Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
SPECIAL MEETING
AGENDA
October 15, 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.

PUBLIC HEARINGS
(REHEARINGS OF ITEMS FROM SEPTEMBER 23, 2020)

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

1. **Burleigh County Housing Addition First Replat** (JW)
   Minor Subdivision Fina Plat | MPLT2020-008 1

   Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

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

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

3. **Lot 2 of Lot A of Lot 1, Block 10, Eastdale Addition** (WH)
Special Use Permit (Animal Kennel/Dog Training Facility) | SUP2020-016.....14

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

4. **Lot 8, Block 1, Copper Ridge Subdivision** (DN)
Special Use Permit (Oversized Accessory Building and Accessory Dwelling Unit)
SUP2020-017.....21

Apple Creek Township

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

5. **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.....30

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

OTHER BUSINESS

6. **Other Business**

ADJOURNMENT

7. **Adjourn.** The next regular meeting date is scheduled for **October 28, 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.

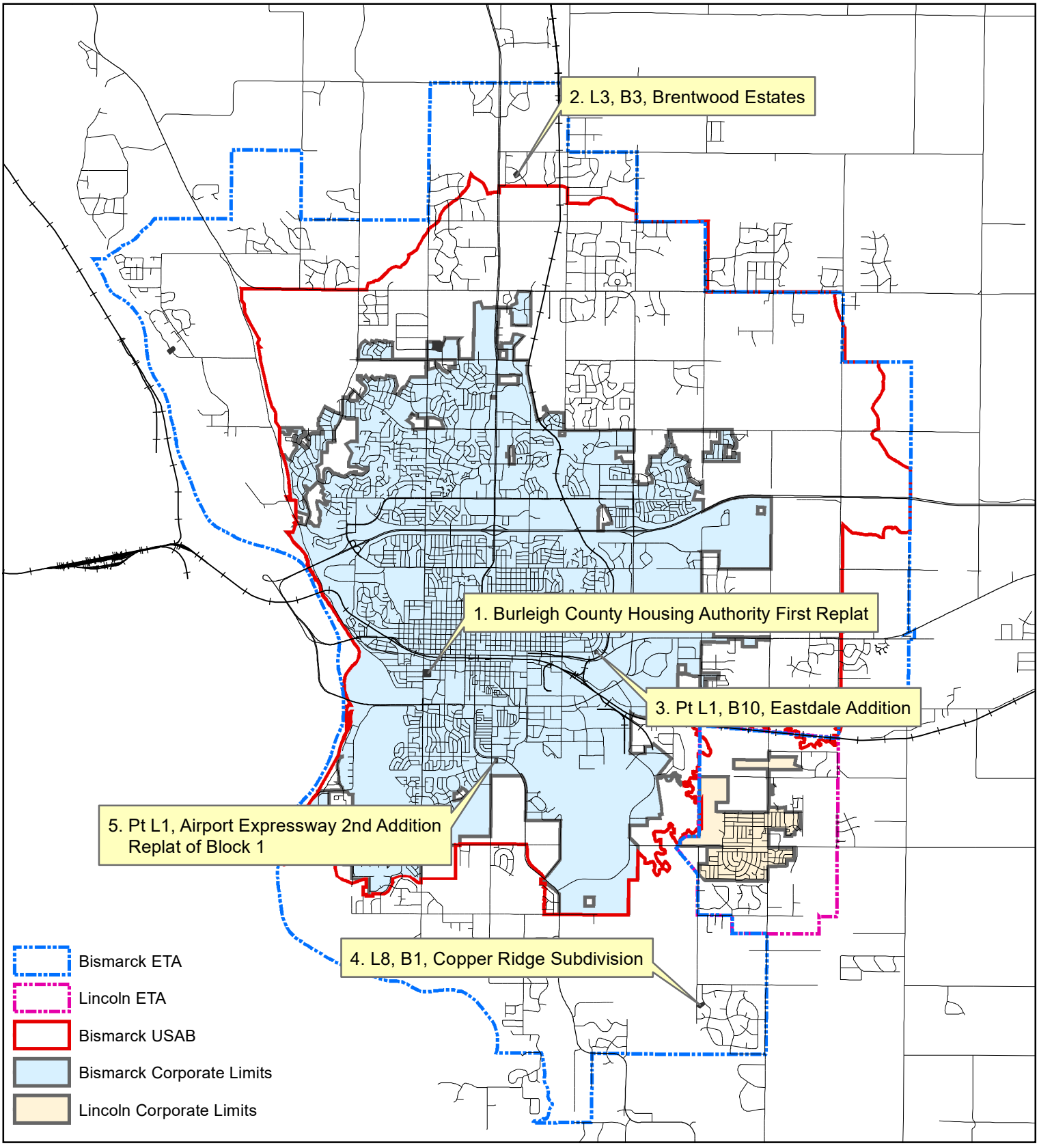
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, 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 - October 15, 2020



October 2020

0 4,000 8,000 16,000 Feet

N

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

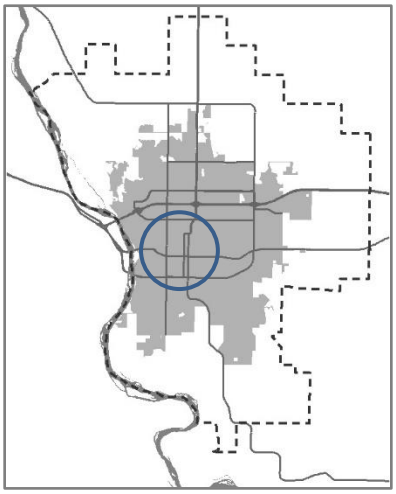
Agenda Item # 1
October 15, 2020

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 (additional)
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

The Planning and Zoning Commission held a public hearing on this request on Wednesday, September 23rd and recommended approval of the request.

However, due to a publication error in the Bismarck Tribune, a new public hearing must be held in order to meet the City's notification requirements. The public

(continued)

has been re-notified of this request; a new notice was published in the Bismarck Tribune on October 2nd and 9th and new letters were mailed to the owners of nearby properties on October 2nd.

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

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

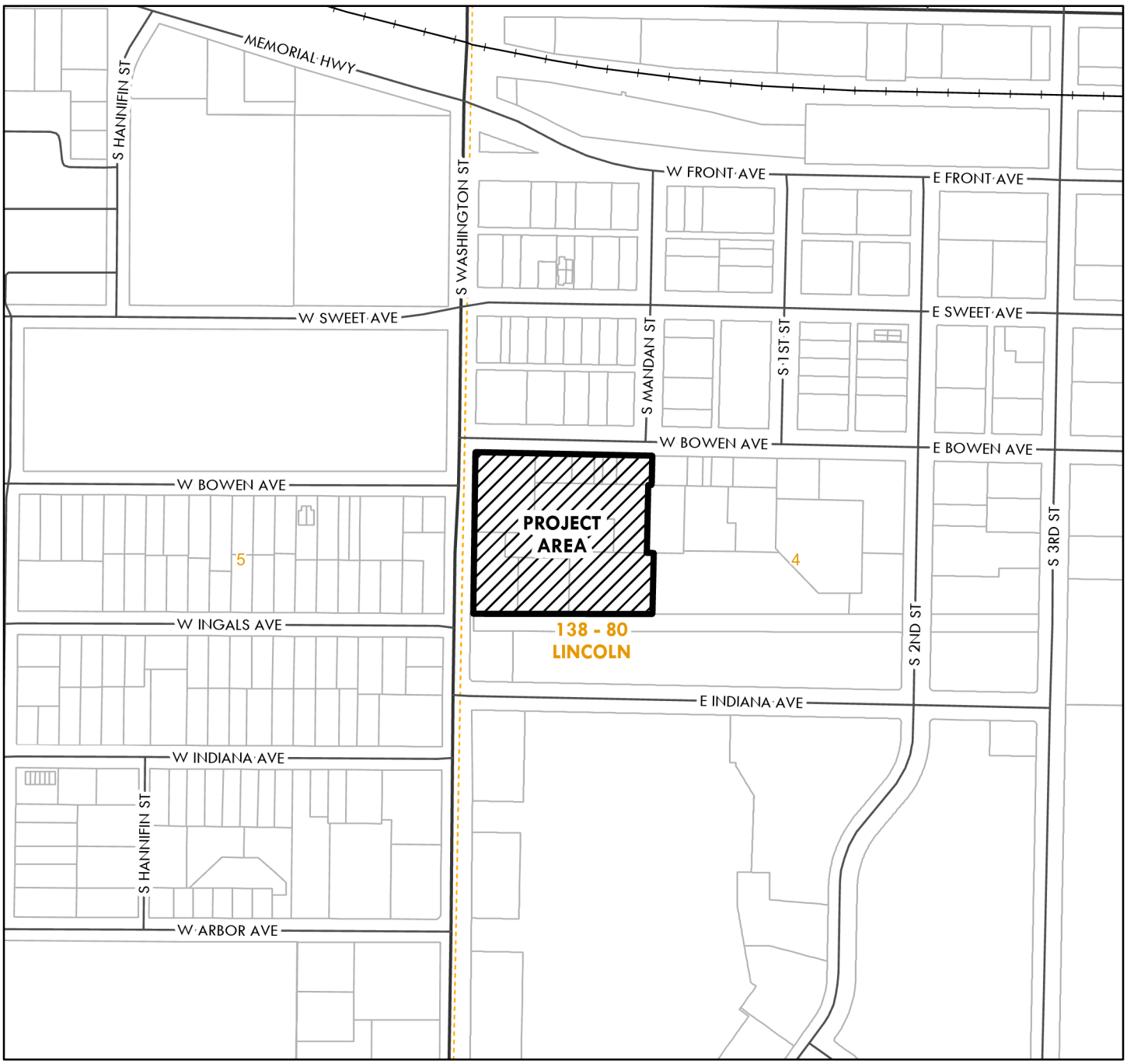
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Subdivision Final Plat
5. Original Plat with Replatted Area Highlighted

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

Location Map

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

MPLT2020-008



Miles

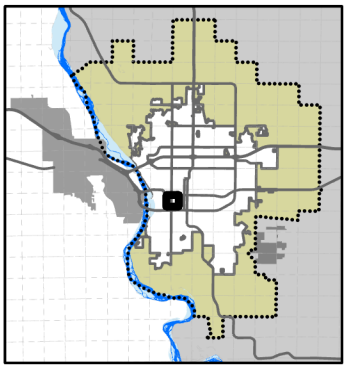
0 0.07 0.15 0.3

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



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
July 27, 2020 (HLB)

Aerial Map

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

MPLT2020-008

0 0.05 0.1 0.2 Miles

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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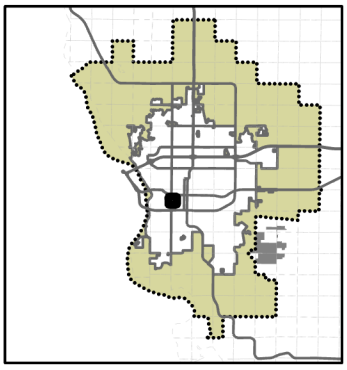


