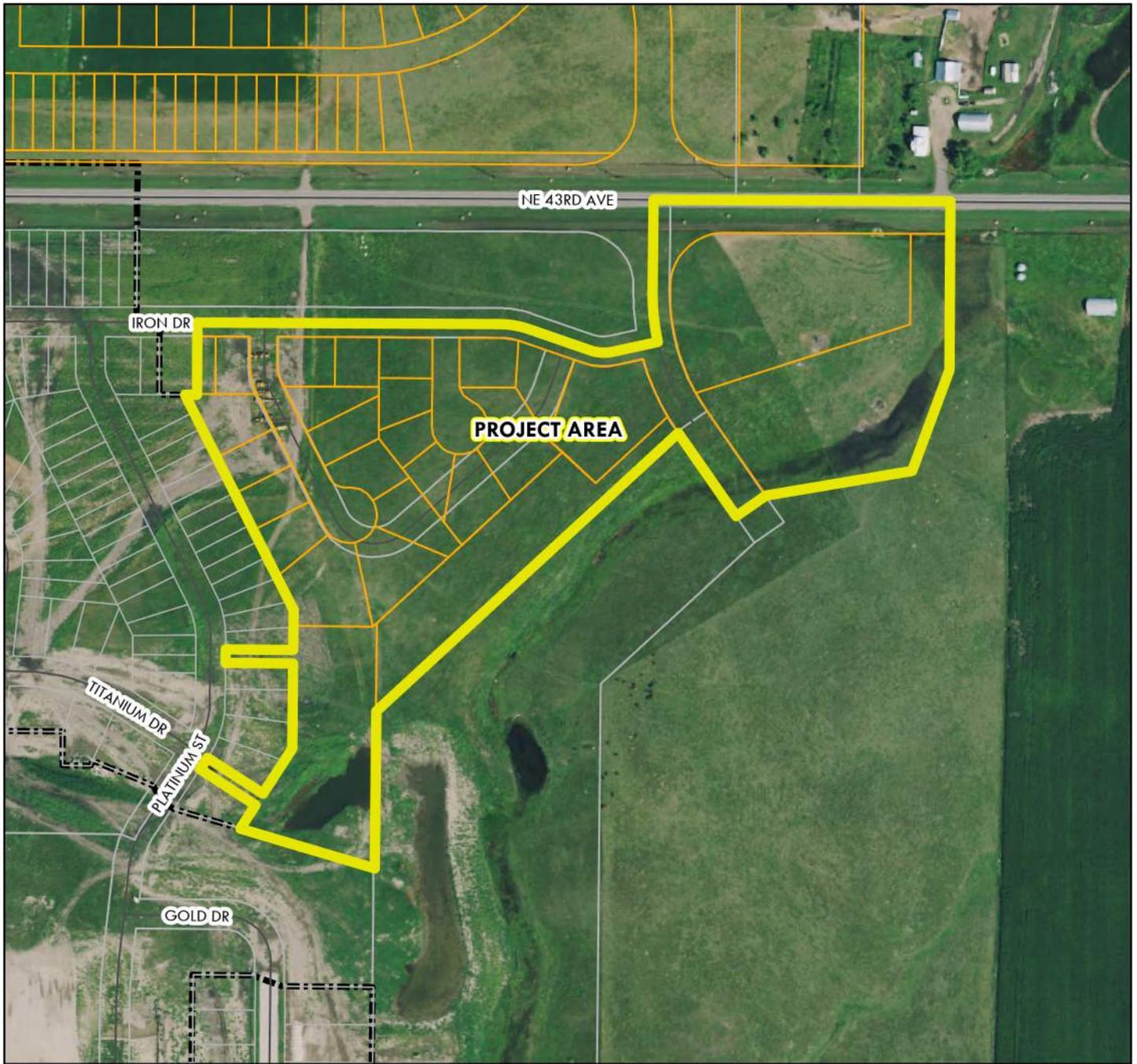
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Aerial Map
SILVER RANCH SECOND ADDITION

FPLT2020-009
ZC2020-005

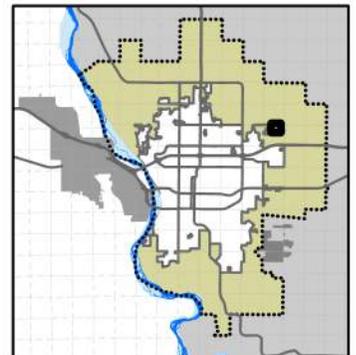


- Lots Pending Approval
- City Limits
- Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 13, 2020

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Zoning and Plan Reference Map

Lots 4-6, Block 16, Northern Pacific Addition

FPLT2020-009
ZC2020-005

Zoning Districts

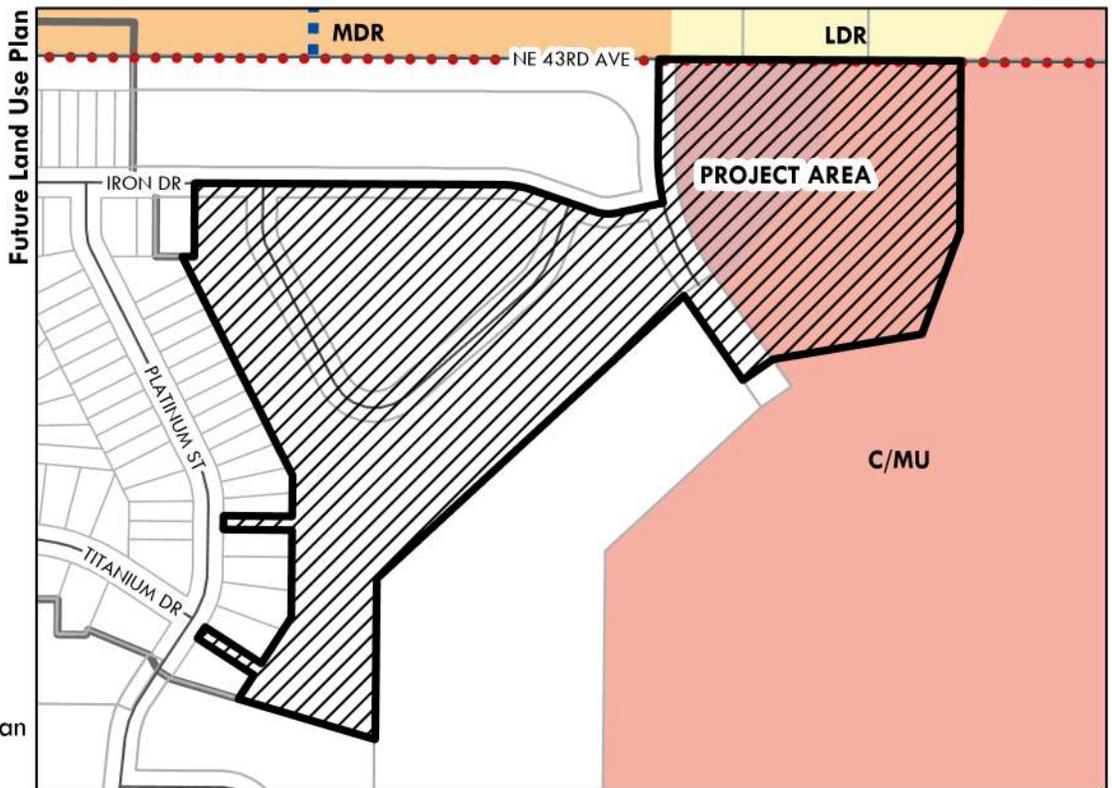
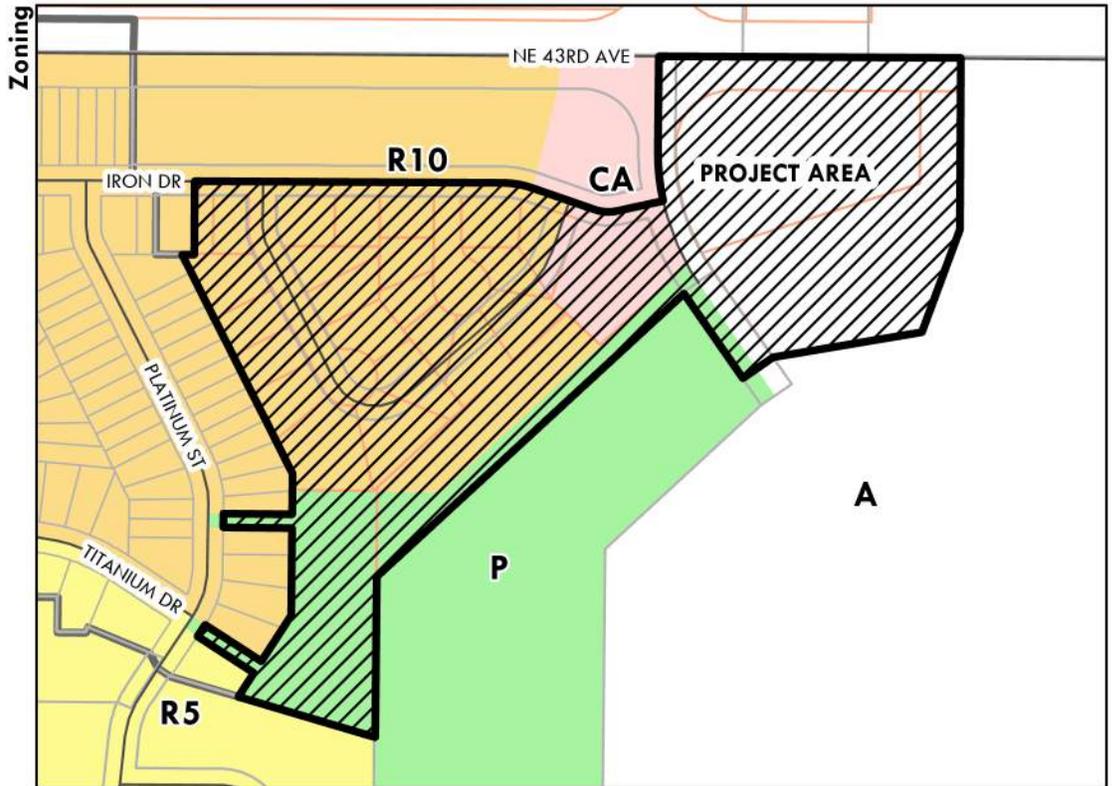
A	Agriculture
RR	Rural
R5	Residential
RMH	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

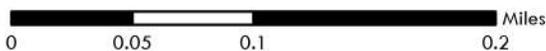
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

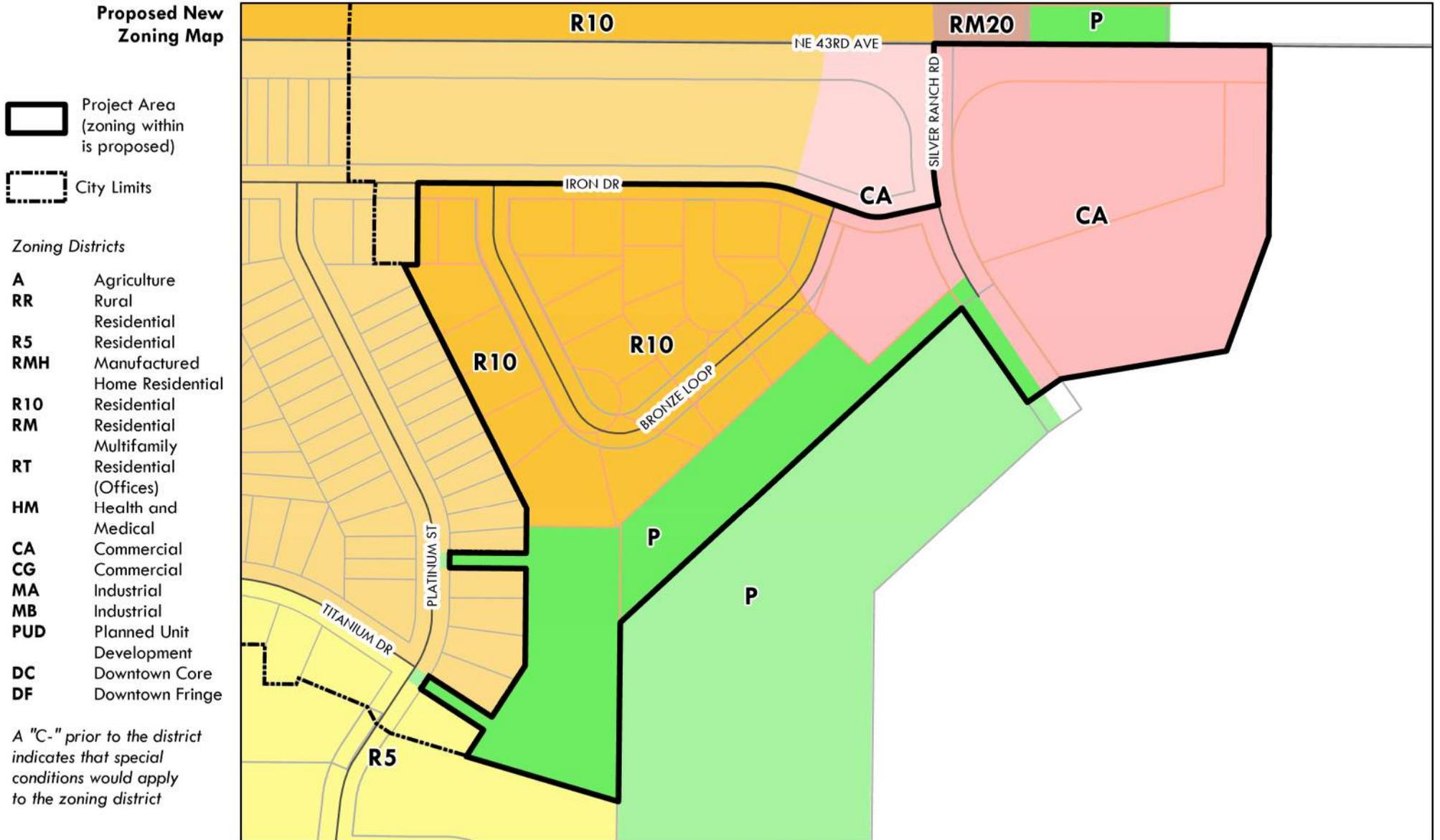
- Future Arterial Road
- ■ ■ Future Collector Road



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.

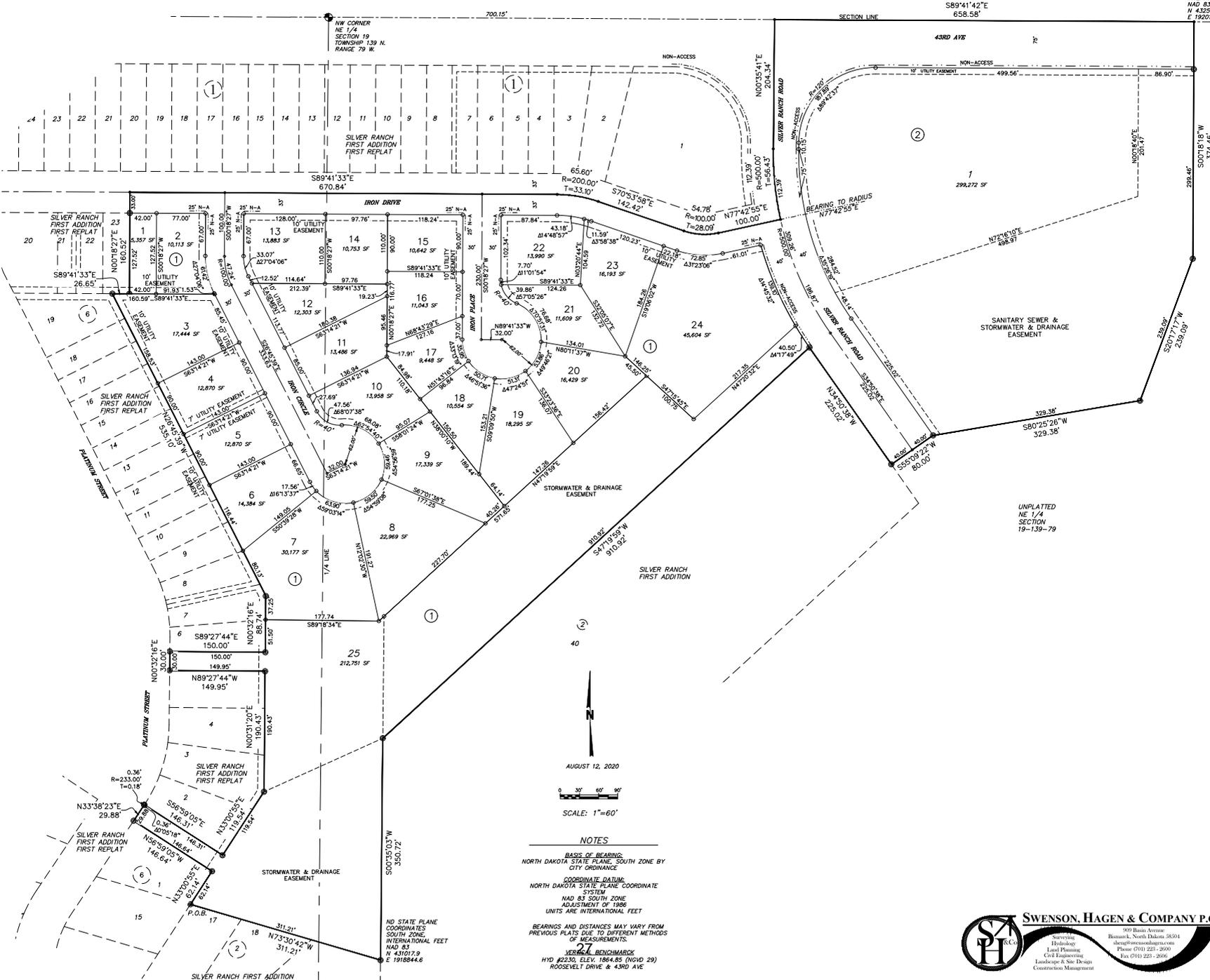


City of Bismarck
Community Development Dept.
Planning Division
August 13, 2020



SILVER RANCH SECOND ADDITION
 BEING A REPLAT OF LOTS 24-49 BLOCK 6, LOTS 1-20 BLOCK 7,
 SILVER RANCH FIRST ADDITION FIRST REPLAT, ALL OF BRONZE LOOP RIGHT-OF-WAY,
 PART OF IRON DRIVE AND SILVER RANCH ROAD RIGHTS-OF-WAY,
 AND AUDITOR'S LOT D OF THE NE 1/4 OF
 SECTION 19, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
 BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

NO STATE PLANE
 COORDINATES
 SOUTH ZONE
 INTERNATIONAL FEET
 NAD 83
 N 432500.5
 E 1920127.9



NOTES

BASIS OF BEARINGS:
 NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
 CITY ORDINANCE

COORDINATE DATUM:
 NORTH DAKOTA STATE PLANE COORDINATE
 SYSTEM
 NAD 83 SOUTH ZONE
 ADJUSTMENT OF 1986
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BEARINGS AND DISTANCES MAY VARY FROM
 PREVIOUS PLATS DUE TO DIFFERENT METHODS
 OF MEASUREMENTS.

VERIFIED BY: **27 BENCHMARK**
 HYD 2230, ELEV. 1864.85 (NOV 29)
 ROOSEVELT DRIVE & 43RD AVE

SWENSON, HAGEN & COMPANY P.C.

500 Main Avenue
 Bismarck, North Dakota 58501
 sh@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2606

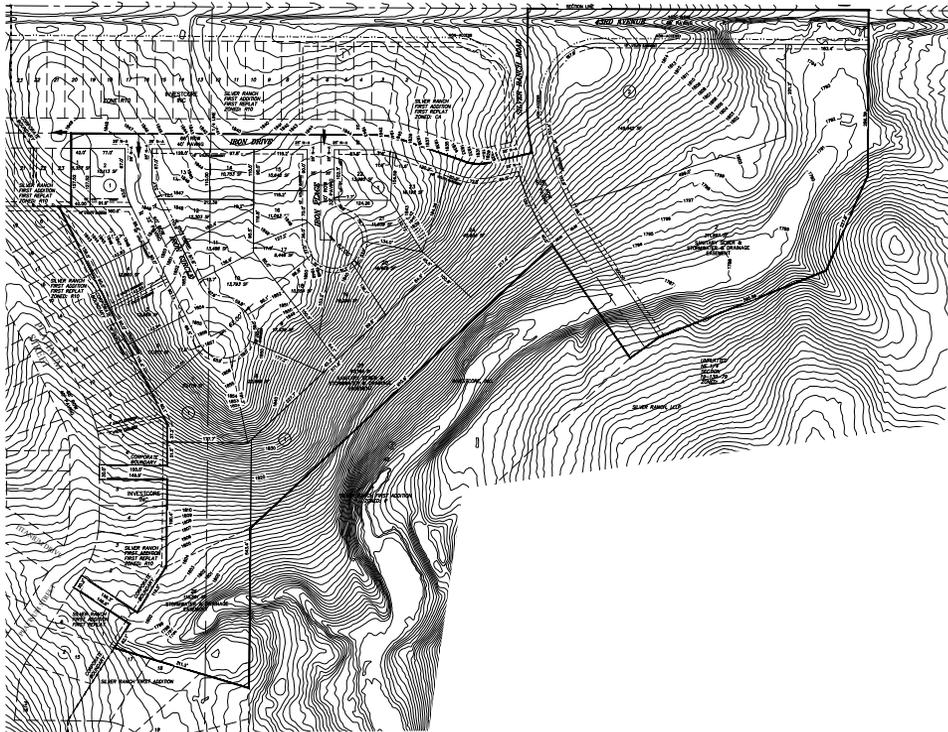
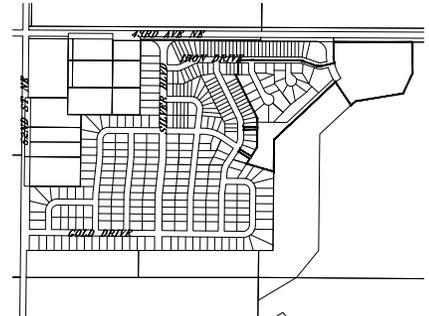
Surveying
 Engineering
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

SILVER RANCH SECOND ADDITION

BEING A REPLAT OF LOTS 24-49 BLOCK 6
LOTS 1-20 BLOCK 7
SILVER RANCH FIRST ADDITION FIRST REPLAT AND
PART OF THE NE 1/4 OF
SECTION 19, TOWNSHIP 139 NORTH, RANGE 79 WEST

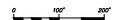
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP



26.20 ACRES
EXISTING ZONING: R10, CA, P, & A
28 LOTS
PROPOSED ZONING: R10, CA & P

OWNER: SILVER RANCH 19 LLLP
ADDRESS: 1117 N 3RD ST
BISMARCK, ND 58501



SCALE - 1" = 100'

VERTICAL DATUM: NGVD 29

JUNE 10, 2020



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

Use of cul-de-sac waiver

The proposed cul-de-sacs, Iron Circle & Iron Place, as shown on Silver Ranch Second Addition, are intended to replace the previously platted Bronze Loop right-of-way. The existing grades in the area are severe, and are not compatible with a looped access. As shown on the attached plat, the existing grades have a 20' to 30' drop in elevation for the proposed lots. If the currently platted Bronze Loop were to remain in place, significant fill would be needed for the lots, and would result in homes/foundations being placed almost entirely on compacted fill, rather than virgin soil. The use of cul-de-sacs would allow for the natural slope to be used as rear yards for Silver Ranch Second Addition.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5
August 26, 2020

Application for: Annexation

Zoning Change

Fringe Area Road Master Plan Amendment

Major Subdivision Final Plat

TRAKiT Project ID: ANNX2020-005

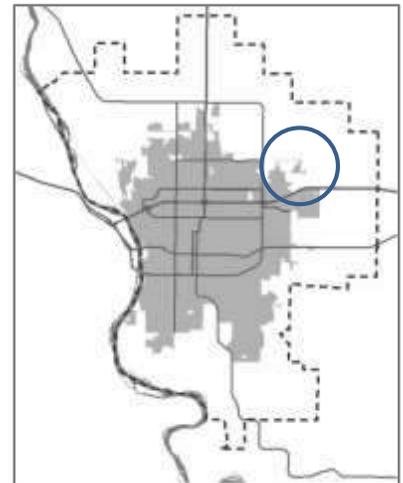
ZC2020-006

FRMP2020-002

FPLT2020-010

Project Summary

Title:	Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Silver Ranch 18, LLLP (owner) Investcore, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	Northeast of Bismarck, on the north side of 43 rd Avenue NE (part of the S½ of Section 18, T139N-R79W/Gibbs Township)
Project Size:	158.99 Acres
Request:	Plat and zone undeveloped land for future development of single-family residential, multi-family residential and a potential school site



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	7 parcels	Number of Lots:	300 lots in 15 blocks
Land Use:	Undeveloped	Land Use:	Single, two-family, and multi-family residential, potential school site
Designated GMP	Low Density Residential	Designated GMP	Low Density Residential
Future Land Use:	Medium Density Residential	Future Land Use:	Medium Density Residential
Zoning:	A – Agricultural	Zoning:	R10 – Residential RM20 – Residential P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	R10 – Single and two-family residential RM20 – Multi-family residential P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R10 – 10 units / acre RM20 – 20 units / acre

(continued)

Property History

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

Investcore, Inc. and Silver Ranch 18, LLLP are requesting approval of a partial annexation, a zoning change from the A – Agricultural zoning district to the R10 – Residential and RM20 – Residential, and P – Public zoning districts, a Fringe Area Road Master Plan amendment, and a major subdivision final plat for Silver Ranch Third Addition.

