



Community Development Department

**BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
September 23, 2020**

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

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 in person, 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.

MINUTES

1. Consider approval of the minutes of the August 26, 2020 meeting of the Bismarck Planning & Zoning Commission.



CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

- 2. Lot 1, Block 1, Dauenhauer Addition (DN)**
Zoning Change (RR to PUD) | ZC2020-010 1
Gibbs Township
Staff recommendation: schedule a hearing *schedule a hearing* *continue* *table* *deny*
- 3. Misty Waters | Misty Waters First Replat (JW)**
PUD Amendment | PUDA2020-001 13
Hay Creek Township
Staff recommendation: schedule a hearing *schedule a hearing* *continue* *table* *deny*
- 4. Lots 2-7, Block 1, Daybreak Medical Addition First Replat (JW)**
PUD Amendment | PUDA2020-002 24
Staff recommendation: schedule a hearing *schedule a hearing* *continue* *table* *deny*

REGULAR AGENDA FINAL CONSIDERATION

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

- 5. Part of Lot 1A, Block 2, Northern Sky Addition (JW)**
Annexation | ANNX2020-008 36
Staff recommendation: approve *approve* *continue* *table* *deny*

FINAL CONSIDERATION and CONTINUED PUBLIC HEARING

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

- 6. Silver Ranch Third Addition (DN) 42**
- **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*

PUBLIC HEARINGS

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

- 7. Burleigh County Housing Addition First Replat (JW)**
Minor Subdivision Fina Plat | MPLT2020-008 62

Staff recommendation: approve approve continue table deny

- 8. Lot 3, Block 3, Brentwood Estates (DN)**
Special Use Permit (Oversized Accessory Building) | SUP2020-015..... 69

Staff recommendation: approve approve continue table deny

- 9. Lot 2 of Lot A of Lot 1, Block 10, Eastdale Addition (WH)**
Special Use Permit (Animal Kennel/Dog Training Facility) | SUP2020-016..... 75

Staff recommendation: approve approve continue table deny

- 10. Lot 8, Block 1, Copper Ridge Subdivision (DN)**
Special Use Permit (Oversized Accessory Building and Accessory Dwelling Unit)
SUP2020-017 82

Apple Creek TownshipL3, B

Staff recommendation: approve approve continue table deny

- 11. Lot 1 less the West 217 feet and less the East 235 feet, Block 1, Airport Expressway 2nd Addition Replat of All of Lots 1 and 2, Block 1 (WH)**
Special Use Permit (Child Care Center) | SUP2020-018..... 91

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

- 12. Request of Amber Boeshans Regarding the Keeping of Chickens..... 97**
- 13. Resolution and Certificate of Appreciation for John Van Dyke**
- 14. Other Business**

ADJOURNMENT

- 15. Adjourn.** The next regular meeting date is scheduled for **October 28, 2020.**

Enclosures: Meeting Minutes of August 26, 2020
 Building Permit Activity Month to Date Report for August 2020
 Building Permit Activity Year to Date Report for August 2020

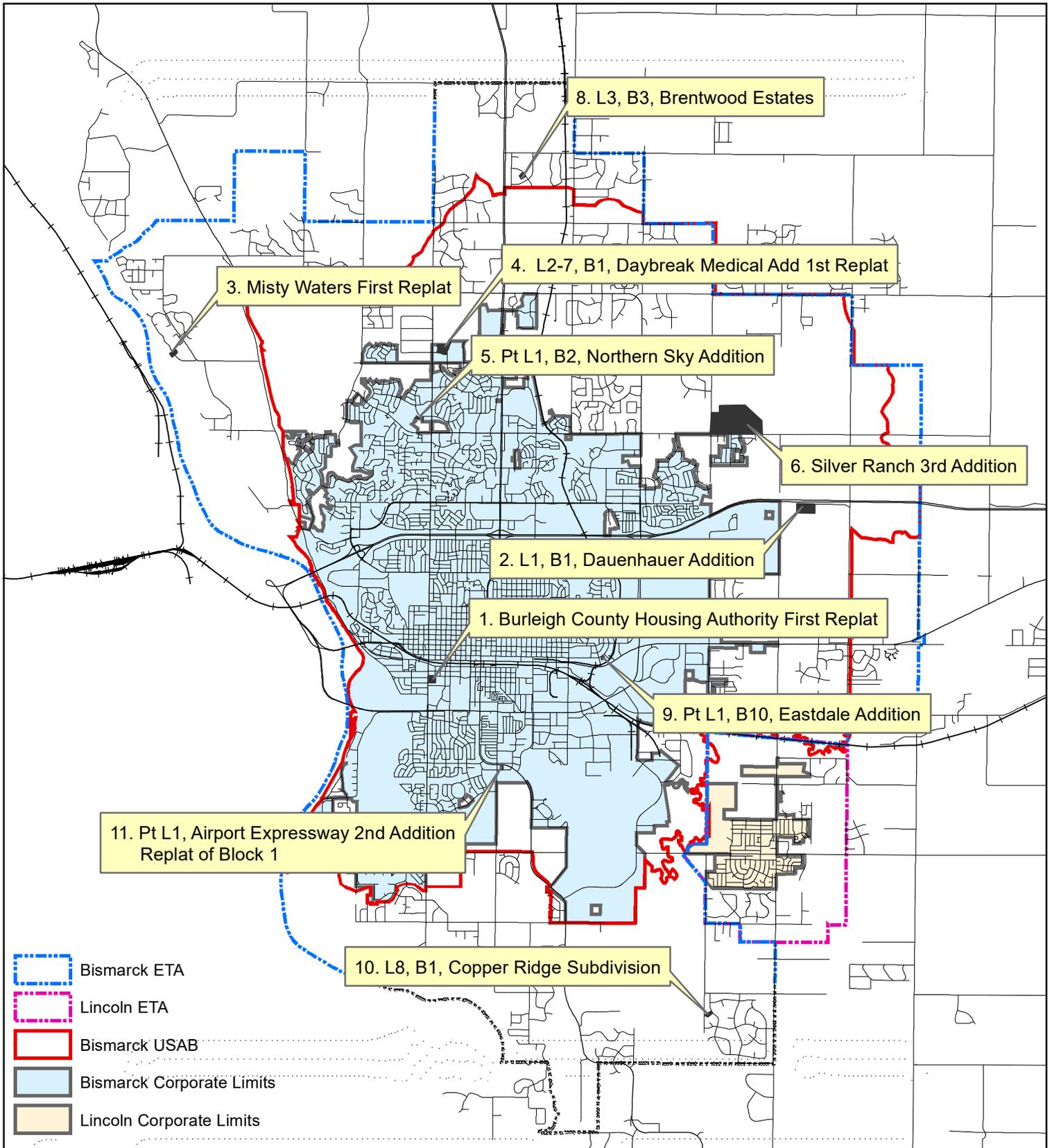
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Planning & Zoning Commission - September 23, 2020



September 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.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

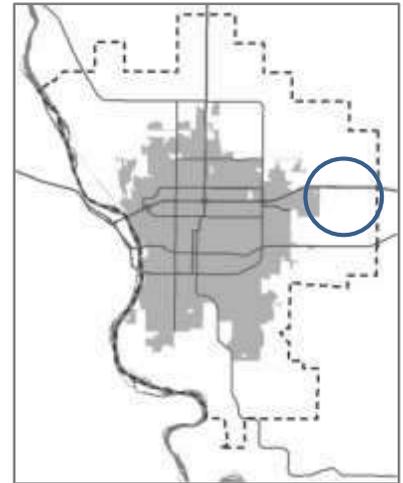
Agenda Item # 2
September 23, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2020-010

Project Summary

<i>Title:</i>	Lot 1, Block 1, Dauenhauer Addition – Planned Unit Development
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Sheldon and Katrina Sivak
<i>Project Contact:</i>	Sheldon Sivak
<i>Location:</i>	East of Bismarck, just south of Interstate 94 between 66 th Street NE and 80 th Street NE
<i>Project Size:</i>	20.11 Acres
<i>Request:</i>	Rezone for use as indoor and outdoor storage, while retaining existing single-family rural residence



Site Information

Existing Conditions

Proposed Conditions

<i>Number of Lots:</i>	2 parcels in 1 block	<i>Number of Lots:</i>	2 parcels in 1 block
<i>Land Use:</i>	Rural residential	<i>Land Use:</i>	Indoor and outdoor storage and rural residential
<i>Designated GMP Future Land Use:</i>	Industrial	<i>Designated GMP Future Land Use:</i>	Industrial
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	PUD – Density specified in PUD

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	06/1978	<i>Annexed:</i>	N/A
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Staff Analysis

Sheldon Sivak is requesting approval of a zoning change from the RR – Rural Residential zoning district to the Planning Unit Development (PUD) zoning district for

Auditor’s Lot A of Lot 1B of Lot 1; and Auditor’s Lot 1A of Lot 1 and Auditor’s Lot B of Lot 1B of Lot 1, Block 1, Dauenhauer Addition.

(continued)

Adjacent uses include agricultural uses to the east, south, and west, and Interstate 94 to the north.

The requested zoning change would allow indoor and outdoor storage areas, an existing single-family rural residential use, as well as associated accessory uses.

An outdoor storage area is currently in operation on this site in violation of the provisions of the RR – Rural Residential zoning district. Approval of this zoning change would remedy existing violations.

Conformance with Comprehensive Plan

The Future Land Use Plan identifies the area proposed for rezoning as Industrial. Adjacent properties south of Interstate 94 are identified as either Industrial or Business Park in the Plan. The proposed PUD includes uses that are permitted within industrial zoning districts, with the exception of the existing single-family rural residence. Therefore, staff confirms that the request generally conforms with the Future Land Use Plan.

Existing rural residential subdivisions are excluded from either the future or priority growth areas of the Growth Phasing Plan.

The 2014 Growth Management Plan includes the following objective:

“Create a positive image along high-volume corridors that serve as gateways into the City”

To further this objective, staff recommends including a landscaping screen between any industrial uses in this district and the Interstate 94. This recommendation is incorporated into the proposed PUD.

Conditions and Restrictions

The area would remain outside of city limits, without connections to municipal water and sewer services. Rural water does not provide sufficient pressure for fire suppression. Secondly, the property would continue in its current rural residential use. Finally, the only access roadway is currently not paved and does not meet current County section line roadway improvement standards. For these reasons, a number of conditions are proposed that would not generally apply to industrial areas.

The draft PUD ordinance is attached to this staff report. The proposed conditions are summarized as follows:

- Both indoor and outdoor storage areas would be limited to rental for personal items, such as recreational vehicles, boats, etc.
- The indoor storage areas may not be climate-controlled (i.e. cold storage).
- The single-family rural residence on the site must be repurposed or removed if no longer occupied.
- Certain restrictions on flammable materials, smoke, and heat would apply.
- All internal access roads must be paved and sufficient to support emergency vehicles.
- Public roads used to access the site may remain in their current condition during initial phases of development, but must be improved after a certain square footage threshold is met.
- A landscaped buffer is required on all sides of the PUD, including the Interstate right-of-way to the north.

The applicant intends to develop the site in phases. The site plan exhibit attached to this staff report identifies the first and second phases of development.

Required Findings of Fact (relating 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. Gibbs Township Board of Supervisors was notified of this zoning change request on August 28, 2020;

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 character and nature of the proposed 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;
8. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
9. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
10. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
11. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR – Rural Residential zoning district to the Planning Unit Development (PUD) zoning district for Auditor’s Lot A of Lot 1B of Lot 1; and Auditor’s Lot 1A of Lot 1 and Auditor’s Lot B of Lot 1B of Lot 1, Block 1, Dauenhauer Addition, as outlined in the draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Conceptual Site Plan Exhibit
6. Draft PUD Narrative by Applicant

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

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 RR – Rural Residential zoning district and included within the PUD – Planned Unit Development zoning district:

Auditor’s Lot A of Lot 1B of Lot 1; and Auditor’s Lot 1A of Lot 1 and Auditor’s Lot B of Lot 1B of Lot 1, Block 1, Dauenhauer Addition

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 PUD shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. Indoor storage without climate control for commercial storage of personal items, such as recreational vehicles, boats, and other items typically associated with non-commercial use.
 - ii. Outdoor storage of personal items, such as recreational vehicles, boats, and other items typically associated with non-commercial use.

- iii. Single-family rural residence. Notwithstanding, if the existing single-family rural residence on the property is unoccupied for a continuous period of two (2) years or more, the structure may not continue as a residential use but must be removed or converted to a use conforming to this zoning ordinance.
 - b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
 - i. Office
 - ii. Accessory residential structures as permitted in the RR – Rural Residential zoning district.
- 3. *Special Uses.* The following uses shall be allowed with a special use permit
 - a. No special uses permitted
- 4. *Use Standards.* The following use standards shall apply to all indoor or outdoor storage uses within this PUD:
 - a. There is no unusual fire, explosion or safety hazard.
 - b. There is no emission of smoke in excess of any density described as No. 1, as measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. 2 on a Ringelmann Chart will be permitted for a period not in excess of four (4) minutes in any thirty (30) minute period.
 - c. There is no emission of dust, dirt, or toxic or offensive odors of gas.
 - d. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.
- 5. *Dimensional Standards.* The following dimensional standards shall apply to all structures within PUD:
 - a. *Setbacks.* A fifteen (15) foot front yard shall be required of any building or outdoor storage area. No side or rear yard is required, except where necessary for landscaping and screening as required herein.
 - b. *Height.* The maximum building height is thirty-five (35) feet.
 - c. *Lot Coverage.* The maximum lot coverage for buildings and required parking is fifty (50) of the total lot area.

- d. *Public Lands.* All outdoor storage, signs, and fencing must be completely contained within the platted lot. No storage, signs, or private fencing are permitted within a public right-of-way. No building permit may be issued within the PUD until compliance with this provision is verified.
6. *Development Standards.* The following development standards shall apply to all development within the PUD.
 - a. *Public Roadway Access.* No improvements to County roadways are required until the total square footage of building area within the PUD exceeds twenty thousand (20,000) square feet. Prior to issuance of a building permit for any structure that shall render the PUD in excess of this limit, at least one roadway providing access to this PUD shall be improved in compliance with requirements of the Burleigh County Highway Department.
 - b. *Internal Access Roads.* All non-residential uses within this PUD shall be provided with private vehicular access roads of at least twenty (20) feet in width, which shall either loop or contain turnarounds sufficient for fire apparatus vehicles. All private access roads shall be surfaced with a dustless all-weather hard surface material. Acceptable surface materials include asphalt, concrete, brick, cement pavers, or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material.
 - c. *Off-street Parking and Loading.* All requirements of Section 14-03-10 (Off-Street Parking and Loading) shall be met.
 - d. *Landscaping and Screening.* A landscaped buffer of at least fifteen (15) feet in width shall be installed or maintained as a screen between any indoor or outdoor storage area and any adjoining non-industrial property or right-of-way, including the 30th Avenue NE/Interstate 94 right-of-way to the north. Said landscaped buffer shall consist of no less than three (3) shade trees, four (4) ornamental trees, two (2) large upright coniferous trees, ten (10) small upright coniferous trees and fourteen (14) shrubs (25% of shrubs must be evergreens) per one hundred (100) linear feet. The length of the buffer shall be sufficient to entirely screen the storage uses, with exceptions allowed for openings no greater than necessary for vehicular access. If an adjoining property is rezoned to an industrial zoning district, any adjacent landscaped buffer may be removed.
 - e. *Subdivision.* No lot within this PUD may be subdivided or split.

7. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for industrial zoning districts. A sign for the principal uses within this PUD shall be considered on-premises, regardless of which lot the sign is installed within. No off-premise signs shall be allowed.
8. *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.

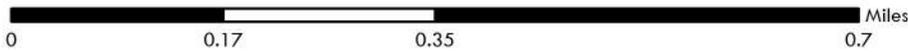
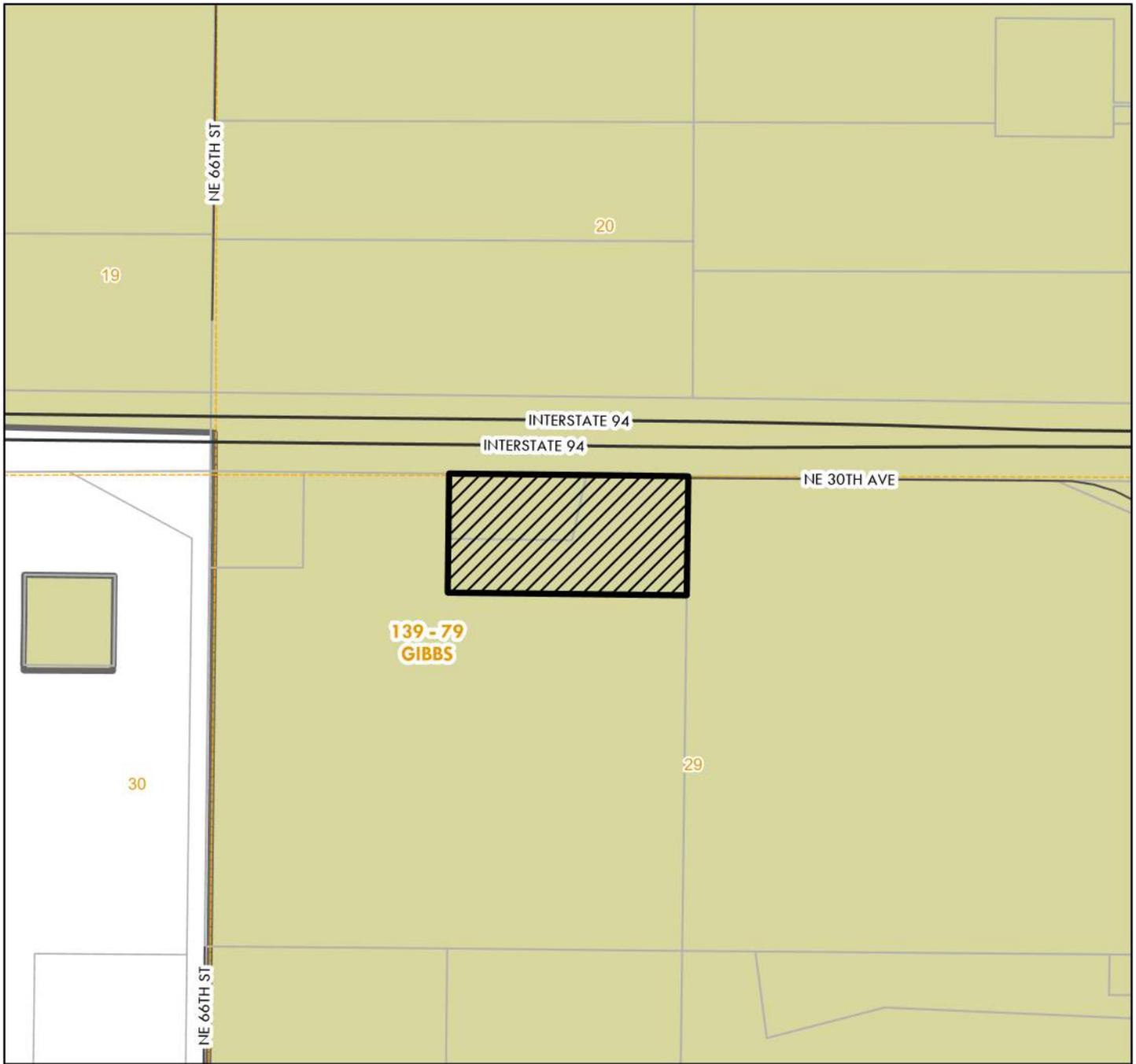
DRAFT



Location Map

ZC2020-010

LOT 1, BLOCK 1, DAUENHAUER ADDITION



City Limits

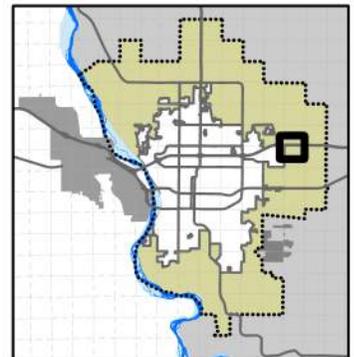
County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

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Aerial Map

LOT 1, BLOCK 1, DAUENHAUER ADDITION

ZC2020-010

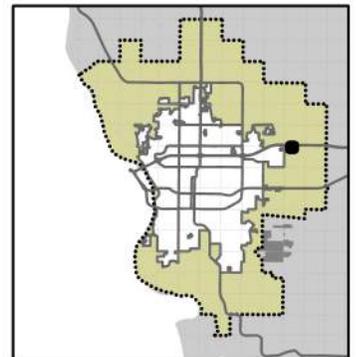


 Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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

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Zoning and Plan Reference Map

ZC2020-010

LOT 1, BLOCK 1, DAUENHAUER ADDITION

Zoning Districts

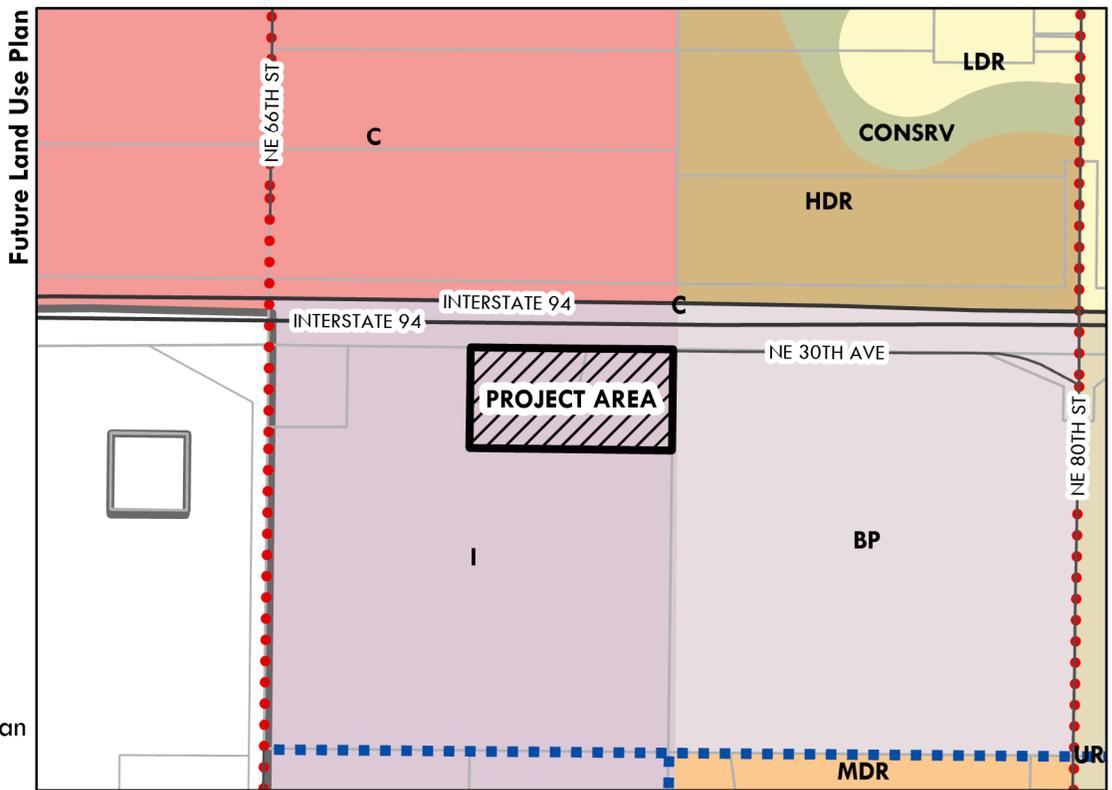
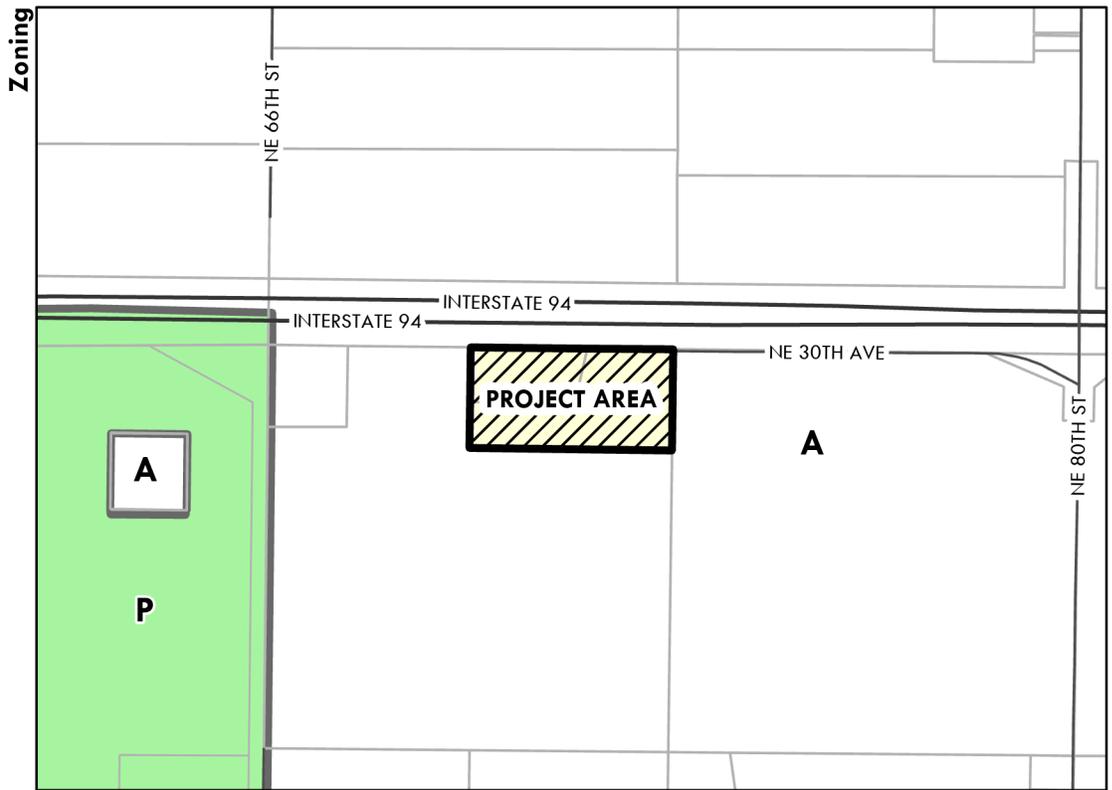
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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

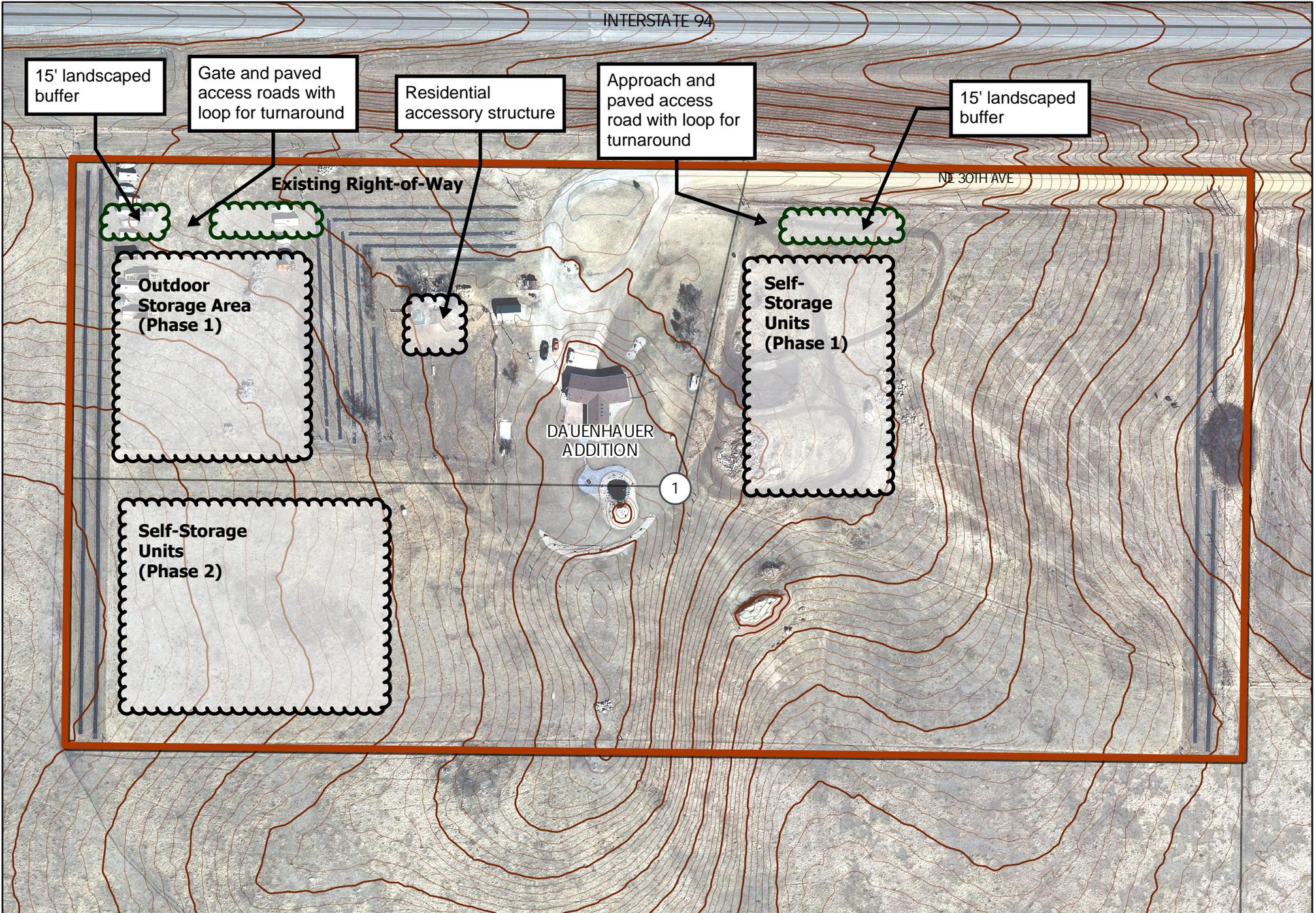
- ● ● Future Arterial Road
- ■ ■ Future Collector Road



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



August 21, 2020

Sheldon Sivak

Rock Hills Storage - P, U, D - Bismarck, ND

7115 30th Ave NE Bismarck, ND

Our Purpose in applying for the Planned Unit Development for Rock Hills Storage is to fully utilize this property's potential. We Plan to achieve the following objectives.

1. we plan to Provide indoor storage for campers, boats, Pontons, Etc. as well as outside storage.
2. we Plan to provide storage units for people to use as well.
3. we want to efficiently use the layout of the land to maximize all the space.
4. we want to fulfill Bismarck's/ Mandan's need for Indoor storage, and outdoor storage.

This property is located 2 miles East of Bismarck ~~at the~~ (south side) of I-94. This property is Planned to be rezoned Industrial in the Future by the city of Bismarck community Development Department and Planning.

Sheldon Sivak





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

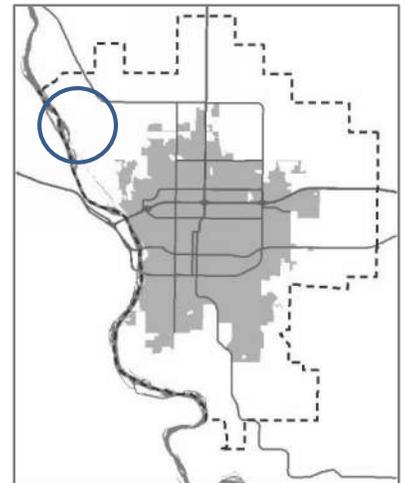
Agenda Item # 3
September 23, 2020

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2020-001

Project Summary

Title:	Misty Waters Misty Waters First Replat – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Misty Waters, LLC Geiger Construction & Development, LLC
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	Northwest of Bismarck, west of River Road along the west side of Burnt Creek Loop
Project Size:	151.14 acres
Request:	Amendment to replace the multi-family residential uses within a portion of the development with single-family uses, reduce the overall number of permitted multi-family dwelling units, and to increase the overall number of permitted single-family dwelling units



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	126 lots in 4 blocks	Number of Lots:	126 lots in 4 blocks
Land Use:	Mixed density residential with limited commercial	Land Use:	Single and two-family residential with limited commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	05/2005	Platted:	05/2005	Annexed:	N/A
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Staff Analysis

Misty Waters, LLC and Geiger Construction & Development, LLC are requesting a major planned unit development amendment to the Misty Waters Planned Unit Development to replace the multi-family residential units on Lot 84, Block 1 and Lot 40, Block 3, Misty Waters with three single-family dwellings each and to increase the overall number of permitted single-family dwelling units and reduce the multi-family dwelling units within the development.

The proposed amendment is in conjunction with a minor subdivision plat titled Misty Waters First Replat which is a replat of Lot 84, Block 1 and Lot 40, Block 3, Misty Waters. The minor subdivision plat will be scheduled for a public hearing at the at the same meeting as the public hearing for the proposed planned unit development amendment.

Background information

The Misty Waters Planned Unit Development was approved by both the City of Bismarck and Burleigh County in May 2005 and the final plat was recorded in September 2005. The plat and planned unit development was approved by both jurisdictions because it was partially located in each jurisdiction in 2005. Both the City and the County PUD ordinances indicate that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning and Zoning Commission.

The PUD was amended in September 2006 to 1) eliminate the building corridor shown on the approved plan and replace it with an elevation to determine the rear yard setback; 2) combine Lots 82-84, Block 1 and Lots 38-40, Block 3 to create condominium associations that would replace the allowed four 4-plexes and four single-family dwellings with 10 two-family dwellings (no net change in density); 3) change the designated land uses on Lot 2, Block 1 to include multi-family residential on the northern portion of the lot (5 two-family dwellings in a condo minimum association); and 4) eliminate the need for compliance with the City’s landscaping and screening requirements.

The PUD was amended in September 2017 to clarify the provisions for multi-family residential standards to allow two-family dwellings within the PUD to be either two-unit rowhouses (twinhomes) or two-unit condominiums).

Required Findings of Fact (relating to land use)

PUD Amendment

1. The proposed amendment generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/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 Hay Creek Township Board of Supervisors has not yet made a recommendation for the proposed amendment;
5. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
6. 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;
7. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;

(continued)

9. 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.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Misty Waters as

outlined in the attached draft PUD Amendment Document.

Attachments

1. Draft PUD Amendment
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. PUD Narrative from applicant

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

**MISTY WATERS PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5435 (Adopted June 14, 2005)
MAJOR PUD AMENDEMNT (Adopted August 23, 2006)
MAJOR PUD AMENDMENT (Adopted September 27, 2017)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5435 was adopted by the Board of City Commissioners on June 14, 2005; and

WHEREAS, Ordinance No. 05-03 was adopted by the Board of County Commissioners on June 6, 2005; and

WHEREAS, Section 1(2) of both ordinances indicates that this PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, the PUD was amended on August 23, 2006 at the request of Misty Waters LLC to modify the location and density of residential uses, the location of commercial uses, and the setback around the bay; and

WHEREAS, the PUD was amended on September 27, 2017 at the request of Misty Waters LLC to clarify provisions for the multi-family residential development standards; and

WHEREAS, the City of Bismarck has initiated this amendment to the Planned Unit Development for Misty Waters to replace the multi-family residential uses within a portion of the development with single-family uses and to increase the overall number of permitted single-family dwelling units.

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

Lots 1- 83, Block 1; Lots 1, Block 2; Lots 1- 39, Block 3; and Lot 1, Block 4; Misty Waters and Lots 1-3, Block 1 and Lots 1-3, Block 2, Misty Waters First Replat

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

1. *Uses Permitted.* Uses permitted include a maximum of 145 129 residential units (121 single-family residential units and up to 30 two-family residential units); water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store with a two-bay boat repair facility, and a restaurant/bar; marina parking facilities; parking facilities for winter storage of marine boats and pontoons; and a public boat ramp with parking

to be deeded to Burleigh County. Any change in the proposed uses within the PUD from that indicated herein will require an amendment to this PUD.

2. *Single-Family Residential Development Standards.* Single family residential development shall be located on Lots 3–81, Block 1 and Lots 2- 37, Block 3 and Lots 1-3, Block 1 and Lots 1-3, Block 2, Misty Waters First Replat (121 lots with one dwelling unit per lot); the building corridor shown on the development plan submitted with the application for a PUD shall be eliminated; the minimum front yard setback shall be 40 feet on Burnt Creek Loop, 35 feet on Misty Waters Drive and 25 feet on the other interior roadways; the minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 30%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Two-family Residential Development Standards.* Two-family residential development shall be located on the northerly 573.16 feet of the easterly 177.91 feet of Lot 2 and all of Lots 82- 83, Block 1, and Lots 38- 39, Block 3 up to fifteen buildings with no more than two units in each building the building corridor shown on the development plan submitted with the application for a PUD shall be eliminated; the minimum front yard setback shall be 35 feet; the minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 40%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

4. *Commercial Development Standards.* Commercial development shall be located on Lot 2 less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1 and shall be limited to water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/ convenience store, a two-bay boat repair facility, and a restaurant/bar. The minimum front yard setback shall be 40 feet; the minimum side yard setback shall be 20 feet; the minimum rear yard setback shall be 30 feet; the maximum building height shall be 35 feet; and the maximum lot coverage shall be 70%. Commercial building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Parking areas for commercial uses shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. Any change to the uses or building setbacks that are inconsistent with these standards will require an amendment to this PUD. Any activities requiring a special use permit, such as gas dispensing/filling station or liquor sales, shall be subject to the requirements of Section 14-03-08 of the City Code of Ordinances (Special Uses). Any liquor sales will also be subject to the standards agreed to by Burleigh County and the developer in conjunction with liquor licensing.

