



PLANNING AND ZONING COMMISSION

MEETING AGENDA February 28, 2024

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
<p>The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission 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 that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also</p>		<p>include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). 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.</p> <p>As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.</p>

<u>Item No.</u>	<u>Page No.</u>
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MINUTES

1. Consider approval of the minutes of the January 24, 2024, meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Fettig Subdivision (JW)**.....6

Major Subdivision Preliminary Plat | PPLT2023-004 | *Consideration*

Staff recommendation: tentative approval tentative approval continue table deny

Zoning Map Amendment | ZC2023-014 | *Consideration*

Staff recommendation: schedule a hearing schedule a hearing continue table deny



- 3. **Hay Creek Township, Sections 7 and 18, T139-R80,18**
Sections 12-13, T139-R81 (IJ)

Major Street Plan Amendment | MSPA2023-001 | *Consideration*

Staff recommendation: schedule a hearing schedule a hearing continue table deny

- 4. **Amendments to Agricultural Zoning District (JW)..... 28**

Zoning Ordinance Text Amendment | ZOTA2023-001 | *Consideration*

Staff recommendation: schedule a hearing schedule a hearing continue table deny

REGULAR AGENDA

PUBLIC HEARINGS

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

- 5. **Municipal Fourth Addition First Replat, Lots 2 and 3, Block 1 (IJ).....37**

PUD Amendment | PUDA2023-003 | *Public Hearing*

Staff recommendation: continue approve continue table deny

- 6. **Capital Electric Second Subdivision, Lot 2, Block 1 (LO).....62**

Zoning Map Amendment | ZC2023-013 | *Public Hearing*

Staff recommendation: approve approve continue table deny

- 7. **McKenzie and Coffin’s Second Addition (IJ).....71**

Minor Subdivision | MPLT2024-001 | *Public Hearing*

Staff recommendation: approve approve continue table deny

Zoning Map Amendment | ZC2023-015 | *Public Hearing*

Staff recommendation: approve approve continue table deny



- 8. **Shamrock Acres Third Subdivision, Lot 2, Block 7 (LO)**.....89

Special Use Permit (Accessory Building) | SUP2024-001 | *Public Hearing*

Staff recommendation: approve approve continue table deny

- 9. **Home Occupations (DN)**.....95

Zoning Ordinance Text Amendment | ZOTA2023-005 | *Continued Public Hearing*

Staff recommendation: continue approve continue table deny

OTHER BUSINESS

- 10. **Recognition of Service for Commissioner Wendy Van Duyne.**

- 11. **Update on Land Development Code.**

- 12. **Other**

ADJOURNMENT

- 12. **Adjourn.** The next regular meeting date is scheduled for March 27, 2024.

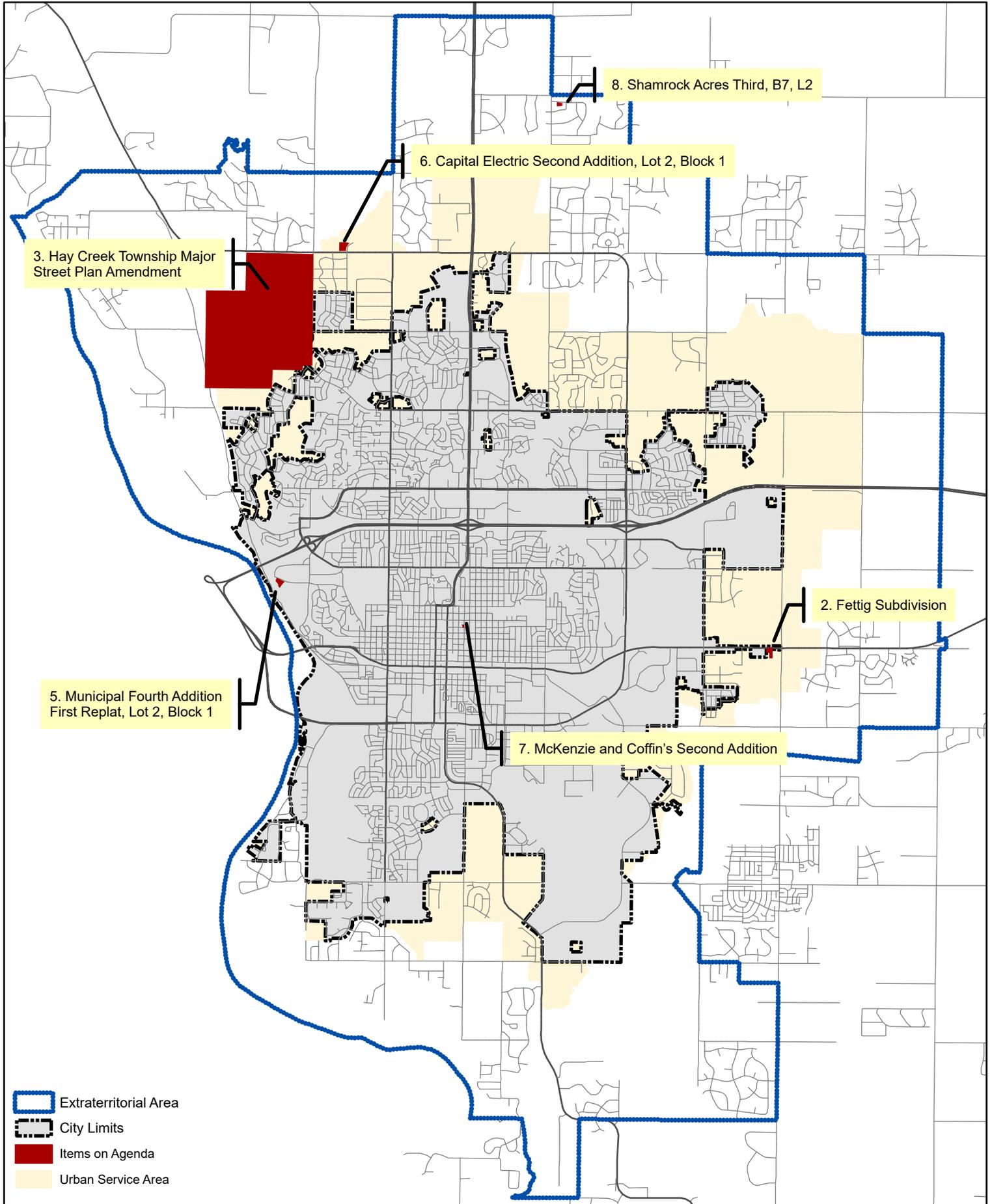
Enclosures: Meeting Minutes of January 24, 2024
 Building Permit Activity Month to Date Report for January 2024
 Building Permit Activity Year to Date Report for January 2024



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.



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



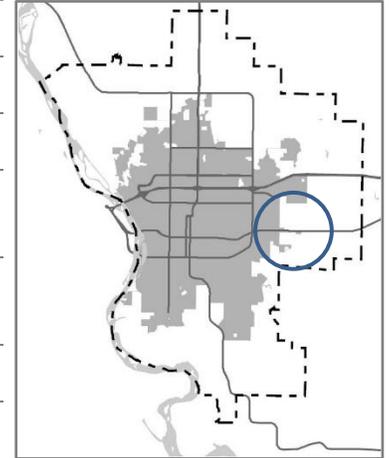
STAFF REPORT

Application for: **Zoning Map Amendment**
Preliminary Plat

Project ID: **ZC2023-014**
PPLT2023-004

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	All of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apple Creek Township
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Plat and zone property for development of a single-family dwelling in conjunction with commercial use
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and 2 parcels	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Commercial (hotel) and single-family	<i>Land Use:</i>	Commercial (hotel), single-family, and single-family in conjunction with commercial use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agriculture CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/1978
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	07/2009 (Highway Subdivision)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	N/A

Project Narrative

Robert Fettig is requesting approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision preliminary plat titled Fettig Subdivision.

development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat.

The area within the proposed plat is partially developed, a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2.