The Planning and Zoning Commission considered this request at their meeting of June 24, 2020 and called for a public hearing on the zoning change and Fringe Area Road Master Plan amendment and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 27 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include undeveloped agricultural land to the north and east, developing single and two-family urban residences to the southeast, and existing rural residences to the southwest and west.

The plat includes a large site in the center (Lot 1, Block 9) reserved for a potential elementary school. During their June 22, 2020 regular meeting, the Bismarck Public Schools Board approved a purchase agreement with the developer for this school site. The purchase agreement is contingent upon approval by the City Commission of this annexation and adequate provision of city services to the site. The school is currently scheduled to open for the fall of 2022.

The annexation request includes a total of 125 lots and 70.78 acres, including the school site, and all lots that are adjacent to roadways or utility infrastructure necessary to serve the school site. A map of the area proposed for annexation is attached to this staff report.

The timeline for the school site is the determinant factor for the applicant in the timing of this plat and annexation. Although undeveloped residential lots are

currently available in previously platted and annexed areas to the south, this plat and annexation is intended to meet the more immediate desire for a school site.

The plat of Silver Ranch 3rd Addition is dependent upon approval and prior recordation of Silver Ranch 2nd Addition, which

Conformance to Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies portions of this area as Low-Density Residential (LDR) and other portions as Medium-Density Residential (MDR). The proposed plat includes mostly single and two-family residences in the LDR portion for a gross density of 1.87 units per acre. The MDR portion is similar, although also includes two multi-family residential lots. The average density of this portion is 3.66 units per acre. Staff affirms the proposed plat conforms to the Future Land Use Plan. Although densities are slightly below the established ranges, this may be accounted for by a large school site and undeveloped drainage areas.

Generalized Water and Sewer Service to Subdivision



The Growth Phasing Plan identifies this entire plat as a Future Urban Growth Area. The area of this plat cannot currently be served with city utilities until a sanitary sewer trunkline is extended through the undeveloped areas southeast of this plat. Additionally, a water main must be extended for approximately $\frac{3}{4}$ of mile from the existing city limits to provide sufficient water pressure to support development. An easement for this water main route was approved by the City Commission in May 2020. A second water main connection to Silver Ranch First Addition to the south would also be necessary to create a loop.

The City would not be responsible for any costs of infrastructure in the Future Urban Growth Area, per the Growth Phasing Plan. Questions remain regarding potential indirect and long-term impacts that may result from this annexation. Such costs may include, but are not limited to, a potential need to upgrade a sanitary sewer interceptor for the Hay Creek watershed, a potential need to improve the segment of 43rd Avenue NE between this development and the remainder of the city, a potential need to construct a new fire station once warranted by growth in this area, and potential improvements necessary to create a more direct secondary access from the city to this area.

The Fringe Area Road Master Plan includes a proposed north-south collector roadway through the eastern portion of this plat. This collector generally aligns with the proposed Silver Ranch Road, and the applicant has requested an amendment to this Plan to shift the location of this roadway, at the south end, approximately 750 to the east. The intent of the Plan would remain intact with this amendment and would allow Silver Ranch Road to align across 43rd Avenue NE between this plat and Silver Ranch Second Addition to the south. Staff supports this Plan amendment request.

Transportation and Access

The primary access to the site is via 43rd Avenue NE, a two-lane rural section roadway. The segment of 43rd Avenue NE adjacent to this parcel was recently improved with pavement by Burleigh County. Access would also be provided from 52nd Street NE from the west side of the subdivision. As such, the development complies with the terms of the Secondary Roadway Access Policy for the subdivision.

However, access concerns have been raised for the entire developed area, because the connection to the remainder of the city is through a single segment of 43rd Avenue NE west of the proposed subdivision. If this roadway were to be blocked, emergency vehicles would be rerouted, adding approximately three miles to a trip. Secondary access concerns could be remedied with future roadway extensions to the south of the Silver Ranch development, either an extension of East Century Avenue or a connection from Hitchcock Drive to NE 52nd Street.

If the site is developed as a school, additional measures would be taken to ensure pedestrian safety around the school. The location of the school in the center of the subdivision, rather than adjacent to an arterial roadway, will create a safer environment for students walking to and from the school site.

The Central Dakota Communications Center (CenCom) is still working with the applicant on street names that meet addressing standards, as of this staff report. The names shown on the attached plat are subject to change prior to action by the City Commission.

Era Bell Thompson Avenue, on the north end of the plat, would be dedicated as a half right-of-way on this plat. The street may not be constructed and Lots 9-14, Block 8 may not be developed until additional right-of-way is dedicated to the north.

Temporary turnarounds for emergency vehicles may be necessary at the termini of Silver Ranch Road, Silver Boulevard, Keeble Drive, Hample Drive, and Welk Avenue if the platted segments of the right-of-way is constructed without continuation of the roadway beyond the boundary of the plat. Staff recommends obtaining an easement for each turnaround beyond the extent of the plat to use for a turnaround, if needed.

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park in any urban residential subdivision, unless waived by the Bismarck Parks and Recreation District. The Park Board waived this requirement during their May 21, 2020 regular meeting, with the understanding that both a regional

and neighborhood park may be included in a future phase of Silver Ranch to the east.

A drainage area would be left undeveloped in the northeastern portions of this plat. These areas will be used for stormwater storage and conveyance, as well as potentially a multiuse trail. It is anticipated that the applicant will convey ownership to Bismarck Parks and Recreation in September, and the zoning change request of P – Public reflects their future ownership of these lots. If the Park Board declines to accept and the parks are owned by a homeowners’ association, the zoning change request could be changed to R10 – Residential for these lots prior to final action by the City Commission.

The area includes a series of wetlands. A jurisdictional determination is pending from the U.S. Army Corps of Engineers, with possible measures necessary to mitigate any impacts to these wetlands from development or construction of infrastructure. The City Engineer conditionally approved the post construction stormwater management permit and noted that a final resolution of wetland permitting process may require amendments to the permit and/or the plat.

Two separate unbuildable lots would be included on the north side of 43rd Avenue NE. These lots would be used for landscaping and signage to create a buffer between the arterial roadway and the backyards of adjoining lots. These unbuildable lots would be owned and maintained by a homeowners’ association. There would also be approximately 23 double-frontage lots along the 52nd Street NE arterial roadway. An average lot depth of approximately 190 feet is sufficient, according to ordinance requirements, to allow a landscaped buffer adjacent to the arterial roadway on individual lots.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to annexation or establishment of the street improvement district for this subdivision, whichever is initiated last.

Required Findings of Fact (relating to land use)

Annexation

1. The City of Bismarck and/or 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, provided that the developer pays for extension of water and sewer services to and through this development;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or 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, provided necessary sanitary sewer trunklines and water mains are extended to the boundaries of the subdivision;
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;

(continued)

- 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.

Fringe Area Road Master Plan Amendment

- 1. The proposed amendment is compatible with adjacent land uses;
- 2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
- 3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
- 4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
- 5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
- 6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Final Plat

- 1. All technical requirements for approval of a final plat have been met;
- 2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
- 3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
- 4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)

- 5. The requirements of the neighborhood parks and open space policy have been waived 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/or 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, provided that the developer pays for extension of water and sewer services to and through this development;
- 8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
- 9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
- 10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
- 11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval for the partial annexation, the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential and P – Public zoning districts, the Fringe Area Road Master Plan amendment to shift the location of the north-south collector approximately 750 feet to the east, and the major subdivision final plat for Silver Ranch Third Addition, with the following conditions:

- 1. The requested zoning may be altered for unbuildable Lots 20-21, Block 8, Lot 6, Block

(continued)

- 14, and Lot 2, Block 15 prior to the public hearing with the City Commission.
2. The final street names are approved by Central Dakota Communications Center (CenCom) prior to scheduling a public hearing with the City Commission.
 3. An easement for an emergency vehicle turnarounds are obtained immediately beyond the termini of Silver Ranch Road, Silver Boulevard, Keeble Drive, Hample Drive, and Welk Avenue in conjunction with recordation of the plat.
 4. The City would not enter into any contracts relating to the construction of municipal infrastructure in any delineated wetland areas until a resolution on the jurisdictional determination, avoidance and mitigation is achieved with the US Army Corps of Engineers.

Attachments

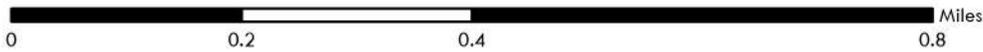
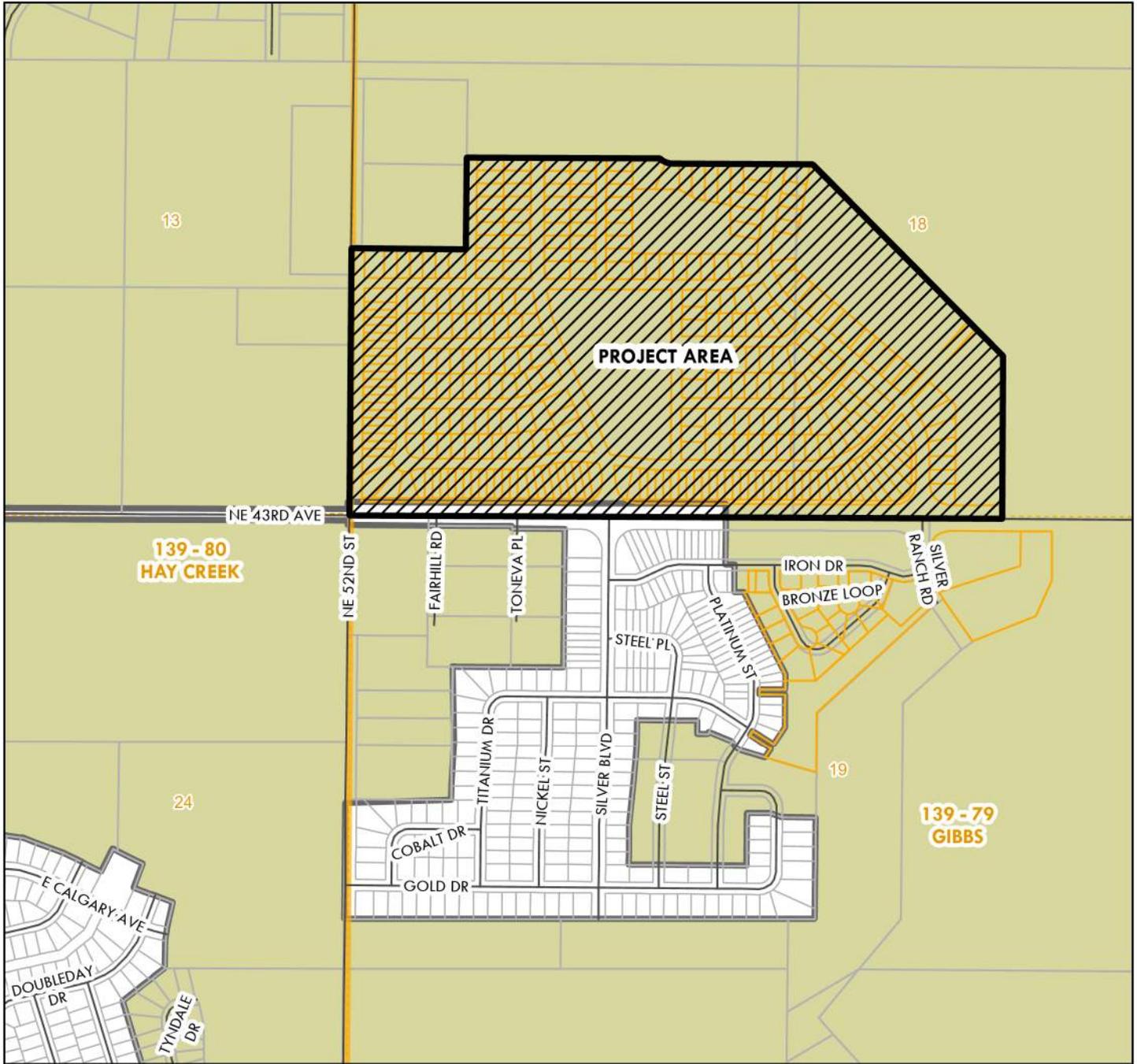
1. Location Map – Plat and Zoning
2. Location Map – Annexation
3. Aerial Map
4. Zoning and Plan Reference Map
5. Fringe Area Road Master Plan Amendment Request
6. Fringe Area Road Master Plan Map
7. Proposed Zoning Map
8. Final Plat
9. Preliminary Plat

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



Location Map
SILVER RANCH THIRD ADDITION

PPLT2020-005

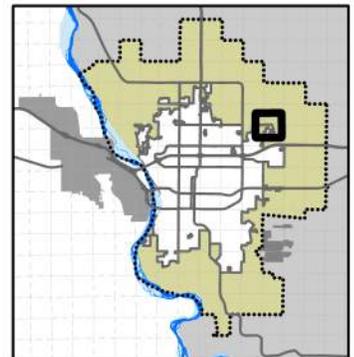


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2020 (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.

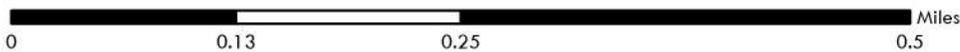
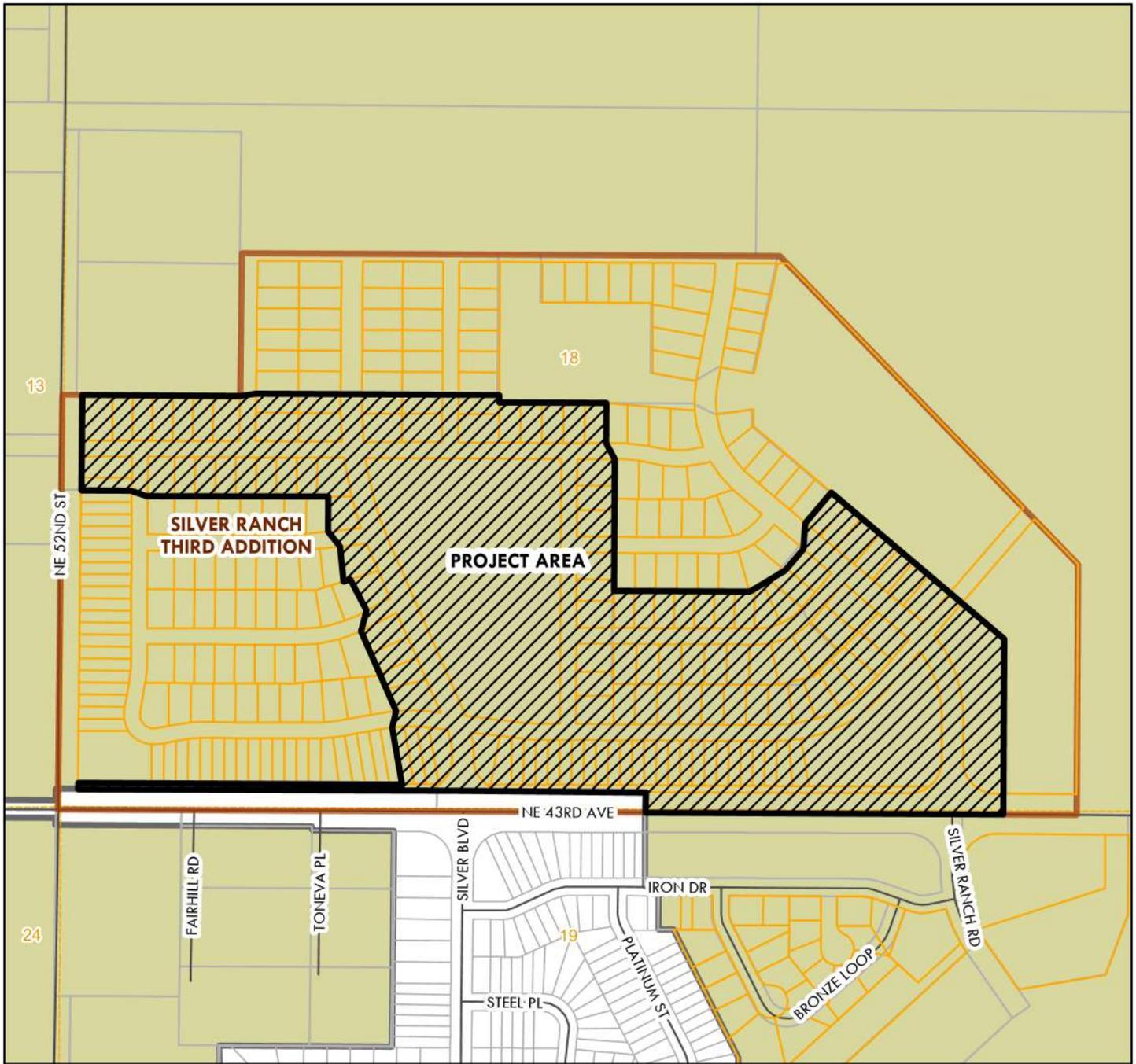




Location Map

ANNX2020-005

ANNEXATION OF PART OF SILVER RANCH THIRD ADDITION

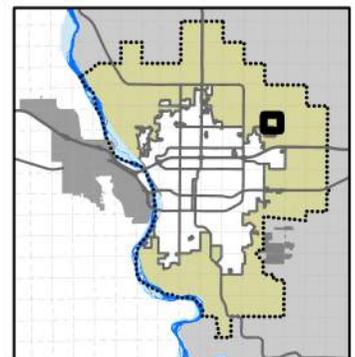


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
 Community Development Department
 Planning Division
 August 14, 2020 (HLB)

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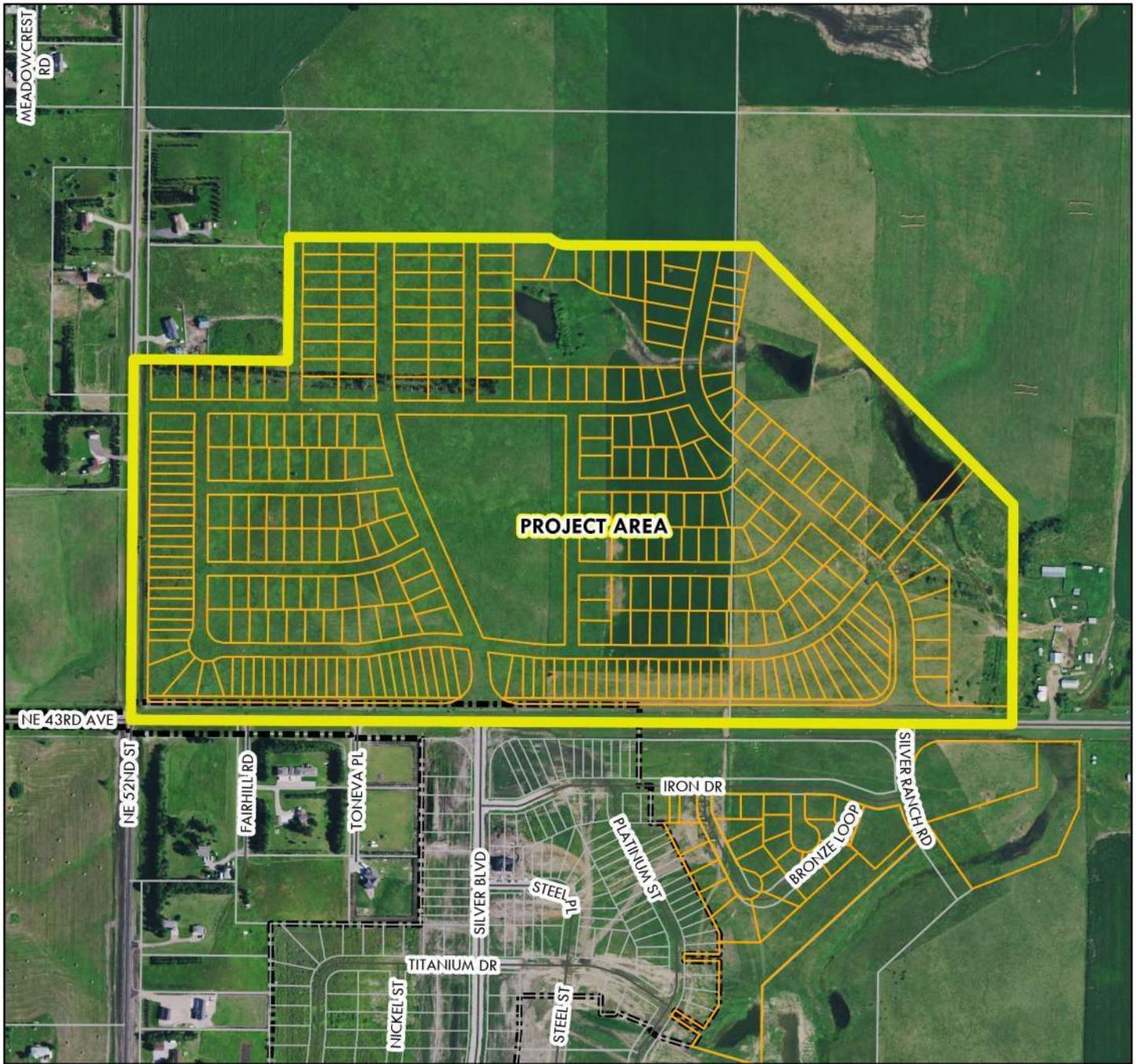