5. *Marina Parking Facilities.* Marina parking facilities, including parking facilities for winter storage of marine boats and pontoons, shall be located on Lot 1, Block 1, in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on a ratio of one parking space per 1.5 boat slips. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. A marina restroom and concession facility may be constructed on Lot 1, and each shall be no larger than 500 square feet in area, no more than one story in height, be architecturally similar to other commercial buildings in the development and be subject to the same development standards as outlined for commercial uses. Any changes to the location of marine parking facilities will require an amendment to this PUD.

6. *Public Boat Ramp.* A public boat ramp and parking facilities shall be located on Lot 1, Block 4. Said boat ramp and parking facilities shall be developed in accordance with the agreement between the Developer and Burleigh County. Upon conveyance of the property to Burleigh County, the County may construct other complementary facilities, such as restrooms, fish cleaning stations, and picnic shelters.

7. *Signage.* Development identification signage may be installed on Lot 1, Block 2, in accordance with the requirements of Section 14-03-05(9) of the City Code of Ordinances (Residential Area Identification Signs). Signage for the commercial uses on Lot 2, Block 1, shall be limited to one pylon sign no more than 35 feet in overall height with a face not exceeding 96 square feet, one

monument sign with a face not exceeding 48 square feet, and up to two wall signs per building (one facing the marina and one facing the entrance to the commercial area) in accordance with the provision of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures).

8. *Landscaping.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The perimeter parking lot landscaping requirements for the marina parking facilities on Lot 1, Block 1 and the commercial uses on Lot 2 less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1 may be modified by the City Forester and/or City Planner to recognize the setting of the development and to incorporate deer and drought-resistant plant materials, provided the overall intent of the landscaping requirements, if not the specific plant quantities, are met.

9. *Common Elements.* Maintenance of all common elements, including the bay/inlet (Lot 85, Block 1) and open space lots (Lot 1, Block 2 and Lot 1, Block 3), shall be the responsibility of the property owner's association.

10. *Lot Modifications.* Any subsequent modification of lots shall be subject to the requirements of Section 14-09-02 of the City Code of Ordinances.

11. *No-Build Easement.* A no-build easement is shown on the face of the plat of Misty Waters over a portion of Lots 1 and 2, Block 1. The intent of this easement is to prohibit construction of structures within this area, as it is part of the Northern Bridge Corridor. The easement reserves the area for the future bridge and related roadways, but does not dedicate the property for this purpose.

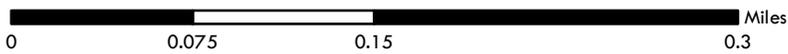
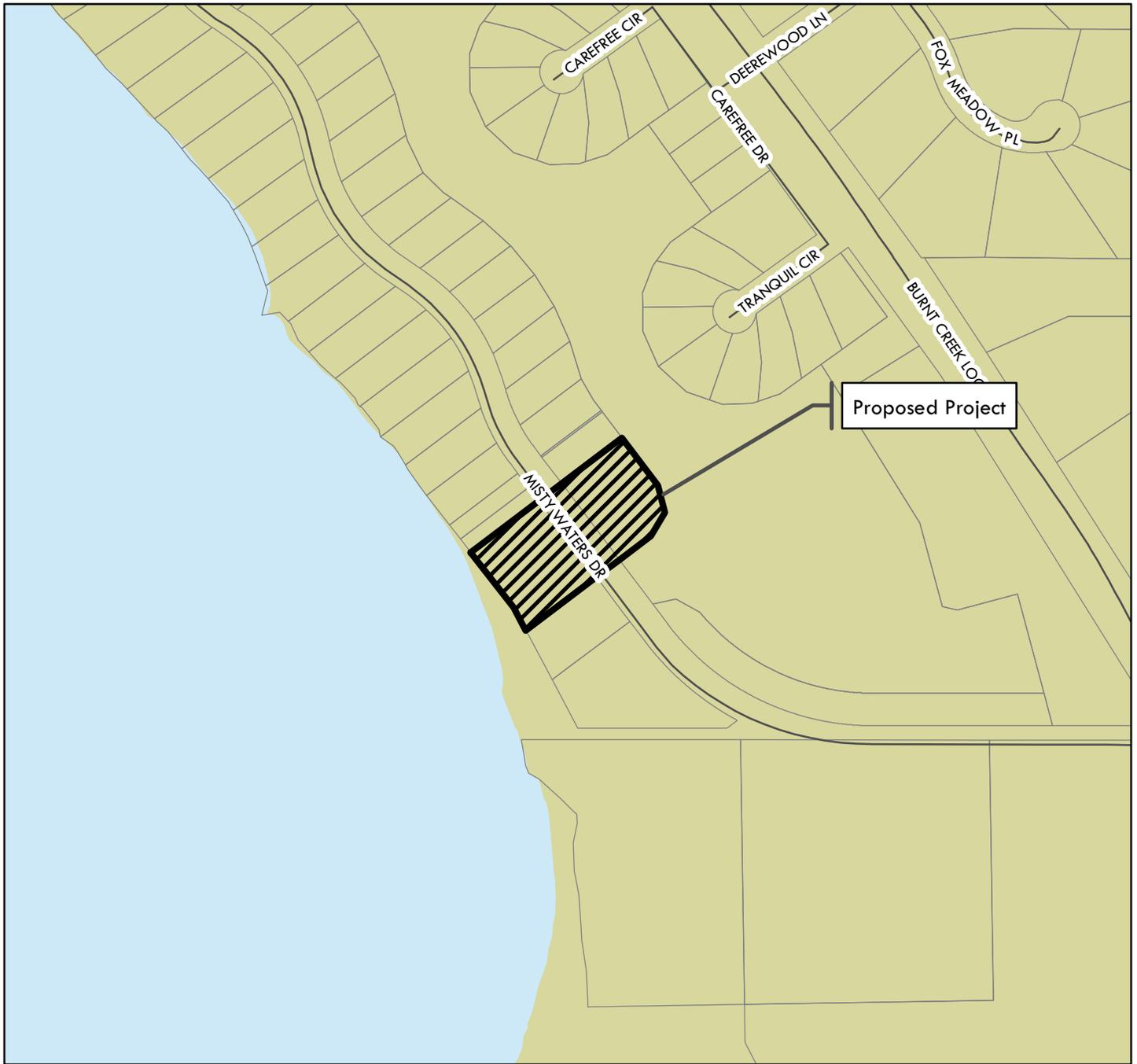
12. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.



Location Map

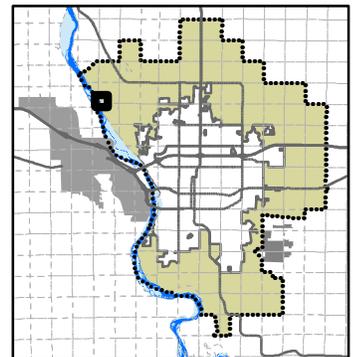
Misty Waters First Replat

MPLT2020-009
PUDA2020-001



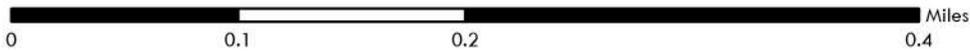
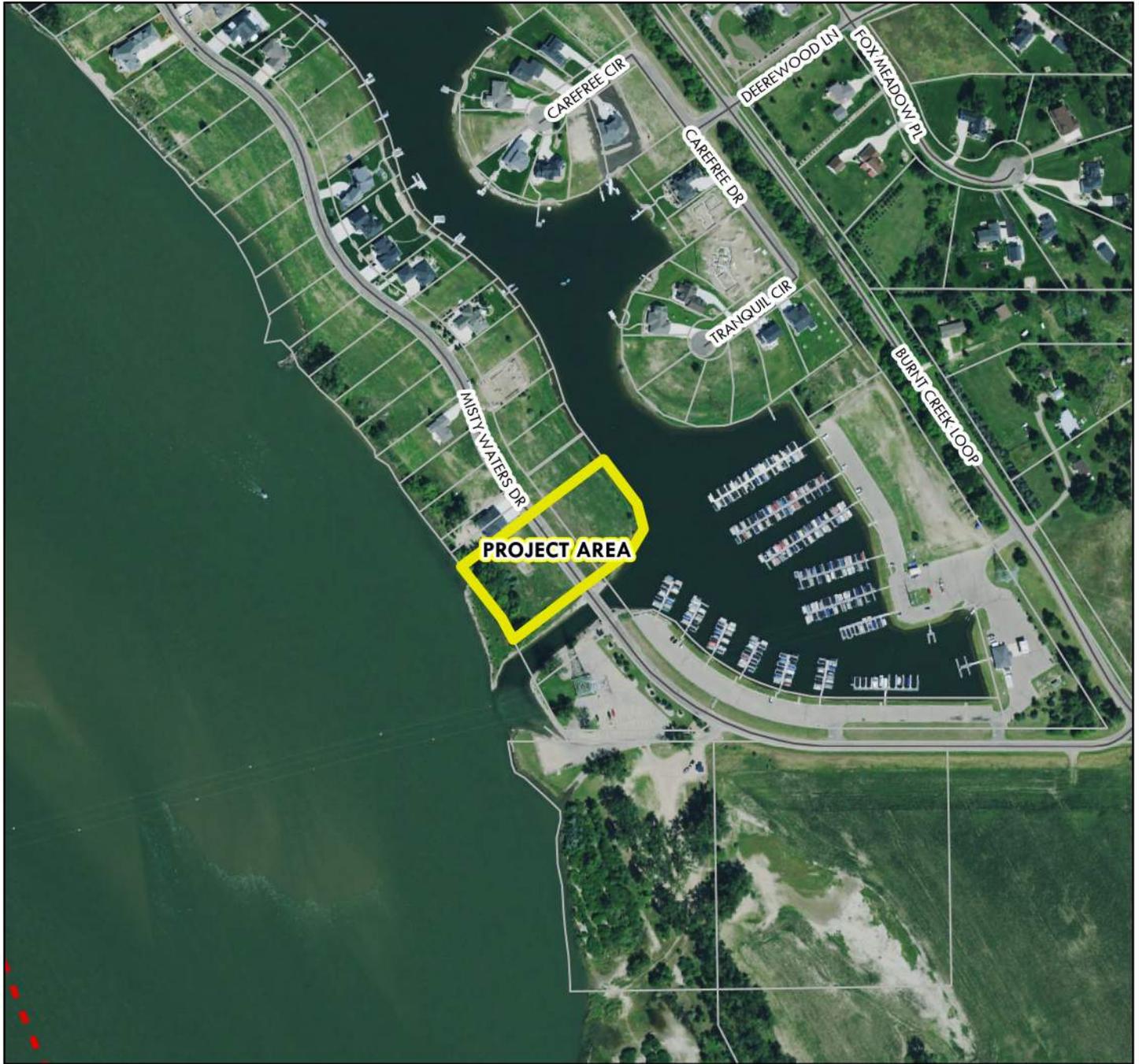
- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
August 31, 2020 (Klee)

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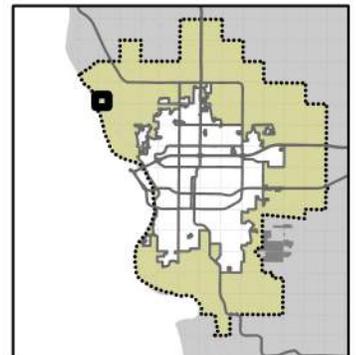


 Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
September 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.





Zoning and Plan Reference Map

MISTY WATERS FIRST REPLAT

MPLT2020-009
PUDA2020-001

Zoning Districts

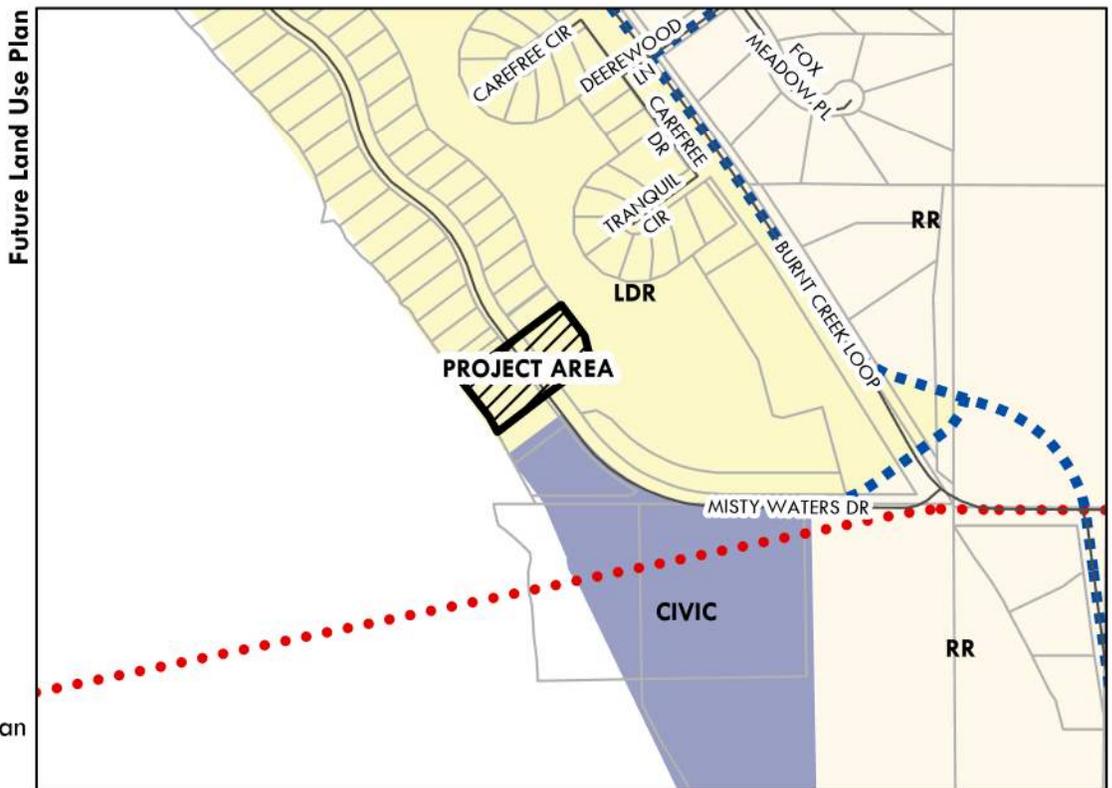
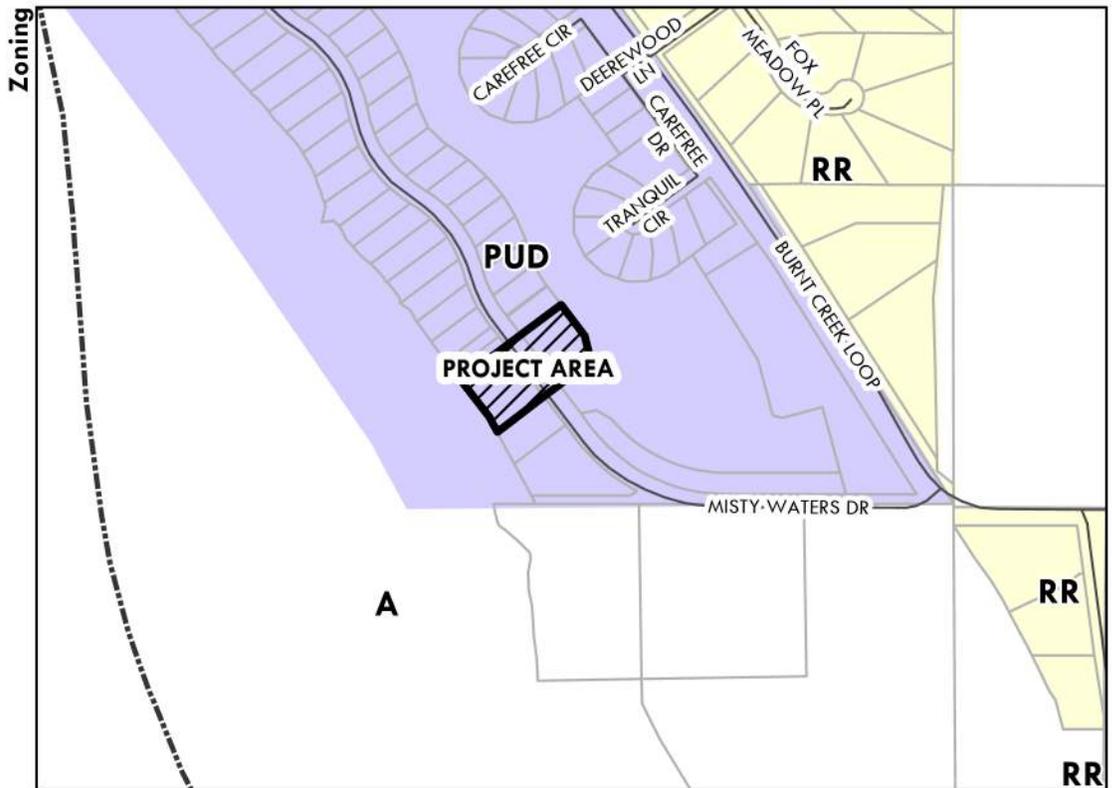
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

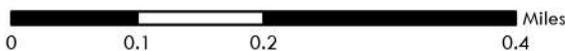
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard 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
September 17, 2020

August 21, 2020

TECo #4491

14-04-18 Planned Unit Development

1. **b. Written Statement:**

1. Property is presently owned by Misty Waters LLC.

A. Legal - Lot 84, Block 1 Misty Waters

B. Legal - Lot 40, Block 3 Misty Waters

2. **Explanation of Objectives:**

Replat Lot 40, Block 3 and Lot 84, Block 1 to convert each parcel from a Twin Home/Townhouse project to a single dwelling unit per lot. (3 Lots on each block)

3. **Common Area Agreements:**

There will be no common area or condominium agreements.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

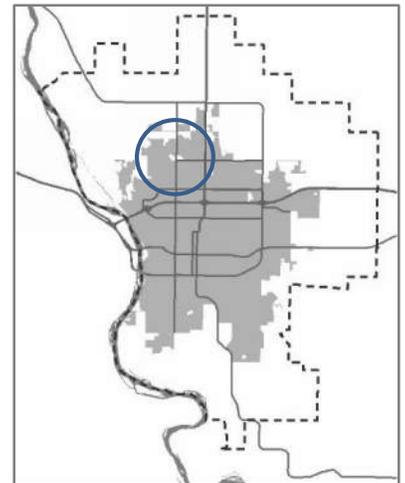
Agenda Item # 4
September 23, 2020

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2020-002

Project Summary

Title:	Lots 2-7, Block 1, Daybreak Medical Addition First Replat – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	57 North Investors LLP Greenfield Commons LLC & Olso
Project Contact:	Blake Nybakken, Epic Companies ND
Location:	In north Bismarck, north of 57th Avenue NE and east of North Washington Street, in the northwest quadrant of the intersection of East Greenfield Lane and Saints Drive
Project Size:	9.8 acres
Request:	Amendment to allow multi-family residential uses in the ground floor of some of the mixed use buildings, a drive-through in Building B and a childcare center be added as a special use



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	6 lots in 1 block	Number of Lots:	6 lots in 1 block
Land Use:	Mixed use; office, commercial and residential	Land Use:	Mixed use; office, commercial and residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	Lot 1 – 12/2017 (RT) Remaining – 07/2018 (PUD)	Platted:	02/2020	Annexed:	12/2017
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Staff Analysis

Epic Companies ND is requesting a major planned unit development amendment to the Daybreak Medical Addition First Replat Planned Unit Development to allow additional multi-family residential uses in the ground floor of Buildings B, E and F, eliminate a drive-through in Building D, add a drive-through in Building B and a childcare center as a special use in Buildings A – D, as identified on the attached site plan.

The proposed amendment would be the first since the PUD was initially approved by the City Commission in August 2018. Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) requires that major changes require a majority vote of the Bismarck Planning and Zoning Commission.

Background information

The Planned Unit Development approved in August 2018 allows for the development of several mixed-use buildings, a programmable central private park space, and connectivity that encourages walkability and interaction throughout the site and with adjacent neighborhood. The upper levels of the proposed mixed-use buildings include residential apartments, and under-building parking for residential uses as well as roof-top patios and community rooms.

Required Findings of Fact (relating to land use)

PUD Amendment

1. The proposed amendment generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/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 insofar as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Lots 2-7, Block 1, Daybreak Medical Addition First Replat, as outlined in the attached draft PUD Amendment Document.

Attachments

1. Draft PUD Amendment
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Site Plan
6. First Floor layout
7. Draft PUD Narrative from Applicant

(continued)

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

**MISTY WATERS PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6346 (Adopted August 28, 2018)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 6346 was adopted by the Board of City Commissioners on August 28, 2018; and

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

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

WHEREAS, 57 North Investors LLP and Greenfiled Commons LLC & Olso have imitated this amendment to the Planned Unit Development for Lots 2-7, Block 1, Daybreak Medical Addition First Replat to allow multi-family residential uses in the ground floor of some of the mixed use buildings, a drive-through in Building B and a childcare center as a special use.

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

Lot 1A of Lot 1, Block 2, Daybreak Medical Addition Lots 2-7, Block 1, Daybreak Medical Addition First Replat

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

1. *Compliance with Submitted Documents.* The development must generally conform to the submitted site plan and building elevations approved in conjunction with the PUD.
2. *Uses Permitted.* The following uses are permitted within this Planned Unit Development.
 - a. No more than 50% or 5,000 square feet of the ground floor of each mixed use building may be devoted to the following uses:
 - i. Retail group A
 - ii. Service group A
 - b. Drive through. A drive through in conjunction with a pharmacy may be located in Building D Building B, the southwestern most mixed use building shown on the submitted site plan. The drive-through must meet off-street vehicle stacking requirements outlined in Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading).
 - c. The following uses may be located on any level of the mixed use buildings A, C, and D:
 - i. Education group
 - ii. Health and Medical group

- iii. Office-bank group
 - d. The following uses may be located on any level of the mixed use buildings except the main level on the ground level behind store fronts of Buildings A, C, and D:
 - i. Multi-family residential dwelling. Multi-family residential uses must be located above non-residential uses. Multi-family residential uses may not exceed 50% of the gross ground floor area.
 - e. Private park and plaza. A 1.08-acre park with no greater than 5,000 square foot single-story amenities building may be located in the western portion of the development as shown on the submitted site plan.
3. *Special Uses.* ~~None.~~ Child Care Center in Buildings A-D
4. *Dimensional Standards.*
- a. Building setback requirement. All building setbacks shall be in accordance with Section 14-04-07 of the City Code of Ordinances (RT – Residential) with the exception of Building A, the northwestern most building shown on the submitted site plan. No portion of Building A may be located no closer than ten feet at its closes point from the northern property line of Lot 1A of Lot 1, Block 2, Daybreak Medical Addition, Lot 1, Block 1, Daybreak Medical Addition First Replat.
 - b. Height. The minimum building height for all mixed use buildings shall be three (3) stories. For buildings A and D, the western-most buildings shown on the submitted site plan, the maximum building height shall be four (4) stories. The maximum building height for buildings B, C, E and F shall be six (6) stories.
 - c. Lot Coverage. The ground area of all buildings shall not exceed 75% of the area of the lot. In computing the ground coverage of a building, off-street parking area complying with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading) shall be added to the actual area of the building.
 - d. Density. Residential density shall be no greater than 30 units per acre.
5. *Development Standards.*
- 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. A total of 514 off-street parking spaces both underground or surface parking, must be provided as indicated on the submitted site plan.
 - b. Signage. All signage for the development must be installed in accordance with Chapter 4-04 of the City Code of Ordinances (Outdoor Display Structures) for a property located within the RT – Residential zoning district. Digital billboards and electronic message centers will not be permitted within this development.
 - c. Landscaping and screening. Landscaping and screening must be installed in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). Additional landscape plantings, including trees and shrubs, shall be installed within the interior portions of the development adjacent to pedestrian areas to improve walkability

throughout the site. In addition, for areas adjacent to ground floor commercial uses twenty-five percent (25%) of the enlarged sidewalk spaces shall include planting areas at regular intervals along the building frontage. A modified buffer yard, approved by the Director of Community Development and City Forester, shall be installed along the north side of Building A, the northwestern most building shown on the submitted site plan.

- d. Screening of Mechanical Equipment and Solid Waste Collection Areas. 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).

6. *Design and Aesthetic Standards:*

- a. Intent. It is the intent of the design and aesthetic standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, and create a lessened visual impact upon the surrounding land uses. In addition, to encourage walkability throughout the site, wide interconnected pedestrian walkways and enlarged sidewalk spaces adjacent to ground floor commercial uses are required. Each building or structure within the development shall utilize complementary building materials, colors and design features.
- b. Lighting. Exterior lighting shall be downcast and designed and installed in a manner intended to limit the amount of off-site impacts.

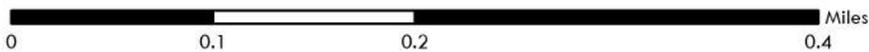
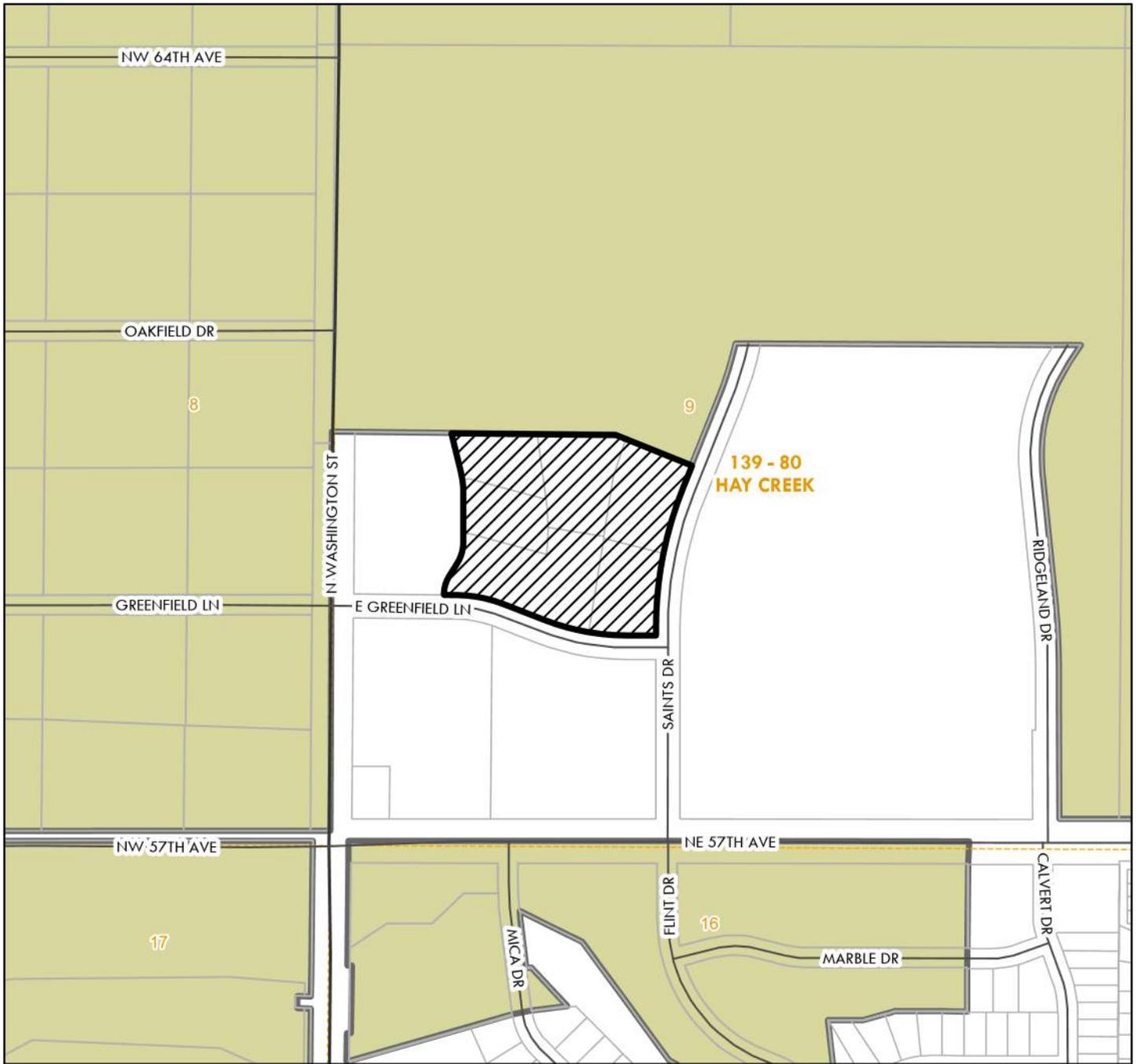
7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning and Zoning Commission.



Location Map

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L2-7, B1

PUDA2020-002



City Limits

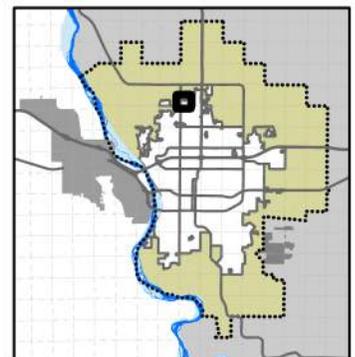
County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 26, 2020 (HLB)

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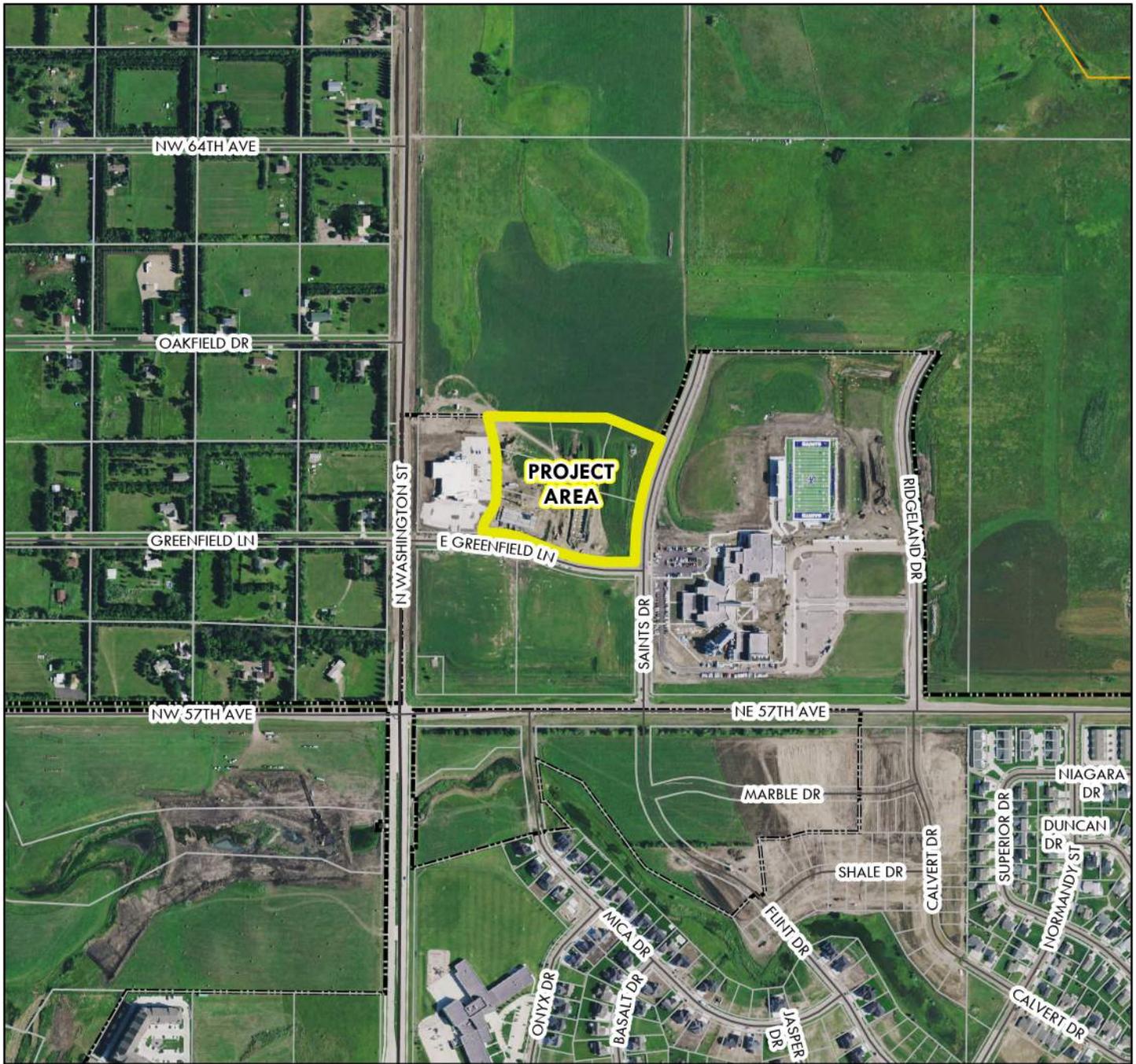




Aerial Map

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L2-7, B1

PUDA2020-002

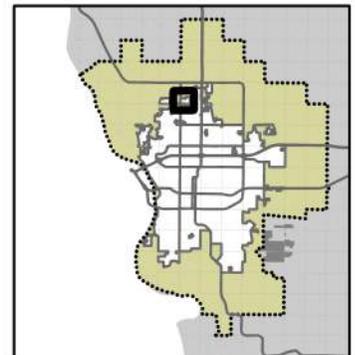


— Lots Pending Approval Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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

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Zoning and Plan Reference Map

PUDA2020-002

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L2-7, B1

Zoning Districts

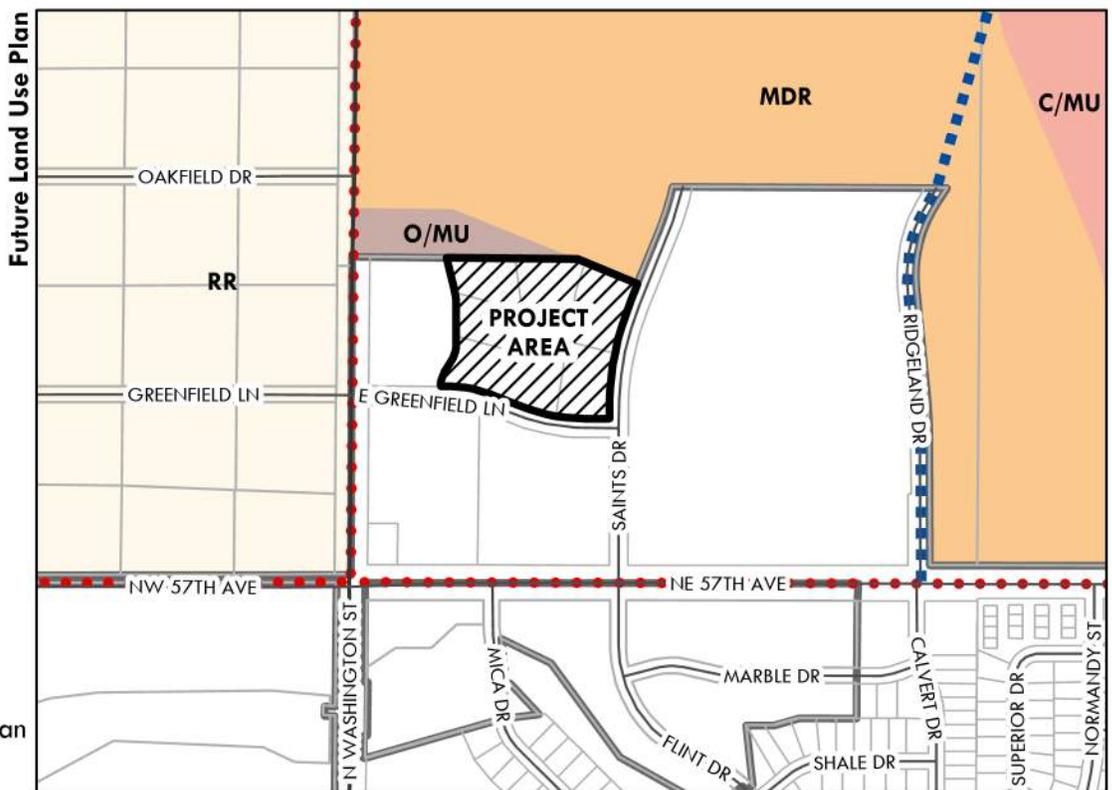
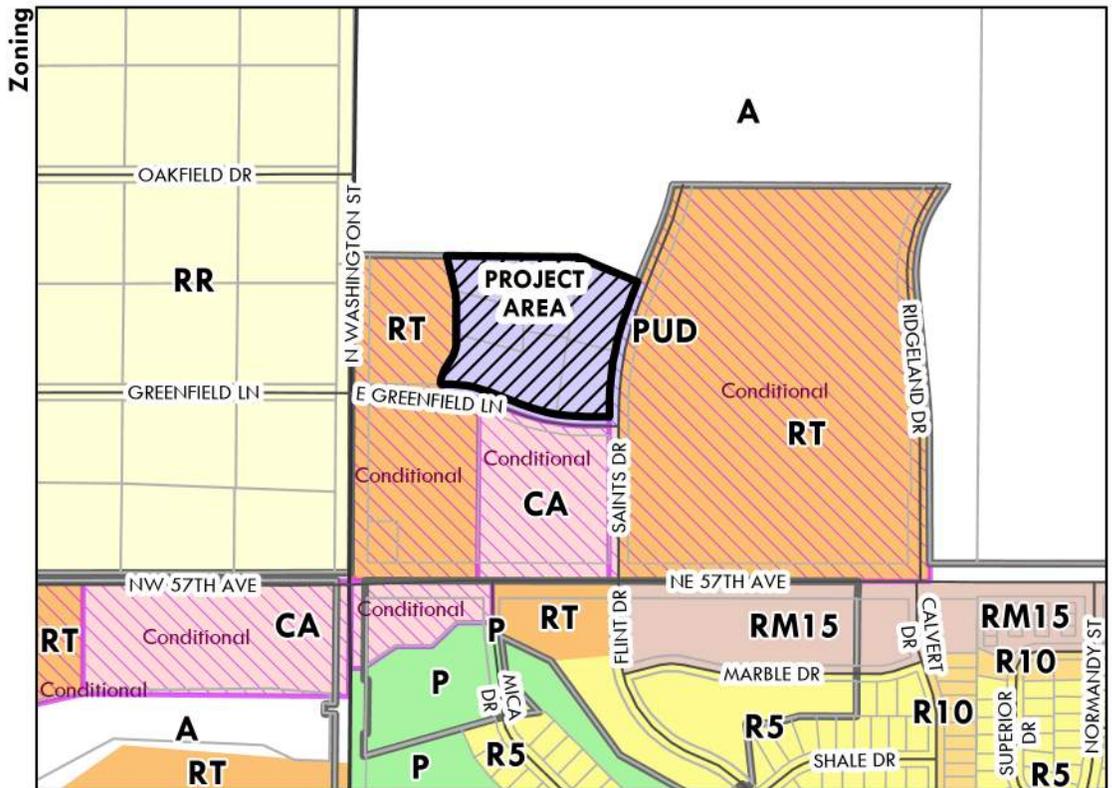
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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