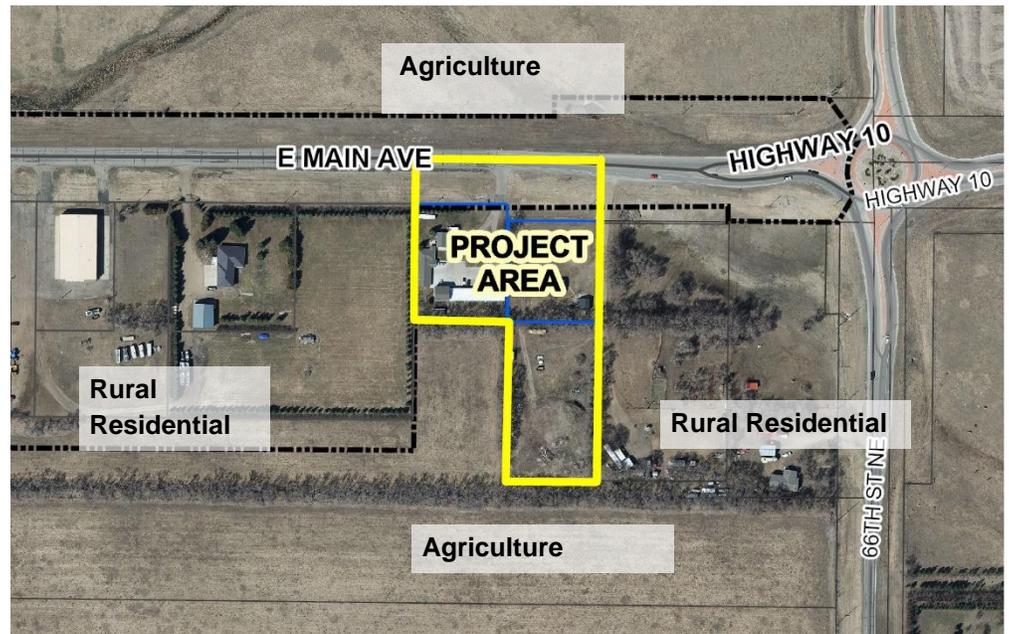
The proposed zoning map amendment and preliminary plat are being requested to allow the

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. The property is also located in the Expansion Future area of the Growth Phasing Plan. This plan is a map that shows when areas

of Bismarck and its extraterritorial area are expected to annex and develop based on proximity and availability of city services. Expansion Future areas may not be easily serviced with existing infrastructure and municipal services, but annexation is expected as the city expands, and infrastructure and municipal

(continued)

services become available. Municipal water is available and located within the right-of-way of East Main Avenue.

Goals and objectives of these plans as they relate to the zoning map amendment and preliminary plat are referenced in review standards below.

Access

Access all three lots within the proposed plat would be from an existing access point along East Main Avenue via access easements. The proposed also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Annexation

The proposed plat is adjacent to corporate limits and in an area that was previously zoned CG – Commercial. Pre-zoning and annexation in anticipation of future development were common practices in the 1970s and 1980s prior to the adoption of a future land use plan.

Municipal water was extended within the East Main Avenue right-of-way recently; however, South Central Regional Water District is currently providing water to adjacent properties and to Lot 1 and Lot 2 of the proposed plat. Individual sanitary sewer systems or drain fields are also being utilized on these lots and on adjacent properties.

Upon annexation of the proposed plat municipal water would be extended to Lot 3 and may be extended to the existing structures on Lots 1 and 2. As sanitary sewer is not readily available, existing individual sewer systems or drain fields may remain and a new drain field could be installed on Lot 3.

Due to the proximity of corporate limits, its location in the Expansion Future Area and the location of municipal water, staff have indicated to

the applicant that support of the proposed zoning map amendment and proposed plat would be contingent on annexation of the proposed plat to meet the goals and objectives of the Comprehensive Plan.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the construction of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The property is zoned both A – Agriculture and CG – Commercial. The CG – Commercial zoning district was established in 1978 and conditions have changed since this time. The proposed zoning map amendment is being requested to allow the development of Lot 3 to include a single-family dwelling in conjunction with a commercial use.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment (Goal S1-a, Goal T1-c)

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck’s Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment (Comprehensive Plan)

Yes, with annexation of the proposed plat. The following objectives of the plan would be advanced if the proposed plat was annexed.

Objective G5(a) states:

“Preserve the ability of the City to expand its boundaries by strictly limiting rural development within the Urban Service Area of the Growth Phasing Plan, unless future urbanization is clearly feasible and agreed to by all parties”

Objective G3(c) states:

Provide all municipal services, including roadways, water, sewer, stormwater, police, and fire protection equitably to all annexed land, unless certain service connections are clearly not feasible in the immediate future and both City and landowner mutually agree to forgo such services temporarily until readily available”

Lots within this plat would have access to municipal water which is located within the East Main Avenue right-of-way.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; NDCC 40-27-03)

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, NDCC Chapter 40-47)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Major Subdivision Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision (Major Street Plan)

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

(continued)

The Active Mobility Plan is adhered to with the proposed subdivision (Active Mobility Plan)

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail could be incorporated into the right-of-way for East Main Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents (Goal I1-a, Section 14-09-

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system (Goal C3-c)

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services (Goal C4, Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City’s Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, access easements have been added to the proposed plat to provide future access to adjacent properties.

Roadway access is managed to reduce potential points of conflict and improve safety (Goal C3-b)

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City’s

access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Access to all three lots within the proposed plat would be from an existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment (Goal I5, Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal I6-a)

Yes. 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

(continued)

environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision, if annexed, would be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with

Yes, with a development agreement if the proposed plat is annexed. Public costs associated with provision of municipal water and future sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed preliminary plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A

complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. If the proposed plat is annexed, utility capital charges would be due upon creation of a street improvement district, annexation, or recordation of the plat, whichever is the latter.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on the zoning map amendment from the A – Agriculture zoning district and the CG – Commercial zoning district to the CG – Commercial zoning district and tentative approval of the preliminary plat for Fettig Subdivision, with the understanding that staff will not recommend approval of the zoning map amendment or final plat unless an annexation request is submitted.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Growth Phasing Plan Map
5. Preliminary Plat

(continued)

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

CITY OF BISMARCK ORDINANCE NO. XXXX

<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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), 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 A – Agriculture and CG – Commercial zoning districts and included in the CG – Commercial zoning district:

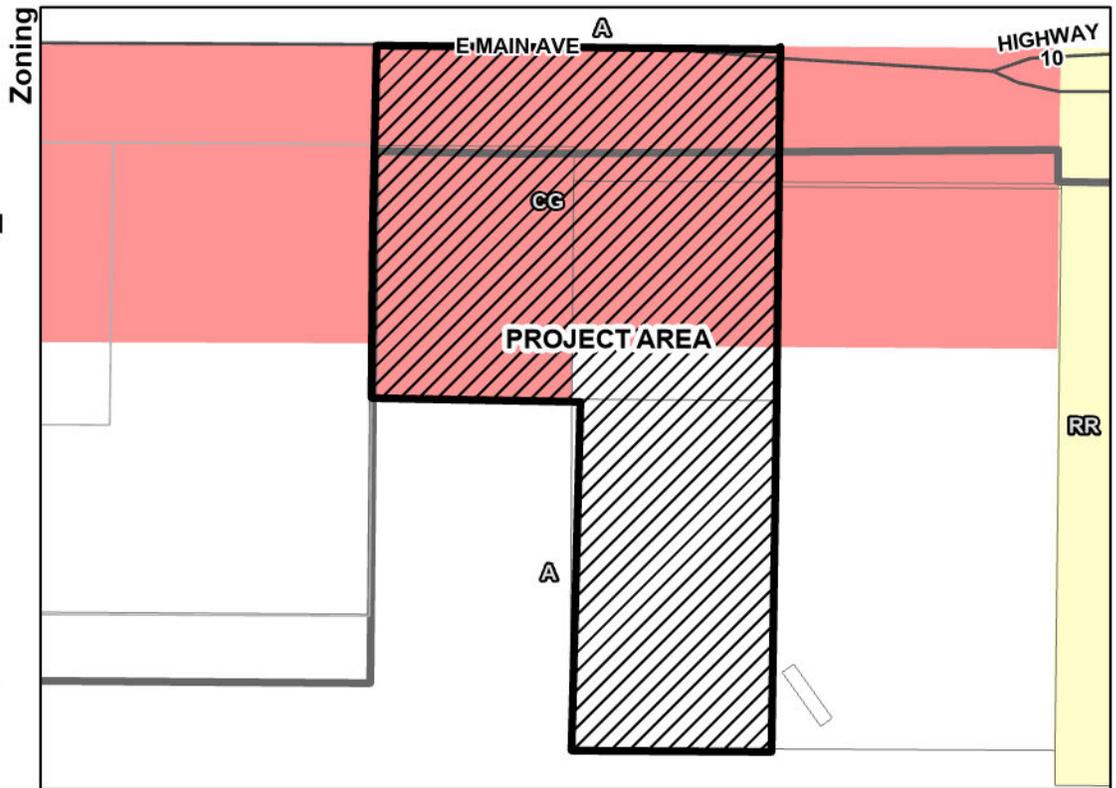
Lots 1-3, Block 1, Fettig Subdivision

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

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

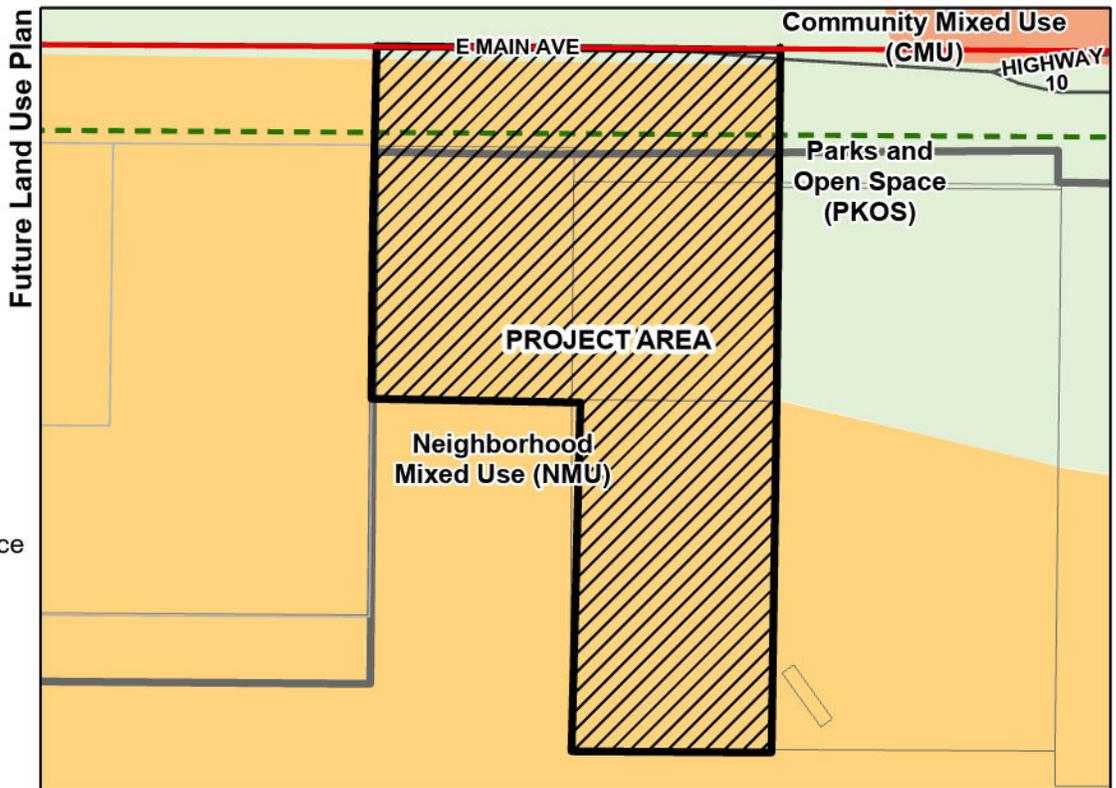
Zoning Districts

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

UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term



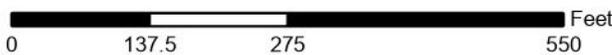
Active Mobility Plan

- Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate

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
Planning Division
February 20, 2024

Proposed New Zoning Map

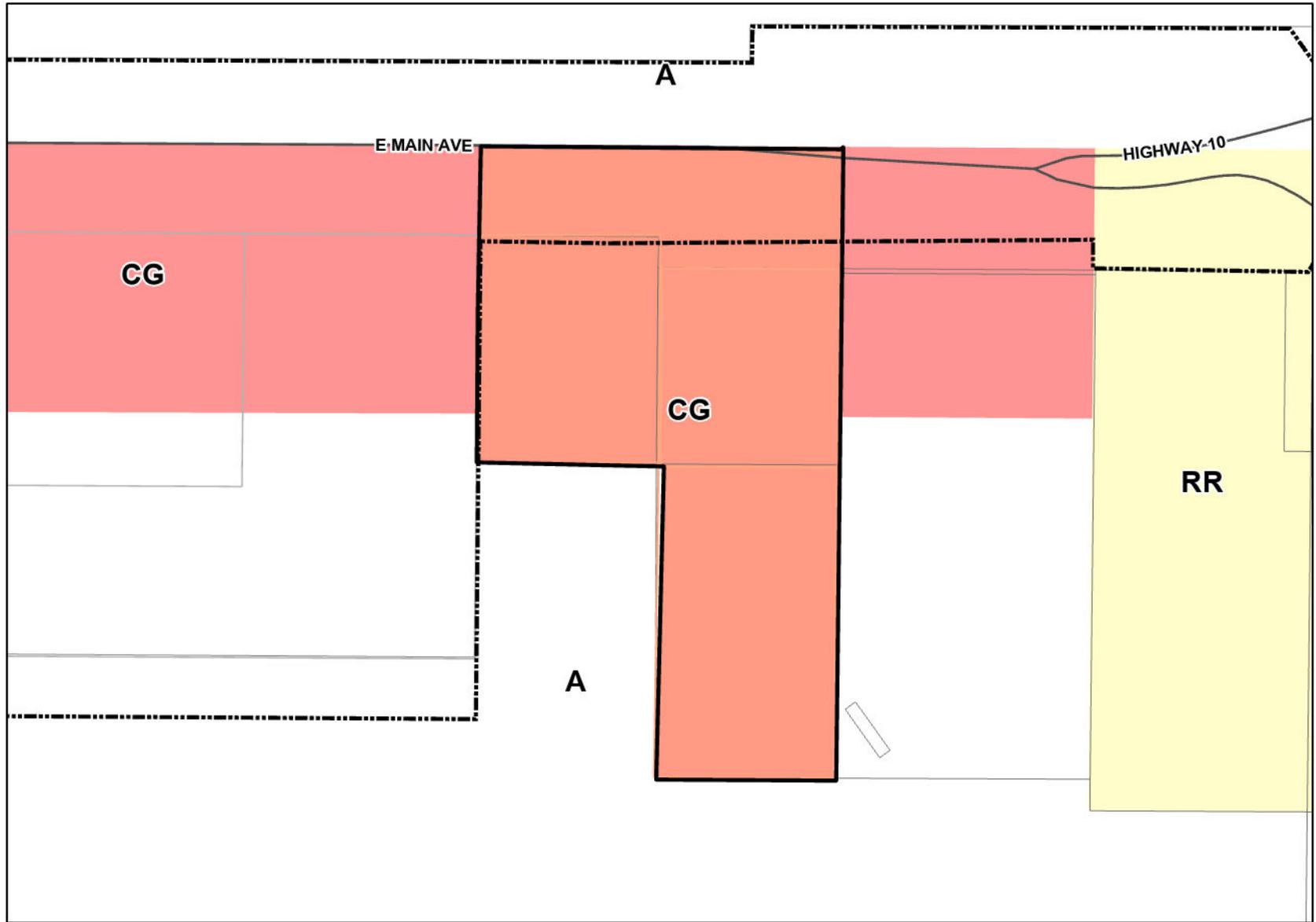
Project Area
(zoning within is proposed)

City Limits

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

A "C-" prior to the district indicates that special conditions would apply to the zoning district