Zoning and Plan Reference Map

BURLEIGH COUNTY HOUSING ADDITION FIRST REPLAT

MPLT2020-008

Zoning Districts

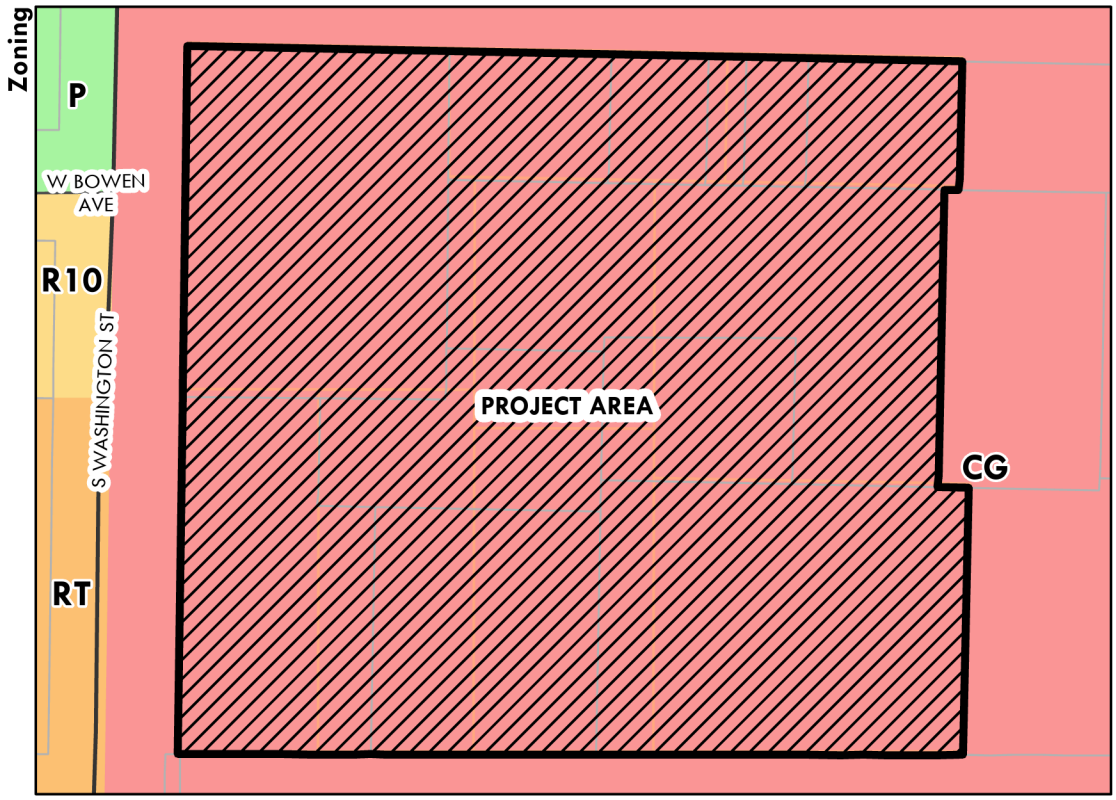
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

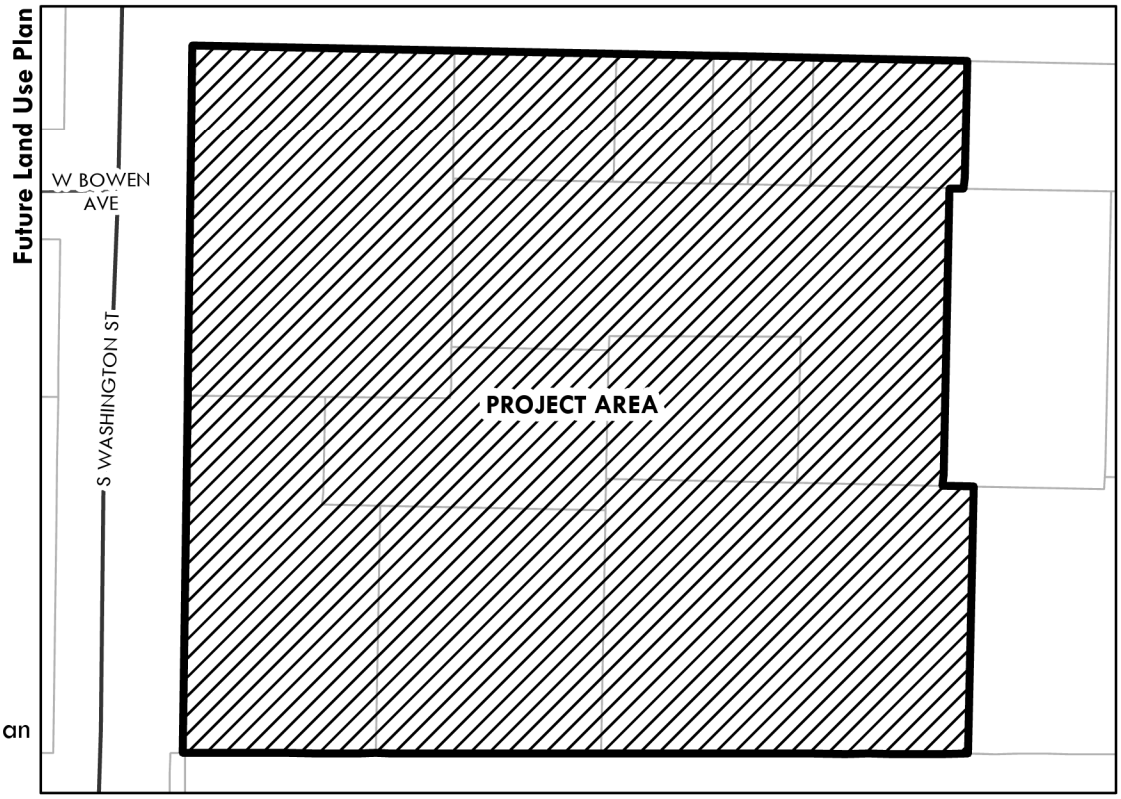
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.01 0.03 0.06 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
September 16, 2020

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

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 NORTHWEST 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 492.26 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 & IT'S 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 9.68 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 GEODETIC 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 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 APPROVED THE GROUNDS AS SHOWN ON TEH 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 PUBIC 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 ARES INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

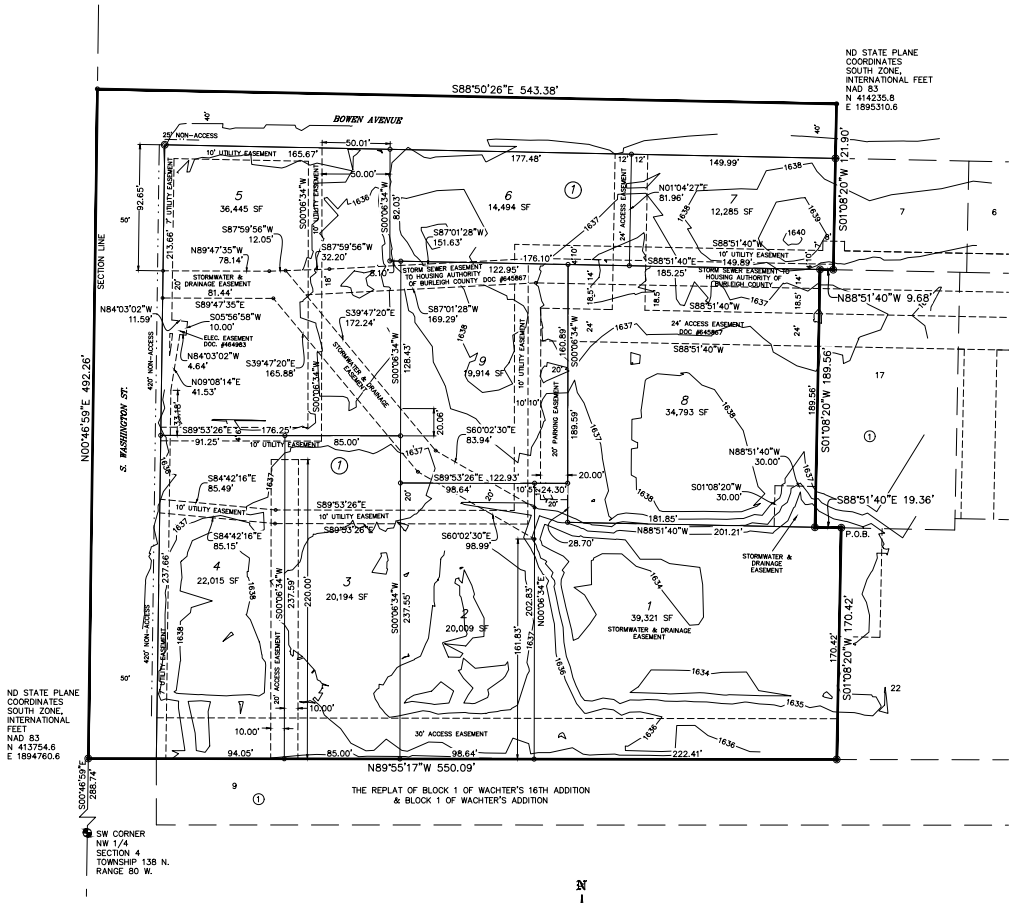
WE ALSO DEDICATE ACCESS & PARKING EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, IT'S OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY 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)
) SS
COUNTY OF BURLEIGH)

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

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF HOUSING AUTHORITY OF BURLEIGH COUNTY, 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 _____



NOTES

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

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

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

VERTICAL BENCHMARK:
HYD #0577, BOWEN AVE (EAST) & WASHINGTON ST.
ELEV. 1638.7 (NAVD 88)

FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0795D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
APPROXIMATELY 1638 (NAVD 88)

SCALE: 1"=40'

SEPTEMBER 11, 2020

NAVD 88

○ MONUMENT TO BE SET

◎ MONUMENT IN PLACE

AREA DATA

LOTS	219,469 S.F.	5.04 ACRES
STREETS	44,319 S.F.	1.02 ACRES
TOTAL	263,788 S.F.	6.06 ACRES

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

0641

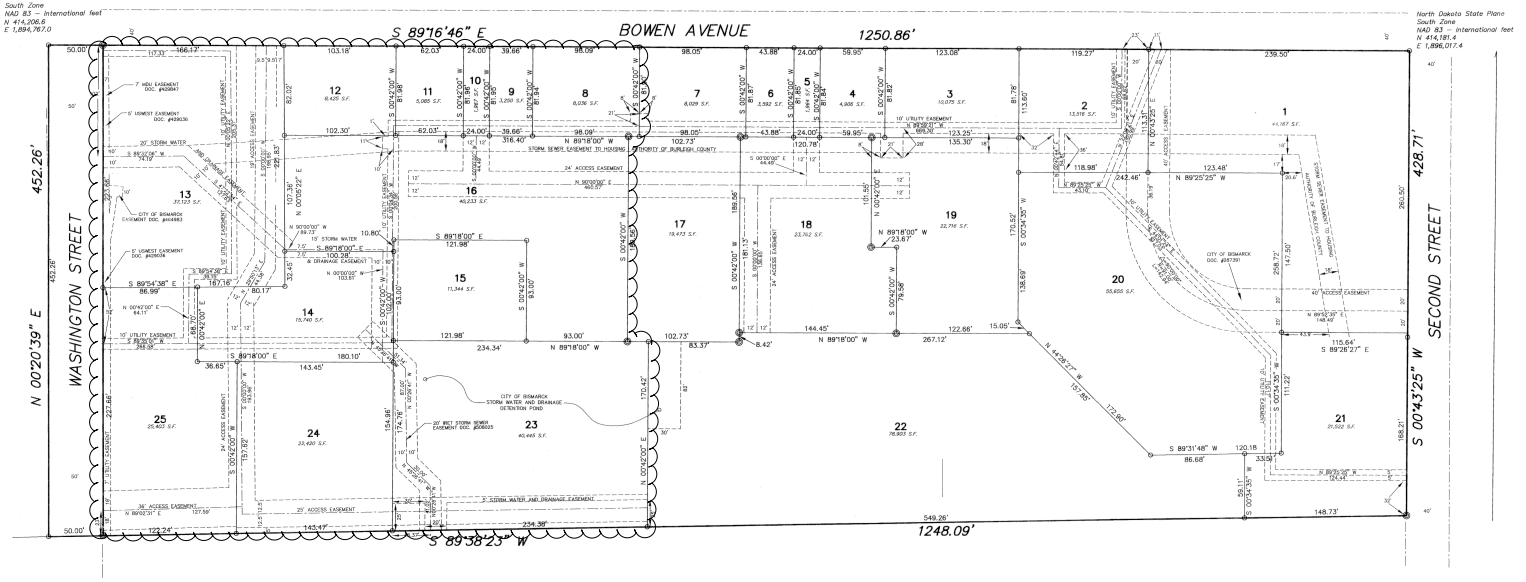
SURVEYOR'S CERTIFICATE

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 645867 IN THE BURLEIGH COUNTY RECORDERS OFFICE AS PREPARED BY TODD MARSCHALL A REGISTERED LAND SURVEYOR (ND REG NO 4431) 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.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
P.O. BOX 1135
BISMARCK, NORTH DAKOTA 58504

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS 25TH DAY OF NOVEMBER 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 LESS 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 43 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 BEGINNEING.