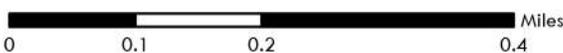
- Future Arterial Road
- ■ ■ Future Collector Road

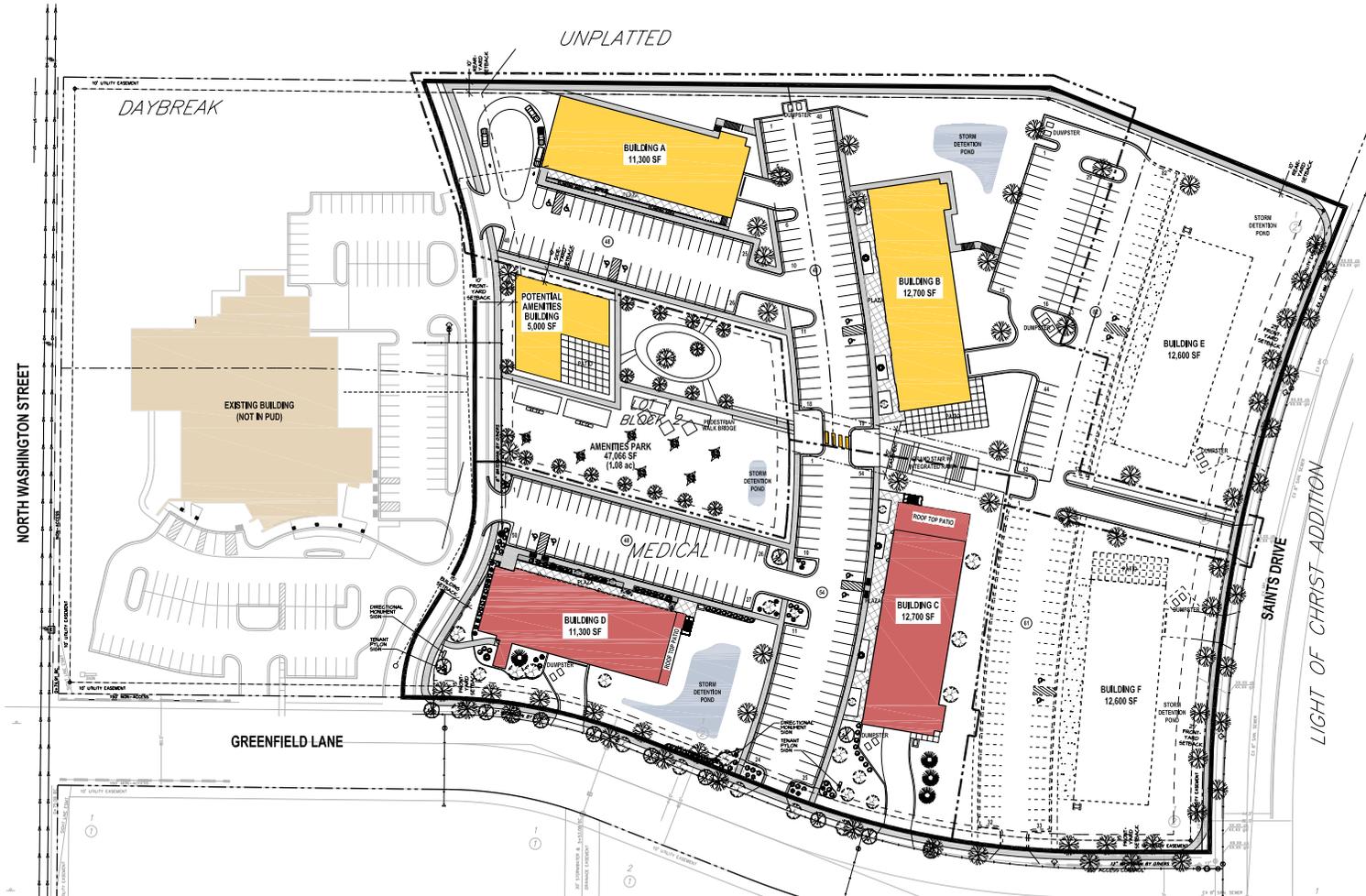


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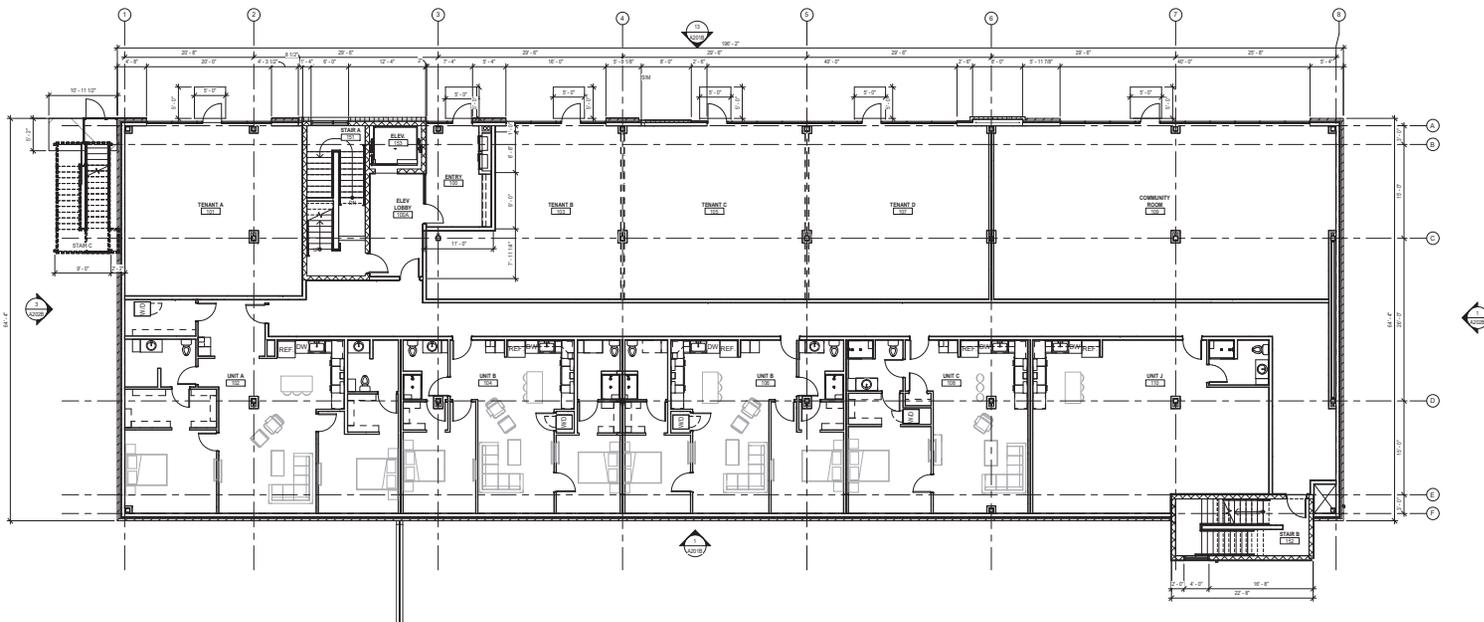
City of Bismarck
Community Development Dept.
Planning Division
September 17, 2020





1 Masterplan - Overall Site
SD001 1" = 40'-0"

BM 1305/19 118 Bismarck Daybreak - Building B/19115 Ave D - Building B/19



FIRST FLOOR PLAN
1/16" = 1'-0"

ICON
ARCHITECTURAL GROUP

4000 GARDEN VIEW DRIVE
SUITE 101
GRAND FORKS, ND 58501
P 701.772.6888 | F 701.772.6873
www.iconarch.com

STRUCTURAL
Hoyer Engineering
1020 56th St. SW - Suite A
Fargo, ND 58103
(701) 285-5449 Office
www.hoyerengineering.com

MECHANICAL
Precision
Plumbing Electrical Heating Cooling
1555 4th Ave NW
West Fargo, ND 58079
(701) 281-1123 Office

ELECTRICAL
Magnum Electric Inc.
471 Christianson Drive W
West Fargo, ND 58079
(701) 591-3240 Office

CIVIL
Swenson, Hagen & Company P.C.
900 Basin Ave
Bismarck, ND 58504-6648
(701) 223-2600 Office
(701) 223-2626 Fax

CONSTRUCTION MANAGER
Galatz Construction Services
503-4th Ave N
Fargo, ND 58102
(701) 297-0704 Office
(701) 293-9021 Fax
www.galatz.com

AREA 57 - Building B
Daybreak Development
Bismarck, ND

Drawing History

No.	Description	Date

DRAWN BY: LSTA JUNE 19, 2015

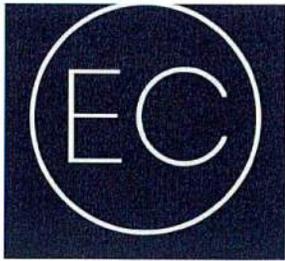


NOT FOR CONSTRUCTION

FIRST FLOOR PLAN

SHEET

A101B



EPIC Companies

EPICCompaniesND.com

745 31st Ave. E

West Fargo, ND 58078

701.866.1006

September 1, 2020

City of Bismarck - Planning Division

Jenny Wolmuth

221 N 5th St

Bismarck, ND 58501

Re: Daybreak Medical Addition PUD Amendment

Jenny,

The following narrative should provide background for the requested PUD Amendment at the Area 57 Development located between the new Bismarck Surgical Associates (BSA) surgery center, and Lights of Christ St Mary's High School on North Washington Street. Three main items being requested are:

1. Under Uses Permitted (PUD item 2b), a drive-thru was originally planned for a pharmacy user in Building D. That never came to reality, so that space was built-out as main-level commercial space. We would still like the opportunity to have a drive-thru if needed for a retail tenant (coffee, fast-casual food, bank, pharmacy, or similar), and would like to update the site plan accordingly with a potential drive-thru shown on the west side of Building A. This would likely only be built if a user required it.
2. Under Uses Permitted (PUD item 2d(i)) we would like to request multi-family residential units to be allowed on the main-floor of a building in this development. As submitted, we have a schematic design that would include some residential units on the east half of building B, but still maintain storefronts on the west side of that building. This would allow us to have some smaller spaces that seem to be desired on the commercial side, but not impact the overall feel of the mixed-use development. We are also considering some main-level community/amenity space in building B which would serve all of the Area 57 tenants in-lieu-of incorporating individual rooftop amenities in Buildings A & B as we did for Buildings C & D. It would also allow us the flexibility to eliminate or reduce the commercial component of a future buildings (E or F) if the market demand for additional commercial space isn't in line with what was originally planned, but could still support the multi-family component.
3. Under Uses Permitted (PUD item 3) - as currently written, the PUD does not allow Special Uses so we are requesting that portion to be amended so a potential commercial tenant such as a Child Care Center could be permitted as a special use. That is a desired type of user and we do not want to be restricted from having them as a main-level tenant.

Thanks for your consideration,

Blake Nybakken
VP Development



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

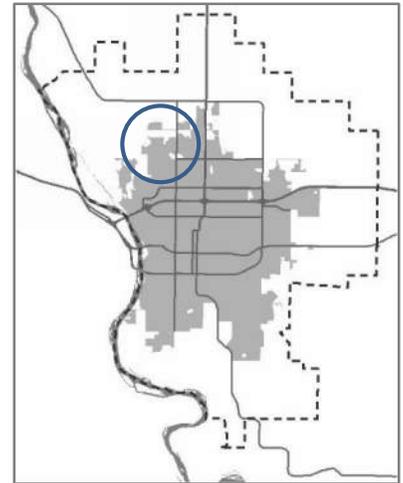
Agenda Item # 5
 September 23, 2020

Application for: Annexation

TRAKiT Project ID: ANN2020-008

Project Summary

Title:	Part of Auditor’s Lot 1A of Lot 1, Block 2, Northern Sky Addition (to be known as Lot 1A-2 of Auditor’s Lot 1A of Lot 1, Block 2 Northern Sky Addition)
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Wilment Development LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northwest Bismarck, north of Ash Coulee Drive and west of North Washington Street, south of Durango Drive
Project Size:	12,965 square feet
Request:	Annex property for expansion of medical facility parking lot



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Part of 1 parcel	Number of Lots:	Part of 1 parcels
Land Use:	Undeveloped	Land Use:	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	Zoning:	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	Uses Allowed:	RT – Offices and multi-family residential
Max Density Allowed:	RT – 30 units / acre	Max Density Allowed:	RT – 30 units / acre

Property History

Zoned:	11/2002	Platted:	06/2012	Annexed:	N/A
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Staff Analysis

Wilment Development LLC is requesting approval of the annexation of part of Auditor’s Lot 1A of Lot 1, Block 2.

The proposed annexation is in conjunction with a lot modification to split Auditor’s Lot 1A of Lot 1, Block 2 into two parcels (Lot 1A-1 and Lot 1A-2) and combine

(continued)

the proposed Lot 1A-2 with the adjacent Auditor’s Lot 1B of Lot 1, Block 2, Northern Sky Addition.

Annexation of the property would allow for the expansion of the existing parking lot for adjacent medical facility to the north.

Utility Capital Charges

The annexation of any new lots within 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 part of Auditor’s Lot 1A of Lot 1, Block 2, Northern Sky Addition (to be known as Lot 1A-2 of Auditor’s Lot 1A of Lot 1, Block 2 Northern Sky Addition).

Attachments

- 1. Draft Annexation Ordinance
- 2. Location Map
- 3. Aerial Map
- 4. Zoning and Plan Reference Map

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

ORDINANCE NO. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

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

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lot 1A-2 of Auditor's Lot 1A of Lot 1, Block 2, Northern Sky Addition

The above described tract of land contains 12,965 square feet, more or less.

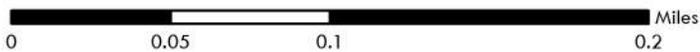
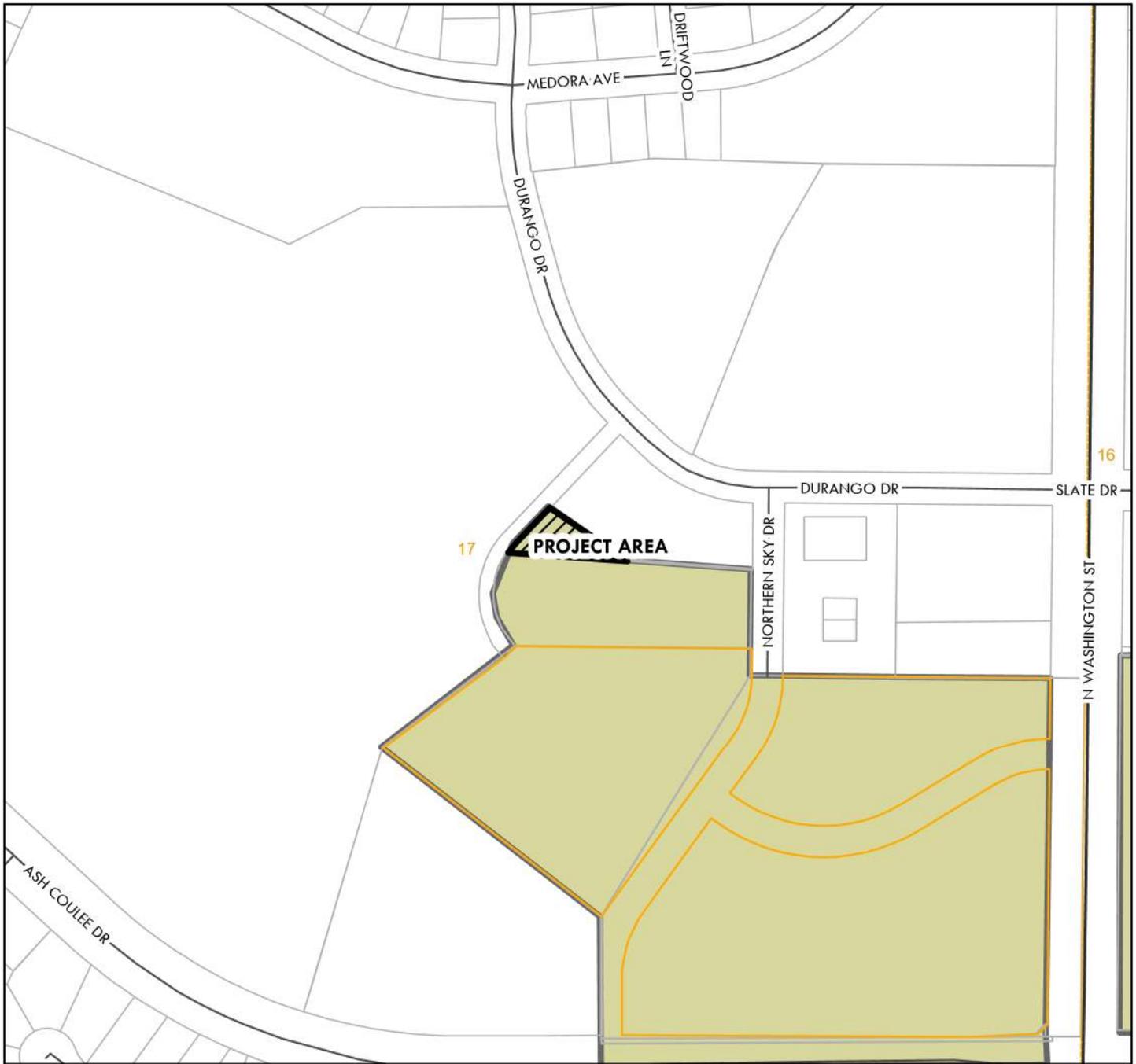
Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.



Location Map

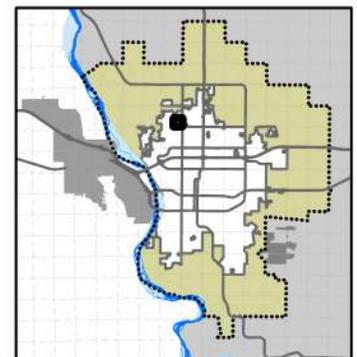
NORTHERN SKY ADDITION, PT LOT 1A OF LOT 1, BLOCK 2

ZC2020-005



- 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
 September 15, 2020 (HLB)

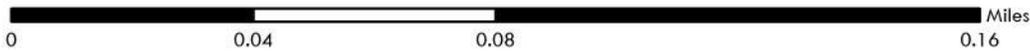
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Aerial Map

ANNX2020-008

NORTHERN SKY ADDITION, PT AUD LOT 1A OF LOT 1, BLOCK 2

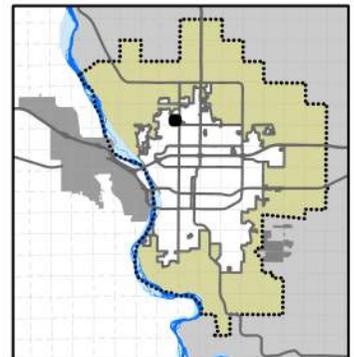


— Lots Pending Approval - - - Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
September 15, 2020

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Zoning Districts

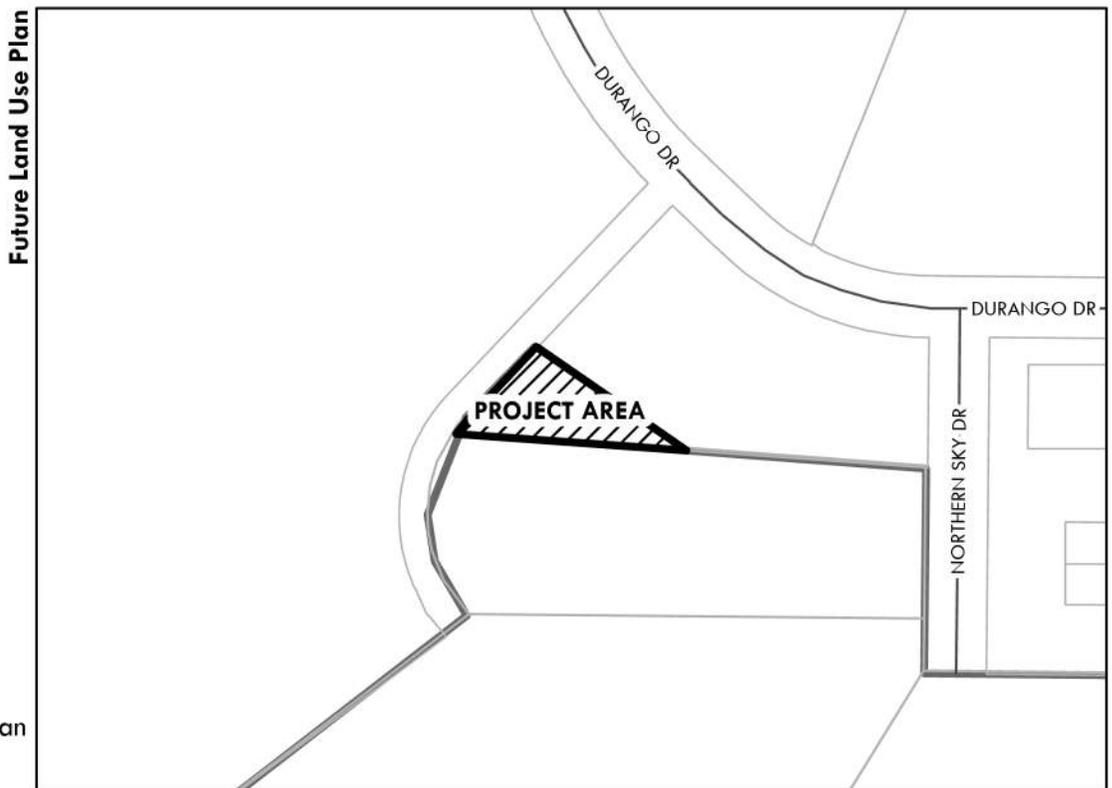
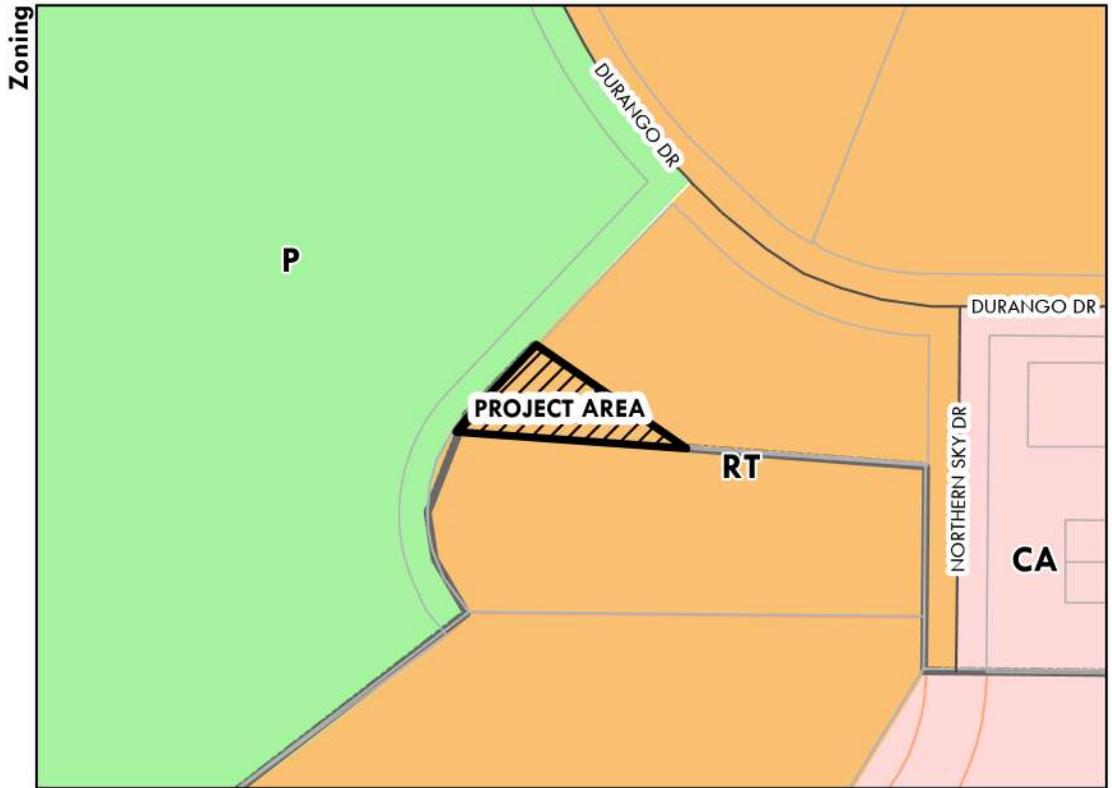
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	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown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

Future Land Use Plan

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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
September 15, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6
September 23, 2020

Application for: Annexation

Zoning Change

Fringe Area Road Master Plan Amendment

Major Subdivision Final Plat

TRAKiT Project ID: ANNX2020-005

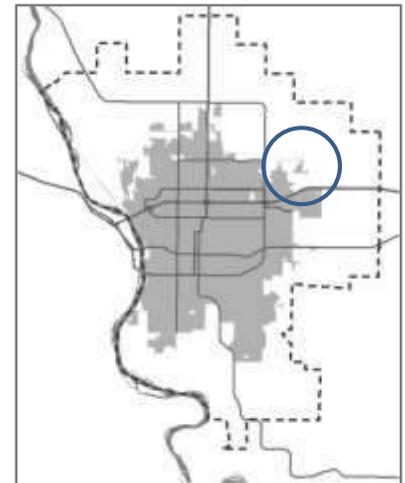
ZC2020-006

FRMP2020-002

FPLT2020-010

Project Summary

Title:	Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Public Hearing (Continued)
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, zone, and partially annex undeveloped land for future development of single-family residential, multi-family residential and a potential elementary school site



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Parts of 7 parcels	Number of Lots:	294 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. A public hearing was held on August 26, 2020, and the Planning and Zoning Commission continued the hearing until the next regularly scheduled meeting.

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. The continuation of the hearing satisfies notice requirements.

The stated intent of the motion to continue was to allowed time for the County Engineer to be consulted regarding this proposed plat. The County Engineer has submitted a comment regarding secondary access and the condition of 43rd Avenue NE, which is attached to this staff report.

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 tentatively scheduled to open for the fall of 2022.

The annexation request includes a total of 125 lots on 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.

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 4.73 units per acre, excluding unbuildable lands use for stormwater detention or park land and assuming all residential-zoned parcels develop as such. Staff affirms the proposed plat conforms to the Future Land Use Plan.

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 ¾ 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.

Generalized Water and Sewer Service to Subdivision



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 Silbernagel Drive (previously named 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 Silbernagel Drive 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) has worked with the applicant and city staff to determine street names that are acceptable to all parties. The conditions previously recommend by staff has been removed.

Halverson Avenue (previously Era Bell Thompson on the preliminary plat), 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 Silbernagel Drive, Silver Boulevard, Keeble Drive, Hample Drive, and Davies Drive if the platted segments of the right-of-way is constructed without continuation of the roadway beyond the boundary of the plat. Staff recommends a

(continued)

condition that would allow the possibility of any easement at the end of each of these roadways, if warranted at time of development.

The proposed collector of Silbernagel Drive provides some direct access to certain adjoining properties, but the access would be more limited than the adjoining local roads, in line with the definition of collector in the ordinance. Another roadway, Silver Boulevard, also provides a north-south connection entirely through this subdivision. Given the high degree of connectivity of the street network, staff is not concerned that Silbernagel Drive would receive traffic volumes at a level incompatible with direct driveway access.

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 a multiuse trail and park space. The Bismarck Parks and Recreation Board voted to accept purchase of the unbuildable Lots 20-21, Block 8, Lot 6, Block 14, and Lot 2, Block 15 on September 17, 2020. The P – Public zoning district initially requested remains the most appropriate district, and a condition previously recommended to provide flexibility in zoning has been removed.

The Bismarck Parks and Recreation Board voted to accept purchase of the unbuildable Lots 20-21, Block 8, Lot 6, Block 14, and Lot 2, Block 15 on September 17, 2020. The P – Public zoning district initially requested remains the most appropriate district, and there is no longer the need for flexibility to change districts.

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;

(continued)

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;
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

(continued)

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. Easements for emergency vehicle turnarounds are obtained immediately beyond the termini of any roads where necessary to meet fire

apparatus access roadway standards of the International Fire Code.

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

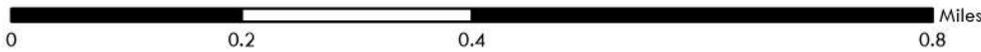
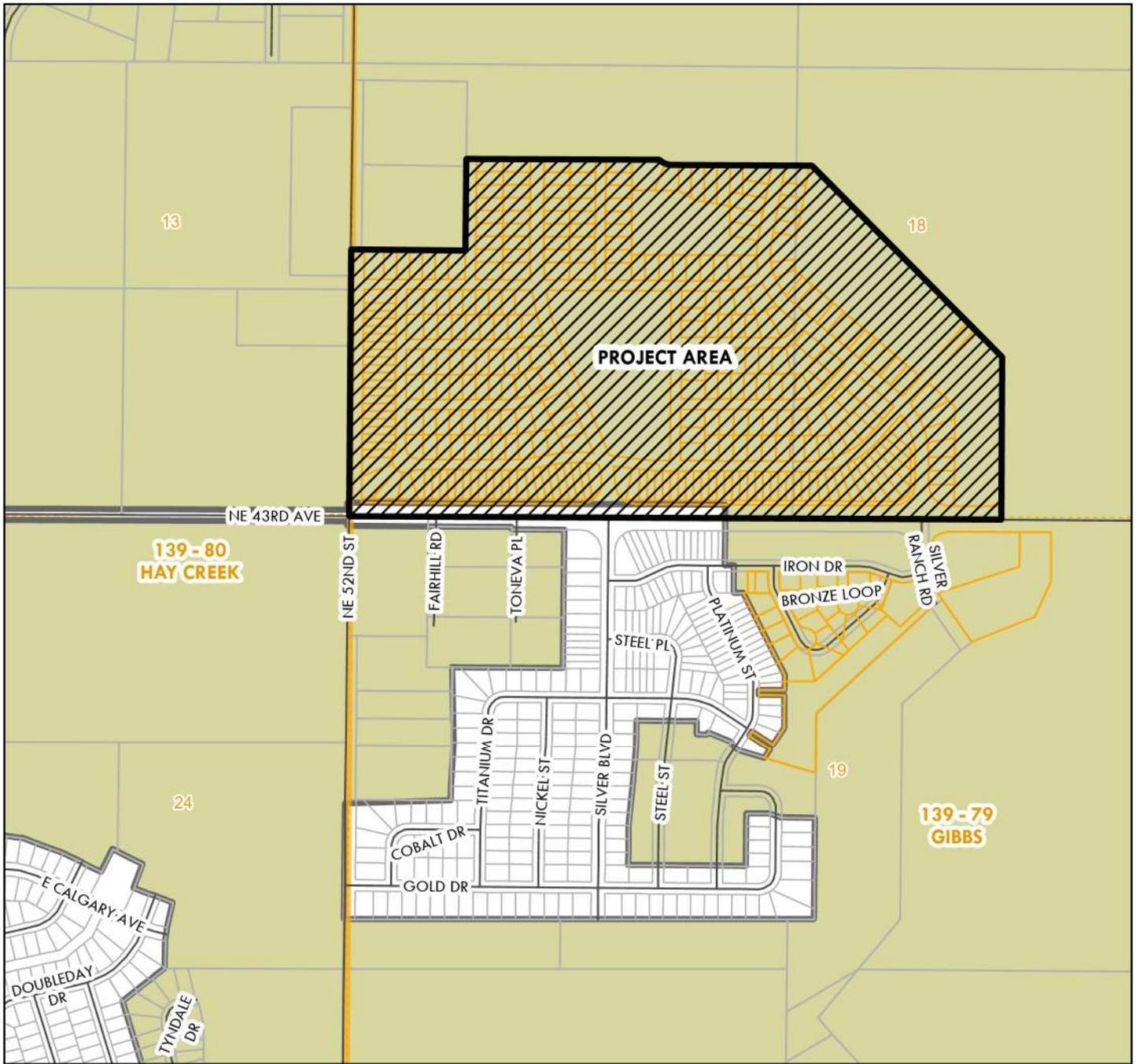
1. Location Map – Plat and Zoning
2. Location Map – Annexation
3. Aerial Map
4. Zoning and Plan Reference Map
5. Fringe Area Road Master Plan Amendment Request
6. Fringe Area Road Master Plan Map
7. Proposed Zoning Map
8. Final Plat
9. Preliminary Plat
10. Letter from Marcus Hall, County Engineer

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



Location Map
SILVER RANCH THIRD ADDITION

PPLT2020-005

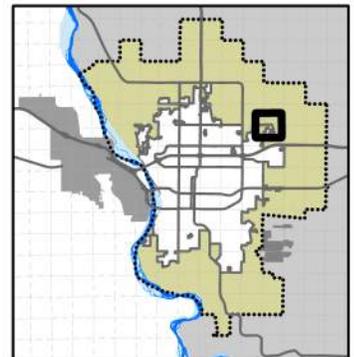


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
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.