Aerial Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006



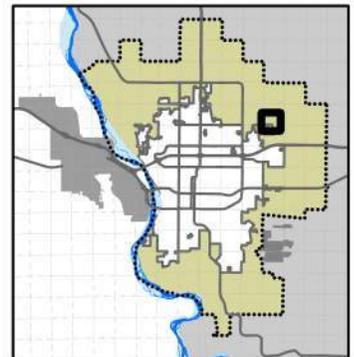
 City Limits  Bismarck ETA Jurisdiction



Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 27, 2020

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Zoning and Plan Reference Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

Zoning Districts

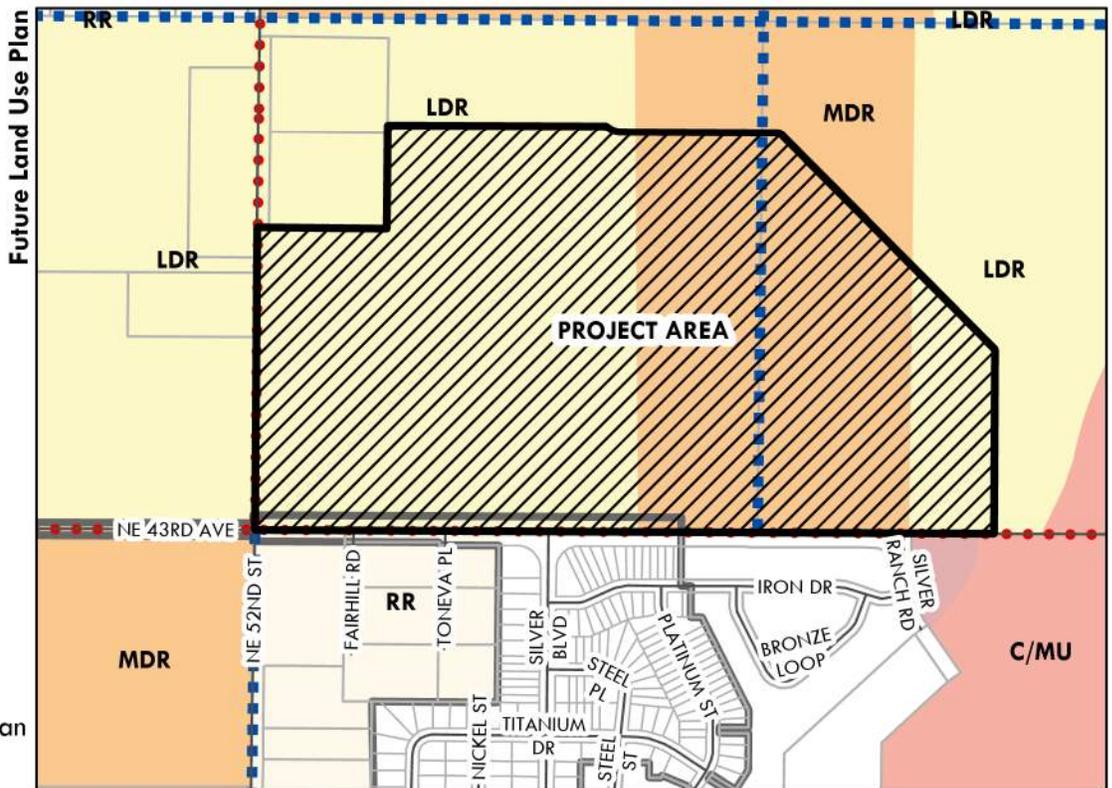
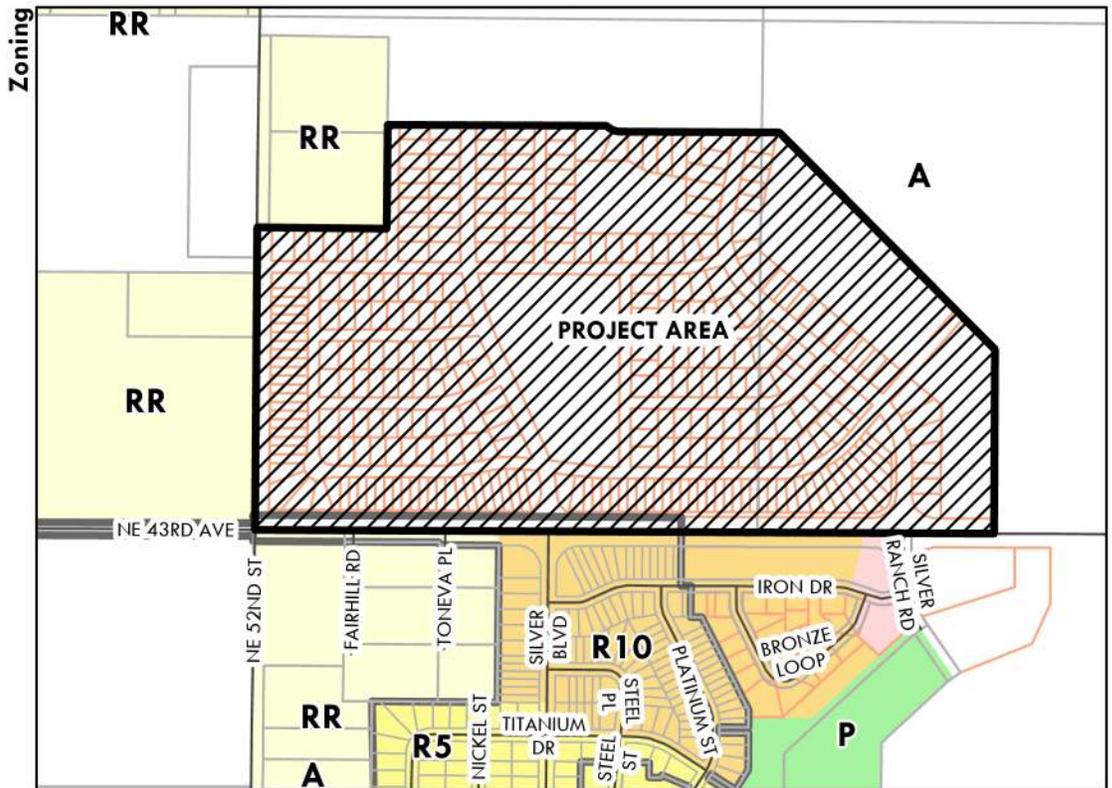
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- ■ ■ Future Collector Road



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.



City of Bismarck
Community Development Dept.
Planning Division
May 27, 2020



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

FARMP Amendment

Chad Wachter, LLC is requesting an Amendment to the Fringe Area Road Master Plan to relocate the North-South collector road on the east line of the SW 1/4 of Section 18, Township 139 N, Range 79 W. The right-of-way, as shown on the attached exhibit, lies north of 43rd Ave (an arterial road) and is an extension of Silver Ranch Road from the south.

Silver Ranch First Addition, & Silver Ranch First Addition First Replat, which dedicated & re-dedicated Silver Ranch Road south of 43rd Ave, have set the location for the collector at approximately 700 feet east of the FARMP's proposed location.

By continuing the extension of Silver Ranch Road north of 43rd within Silver Ranch Third Addition, the collector will then curve to the west, more closely aligning with the 1/4 line & the FARMP, and will eventually intersect with 57th Ave.

909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

Existing Plan

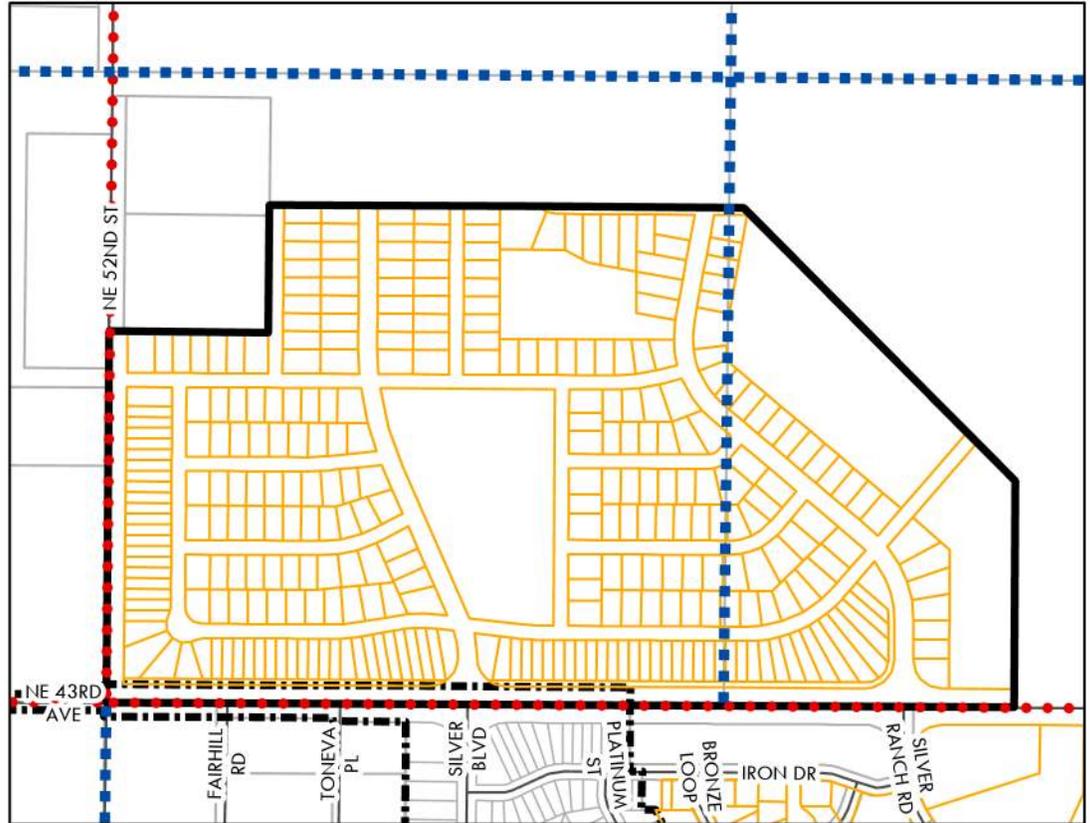
Fringe Area Road Master Plan

●●●● Planned Arterial

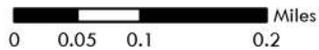
●●●● Planned Collector

▭ Associated Project Area

▭ City Limits

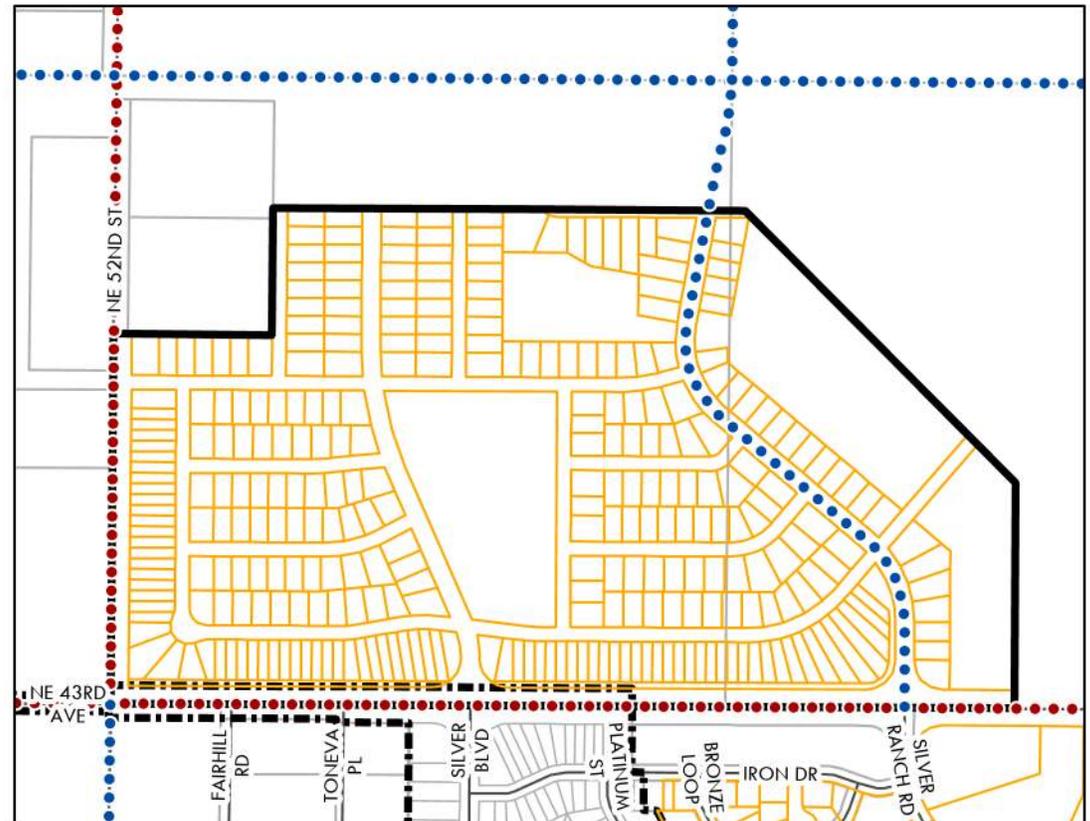


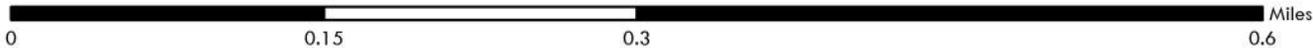
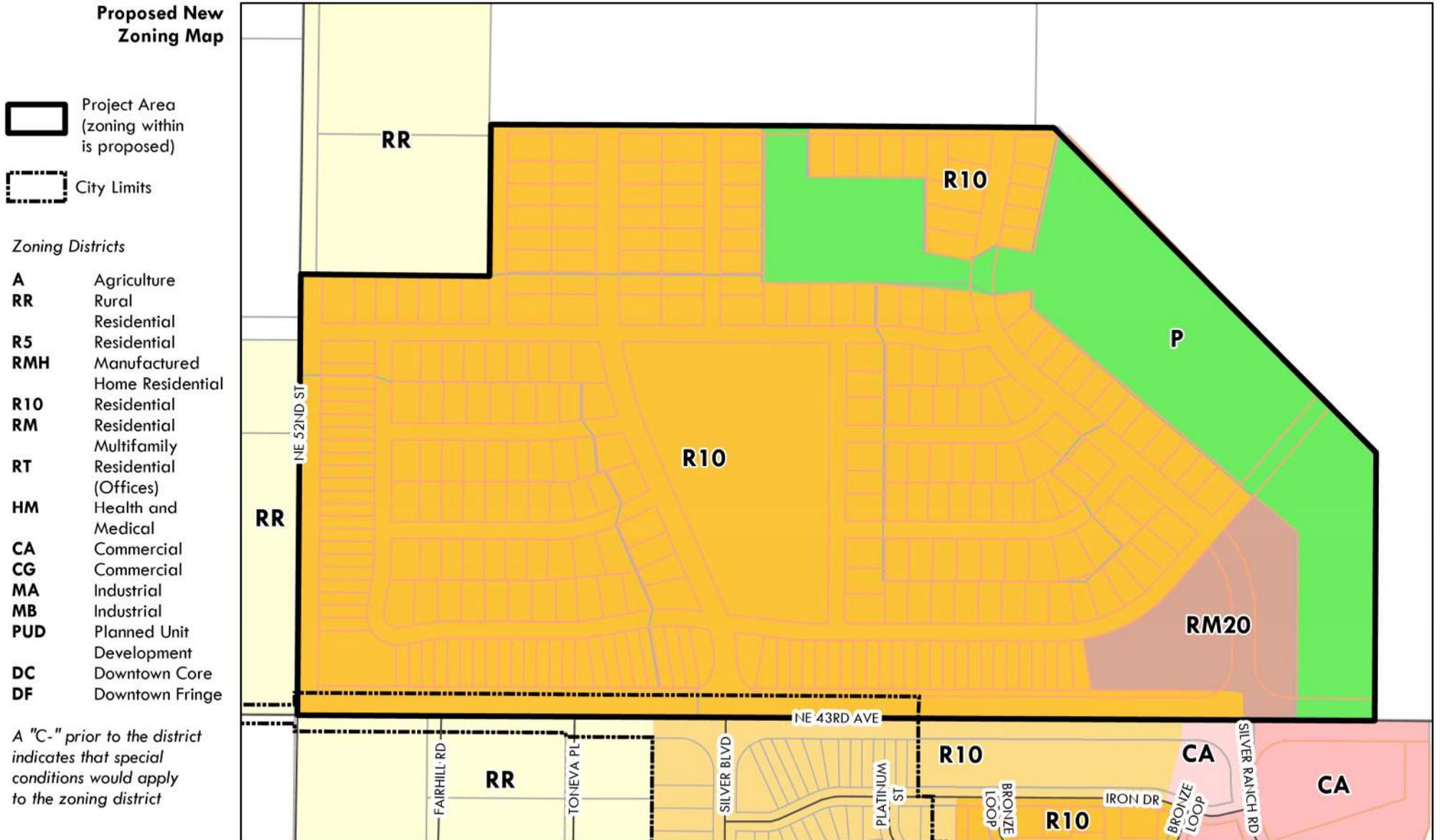
Proposed Plan



↑
N
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City of Bismarck
Community Development
Department
Planning Division
June 16, 2020





City of Bismarck
 Community Development Dept.
 Planning Division
 August 17, 2020

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SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
 BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASIS OF BEARING:
 NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
 CITY ORDINANCE

COORDINATE DATUM:
 NORTH DAKOTA STATE PLANE COORDINATE
 SYSTEM
 NAD 83 SOUTH ZONE
 ADJUSTMENT OF 1986
 UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
 PREVIOUS PLATS DUE TO DIFFERENT METHODS
 OF MEASUREMENTS.

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	146.61'	350.00'	24°00'00"	74.39'
C2	173.58'	600.00'	16°34'25"	87.39'
C3	69.61'	400.00'	10°00'00"	35.00'
C4	52.36'	300.00'	10°00'00"	26.25'
C5	153.17'	80.00'	109°41'50"	113.61'
C6	50.77'	300.00'	9°41'50"	25.45'
C7	243.61'	500.00'	27°54'58"	124.27'
C8	84.52'	800.00'	6°03'11"	42.30'
C9	544.54'	1300.00'	24°00'00"	276.32'
C10	68.84'	600.00'	6°34'25"	34.46'
C11	431.34'	500.00'	49°25'41"	230.12'
C12	392.70'	450.00'	50°00'00"	209.84'
C13	218.17'	250.00'	50°00'00"	116.58'
C14	174.53'	200.00'	50°00'00"	93.26'
C15	419.32'	400.00'	60°03'45"	231.23'
C16	202.38'	400.00'	28°59'18"	103.40'
C17	101.04'	400.00'	14°28'22"	50.79'
C18	105.37'	600.00'	10°03'45"	52.82'

SW CORNER
 SW 1/4
 SECTION 18
 TOWNSHIP 139 N.
 RANGE 79 W.

SE CORNER
 SW 1/4
 SECTION 18
 TOWNSHIP 139 N.
 RANGE 79 W.

DESCRIPTION

BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 1583.52 FEET TO THE BOUNDARY OF CW ACRES; THENCE SOUTH 89 DEGREES 21 MINUTES 57 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 664.57 FEET; THENCE NORTH 00 DEGREES 39 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 535.88 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2008.52 FEET; THENCE SOUTH 44 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 1603.97 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 838.57 FEET TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 43 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1224.12 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2580.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 158.99 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
 909 BASIN AVENUE
 BISMARCK, NORTH DAKOTA
 58504

TERRY BALTZER
 PROFESSIONAL LAND SURVEYOR
 N.D. REGISTRATION NO. 3395

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON _____, 2020, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
 BEN EPRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2020.

ATTEST
 KEITH J. HUNNE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
 CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHAD WACHTER, LLC, AND SILVER RANCH 18, L.L.P., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
)
 COUNTY OF BURLEIGH)

CHAD WACHTER
 CHAD WACHTER, LLC

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF CHAD WACHTER, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
)
 COUNTY OF BURLEIGH)

NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

SILVER RANCH 18, L.L.P.