N
W E
S

SCALE: 1"=50'
0 25' 50' 75'

NOVEMBER 10, 2008

LOTS	527,748 S.F.	12.11 ACRES
STREET	22,590 S.F.	0.52 ACRES
TOTAL	550,338 S.F.	12.63 ACRES

o MONUMENT TO BE SET
⊙ MONUMENT IN PLACE

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue P.O. Box 1135
Bismarck, North Dakota 58504
shcg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

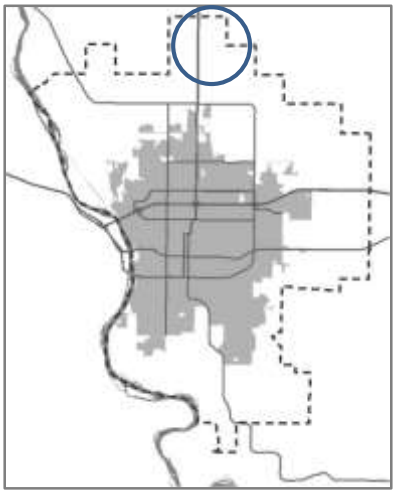
Agenda Item # 2
October 15, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-015

Project Summary

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



Site Information

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

Property History

Zoned:	*Pre-1980*	*Platted:*	*08/1973*	Annexed:	N/A

Staff Analysis

The Planning and Zoning Commission held a public hearing on this request on Wednesday, September 23rd and approved the request. However, due to a publication error in the Bismarck Tribune, a new public hearing must be held in order to meet the City's notification requirements. The public has been re-notified of this request; a new notice was published in the Bismarck Tribune on October 2nd and 9th and new letters were mailed to the owners of nearby properties on October 2nd.

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.

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

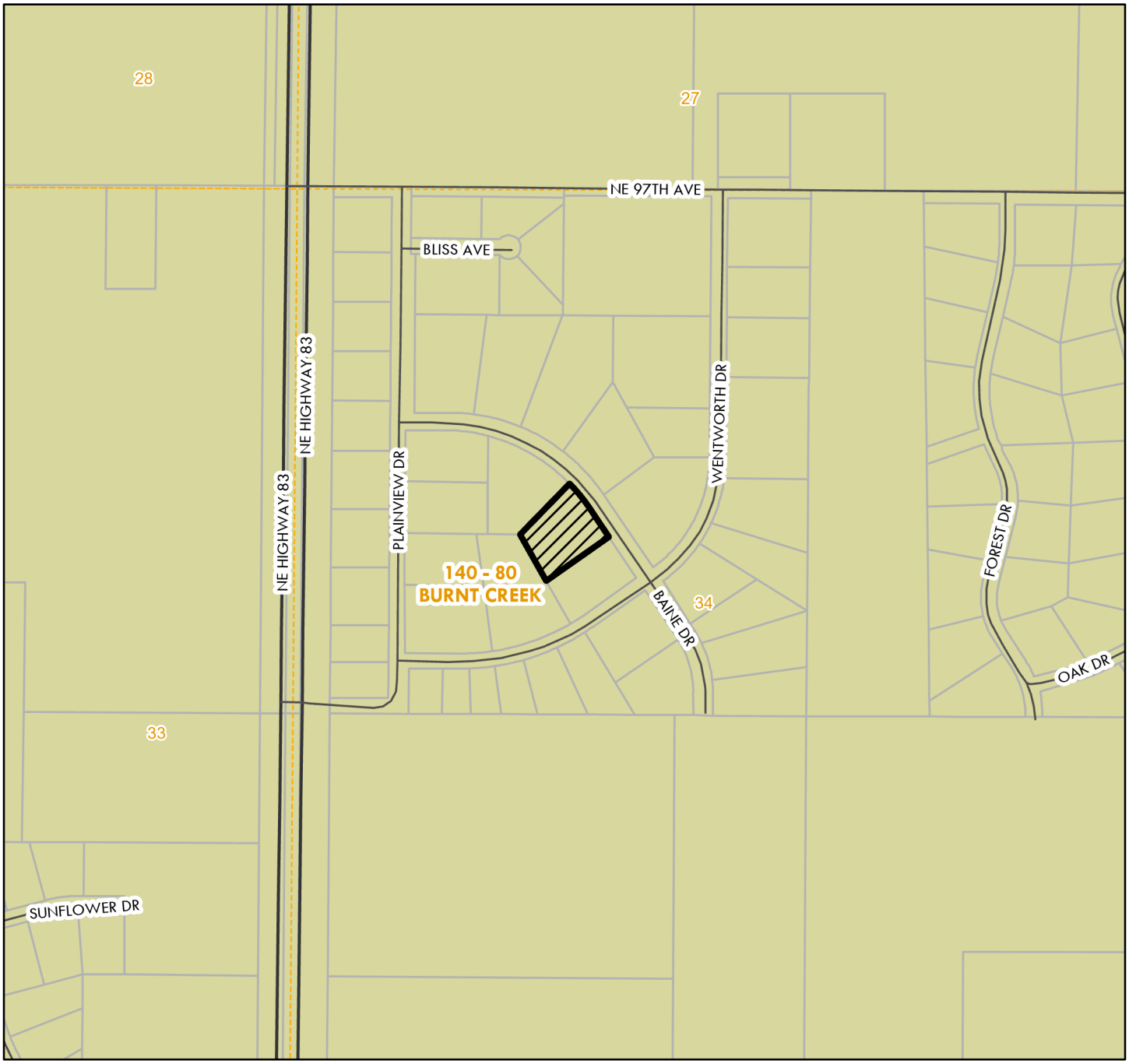
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit

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

Location Map

BRENTWOOD ESTATES, L3, B3

SUP2020-015



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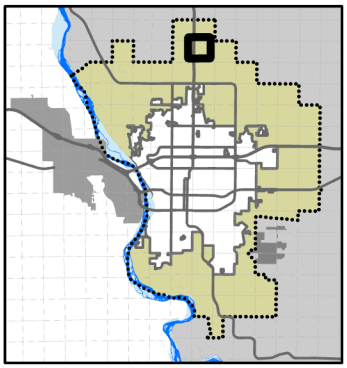
Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



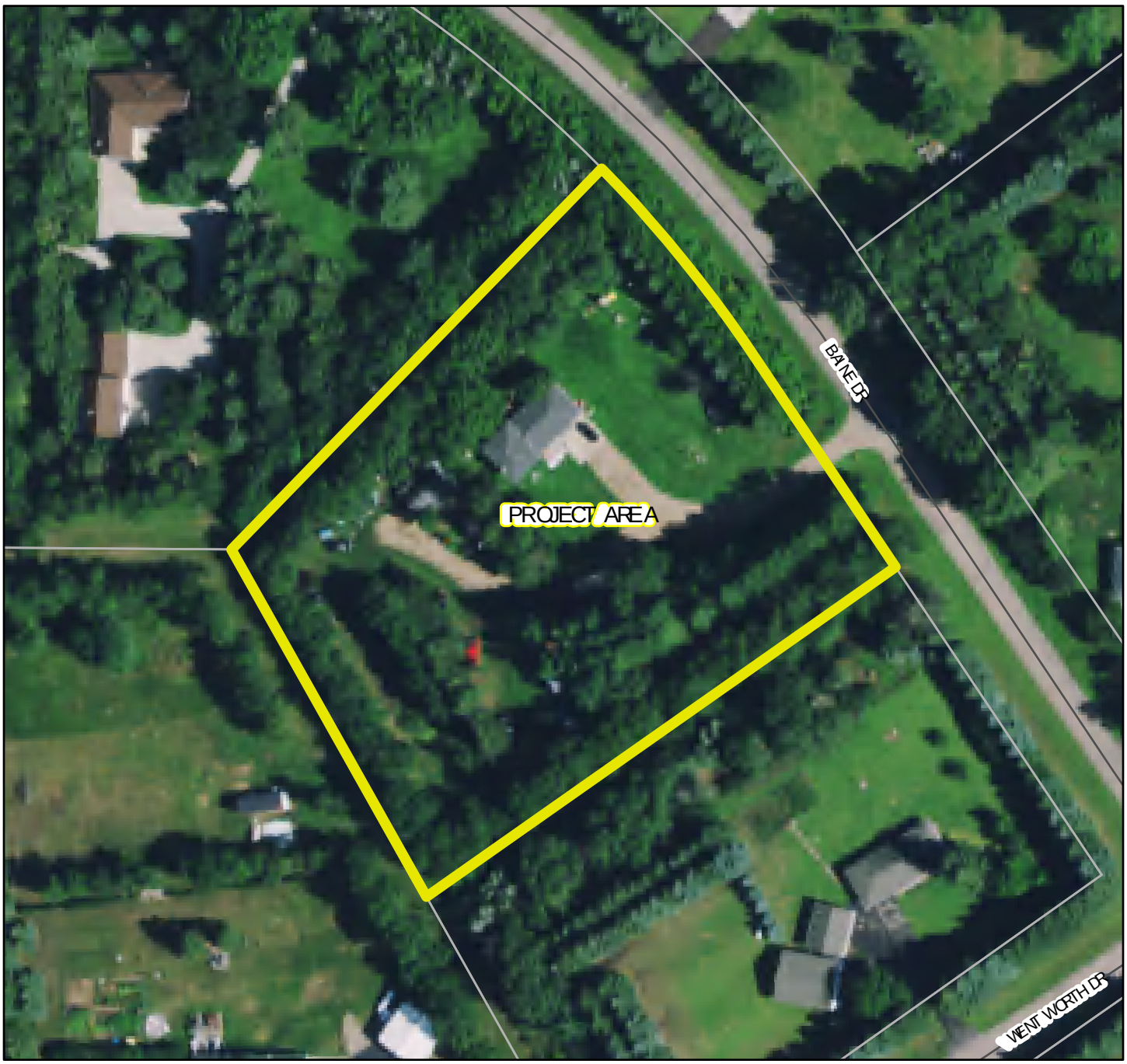
City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

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

BRENTWOOD ESTATES, L3, B3

ZC2020-005



0 0.02 0.04 0.09 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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

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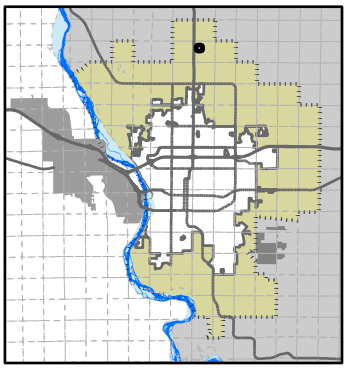