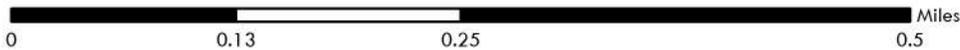
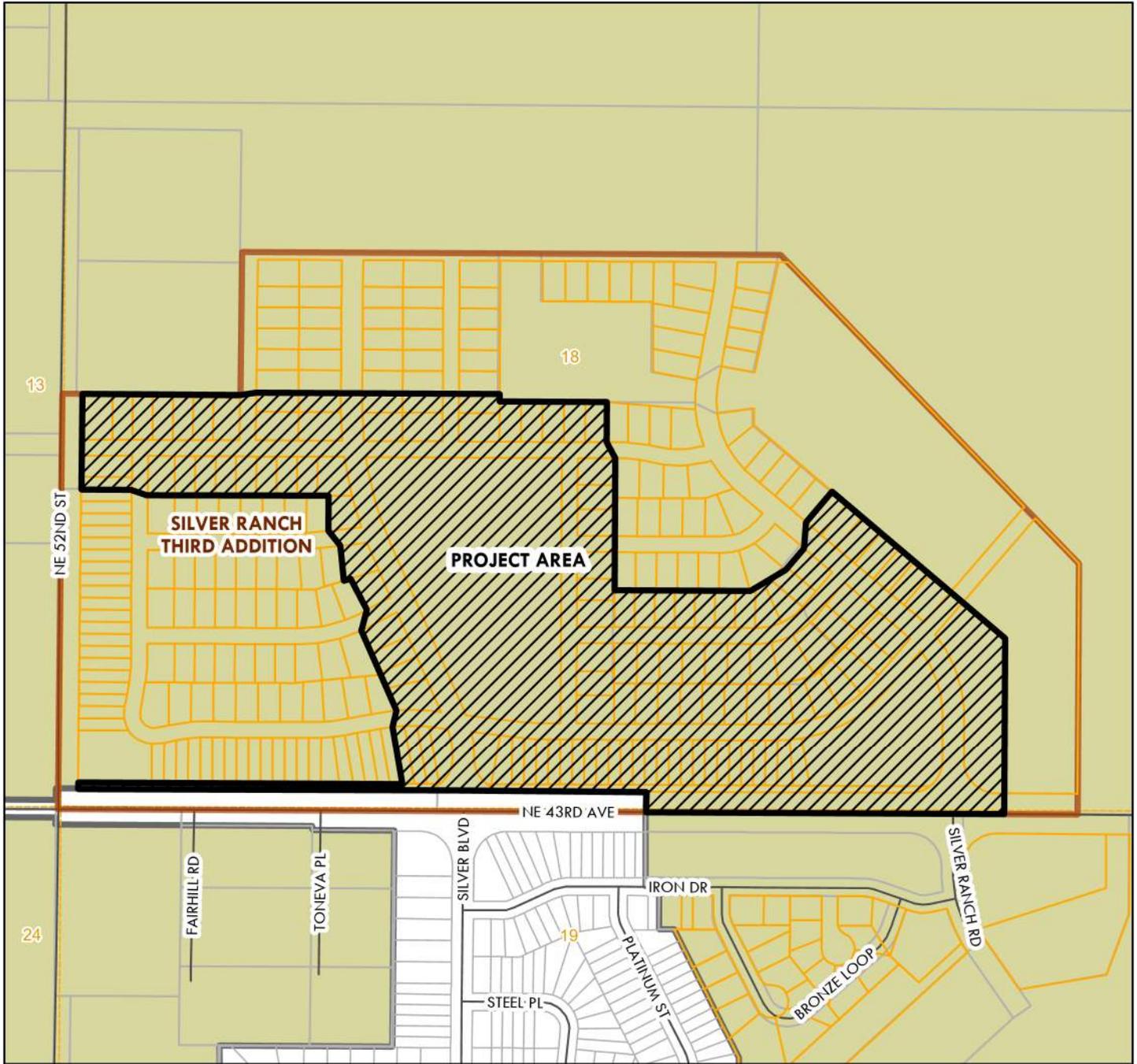




Location Map

ANNX2020-005

ANNEXATION OF PART OF SILVER RANCH THIRD ADDITION

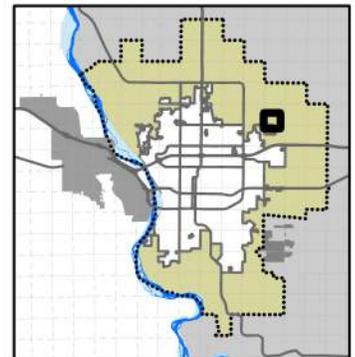


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA
- Lots Pending Approval

Section, township, and range indicated in orange

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

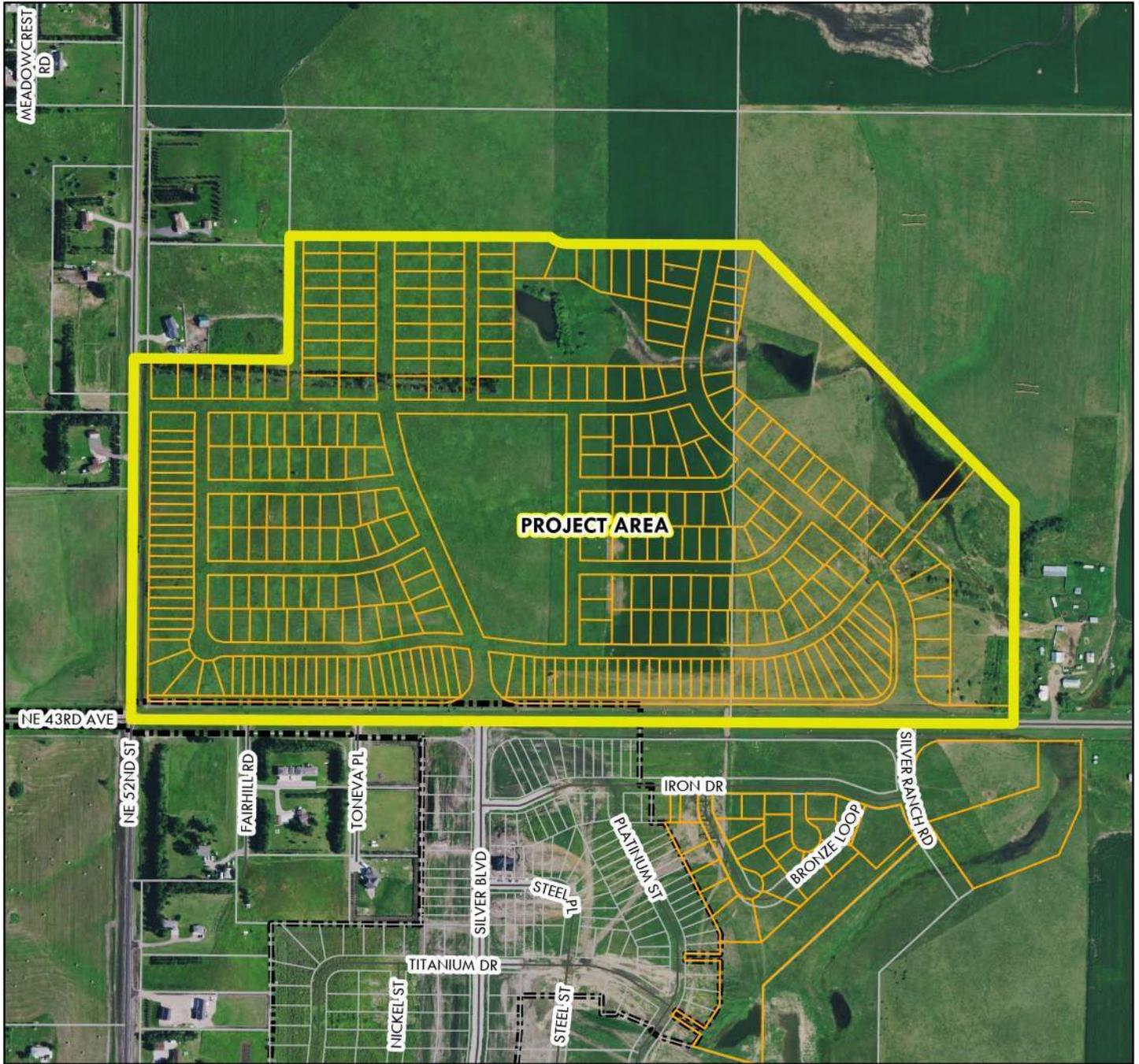
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Aerial Map
SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006



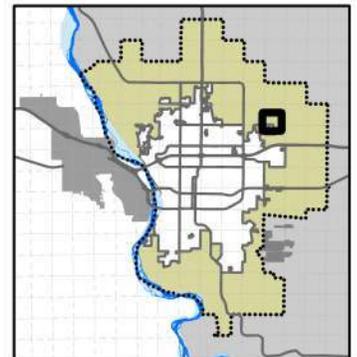
City Limits Bismarck ETA Jurisdiction



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

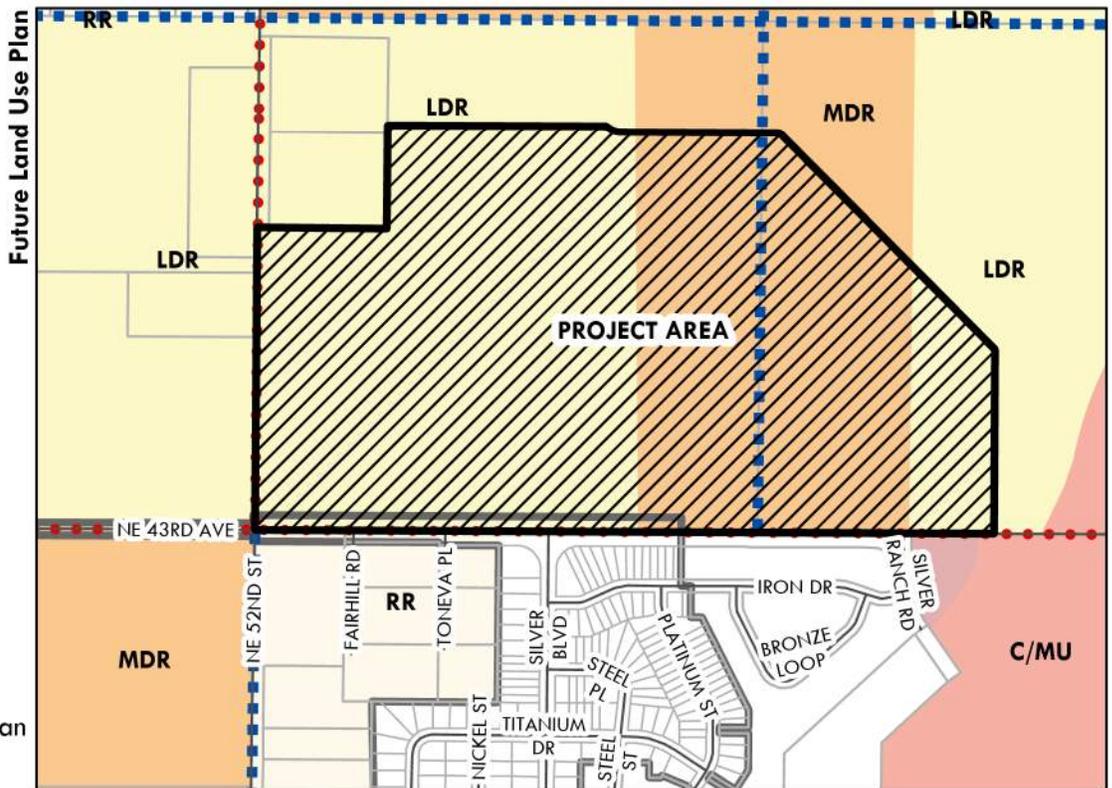
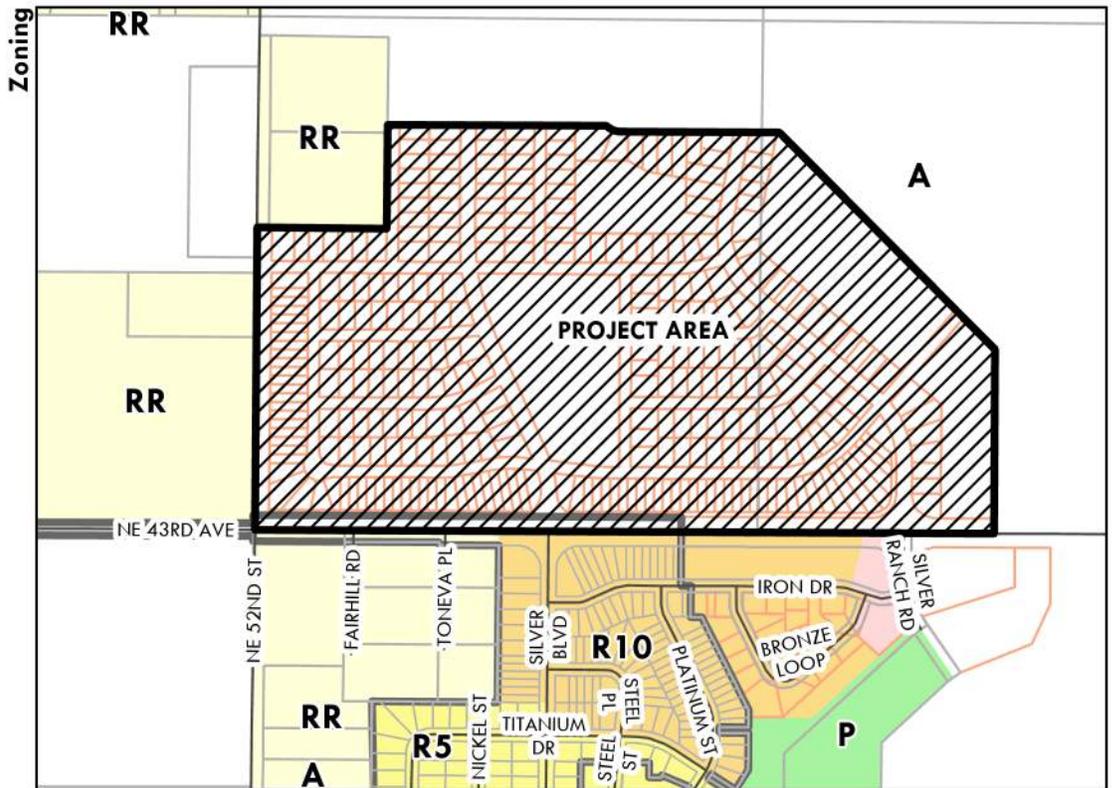
- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development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

Future Land Use Plan

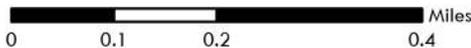
- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
-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

Fringe Area Road Master Plan

- Future Arterial Road
- ■ ■ Future Collector Road



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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

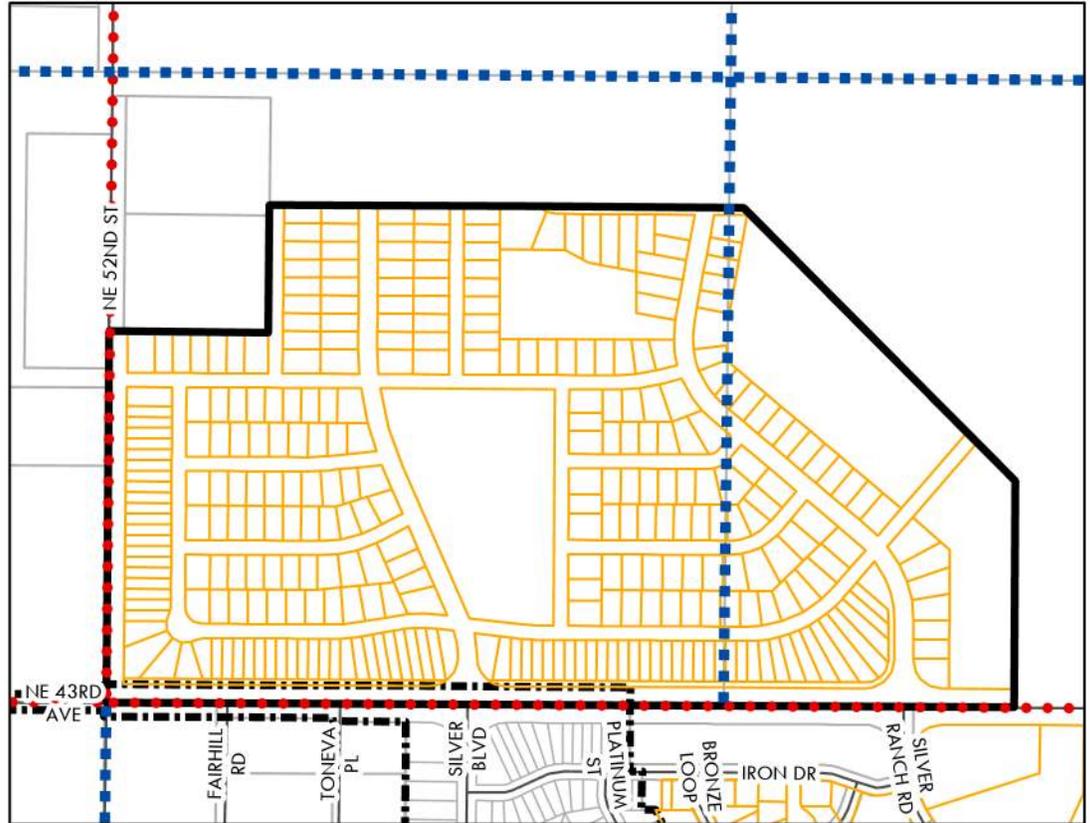
Fringe Area Road Master Plan

●●●● Planned Arterial

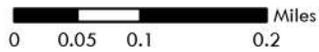
●●●● Planned Collector

▭ Associated Project Area

▭ City Limits

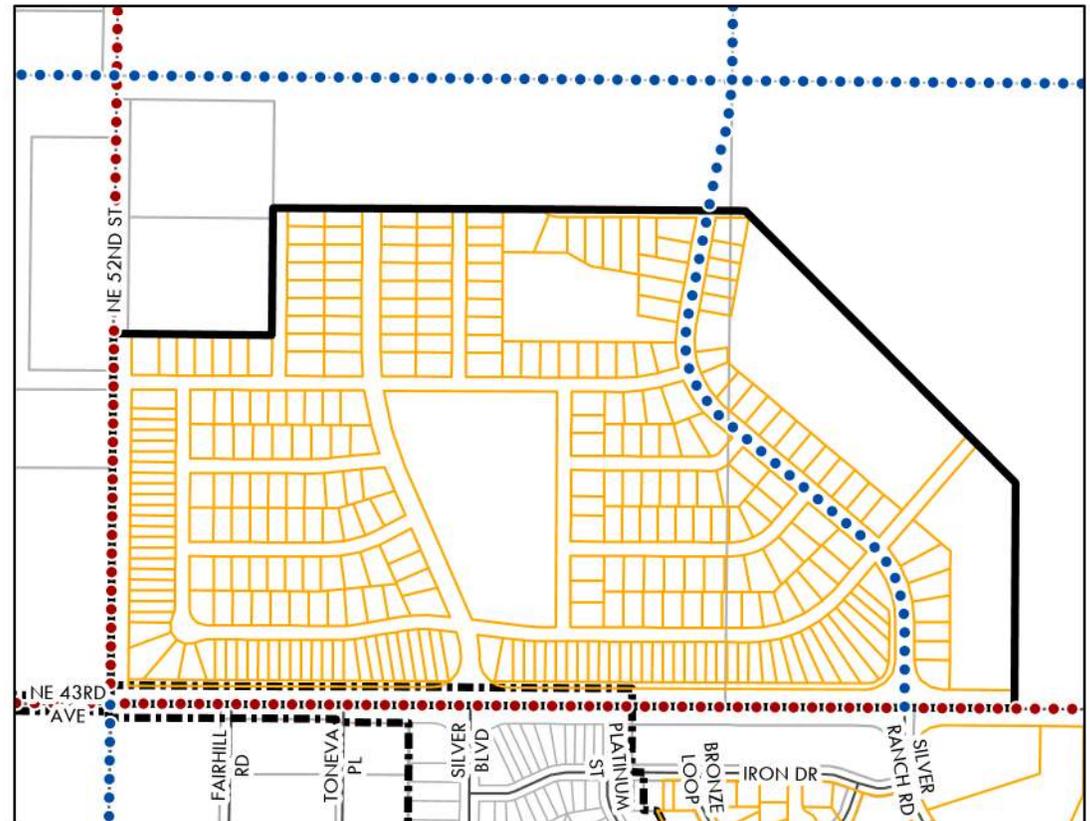


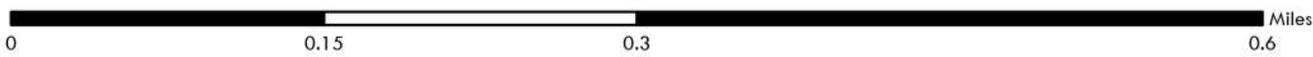
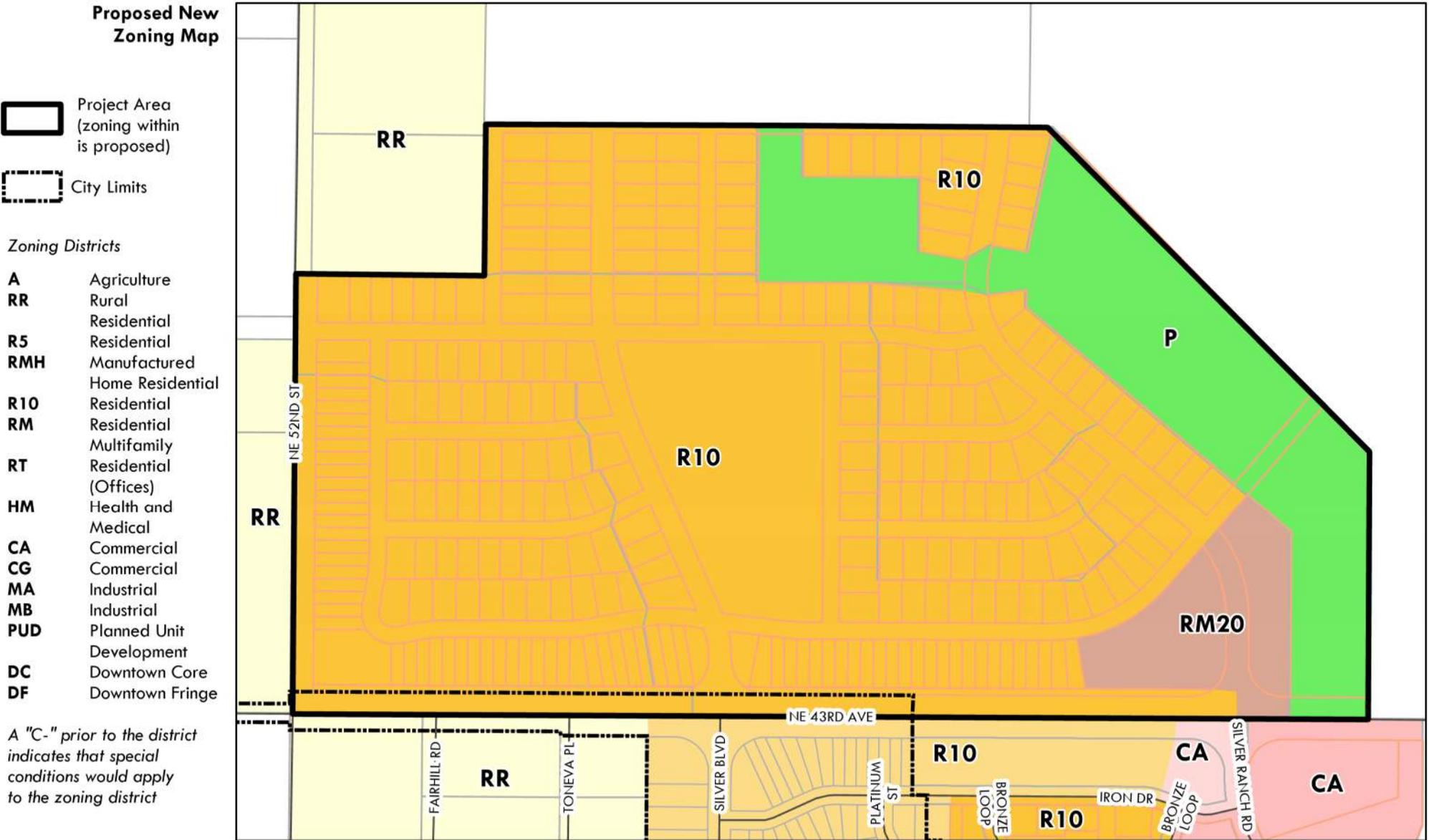
Proposed Plan



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.

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





City of Bismarck
 Community Development Dept.
 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.

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

August 11, 2020

AREA DATA

LOTS 1-23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47	158.99 ACRES
STREETS 158.99 ACRES	158.99 ACRES
TOTAL	158.99 ACRES

AREA DATA

SW 1/4 15.029, 34' S, 113.47' W	158.99 ACRES
SW 1/4 15.029, 34' S, 113.47' W	158.99 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 1989
 UNITS ARE INTERNATIONAL FEET

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

VERTICAL BENCHMARK:
 HYD. #230, ELEV. 1768.83 (IND. 29)
 ROOSEVELT DRIVE & 43RD AVE

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	69.81'	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'



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 THE _____ 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
 BEN EHRETH - 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
 I, 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.

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)
 CHAD WACHTER
 CHAD WACHTER, LLC

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)
 SILVER RANCH 18, L.L.P.

NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue
 Bismarck, North Dakota 58501
 ds@swensonghagen.com
 Phone (701) 223-2000
 Fax (701) 223-2000
 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.

NO STATE PLANE
 COORDINATES
 SOUTH ZONE
 INTERNATIONAL FEET
 NAD 83
 N 43221.7
 E 1916123.2

UNPLATTED
 SECTION 19
 TOWNSHIP 139 N.
 RANGE 80 W.

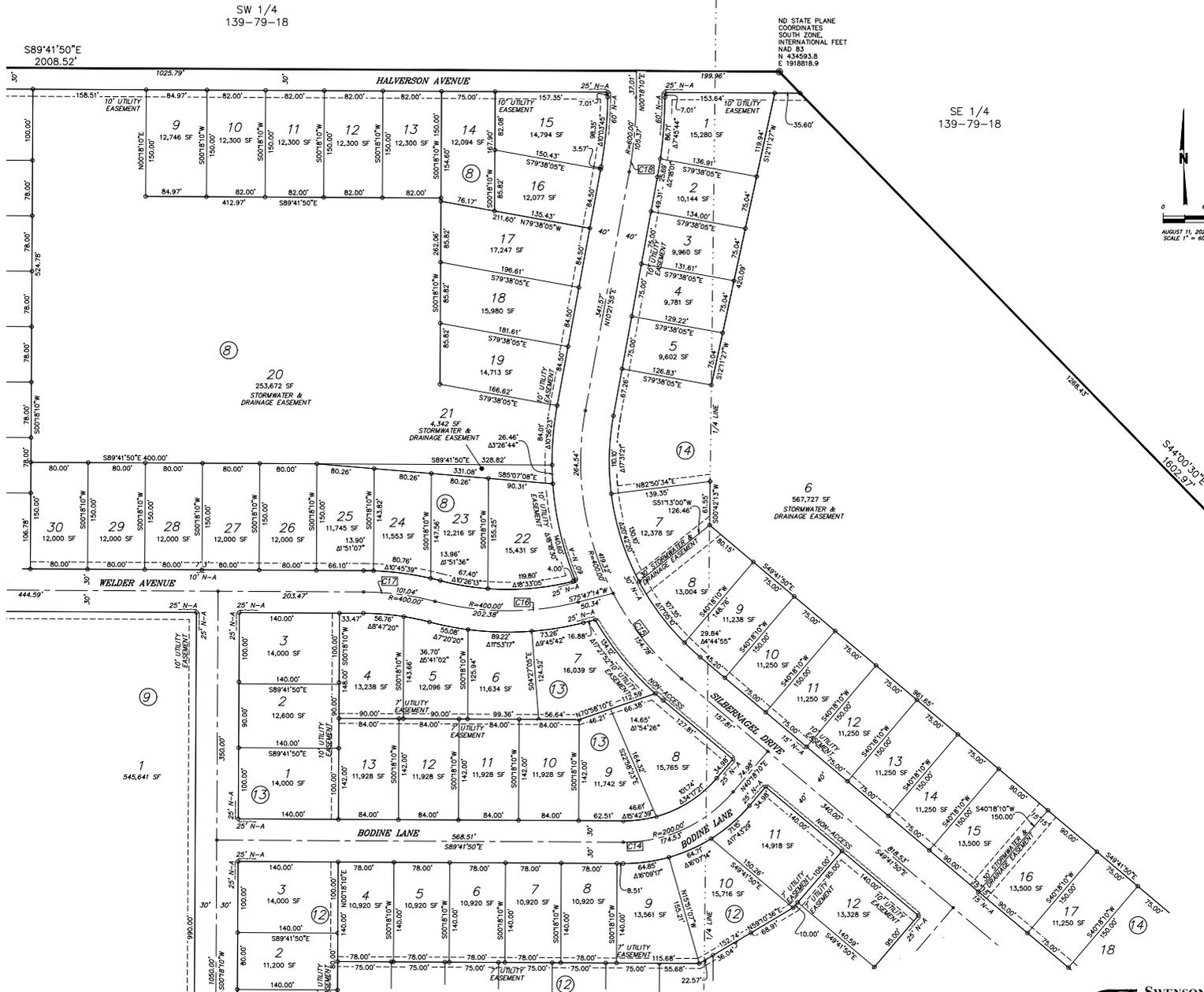
HUBER'S 2ND

N89°41'50"W
 2580.31'


SWENSON, HAGEN & COMPANY P.C.
 Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management
 900 Basin Avenue
 Bismarck, North Dakota 58504
 swensonhagen.com
 Phone (701) 221-2200
 Fax (701) 221-2006

SILVER RANCH THIRD ADDITION

BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/4
OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



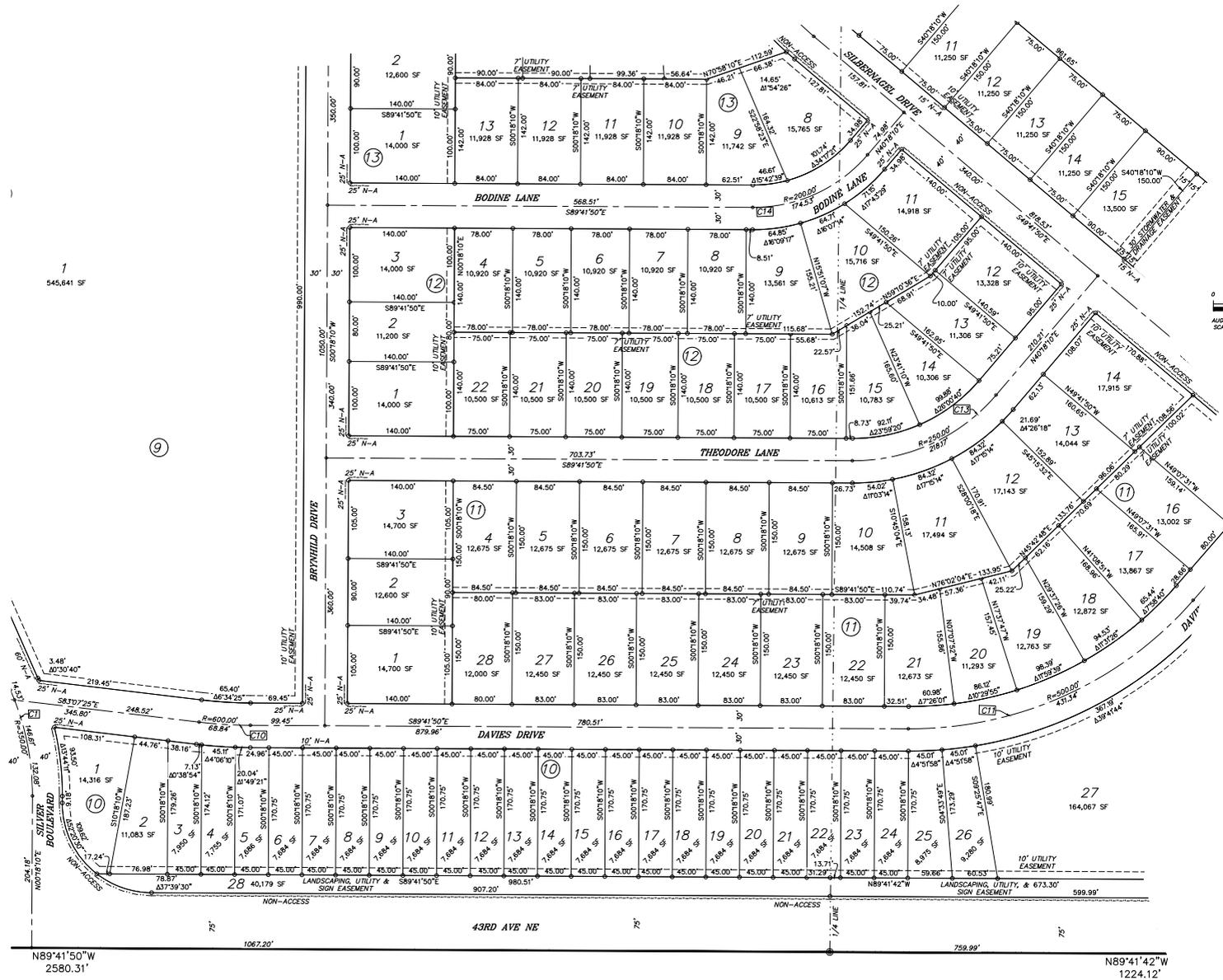
SW 1/4
139-79-18

SE 1/4
139-79-18

NO STATE PLANE
COORDINATES
SOUTH ZONE,
INTERNATIONAL FEET
NAD 83
N 434593.8
E 1916818.9



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



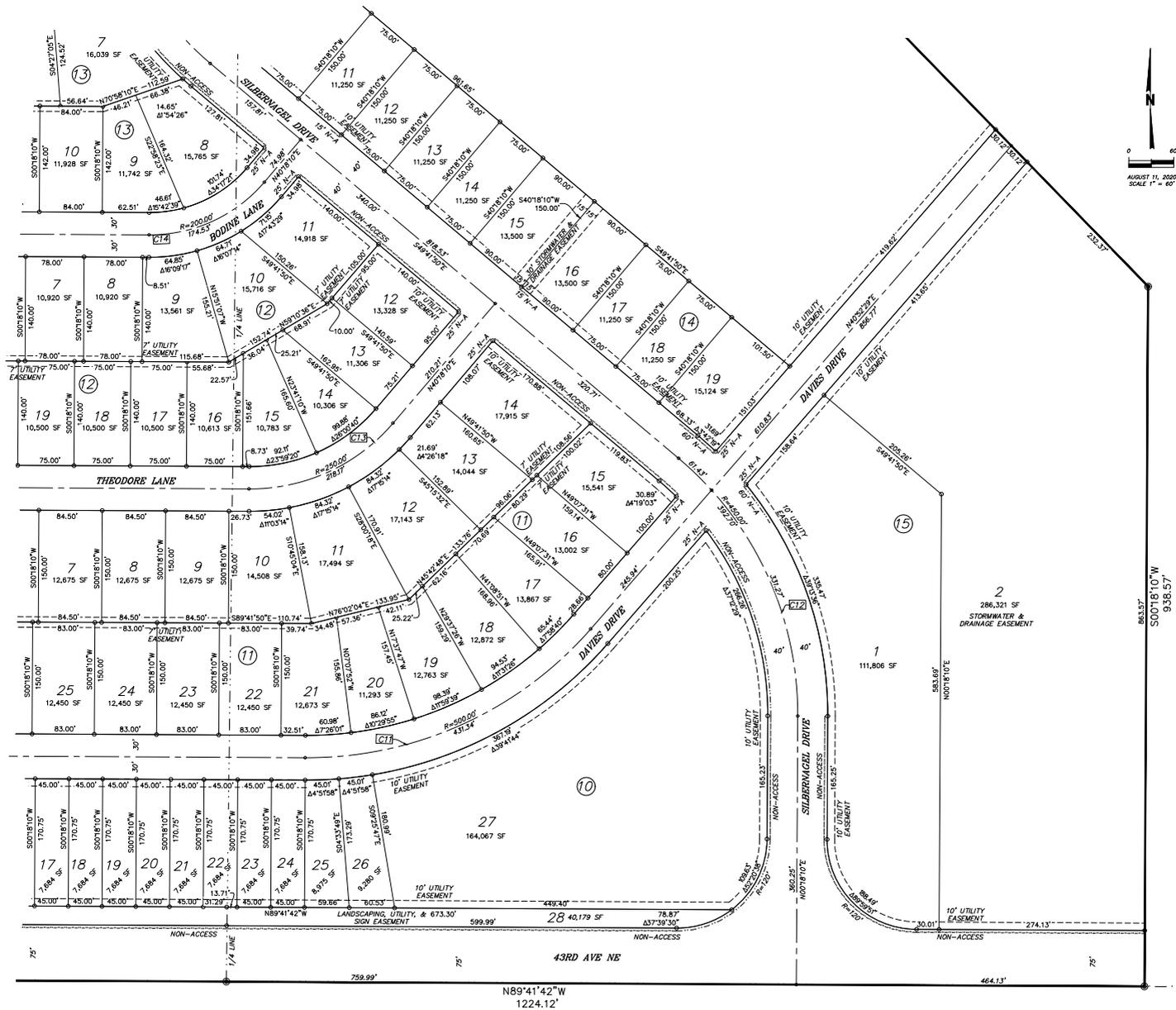
SILVER RANCH
 FIRST ADDITION
 FIRST REPLAT



SWENSON, HAGEN & COMPANY P.C.
 Surveying
 Hydrology
 Land Planning
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900 Basin Avenue
 Bismarck, North Dakota 58504
 swensonhagen.com
 Phone (701) 221-2200
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 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

Silver Ranch Additions' effect on the existing transportation system
From the Burleigh County Highway Department's perspective

Prior to Silver Ranch 1st Addition:

The Silver Ranch 1st Addition came to our attention around 2016. At that time 43rd Avenue NE was a gravel roadway east of 52nd Street NE and we stated that if Silver Ranch Addition was to be constructed that they would need to follow the County's Pavement policy and reconstruct/pave 43rd Avenue NE adjacent to Silver Ranch Addition. We did explain that the County was looking into reconstruction of 43rd Avenue NE (from 52nd Street NE to 80th Street NE) but did not have a schedule time for completion. With this knowledge in hand, the developers of Silver Ranch Addition/City Planning Staff informed us that Silver Ranch Addition was being placed on hold until further notice. We completed our plans for the reconstruction of 43rd Avenue NE and started construction in 2017. Once we started construction, we were informed that Silver Ranch Addition was back on and that since we were already reconstructing 43rd Avenue NE that under the County's Pavement policy they did not need to contribute to the pavement of our project.

Silver Ranch 1st Addition:

The County Highway Staff and the City Planning Staff had numerous conversations regarding the Silver Ranch 1st Addition and how the subdivision would be connected to the rest of the City. We strongly believed that the subdivision should be connected to the south using 52nd Street SE and E Century Avenue. This route follows the natural progression of the city limits and would help support fill in development.