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF SILVER RANCH 18, L.L.P., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
)
 COUNTY OF BURLEIGH)

NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
 Bismarck, North Dakota 58501
 ds@swensonhagen.com
 Phone (701) 223-2000
 Fax (701) 223-2006

Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SW CORNER
 SW 1/4
 SECTION 18
 TOWNSHIP 139 N
 RANGE 79 W
 40445

NO STATE PLANE
 COORDINATES
 SOUTH ZONE
 INTERNATIONAL FEET
 NAD 83
 N 43°22'1.7"
 E 191°12'3.2"

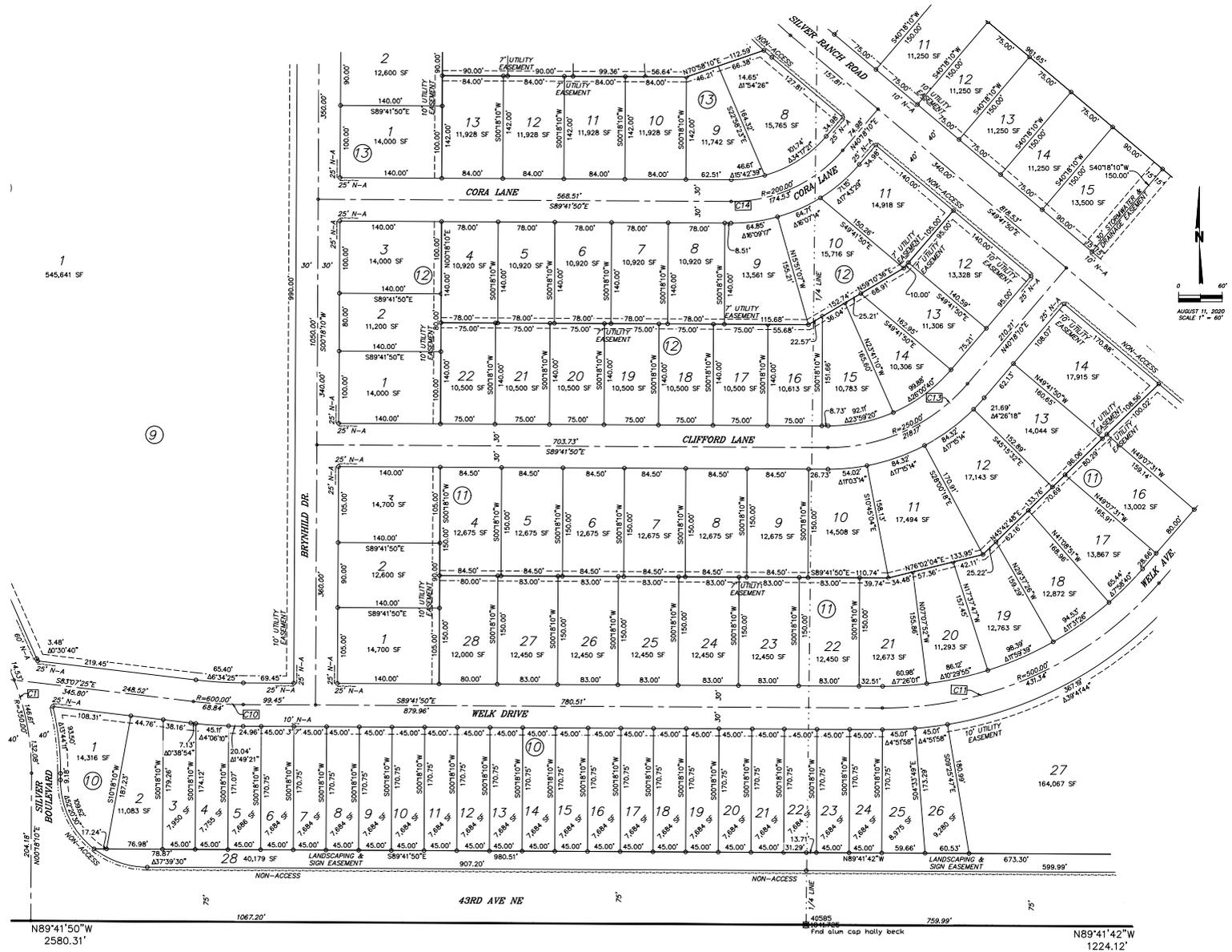
UNPLATTED
 SECTION 19
 TOWNSHIP 139 N.
 RANGE 80 W.

HUBER'S 2ND

N89°41'50"W
 2580.31'



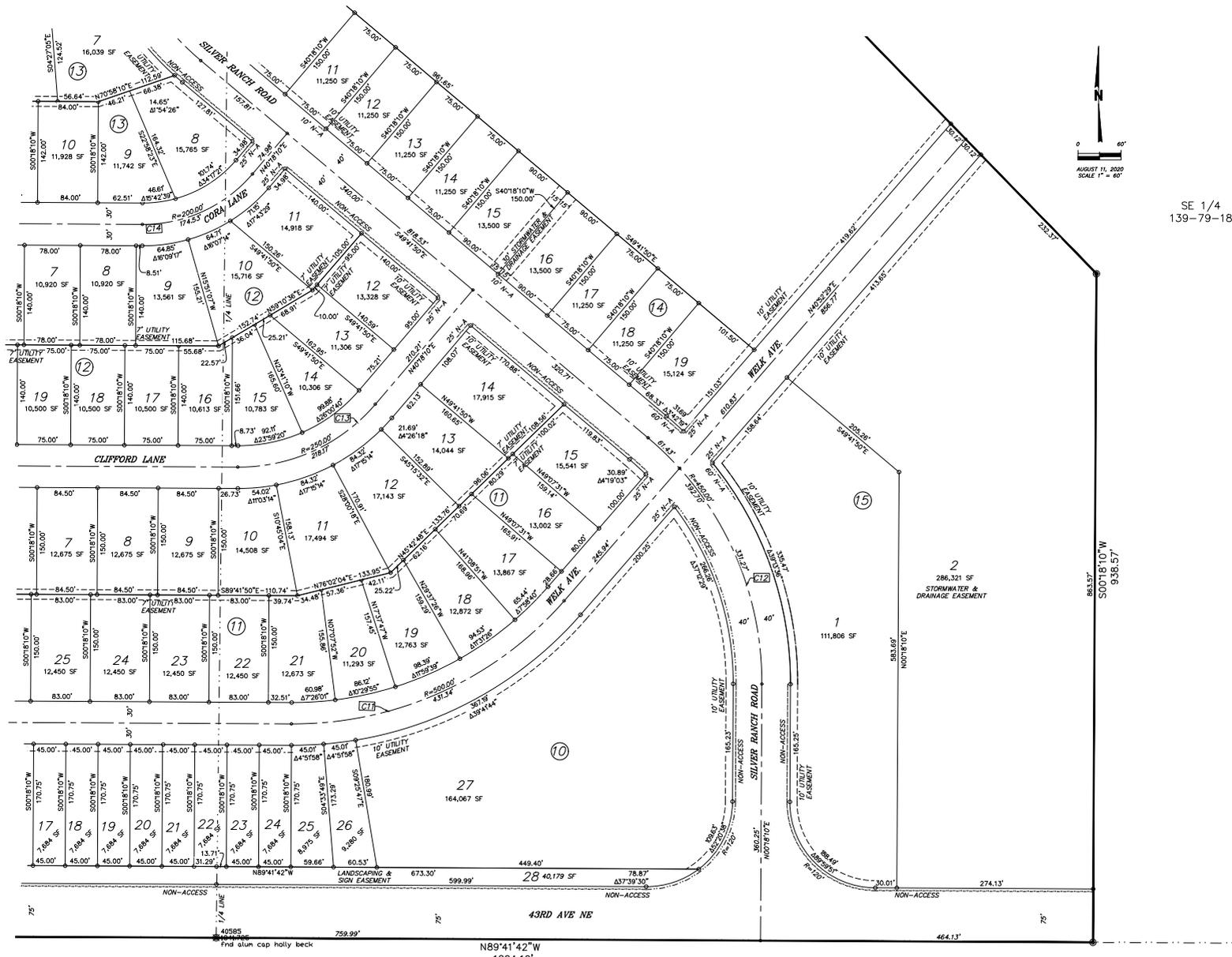
SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SILVER RANCH
 FIRST ADDITION
 FIRST REPLAT

SWENSON, HAGEN & COMPANY P.C.
 900 Basin Avenue
 Bismarck, North Dakota 58504
 swensonhagen.com
 Phone (701) 221-2200
 Fax (701) 221-2000
 Construction Management

SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SE 1/4
139-79-18

SILVER RANCH
FIRST ADDITION
FIRST REPLAT

UNPLATTED
SECTION 19
TOWNSHIP 139 N.
RANGE 80 W.

SILVER RANCH THIRD ADDITION

PART OF THE S 1/2 OF
SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



159 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R10
299 LOTS

OWNER: SILVER RANCH 18, LLLP
ADDRESS: 1117 N 3RD ST
BISMARCK, ND 58501



SCALE - 1" = 150'
VERTICAL DATUM: NAVD 88
JUNE 17, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

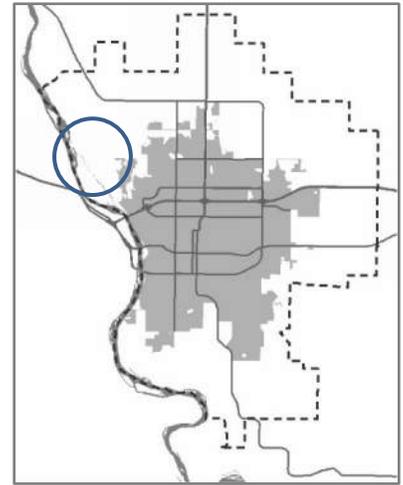
Agenda Item # 6
August 26, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2020-009

Project Summary

Title:	Lot 1, Block 1, Pat's Acres and Auditor's Lots A, B and C of the NE ¹ / ₄ of the NE ¹ / ₄ of Section 14, T139N-R80W/Hay Creek Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Chase and Toni Dauenhauer
Project Contact:	Chase Dauenhauer
Location:	Northwest of Bismarck, west of River Road, along the south side of Burnt Creek Loop
Project Size:	33.25 acres
Request:	Rezone property to allow for seasonal commercial recreation uses in addition to existing rural residential and agricultural uses.



Site Information

Existing Conditions

Proposed Conditions

Number of Lots:	4 parcels	Number of Lots:	4 parcels
Land Use:	Rural residential and agricultural	Land Use:	Agricultural and seasonal commercial recreation uses
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	A – Agricultural RR – Residential	Zoning:	PUD – Planned Unit Development
Uses Allowed:	A – Agriculture RR – Large lot single-family residential and limited agriculture	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	Pat's Acres 9/2004	Platted:	Pat's Acres 1/1988	Annexed:	N/A
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Staff Analysis

Chase and Toni Dauenhauer are requesting approval of a zoning change from the A – Agricultural and RR – Residential zoning districts to a PUD – Planned Unit Development zoning district for Lot 1, Block 1, Pat’s Acres and Auditor’s Lots A, B and C of the NE¼ of the NE¼ of Section 14, T139N-R80W/Hay Creek Township.

The Planning and Zoning Commission considered this request at their meeting of July 22, 2020 and called for a public hearing on the zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 13 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include agricultural uses to the north and east; rural residential, agricultural and seasonal commercial recreation uses to the south; and rural residential uses to the west.

The applicant has historically assisted the south-adjointing property owner with operation of what is known as Papa’s Pumpkin Patch. Those events will not occur this year. The applicant desires to provide events in the fall similar to those that occurred at Papa’s Pumpkin Patch but in a reduced capacity. In addition, the applicant is interested in future development of their site for other agritourism and commercial recreation uses.



Photo of existing site conditions from Burnt Creek Loop.

Commercial recreational uses are only allowed in the CG – Commercial and MA – Industrial zoning districts. Neither of these zoning districts would be appropriate in this location because of the intensity of the other permitted uses within those districts; therefore, the PUD is being proposed to address seasonal commercial recreational uses.

Allowable Uses

The proposed Planned Unit Development would allow the continued use of the properties for agricultural and rural residential uses and also allow for seasonal agritourism and commercial recreation uses. Examples of these uses may include pumpkin patches, corn mazes, horse-drawn rides, sleigh rides, Christmas tree sales and other activities that are traditional agritourism activities and involve little food processing. These agritourism and commercial recreation uses will allow concessions and sales of event-themed merchandise.

Allowable Events and Date Limitation

Date limitations on these uses are confined to September to October, Thanksgiving Day to New Year’s Day and up to 20 additional days per calendar year for one to three day events such as reunions, weddings, planting events, company picnics, fundraising events, church events, equine events, training, demonstrations, horse drawn rides, and riding lessons.

It is anticipated that some of the agritourism and commercial recreation activities may extend onto the south adjacent property consisting of Lots 4, 5 and 6, Block 1, Pearce Estates, which is a separate PUD that allows commercial recreation uses for Papa’s Pumpkin Patch. Both properties may allow these uses to cross each of the two PUD zoning districts and property boundaries as long as the spill-over uses are allowed within each respective property’s PUD zoning provisions.

Use Standards

Additional standards are outlined in the PUD that are intended to lessen impacts of the proposed agritourism and commercial recreational uses on the adjacent rural residential uses. These standards include measures to

(continued)

prevent sound and light trespass and additional planting requirements in conjunction with future development.

The PUD allows for parking on grass and agricultural land for outdoor seasonal activities. The construction of any new buildings intended for agritourism and commercial recreation uses will require a gravel surface parking area and are subject to the off-street parking calculations outlined in Section 14-03-10 (Off-Street Parking and Loading) of the City Code of Ordinances.

Future Site Development

The applicant has indicated a desire to construct an indoor event center space for events such as weddings, reunions and company picnics and an indoor arena for equine events within the proposed zoning district to support the seasonal agritourism and commercial recreation uses. The maximum allowable sizes of these buildings would be 8,000 square feet for the indoor event center and 20,000 square feet for the indoor arena for equine events. The maximum allowable sidewall height for these buildings is 20 feet with a maximum allowable height of 35 feet. All new buildings will need to meet applicable building and fire code standards.

Portions of the property are not platted. If future buildings will be constructed to support any of the proposed uses on property in an area that is not currently platted, the remaining property would need to be platted. All access to the property and the proposed uses will be from Burnt Creek Loop. If an additional access points are desired to serve the new proposed uses, the applicant will need to obtain approval of new access from Burleigh County.

Design Standards

Future development will be subject to design and aesthetic standards that are intended to be harmonious with the existing uses on site and compatible with the adjacent uses.

Required Findings of Fact (relating to land use)

1. The proposed zoning change does not generally conform to the Future Land Use Plan

in the 2014 Growth Management Plan, as amended; however, because of the seasonal nature of the commercial recreation uses, the proposed zoning change would be consistent with the Future Land Use Plan which identifies the long-term use of the land as rural residential;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or 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 Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change;
5. 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;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. 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 for the zoning change from the A – Agricultural and RR – Residential zoning district to a PUD – Planned Unit Development zoning district for Lot 1, Block 1, Pat’s Acres and Auditor’s Lots A, B and C of the NE¼ of the NE¼ of Section 14, T139N-R80W/Hay Creek Township as outlined in the attached PUD ordinance.

(continued)

Attachments

1. Draft PUD Ordinance
 2. Location Map
 3. Aerial Map
 4. Zoning and Plan Reference Map
 5. Site Exhibit
-

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

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 properties shall be excluded from the A – Agricultural and RR – Residential districts and included within the PUD – Planned Unit Development District.

Lot 1, Block 1, Pat’s Acres and Auditor’s Lots A, B, and C of the NE ¼ of the NE ¼ of Section 14, T139N-R80W/Hay Creek Township.

This PUD is subject to the following development standards:

1. *Permitted Uses.* The following uses are permitted within this Planned Unit Development:
 - a. Single-family rural residential uses.
 - b. Farming group

2. *Seasonal Permitted Uses.* The following seasonal uses are permitted within this Planned Unit Development:
 - a. Seasonal commercial recreation uses limited to agritourism and commercial recreation activities such as pumpkin patches, corn mazes, horse-drawn rides and other activities that are traditional agritourism activities and involve little food processing (September to October).

- b. Winter agritourism and commercial recreation activities such as sleigh rides, horse-drawn rides, and Christmas tree sales (Thanksgiving to New Year's Day).
 - c. Special events such as reunions, weddings, planting events, horse show and riding events, company picnics, fund raising events and other similar special events and activities outside of the seasonal period listed above. The total number of days for these events shall not exceed 20 per year and shall be limited to no more than 3 consecutive days in length.
 - d. Event-themed activities, attractions, demonstrations, concessions and sales of event-themed merchandise in conjunction with the above uses. Mechanical rides, such as those typically found at a carnival, shall not be allowed.
 - e. An indoor arena up to twenty thousand (20,000) square feet for equine events on a limited basis per the date limitations for events and activities indicated above.
 - f. An indoor event center, to support the permitted uses, up to eight thousand (8,000) square feet on a limited basis per the date limitations for events and activities indicated above.
3. *Special Uses.* The following uses are allowed as special uses within this Planned Unit Development, subject to the provisions of Section 14-03-08 of the City Code of Ordinances:
- a. Seasonal sales of locally grown farm or garden produce.
 - b. Seasonal sales of nursery and bedding stock.

Other special uses identified in Section 14-03-08 but not included in this list shall be prohibited.

4. *Use Standards.* All uses within this planned unit development shall conform to the following requirements:
- a. There is no unusual fire, explosion or safety hazard.
 - b. If a public address (PA) or similar system is used to amplify sound, speakers must be directed so as to minimize the impact of the amplified sound on adjacent properties. The use of amplified sound on the site shall be limited to the hours of 9:00am to 7:00pm.
 - c. Parking on grass and agricultural areas may be used for commercial recreation and agritourism activities that are

not indoors. Gravel surface parking areas must be provided for the indoor arena and event center buildings in accordance with the parking calculations outlined in Section 14-03-10. Appropriate improvements to ingress and egress locations shall be made and maintained to ensure no tracking of mud and debris onto adjacent roadways. Access to the property shall be limited to permitted access points along Burnt Creek Loop.

- d. If external illumination is used, lighting must be placed and directed so as to minimize light trespass on adjacent properties. The use of external lighting shall not be allowed after 8:00pm.

5. *Dimensional Standards.*

- a. Front Yard Setback. The minimum front yard setback is fifty (50) feet as measured from the front property line for all new buildings.
- b. Side Yard Setback. The minimum side yard setback is fifty (50) feet for all new buildings.
- c. Rear Yard Setback. The minimum rear yard setback is fifty (50) feet for all new buildings.
- g. Height. The maximum building height is thirty-five (35) feet for all new buildings, with a maximum sidewall height of twenty (20) feet.

6. *Development Standards.*

- a. Landscaping and Screening. The existing wooded areas along the southwesterly corner of Auditor's Lot A of the NE ¼ of the NE ¼ of Section 14, T139N-R80W/Hay Creek Township shall remain in place in order to provide continued screening of the seasonal commercial recreational uses from the adjacent rural residential uses. Additional trees shall be planted along the western edge of Auditor's Lot A of the NE ¼ of the NE ¼ of Section 14, T139N-R80W/Hay Creek Township if additional structures or site improvements are implemented to support the agritourism and commercial recreational uses. If trees need to be removed for any reason, replacement trees shall be provided at the rate of two replacement trees for each tree removed. No additional landscaping or buffer yards will be required.

- b. Design and Aesthetic. All new buildings and building renovations shall be constructed in a style typical of agricultural buildings. Façade design should be complimentary to existing buildings on the properties and shall be wood, synthetic or metal materials (vinyl products are not allowed). Principal building façade color shall be red and all accents and trim colors either white or black. Where buildings have long, visually uninteresting facades and roof lines, the façade should be broken up with variations such as building bump outs or use of alternating materials, and the roof broken up by the addition of dormers or variations of roof lines. Buildings shall have clearly identifiable entrances.
 - c. Signage. Signs shall be allowed per the standards outlined in Chapter 14-03.1 for the A – Agricultural zoning district.
7. *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 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

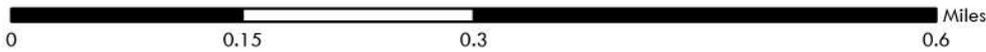
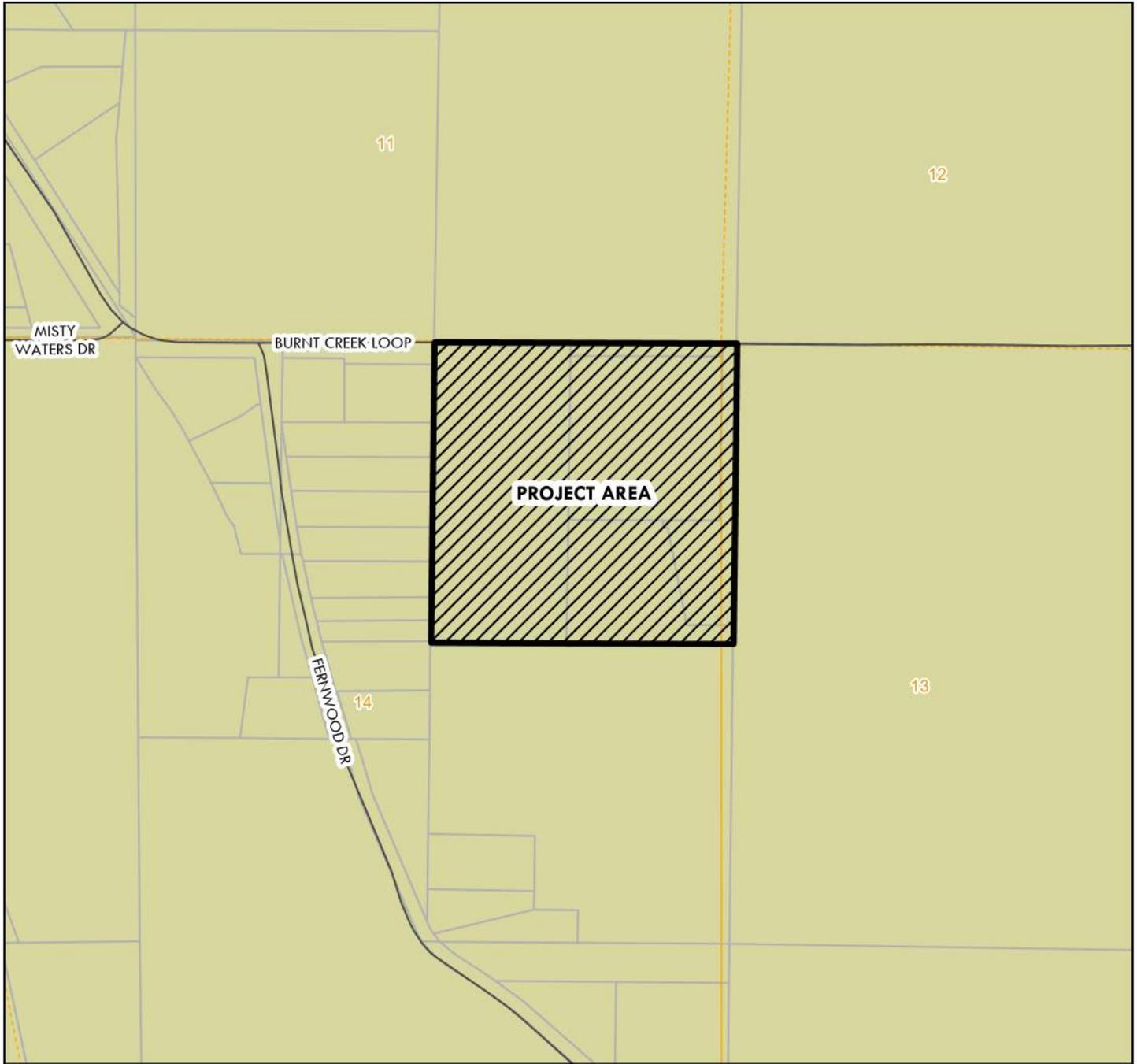
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Location Map