Zoning and Plan Reference Map

BRENTWOOD ESTATES, L3, B3

ZC2020-005

Zoning Districts

A	Agriculture
RR	Rural 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

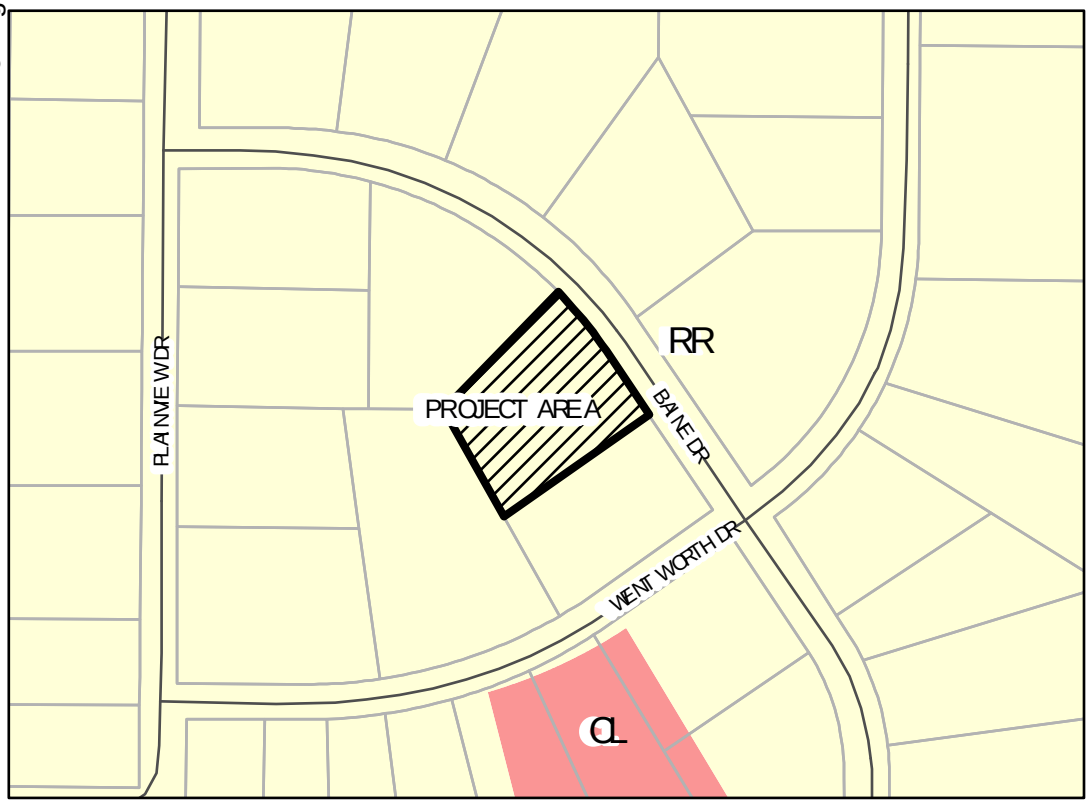
Future Land Use Plan

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

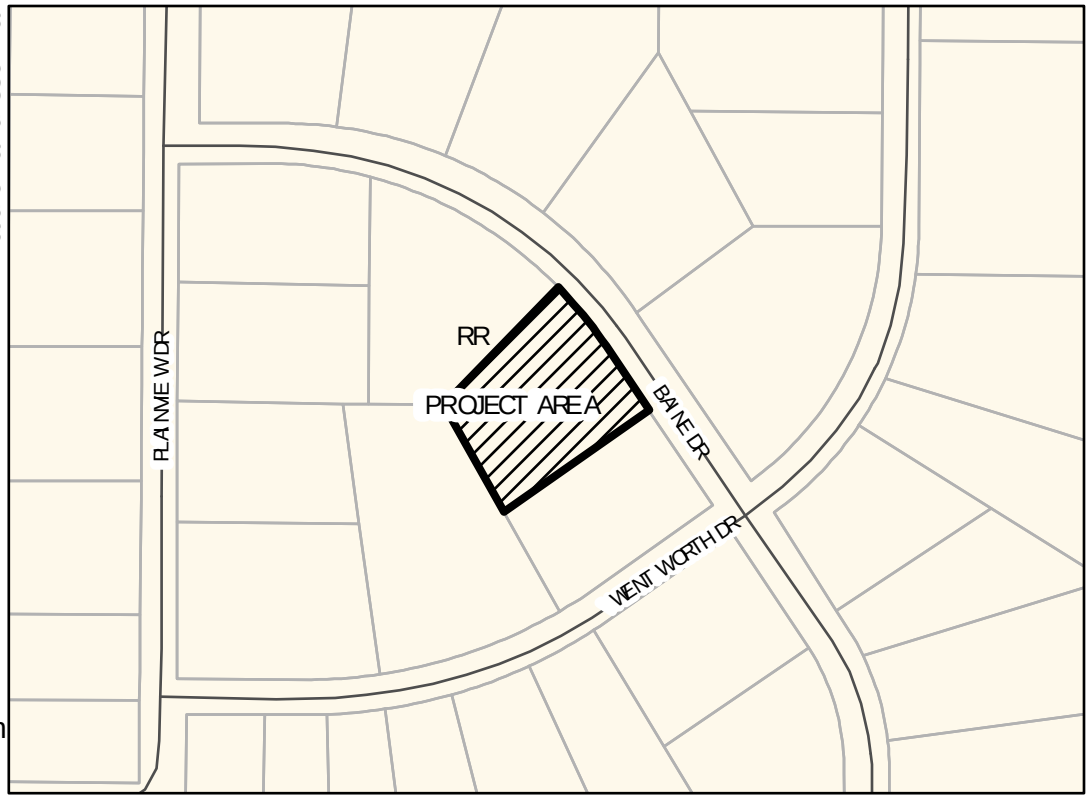
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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0 0.05 0.1 0.2 Miles

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

Site Plan Exhibit

0 75 150 300 Feet

N

Drawn by: Daniel Nairn | Confirmed by: Frank Kelsch

SUP2020-015 | 9/15/2020

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

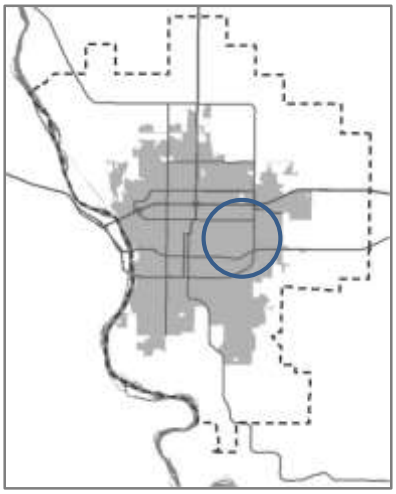
Agenda Item # 3
October 15, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-016

Project Summary

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



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Light Industrial	*Land Use:*	Dog Training/Kennel
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:*	MA – Industrial
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:	3/1974	*Platted:*	7/1971	*Annexed:*	Pre-1980

Staff Analysis

The Planning and Zoning Commission held a public hearing on this request on Wednesday, September 23rd and approved the request. However, due to a publication error in the Bismarck Tribune, a new public hearing must be held in order to meet the City's notification requirements. The public has been re-

(continued)

notified of this request; a new notice was published in the Bismarck Tribune on October 2nd and 9th and new letters were mailed to the owners of nearby properties on October 2nd.

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.

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 co animals will be kenneled 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 order. 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.

(continued)

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

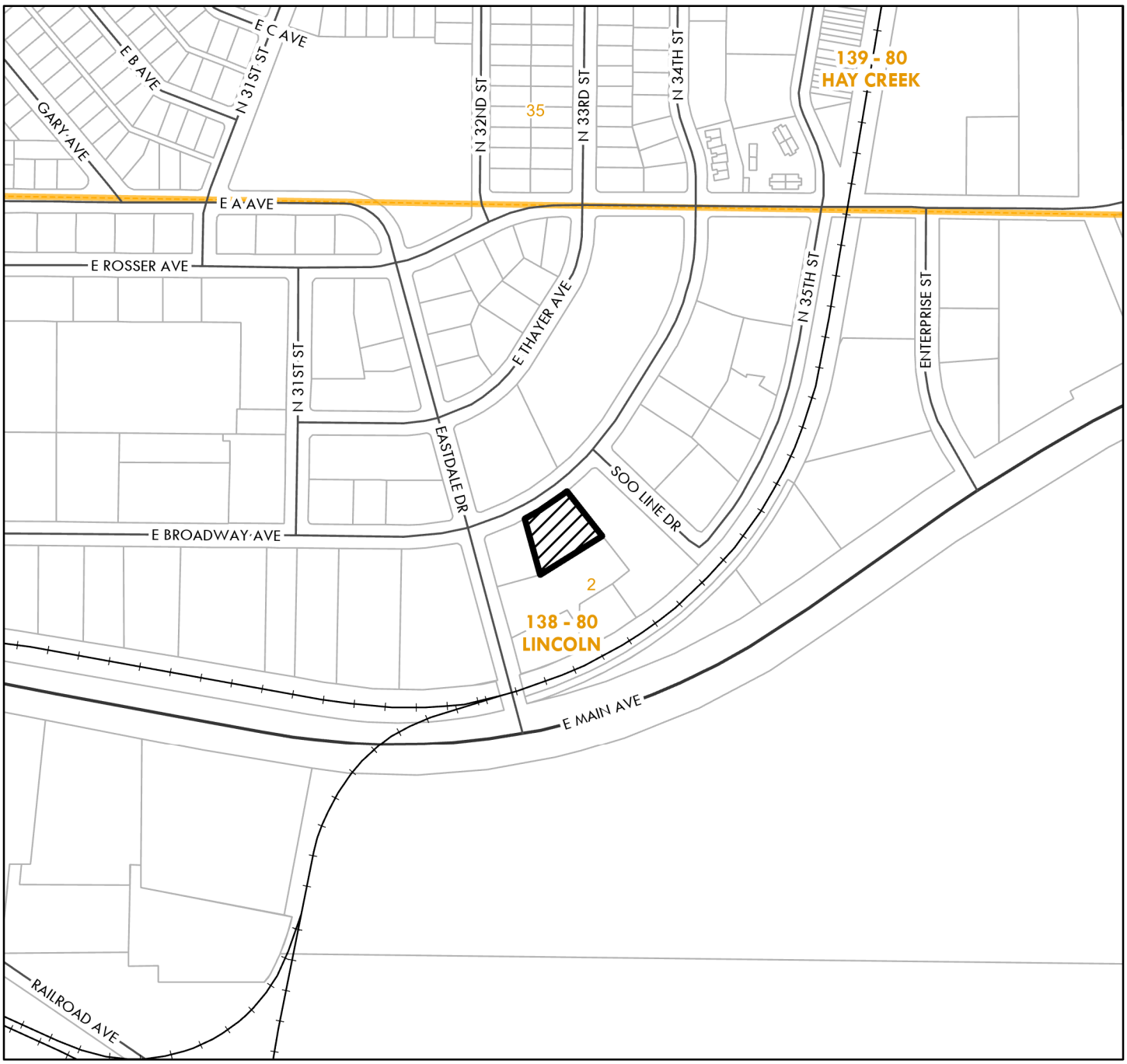
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit

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



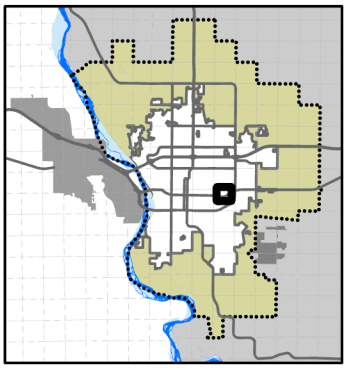
0 0.1 0.2 0.4 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



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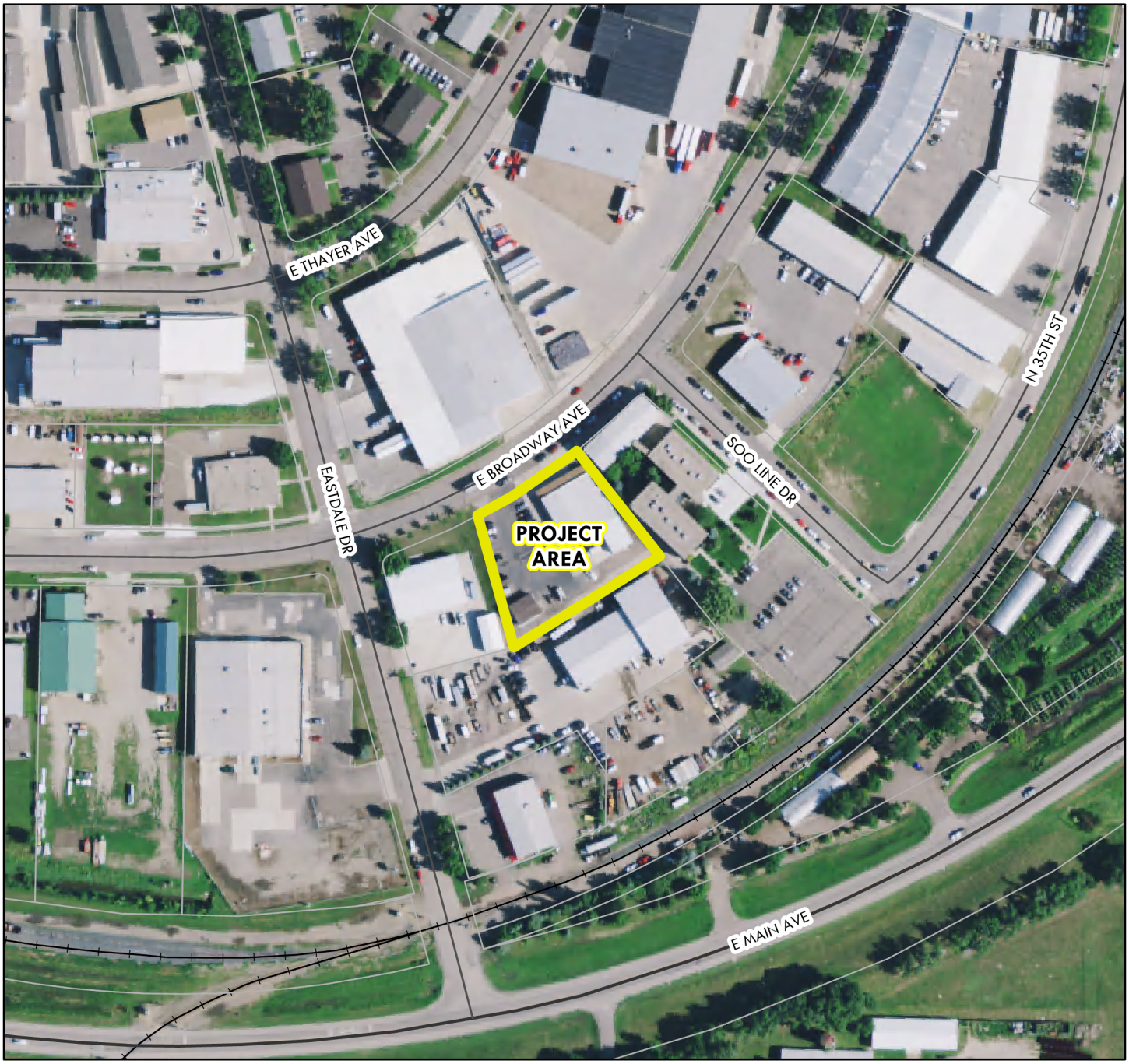
City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