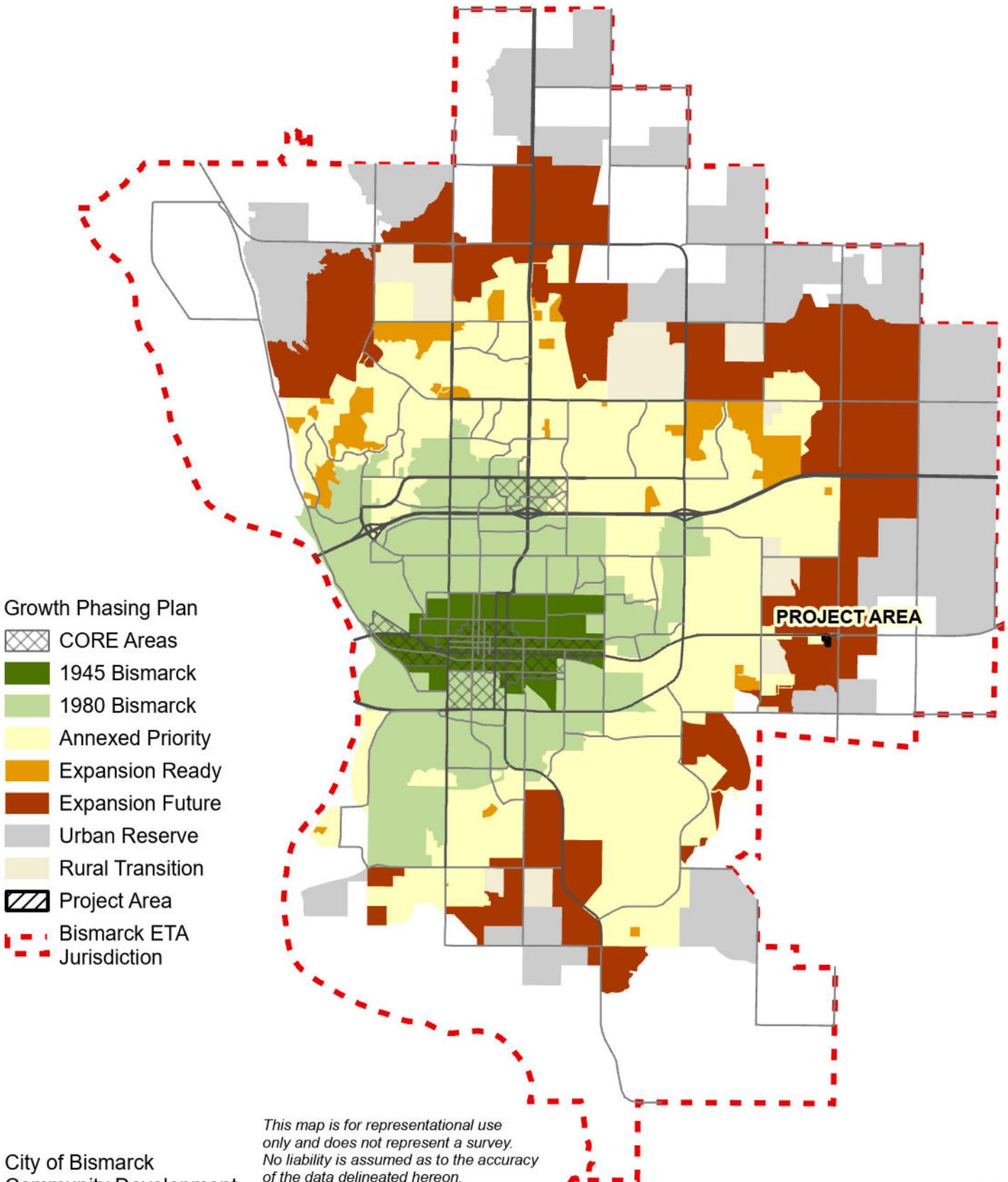




Growth Phasing Plan Map

FETTIG SUBDIVISION

PPLT2023-004



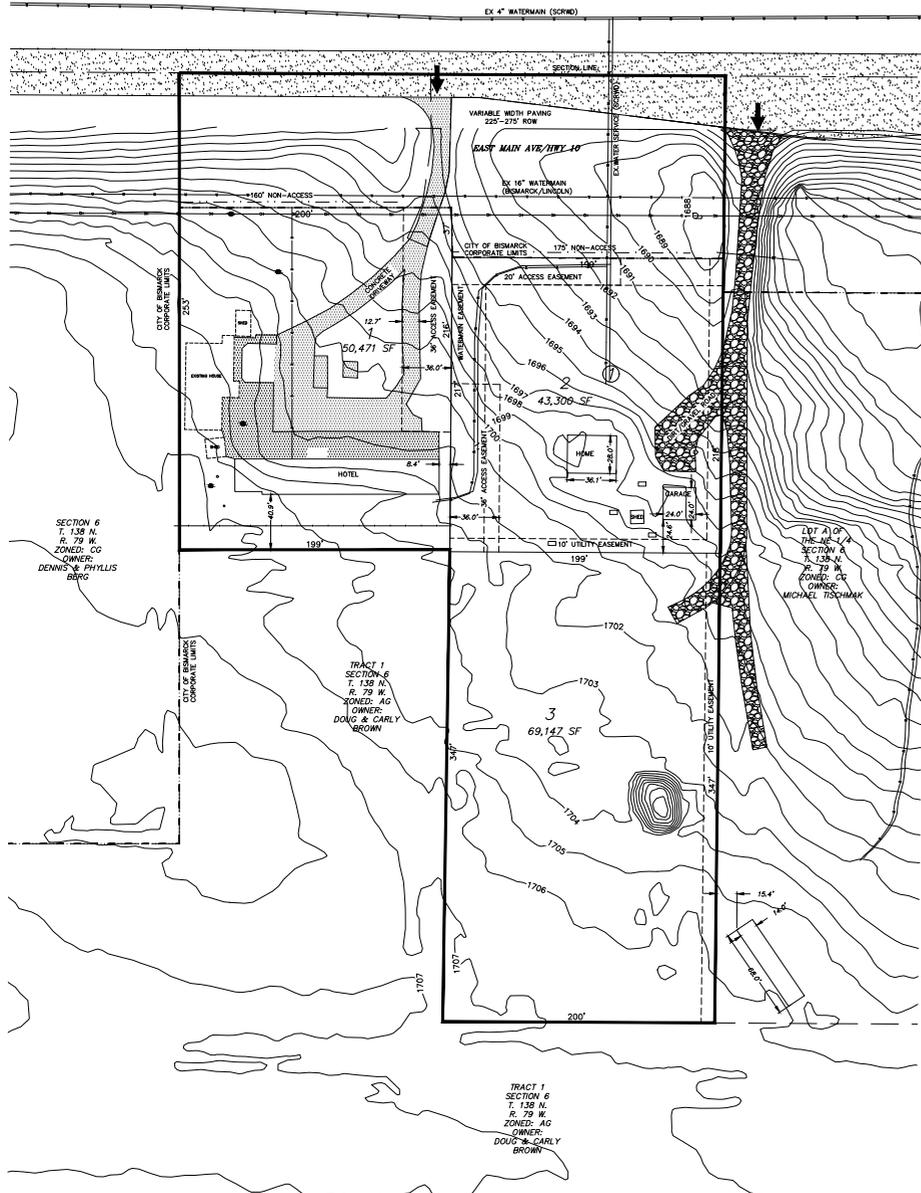
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City of Bismarck
 Community Development
 Planning Division
 February 20, 2024



FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

4.8 ACRES
EXISTING ZONING: A/CG
PROPOSED ZONING: CG
3 LOTS
1 BLOCK

OWNER: ROBERT FETTIG

400' ARTERIAL RIGHT-OF-WAY



0 40' 80'

SCALE - 1" = 40'

VERTICAL DATUM: NAVD 88

JANUARY 26, 2024

SWENSON, HAGEN & COMPANY P.C.
 509 Basin Avenue
 Bismarck, North Dakota 58104
 sleng@swensonhagen.com
 Phone: (701) 221-2600
 Fax: (701) 221-2606

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

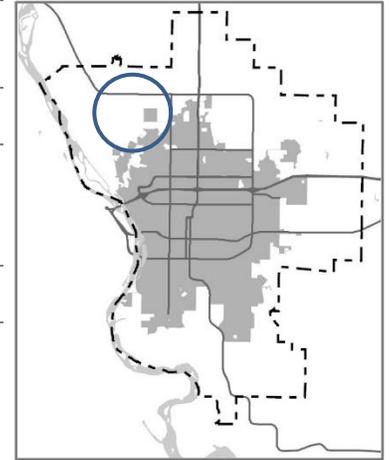
STAFF REPORT

Application for: **Major Street Plan
Amendment**

Project ID: **MSPA2023-001**

Project Summary

<i>Title:</i>	Hay Creek Township, Major Street Plan Amendment
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Lucinda Ward (Section 7, T139N R80W & Sections 12 &13, T139N R81W) Ron Knutson (Section 18, T139N R80W))
<i>Project Contact:</i>	Isak Johnson, Planner
<i>Project Location:</i>	Northwest of north Bismarck in Sections 7 and 18, T139N-R80W, and Sections 12 and 13, T139N R81W, Hay Creek Township, West of Tyler Parkway between Frisco Way and State Highway 1804
<i>Project Size:</i>	1.97 square miles, more or less
<i>Applicant Request:</i>	Adjust the proposed alignment of future arterial and future collector roadways
<i>Staff Recommendation:</i>	Call for public hearing



Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Undefined	<i>Annexed:</i>	N/A

Project Narrative

Planning staff are requesting approval of a major street plan amendment in Hay Creek Township (Sections 7 and 18, T139N-R80W, and Sections 12 and 13, T139N-R81W). The existing proposed major streets include a “Beltway” arterial road running northeast to southwest from near the intersection of Highway 1804 and Tyler Parkway, northeast of the project area, to the proposed extension of 57th Ave NW further to the southwest.

This is primarily the result of previous plans that envisioned a “Beltway” of high-speed, limited access highway-style roads traversing the northern outskirts of Bismarck and bypassing much of the City itself before reaching a proposed bridge in the northern part of Bismarck to cross the Missouri River.

However, as time went on, the City continued to expand northward and the previously imagined Beltway never materialized in the form of a high-speed, limited access roadway. The major street plan still calls for the inclusion of a future “northern” bridge acting as an extension of 57th Ave NW to provide an additional connection between Bismarck and Mandan, but there is no

exact timeline or funding source for its creation at this time.

Given the changing characteristics of the area, planning staff began analyzing different scenarios that would still achieve the connectivity and access that residents of Bismarck and Burleigh County would need in this region as the area continues to grow and change. Planning staff conducted this review with input from the Metropolitan Planning Organization (MPO), the City Engineering Department, the Burleigh County Highway Department, staff from Morton County and the City of Mandan, and the landowners.