ZC2020-009

PATS ACRES, L1, B1; PT SEC 14 HAY CREEK TWP

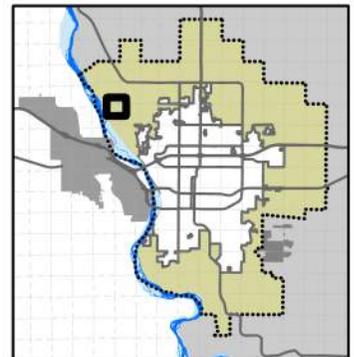


-  Bismarck ETA Jurisdiction
-  County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
 Community Development Department
 Planning Division
 August 18, 2020 (HLB)

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

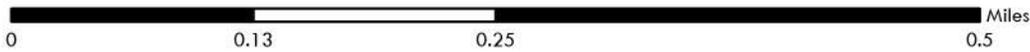
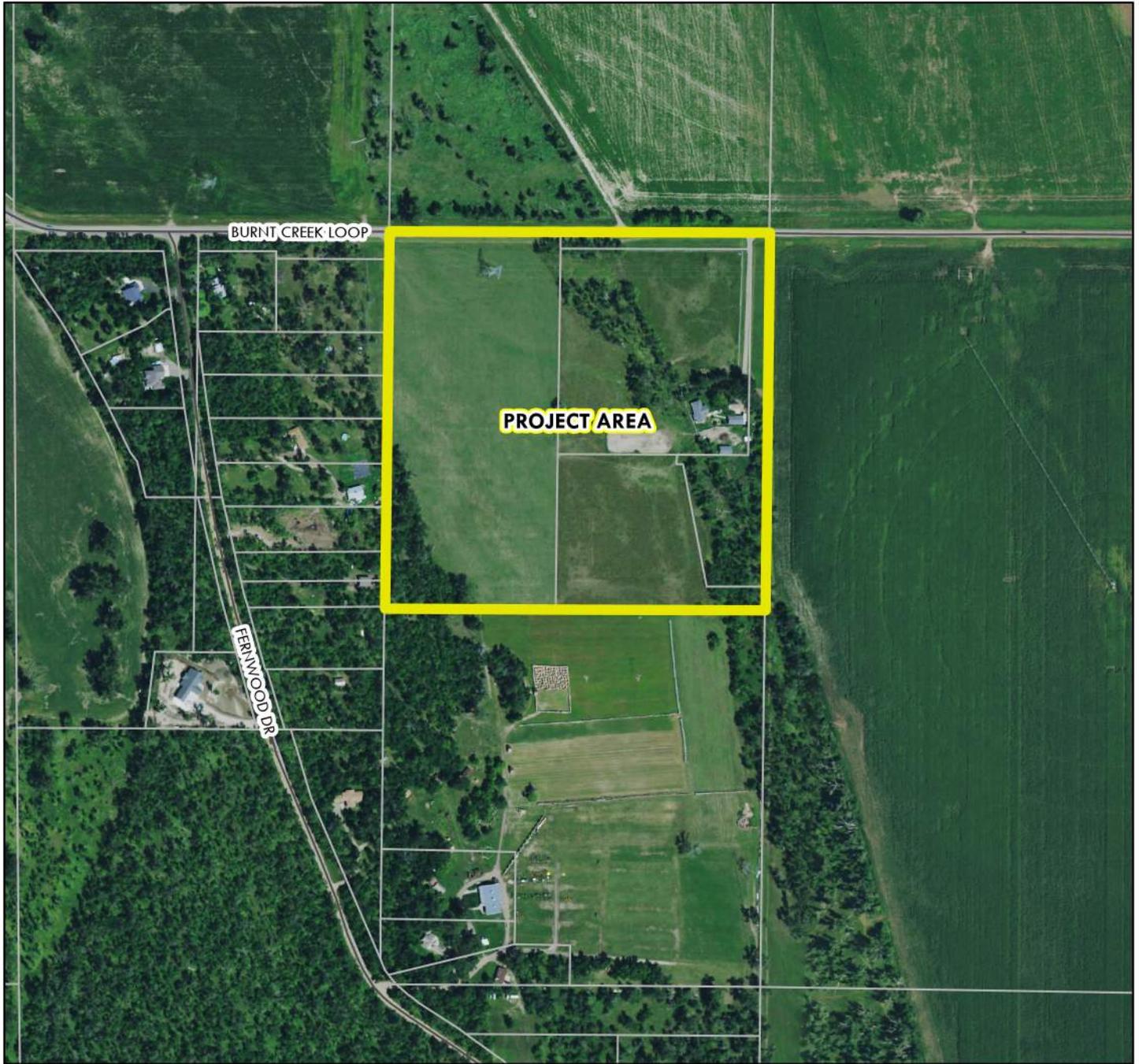




Aerial Map

PATS ACRES, L1, B1; PT SEC 14 HAY CREEK TWP

ZC2020-009

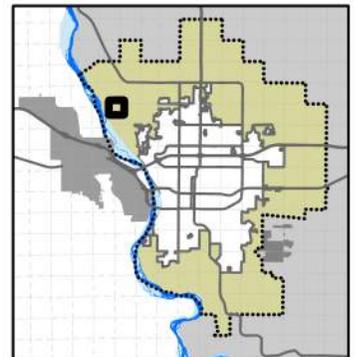


 Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 18, 2020

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.





Zoning and Plan Reference Map

PATS ACRES, L1, B1; PT SEC 14 HAY CREEK TWP

ZC2020-009

Zoning Districts

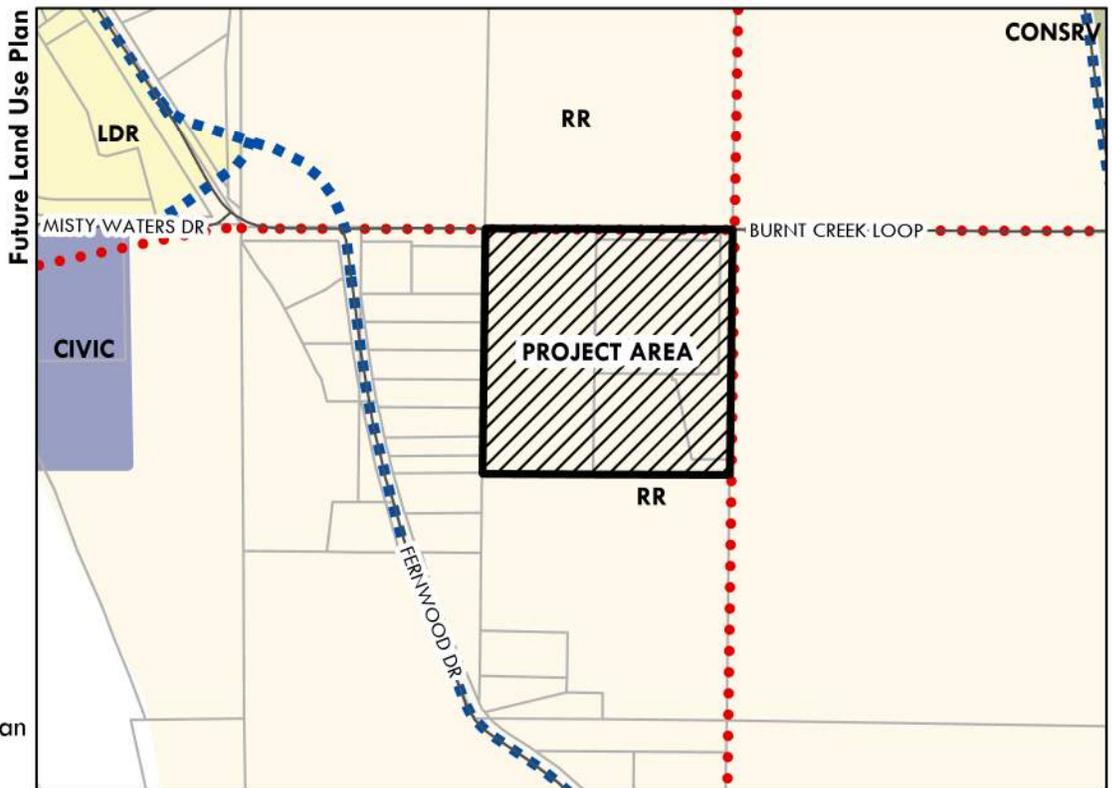
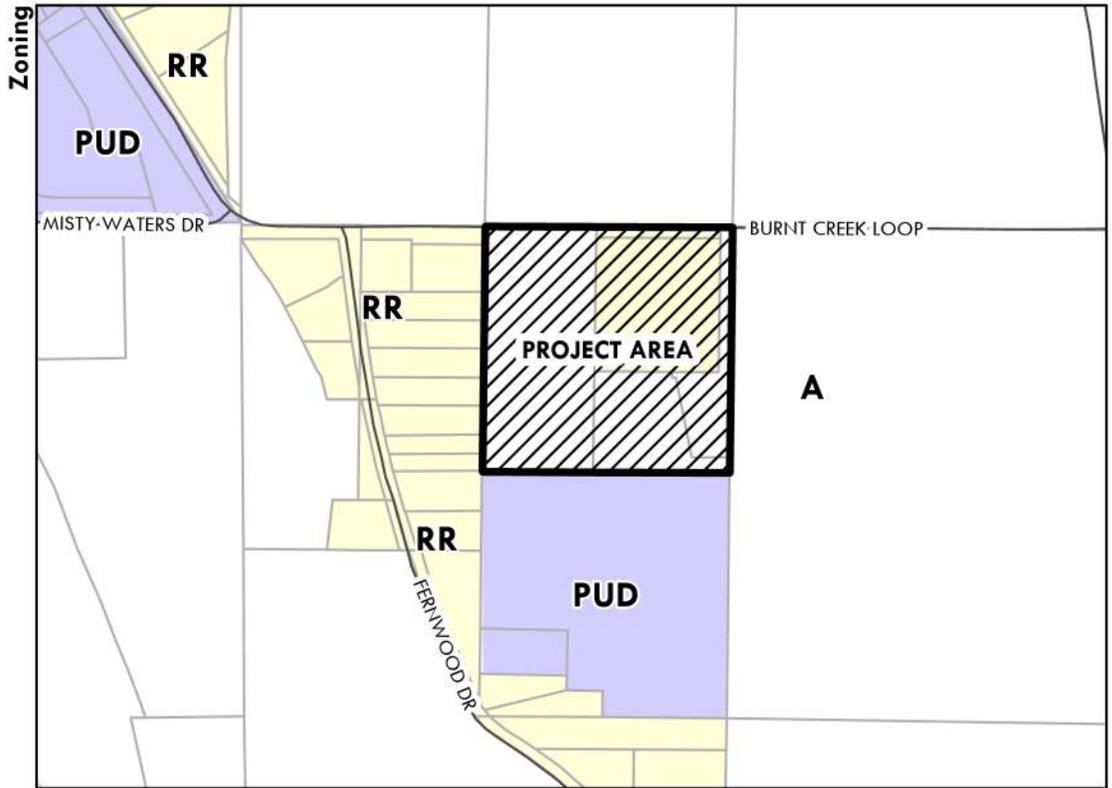
- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- ■ ■ Future Collector Road

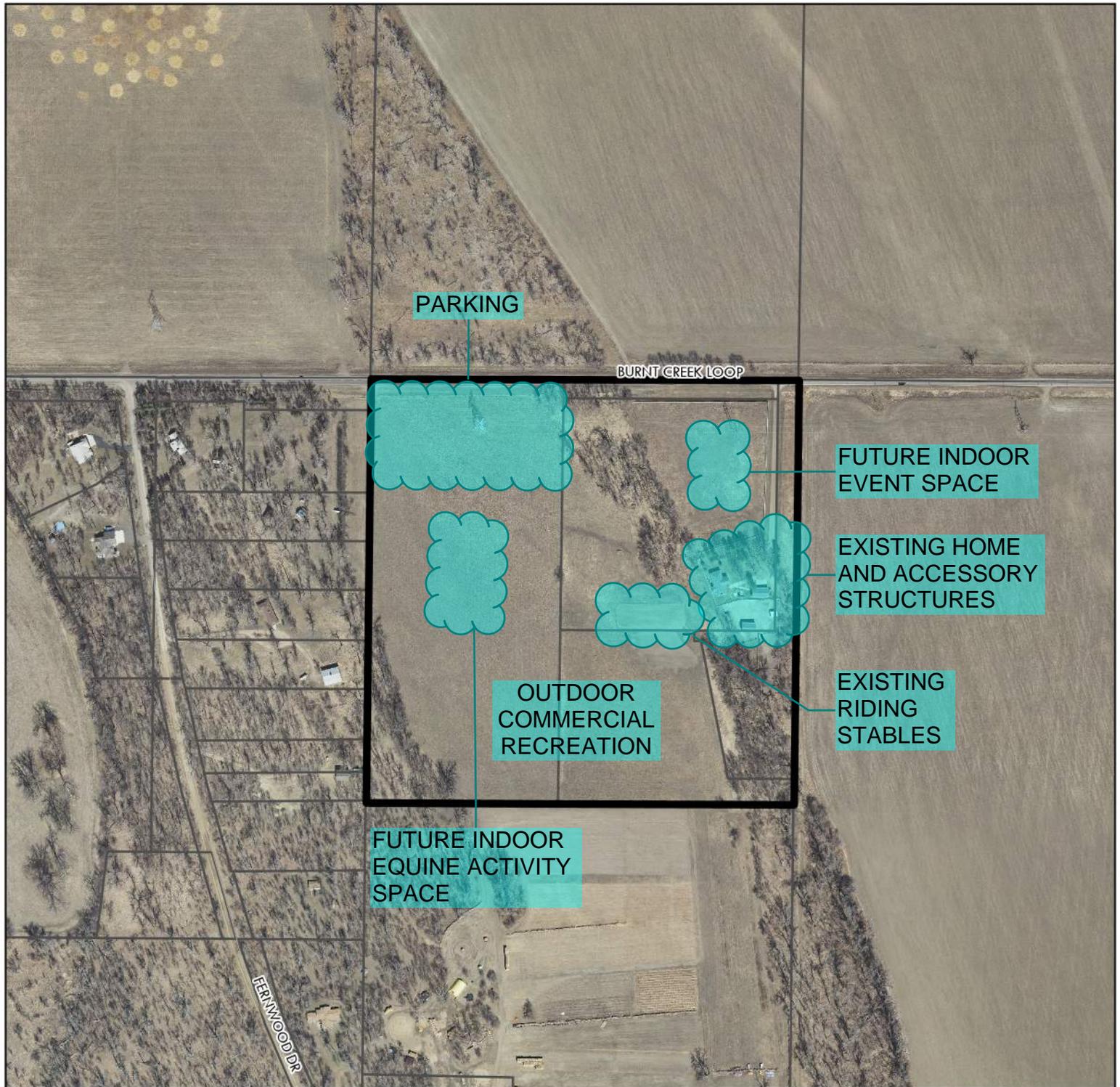


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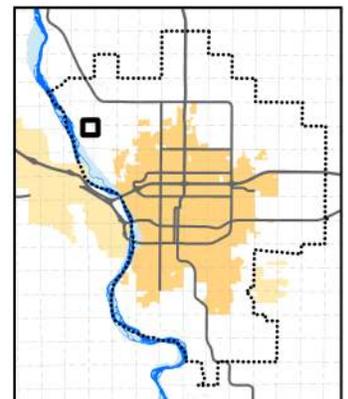
City of Bismarck
Community Development Dept.
Planning Division
August 18, 2020

Site Plan Exhibit



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

0 8,145 16,290 32,580 feet





STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

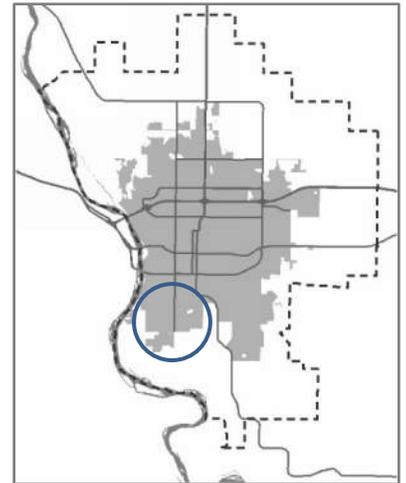
Agenda Item #7
 August 26, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-012

Project Summary

<i>Title:</i>	Lot 6, Block 4, Tatley Meadows V
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Riverwood Baptist Church/Community Church
<i>Project Contact:</i>	Pastor Todd Fuehrer, Community Church
<i>Location:</i>	In south Bismarck, along the west side of South Washington Street and the north side of Rutland Drive (3030 South Washington Street)
<i>Project Size:</i>	57,000 square feet
<i>Request:</i>	Approval of a special use permit to allow the operation of a child care center



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Religious facility
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Phase 1: Religious facility and child care center Phase 2: Child care center
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	2/1997	<i>Platted:</i>	2/1978	<i>Annexed:</i>	Pre-1980
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Staff Analysis

Community Church is requesting approval of a special use permit to allow the operation of a child care center on Lot 6, Block 4, Tatley Meadows V.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 53 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include single-family residential to the north, single and two-family residential to the east across South Washington Street, single-family residential to the south across Rutland Drive and single-family residential to the west.

The property is zoned R5 – Residential. A child care center is allowed as a special use in the R5 – Residential zoning district, provided certain conditions are met.

The project will be completed in two phases. Phase one will maintain some existing religious facility functions and remodel portions of the building to support the proposed addition of child care center services. Phase two will consist of completing renovations on the west side to convert the entirety of the building into a child care center. Staff have evaluated both proposed phases and verified each phase will meet all criteria outlined below.

The following criteria from Section 14-03-08(4)(g) of the City Code of Ordinances (Special uses/Child Care Center) apply:

- 1) *Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.*

According to information provided in the project narrative and floor plans adequate interior recreation space is provided for 35 children in phase one and 78 children in phase two.

- 2) *Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per*

child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.

According to information provided in the project narrative and the site plan, adequate outdoor recreation space is provided for a total of 78 children which is the maximum number of children indicated for phase two. The outdoor recreation space will be fenced with a 6-foot screening fence.

- 3) *Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.*

According to information provided in the project narrative and the site plan, staff have determined that the 36 existing parking spaces will meet the required off-street parking requirements for both phases.

- 4) *Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.*

The applicant has been working with an architect to ensure all requirements of the International Building Code and International Fire Code will be met. Staff have reviewed the proposed plans and have not indicated any concerns with the proposed plans. Further review will occur prior to issuance of a building permit for the proposed interior changes.

- 5) *Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.*

(continued)

The applicant has been working with these agencies to ensure all applicable requirements will be met.

Per Section 14-03-11(2) of the City Code of Ordinances (Landscaping and Screening) when a change in the use of the property occurs that requires a special use permit, landscaping requirements are applicable. This site will require the addition of perimeter parking lot and buffer yard landscaping. A review of the landscape plan and inspection of the required materials after installation will be needed to ensure conformance.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a child care center for Lot 6, Block 4, Tatley Meadows V with the following condition:

1. A final landscape plan must be approved and all landscaping and fencing installed and inspected prior to operation of the child care center.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Project Scope Narrative
5. Site Plan

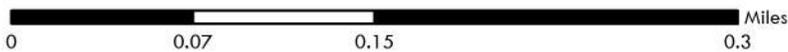
Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

TATLEY MEADOWS V, L6, B4

SUP2020-012



City Limits

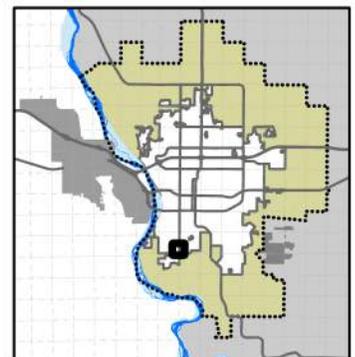
County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
July 21, 2020 (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.