Aerial Map

EASTDALE ADDITION, L2 OF LOT A OF L1, B10

SUP2020-016



0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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

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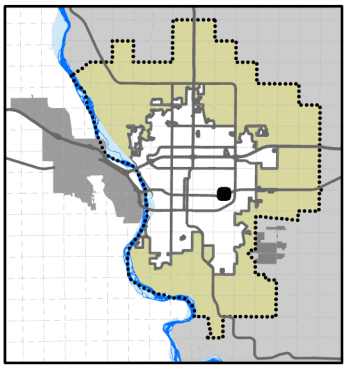


Zoning and Plan Reference Map

EASTDALE ADDITION, L2 OF LOT A OF L1, B10

SUP2020-016

Zoning Districts

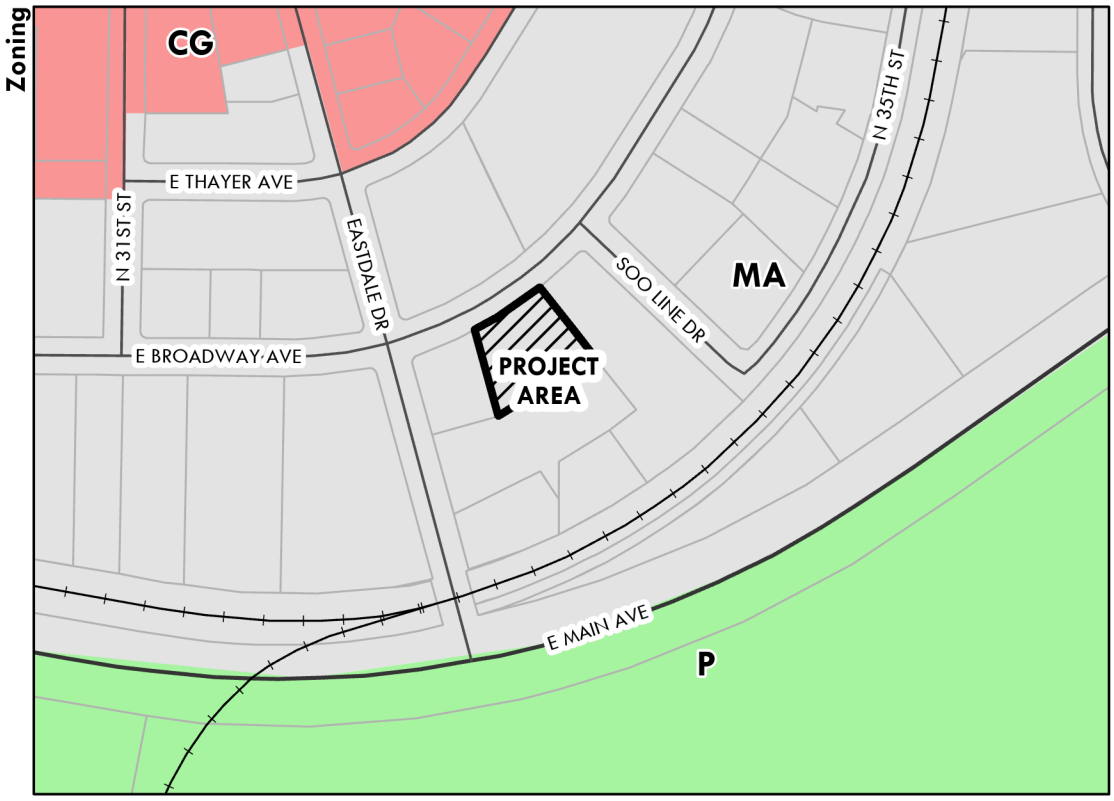
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

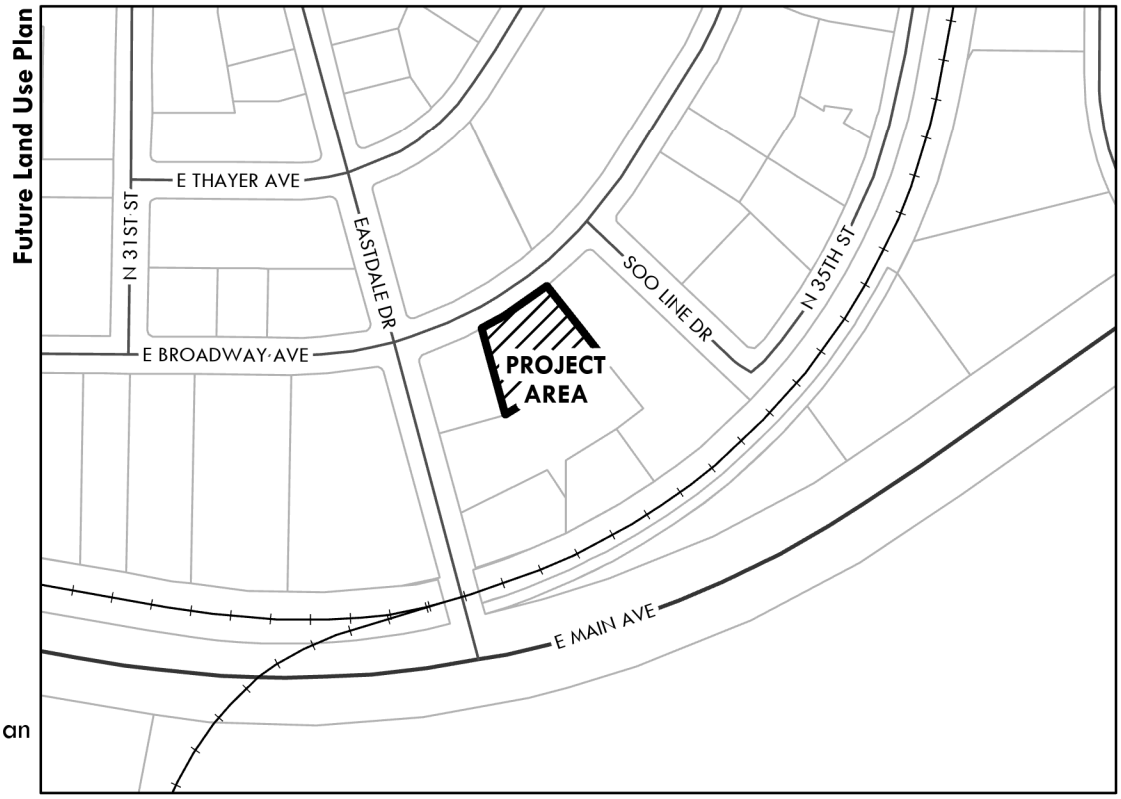
Future Land Use Plan

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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0 0.05 0.1 0.2 Miles

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

0
60
120
240 Feet
N
9/11/2020
E BROADWAY AVE
Future Street Trees
Future Perimeter Shrubs
WACHTER'S SUBDIVISION REPLAT
Existing Building
25'-0"
9'-6"
Parking (14 spaces)
77'-4"
39'-6"
Opaque Fenced Outdoor Exercise Yard
Future Parking
36'-0"
28'-0"
Existing Accessory Structure
Evergreen Buffer Trees
EASTDALE ADDITION
EASTDALE SECOND ADDITION
10
13
1
2

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

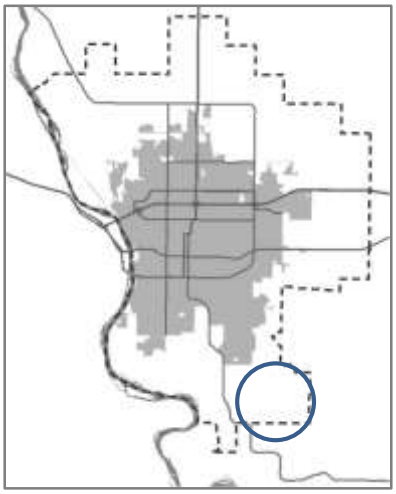
Agenda Item # 4
October 15, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-017

Project Summary

Title:	Lot 8, Block 1, Copper Ridge Subdivision
Status:	Planning & Zoning Commission – Public Hearing (additional)
Owner(s):	Daryl Ressler
Project Contact:	Tony Campagna
Location:	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)
Project Size:	1.95 acres
Request:	Construct a 3,200 square-foot accessory building, with an accessory dwelling unit



Site Information

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

Property History

Zoned:	*Pre-1980*	*Platted:*	*08/1973*	Annexed:	N/A

Staff Analysis

The Planning and Zoning Commission held a public hearing on this request on Wednesday, September 23rd and approved the request. However, due to a publication error in the Bismarck Tribune, a new public hearing must be held in order to meet the City's notification requirements. The public has been re-notified of this request; a new notice was published in the Bismarck Tribune on October 2nd and 9th and new

(continued)

letters were mailed to the owners of nearby properties on October 2nd.

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.

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*

(continued)

sewage treatment capacity will be available to meet anticipated needs.

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

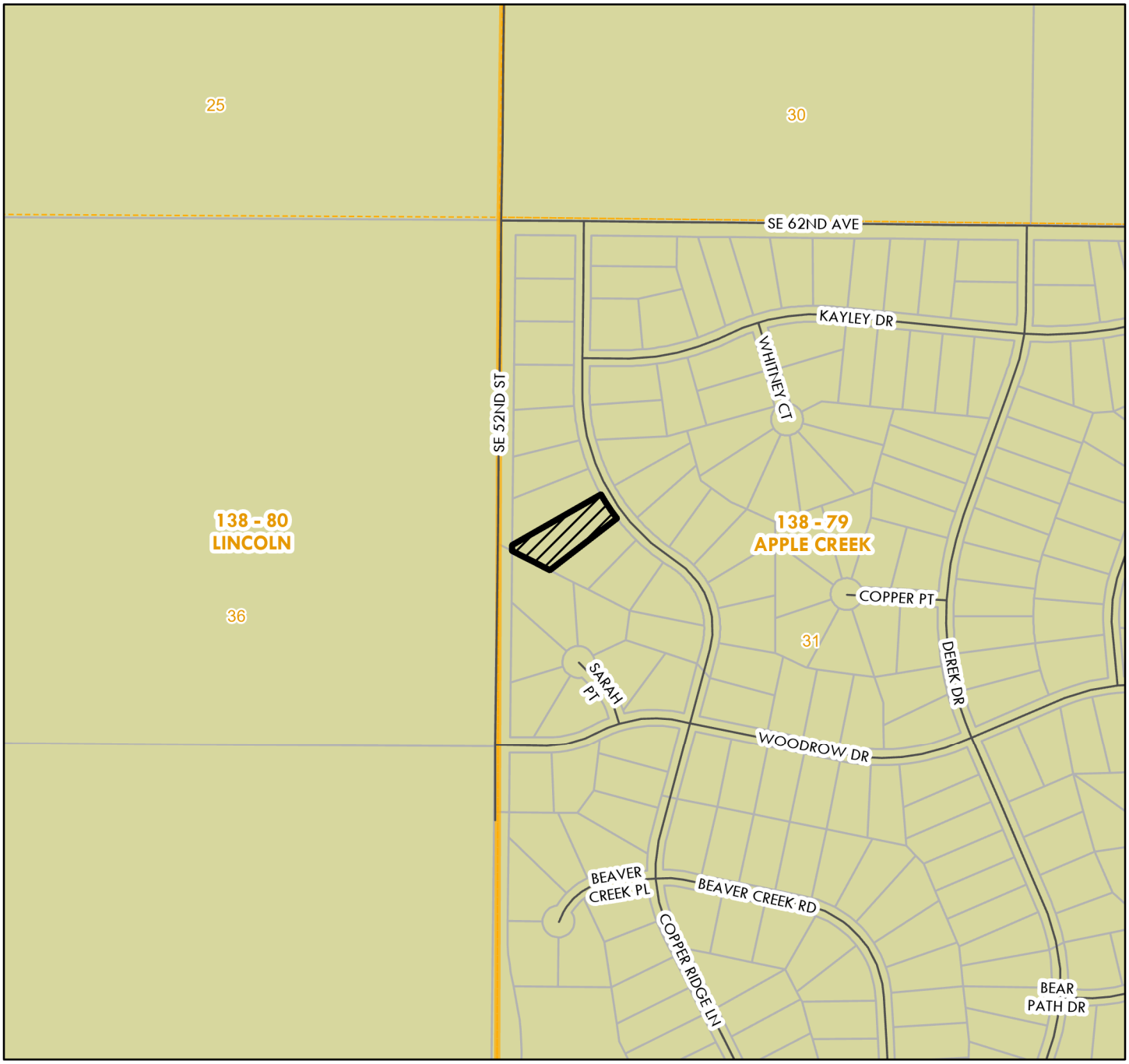
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Floor Plans