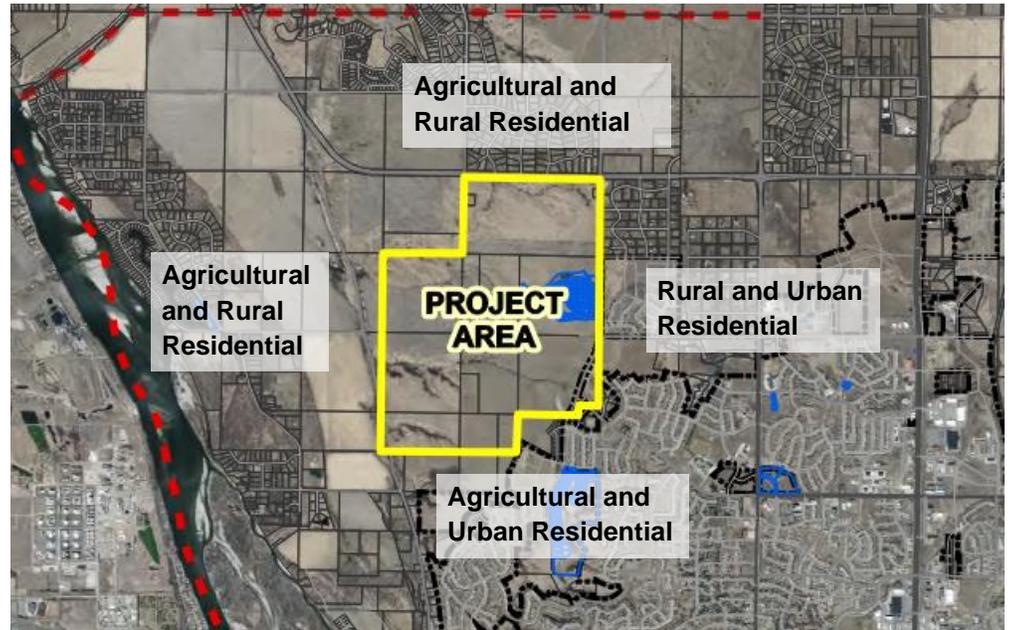
Proposed changes include the realignment of the “Beltway” arterial to the western section line of Section 7 (T139N-R80W) and the removal of a future arterial extension of Ash Coulee Drive between River Road and an extension of Clairmont Road. Other proposed changes include the realignment of any relevant future collectors to serve Sections 7 and 18, T139N-R80W.

The proposed removals and realignments would not prohibit the landowners/future developers from including other roadways throughout these areas.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



Due to the relatively large scope, the project area has been identified in the Future Land Use Plan as Urban Neighborhood (UN), Neighborhood Mixed Use (NMU), Community Mixed Use (CMU), Parks and Open Space (PKOS), and Urban Reserve Mid-Term (URA). These areas are range from primarily residential in nature, to a mixture of residential and commercial activities, and primarily natural landscapes. Goals and objectives of this plan as they relate to major street plan amendments are referenced in review standards below.

The immediate area is currently undeveloped, agricultural land, but is adjacent to City limits to the east in some locations. There is currently a major subdivision plat in process for the southeast portion of Section 7, Hay Creek Township titled William Blackstone Addition. In general, there is urban development to the south and east of the project area, and rural residential development to the north and northeast. Immediately west of the project area is undeveloped agricultural land as well.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The overall continuity and function of the Major Street Plan, and its connections to surrounding areas, is retained or improved after the proposed amendment (MSP standards)

Yes. The proposed alignments would maintain a similar number of intersections and most starting points of the existing proposed major streets. Furthermore, the removal of the “Beltway” arterial in favor of collectors throughout Section 7, Hay Creek Township will provide more flexibility for future local roadways and development.

The spacing and quantity of intersections sufficient to meet access management standards are retained after the proposed amendment (MSP standards)

(continued)

Yes. The proposed amendment to Major Street Plan would meet all requirements of the City’s access control policy and engineering judgement for safe and efficient spacing of intersections.

The minimum distance for an access point from the intersection of two collectors is sixty (60) feet. Depending on the classification of arterial, the minimum distance for an access point from the intersection of a collector and an arterial range from one hundred (100) to three hundred (300) feet. The proposed alignments of the collectors and arterial would create intersections with spacings of at least 1000 feet, approximately, from each other. No other roadways are currently proposed in the immediate area, but the remaining areas would allow for enough flexibility of access point placement when constructing local roadways in future developments.

The current plan is not adequately aligned with the existing or proposed street layout or development proposed for the site and the amendment will, to some degree, alleviate this deficiency (MSP standards)

Yes. There is currently a proposed preliminary major plat in the southeast corner of the project area. The proposed major street alignments would have a very minor impact on the initial proposed development. It may cause revisions to early-stage master planning of the area.

All relevant landowners possibly affected by these changes have been consulted to ensure that proposed changes to the Major Street Plan have broad support from all relevant stakeholders.

The proposed alignment is not adversely affected by steep grades, wetlands, drainages, railroad crossings, transmission lines, or any other constraints to a degree greater than the current plan (MSP standards)

Yes. No unique natural or manmade features will obstruct the proposed alignment of the Major Street Plan. The area is currently undeveloped land zoned A – Agricultural, thus offering no unique manmade obstructions, and topographic

conditions of the proposed alignment are not substantially different than the existing alignments.

The proposed amendment does not substantially increase the length of the alignment, affecting construction and maintenance costs, unless offset by commensurate public benefit (MSP standards)

Yes. The total length of the existing alignments is approximately 5.8 miles, and the total length of the proposed alignments is 4.7 miles. The proposed alignments would be approximately 1.1 miles shorter than the total existing alignment length.

The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck’s Comprehensive Plan (MSP standards)

Yes. The overall goals and objectives of the comprehensive plan have been met. In particular, the Goal C4: “Encourage a highly connected network of streets and pathways” and Goal C3: “Construct and support safe and efficient streets and roads” would be met.

Most arterial roadways in the Major Street Plan follow a general grid pattern, with many along section lines. This amendment aligns the indicated major streets to conform more with that general pattern. While this amendment would not dictate specific designs of future roadway systems of developments in the area, in general street grids (or street systems that more closely resemble grids) with relatively small blocks offer enhanced connectivity and access for delivery of municipal and emergency services.

The proposed amendment would not adversely affect the public health, safety, and general welfare (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed amendment to the Major

Street Plan would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on the proposed Major Street Plan Amendment.

Attachments

1. Draft Major Street Plan Resolution
2. Zoning and Plan Reference Map
3. Existing Major Street Plan Area
4. Proposed Change to Major Street Plan

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
AMENDMENT TO THE MAJOR STREET PLAN (MSPA2023-001)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck’s Major Street Plan, which shows existing and future corridors for major streets in Bismarck and its extraterritorial area; and

WHEREAS, said Major Street Plan was adopted as part of Together 2045 Bismarck’s Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

WHEREAS, the Major Street Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on February 28, 2024 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Major Street Plan to realign the proposed arterial roadway and collector roadways for the area shown on the attached exhibit and described, more or less, as:

Sections 7 & 18, T139N-R80W, and Sections 12 & 13, T139N-R80W, Hay Creek Township, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Major Street Plan to reflect the amendments hereby resolved.

Adopted this 23rd day of April, 2024.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this April 23, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 23rd day of April, 2024.