Aerial Map

TATLEY MEADOWS V, L6, B4

SUP2020-012

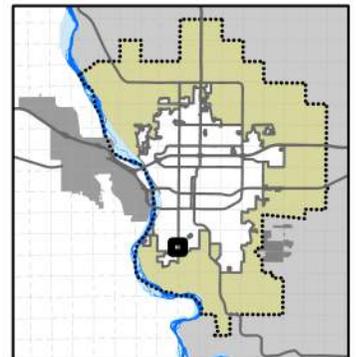


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 17, 2020

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Zoning and Plan Reference Map

SUP2020-012

TATLEY MEADOWS V, L6, B4

Zoning Districts

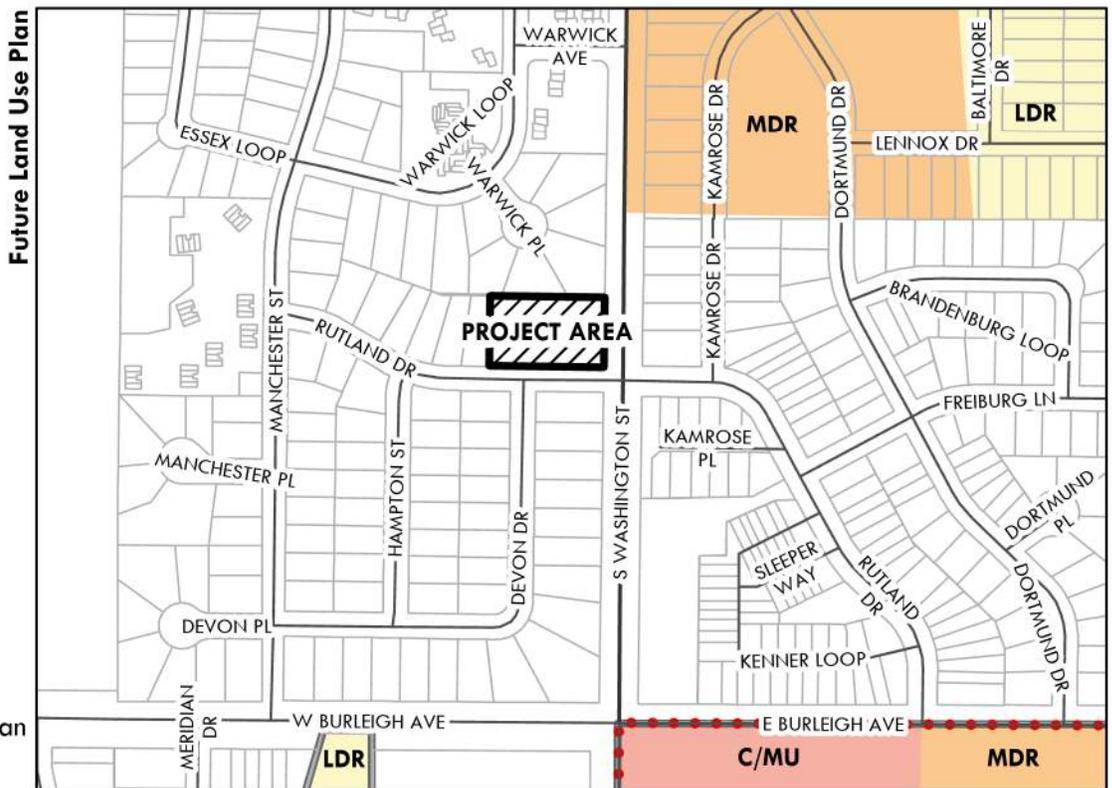
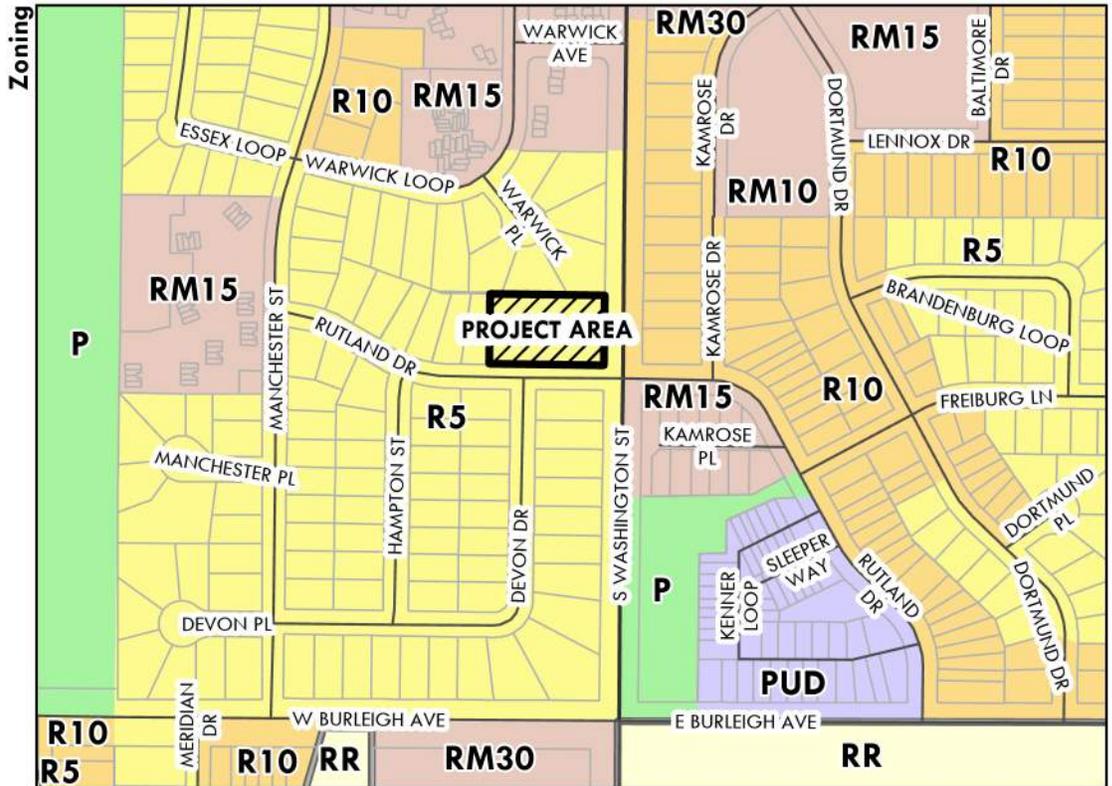
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

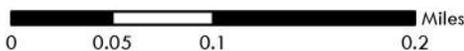
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
August 17, 2020



August 14, 2020

City of Bismarck Planning Department
221 N. 5th Street
Bismarck, ND 58504

Re: J22013 Community Church Daycare
Project Scope Narrative

To Whom it May Concern,

This letter is a project scope narrative for the propose Community Church Daycare located at the existing Riverwood Baptist Church at 3030 S. Washington Street. The project site is located at the northwest corner of South Washington Street and Rutland Road in south Bismarck.

The project consists of an interior renovation of the existing building, approximately 8,444 sf, and site improvements related to the proposed new use. The project would be completed in two phases. The construction schedule proposes for interior renovation and construction to begin as soon as the permit is approved. Exterior improvements will begin either this fall, or next spring as pending approval and weather allows.

Phase One of the project consists of renovating the existing classrooms and storage at the north and south sides of the building into daycare classrooms. One will be designated as an infant classroom and the others will be standard daycare classrooms. There is no sprinkler system in the building; therefore, each classroom will have two exits, with one exiting directly to the exterior. New smoke detectors will be installed in all classrooms and corridors. The worship area on the west end would continue to be used on a weekly basis. However, the classrooms and the multipurpose space would not be occupied if the worship space is in use.

Phase Two of the project consists completing the renovations on the west end of the building to a full daycare facility. Four additional standard daycare classrooms would be added, for a total of seven standard and one infant classroom. Each classroom will have two exits, with one exiting directly to the exterior. A new commercial fire alarm system will be added as part of this phase. The western group of restrooms would be renovated for ADA accessibility. The front entry, reception and office area would also be renovated for security and to accommodate the new layout.

This kitchen layout will remain the same as existing and will be a 'heat and serve' operation for both phases. Kitchen upgrades will be completed as per Department of Health recommendations.

The proposed use of the building will consist of the following areas for Phase One:

- Worship: 1,949 sf
- Multipurpose Area: 1,741 sf
- Classrooms: 1,351 sf
 - Total of 35 Children Maximum
 - 2 Infant Classrooms
 - 0-18 Months (8 children each; minimum of 35 sf per child)
 - 2 Children Classrooms
 - (1) 18 Months – 3 Years (9 children; minimum 35 sf per child)
 - (1) 4-5 Years (10 children; minimum 35 sf per child)
- Offices/Reception: 607 sf
- Kitchen: 300 sf
- Storage/Mechanical: 606 sf
- The remaining square footage of the building is circulation and restrooms.

The proposed use of the building will consist of the following areas for Phase Two:

- Multipurpose Area: 1,741 sf
- Classrooms: 2,982 sf
 - Total of 78 children
 - 2 Infant Classrooms
 - 0-18 Months (8 children each; minimum of 35 sf per child)
 - 6 Children Classrooms
 - (2) 18 Months – 3 Years (10 children each; minimum of 35 sf per child)
 - (2) 4 Years (10 children each; minimum of 35 sf per child)
 - (2) 5 Years (10 children each; minimum of 35 sf per child)
- Offices/Reception: 453 sf
- Kitchen: 300 sf
- Storage/Mechanical: 548 sf
- The remaining square footage of the building is circulation and restrooms.

For Phase 1, and per IBC 2018, this facility shall be considered an assembly occupancy classification. For Phase Two, the entire facility shall be considered an I-4 occupancy classification.

The new facility does not require any new utility connections. Therefore, a utility plan is not being submitted at this time, and an existing plan was not available through the City. The general contractor will be responsible for locating any existing utilities prior to any site work.

The existing site is currently zone R5 – Single Family Residential. The existing parking lot consists of 38 parking spaces, including 2 ADA parking spaces, and all would be maintained through both phases of the project. There will be a maximum of 25 daycare employees at full capacity and 8 spots designated for children; a maximum of 33 parking spaces will be required at full capacity. No church employees will be on site when the daycare is occupied during Phase Two. Access to the site is from the south, using Rutland Drive and this would remain the same.

A playground and outdoor play area will be added west of the building as part of Phase 1 of the project. The building will serve 78 children at full capacity, and the play area will be at least 5,850 sf (75 sf per child). As per City of Bismarck requirements, perimeter parking lot landscaping and a 10'-0" buffer yard with a 6'-0" screening fence and landscaping will be added. The screening fence will also serve as security for the outdoor play area. A proposed architectural site plan is included with this submittal. The landscaping and screening fence shall be per City of Bismarck requirements.

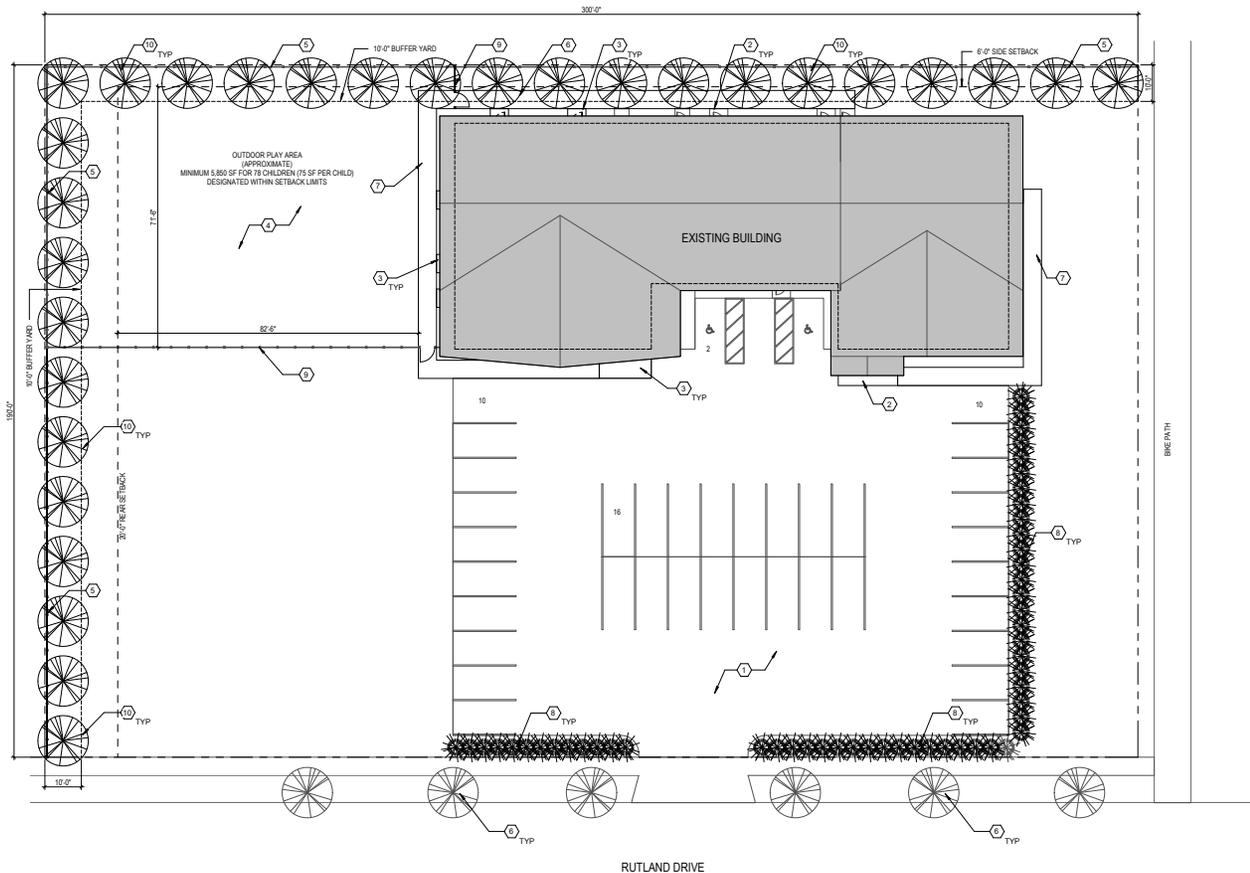
Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Meyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carrie Meyer
Associate AIA

CC: J2 Studio file: J22013 – Corr



SITE INFORMATION - PHASE 2:

PROJECT ADDRESS: 300 S. WASHINGTON STREET
BISMARCK, ND 58504

LEGAL LOT DESCRIPTION: TATLEY MEADOWS
BLOCK 4, LOT 8
RP LITS 16-18 B10

OCCUPANCY CLASSIFICATION: (I-4) DAYCARE

PARKING REQUIREMENTS: 1 PER EMPLOYEE + 1/10 CHILDREN

PARKING SPACES REQUIRED: 33 (25 EMPLOYEES +
8 DESIGNATED FOR CHILDREN)
38 SPACES PROVIDED

ACTUAL PARKING SPACES:

NOTES:
1. O.C. SHALL CONFIRM IF NEW UTILITY CONNECTIONS ARE REQUIRED PROVIDE UTILITY PLAN IF REQUIRED.
2. IT IS ASSUMED THAT THE DAYCARE CLASSROOMS AND THE MULTIPURPOSE ROOM WILL NOT BE OCCUPIED AT THE SAME TIME.

SITE PLAN NOTES:

- EXISTING PAVEMENT TO REMAIN
- EXISTING CONCRETE TO REMAIN
- NEW CONCRETE STOOP FOR NEW EXTERIOR EXITS
- OUTDOOR PLAY AREA; MINIMUM OF 75 SF PER CHILD
- SCREENING FENCE AS REQUIRED FOR BUFFER YARD; 6'-0" HEIGHT
- EXISTING STREET TREES TO REMAIN
- NEW SIDEWALK CONNECTING EXTERIOR EXITS TO PARKING LOT
- PARKING LOT PERIMETER LANDSCAPING; SPECIES - AS PER CITY REQUIREMENTS, 5 SHRUBS PER 25 LINEAR FEET OF PROPERTY LINE WITH POUCEDES IN PLACE PERIMETER PARKING LOT CURBING, INSTALLATION AS PER CITY REQUIREMENTS.
- SECURITY FENCE FOR OUTDOOR PLAY AREA
- BUFFER YARD LANDSCAPING; SPECIES - AS PER CITY REQUIREMENTS, 4 SHADE TREES AND 2 ORNAMENTAL TREES PER 100 LINEAR FEET OF PROPERTY LINE, INSTALLATION AS PER CITY REQUIREMENTS.

NOTE: ARCHITECTURAL SITE PLAN SHOWN FOR REFERENCE ONLY AND FOR FULL BUILD OUT OF PHASE 2. EXISTING IMPERVIOUS SURFACES WILL REMAIN AS SHOWN, WITH ADDITIONAL STOOPS AND SIDEWALK INSTALLED AROUND BUILDING. SITE IMPROVEMENTS FOR OUTDOOR PLAY AREA AND SCREENING WILL BE ADDED.

REVISIONS

MARK	DATE	DESCRIPTION

Design Development

August 14, 2020
J2 Project No. J22013

Riverwood Church
Community Church Daycare
Bismarck, North Dakota



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Architectural Site Plan

A100

1 Architectural Site Plan
Scale: 1/16" = 1'-0"





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

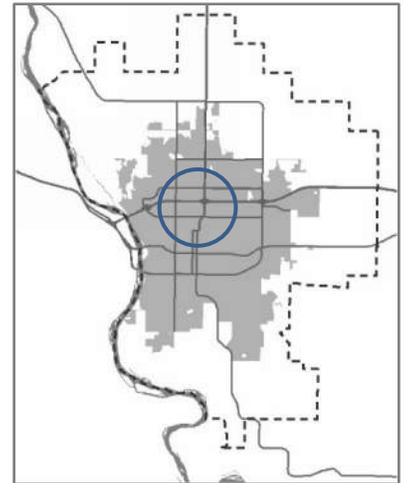
Agenda Item #8
August 26, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-013

Project Summary

<i>Title:</i>	Lot 2, Block 1, Eugenes First Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	State Street Investments, LLC
<i>Project Contact:</i>	Blake Carlson, Paces Lodging Corporation
<i>Location:</i>	In north-central Bismarck, north of East Divide Avenue between North 11 th Street and State Street (1800 North 11 th Street)
<i>Project Size:</i>	2.81 acres
<i>Request:</i>	Allow the operation of an auto laundry - car wash



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	CG – 42 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Car wash
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	CG – 42 units / acre

Property History

<i>Zoned:</i>	04/1959	<i>Platted:</i>	04/2020	<i>Annexed:</i>	Pre-1980
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Staff Analysis

State Street Investments, LLC and Paces Lodging Corporation are requesting approval of a special use permit to allow the operation of an auto laundry - car wash on Lot 2, Block 1, Eugenes First Addition First Replat. This new use is proposed for the southern

portion of the area previously occupied by the Kelly Inn.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August

(continued)

14th and 21st, and 20 letters were mailed to the owners of nearby properties on August 14th.

Adjacent uses include a proposed banking to the north, an existing office/bank to the east and southeast across State Street and East Divide Avenue, a fueling station with convenience store to the south; and commercial and public uses including a fire station and offices to the west across North 11th Street.

The following criteria from Section 14-03-08(4)(q) of the City Code of Ordinances (Special uses/Auto laundry-car wash) apply:

1. *The lot area, lot width, front yard, side yards, rear yards, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located except that the minimum front yard setback shall be twenty-five (25) feet.*

The lot area, lot width, front yard, side yards, rear yard and height limit of the structure and its appurtenances appear to conform to the requirements of the CG – Commercial zoning district. Compliance with all development standards will be verified through the site plan and building permit review processes.

2. *Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.*

Access to and egress from the drive-through will be within the site via North 11th Street and from an shared access point on North 12th Street and will not impact adjacent sidewalks and streets.

3. *Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less*

than forty (40) feet from an intersecting street corner on local streets.

Ingress and egress locations to and from the auto laundry-car wash will be located more than 60 feet from State Street and East Divide Avenue and more than 40 feet from North 11th Street and East Divide Avenue.

4. *An auto laundry-car wash may front on only one arterial or collector street and may also be adjacent to a local street.*

The proposed facility would front along both State Street, a principal arterial, and North 11th Street, which is a local street.

5. *All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. All curb cuts, widths, and other specifications shall comply with the standards established by the city engineer.*

Ingress and egress driveways will be within the site and from an existing access along North 12th Street and from North 11th Street. It appears that the driveways will comply with this provision and compliance will be verified through the site plan review process.

6. *No fence, wall, terrace, structure, shrubbery or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the front ten (10) feet of any lot except a sign pole as permitted in Chapter 14-03.1 of the City Code of Ordinances.*

No fence, wall, terrace or structure is located within the front 10 feet of the lot. Shrubby and trees appear to be located within the sight-triangles. Compliance will be verified through the review of the landscape plan during the site plan review process.

7. *No automobile shall be parked in the first fifteen feet of a required setback area.*

Based on the site plan submitted with the application, this provision appears to be met and will be verified for compliance during the site plan review process.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an auto laundry - car wash for Lot 2, Block 1, Eugenes First Addition First Replat.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Conceptual Elevations

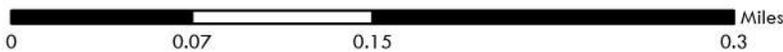
Staff report prepared by: Will Hutchings, Planner
 701-355-1850 | whutchings@bismarcknd.gov



Location Map

SUP2020-013

EUGENES FIRST ADDITION FIRST REPLAT, L2, B1



City Limits

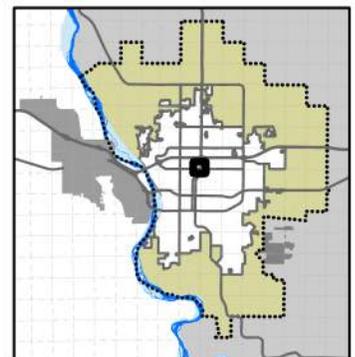
County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 17, 2020 (HLB)

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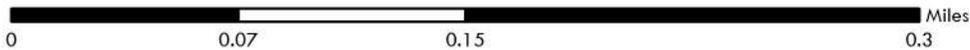
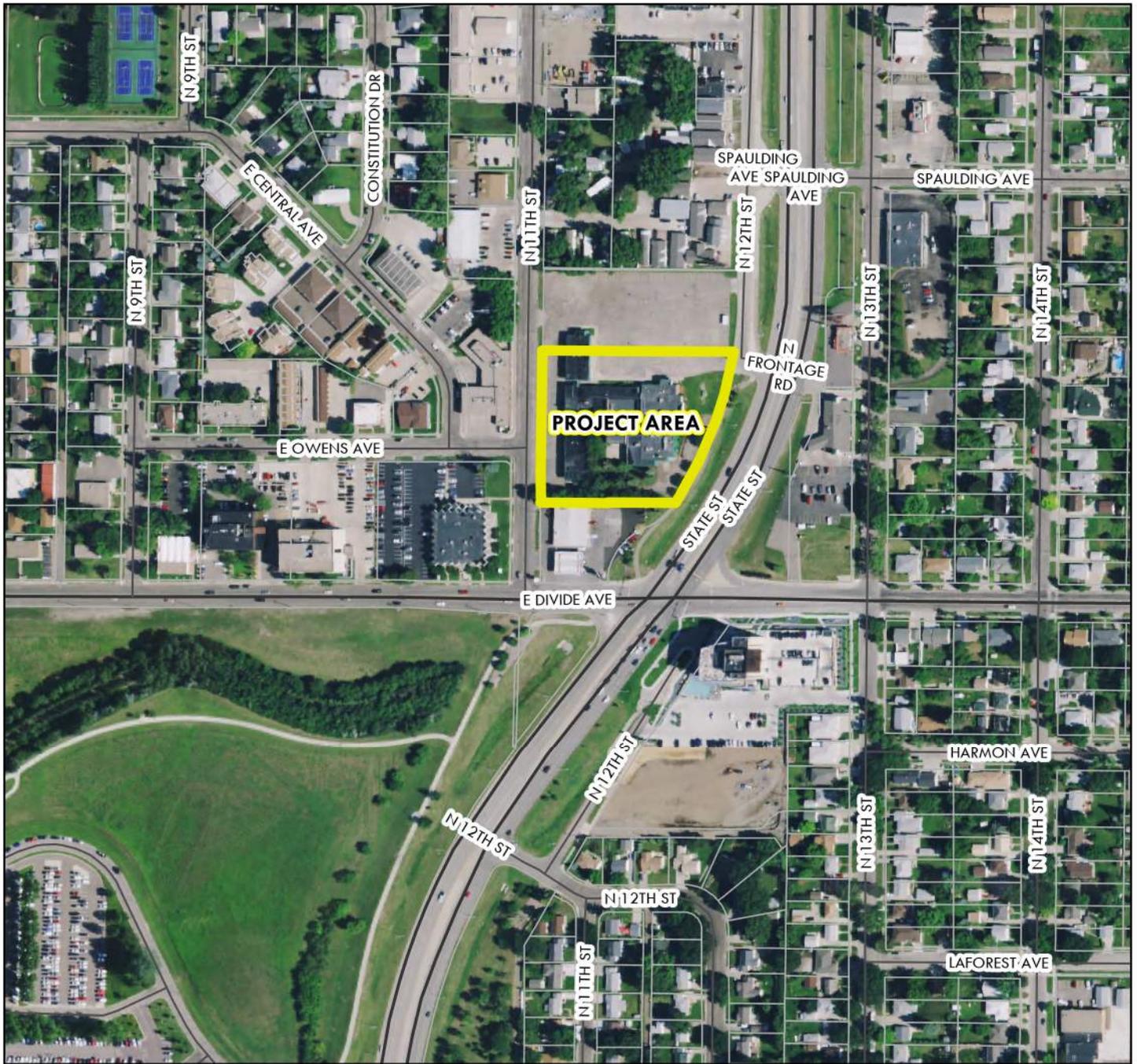