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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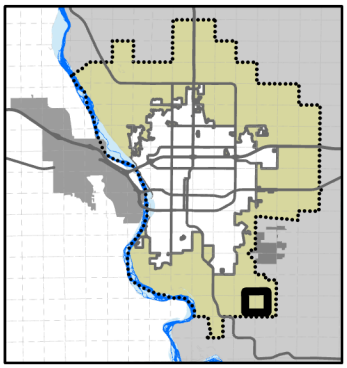
N

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



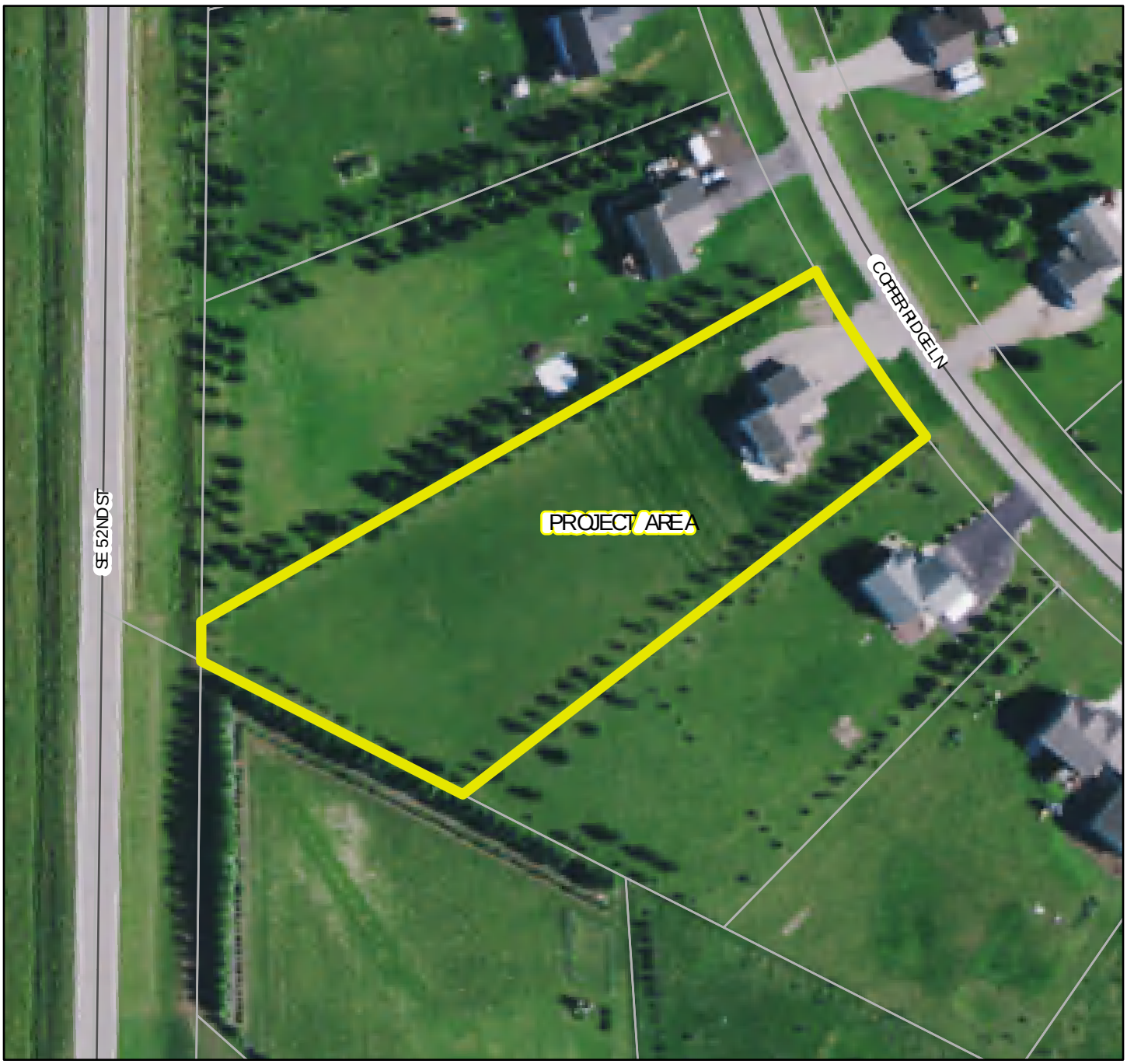
City of Bismarck
Community Development Department
Planning Division
August 25, 2020 (HLB)

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

COPPER RIDGE SUBDIVISION, L8, B1

ZC2020-005



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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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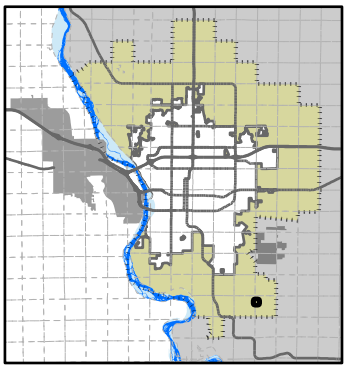


Zoning and Plan Reference Map

COPPERRIDGE SUBDIVISION, L8, B1

SUP2020-017

Zoning Districts

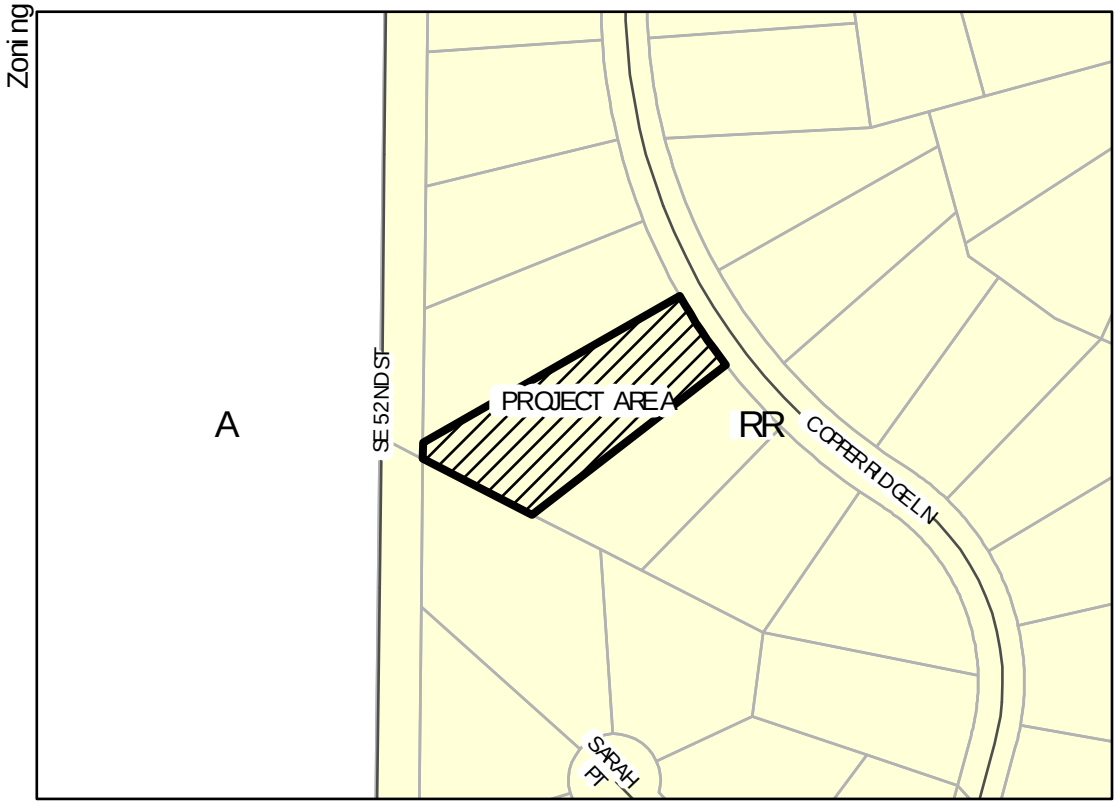
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