Jason Tomanek
City Administrator
Bismarck, North Dakota

DRAFT



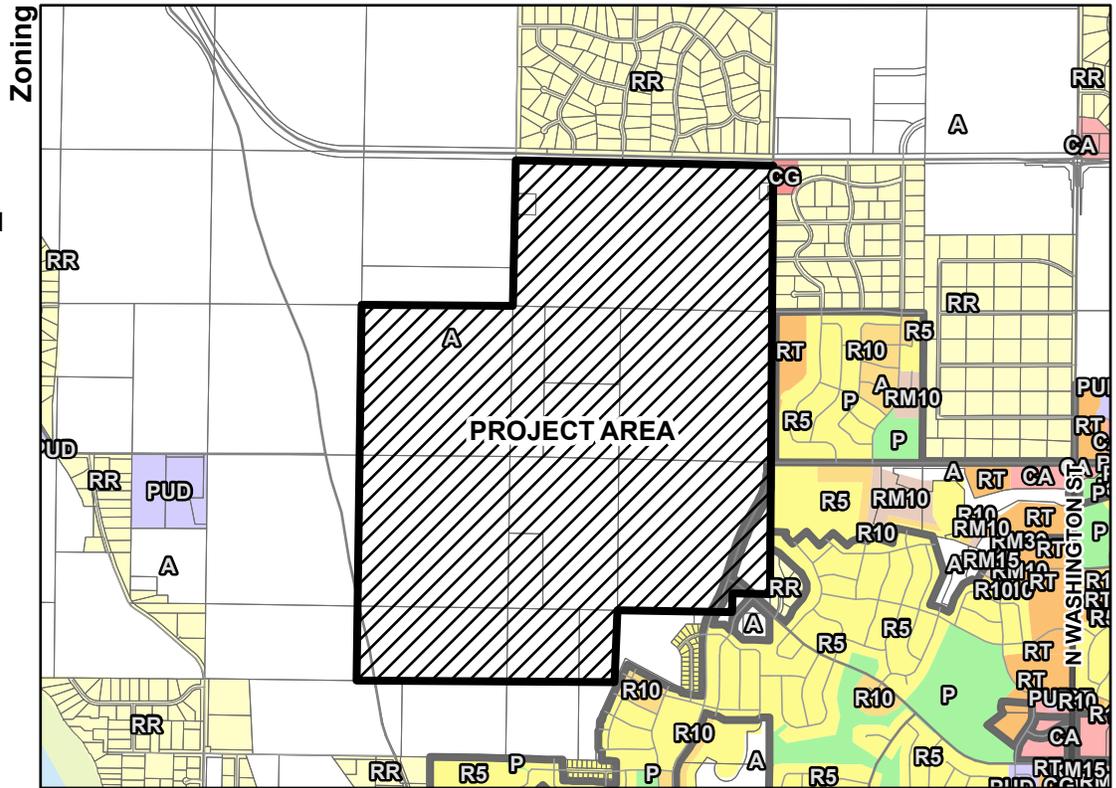
Zoning and Plan Reference Map

MSPA2023-001

SECTIONS 7, 18, T139-R80, & 12, 13, T139-R81 (HAY CREEK TWP)

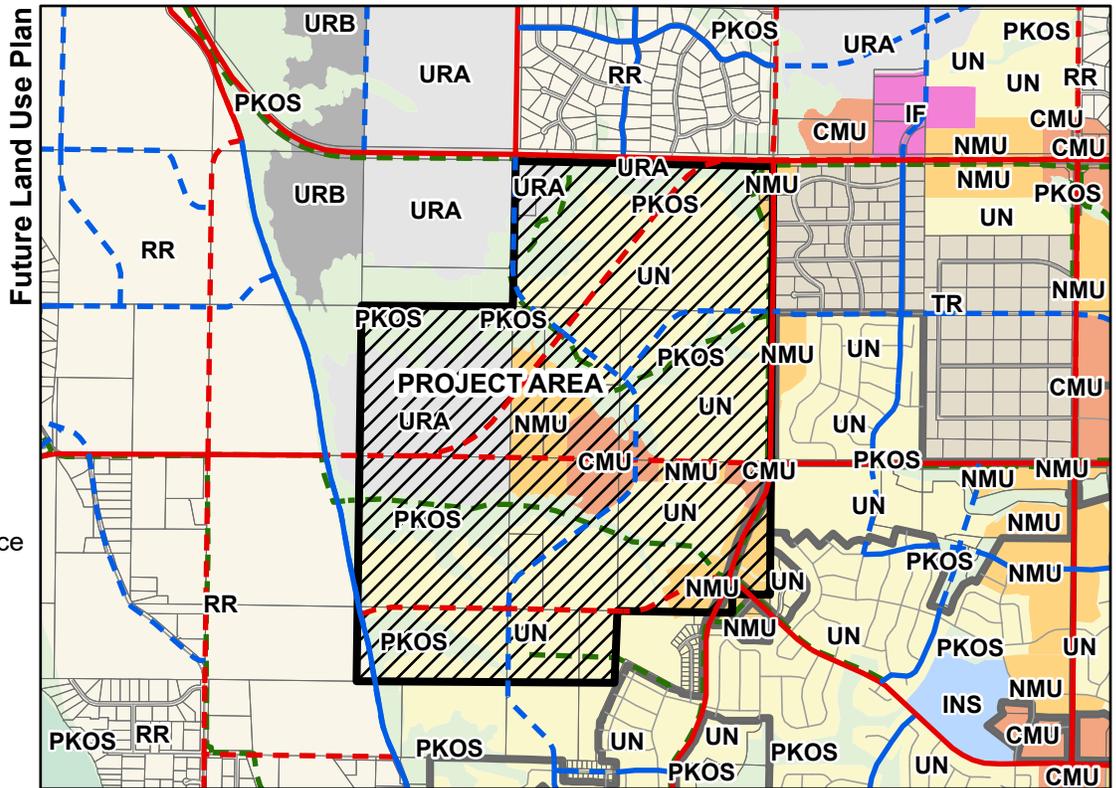
Zoning Districts

- 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

- UN** Urban
- NMU** Neighborhood Mixed Use
- CMU** Community Mixed Use
- DMU** Destination Mixed Use
- DT** Downtown
- IND** Industrial
- IF** Industrial Flex
- IMU** Industrial Mixed Use
- INS** Institutional
- RR** Rural
- TR** Transitional Rural
- PKOS** Parks/Open Space
- URA/** Urban Reserve
- URB** Mid/Long-Term

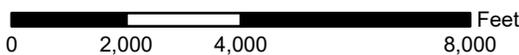


Active Mobility Plan

- Future Shared Trail

Major Street Plan

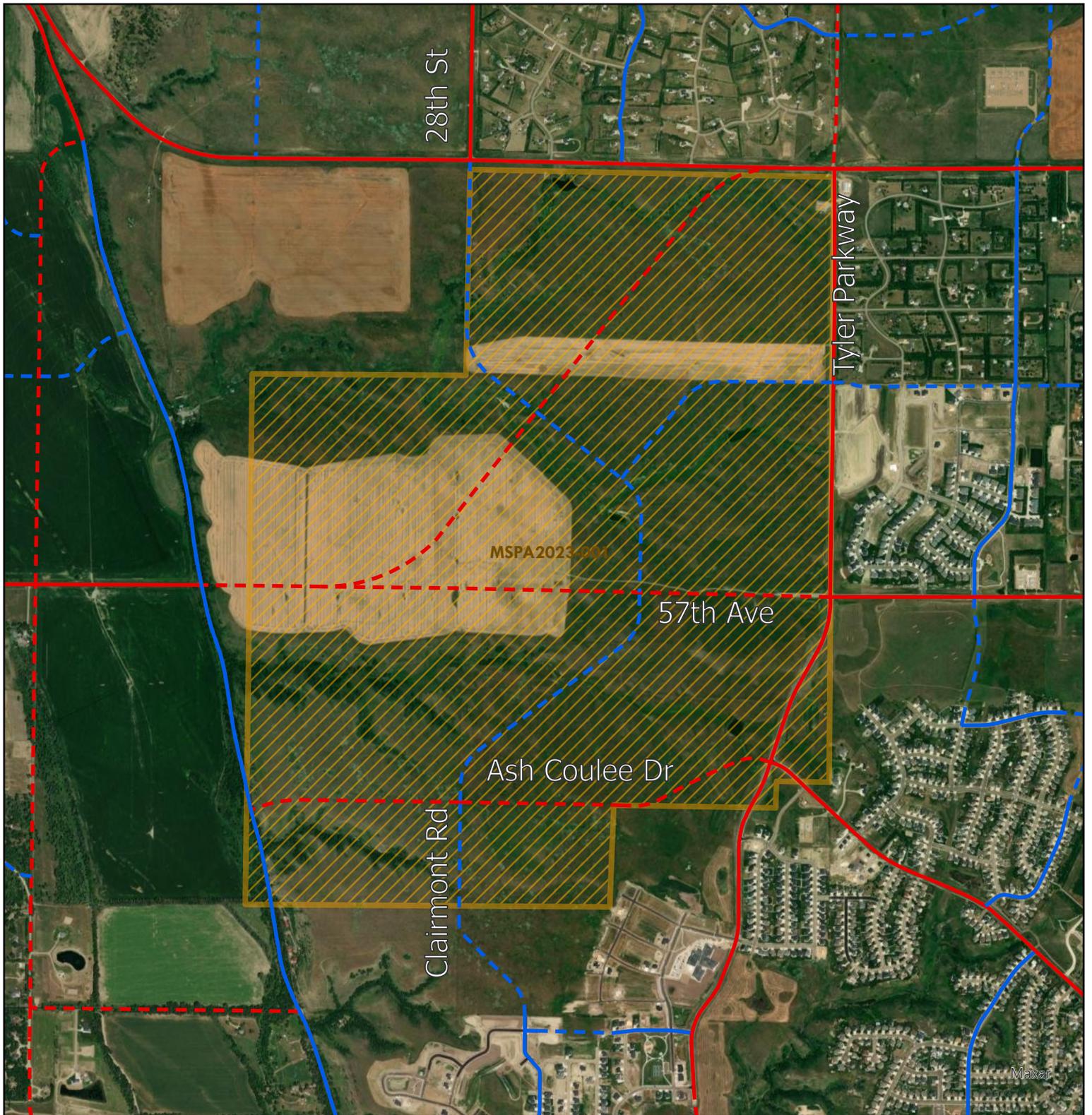
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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
Planning Division
February 22, 2024