At this point we need to explain that the County's transportation goals differ from the City's goals. The County believes that the transportation system needs to focus on designing and building routes that enhance the north/south and east/west connective within (and around) the City, support economic development and encourage fill in development. To this end the County has adopted a Gravel Road Construction Program which designates various roadways in the area to be constructed and paved in order to support our goals. The best example of this is our construction and paving of 57th Avenue NE between North Washington Street and State Highway 83. Prior to 2013 this road consisted of a seldom used section line to which we were called out several times a year to remove abandoned garbage. Since its construction we have seen this roadway serve our goals and enhance east/west travel in the area, support numerous economic development projects along it and helped to hold back leap frog development. The County Program is proactive and works with or before development takes place so that the needs of our residents and not developers are our first priority.

In addition, we would then have time to reconstruct 43rd Avenue from 52nd Street NE to the west. We felt strongly that the reconstruction of 52nd Street south of 43rd Avenue could have been accomplished with a joint project between the City, the Silver Ranch developer and other developers in the area. This project would help all involved in development in the area and help support the natural progression of the City. Our advice was not taken and the City and Silver Ranch developer decided that the annexation of 43rd Avenue from 52nd Street NE to Roosevelt Drive would be the preferred route. We informed the City that we did not believe 43rd Avenue NE would be able to take the additional construction traffic but that it would be their problem.

Since the approval of Silver Ranch 1st Addition and the beginning of construction within the development, it has become obvious that 43rd Avenue can not take the additional traffic. We would like

to note at this time that the City's Public Works Department has been trying very hard to stay ahead of the problems in this area, and for the most part have been able to keep this roadway passable. However, it is apparent that a longer-term solution needs to be developed in order to keep this roadway open.

Silver Ranch 2nd and 3rd Addition:

The County Highway Staff and the City Planning Staff have had few conversations regarding the Silver Ranch 2nd and 3rd Additions since the vast increase in traffic resulting from these additions will be using existing City routes and County routes that have been recently reconstructed (52nd Street NE from 43rd Avenue to the north entrance of Silver Ranch 3rd Addition) or are programmed to be reconstructed (43rd Avenue from Roosevelt Drive to 26th Street NE) in the next year. However, the County Highway Department does feel that the City Planning Commission and the City Commission need to consider the effect of additional traffic has on the whole transportation system in the area when approving developments that extend out into the ETA.

Silver Ranch 3rd Addition and future developments:

As Silver Ranch continues to expand from the 3rd Addition and beyond (we have seen master planning for the complete build out of section 18), we need to decide now how the area transportation needs are being met. Several questions have arisen during the Public Hearing discussions for Silver Ranch 3rd Addition regarding the transportation system. The first is the issue of secondary access to the area. When reviewing the existing transportation system, it becomes obvious that there are secondary accesses into the area (57th Avenue to the north and 43rd Avenue to the east). The question really is "Are these secondary accesses of acceptable length, or are they too long in order to achieve the required level of service for Fire and Police protection that the residents of Bismarck demand/require/desire?" and "Are the roadway conditions adequate enough to meet the needs of the City and County Residents?" The answer to the first question is best left to individuals that have expertise in this area and therefore the Highway Department does not take a position on that. However, the second question does fall in our area of expertise and therefore we will present an opinion.

The roadway segments that have been reconstructed or are going to be reconstructed in the near future will be able to handle the increase in traffic. However, the portion of 43rd from 52nd Street NE to Roosevelt Drive is in bad shape and despite the City Public Works Department's best efforts, this segment will collapse. The reason for this collapse is directly related to the additional traffic that is a result of the construction of Silver Ranch Addition. Therefore, some arrangements need to be made during the plat approval process for them to contribute to the reconstruction and paving of this segment of roadway.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

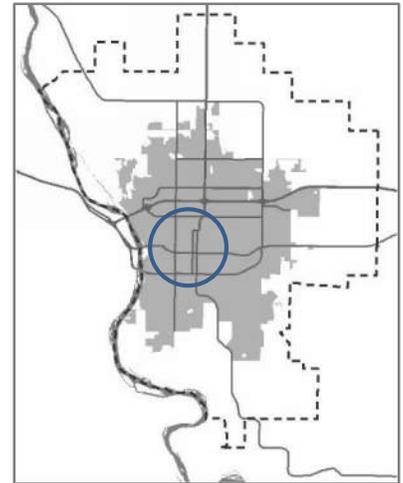
Agenda Item # 7
September 23, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2020-008

Project Summary

Title:	Burleigh County Housing Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Housing Authority of Burleigh County
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In central Bismarck, east of South Washington Street between West Bowen Avenue and East Indiana Avenue (a replat of Lots 8-16 and Lots 23-25, Block 1, Burleigh County Housing Addition)
Project Size:	6.06 acres
Request:	Replat property for additional housing and replacement housing



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	12 lots in 1 block	Number of Lots:	9 lots in 1 block
Land Use:	Residential	Land Use:	Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	Pre-1980	Platted:	10/2005	Annexed:	Pre-1980
---------------	----------	-----------------	---------	-----------------	----------

Staff Analysis

Housing Authority of Burleigh County is requesting approval of a minor subdivision final plat titled Burleigh County Housing Addition First Replat.

Approval of the proposed minor subdivision plat would allow for the future development of new and

(continued)

replacement multi-family housing for the Burleigh County Housing Authority.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 11th and 18th and 42 letters were mailed to the owners of nearby properties on September 11th.

Adjacent uses include commercial auto repair and retail uses to the north across West Bowen Avenue, multi-family uses to the east and south across East Indiana Avenue and multi-family and single and two-family uses to the west across South Washington Street.

Off-site stormwater and drainage easements will be required for the proposed plat. These easements must be approved and recorded prior to the recordation of the plat.

Required Findings of Fact (relating to land use)

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), with the understanding that prior the recordation of the plat off-site stormwater and drainage easements are required for the area within Lots 17 and 22, Block 1, Burleigh Housing Addition inundated by the local site 100-year stormwater modeling.
3. 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;

4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. 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 minor subdivision final plat for Burleigh County Housing Addition First Replat, with the understanding that:

1. Off-site stormwater and drainage easements are approved and recorded prior to recordation of the final plat.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

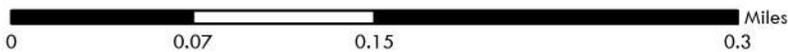
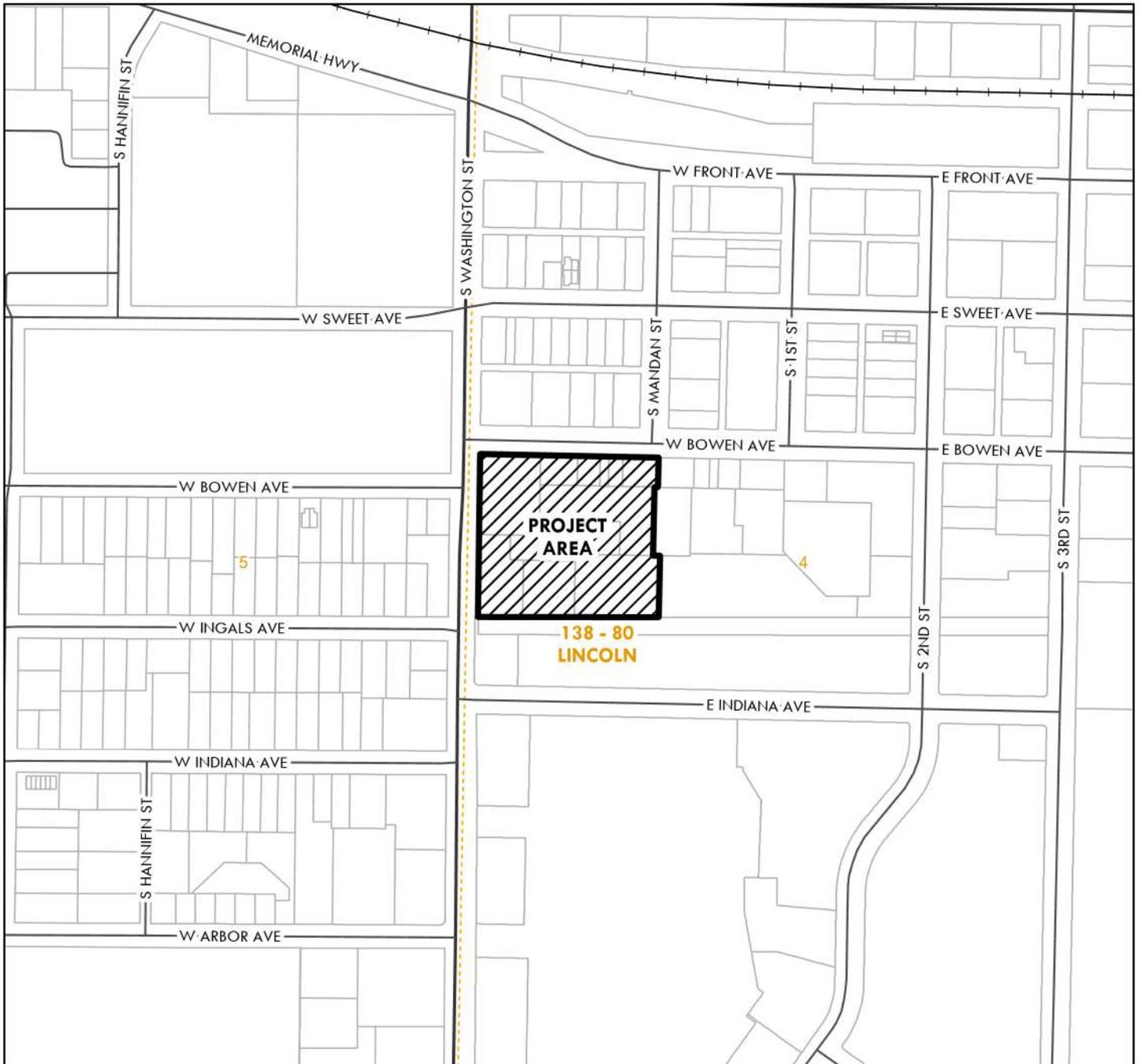
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

MPLT2020-008

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

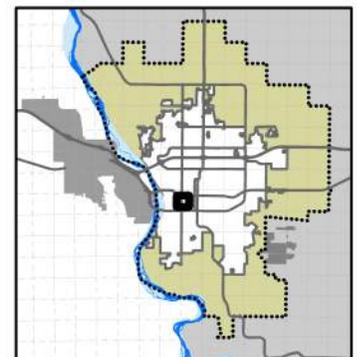


City Limits

County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



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

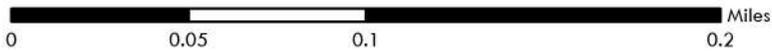
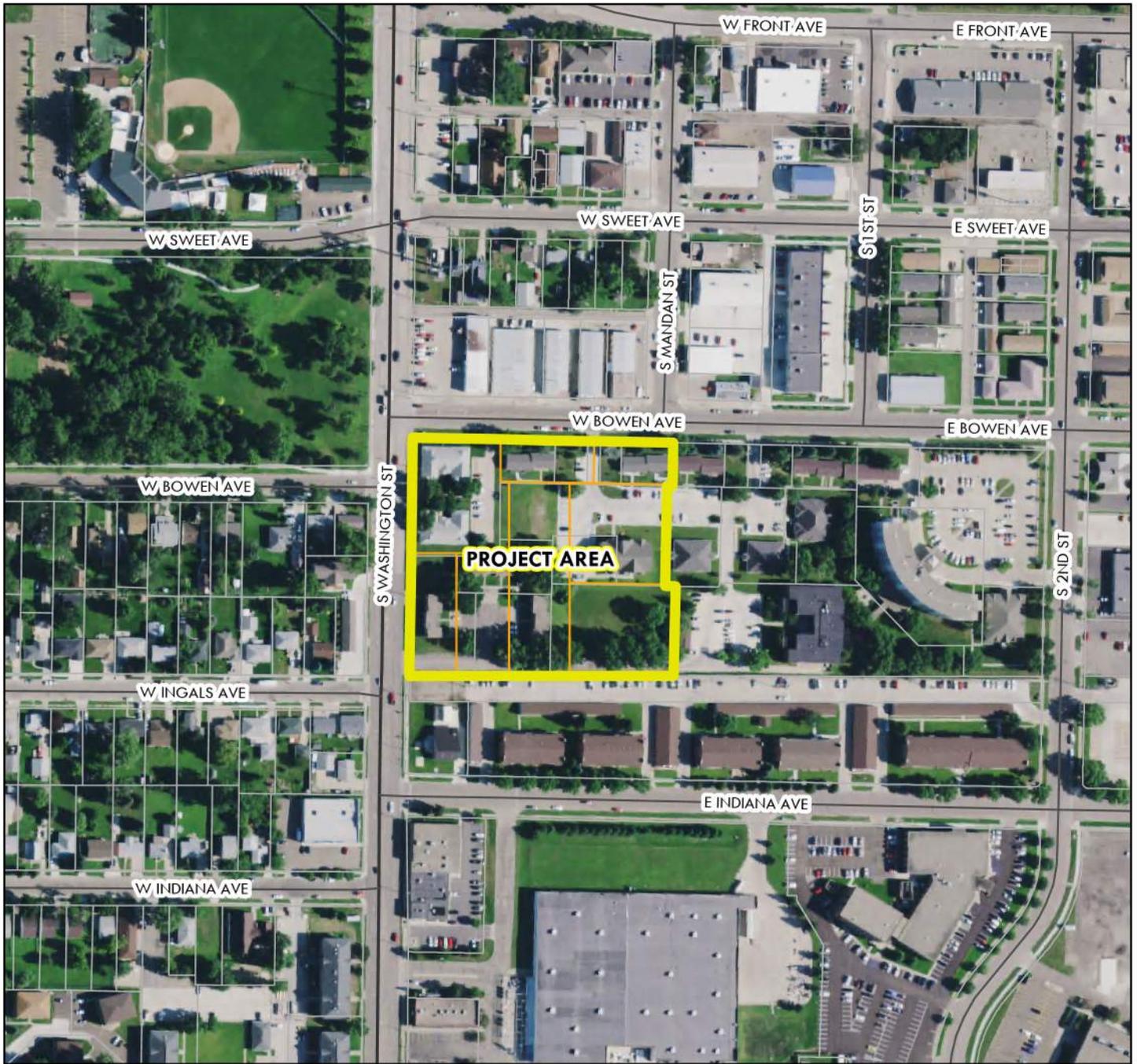
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

MPLT2020-008

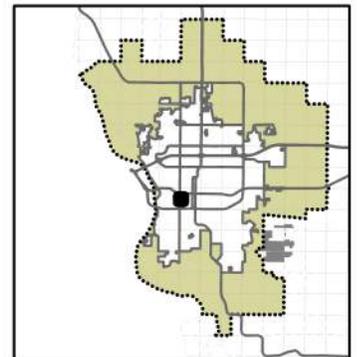


— Lots Pending Approval - - - Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
 Community Development Department
 Planning Division
 September 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.





Zoning and Plan Reference Map

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

MPLT2020-008

Zoning Districts

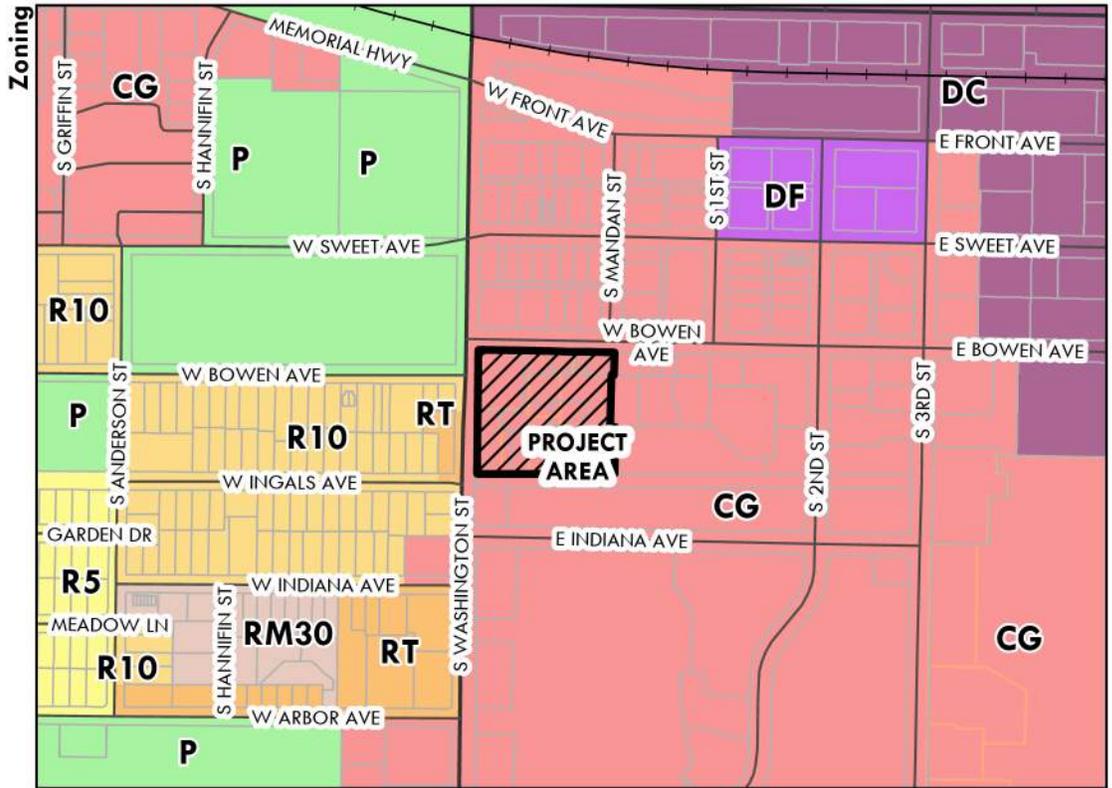
- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
-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



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
 September 17, 2020

DESCRIPTION

BEING A REPLAT OF LOTS 8-16, 23-25 BLOCK 1 OF BURLEIGH COUNTY HOUSING ADDITION AND PARTS OF THE SOUTH 1/2 OF BOWEN AVENUE AND THE EAST 1/2 OF SOUTH WASHINGTON ST RIGHTS-OF-WAY OF THE WEST 1/2 OF SECTION 4 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 22 BLOCK 1 BURLEIGH COUNTY HOUSING ADDITION; THENCE SOUTH 01 DEGREE 08 MINUTES 20 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 22, A DISTANCE OF 170.42 FEET TO THE NORTH LINE OF THE REPLAT OF BLOCK 1 OF WACHTER'S 16TH ADDITION & BLOCK 1 OF WACHTER'S ADDITION; THENCE NORTH 89 DEGREES 55 MINUTES 17 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 550.09 FEET TO THE CENTERLINE OF SOUTH WASHINGTON STREET RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 46 MINUTES 59 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 482.26 FEET TO THE CENTERLINE OF BOWEN AVENUE RIGHT-OF-WAY; THENCE SOUTH 88 DEGREES 50 MINUTES 26 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 543.38 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 7 BLOCK 1 BURLEIGH COUNTY HOUSING ADDITION; THENCE SOUTH 01 DEGREE 08 MINUTES 20 SECONDS WEST, ALONG SAID WEST LINE & ITS NORTHERLY EXTENSION, A DISTANCE OF 121.90 FEET TO THE NORTH LINE OF LOT 17 BLOCK 1 BURLEIGH COUNTY HOUSING ADDITION; THENCE NORTH 88 DEGREES 51 MINUTES 40 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 8.68 FEET TO THE WEST LINE OF SAID LOT 17; THENCE SOUTH 01 DEGREE 08 MINUTES 20 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 189.56 FEET TO THE SOUTH LINE OF SAID LOT 17; THENCE SOUTH 88 DEGREES 51 MINUTES 40 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 19.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.06 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 GEOMETRIC DETAILS ARE CORRECT.

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
BEN EIRETH - 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 ORDINANCE 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 "BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

WE, HOUSING AUTHORITY OF BURLEIGH COUNTY, BEING THE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "BURLEIGH COUNTY HOUSING ADDITION FIRST 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 TO THE PUBLIC, 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 RUN WITH THE LAND FOR THE PURPOSE OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE ACCESS & PARKING EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, 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.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

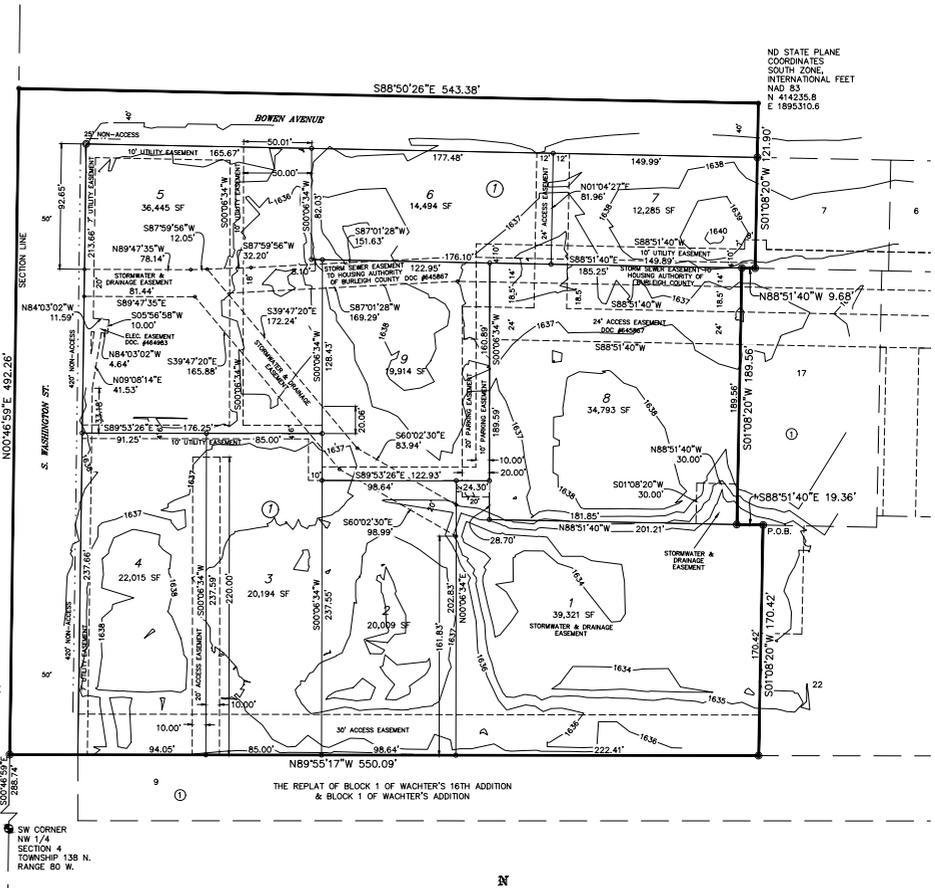
(PRINT)
HOUSING AUTHORITY OF BURLEIGH COUNTY
410 S 2ND ST
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF UNKNOWN AUTHORITY, 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 _____

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 8-16, 23-25 BLOCK 1 OF BURLEIGH COUNTY HOUSING ADDITION AND PARTS OF THE SOUTH 1/2 OF BOWEN AVENUE AND THE EAST 1/2 OF SOUTH WASHINGTON ST RIGHTS-OF-WAY OF THE WEST 1/2 OF SECTION 4 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



ND STATE PLANE
COORDINATES
SOUTH ZONE,
INTERNATIONAL FEET
NAD 83
N 413754.6
E 1894760.6

ND STATE PLANE
COORDINATES
SOUTH ZONE,
INTERNATIONAL FEET
NAD 83
N 414235.8
E 1895310.6

SW CORNER
NW 1/4
SECTION 4
TOWNSHIP 138 N.
RANGE 80 W.

NOTES

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

COORDINATE SYSTEM:
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.

VERTICAL BENCHMARK:
HYD #0577, BOWEN AVE (EAST) & WASHINGTON ST.
ELEV. 1636.7 (NAVD 88)

FLOODPLAIN INFORMATION:
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 3801SC07950
DATED AUGUST 5, 2014
FLOOD PLAIN ELEVATION:
APPROXIMATELY 1636 (NAVD 88)



SCALE: 1"=40'
SEPTEMBER 11, 2020
NAVD 88

o MONUMENT TO BE SET
⊙ MONUMENT IN PLACE

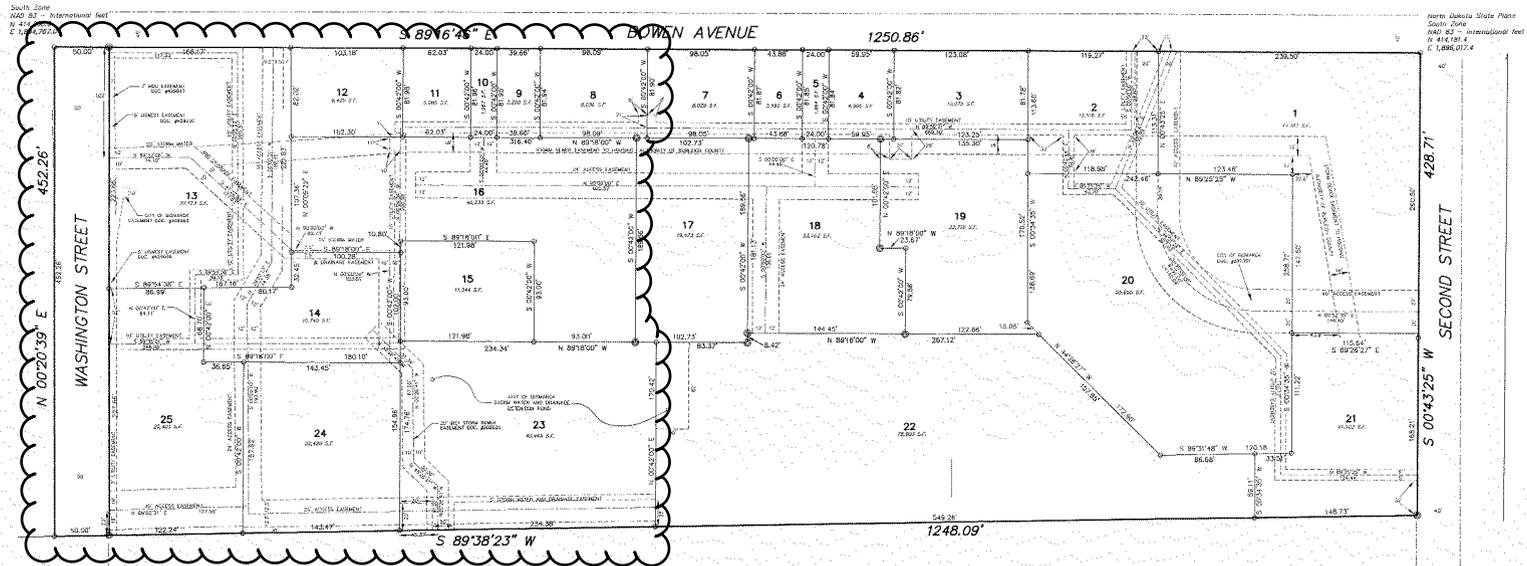
Table with 2 columns: LOT#, AREA. Row 1: 23, 44,919 SF, 1.02 ACRES. Row 2: 24, 44,919 SF, 1.02 ACRES. Row 3: TOTAL, 263,788 SF, 6.06 ACRES.



SURVEYOR'S CERTIFICATE

BURLEIGH COUNTY HOUSING ADDITION

REPLAT OF LOTS 1-24 OF BLOCK 1 AND LOTS 1-12 OF BLOCK 2 AND VACATED INGALS AVENUE OF HARRY GALLUP ADDITION WEST 1/2 OF SECTION 4, T. 138 N., R. 80 W. BISMARCK, NORTH DAKOTA



SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, a registered land surveyor in the State of North Dakota, hereby certify that the annexed surveyor's certificate is a true copy of the notes of a resurvey performed under my supervision and completed on March 25, 2008. This survey supersedes the plat of "BURLEIGH COUNTY HOUSING ADDITION" recorded as document number 445887 in the Burleigh County Recorder's Office as prepared by Todd Marschall a registered land surveyor (ND RIC NO 4433) formerly under the employment of Swenson, Hagen & Co., and is being filed to correct the relationship of the exterior boundary lines to the interior lot lines and that all information shown hereon is true and correct to the best of my knowledge and belief.

STATE OF NORTH DAKOTA))
COUNTY OF BURLEIGH))
SWENSON, HAGEN & CO. P.C.
909 BOWEN AVENUE
P.O. BOX 1135
BISMARCK, NORTH DAKOTA 58504

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



ON THIS 25TH DAY OF March, 2008, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2010

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2010

DESCRIPTION

SURVEYOR'S CERTIFICATE OF LOTS 1 THROUGH 25 OF BLOCK 1 BURLEIGH COUNTY HOUSING ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA CONTAINING 12.63 ACRES, MORE OR FEWER ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF BOWEN AVENUE; AND THE WEST LINE OF SECOND STREET; THENCE SOUTH 0 DEGREES 41 MINUTES 25 SECONDS WEST, ALONG THE WEST LINE OF SECOND STREET, A DISTANCE OF 428.71 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 23 SECONDS WEST, A DISTANCE OF 1248.09 FEET TO THE CENTERLINE OF WASHINGTON STREET; THENCE NORTH 0 DEGREES 20 MINUTES 39 SECONDS EAST, ALONG THE CENTERLINE OF WASHINGTON STREET, A DISTANCE OF 452.26 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF BOWEN AVENUE, A DISTANCE OF 1250.86 FEET TO THE POINT OF BEGINNING.



SCALE: 1"=50'
0 10' 50' 100'
NOVEMBER 10, 2008

LOTS 1-25 527,748 S.F. 12.11 ACRES
STREET 27,590 S.F. 0.63 ACRES
TOTAL 555,338 S.F. 12.74 ACRES

MONUMENT TO BE SET
MONUMENT IN PLACE



SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Bowen Avenue P.O. Box 1135
Bismarck, North Dakota 58504
Phone (701) 223-5000
Fax (701) 223-3665
www.swensonhagen.com



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

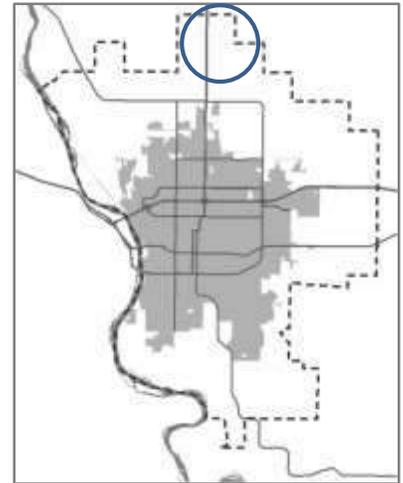
Agenda Item # 8
September 23, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-015

Project Summary

<i>Title:</i>	Lot 3, Block 3, Brentwood Estates
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Frank and Brenda Kelsch
<i>Project Contact:</i>	Frank Kelsch
<i>Location:</i>	North of Bismarck, east of US Highway 83, east of Plainview Drive along the west side of Baine Drive (9220 Baine Drive)
<i>Project Size:</i>	2.7 acres
<i>Request:</i>	Increase the area of accessory buildings to 3,000 square feet



Site Information

Existing Conditions

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential	<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i>	Conventional Rural Residential	<i>Designated GMP</i>	Conventional Rural Residential
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	08/1973	<i>Annexed:</i>	N/A
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Staff Analysis

Frank and Brenda Kelsch are requesting approval of a special use permit to increase the total allowable square footage of accessory structures on the lot to 3,000 square feet, which would allow construction of a new 2,000 square-foot accessory building. The

applicant has indicated that there is an existing 720 square foot accessory building and a 280 square foot accessory building located on the property that will remain.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 11th and 18th and 48 letters were mailed to the owners of nearby properties on September 11th.

Adjacent uses include rural residential uses in all directions.

Section 14-03-06(1)(b)(5) of the City Code of Ordinances (Accessory Uses and Buildings) states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).”

The parcel size for the proposed special use is 2.7 acres or 111,032 square feet and meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an accessory building located within the RR – Residential zoning district.

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 increase the total area of accessory buildings to 3,000 square feet by constructing a 2,000 square foot accessory building on Lot 3, Block 3, Brentwood Estates.