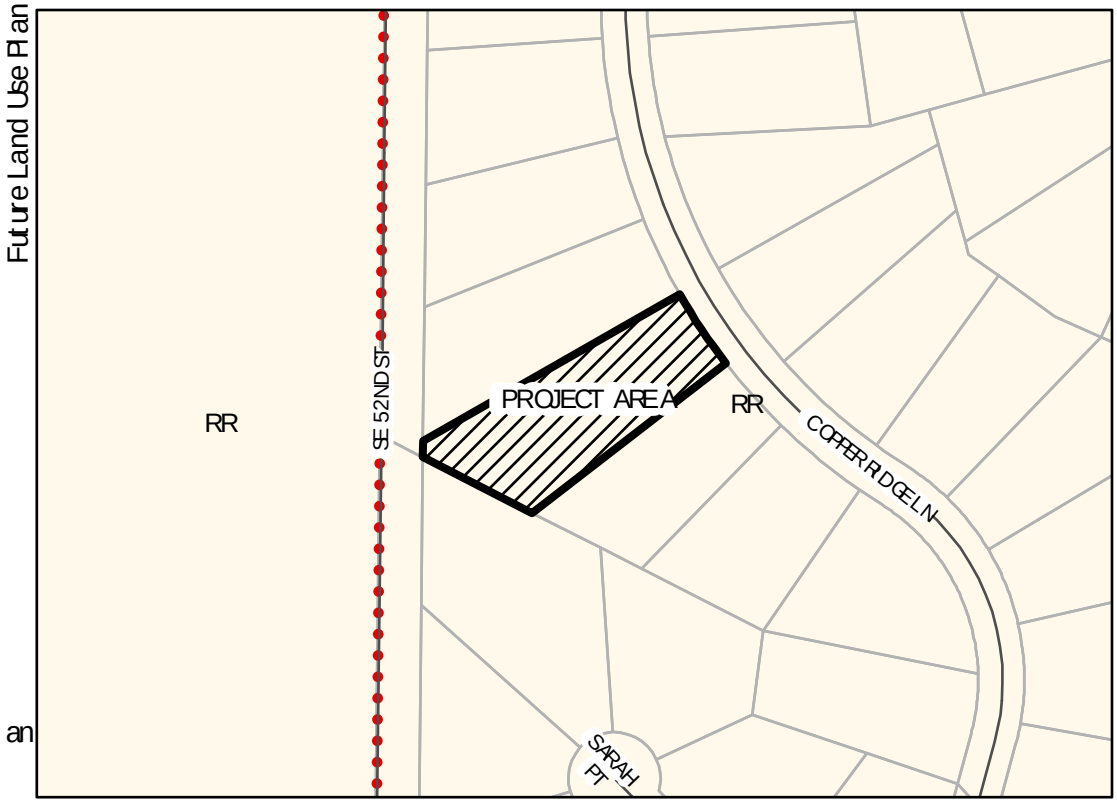
Future Land Use Plan

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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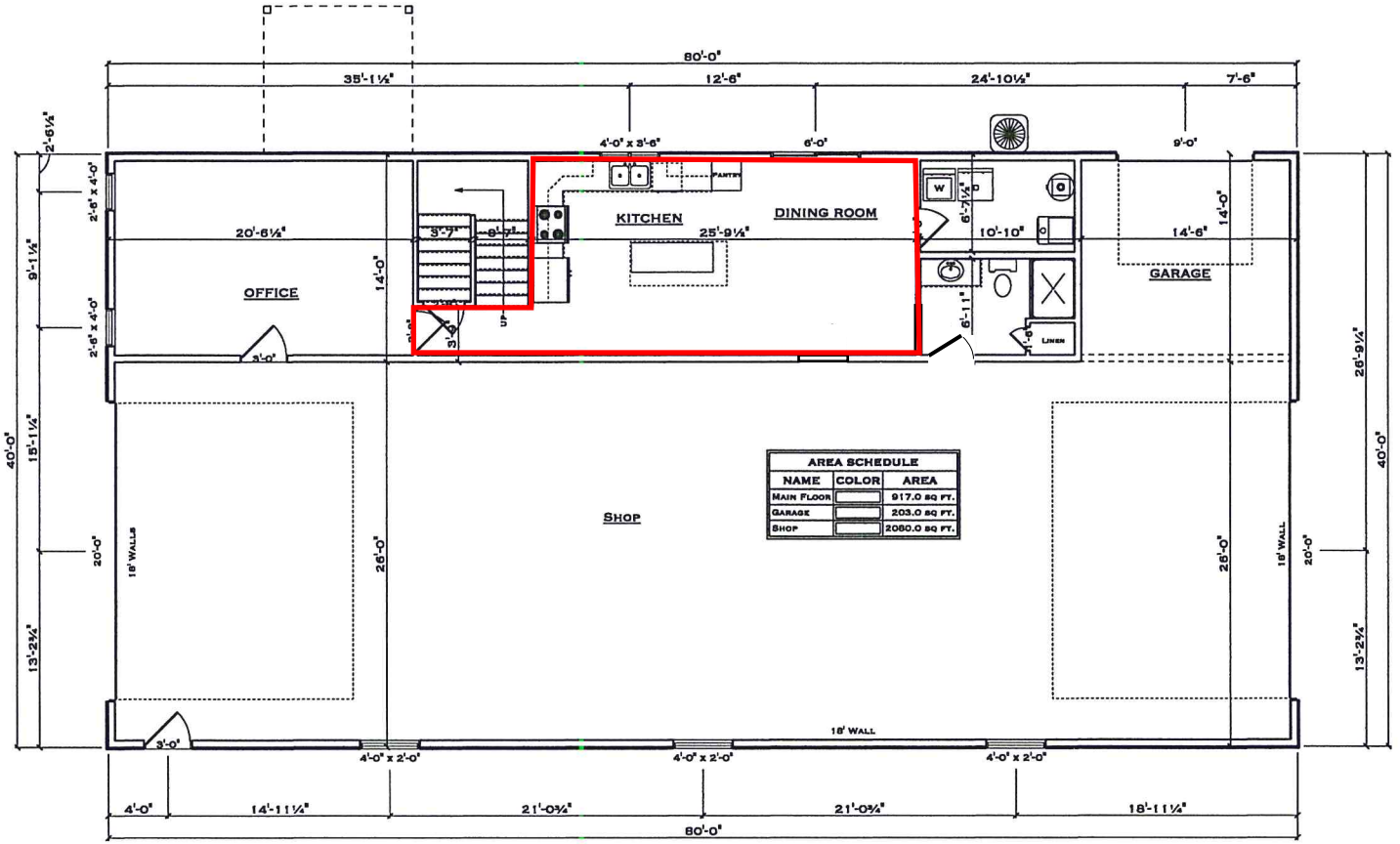
0 0.04 0.08 0.16 Miles

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

Site Plan Exhibit

Drawn by: Daniel Nairn | Confirmed by: Tony Campagna

SUP2020-017 | 9/15/2020

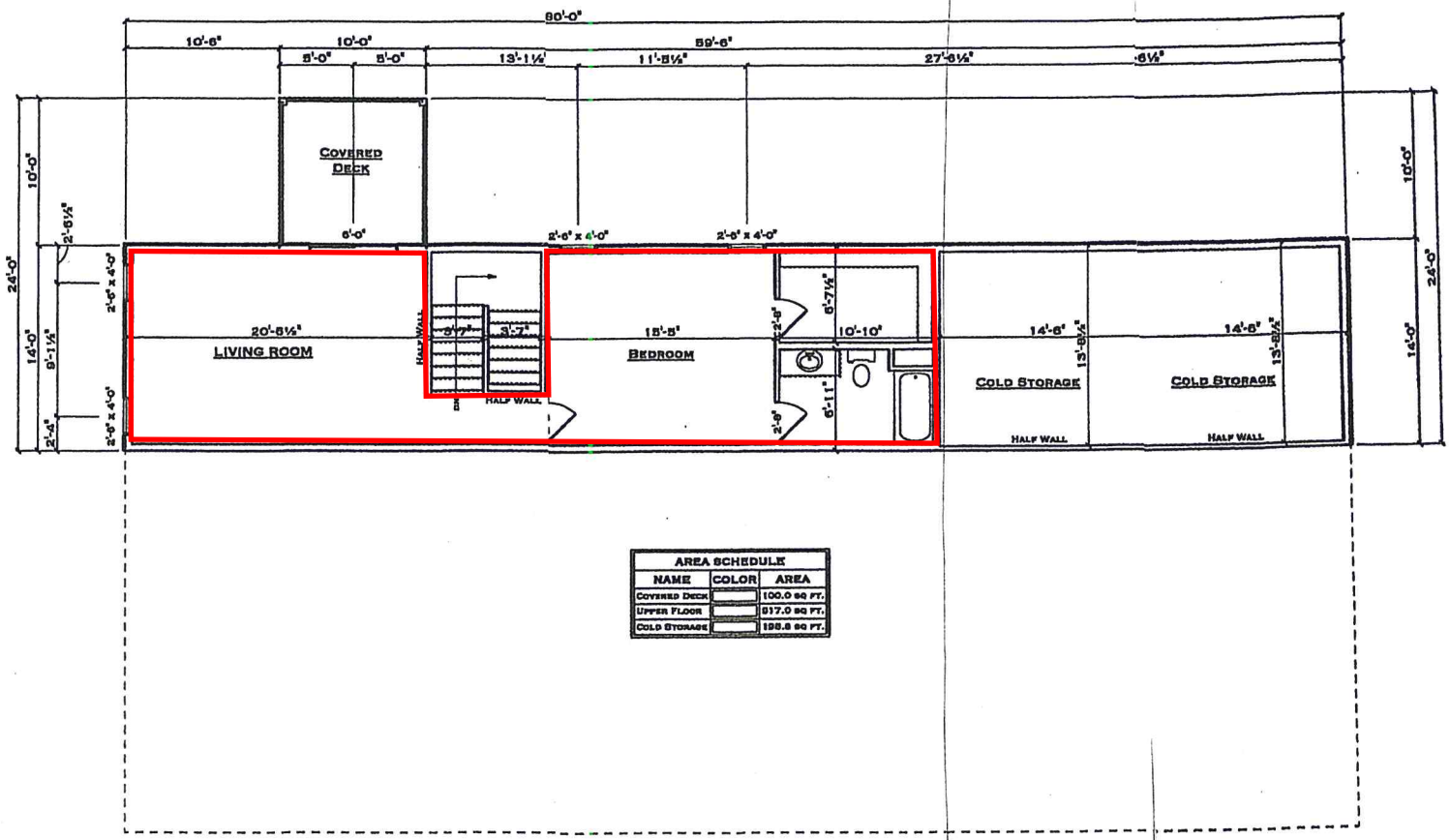


FRONT STREET MILLWORK & LUMBER, INC.
3320 EAST CENTURY AVENUE - BISMARCK, ND 58503
PHONE:(701) 255-1636 FAX:(701) 222-0500
ZACH@FRONTSTREETMILLWORK.COM

DRAWN FOR:
TONY CAMPAGNA
ZACH HOME: TC-COPPER RIDGE

DRAWN BY: ZACH LARSON
DATE: MARCH 16, 2018
REVISED: 5/5/2020

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



AREA SCHEDULE		
NAME	COLOR	AREA
COVERED DECK		100.0 SQ FT.
UPPER FLOOR		517.0 SQ FT.
COLD STORAGE		198.8 SQ FT.

FRONT STREET MILLWORK & LUMBER, INC.
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ZACH@FRONTSTREETMILLWORK.COM

DRAWN FOR: TONY CAMPAGNA
PLAN NAME: TC-COPPER RIDGE

DRAWN BY: ZACH LARSON
DATE: MARCH 16, 2018
REVISED: 5/5/2020

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

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

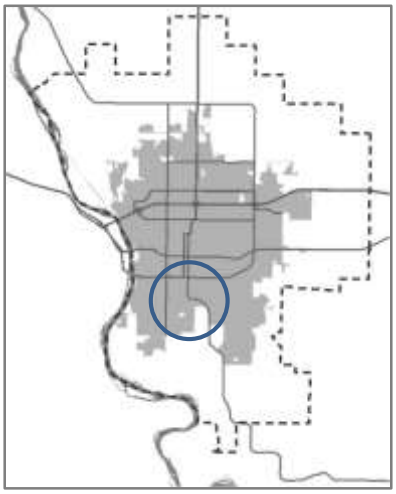
Agenda Item # 5
October 15, 2020

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 (additional)
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

(continued)

Staff Analysis

The Planning and Zoning Commission held a public hearing on this request on Wednesday, September 23rd and approved the request. However, due to a publication error in the Bismarck Tribune, a new public hearing must be held in order to meet the City's notification requirements. The public has been re-notified of this request; a new notice was published in the Bismarck Tribune on October 2nd and 9th and new letters were mailed to the owners of nearby properties on October 2nd.

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.

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 employee 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.*

(continued)

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.

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

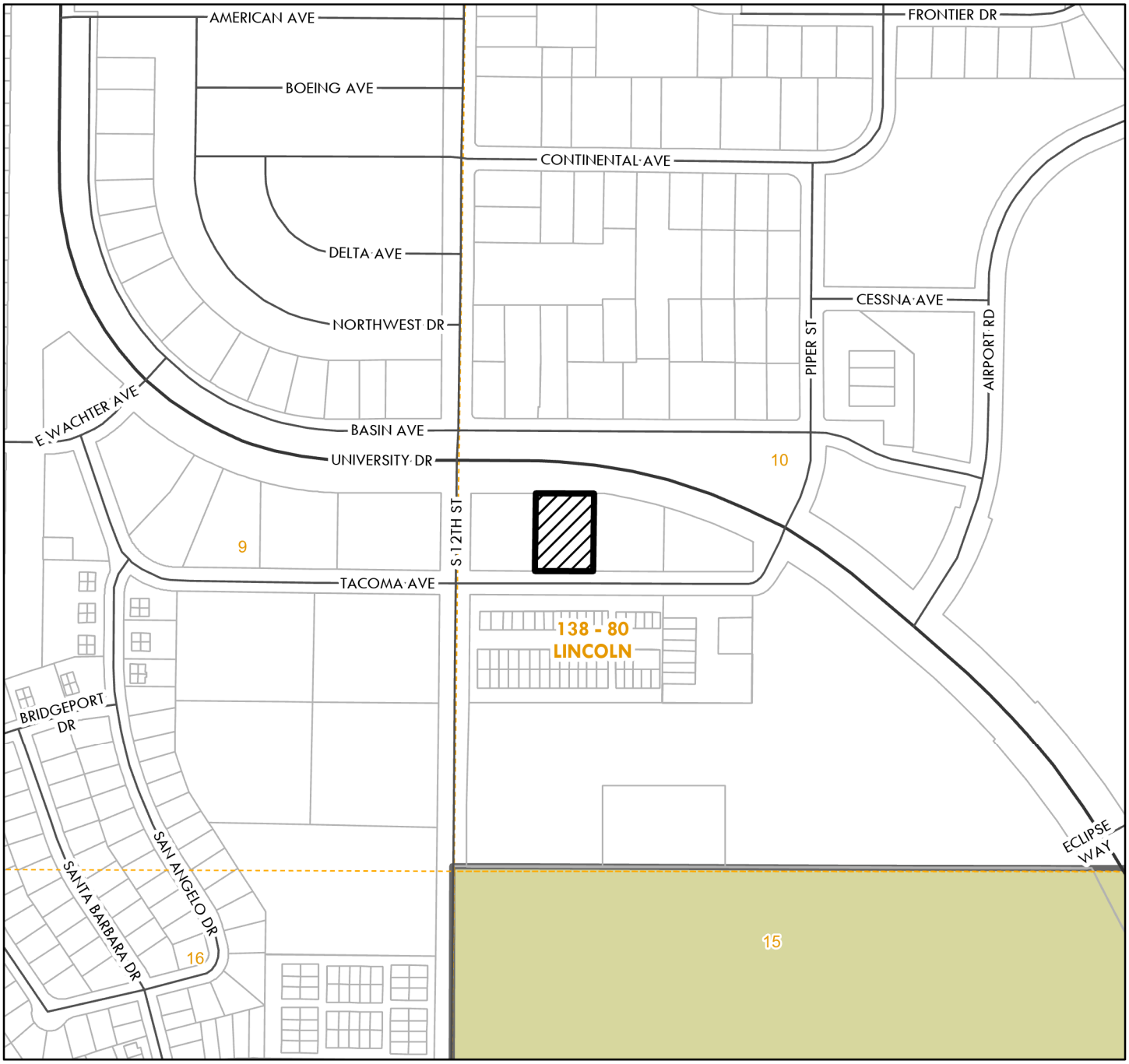
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