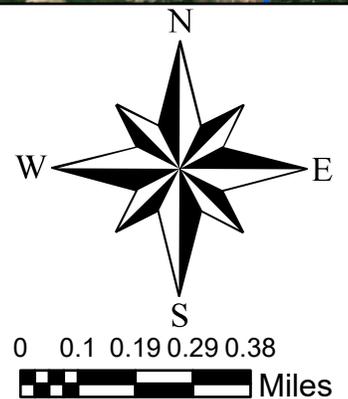


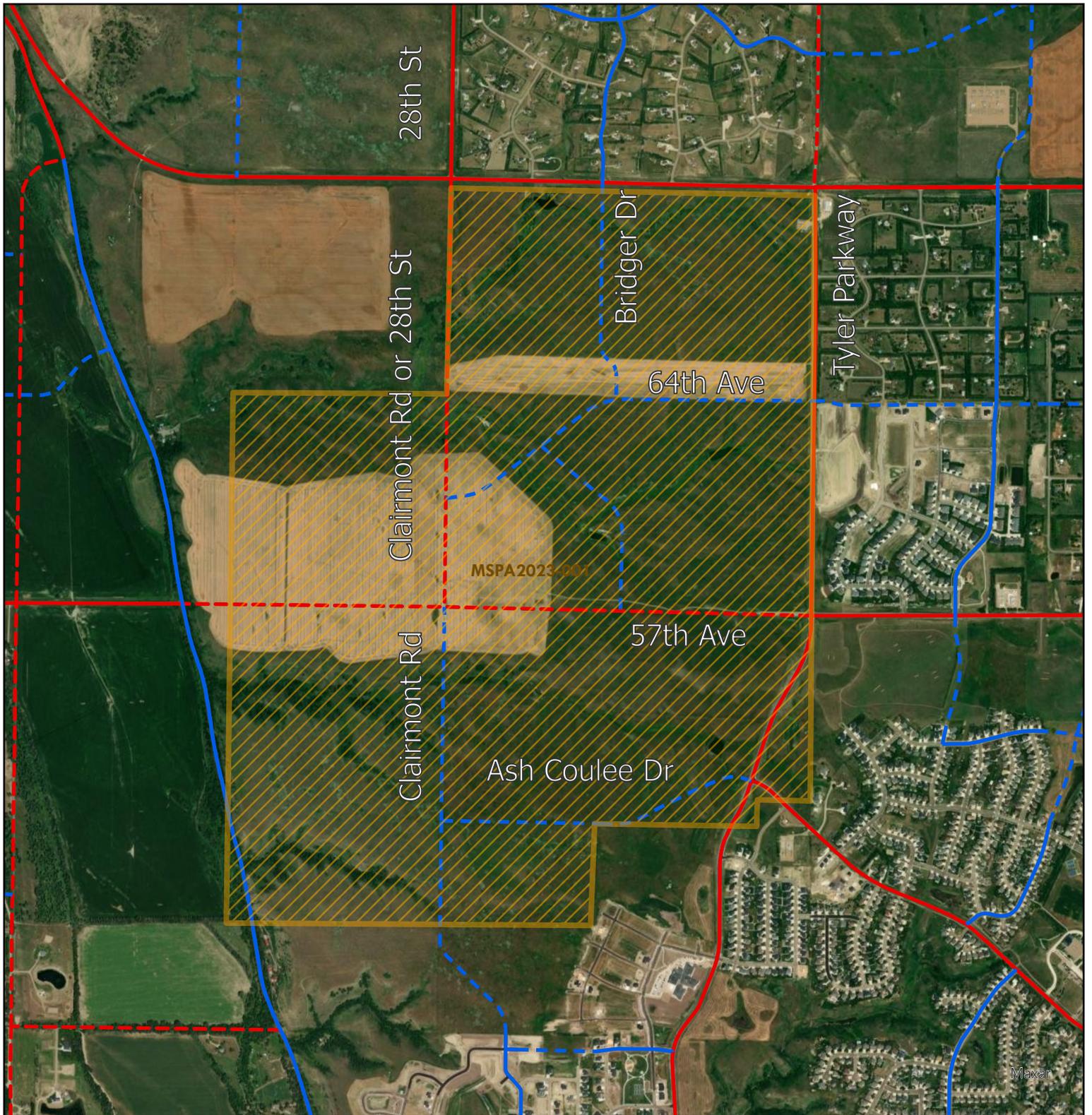
Existing Major Street Plan in Sections 7 & 18,
T139-R80, and Sections 12 & 13, T139-R80, of
Hay Creek Township

Created by Planning Division on 02/21/2024

Legend

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate





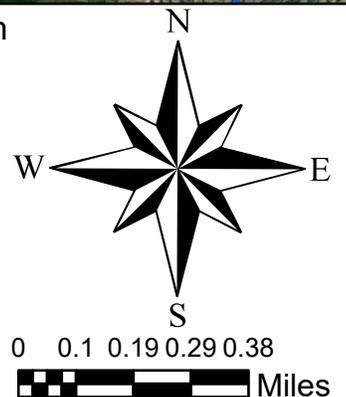
Draft of Proposed Revisions to Major Street Plan in Sections 7 & 18, T139-R80, and Sections 12 & 13, T139-R80, of Hay Creek Township

Created by Planning Division on 02/21/2024

Legend

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate

Notes: Draft proposal from input with relevant property owners. Proposed alignments shown do not mean that the City would oppose roadways in other areas or adjusting the roadways shown above.



Project Summary

<i>Title:</i>	Agriculture Recreation Use and Private Riding Arena
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-03-08, and 14-03-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria
<i>Staff Recommendation:</i>	Call for public hearing

Project Narrative

The Community Development Department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-03-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

Planning staff has been asked by property owners to amend the zoning ordinance to allow for agriculture recreation uses that offer opportunities to promote agritourism and to amend the ordinance to allow private riding arenas that are larger in size than standard accessory buildings.

Sources of Information

Planning staff reviewed ordinances from peer communities throughout the state and zoning practice publications from the American Planning Association.

A stakeholder group, including representatives from the Planning and Zoning Commission, Board of Adjustment, and agritourism professionals, was formed in the Fall of 2023 and three meetings have been held to draft and review the proposed amendments.

Proposed Changes

The proposed amendments include adding definitions for agriculture, agriculture recreation, and private riding arenas; criteria for approval of both an agriculture recreation use and private riding arena by special use permit; and provisions for increasing the size of accessory buildings for properties zoned agriculture that are 40 acres in size and located outside the Urban Service Area Boundary (USAB).

Criteria for approval of an agriculture recreation use includes location requirements, criteria to mitigate noise and light impacts to adjacent properties, additional setback requirements and requirements to meet applicable building and fire codes.

Criteria for approval of a private riding arena includes location requirements, size limitation of no larger than 22,000 square feet, setback requirements, restrictions for sales, training and/or similar events, and requirements to meet applicable building and fire codes.

Public Engagement

A stakeholder committee met on three occasions to draft, review and offer suggested changes to the draft ordinance.

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The goals and objectives of Together 2045 Bismarck’s Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objective of the plan would be advanced through the proposed amendment.

Objective 17(e) states:

“Encourage agritourism that combines retail of local produce with unique experiences, such as vineyards, pumpkin patches, Christmas tree groves, community-supported agriculture, and farm-based event venues.”

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. This section of the zoning ordinance was previously amended in 2012, specifically relating to sizes of accessory buildings in the A – Agriculture zoning district within a certain distance of corporate limits. Conditions have changed since this time period, which justify the proposed revision. In particular, the utilization of the Urban Service Area Boundary (USAB) to designate

areas suitable for agriculture recreation uses and private riding arenas.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed. Additional definitions for agriculture, agriculture recreation and private riding arena, and criteria for approval have been added to the ordinance to avoid misinterpretation, and to clarify uses and approval requirements.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning text amendment

(continued)

would not adversely impact the public health, safety, and general welfare.

Certain federal and state requirements associated with commercial building construction may apply to event spaces / buildings associated with agriculture recreation and private riding areas, depending on the situation. Notably, any commercial use, regardless of size, that is open to the public must provide reasonable accommodations for persons with disability to be compliant with the Americans with Disabilities Act

(ADA). Although this is not a zoning criterion, the property owner is still responsible for compliance.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-03-17 of the City Code of Ordinances.

Attachments

1. Draft zoning ordinance text amendment

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

CITY OF BISMARCK ORDINANCE NO. XXXX

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

AN ORDINANCE TO AMEND 14-02-03, 14-04-17, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO RIDING ARENA AND AGRICULTURE RECREATION.

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

Section 1. Amend. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to riding arenas, his hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Agriculture. The science or practice of cultivating the soil, producing crop, and raising livestock.