Attachments

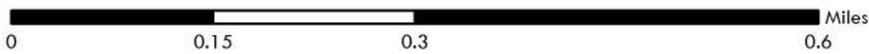
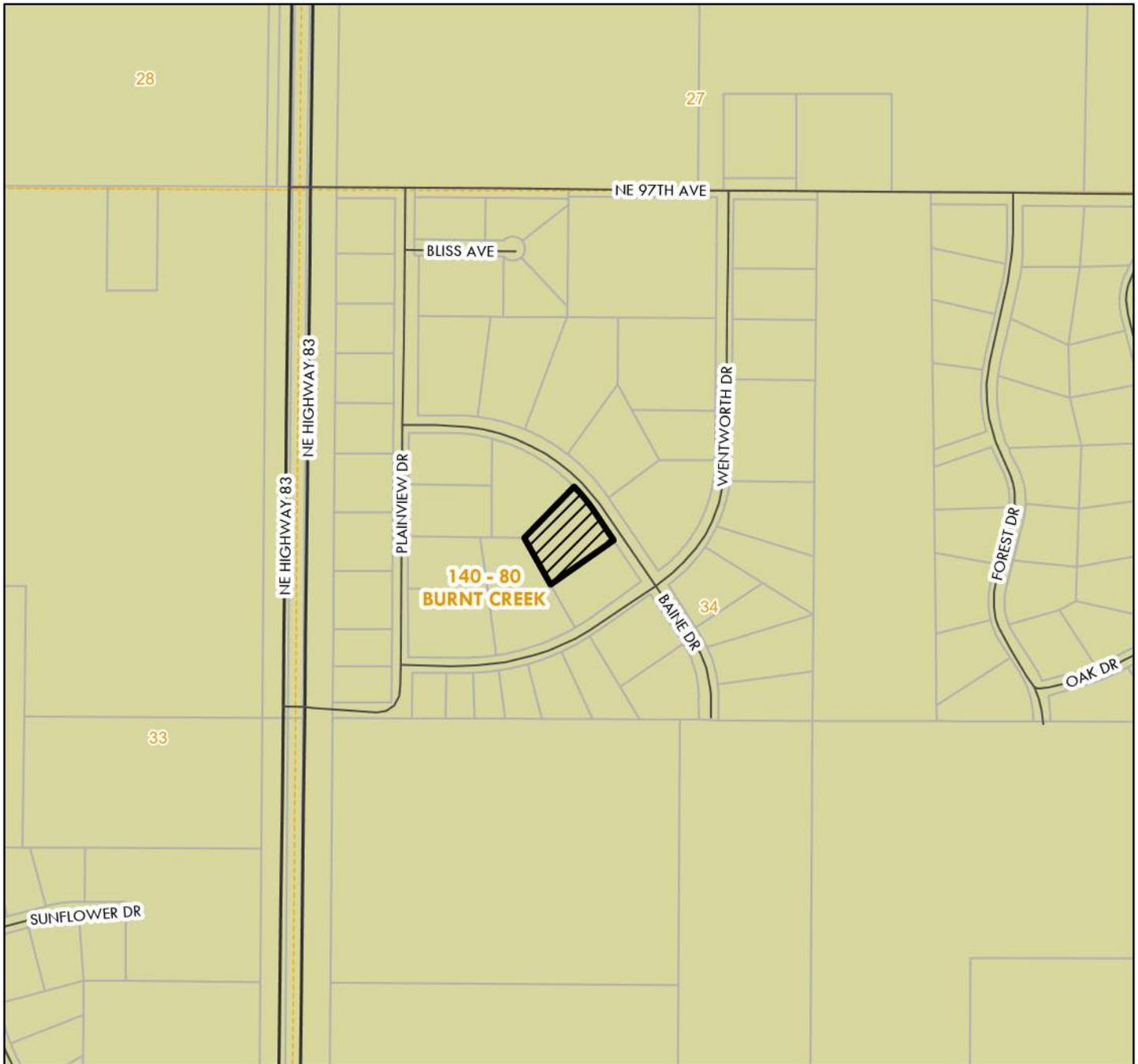
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan or other exhibit

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



Location Map
BRENTWOOD ESTATES, L3, B3

SUP2020-015

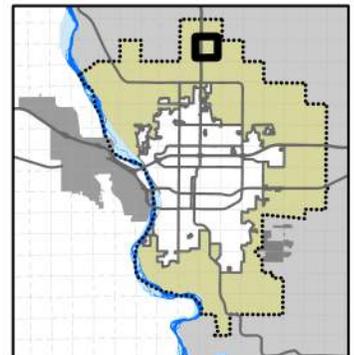


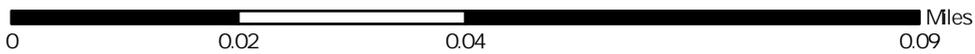
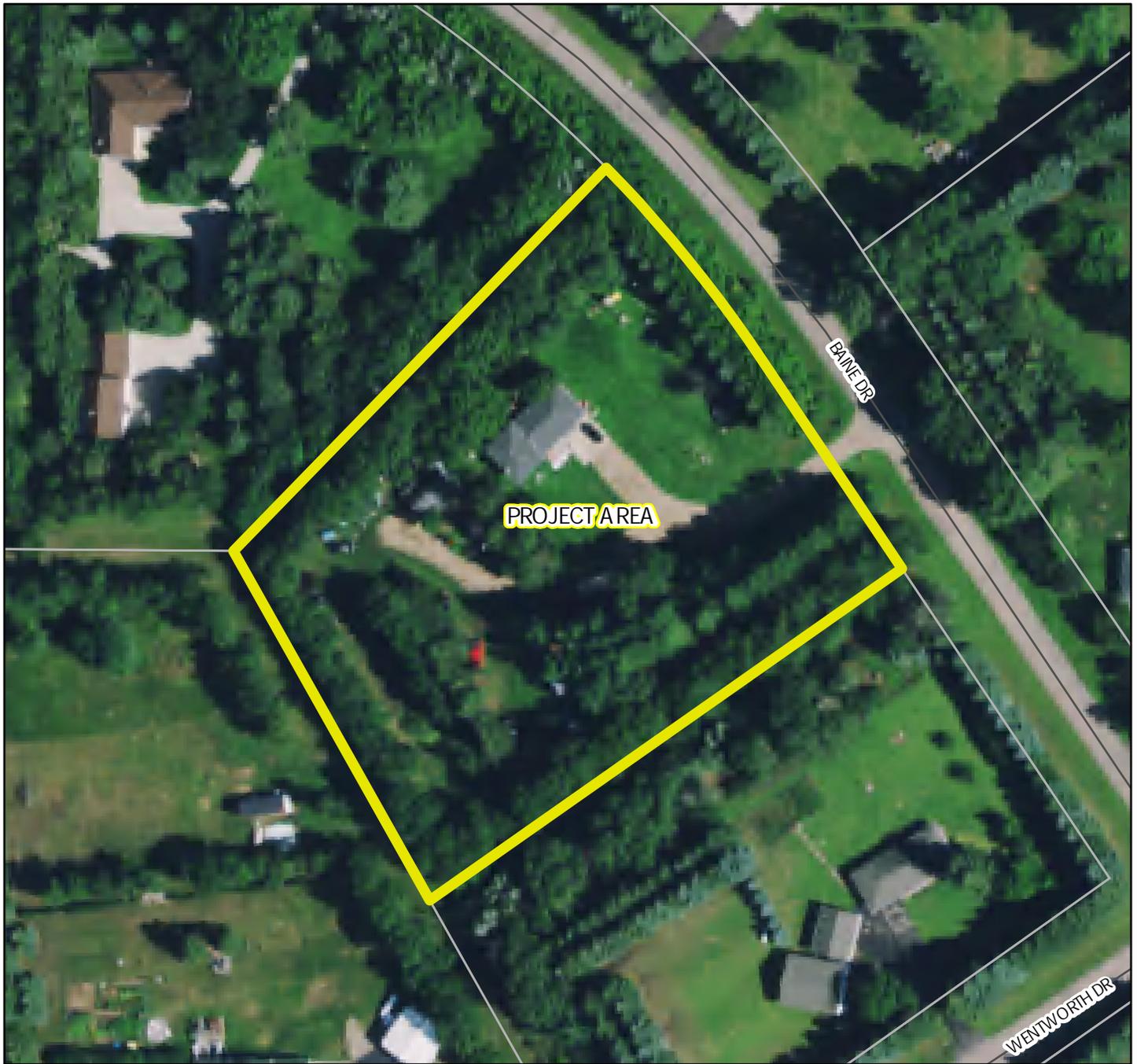
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

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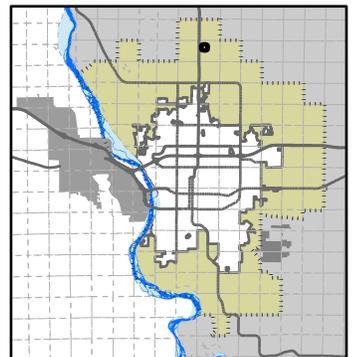
 Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
September 15, 2020

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Zoning and Plan Reference Map

BRENTWOOD ESTATES, L3, B3

ZC2020-005

Zoning Districts

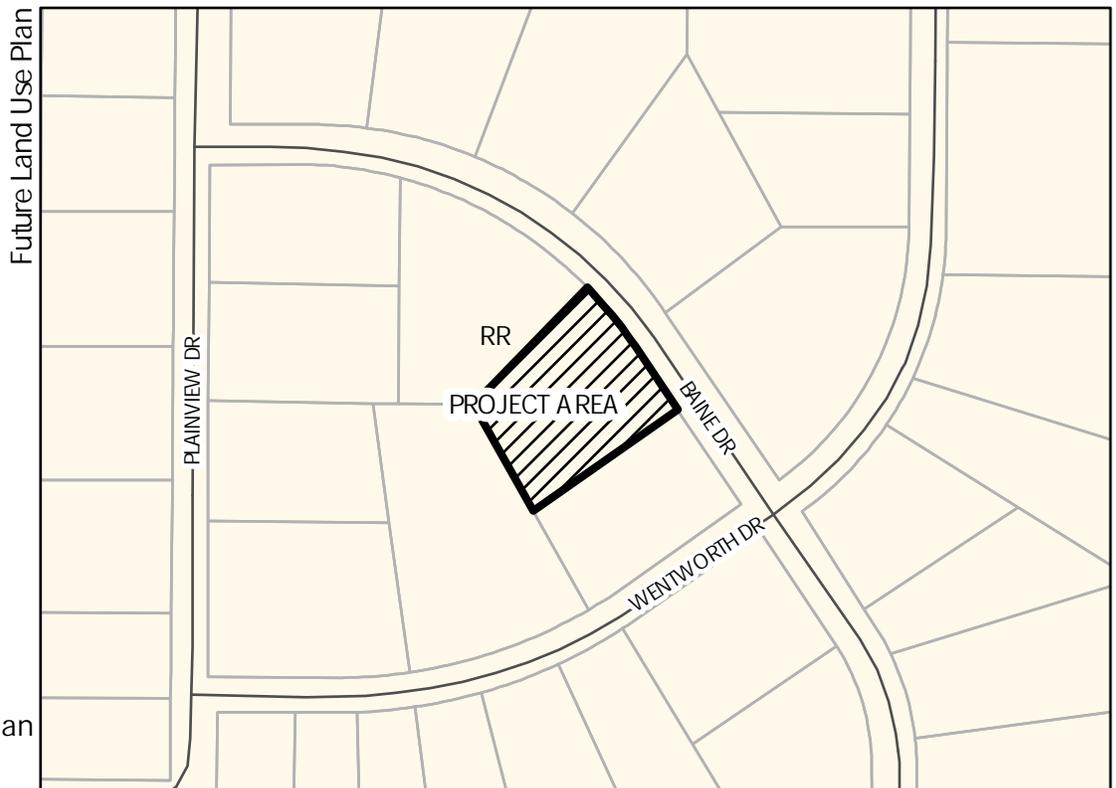
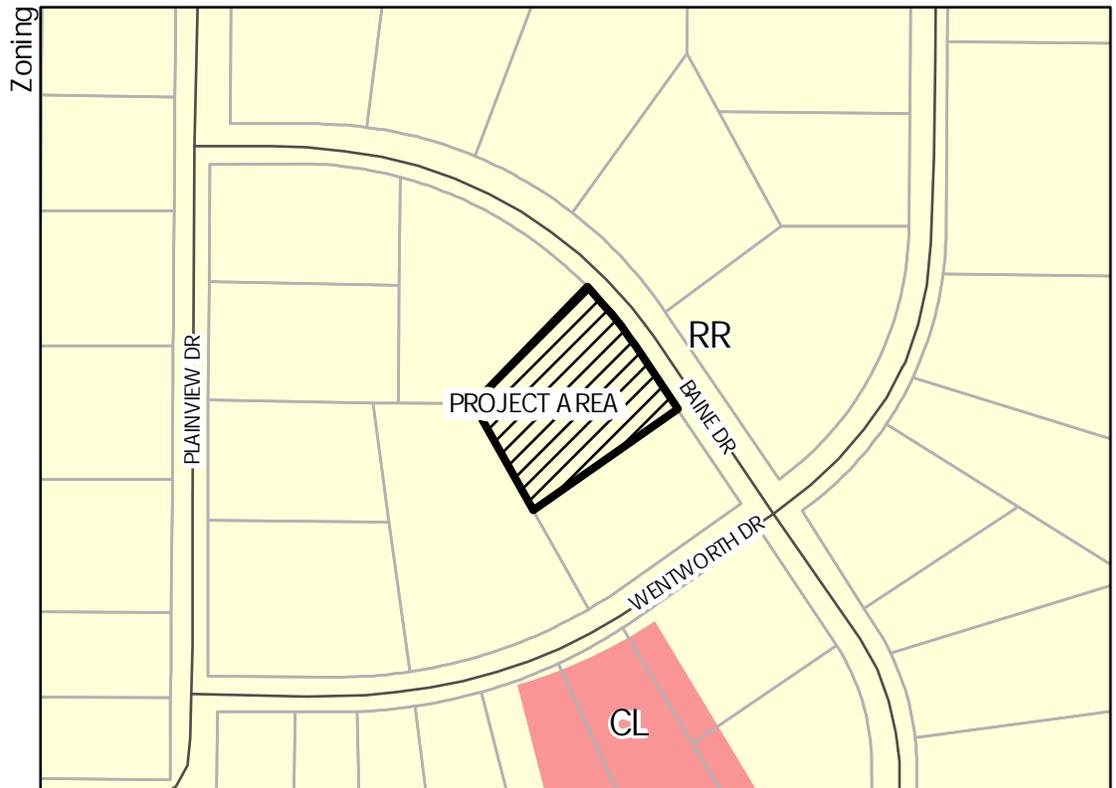
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

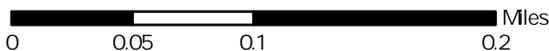
CONSRV	Conservation
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Fringe Area Road Master Plan

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

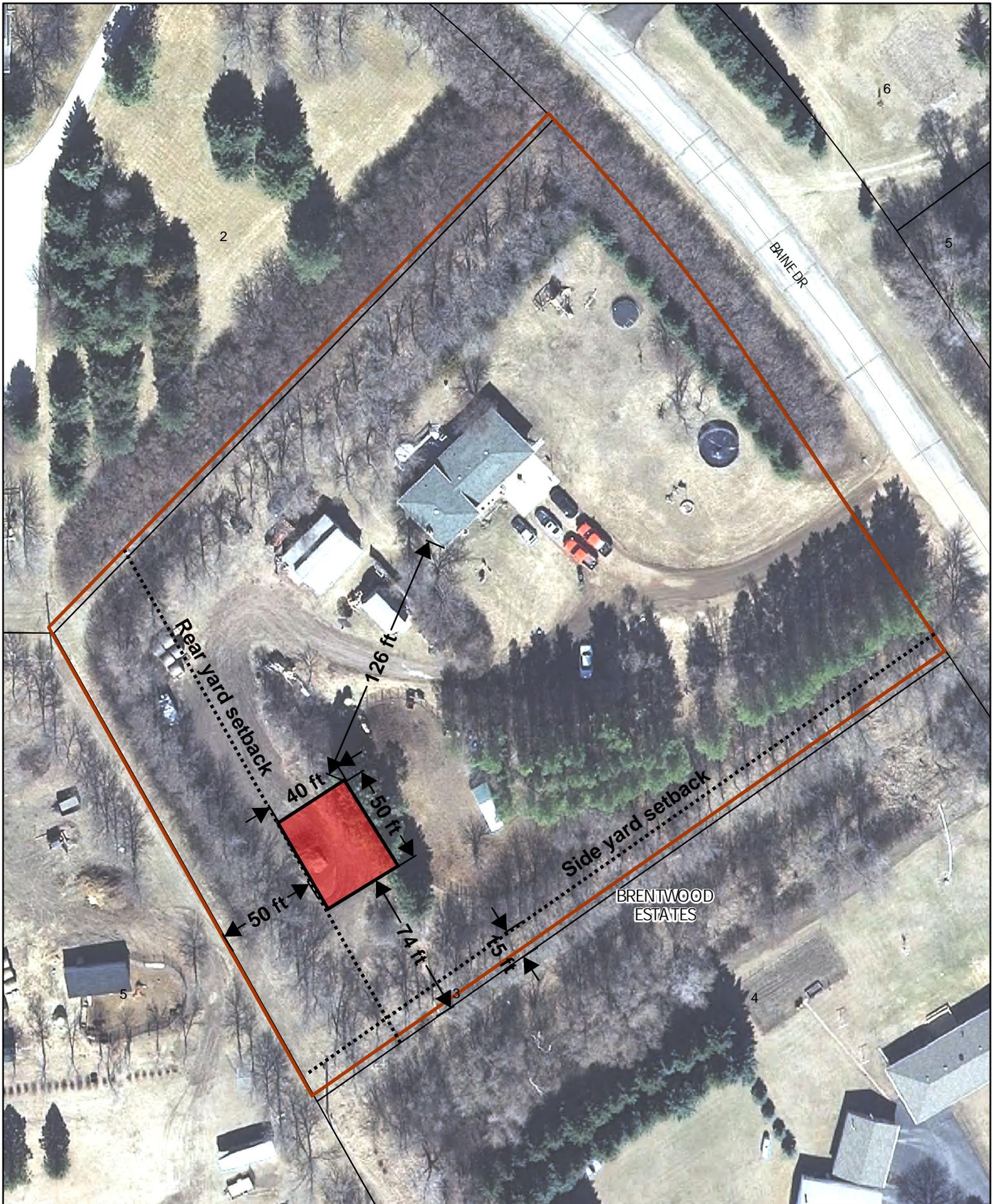
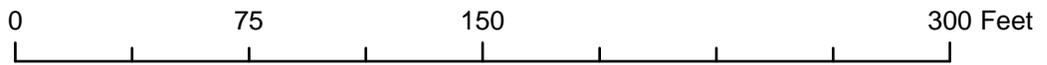


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City of Bismarck
 Community Development Dept
 Planning Division
 September 15, 2020

Site Plan Exhibit





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

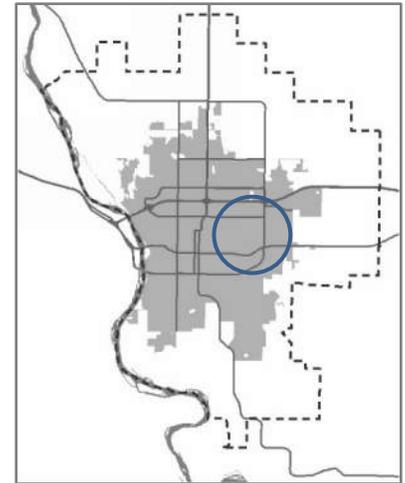
Agenda Item # 9
September 23, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-016

Project Summary

<i>Title:</i>	Lot 2 of Lot A of Lot 1, Block 10, Eastdale Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Jerry D. and Susan M. Frey/ TSM Investments LLP
<i>Project Contact:</i>	Jan Joersz
<i>Location:</i>	In east Bismarck, north of East Main Avenue, east of Eastdale Drive along the south side of East Broadway Avenue (3215 East Broadway Avenue)
<i>Project Size:</i>	39,233 square feet
<i>Request:</i>	Allow the operation of a dog training facility/animal kennel within an existing building



Site Information

Existing Conditions

Proposed Conditions

<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Light Industrial	<i>Land Use:</i>	Dog Training/Kennel
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density Allowed:</i>	MA – N/A	<i>Max Density Allowed:</i>	MA – N/A

Property History

<i>Zoned:</i>	3/1974	<i>Platted:</i>	7/1971	<i>Annexed:</i>	Pre-1980
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Staff Analysis

Jan Joersz is requesting approval of a special use permit to allow the operation of a dog training

facility/animal kennel on Lot 2 of Lot A of Lot 1, Block 10, Eastdale Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 11th and September 18th, and 12 letters were mailed to the owners of nearby properties on September 11th.

Adjacent uses include a distribution center to the north across East Broadway Avenue, an office building to the east, and light industrial uses to the south and west.

The proposed facility would provide dog obedience training, interior and exterior exercise space, grooming services, retail, and group and private education classes. According to the applicant no animals will be kennelled overnight but overnight kenneling would be permitted with approval of this special use permit.

The following criteria from Section 14-03-08(4)(k) of the City Code of Ordinances (Special Uses/Animal hospital or kennel) apply:

1. *The structure shall be sufficient to meet the requirements set forth by the Animal and Plant Health Service, Department of Agriculture.*

The applicant has reviewed these requirements and, based on a narrative provided by the applicant, the proposed structure would be modified sufficiently to meet these requirements.

2. *The structure's setback lines be approved by the city planning and zoning commission on a case-by-case basis, but in no case shall they be less than twenty-five (25) feet.*

The proposed facility would be located in an existing building. The current setbacks are less than 25 feet but do meet the setback requirements for the MA – Industrial zoning district. Since this is an existing structure staff is recommending that the Planning and Zoning Commission waive this requirement.

3. *The hospital or kennel must be maintained within a completely enclosed sound resistant building. The building must contain adequate heating and the ventilation system must have filters incorporated so as to absorb all objectionable inside odors.*

The building is currently insulated, and the applicant intends to add additional sound proofing material as needed. An assessment of the ventilation system will be conducted, and the applicant has indicated that necessary changes will be made to provide better odor-free air flow.

4. *If any exercise yard, run or corral is maintained without an enclosed structure provided they must be shielded from view, the sound muffled by a fixed and immovable barrier, and no residence or residentially zoned area may be located closer than one thousand (1,000) feet to any such facility.*

The proposed exercise yard is an area currently fenced and additional solid fencing will be added to shield the area from view and muffle sound where needed.

5. *The building must be constructed so as to contain sound and odor in such a way as to produce no objectionable noise or odor outside the building.*

The building is fully insulated and sheetrocked which the applicant indicated will ensure the isolation of noise and odor. The applicant has indicated that additional cleaning and sound protocols will be implemented and upgraded as needed.

6. *Off-street parking space be provided at a rate of three (3) spaces per doctor and one and one-half (1-1/2) additional spaces for every employee.*

The proposed facility is not an animal hospital and will not employ any doctors. The applicant has indicated there will be between 5 and 8 employees which would require a total of 12 spaces. There are currently 14 off-street spaces on site.

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 the operation of a dog training facility/animal kennel including the waiver of the 25 foot setback requirement on Lot 2 of Lot A of Lot 1, Block 10, Eastdale Addition with the following condition:

1. The proposed facility must meet all requirements outlined in Section 14-03-08(4)(k) of the City Code of Ordinances.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit

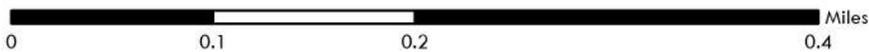
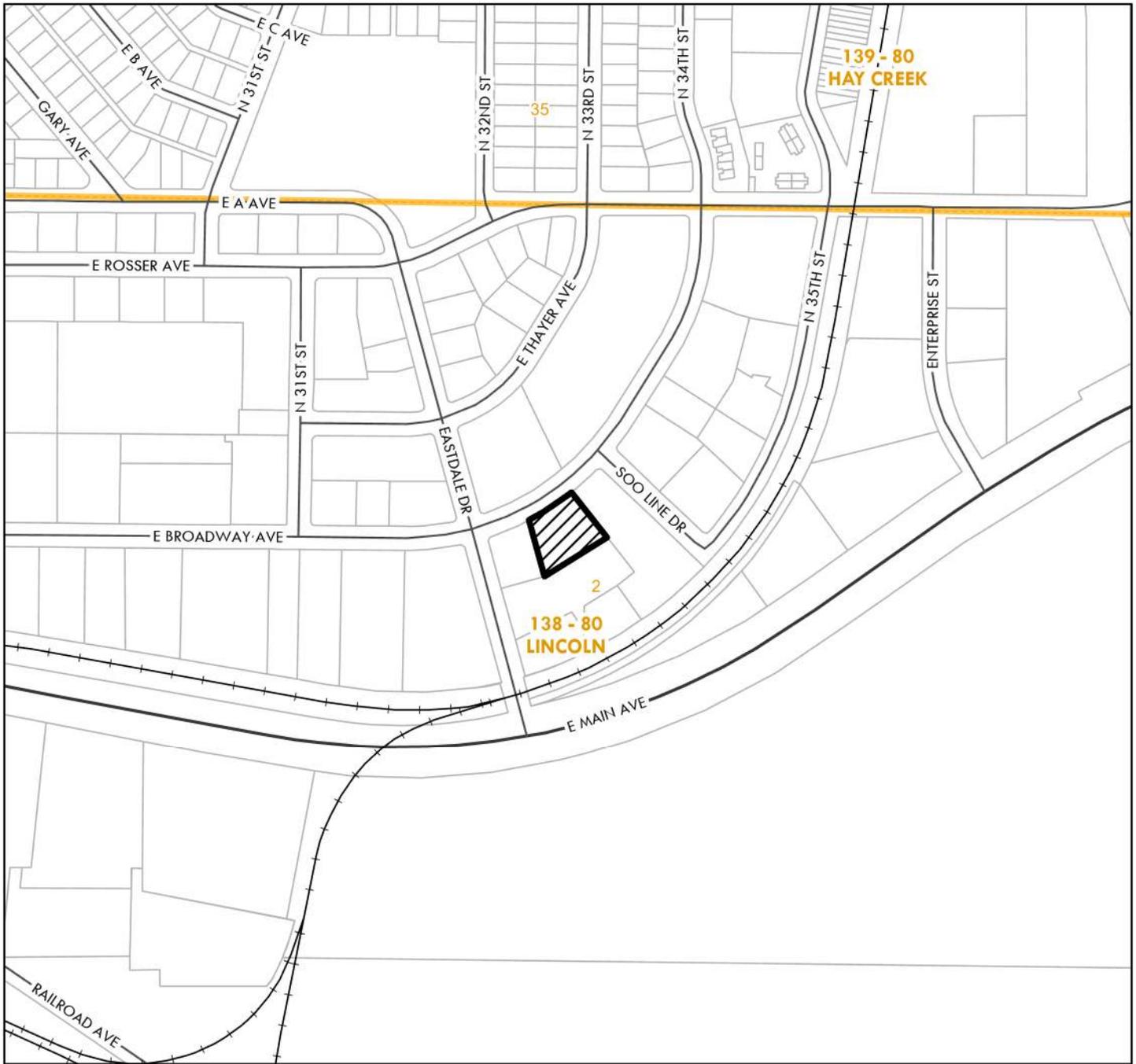
Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

EASTDALE ADDITION, L2 OF LOT A OF L1, B10

SUP2020-016



 City Limits

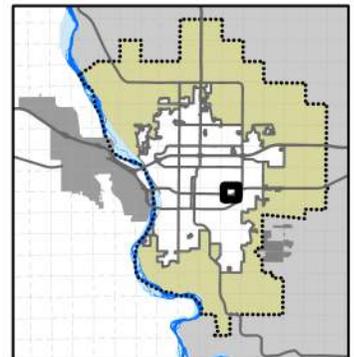
 County Outside ETA

 Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

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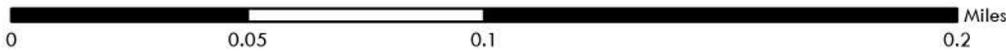
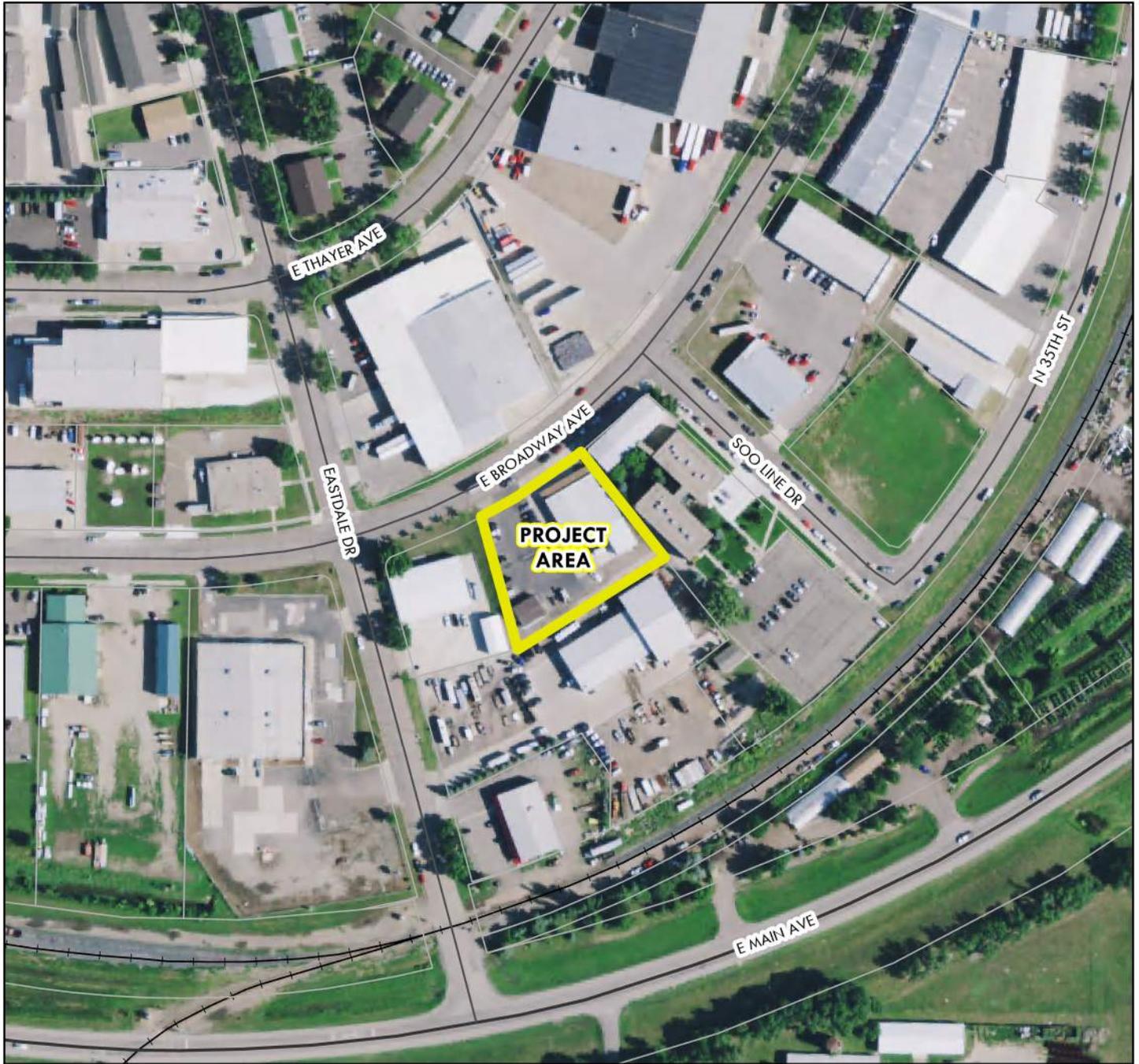




Aerial Map

EASTDALE ADDITION, L2 OF LOT A OF L1, B10

SUP2020-016

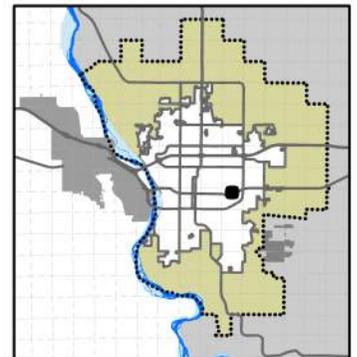


 Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
September 15, 2020

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Zoning and Plan Reference Map

EASTDALE ADDITION, L2 OF LOT A OF L1, B10

SUP2020-016

Zoning Districts

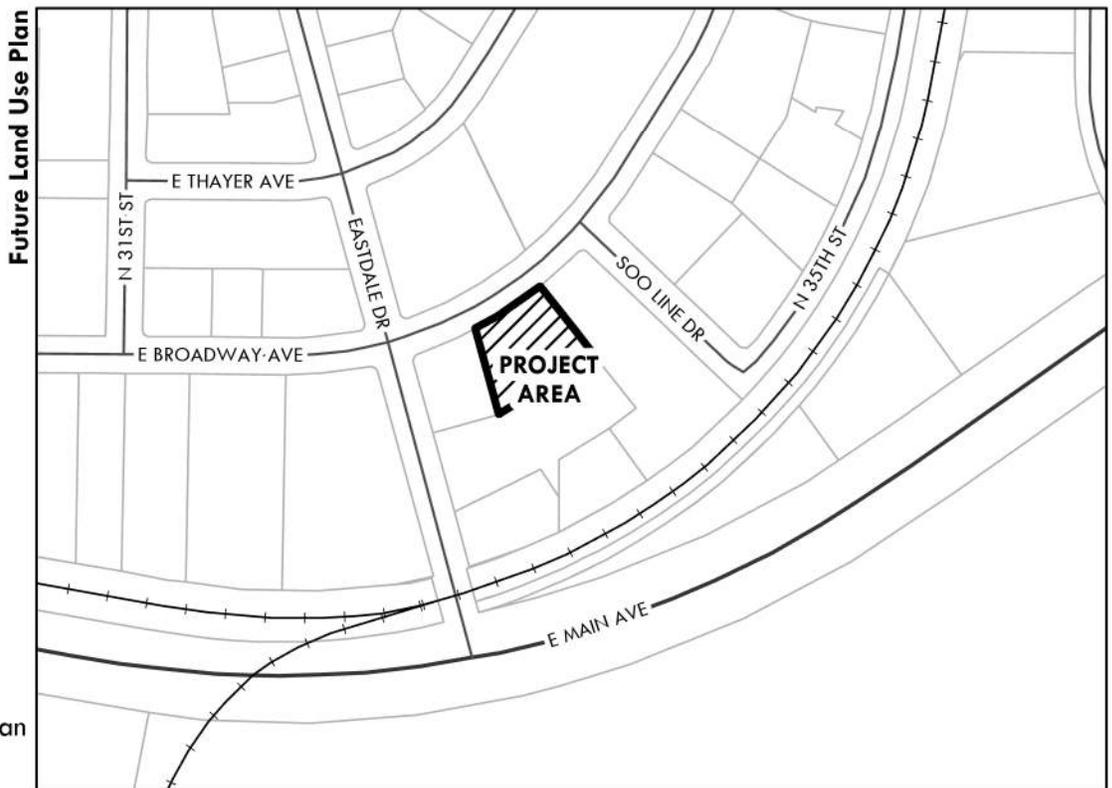
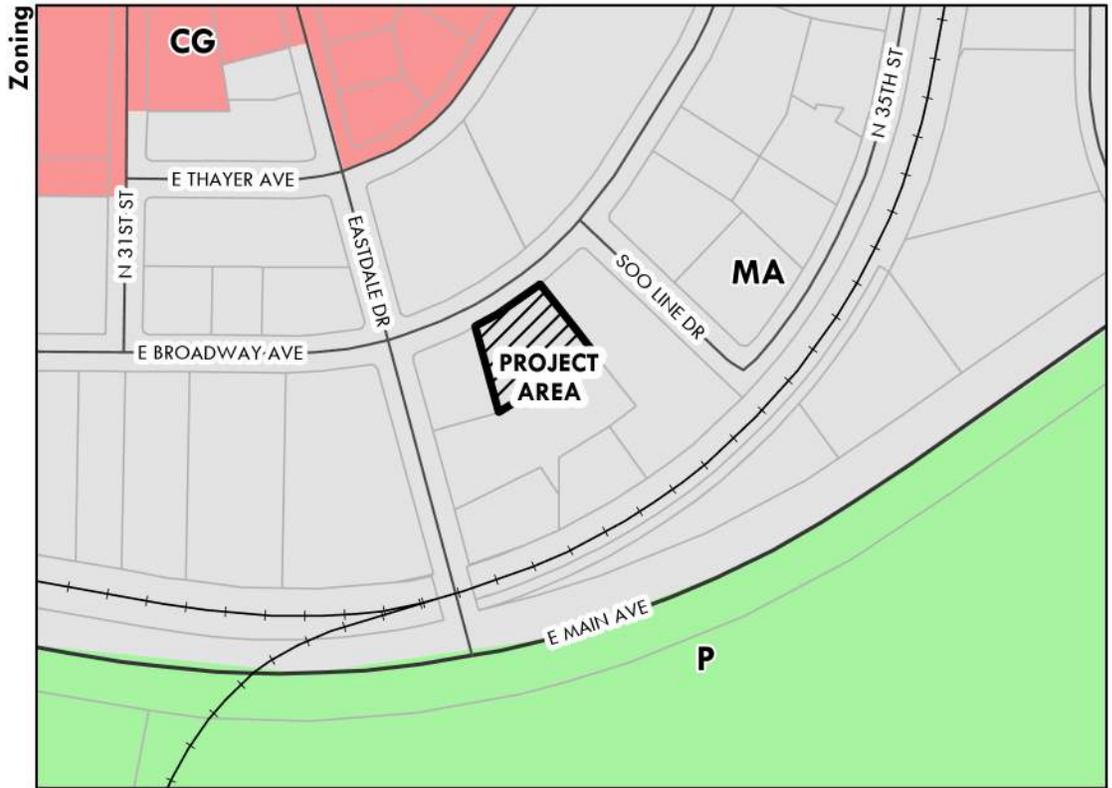
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RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC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

Future Land Use Plan

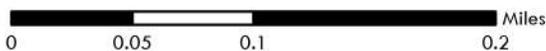
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
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I	Industrial
LDR	Low Density Residential
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O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
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
September 15, 2020





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

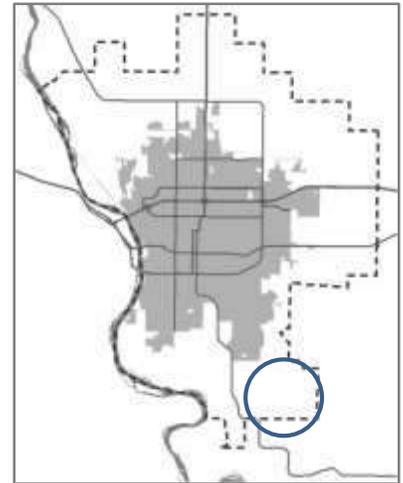
Agenda Item # 10
September 23, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-017

Project Summary

<i>Title:</i>	Lot 8, Block 1, Copper Ridge Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Daryl Ressler
<i>Project Contact:</i>	Tony Campagna
<i>Location:</i>	Southeast of Bismarck, east of 52nd Street SE and north of Woodrow Drive along the west side of Copper Ridge Lane (6516 Copper Ridge Lane)
<i>Project Size:</i>	1.95 acres
<i>Request:</i>	Construct a 3,200 square-foot accessory building, with an accessory dwelling unit



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	08/1973	<i>Annexed:</i>	N/A
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Staff Analysis

Daryl Ressler is requesting approval of a special use permit to increase the total allowable square footage of accessory structures on the lot to 3,200 square feet, which would allow construction of a new 3,200 square-

foot accessory building. This structure would contain an accessory dwelling unit in a portion of the building.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 11th and 18th and 72 letters were mailed to the owners of nearby properties on September 11th.

Adjacent uses include rural residential uses to the north, east, and south, and undeveloped agricultural land to the west.

Section 14-03-06(1)(b)(5) of the City Code of Ordinances (Accessory Uses and Buildings) states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).”

The parcel size for the proposed special use is 1.95 acres or 85,208 square feet and meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an accessory building located within the RR – Residential zoning district.

For the proposed accessory dwelling unit, The following criteria from Section 14-03-08(y) of the City Code of Ordinances (Special Uses/Accessory Dwelling Units) apply:

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

Approval of only one unit is being requested.

2. *An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to twenty (20) feet or the height of the principal structure on the lot, whichever is less.*

The accessory dwelling unit will be contained within an accessory structure that meets all requirements for the zoning district.

3. *The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The home may not be owned by a corporation, but the owner-occupant may be a benefited person in a private trust or life estate. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property.*

The applicant intends to continue use of this property as an owner-occupied dwelling.

4. *At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot.*

The new accessory structure includes a two-stall garage, in addition to the main shop space of the structure. Sufficient parking is available.

5. *No accessory dwelling unit may include more than one (1) bedroom.*

The proposed unit includes one bedroom.

6. *Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet on any lot or parcel five (5) acres in area or less.*

The floorplan submitted with this application, and attached to this staff report, exceeds the allowable floor area by 126 square feet. The applicant is aware that the size will need to be reduced to 800 square feet before a building permit can be issued for this use.

7. *An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.*

The applicant intends to install water and sewer pipes to connect the accessory building

(continued)

to the primary structure. An additional septic tank and drainfield will be installed to support this structure.