Aerial Map

SUP2020-013

EUGENES FIRST ADDITION FIRST REPLAT, L2, B1

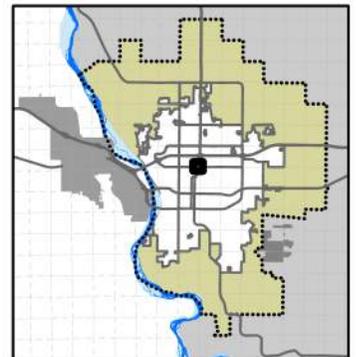


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 17, 2020

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Zoning and Plan Reference Map

EUGENES FIRST ADDITION FIRST REPLAT, L2, B1

SUP2020-013

Zoning Districts

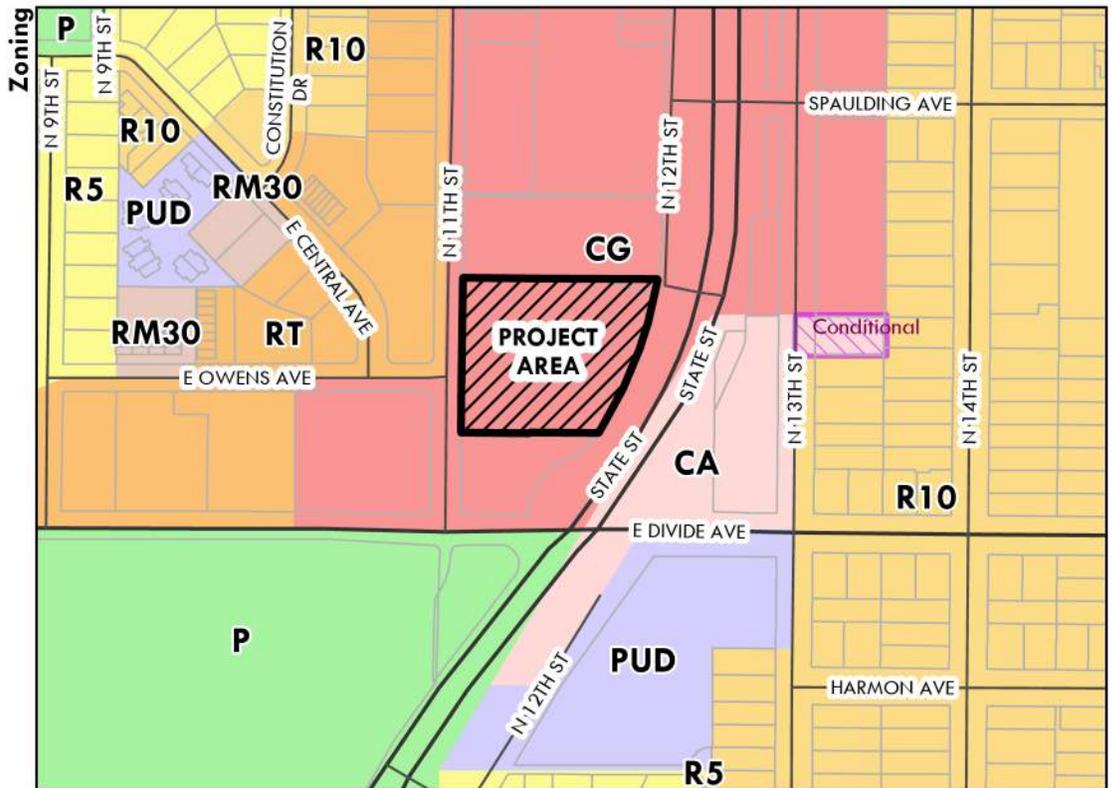
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

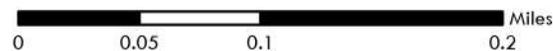
CONSRV	Conservation
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LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
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RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
August 17, 2020

Customer
Location
Date
Revision

FOR REFERENCE ONLY

Confidential Warning: This sheet contains and constitutes confidential information, images and trade secrets of Tommy Car Wash Systems. Any unauthorized use or disclosure of any portion thereof, is strictly prohibited. This work is the exclusive property of Tommy Car Wash Systems. All rights reserved.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

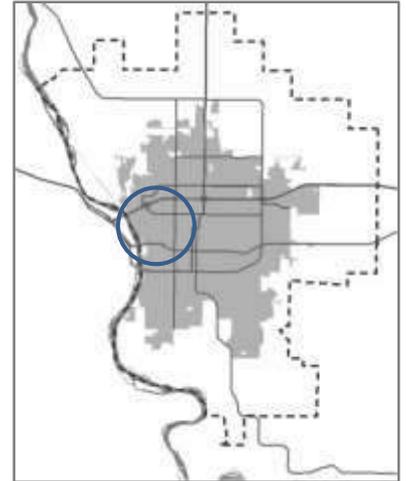
Agenda Item #9
August 26, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-014

Project Summary

Title:	Lot 1, Block 1, YMCA Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Missouri Valley YMCA, Inc.
Project Contact:	Bill Bauman, YMCA
Location:	In west-central Bismarck, in the southwest corner of the intersection of North Washington Street and West Divide Avenue (1608 N Washington Street)
Project Size:	Two signs
Request:	Install two portable signs on property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1	Number of Lots:	1
Land Use:	Community and Recreation Center	Land Use:	Community and Recreation Center
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	P – Public Use	Zoning:	P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	P – N/A	Max Density Allowed:	P – N/A

Property History

Zoned:	06/2007	Platted:	10/2007	Annexed:	Pre-1980
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Staff Analysis

Missouri Valley YMCA is requesting approval of a special use permit to allow two portable signs to be placed for a period of up to two years on Lot 1, Block 1, YMCA Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 51 letters were mailed to the owners of nearby properties on August 14th.

(continued)

Adjacent uses include single-family residences to the north, a church and single-family residences to the east, and the Tom O’Leary Golf Course/VFW Sports Arena to the south and west.

Portable signs are subject to a special use permit in residential zoning districts, or in a P – Public zoning district that is adjacent to residential properties. This site is zoned P – Public, and the proposed placement of the portable signs is directly across Divide Avenue from single-family residences. The signs have been placed in this location for several years, but the current sign ordinance was effective as of July 25, 2020.

The following criteria from Section 14-03.1-08(Commercial Zoning District Standards) of the City Code of Ordinances apply:

- a) *“On-Premise. Portable signs may only be used as on-premise signs, unless a portable sign is used to inform or promote a community-wide event as defined in this chapter.”*

This requirement would be met. The proposed signs would be relating to activities and programs occurring on the site related to the YMCA.

- b) *“Spacing. Portable signs shall be placed with a minimum spacing of one hundred (100) feet between portable signs on a parcel.”*

This requirement would be met. The signs would be placed roughly 600 feet from each other.

- c) *“Dimensions. Portable sign faces shall not exceed sixty (60) square feet in area, and the sign, including all supporting structures, shall not exceed eight (8) feet in height. Lettering may not extend beyond the face of the sign.”*

This requirement would be met. The proposed signs would be ten feet wide by six feet tall, and no greater than eight feet from the ground.

- d) *“Duration. Portable signs may only be displayed at any location for two-hundred and forty (240) days within any calendar year. Each location must be vacated of all portable signs for the remaining one hundred and twenty-five (125)*

days of each calendar year. For the purposes of this section, a location shall be defined as a street frontage of a parcel or portion thereof within which a sign may be legally placed and meet all spacing requirements.”

This requirement would be met. The applicant would place the signs three times annually, for a period of no greater than four weeks per placement. The maximum number of days per year would be 84.

- e) *“Electricity. Portable signs may not be wired to receive electricity, produce electricity, or contain any batteries.”*

This requirement would be met. The signs would not be powered.

- f) *“Parking. Portable signs shall not obstruct a parking space required to meet the provisions of Section 14-03-10 (Off-Street Parking and Loading) of the City Code of Ordinances.”*

The sign would not obstruct any required parking. This requirement would be met.

- g) *Identification. The name and telephone number of the owner of any portable sign must be clearly displayed while in use.*

This requirement would be met. The signs would be provided by the Awesome Signs company with proper identification.

In addition to these requirements, no sign may be located in the public right-of-way or in a sight triangle, as defined by ordinance, at intersections to preserve visibility. The proposed signs would comply, as shown on the attached exhibit.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for Lot 1, Block 1, YMCA Addition with the following condition:

1. Two portable signs may be placed for a period not to exceed two years beyond final approval in the locations shown on the attached site plan.

Attachments

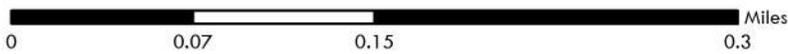
1. Location Map
2. Aerial Map
3. Site Plan showing sign placement
4. Photo of sign with dimensions

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



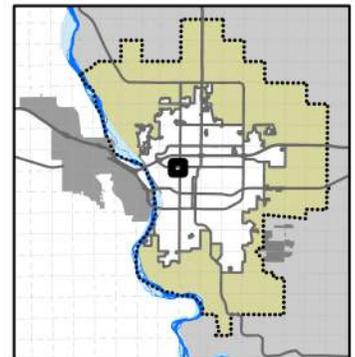
Location Map
 YMCA ADDITION, L1, B1

SUP2020-014



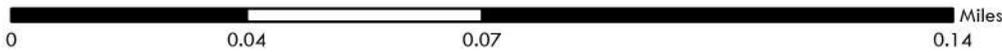
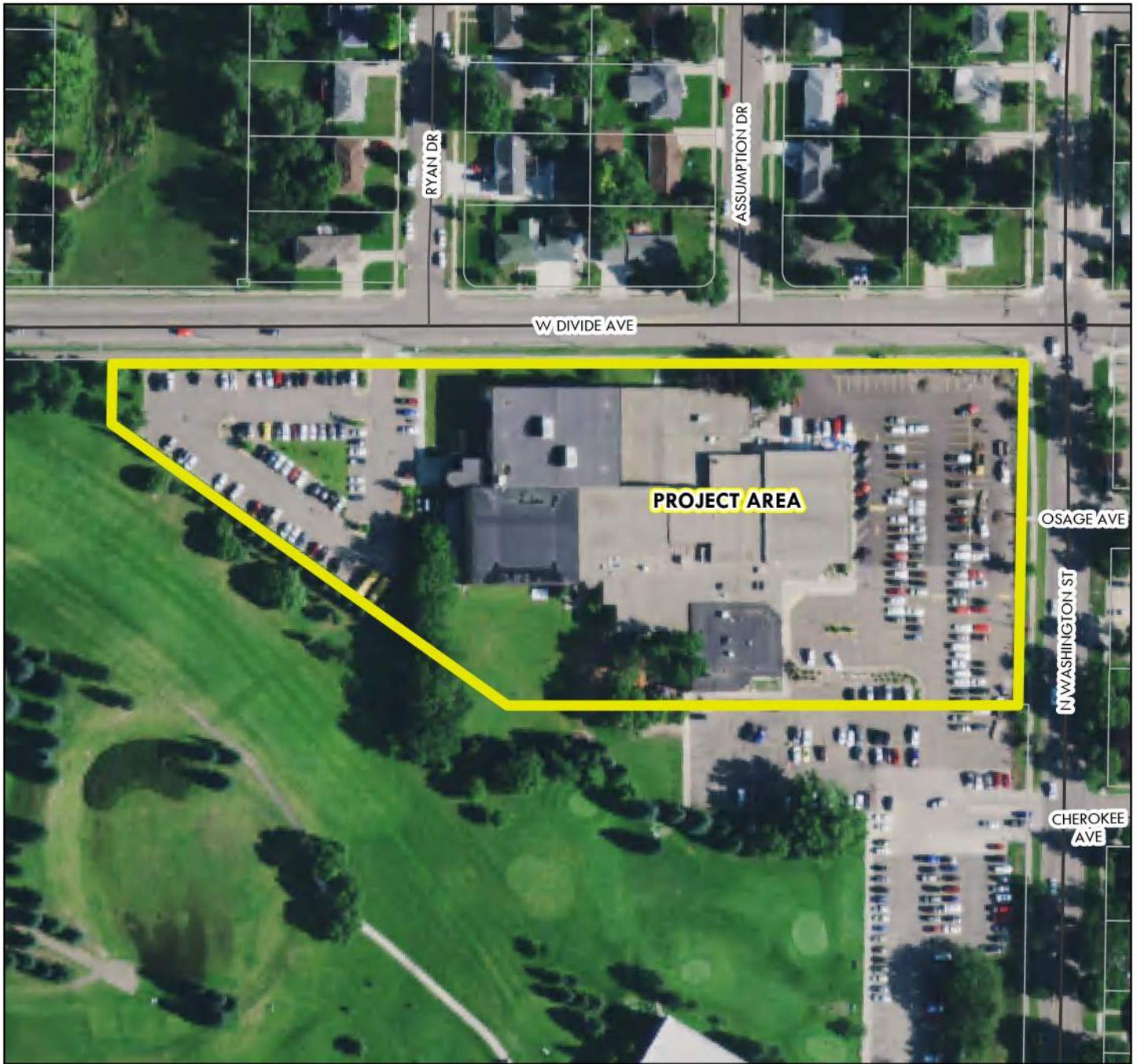
- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
 Community Development Department
 Planning Division
 July 27, 2020 (HLB)

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

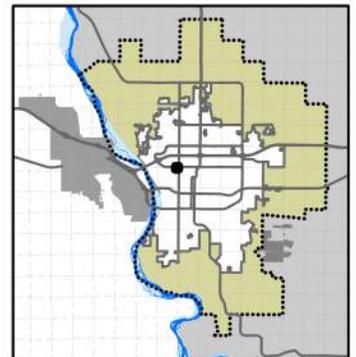


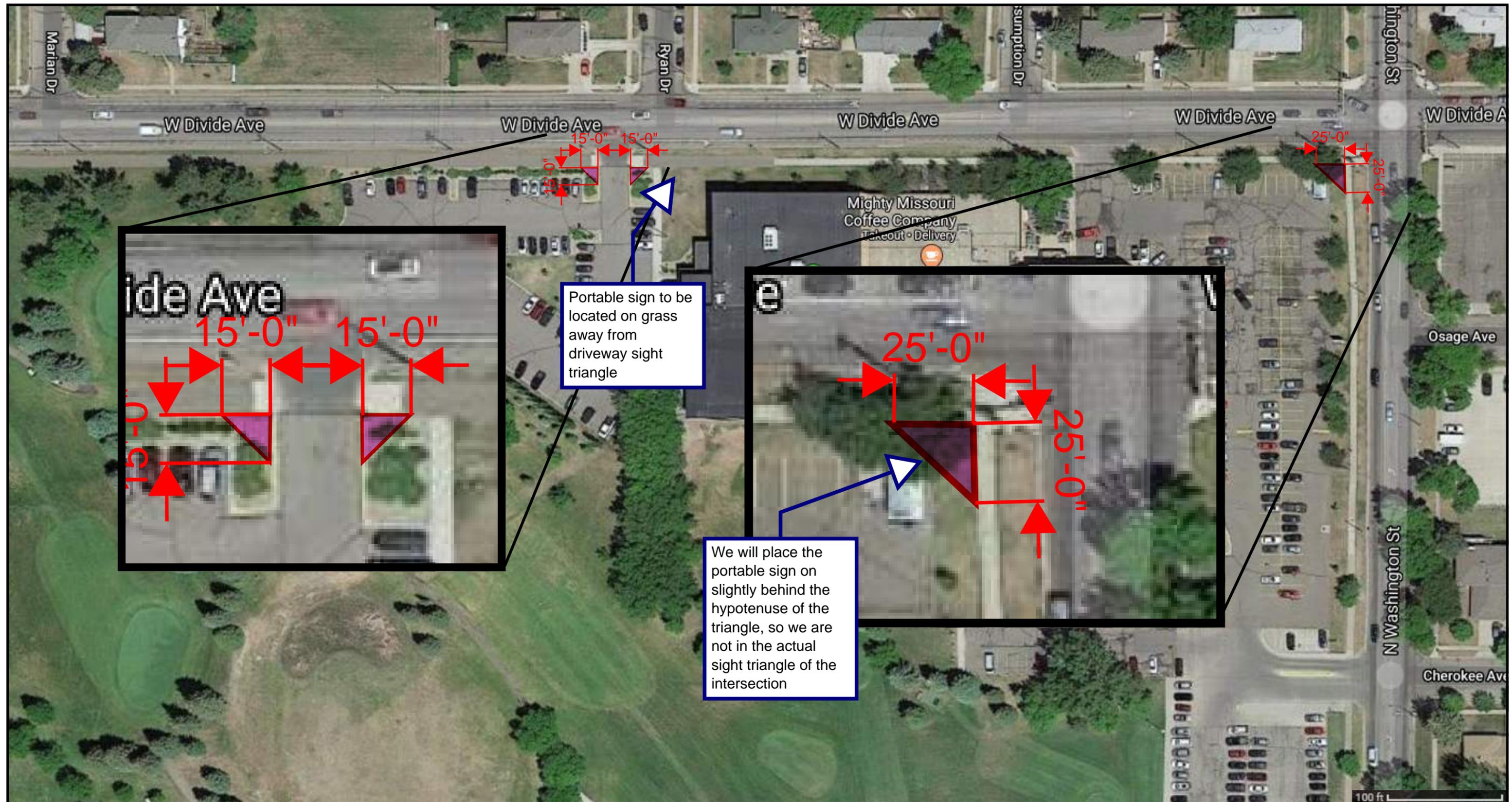
 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
August 17, 2020

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.





Portable sign to be located on grass away from driveway sight triangle

We will place the portable sign on slightly behind the hypotenuse of the triangle, so we are not in the actual sight triangle of the intersection

MISSOURI VALLEY YMCA INC.

LOT FRONT FEET: 341.65'
 LOT REAR FEET: 545.24'
 LOT DEPTH: 710'

ZONED 'P'

Image of Proposed Sign with Dimensions



**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 22, 2020**

The Bismarck Planning & Zoning Commission met on July 22, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Brian Eiseman, Paul Levchak, Kevin Martin, Gabe Schell, John Van Dyke, Trent Wangen and Mike Schwartz.

Commissioners Brian Bitner, Vernon Laning and Wendy Van Duyne were absent.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Will Hutchings – Planner, Daniel Nairn – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Administrative Assistant and Janelle Combs – City Attorney.

MINUTES

Chair Schwartz called for consideration of the minutes of the June 24, 2020 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the June 24, 2020 meeting.

Commissioner Levchak stated there was an error in the consent agenda vote as it says the vote was unanimous for approval and it in fact was not as both Commissioner Levchak and Van Dyke voted in opposition. Staff indicated the correction would be made prior to publication of the minutes.

MOTION: Commissioner Bakken withdrew his original motion and made a motion to approve the minutes of the June 24, 2020 meeting, with the indicated correction. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Wangen and Schwartz voting in favor of the motion.

CONSIDERATION

- A. LOTS 1-16, BLOCK 1, STONERIDGE ADDITION FIRST REPLAT – ZONING CHANGE**
- B. LOT 1, BLOCK 1, PAT’S ACRES AND AUDITOR’S LOTS A, B AND C OF THE NE1/4 OF THE NE1/4 OF SECTION 14, T139N-R80W/HAY CREEK TOWNSHIP – ZONING CHANGE**

Chair Schwartz called for consideration of the following consent agenda items:

- A. Lots 1-16, Block 1, Stoneridge Addition First Replat – Zoning Change
- B. Lot 1, Block 1, Pat’s Acres and Auditor’s Lots A, B and C of the NE1/4 of the NE1/4 of Section 14, T139N-R80W/Hay Creek Township – Zoning Change

No items were pulled from the consent agenda for discussion.

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items A and B, calling for a public hearing on the items as recommended by staff. Commissioner Wangen seconded the motion and it was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Wangen and Schwartz voting in favor of the motion.

**CONTINUED PUBLIC HEARING – ZONING CHANGE
PARTS OF S½ OF SECTION 19 & THE N½ OF SECTION 30, T139N-R80W/HAY
CREEK TOWNSHIP & CITY LANDS**

Chairman Schwartz called for the continued public hearing on a zoning change from the A – Agricultural, R5 – Residential, R10 – Residential, RM30 – Residential and RT - Residential zoning districts to the P – Public zoning district for parts of the S½ of Section 19 and the N½ of Section 30, T139N-R80W/Hay Creek Township and City Lands. The property is located in northwest Bismarck, north of Burnt Boat Drive and between Clairmont Road and Tyler Parkway.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

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/or 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 said based on these findings, staff recommends approval of the zoning change from the A – Agricultural, R5 – Residential, R10 – Residential, RM30 – Residential and RT – Residential zoning districts to the P – Public zoning district for parts of the S½ of Section 19 and the S½ of Section 30, T139N-R80W/Hay Creek Township and City Lands.

Commissioner Levchak said there was a comment submitted regarding the back yards adjacent to this property and how it abuts private property. He then asked how the property would be accessed.

Mr. Nairn said the property would need to be subdivided prior to development, as well as annexed, and the access points would be shown at that phase of the approval process.

Dr. Leroy Brend, 2515 Domino Drive, said this would create access to public recreational land adjacent to his private property. He said he owns a home in Spearfish, SD and has had issues there with the public hiking on trails and people abusing private property. He said he is concerned about how people will be kept off of private property and he recently saw plans for a junior golf course in this location. He added that he does not want the added noise, and that there needs to be safeguards in place for the adjacent owners. He then asked if there has been an environmental study conducted as he assumes this area is classified as a wetland and there are stringent qualifications to changing that kind of property. Dr. Brend then said if it is to be a park then there needs to be a way to keep people away from private property and he has gone so far as to seek legal action for his similar situation on his Spearfish property.

Commissioner Schell said there has been a preliminary study conducted for cultural resources and wetlands and further studies would be required with the subdivision process in the future. He added that those studies are required when any disturbance like this takes place.

Dr. Brend said he did see a surveyor on the property from Ducks Unlimited, but he is not sure anything else has been done or who determines what exactly would be permitted.