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

Location Map

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1

SUP2020-018



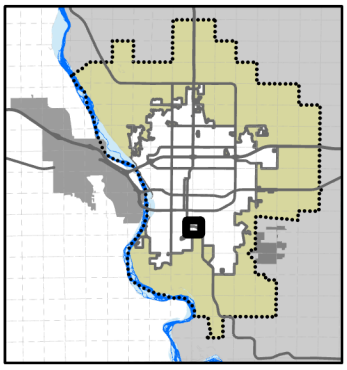
0 0.1 0.2 0.4 Miles

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)

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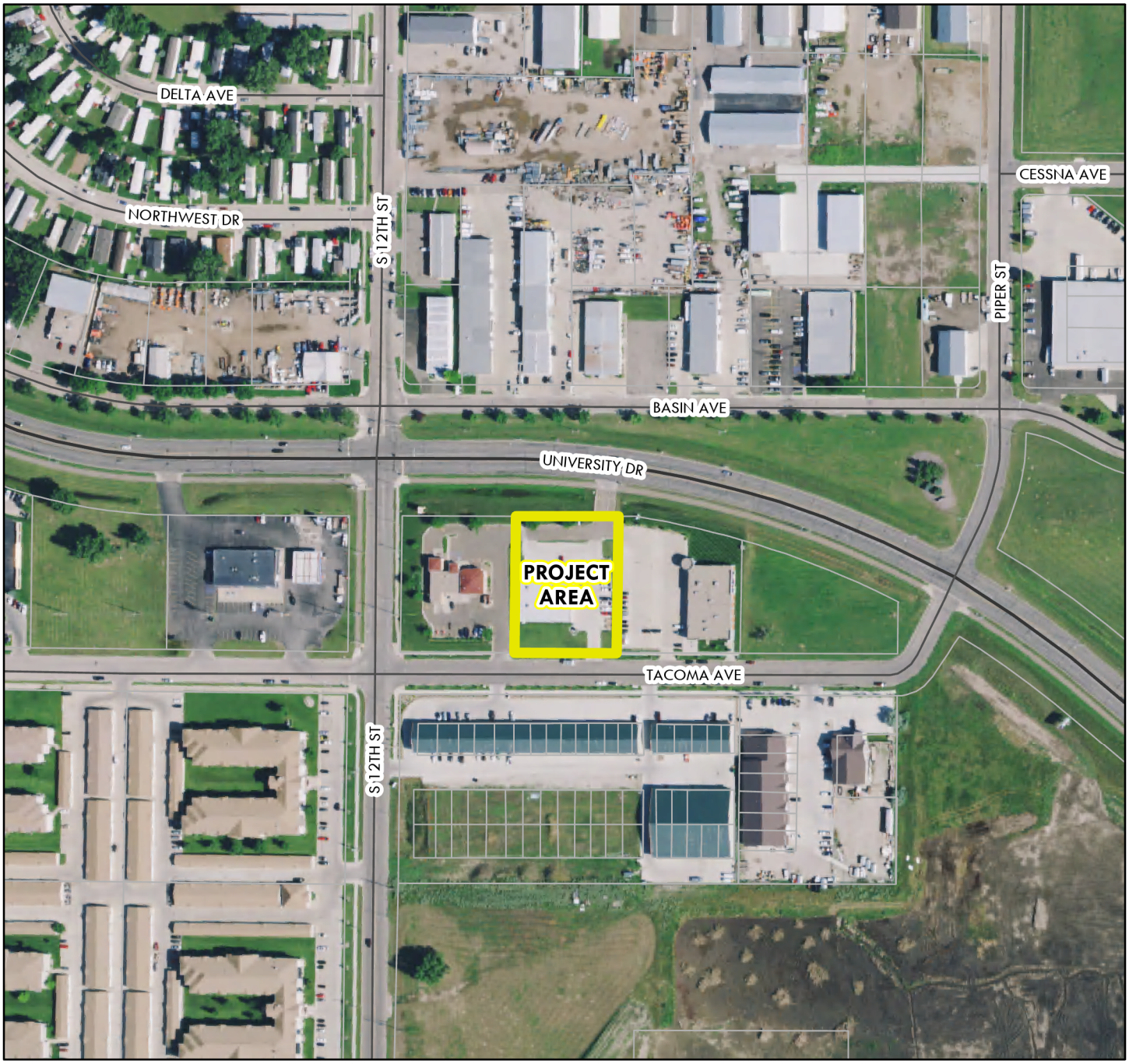
Aerial Map

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1

SUP2020-018



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Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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

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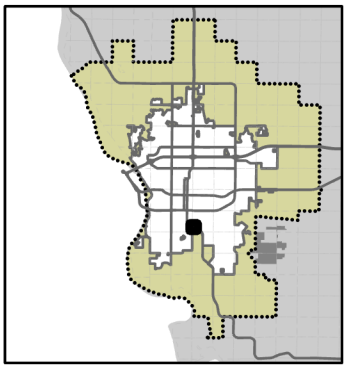

Zoning and Plan Reference Map

AIRPORT EXPRESSWAY 2ND ADD REPLAT B1, PT L1

SUP2020-018

Zoning Districts

A	Agriculture
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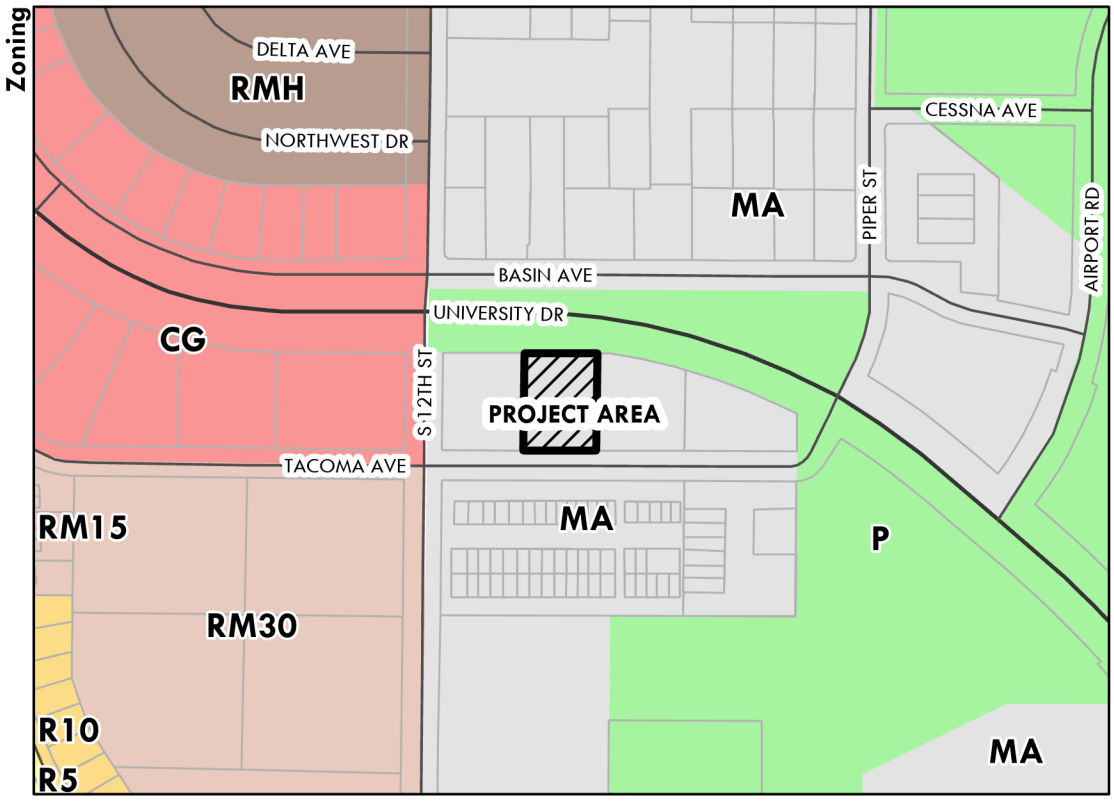
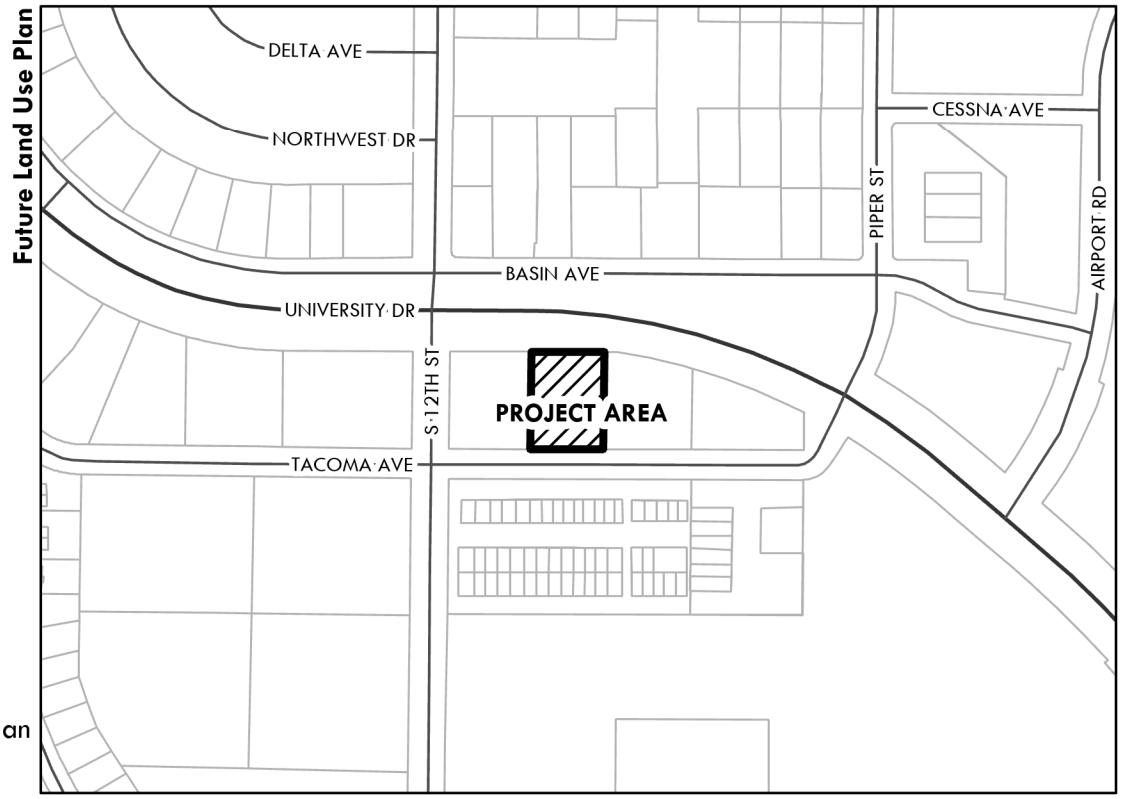
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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September 17, 2020