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 construct a 3,200 square feet accessory building, which includes an accessory dwelling unit, on Lot 8, Block 1, Copper Ridge Subdivision, with the following conditions:

1. The size of the accessory dwelling unit does not exceed 800 square feet, as verified on a revised floor plan submitted prior to issuance of a building permit.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Floor plans

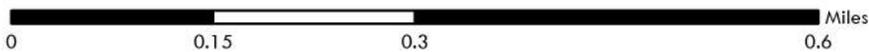
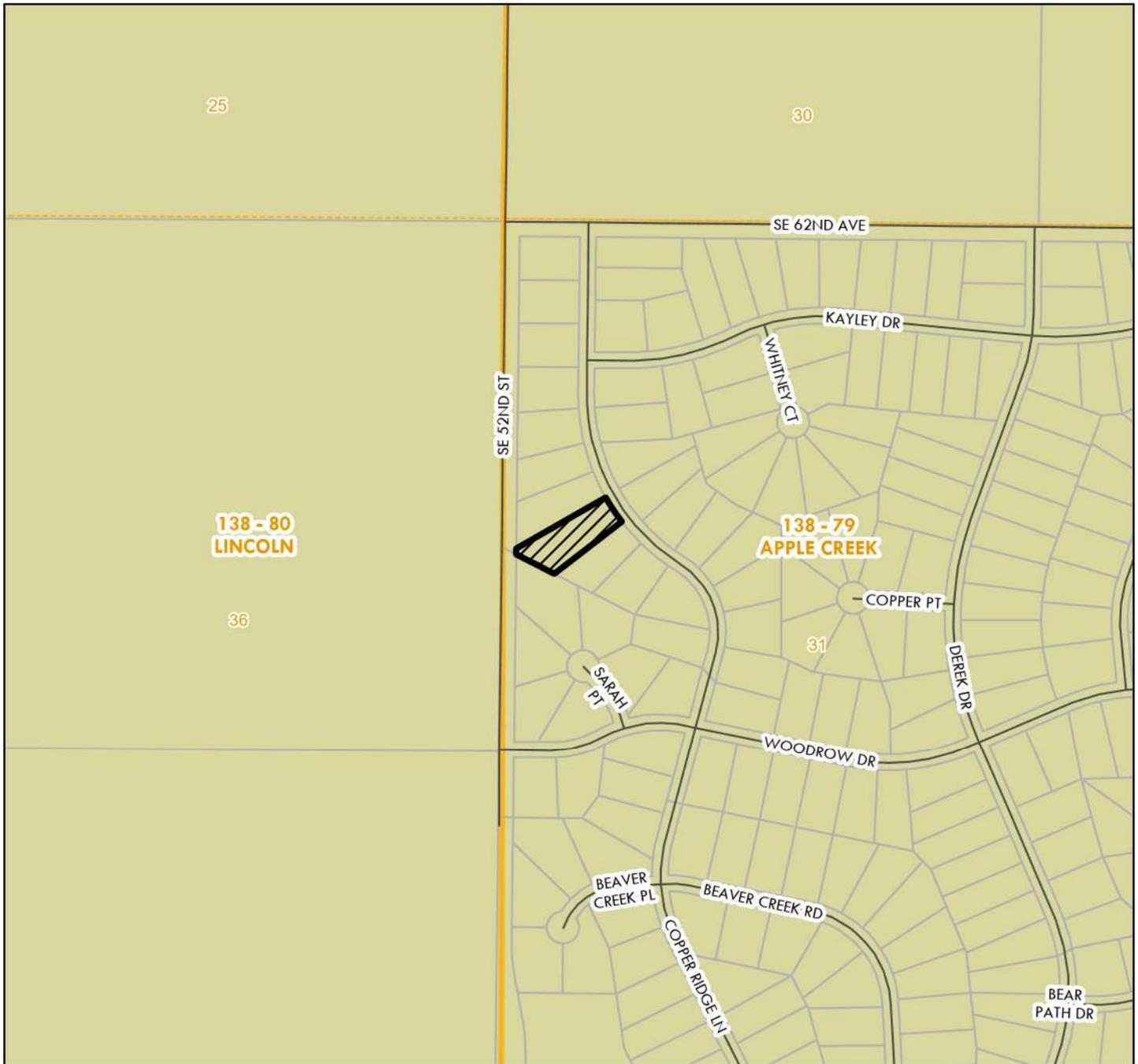
Staff report prepared by: Daniel Nairn, AICP, Senior Planner
 701-355-1854 | dnairn@bismarcknd.gov



Location Map

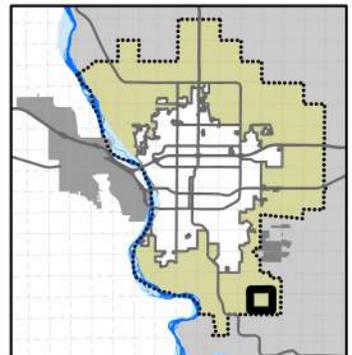
COPPER RIDGE SUBDIVISION, L8, B1

SUP2020-017



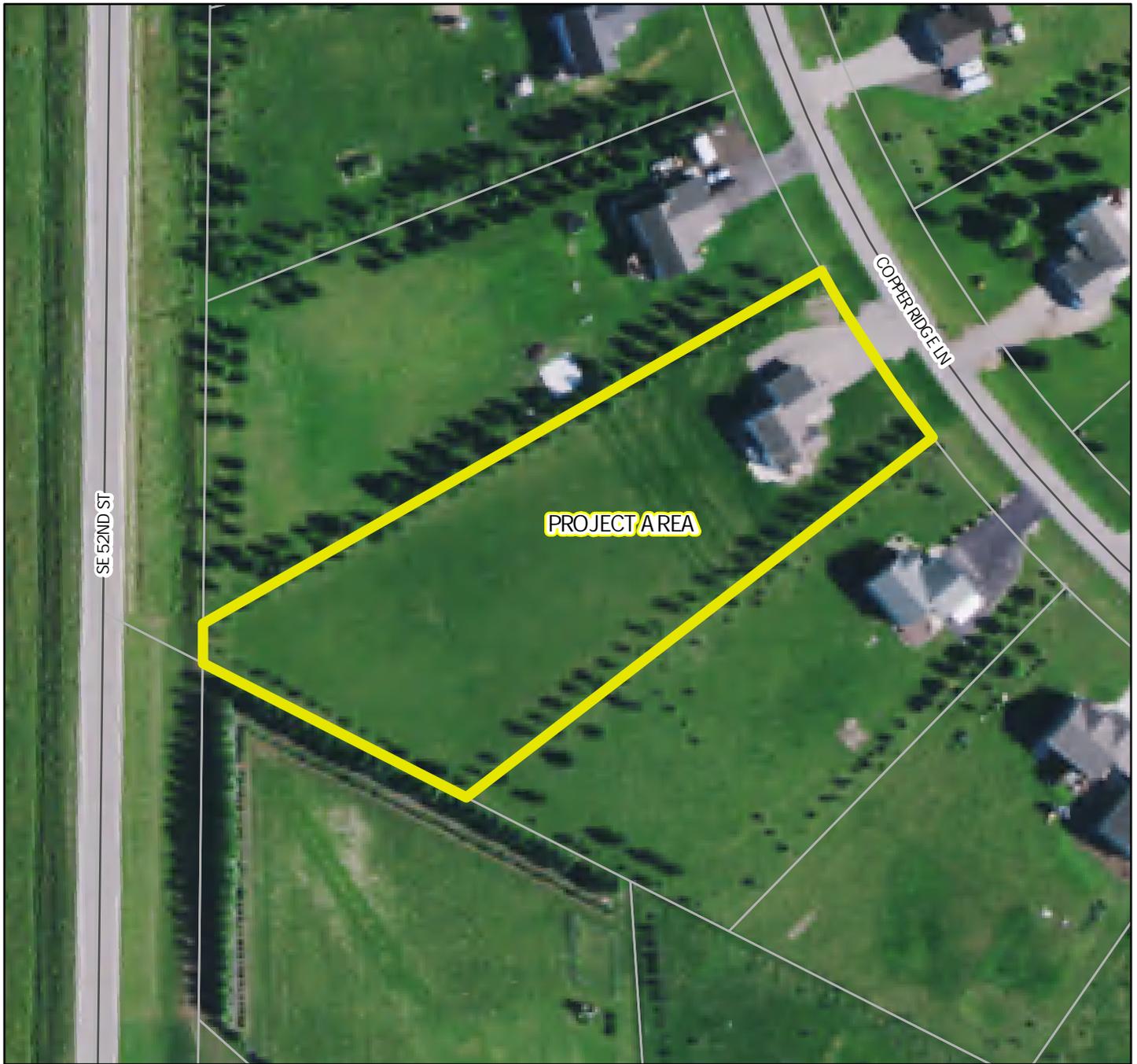
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City of Bismarck
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 Planning Division
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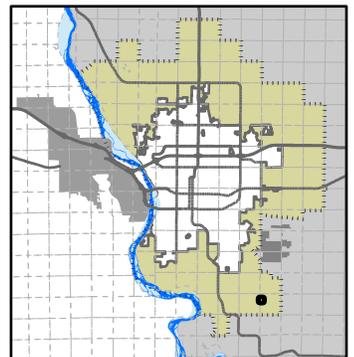
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Community Development Department
Planning Division
September 15, 2020

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Zoning and Plan Reference Map

SUP2020-017

COPPER RIDGE SUBDIVISION, L8, B1

Zoning Districts

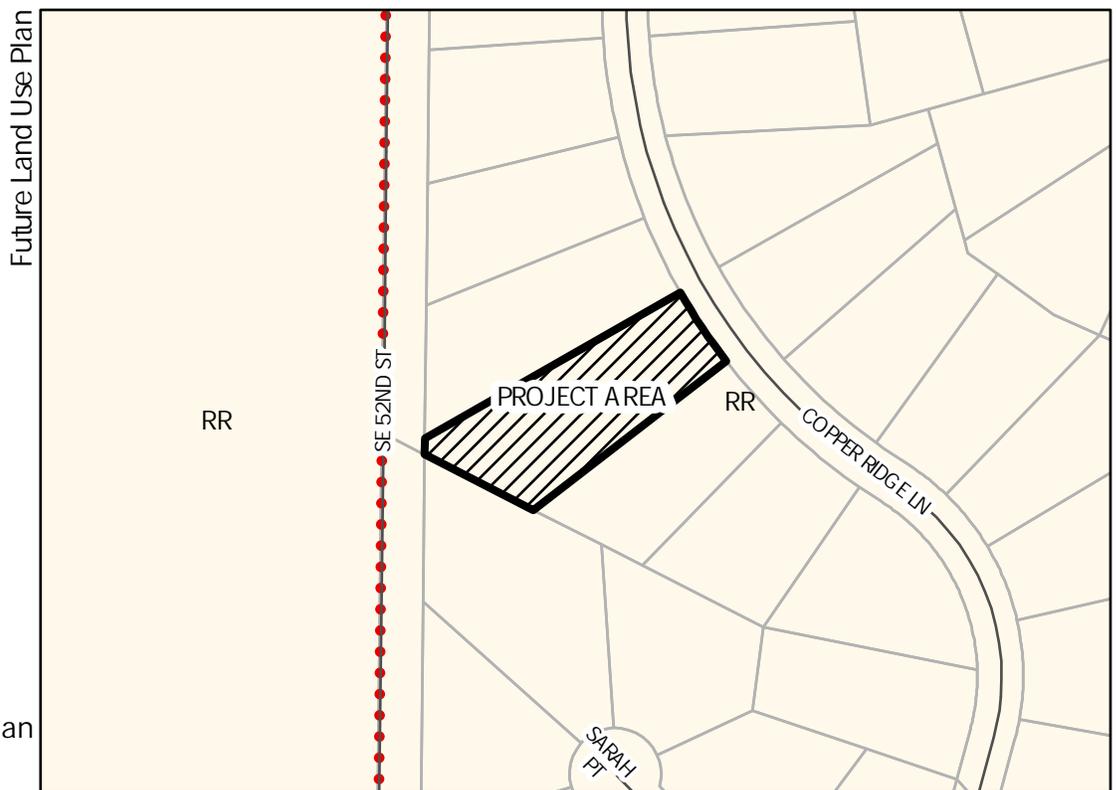
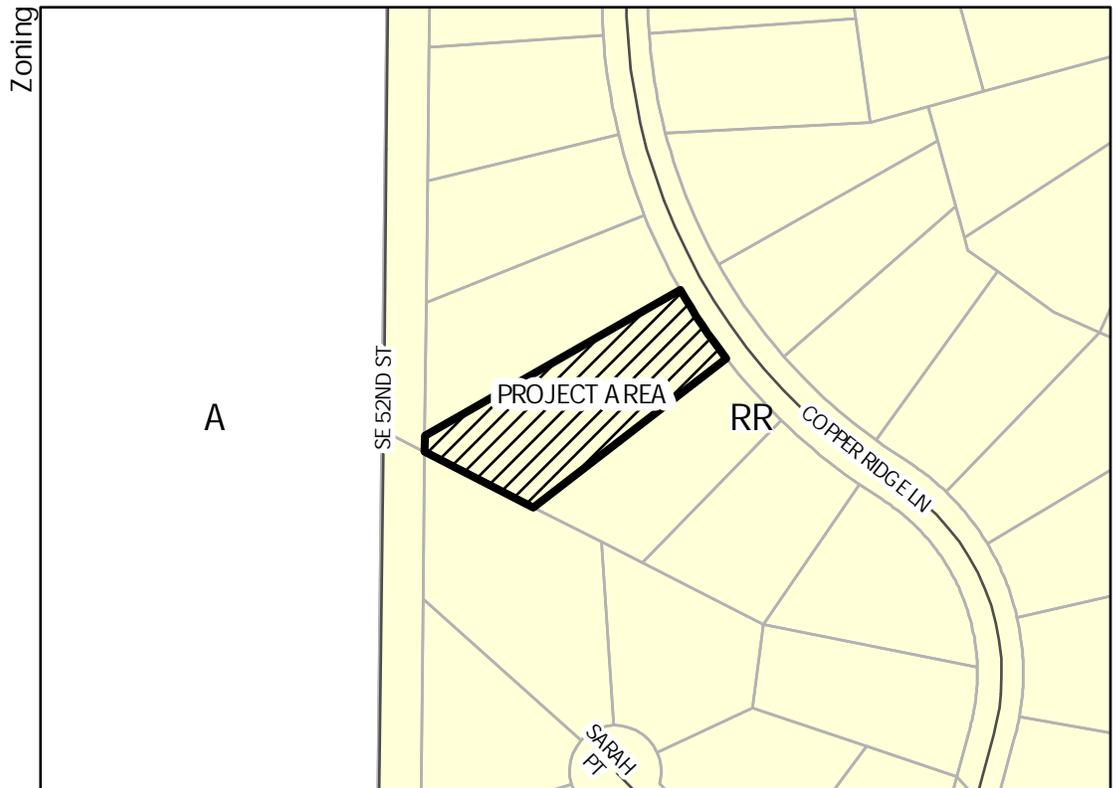
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Future Land Use Plan

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Fringe Area Road Master Plan

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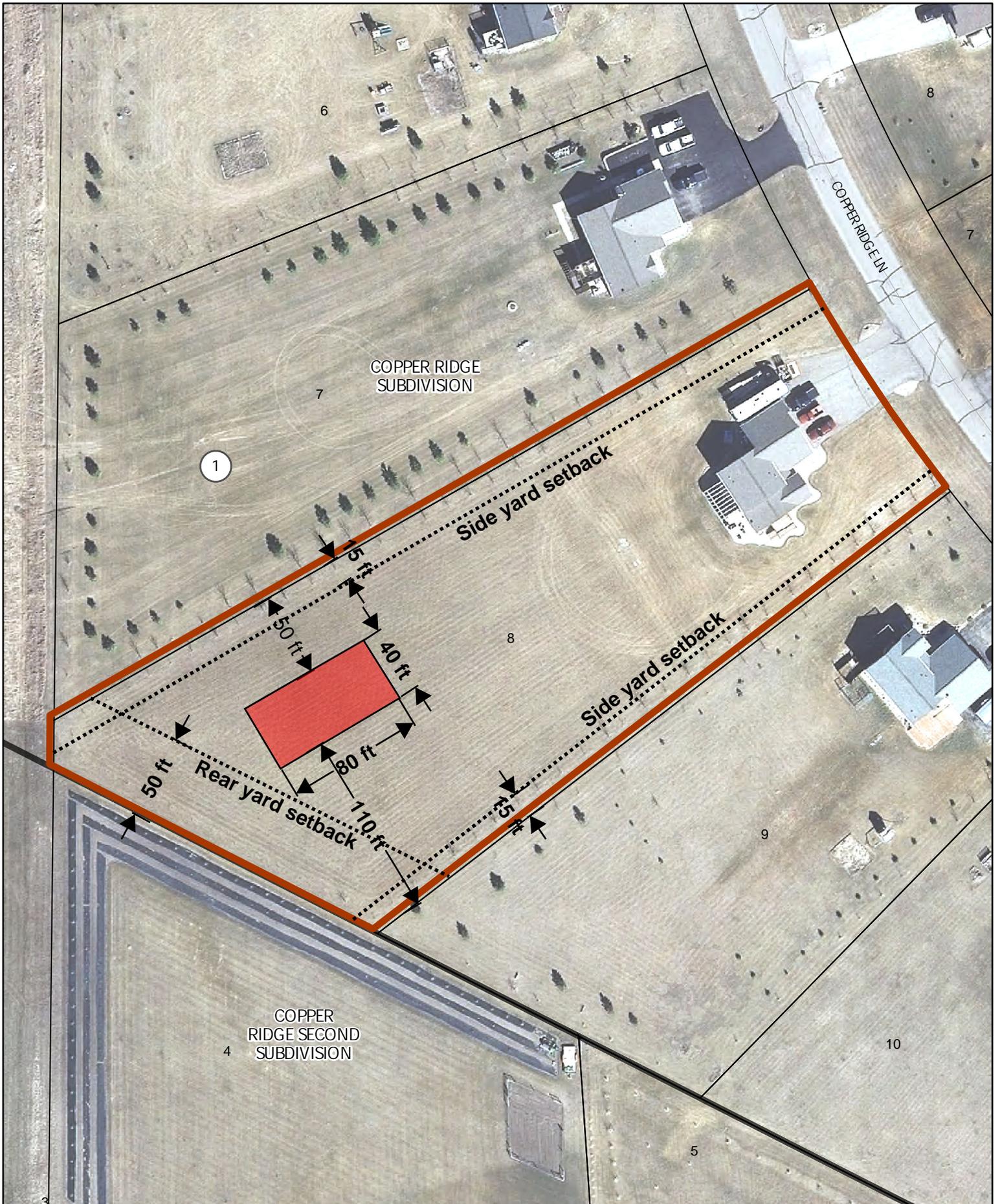


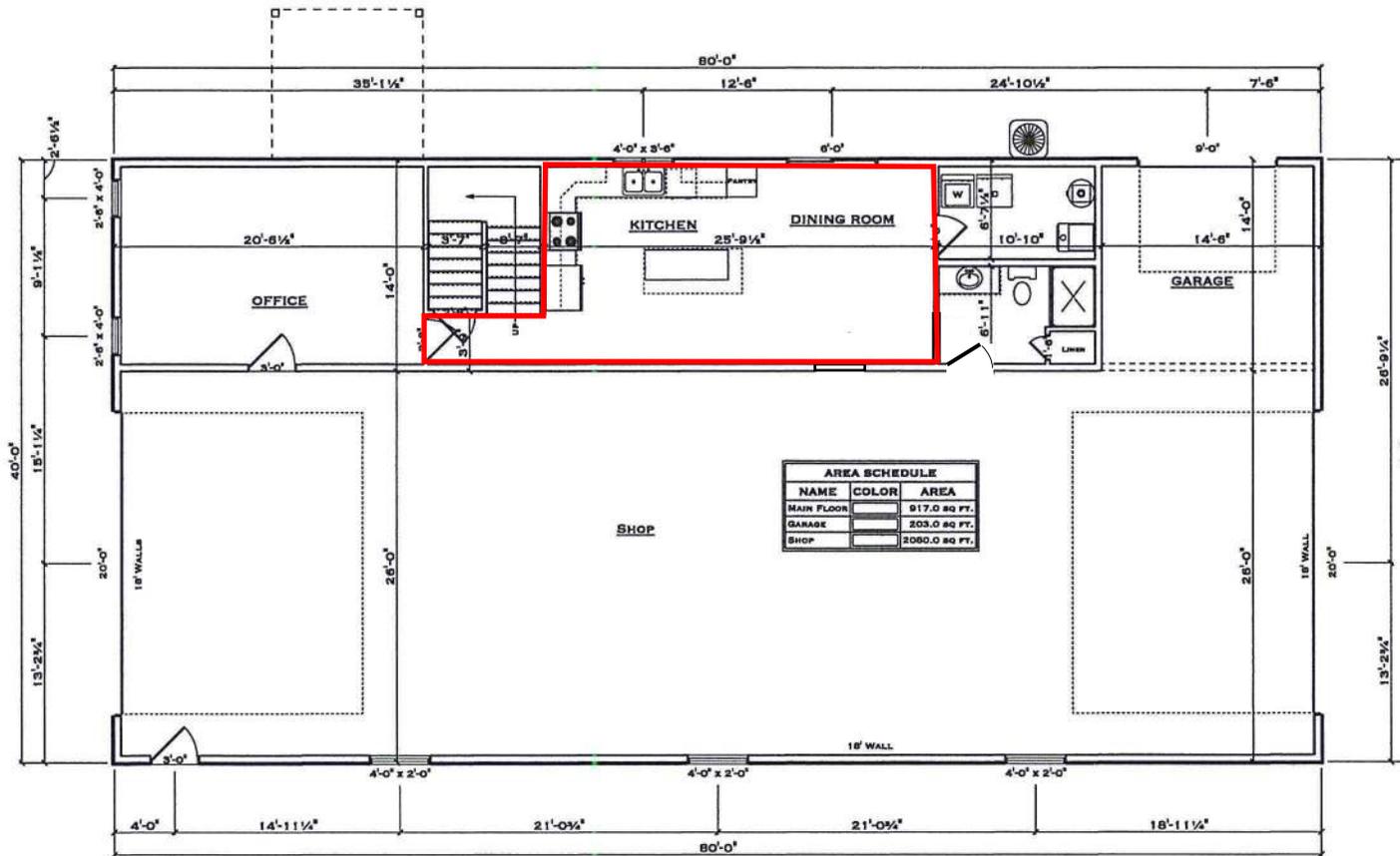
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City of Bismarck
Community Development Dept
Planning Division
September 15, 2020





FRONT STREET MILLWORK & LUMBER, INC.
 3320 EAST CENTURY AVENUE - BIRMINGHAM, MO 63503
 PHONE: (701) 255-1235 FAX: (701) 252-0800
 ZACH@FRONTSTREETMILLWORK.COM

TONY CAMPAGNA
 ZACH/2018
 ZACH/2018
 ZACH/2018

ZACH LARSON
 DATE: MARCH 16, 2018
 ZACH/2018

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



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

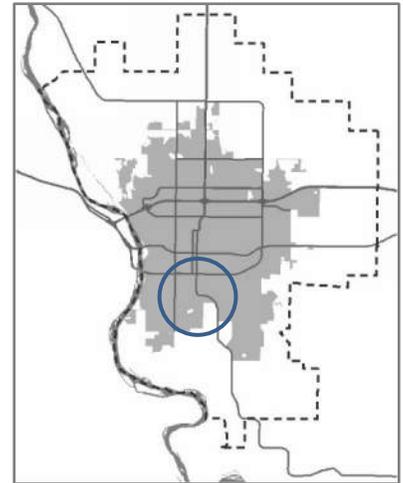
Agenda Item # 11
September 23, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-018

Project Summary

Title:	Lot 1 less the West 217 feet and less the East 235 feet, Block 1, Airport Expressway 2nd Addition Replat of All of Lots 1 and 2, Block 1
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Runway Investments
Project Contact:	Val Schafer and Shannon Herman
Location:	In south Bismarck, south of University Drive and east of South 12th Street, along the north side of Tacoma Avenue (1300 Tacoma Avenue/DanceWorX Studio)
Project Size:	50,699 square feet
Request:	Approval of special use permit for a temporary child care center



Site Information

Existing Conditions

Proposed Conditions

Number of Lots:	1 parcel	Number of Lots:	1 parcel
Land Use:	Office and dance studio	Land Use:	Office, dance studio and child care
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:	MA – Industrial	Zoning:	CR – Commercial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	MA – N/A	Max Density Allowed:	MA – N/A

Property History

Zoned:	10/1977	Platted:	9/2003 (replat)	Annexed:	Pre-1980
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Staff Analysis

Val Schafer and Shannon Herman are requesting approval of a special use permit to allow the operation of a child care center on Lot 1 less the West 217 feet and less the East 235 feet, Block 1, Airport Expressway 2nd Addition Replat of All of Lots 1 and 2, Block 1.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 11th and September 18th, and 34 letters were mailed to the owners of nearby properties on September 11th.

Adjacent uses include a mix of commercial and light industrial uses to the north, a religious facility to the east, a mix of commercial and light industrial uses to south, and a car wash and oil change facility to the west. Leased office space is located within the same building as the proposed child care facility which also operates as a dance studio.

The proposed child care center is intended to be a temporary solution to address potential need for school-aged children who may need space for a learning environment due to hybrid or remote instruction from any of the local area schools during the COVID-19 pandemic. The current use of the space within the building is a weeknight and weekend dance studio. Operation of the child care center would occur on weekdays and would not overlap.

The following criteria from Section 14-03-08(4)(q) 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.*

The proposed child care center would utilize four rooms for with a total square footage of 3,971 square feet which would allow up to 113 children however since the building is not sprinkled, the maximum allowable occupant load is considerably less. The total number of children at this facility would be 69. This requirement would be met.

- 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.*

The applicant has verbally requested a waiver from installing the outdoor play area in order to quickly provide space for this proposed temporary child care facility so that the applicant can start operating as soon as possible as a learning center during the COVID-19 pandemic. Staff is supportive of this request with the condition that if the use of the facility continues as a child care center, the applicant will be required to install an outdoor play area within 12 months of approval. There is sufficient space on site to accommodate this if needed in the future.

- 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.*

The proposed child care center would employ seven individuals and caring for 69 students. Total parking space required would equal 14. There are 36 parking spaces on site and only 12 spaces are required for the leased office space. This requirement would be met.

- 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 proposed building would meet all requirements of the International Fire Code and Building regulations as long as the occupant load does not exceed 69 individuals.

(continued)

- 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.*

The applicant has indicated all applicable health and sanitation requirements will be followed.

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 the operation of child care center and a waiver of the outdoor recreation space on Lot 1 less the West 217 feet and less the East 235 feet, Block 1, Airport Expressway 2nd Addition Replat of All of Lots 1 and 2, Block 1 with the following conditions:

- 1. An outdoor recreation area that meets the requirements of 14-03-08(4)(q)(2) of the City Code of Ordinances must be installed within 12 months of the approval of the special use permit.
- 2. The applicant must obtain the necessary permit/license for operation of a child care facility from the North Dakota Department of Human Services prior to operating as a child care facility.

Attachments

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

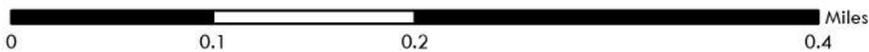
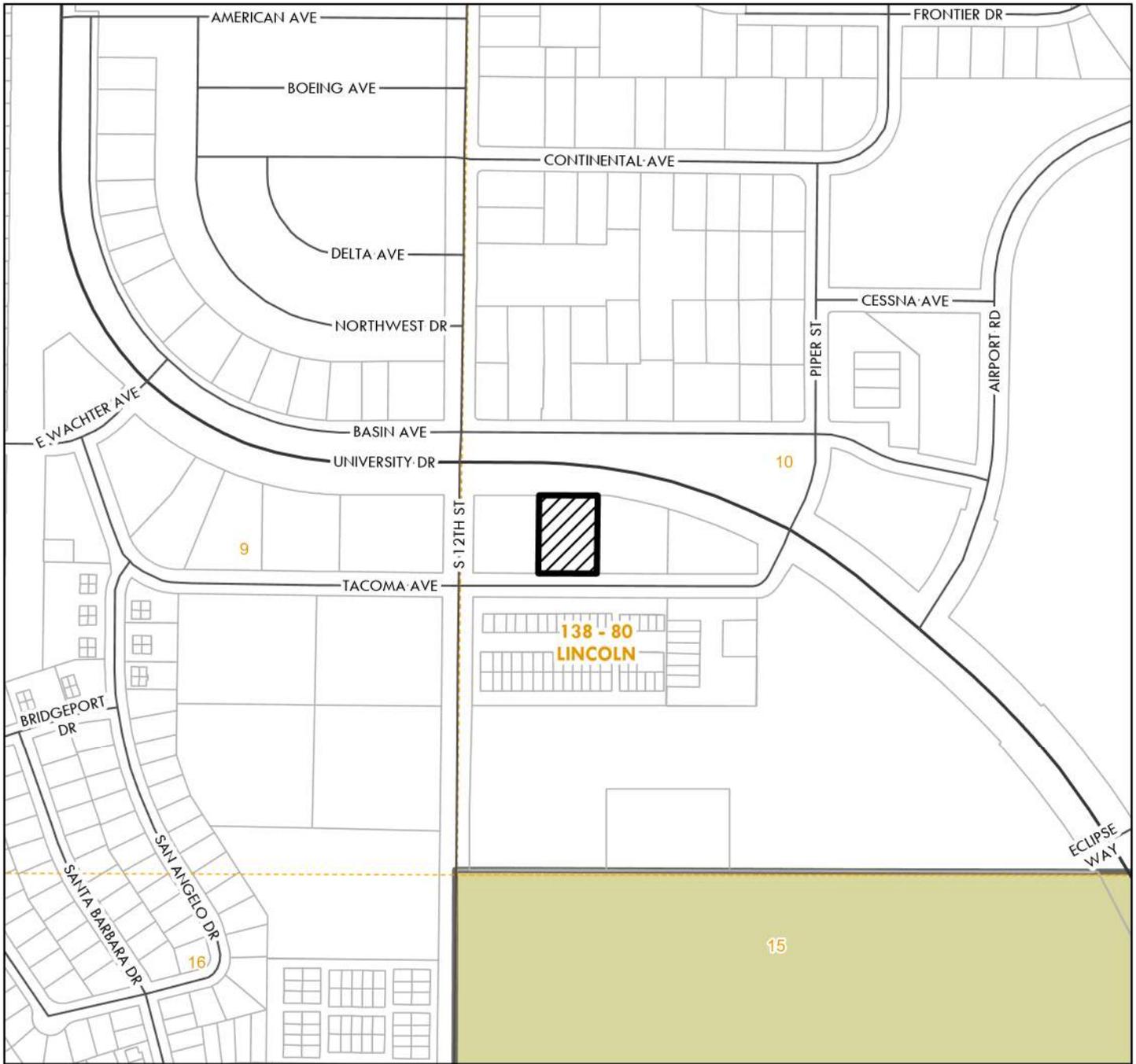
Staff report prepared by: Will Hutchings, Planner
 701-355-1850 | whutchings@bismarcknd.gov



Location Map

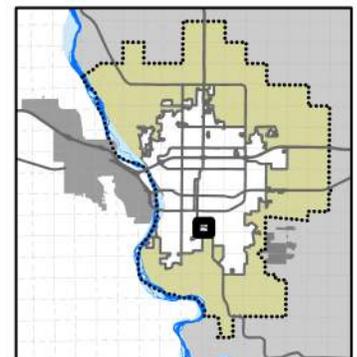
SUP2020-018

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
 Community Development Department
 Planning Division
 August 25, 2020 (HLB)

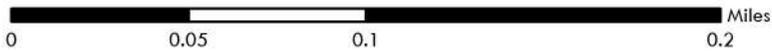
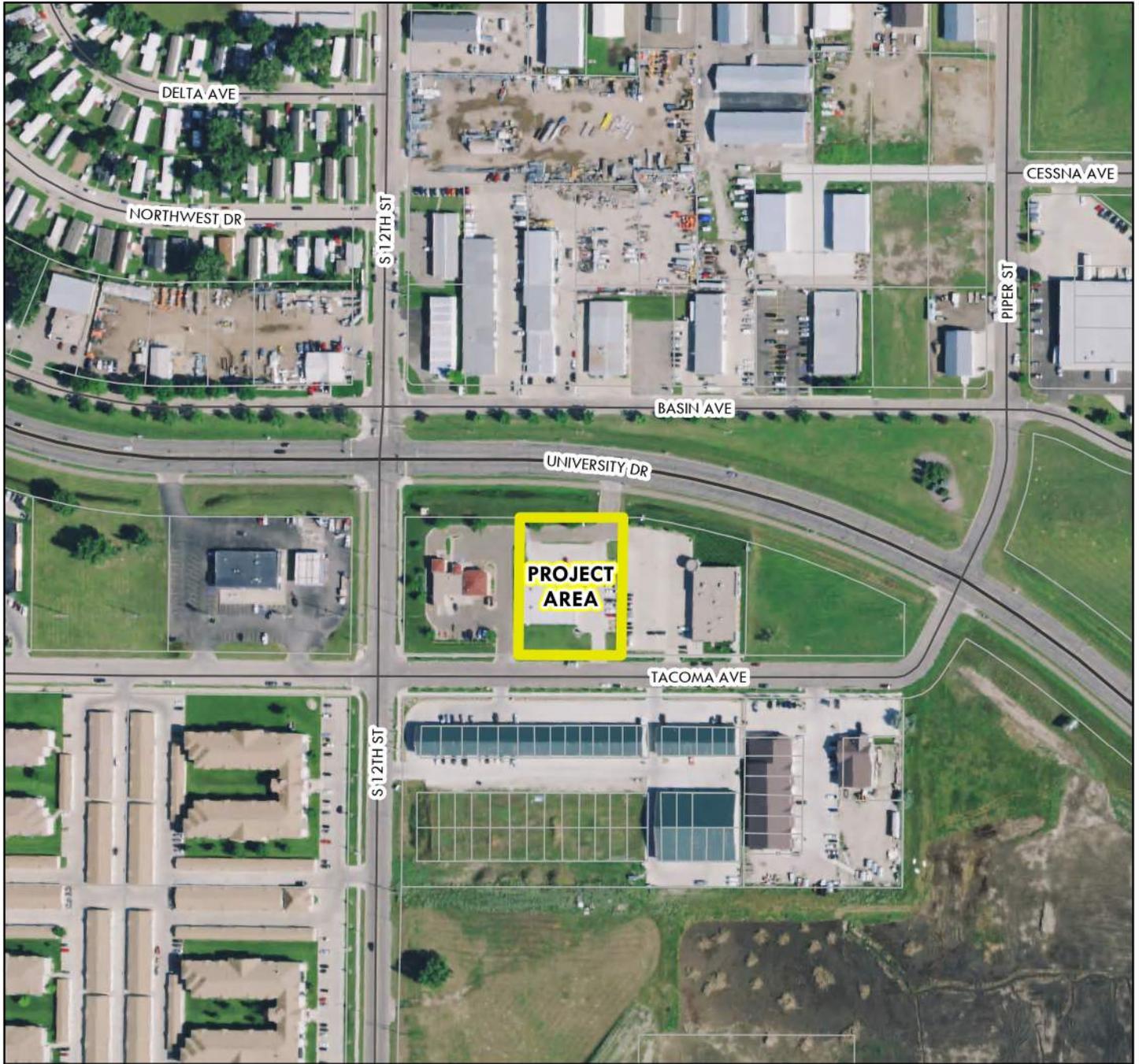
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1

SUP2020-018

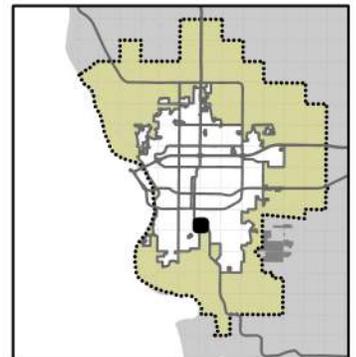


Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
September 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.