Additional written comments in opposition and support of this request are attached as Exhibits A-E.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Bakken made a motion to approve the request for a zoning change from the A – Agricultural, R5 – Residential, R10 Residential, RT – Residential and RM30 – Residential zoning districts to the P – Public zoning

district on parts of Sections 19 & 30, T139N-R80W/Hay Creek Township & City Lands. Commissioner Eiseman seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Martin, Levchak, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

**FINAL CONSIDERATION – PARTIAL ANNEXATION
PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
NORTHERN SKY SECOND ADDITION**

Chair Schwartz called for the public hearing on the final plat; the zoning change from the RT – Residential and CA – Commercial zoning districts to the RT – Residential and CA – Commercial zoning districts; and final consideration of the annexation of Northern Sky Drive and the north half of Ash Coulee Drive adjacent to Northern Sky Second Addition. The proposed plat is three lots in three blocks on 23.4 acres and is located in northwest Bismarck, along the west side of North Washington Street and the north side of Ash Coulee Drive (a replat of Lot 2, Block 2, Northern Sky Addition and part of Lot 3, Block 1, Replat of Millennium Addition and part of Lot C-3 of the SE¼ of Section 17, T139N-R80W/Hay Creek Township).

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or 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. Hutchings then gave the findings related to land use for the zoning change:

1. The proposed zoning change is in a developed area of the community and is outside of 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/or other agencies may 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 proposed 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. Hutchings then gave the findings related to land use 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 City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said based on the above findings, staff recommends approval of the zoning change from the RT – Residential and CA – Commercial zoning districts to the RT – Residential and CA – Commercial zoning districts, the final plat of Northern Sky Second Addition and the annexation of Northern Sky Drive and the north half of Ash Coulee Drive adjacent to Northern Sky Second Addition.

Chair Schwartz opened the public hearing.

Lon Romsaas, Swenson, Hagen & Co., said the motivation for this development is that the school district needs better access to Horizon Middle School, which also makes a convenient access from Durango Drive to Ash Coulee Drive, and they are hoping for a right-of-way dedication to help eliminate traffic on school property. He said it might also generate some purchase interest in the property. He added that the main purpose is to move traffic away from the school and North Washington Street.

Commissioner Levchak asked if the owner is committed to the construction of the road.

Mr. Romsaas said the owner would have a certain number of years to conduct that construction and said the pandemic has somewhat affected their plans. He said they do the plat first, which would dedicate Northern Sky Road and Wilkinson Way, but the owner only intends to improve Northern Sky Road first.

Commissioner Levchak asked if the City Engineer has weighed in on these improvements.

Commissioner Bakken said old habits die hard and asked if the thought process is to dedicate the school road to a private drive in order to help reshape the traffic pattern.

Mr. Romsaas said the intent is to divert traffic away from the area and it could maybe be signed as a private drive, but that has not been a very effective practice in the past.

Commissioner Bakken asked if it would change to a private drive to change the traffic pattern.

Commissioner Schell said it can be signed, but it cannot be controlled. He said the hope is that people would use a new route.

Commissioner Bakken asked if it would then be a public right-of-way. Mr. Romsaas said it is private because it is on school property, but it is not currently signed that way.

Commissioner Bakken said the problem could possibly be remedied if it was signed.

Chair Schwartz closed the public hearing.

Commissioner Schell said the roadway was started with the understanding that a future plat would come eventually, so there are stub outs in place there already.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval the zoning change from the RT – Residential and CA – Commercial zoning districts zoning district to the RT – Residential and CA – Commercial zoning districts, final plat of Northern Sky Second Addition and the annexation of Northern Sky Drive and the north half of Ash Coulee Drive adjacent to Northern Sky Second Addition. Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Schwartz, Van Dyke and Wangen voting in favor of the motion.

(Secretary's Note: After the Planning and Zoning Commission meeting, the applicant's request for the partial annexation was withdrawn prior to the requests being forwarded to the City Commission for final action).

**PUBLIC HEARING – ZONING CHANGE
PARTS OF S½ OF SECTION 19 & THE N½ OF SECTION 30, T139N-R80W/HAY
CREEK TOWNSHIP & CITY LANDS**

Chairman Schwartz called for the public hearing on a zoning change from the HM – Medical Facility and RM30 – Residential zoning districts to the HM – Medical Facility zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition. The property is located in central Bismarck, between East Rosser Avenue and East Avenue B, along the west side of North 8th Street.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of 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/or 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 said, based on the above findings, staff recommends approval of the zoning change from the HM – Medical Facility and RM30 – Residential zoning districts to the HM – Medical Facility zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition.

Chair Schwartz opened the public hearing.

Mr. Romsaas said he is available for questions on this request if need be.

Additional written comments in support of the request are attached as Exhibit F.

MOTION: Commissioner Bakken made a motion to recommend approval of the request for a zoning change from the HM – Medical Facility and RM30 – Residential zoning districts to the HM – Medical Facility zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT
LOT 4, BLOCK 2, PRAIRIE PINES FIRST SUBDIVISION (4019 CEDAR LANE)**

Chair Schwartz called for the public hearing on a special use permit to increase the total area of accessory buildings to 2,844 square feet by constructing a 2,400 square foot accessory building and a 96 square foot accessory building on Lot 4, Block 2, Prairie Pines First Subdivision. The property is located north of Bismarck, south of 97th Avenue NE and west of 41st Street NE, within the Cedar Place cul-de-sac (4019 Cedar Lane).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 2,844 square feet by constructing a 2,400 square foot accessory building and a 96 square foot accessory building on Lot 4, Block 2, Prairie Pines First Subdivision.

Commissioner Levchak said the drawing shows a building and an existing shed and asked where the new building would be located.

Chair Schwartz opened the public hearing.

Kenneth Fricke, the applicant, said it would be off to the left side of the property where there is a small greenhouse next to a propane tank. He said there is also a roof over their hot tub which all counts toward the total square feet of accessory buildings.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit to increase the total area of accessory buildings to 2,844 square feet by constructing a 2,400 square foot

accessory building and a 96 square foot accessory building on Lot 4, Block 2, Prairie Pines First Subdivision (4019 Cedar Lane). Commissioner Bakken seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT
LOT 1, BLOCK 1, EUGENES FIRST ADDITION FIRST REPLAT**

Chair Schwartz called for the public hearing on a special use permit for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Eugenes First Addition First Replat. The property is located in north-central Bismarck, north of East Divide Avenue and west of State Street, between North 11th and North 12th Street.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Eugenes First Addition First Replat.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the special use permit for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Eugene's First Addition First Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT
LOTS 1 AND 2, BLOCK 5, NORTH STAR COMMERCIAL PARK THIRD
SUBDIVISION**

Chair Schwartz called for the public hearing on a special use permit for a retail liquor sales facility for Lots 1 & 2, Block 5, Northstar Commercial Park Third Subdivision. The property is located north of Bismarck, east of US Highway 83 along the south side of Northstar Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

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 Hay Creek Township Board of Supervisors has recommended approval of the proposed special use.
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
5. Adequate public facilities and services are in place or would be provided at the time of development.
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit for a retail liquor sales facility for Lots 1 & 2, Block 5, Northstar Commercial Park Third Subdivision, with the following condition:

1. The retail liquor sales facility must meet all applicable building, health and sanitation and fire codes prior to occupancy.

Commissioner Bakken said, given the previous traffic patterns, does this line up with traffic off the US Highway 83 corridor or will another access point be needed.

Commissioner Schell said, knowing the proposed use is similar to the previous use, he felt comfortable with the existing Northstar Drive access point, without any additional changes.

Commissioner Bakken asked if the applicant is aware of that.

Mr. Hutchings said all of the staff comments have been shared with the applicant.

Commissioner Levchak said since this location would be policed by the Burleigh County Sheriff's Department, has the request been shared with them.

Mr. Hutchings said Burleigh County and Rural Fire did provide comments and a liquor license for this business was also evaluated by the Burleigh County Commission at their June meeting, at which time the Burleigh County Sheriff would have provided comments.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the special use permit for a retail liquor sales facility for Lots 1 & 2, Block 5, Northstar Commercial Park Third Subdivision with the following condition: 1. The retail liquor sales facility must meet all applicable building, health and sanitation and fire codes prior to occupancy. Commissioner Wangen seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT LOT 4, BLOCK 6, PARK HILLS 1ST ADDITION

Chair Schwartz called for the public hearing on a special use permit to construct an accessory dwelling unit in the rear of Lot 4, Block 6, Park Hills First Addition (945 Lake Avenue). The

property is located in west-central Bismarck, between Memorial Highway and West Main Avenue on the south side of Lake Avenue.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

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 Hay Creek Township Board of Supervisors has recommended approval of the proposed special use.
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
5. Adequate public facilities and services are in place or would be provided at the time of development.
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to construct an accessory dwelling unit in the rear of Lot 4, Block 6, Park Hills First Addition, with the following conditions:

1. All residential building code requirements are met for construction of the dwelling.
2. Municipal water and sewer services are provided with a connection to the primary residence on the lot.

Chair Schwartz opened the public hearing.

Commissioner Bakken asked if this would be an addition to the primary residence.

Mr. Nairn said it would be a separate building.

Jeffrey Lund, the applicant, added it is actually intended to be used as a training area to train for the Olympics, but would also include a residential use.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the special use permit to construct an accessory dwelling unit in the rear of Lot 4, Block 6, Park Hills First Addition, with the following conditions: 1. All residential building code requirements are met for construction of the dwelling; and 2. Municipal water and sewer services are provided with a connection to the primary residence on the lot. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Levchak, Martin, Schell, Van Dyke, Wangen and Schwartz voting in favor of the motion.

OTHER BUSINESS AICP CODE OF ETHICS

Ms. Lee provided an overview of the AICP Code of Ethics, explaining that the American Institute of Certified Planners (AICP) is the professional certification for Planners which requires certain education and experience to sit for the exam, passing the exam to become certified, and continuing education to maintain the certification. She said there are four sections of the Code of Ethics including principles, rules of conduct, advisory opinions and adjudications. She said violations of the rules of conduct can result in loss of certification and that the principles are aspirational and include an obligation to the public interest as well as responsibility to other professionals and colleagues. She said all of the planners in our office are all subject to the rules of conduct, such as providing accurate information and not being allowed to accept certain assignments. Ms. Lee said they cannot misrepresent their qualifications or use their position for an advantage. She said Ms. Wollmuth, Mr. Ehreth, Mr. Nairn and herself, as well as Commissioner Van Dyke, hold AICP certification, and hopefully Mr. Hutchings will soon. She said she will share copies of the document from her presentation after the meeting.

Chair Schwartz said the AICP is a high standard to be held and a rigorous process to go through. He thanked Ms. Lee for presenting.

Mr. Ehreth added that there is a high concentration of professionalism with the City Planning staff and that is a testament to the skill sets of the department.

NORTH DAKOTA PLANNING ASSOCIATION MEMBERSHIP

Mr. Ehreth said membership dues for NDPA offer a group membership for up to 10 members to include a significant discount and the Planning Division does budget for things like this. He said if there is interest amongst the Commissioners in becoming a member to please

contact him and either individual or group memberships will be coordinated depending on the responses. He said the membership includes a NDPA newsletter, the Western Planner newsletter and also discounts on conference registrations.

Chair Schwartz asked if staff belongs to the NDPA. Mr. Ehreth said they do and that this membership would be specific to the Planning and Zoning Commissioners.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:10 p.m. to meet again on August 26, 2020.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

From: [Andrew Swenson](#)
To: [Planning - General Mailbox](#)
Subject: Zoning change to by Burnt Boat Drive between Clairmont and Tyler Parkway
Date: Friday, June 26, 2020 12:41:36 PM

Hello,

My name is Andrew Swenson. I live at 1919 Santa Gertrudis Dr, Bismarck and received a letter about a zoning change to the area mentioned above. Sorry we could not attend the meeting on Wednesday. My family is in favor of changing the zoning to allow for a park. It sounds like Ducks Unlimited is in the process of purchasing the land from the Clairmont Family Trust and we have donated to them to help them with this purchase. We would like the land to remain unchanged as much as possible and feel a park would be a great use of this land. Thank you.

Andrew Swenson



From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Rezoning/Clairmont Family Trust
Date: Thursday, July 16, 2020 9:49:05 AM

-----Original Message-----

From: Weezeklw [<mailto:>]]
Sent: Wednesday, July 15, 2020 9:13 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning/Clairmont Family Trust

Planning and Zoning Commission,

We received the notification about the proposed zoning change in the Clairmont Family Trust.

I am not in agreement that the current zoning for this property be changed to Public uses. In your notification it is not stipulated as to what specifically is proposed. Is it a general playground area? amphitheater? Walking trail? Bike trails?

My concern is that the noise would travel up an out of the valley and be carried and amplified into our neighborhood thereby changing our quiet neighborhood. Additionally, the proposed public area would drive off the wildlife/deer that make frequent visits to our neighborhood.

Again, I am not in agreement to the proposed changed.

Thank you.
Kim Wonnemberg
2719 Domino Drive

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Clairmont Family Trust zoning change
Date: Friday, July 17, 2020 8:49:11 AM

-----Original Message-----

From: Albert Frank [<mailto:>]]
Sent: Thursday, July 16, 2020 9:24 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Frank Al < >
Subject: Clairmont Family Trust zoning change

I hope the committee approved the zoning change request. A very appropriate and beneficial use of that land-a benefit to all of Bismarck. We are adjacent property owners.

Al Frank
1801 Santa Gertrudis Dr

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Clairmont Family Trust zoning change request
Date: Tuesday, July 21, 2020 8:47:39 AM

From: Fiona Gunderson [mailto:]
Sent: Monday, July 20, 2020 10:11 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Clairmont Family Trust zoning change request

I would like to comment on this request being considered by the Bismarck Planning and Zoning Committee. I am a resident of Chisholm Trail and am very interested in keeping this piece of property as untouched as possible. If the re-zoning of it to P-Public would achieve this, then I am in favor of it. I would prefer to see it left as the beautiful, natural grassland it is. Many people currently use it for walking, biking, and enjoying the wildlife and vegetation it holds. My seven-year-old grandson is absolutely enchanted and delighted by it. To build on it or to add playgrounds or parking lots would be such a shame.

I hope the Commission will agree to change the zoning to P-Public, but also leave this beautiful piece of land untouched for the people of the Bismarck-Mandan community to enjoy.

Sincerely,
Fiona Gunderson

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Staff Report on Park Area
Date: Wednesday, July 22, 2020 10:37:54 AM

Daniel Nairn
701-355-1854

From: Terri Wilder [mailto:]
Sent: Tuesday, July 21, 2020 3:40 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Re: Staff Report on Park Area

Dear Daniel,

Thank you for the information you provided in our recent phone conversation. As I stated, our home residence will be adjacent to the area being donated and rezoned from the Clairmont Family trust. I have some concerns I would like to have on record for whoever acquires and develops this land. (The City of Bismarck, Ducks Unlimited, City Park District)

Our residence has been landscaped and designed to access the bottom portion of our yard (in the coulee). This staircase now, unfortunately, will provide access UP TO our yard, as it sits directly next to the land being donated. This provides a security and privacy issue for our family that we had not previously considered. It is our wish that a portion of the "project area" be removed from our segment of the donated land.

We purchased this specific property with our portion of the coulee in mind for a personal dog training area, as well as family area. As time goes on, and the park brings people in, we will be concerned with other pets creating issues, possible noise issues, garbage issues, and again the aspect of security. If we had been aware that this area would someday be public access, we would have most likely reconsidered the purchase. We had approached the owner several times over the years to inquire about purchasing adjacent lots, but our inquiries went unanswered by the property owner.

We appreciate you presenting this letter on our behalf, Daniel. Please feel free to contact us with any questions or if further explanation is needed.

Thank you- Terri Wilder

On Tue, Jul 21, 2020 at 12:03 PM Daniel Nairn <dnairn@bismarcknd.gov> wrote:

Terri,

Here is a link to the staff report on the park we discussed.

https://www.bismarcknd.gov/AgendaCenter/ViewFile/Agenda/_07222020-713#page=19

Feel free to send any comments to me and I will relay to the Planning and Zoning

Commission if I receive before the meeting tomorrow.

Best,

Daniel Nairn, AICP
Planner
City of Bismarck
Community Development
221 N. 5th Street
Bismarck, ND 58506
701-355-1854

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: 7/22 P+Z Commission Meeting - Indication of Support
Date: Tuesday, July 21, 2020 8:48:26 AM

From: Johnson,Cole [mailto:]
Sent: Monday, July 20, 2020 10:10 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: 7/22 P+Z Commission Meeting - Indication of Support

In regards to agenda item #6 (Bismarck Cancer Center Rezoning) on the 7/22 agenda, Sanford Health Bismarck is in support of this change.

Sanford received the letter dated 7/10/20 informing us of the proposed change and has no concerns.

Please let me know if you have any further questions.

Cole Johnson

Senior Director, Planning and Construction

Sanford Health Bismarck

Office (701) 323-5780

Mobile

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**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2020**

*****City*****

*****ETA*****

Permit Type	7/2020		7/2019		7/2020		7/2019	
	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
SINGLE FAMILY DETACHED	16	\$3,931,123.22	5	\$1,160,643.63	5	\$1,785,647.04	2	\$738,155.38
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	\$1,673,320.10	12	\$1,915,571.16	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	1	\$285,873.04	0	\$0.00	0	\$0.00	0	\$0.00
THREE OR FOUR UNIT	1	\$201,872.70	0	\$0.00	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	13	\$1,500,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	6	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$50,000.00	2	\$28,060.00	5	\$265,475.34	0	\$0.00
DETACHED GARAGE	6	\$212,586.00	2	\$27,470.00	11	\$400,463.50	6	\$151,536.00
DECKS\PORCHES & COVERED PORCHES	25	\$96,825.81	29	\$101,194.50	3	\$14,175.00	3	\$13,965.00
SWIMMING POOLS	2	\$127,387.00	2	\$150,000.00	1	\$76,000.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	4	\$70,807.00	5	\$178,451.00	1	\$500.00	3	\$348,000.00
HOME OCCUPATION	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	2	\$6,678.00	2	\$4,500.00	1	\$2,160.00	1	\$2,880.00
BASEMENT FINISH	7	\$404,494.89	6	\$67,769.00	0	\$0.00	2	\$27,800.00
RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	12	\$226,285.00	20	\$182,345.00	0	\$0.00	1	\$2,781.00
SIGN ALTERATION	1	\$14,000.00	1	\$24,000.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	5	\$3,204,750.00	1	\$300,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	0	\$0.00	3	\$7,693,955.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	7	\$732,400.00	9	\$3,231,166.00	0	\$0.00	1	\$58,135.00
Total	119	\$12,738,402.76	107	\$15,065,125.29	28	\$2,544,420.88	19	\$1,343,252.38

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

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Trade Permit Type	7/2020		7/2019		7/2020		7/2019	
	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
BUILDING ELECTRIC	96	\$60,000.00	78	\$18,511.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	179	\$1,576,642.34	138	\$3,788,846.00	20	\$198,256.00	13	\$122,602.00
BUILDING PLUMBING	43	\$702,856.95	39	\$2,259,097.00	7	\$69,240.00	8	\$176,684.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	6	\$0.00	3	\$0.00
Total	318	\$2,339,499.29	255	\$6,066,454.00	33	\$267,496.00	24	\$299,286.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2020

	*****City*****		*****ETA*****	
	7/2020	7/2019	7/2020	7/2019
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	3	4	0	0
Total	3	4	0	0

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2020**

*****City*****

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Permit Type	7/2020		7/2019		7/2020		7/2019	
	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
SINGLE FAMILY DETACHED	107	\$27,221,487.12	76	\$18,480,710.78	31	\$9,774,255.63	15	\$5,539,182.98
ROWHOUSE (2) 1-HR FIRE SEPARATION	22	\$4,473,668.89	32	\$5,624,617.64	2	\$429,629.68	0	\$0.00
2-UNIT DUPLEX OR CONDO	1	\$285,873.04	0	\$0.00	0	\$0.00	0	\$0.00
THREE OR FOUR UNIT	4	\$1,005,872.70	0	\$0.00	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	13	\$1,500,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	12	\$0.00	10	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	8	\$548,947.02	15	\$1,231,282.66	11	\$628,656.86	5	\$291,084.19
DETACHED GARAGE	26	\$576,497.25	14	\$177,886.00	45	\$1,664,810.50	33	\$851,521.00
DECKS\PORCHES & COVERED PORCHES	109	\$479,636.05	96	\$382,239.50	13	\$66,461.00	19	\$90,924.00
SWIMMING POOLS	9	\$515,497.00	4	\$257,699.00	2	\$138,500.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	25	\$1,153,822.12	25	\$936,492.00	7	\$184,575.00	6	\$504,750.00
HOME OCCUPATION	3	\$0.00	6	\$0.00	2	\$0.00	0	\$0.00
STORAGE SHED	9	\$57,260.00	14	\$41,464.00	4	\$10,800.00	1	\$2,880.00
BASEMENT FINISH	55	\$1,119,107.14	71	\$952,750.90	10	\$146,409.50	11	\$179,852.00
RESIDENTIAL	6	\$0.00	3	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	12	\$0.00	11	\$0.00
NURSERY STOCK SALES	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	5	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
MOVE WITHIN	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	65	\$941,014.00	84	\$947,600.00	2	\$1,175.00	2	\$5,281.00
SIGN ALTERATION	14	\$177,105.00	19	\$244,008.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	1	\$36,000.00	1	\$23,090.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	16	\$69,123,856.00	14	\$18,600,101.00	5	\$0.00	1	\$54,134.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2020

*****City*****

*****ETA*****

Permit Type	7/2020		7/2019		7/2020		7/2019	
	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
COMMERCIAL ADDITION	4	\$1,582,716.00	9	\$29,638,703.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	80	\$28,580,946.07	78	\$27,325,598.96	1	\$37,811.28	5	\$7,263,004.00
Total	594	\$139,379,305.40	580	\$104,864,243.44	147	\$13,083,084.45	111	\$14,782,613.17

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2020

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Permit Type	7/2020		7/2019		7/2020		7/2019	
	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
BUILDING ELECTRIC	563	\$223,498.00	463	\$355,445.96	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	782	\$13,752,247.80	690	\$14,481,450.39	109	\$1,295,296.03	93	\$809,313.27
BUILDING MECHANICAL FIREPLACE	0	\$0.00	0	\$0.00	1	\$3,000.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	1	\$23,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	226	\$10,617,480.31	170	\$4,931,989.00	42	\$1,232,759.18	23	\$409,984.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	18	\$6,850.00	11	\$75.00
Total	1572	\$24,616,226.11	1323	\$19,768,885.35	170	\$2,537,905.21	127	\$1,219,372.27

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2020

*****City*****

*****ETA*****

Living Units	7/2020	7/2019	7/2020	7/2019
	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	17	0	0	0
MANUFACTURED HOMES	9	10	0	0
2-UNIT DUPLEX OR CONDO	2	0	0	0
BASEMENT FINISH	1	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	1	0	2	0
RESIDENTIAL ADDITION	1	0	1	0
RESIDENTIAL ALTERATION/OTHER	2	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	21	32	2	0
SINGLE FAMILY DETACHED	102	75	28	15
SWIMMING POOLS	1	0	0	0
THREE OR FOUR UNIT	8	0	0	0
Total	165	121	33	15