Zoning and Plan Reference Map

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1

SUP2020-018

Zoning Districts

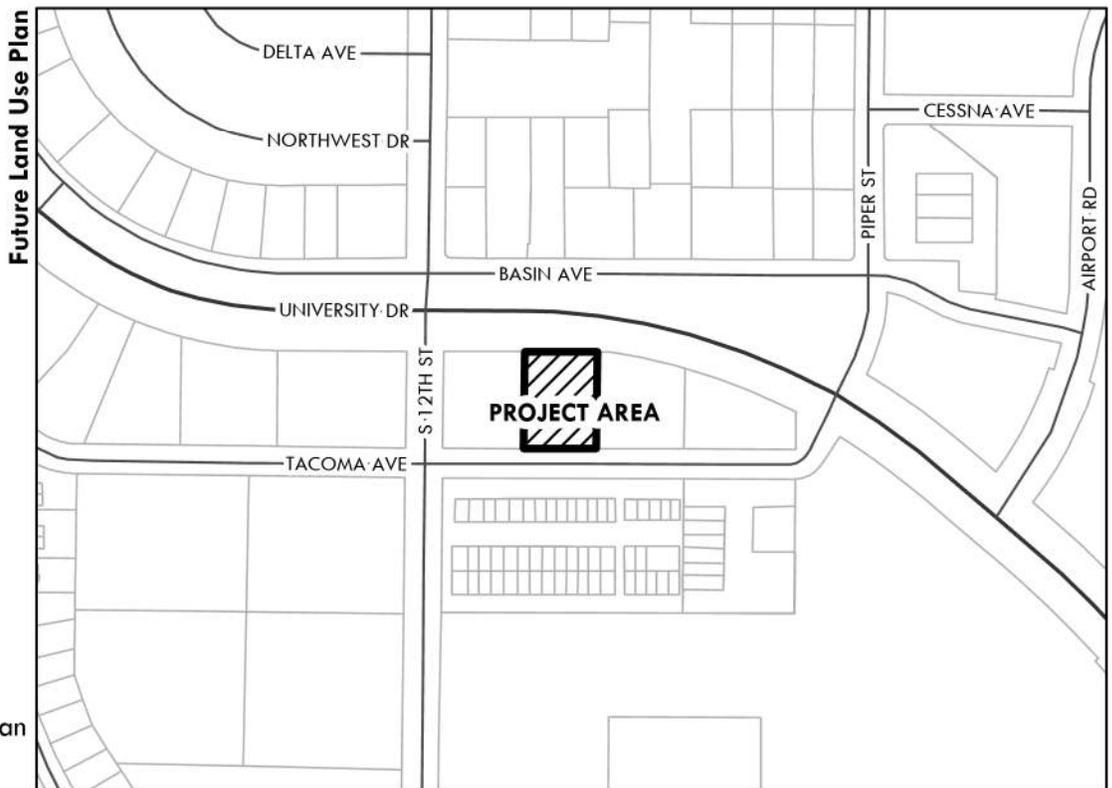
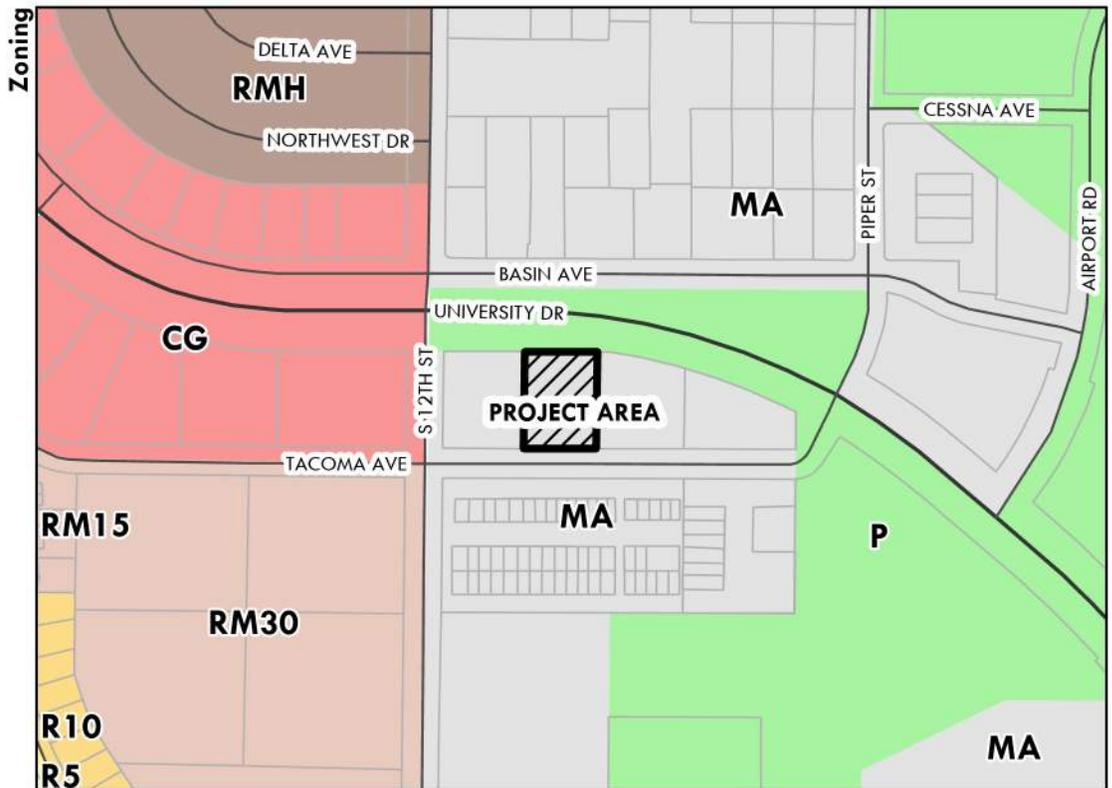
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

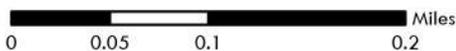
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard 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
 September 17, 2020

The following form was submitted via the City's website: Citizen Request

Please give a brief description of your concern, issue and recommendation:

I would like to kindly request some feedback on the Commission's current stance, if previous discussion has occurred, regarding the allowance of small poultry flocks within city limits. If this topic has not yet been discussed, I would like to pursue placing this discussion on the board's agenda.

I am an agricultural professional and avid gardener that would greatly value the ability to have a few chickens to provide fresh eggs for my family and to assist with slug and other damaging insect population control in my flower beds. As you know, slug control is very difficult and commonly leads to the use of harsh pesticides that may threaten domestic animals and beneficial insects such as treasured pollinators.

In addition to food production, improving plant health and responsible insect management, owning livestock brings joy and much needed positive interactions during these difficult days. Learning how to raise and care for the health of animals and to produce your own food is a point of pride, especially for youth.

In conclusion, I believe the Morton County's current code Section 105, 1-16 would be workable here in Bismarck. I have been actively engaged in animal agriculture for most of my life and I would be honored to have this discussion with your board and fellow Bismarck residents.

Thank you for your consideration.

Respectfully Submitted,

Amber Boeshans

Kim Lee

From: Kim Lee
Sent: Friday, July 31, 2020 10:54 AM
To: [REDACTED]
Cc: Jenny Wollmuth; Daniel Nairn (dnairn@bismarcknd.gov); Will Hutchings
Subject: Keeping of Poultry within Bismarck Corporate Limits

Amber –

I am responding to your citizen request that was submitted to the City regarding small poultry flocks within the city limits.

The City does not currently allow chickens or other poultry within the corporate limits; however, keeping chickens is allowed within rural residential zoning districts in the City's extraterritorial area (ETA). We have periodically received inquiries about allowing residents to keep chickens within the city limits, but no one has approached either the City Commission or Planning and Zoning Commission requesting an ordinance change for this purpose. The way our zoning ordinance is written, zoning ordinance text amendments (which is what this would be) can only be initiated by the Planning and Zoning Commission or the City Commission.

This is the current language that is included within the RR – Residential and RR5 – Residential zoning districts, which are our two rural residential districts:

Chicken Hens and Coops in areas outside of the corporate limits, provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

If you are interested in proposing a zoning ordinance text amendment, we ask that you put the request in writing to our office and we would add it to the agenda of a Planning and Zoning Commission meeting as a discussion item under other business. At that time, you could present your request to the Planning and Zoning Commission and they could ask questions. If they are supportive of the request, they would then direct staff to prepare an amendment. If you are interested in making a formal request, we could use the content of your citizen request that was submitted, or you could submit your request as a separate letter to the Planning and Zoning Commission for a future meeting.

I have cc'd the planners in our office on this email so they are in the loop. Will Hutchings is the planner in our office who prepared the ordinance to allow chickens in the ETA in 2017 and is our resident expert on the subject.

Please let us know if you have any questions or need any additional information.

Kim L. Lee, AICP | Planning Manager
City of Bismarck | Community Development Department
221 North 5th Street | PO Box 5503
Bismarck, ND 58506-5503
Office: 701.355.1840
Direct: 701.355.1846
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov
Twitter: www.twitter.com/BismarckNDGov

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
August 26, 2020

The Bismarck Planning & Zoning Commission met on August 26, 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 Brian Bitner, Paul Levchak, Kevin Martin, Gabe Schell, Wendy Van Duyne, John Van Dyke, Trent Wangen and Mike Schwartz.

Commissioners Steve Bakken, Brian Eiseman and Vernon Laning 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 July 22, 2020 meeting.

MOTION: Commissioner Schell made a motion to approve the minutes of the July 22, 2020 meeting, as presented. Commissioner Martin seconded the motion and it was unanimously approved with Commissioners Bitner, Levchak, Martin, Schell, Schwartz Van Duyne, Van Dyke and Wangen voting in favor of the motion.

CONSIDERATION

Chair Schwartz said there were no items for consideration at this time.

FINAL CONSIDERATION – ANNEXATION
LOTS 1-3, BLOCK 3, MEADOWLARK COMMERCIAL 7TH ADDITION

Chair Schwartz called for final consideration of the annexation of Lots 1-3, Block 3, Meadowlark Commercial 7th Addition. The property is located in northeast Bismarck, north of 43rd Avenue NE and east of US Highway 83, between Brookside Lane and 57th Avenue NE, along the west side of North 19th Street.

Ms. Wollmuth 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.

Ms. Wollmuth said, based on these 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.

MOTION: Based on the findings contained in the staff report, Commissioner Van Dyke made a motion to recommend 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. Commissioner Van Duyne seconded the motion and the motion was unanimously approved with Commissioners Bitner, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Van Dyke and Wangen voting in favor of the motion.

**PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT
STONERIDGE ADDITION SECOND REPLAT**

Chair Schwartz called for the public hearing on the zoning change from an existing PUD – Planned Unit Development to a new PUD – Planned Unit Development and the minor subdivision final plat for Stoneridge Addition Second Replat. The proposed plat is 16 lots in one block on 1.75 acres and is located in northeast Bismarck, west of Centennial Road and north of East Century Avenue, along the west side of French Street.

Ms. Wollmuth gave an overview of the requests, including the following findings related to land use for the 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.
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the minor subdivision final 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.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on these 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 draft PUD Ordinance attached to the staff report, and the minor subdivision final plat for Stoneridge Addition Second Replat.

Commissioner Levchak asked if parking would be sufficient on the site to meet the requirements of the zoning ordinance. Ms. Wollmuth said it would be.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said the density would remain the same and the only changes of the site plan are to change the structures from three-story buildings to two-story buildings on the north side and a small access change so that the garages will not face the right-of-way.

Commissioner Van Duyne asked if the common north-south drive would serve as a buffer or if there is a setback requirement.

Mr. Niemiller said there would be plantings installed as a buffer according to the City's landscape requirements.

Additional written comments in opposition to these requests are attached as Exhibit A.

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

MOTION: Based on the findings contained in the staff report, Commissioner Van Dyke made a motion to recommend approval of the zoning change from an existing PUD – Planned Unit Development to a new PUD – Planned Unit Development, as outlined in the draft PUD Ordinance attached to the staff report, and the minor subdivision final plat for Stoneridge Addition Second Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bitner, Levchak, Martin, Schell, Schwartz, Van Duyne, Van Dyke and Wangen voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT SILVER RANCH SECOND ADDITION

Chair Schwartz called for the public hearing on the final plat and the 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 for Silver Ranch Second Addition. The proposed plat is 46 lots in one block on 24.55 acres and is located northeast of Bismarck, on the south side of 43rd 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).

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/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. Nairn 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 provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision 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.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare

Mr. Nairn said, based on these findings, staff recommends approval of the 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.

Commissioner Levchak said both police and fire have expressed concerns regarding transportation and access to this location, as far as there not being an additional access point and the conditions of the existing roadway, but the findings in the staff report say this change would not adversely affect safety or public welfare.

Mr. Nairn said the issue will be a factor in the Silver Ranch Third Addition as well, which is next on the agenda. He said there is a net reduction in residential uses for this plat and the issue relates to the development in its entirety regarding emergency service access only being available from 43rd Avenue NE. He said this could pose a problem if the road were ever to become blocked, then emergency services would have to go approximately three miles out of their way to access the subdivision, which was also discussed when Silver Ranch First Addition was subdivided. He said there is not a single tipping point, but staff did want that discussed and the level of service could be improved with both a secondary access which would potentially be achieved with the extension of, for example, Century Avenue to the south.

Commissioner Levchak said he drove the location today and the road is in very poor condition. He said construction of these subdivisions will have heavy truck traffic and assuming there is a 6-ton axle limit here, this is a County road servicing a City project. He then asked if the County Engineer has been consulted.

Mr. Nairn said the County Engineer advised on Silver Ranch First Addition but has not given input directly with this second phase.

Commissioner Schell said that 43rd Avenue NE from Roosevelt to 52nd Street NE was the annexation route for Silver Ranch First Addition, so a portion of this is a City roadway.

Commissioner Levchak said the primary access then would be owned by the City, but half a mile from Centennial Road is a county roadway.

Mr. Schell said that is correct to 26th Street NE, and the County has scheduled reconstruction there to the point of Roosevelt Street.

Commissioner Levchak asked if the reconstruction will include shoulders or other improvements.

Commissioner Schell said it would be similar to how North Washington, north of 57th Avenue NE, was constructed with lighting and wider widths, but is pending availability of federal funding.

Commissioner Levchak said he did vote against this item when it was on the consent agenda and he intends to do the same today.

Commissioner Van Dyke asked which roadways will be reconstructed in 2021.

Commissioner Schell clarified that Burleigh County is scheduled to improve 43rd Avenue NE from 26th Street NE to Roosevelt and the City then would likely improve State Street to 26th Street NE in 2022.

Commissioner Van Dyke asked what the residential density would be and how it aligns with the Future Land Use Plan.

Mr. Nairn said there would be 24 residential lots, so 1 unit per acre, but this figure includes all of the common and park spaces which tend to make the density lower. He said the Future Land Use Plan originally had this planned to be Low Density Residential, so it is a lower density but still within that range.

Commissioner Van Dyke asked if there would be a development agreement for the CA-Commercial portion to allow a minimum amount of residential.

Mr. Nairn said not at this time.

Commissioner Van Dyne said she has concerns with the transportation access and asked exactly where the roadway segment is to be improved.

Mr. Nairn said 26th Street NE to Roosevelt would be improved by Burleigh County and State Street to 26th Street NE is City-owned and scheduled for improvements at a later date. He said there are not any improvements planned at this time for Roosevelt Street to 52nd Street NE.

Commissioner Van Dyne asked what the future holds for Century Avenue.

Mr. Nairn said there is an easement for utilities along the corridor of that future roadway and the Fringe Area Road Master Plan shows that line, but the landowner would have to initiate that improvement.

Commissioner Schell said another option for secondary access could be Calgary Avenue at Sunrise Elementary School connecting to 52nd Street NE. Although east Century Avenue is an arterial roadway, the other secondary routes could be implemented sooner.

Commissioner Levchak said the plat north of Iron Drive shows a series of lots already subdivided.

Mr. Nairn said that is correct as they are part of Silver Ranch First Addition First Replat.

Commissioner Levchak asked if the large lot would be zoned commercial.

Mr. Nairn said that is correct.

Commissioner Schell asked what there would be for park connectivity.

Mr. Nairn said Bismarck Parks and Recreation District (BPRD) does plan on having a multi-use trail to connect on the south side, through the coulee with a trail leading along Silver Ranch Road, north through the proposed Silver Ranch Third Addition and then back into the coulee.

Commissioner Van Duyne said, with the new elementary school proposed to be located in the next item on the agenda, has there been any discussion of a pedestrian crossing at 43rd Avenue NE.

Mr. Nairn said pedestrian crossings have been discussed to be offered in the school vicinity and how the trail connection would cross also at Silver Ranch Road and 43rd Avenue NE.

Commissioner Schell said those are items typically seen in the site plan review process and the permitting phase. He said possibly a traffic impact study could also be conducted or other accommodations could be made.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said it was determined that the grade in the southeast is too steep so cul-de-sacs are planned to be installed. He said they placed the commercial-zoned lot in the proposed area to provide a lot on both sides of the proposed roadway to assist with funding its improvement.

Chair Schwartz asked when construction is anticipated to start. Mr. Niemiller said it would start in the fall of 2021.

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

MOTION: Based on the findings contained in the staff report, Commissioner Van Dyke made a motion to recommend approval of the 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; and 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. Commissioner Martin seconded the motion and the motion was approved with Commissioners Bitner, Martin, Schell, Schwartz Van Duyne, Van Dyke and Wangen voting in favor of the motion. Commissioner Levchak opposed the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARINGS – ZONING CHANGE, FRINGE AREA ROAD MASTER PLAN
AMENDMENT AND FINAL PLAT
SILVER RANCH THIRD ADDITION**

Chair Schwartz called for the public hearing on the final plat; 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 final consideration of the partial annexation of Silver Ranch Third Addition. The proposed plat is 300 lots in 15 blocks on 158.99 acres and is located northeast of Bismarck, on the north side of 43rd Avenue NE (part of the S½ of Section 18, T139N-R79W/Gibbs Township).

Mr. Nairn 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. Nairn then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/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 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. Nairn then gave the findings related to land use for the Fringe Area Road Master Plan amendment:

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

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

Mr. Nairn said, based on the above findings, staff recommends approval of 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 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. Easements for emergency vehicle turnarounds are obtained immediately beyond the termini of any roads where necessary to meet fire apparatus access roadway standards of the International Fire Code.
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.

Commissioner Levchak asked if the water main currently in this location can support the proposed development.

Commissioner Schell said they do study the size of the existing mains compared to the size of the proposed development, which is how the need for a second line was determined. He said more water storage is needed in this location as well potentially with further future development, but it is felt that is adequate for the time being.

Commissioner Levchak said the collector roadway is to route streets from which to flow into it and then those connect to an arterial, but this would require some of the residential driveways to back into a collector roadway in order to leave the location.

Mr. Nairn said that is correct, that the roadway would be multifunctional with the residential uses and this would be a more minor collector, which is standard practice for collector roadways in the city. He added that it is correct that traffic would be a bit higher here.

Commissioner Levchak added that it continues further north but maybe it should not be classified as a collector roadway.

Commissioner Schell said when the roadway classifications are designated there is also a stormwater component to that, so usually a collector roadway can be wider and also utilized as a more reliable piece of infrastructure.

Commissioner Levchak asked what the proposed width of that roadway is. Mr. Nairn said the entire right-of-way is 80 feet wide. Commissioner Schell said the street itself would be 44 feet across from curb to curb.

Commissioner Van Dyke said there is one point of access and emergency services has concerns with there not being a plan to add a second point of access.

Mr. Nairn said the secondary access policy at the scale of the subdivision would be met with this plat, but the concerns raised were related to secondary access to the Silver Ranch development as a whole.

Commissioner Schell said the proposed school site would be zoned R10-Residential.

Mr. Nairn said that is correct and schools are allowed in residential zoning districts, so they followed the precedent used in Elk Ridge 2nd Addition similarly to allow some flexibility in the event it does not become the new school site.

Commissioner Van Duyne asked if emergency services have concerns related to the conditions of the recommendation and the location of the proposed school.

Mr. Nairn said the concern is of the distance to the other access point. He said that could be alleviated by future connections to the south.

Commissioner Bitner asked approximately how much new traffic might be generated by this development, adding that with the proposed reconstruction is a way out yet this could add a lot of traffic.

Mr. Nairn said a formal traffic impact study has not been completed yet to quantify a number, but the assumption of increased trips per household per day especially with the new school potentially being located here is correct.

Commissioner Bitner said development would drive the need for reconstruction and asked if there is the potential for an impact fee to be assessed.

Commissioner Schell said there is not a development agreement and added that North Dakota Century Code does not allow impact fees. He said there has not been any discussions of off-site improvements yet. The road is in poor condition prior to any development activity occurring, and trying to determine the direct impact of what the development would cause can prove difficult. Commissioner Schell added that this segment of 43rd Avenue was included in the voter-approved half cent sales tax and could be programmed by the City Commission for an improvement if they so choose.

Commissioner Levchak stated that this would address only the half mile section, the rest of it would be the responsibility of Burleigh County and asked if that is correct.

Commissioner Schell stated that Burleigh County has already constructed or has programmed for reconstruction other segments of 43rd Avenue and designed them to accommodate truck traffic.

Commissioner Van Dyke said the more development there is the more you commit to paying with sales tax rather than having a developer pay for infrastructure and furthering a problem.

Commissioner Schell said it should be looked at where the needs are based on traffic and development and often there are plans of how to grow and sometimes it takes a developer willing to do that.

Commissioner Van Dyne said Bismarck Public Schools has updated their strategic plan and future facility plans and asked what the proposed capacity of the new school would be.

Mr. Nairn said the site design is not final, that it would take up approximately 12.5 acres, which is sufficient eventually for a four-section school similar to Sunrise or Liberty Elementary. He added that the proposed location was intentionally set away from the arterial designated roadways for safety purposes.

Commissioner Van Dyne asked if this would fulfill an immediate capacity need in the area or an anticipated future need.

Mr. Nairn said Darin Scherr, Bismarck Public Schools Business and Operations Manager, is available to speak to that further.

Mr. Scherr said it is anticipated this school would relieve capacity on a couple of other existing schools and they are trying to get ahead of enrollment needs. He said the school is expected to initially serve 250 students with potential for future expansion; however, they are unsure of what boundary the school would open enrollment for. He said Sunrise Elementary is over-enrolled by approximately 125 students and the plan is to have this new school open in the Fall of 2022.

Chair Schwartz opened the public hearing.

Jason Petryszyn, Swenson, Hagen & Co., said the school would have an initial capacity of 250 students, the subdivision would have 300 lots and 100 of those would be annexed immediately. He added that not all lots would have elementary age residents, but likely some will. He said they did look to place the school further east, but infrastructure needs brought it to this proposed location instead. Mr. Petryszyn added that they do need to start grading the site this year yet in order to meet the opening deadline and the CA-Commercial zoned lot that was referenced earlier is still being negotiated with the Bismarck Fire Department as a potential location for a fire station.

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

Commissioner Bitner said he is not sure whether to support or deny the requests as he has concerns of tax payers paying to improve the site. He said he feels it should be tabled instead.

MOTION: Commissioner Van Dyke made a motion to recommend denial of 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, due to the project does not align with the timing of the Growth Phasing Plan, the project has inadequate roadways to service the school with no predetermined funding source for improvement and also the alignment of the north-south collector has numerous access points. Commissioner Levchak seconded the motion and with Commissioners Levchak and Van Dyke voting in favor of the motion and Commissioners Bitner, Martin, Schell, Schwartz Van Duyne and Wangen opposing the motion, the motion failed.

MOTION: Commissioner Bitner made a motion to continue the public hearing on the requests 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 to

the September 23rd meeting of the Bismarck Planning and Zoning Commission, to allow time for City staff to obtain further information from the Burleigh County Engineer. Commissioner Levchak seconded the motion and with Commissioners Bitner, Levchak, Martin, Schwartz Van Duyn and Wangen voting in favor of the motion and Commissioners Schell and Van Dyke opposing the motion, the motion was approved.

**PUBLIC HEARING – ZONING CHANGE
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-R81W/WEST HAY CREEK
TOWNSHIP**

Chairman Schwartz called for the public hearing on a 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-R81W/West Hay Creek Township. The property is located northwest of Bismarck, west of River Road, along the south side of Burnt Creek Loop.

Mr. Hutchings gave an overview of the request, including the following findings related 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.

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 said based on these findings, staff recommends approval of 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-R81W/West Hay Creek Township as outlined in the draft PUD ordinance attached to the staff report.

Commissioner Bitner asked if access to the property would only be from Burnt Creek Loop and he asks this question because Fernwood Drive is currently a gravel road.

Mr. Hutchings said that is correct and is also indicated as such in the draft ordinance.

Commissioner Levchak asked if a sewer system would be in place for larger events held at the site.

Mr. Hutchings said that is not known at this time, but will be determined as needed.

Commissioner Van Dyke asked if there would be any overnight stays by guests.

Mr. Hutchings said there would not be.

Commissioner Bitner said at some point in the permitting process the sizing criteria of the septic system would be determined.

Mr. Hutchings said that is correct and the Building Inspections Division would determine that adequately.

Chair Schwartz opened the public hearing.

Chase Dauenhauer, owner, said he is in partnership with Papa’s Pumpkin Patch and when this opportunity presented itself he wanted to take the steps to work it out. He added that he is continuing to work with Papa’s Pumpkin Patch and it will be very similar to their previous operations.

Commissioner Bitner asked if the owner would work within the near future to route traffic to avoid Fernwood Drive.

Mr. Dauenhauer said it has been discussed some already and could definitely be a possibility.

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

MOTION: Commissioner Van Dyke made a motion to recommend approval of the request for a 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-R81W/West Hay Creek Township as outlined in the draft PUD ordinance attached to the staff report. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bitner, Levchak, Martin, Schell, Schwartz Van Dwyne, Van Dyke and Wangen voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARECENTER)
LOT 6, BLOCK 4, TATLEY MEADOWS V (3030 SOUTH WASHINGTON STREET)**

Chair Schwartz called for the public hearing on a special use permit to allow the operation of a child care center on Lot 6, Block 4, Tatley Meadows V. The property is located in south Bismarck, along the west side of South Washington Street and the north side of Rutland Drive (3030 South Washington Street).

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 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.

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow the operation of a child care center on 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.

Pastor Todd Fuehrer thanked those present for their consideration and said approval of this request would help to utilize a building more that is not used five days a week and provide a much-needed use.

Commissioner Bitner asked if the building would remain a church.

Pastor Fuehrer said for the first phase of the changeover it would remain a church along with Wednesday night events until the church itself relocates.

Commissioner Levchak asked if there is a timeframe for the relocation.

Pastor Fuehrer said that is unknown at this time but they are hoping soon.

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 Levchak made a motion to approve the special use permit to allow a child care center for Lot 6, Block 4, Tatley Meadows V (3030 South Washington Street), 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. Commissioner Bitner seconded the motion and the motion was unanimously approved with Commissioners Bitner, Levchak, Martin, Schell, Schwartz Van Duyne, Van Dyke, and Wangen voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGH)
LOT 2, BLOCK 1, EUGENES FIRST ADDITION FIRST REPLAT (1800 NORTH
11TH STREET)**

Chair Schwartz called for the public hearing on a special use permit to allow the operation of an auto laundry - car wash on Lot 2, Block 1, Eugenes First Addition First Replat. The property is located in north-central Bismarck, north of East Divide Avenue between North 11th Street and State Street (1800 North 11th Street).

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 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.

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit for an auto laundry - car wash on Lot 2, Block 1, Eugenes First Addition First Replat (1800 North 11th Street).

Chair Schwartz opened the public hearing.

Commissioner Levchak said this would be a lot of in and out traffic added to the area and he would feel better if it was signed that no left turns are allowed.

Commissioner Schell said as far as in and out access, North 12th Street and the frontage road would be utilized and most would avoid the area at peak times of the day.

Commissioner Martin said there was a restaurant and hotel in this location before so those who frequent the area would know and it might be a non-issue.

Commissioner Van Dyke asked if there is still a North Dakota Department of Transportation project underway to mitigate safety issues here.

Commissioner Schell said there is and that it is getting under contract with the first stage being outreach and public input opportunities.

Blake Carlson, PACES Lodging, said this would be a unique use for Bismarck, but the franchise is in existence already all over the country. He said the Fargo location sees approximately 500 vehicles a day, which is an average of one vehicle every three and a half minutes but with the ability to serve several vehicles at once. He said they can pay at the bay and flow to the west to North 11th Street to head either north or south, or east to the access road instead and then over to State Street.

Commissioner Van Dyke asked how many bays there would be.

Mr. Carlson said there would be 10 at this location.

Commissioner Levchak asked if signage has been considered to control turns onto State Street.

Mr. Carlson said they discussed traffic needs in general, however, this location would be smaller in size compared others like it.

Commissioner Van Dyke said he does not see it funneling through the site and working like they hope it will.

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

Commissioner Van Dyke said he would like to see site plans of other sites and he feels there will be stacking issues in the vacuum area on the west side of the property.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the special use permit to allow the operation of an auto laundry/car wash on Lot 2, Block 1, Eugenes First Addition First Replat (1800 North 11th Street). Commissioner Martin seconded the motion and the motion was approved with Commissioners Bitner, Martin, Schell, Schwartz Van Duyne and Wangen voting in favor of the motion. Commissioners Levchak and Van Dyke opposed the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (TEMPORARY SIGNS)
LOT 1, BLOCK 1, YMCA ADDITION (1608 NORTH WASHINGTON STREET)**

Chair Schwartz called for the public hearing on 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 property is located in west-central Bismarck, in the southwest corner of the intersection of North Washington Street and West Divide Avenue (1608 N Washington Street).

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 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.

Mr. Nairn said, based on these 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.

Commissioner Levchak asked if the signs would only be up for two to three months or would they be up for up to two years.

Mr. Nairn clarified that the special use permit is good for two years so essentially, they would not have to ask for a new special use permit each time they want to place a temporary sign. He said these signs would be allowed for three periods per year for up to three weeks each period, so approximately eighteen weeks total per year.

Commissioner Levchak asked if the structure itself would be removed completely each time.

Mr. Nairn said that is correct.

Commissioner Levchak said he feels they exhausted the sign ordinance when they were working to approve and implement it.

Commissioner Bitner said if the ordinance allows it with a special use permit then is the request because it would be for a period of two years.

Mr. Nairn said it needs a special use permit approved because they would be adjacent to single-family residential uses, so having a notification process with the special use permit process was added to allow nearby residents to chance to comment. He said staff did not receive any responses from the adjacent owners on the request.

Commissioner Van Duyne said she would like to abstain from discussion and voting on this request as she serves on the YMCA Board of Directors.

Chair Schwartz opened the public hearing.

Commissioner Levchak asked the applicant if they understand removal of the structure completely is a requirement.

Bill Bauman, YMCA Executive Director, said they absolutely understand that requirement and fully intend to comply with it. He said the signs would be used sparingly as in the past.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the special use permit for Lot 1, Block 1, YMCA Addition (1608 South Washington Street), 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. Commissioner Van Dyke seconded the motion and the motion was unanimously approved with Commissioners Bitner, Levchak, Martin, Schell, Schwartz Van Dyke and Wangen voting in favor of the motion. Commissioner Van Duyne abstained.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:35 p.m. to meet again on September 23, 2020.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

DRAFT

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Cc: [Mark Berg](#)
Subject: FW: Stoneridge Addition Replat
Date: Tuesday, August 25, 2020 12:17:45 PM

From: Sam Turnbow [mailto: [REDACTED]]
Sent: Tuesday, August 25, 2020 11:18 AM
To: Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Ben Turnbow < [REDACTED] >
Subject: Stoneridge Addition Replat

Members of the planning commission, my name is Sam Turnbow I live at 3715 Centennial Rd. I would like to comment on the traffic situation in and around the area surrounding Legacy high school.

Legacy's enrollment has increased to the point where expansions are needed.

With enrollment comes more vehicle traffic as well as bike and pedestrians.

When Legacy school was designed there were many items that were studied. One of the items of concern was students with vehicles that have connecting classes at BSC. There was a time frame for them to be able to attend that next class, it was important to be close to main roads so that it was more convenient for students to use main roads and not being diverted through residential streets.

Due to Calgary Avenue not being completed between Legacy and Centennial road, traffic is going through residential streets and industrial areas.

There has been one vehicular death on Nebraska drive involving a student leaving school, and a pedestrian on the side walk.

There are multiple students crossing four lanes of traffic on Centennial road to get to Sunrise Town Centre, and there are no pedestrian crossings for them to use.

The only available pedestrian crossing is at Century Ave.

Please review these items of concern, for the future safety of East Bismarck.

I have no objection to the Stoneridge addition replat or PUD.

Sam Turnbow
SNT Development
[REDACTED]

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2020

*****City*****

*****ETA*****

Census Code	8/2020		8/2019		8/2020		8/2019	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	24	\$6,198,601.31	17	\$4,271,650.72	2	\$805,354.74	7	\$2,469,063.10
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$422,556.28	2	\$531,145.76	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	0	\$0.00	0	\$0.00	1	\$430,449.06
MANUFACTURED HOMES	3	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$23,578.24	3	\$58,510.32	1	\$118,000.00	4	\$215,309.00
DETACHED GARAGE	4	\$57,330.00	7	\$84,952.00	9	\$268,473.25	8	\$228,180.00
DECKS\PORCHES & COVERED PORCHES	18	\$177,721.25	21	\$79,957.00	4	\$25,850.00	1	\$15,500.00
SWIMMING POOLS	2	\$162,000.00	3	\$204,295.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	8	\$130,688.60	6	\$149,597.00	1	\$58,450.00	3	\$169,350.00
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	1	\$0.00	1	\$2,400.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	9	\$165,258.75	3	\$57,759.00	0	\$0.00	2	\$49,418.00
COMMERCIAL	2	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	8	\$83,547.00	8	\$105,938.09	0	\$0.00	0	\$0.00
SIGN ALTERATION	0	\$0.00	6	\$90,350.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	3	\$2,045,400.00	2	\$816,000.00	3	\$1,588,998.00	9	\$1,509,999.97
COMMERCIAL ADDITION	2	\$3,186,483.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	14	\$1,614,298.00	8	\$782,355.00	1	\$276,309.00	0	\$0.00
Total	103	\$14,267,462.43	95	\$7,234,909.89	21	\$3,141,434.99	35	\$5,087,269.13

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

Trade Permit Type	8/2020		8/2019		8/2020		8/2019	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	81	\$19,700.00	80	\$29,000.00	1	\$0.00	0	\$0.00
BUILDING MECHANICAL	137	\$1,810,282.35	107	\$3,200,325.00	28	\$304,070.00	12	\$77,442.00
BUILDING PLUMBING	44	\$555,253.00	33	\$1,648,505.00	8	\$147,167.00	5	\$28,500.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	8	\$0.00	5	\$10,200.00
Total	262	\$2,385,235.35	220	\$4,877,830.00	45	\$451,237.00	22	\$116,142.00

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	*****City*****		*****ETA*****	
	8/2020	8/2019	8/2020	8/2019
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	144	0	0	0
MANUFACTURED HOMES	1	1	0	0
2-UNIT DUPLEX OR CONDO	0	0	0	2
BASEMENT FINISH	1	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	1	0	0	0
RESIDENTIAL ALTERATION/OTHER	1	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	0	0	0
SINGLE FAMILY DETACHED	23	16	2	7
SWIMMING POOLS	0	0	0	0
Total	173	17	2	9

**PERMIT ACTIVITY REPORT - YTD
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Census Code	8/2020		8/2019		8/2020		8/2019	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	130	\$33,042,639.63	93	\$22,752,361.50	33	\$10,579,610.37	22	\$8,008,246.08
ROWHOUSE (2) 1-HR FIRE SEPARATION	24	\$4,896,225.17	34	\$6,155,763.40	2	\$429,629.68	0	\$0.00
2-UNIT DUPLEX OR CONDO	1	\$285,873.04	0	\$0.00	0	\$0.00	1	\$430,449.06
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	15	\$0.00	12	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	9	\$572,525.26	18	\$1,289,792.98	12	\$746,656.86	9	\$506,393.19
DETACHED GARAGE	32	\$725,919.75	21	\$262,838.00	52	\$1,841,191.25	41	\$1,079,701.00
DECKS\PORCHES & COVERED PORCHES	128	\$665,307.30	116	\$455,624.50	16	\$84,361.00	21	\$112,996.00
SWIMMING POOLS	11	\$677,497.00	7	\$461,994.00	2	\$138,500.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	33	\$1,284,510.72	32	\$1,222,939.00	8	\$243,025.00	8	\$537,250.00
HOME OCCUPATION	4	\$0.00	6	\$0.00	2	\$0.00	0	\$0.00
STORAGE SHED	10	\$57,260.00	15	\$43,864.00	4	\$10,800.00	1	\$2,880.00
BASEMENT FINISH	64	\$1,284,365.89	75	\$1,028,709.90	10	\$146,409.50	12	\$211,070.00
RESIDENTIAL	6	\$0.00	3	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	2	\$0.00	6	\$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	6	\$0.00	5	\$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	73	\$1,024,561.00	92	\$1,053,538.09	2	\$1,175.00	2	\$5,281.00
SIGN ALTERATION	14	\$177,105.00	25	\$334,358.00	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	20	\$71,698,922.00	16	\$19,416,101.00	7	\$1,059,332.00	10	\$1,564,133.97

PERMIT ACTIVITY REPORT - YTD
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Census Code	8/2020		8/2019		8/2020		8/2019	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
COMMERCIAL ADDITION	6	\$4,769,199.00	9	\$29,638,703.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	95	\$30,471,553.07	86	\$28,107,953.96	1	\$37,811.28	5	\$7,263,004.00
Total	701	\$154,175,336.53	676	\$112,247,631.33	163	\$15,318,501.94	145	\$19,721,404.30

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Trade Permit Type	8/2020		8/2019		8/2020		8/2019	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	644	\$243,198.00	543	\$384,445.96	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	932	\$15,681,816.15	798	\$17,684,475.39	122	\$1,465,580.03	105	\$886,755.27
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	265	\$11,199,527.31	202	\$6,557,819.00	46	\$1,302,892.18	29	\$461,159.00
BUILDING SEPTIC	0	\$0.00	1	\$0.00	26	\$6,850.00	15	\$10,275.00
Total	1842	\$27,147,541.46	1544	\$24,626,740.35	195	\$2,778,322.21	149	\$1,358,189.27

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	*****City*****		*****ETA*****	
	8/2020	8/2019	8/2020	8/2019
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	144	0	0	0
MULTI FAMILY RESIDENTIAL	17	0	0	0
MANUFACTURED HOMES	10	11	0	0
2-UNIT DUPLEX OR CONDO	2	0	0	2
BASEMENT FINISH	2	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	1	0	2	0
RESIDENTIAL ADDITION	2	0	1	0
RESIDENTIAL ALTERATION/OTHER	3	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	23	32	2	0
SINGLE FAMILY DETACHED	124	91	30	22
SWIMMING POOLS	1	0	0	0
THREE OR FOUR UNIT	8	0	0	0
Total	337	138	35	24