* * * * *

Agriculture Recreation. An agriculture recreation use combines agricultural production with commercial recreation uses that are ancillary to the primary agricultural use. The following are typical agriculture recreation uses.

- a. Any farm, ranch, or orchard with a seasonally recurring ancillary recreational use and/or direct sale to customers, including pick-your-own or you-pick services.
- b. Production or manufacture of value-added products derived, in part, from produce or animals grown on site, or regionally.
- c. Storage of any product allowable for sale in this section.

d. Events such as a celebration, ceremony, wedding, reception, hayrides, farm animal viewing and petting, tours of grounds and facilities, corporate function, or similar activity for the benefit of someone other than the property owner, involving the gathering of individuals assembled for the common purpose of said event.

* * * * *

Private Riding Arena: A building or portion of a building used exclusively for private equestrian activities by the property owner. A private riding arena must be ancillary to a single-family dwelling.

* * * * *

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings

* * * * *

b. One and two-family residential accessory uses and buildings

* * * * *

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, and located outside the Urban Service Area Boundary (USAB), may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at

least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, and located outside the Urban Service Area Boundary (USAB) may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08 and 14-04-17.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, and located outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such a permit or certificate.

* * * * *

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

* * * * *

aa. Agriculture Recreation. An agriculture recreation use may be permitted in any A – Agricultural district as a special use provided:

- 1. The use is ancillary to the primary agricultural use.
- 2. The lot in which the use is located is at least (40) acres in area, or the aliquot part of a corrective section

intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size.

3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).
5. All parking areas shall be designed to prevent debris from the site entering the public right-of-way.
6. Sound generated by the use shall meet the requirements outlined in Chapter 08-10 of the Code of Ordinance.
7. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
8. The use is setback a minimum of 50 feet adjacent to properties with a residential use, zoning, or land use classification.
9. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit.

bb. Private riding arena: A private riding arena may be permitted in any A – Agricultural district as a special use provided:

1. The use is ancillary to and in conjunction with a single-family dwelling.
2. The lot in which the use is located is at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. There will be no sales, shows, competitions, training clinics, or similar events within or on the premises in which the private riding arena is located. There will be no spectator seating, stands or bleachers within the arena.
5. The proposed building is setback a minimum of 100 feet adjacent to properties with a residential use or zoning.
6. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by the City of

Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).

7. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit.

14-03-17. “A” Agricultural Zoning District. In an A agricultural district, the following regulations shall apply:

* * * * *

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

* * * * *

u. Private riding arena

v. Agriculture Recreation Use

* * * * *

11. Accessory Buildings.

* * * * *

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, and located outside the Urban Service Area (USAB) may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.

b. ~~The property on which the accessory buildings(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.~~

c. ~~A special use permit is approved by the Planning Commission in accordance with provisions of Section 14-03-08.~~

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, and located outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, and located outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

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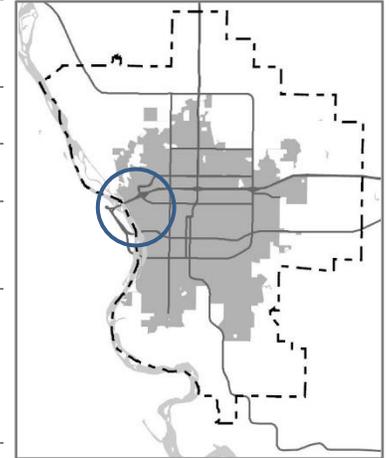
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

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

Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

Project Summary

<i>Title:</i>	Municipal Fourth Addition First Replat, Lots 2-3, Block 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	CD Holdings, LLC
<i>Project Contact:</i>	Caroline Crary & Hannah Haynes, Capital House Corporation
<i>Project Location:</i>	In west-central Bismarck along the south side of Edwards Avenue, between Schafer Street and Canary Avenue (Lot 2, Block 1, Municipal Fourth Addition First Replat)
<i>Project Size:</i>	4.56 acres, more or less
<i>Applicant Request:</i>	Amend the existing PUD to include language for an event center
<i>Staff Recommendation:</i>	Continue



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block (1 parcel)	<i>Lots/Blocks:</i>	2 lots in 1 block (1 parcel)
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Event center for small-to-mid-sized gatherings
<i>Future Land Use:</i>	Institutional (INS)	<i>Future Land Use:</i>	Institutional (INS)
<i>Zoning:</i>	PUD – Planned Unit Development	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	10/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	01/2023
<i>Neighborhood:</i>	Bismarck State	<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Capital House Corporation is requesting approval of a Planned Unit Development Amendment (PUDA) to allow an event center for small-to-medium-sized gatherings on Lot 2, Block 1, Municipal Fourth Addition First Replat. The proposed event space would have an expected maximum occupancy of 375 people.

The existing Planned Unit Development (PUD) was adopted in October of 2022, upon sale of the land by the City of Bismarck to a private party, to allow a climbing gym as a primary use and

additional uses to support the primary use (such as office space, storage, and maintenance facilities). The climbing gym never materialized and now the property is for sale.

The existing PUD also includes provisions related to high-quality design, slope preservation, landscaping, and other development and aesthetic standards. The proposed PUDA only adds an event center and associated designs but does not intend to significantly alter the underlying standards of the district.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Institutional (INS) in the Future Land Use Plan. The INS areas are places of cultural, political, or administrative significance to the general public. Goals and objectives of this plan as they relate to the PUDA proposal are referenced in review standards below.

The project area is located along the west side of Bismarck State College near the Missouri River. As such, it is surrounded by land that is zoned P –

Public to the north and east, and the remainder of the existing PUD land is to the west and south. Much of the land to the west and south is undeveloped and is part of the existing natural riverfront. To the north is the Bismarck State College Community Bowl, and to the east is a municipal water storage facility managed by Public Works.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 16 and February 23, 2024, and 3 letters were mailed to owners of nearby properties on February 15, 2024.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Together 2045 Bismarck’s Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

No, unless additional information is provided prior to the public hearing to demonstrate alignment with the plan. The amended PUD would potentially obstruct advancement of the following objectives of the comprehensive plan:

S2: Leverage and reinforce unique aspects of Bismarck’s identity:

S2a: “Ensure that those who enter Bismarck through entrance corridors designated in this plan have a positive first impression of the city”

S2d: Encourage excellence and innovation in local architecture, particularly in areas of high visibility such as downtown, and along major corridors

The building would be located on a prominent site, not only from the riverfront but also from visitors travelling into Bismarck from the west on Interstate 94. This high visibility from the west was the primary reason for including a higher standard of design in the original PUD. The design of the building, as currently proposed, does not appear to match the context of other nearby buildings on the bluff, such as the Gateway to Science or, in a less prominent location, the North Dakota Safety Council building. Designs of these buildings are attached for reference.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. Adjacent uses include the Bismarck State College Community Bowl to the north, a water storage facility to the east, and undeveloped land to the south and west.

The existing PUD includes provisions for a landscaped buffer along the east side of the site area starting from the Edwards Avenue right-of way then south along a landscape easement shown on the plat in Lot 1 when possible. A buffer yard is shown in the site concept plan submitted with the PUDA, but it is not specifically within this landscape easement. Additional technical details for landscape buffers to align with the PUD language would be finalized during the site plan process should the PUDA be approved.

Natural features of the site would be preserved, insofar as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes, with an updated geotechnical report.

The existing site is relatively flat with few trees directly in the proposed building and parking lot areas. More prominent topographical features and trees exist outside of the proposed development area.

There are known issues of instability on the Missouri River bluffs, and a geotechnical study is

(continued)

necessary to safely build. A previous geotechnical study was performed, but changes to the location and character of the building requires a new study. This may be considered as a condition of the site plan approval.

The internal roadway circulation system within the Planned Unit Development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed PUD is served entirely by existing public rights-of-way without need for an internal circulation system.

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 (Section 14-04-18(3)e)

Yes, with designs that meet the intent of the original PUD language.

The area has a character of high-quality designed academic, museum, and sports facilities, as well as places for public recreation. The Future Land Use Plan describes the area as Institutional in nature which, among other things, is to have notable “cultural...significance”, whether this be from arts, academic, sports or public recreation uses.

Given the proximity to Bismarck State College, many of the surrounding uses are very oriented to the general public in terms of local context, access and design. Members of the public would still interact with the proposed use, as they could with any private business, but it must be held to the appropriate PUD standards whose intent were to bring forth unique designs that accentuate the distinctive landscape.

Additionally, high-quality design standards can help ensure that this use would not act as a barrier to future riverfront focused opportunities

and potential connections between Bismarck State College and the riverfront.

Proper administrative procedures related to the request are being followed (Section 14-04-18)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a Planned Unit Development amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Additionally, the public has been notified of the public hearing via publications in the Bismarck Tribune and with letters to adjacent property owners. Any public comments received by staff prior to the public hearing will be provided to the Commission and summarized by staff during the initial presentation.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment (Goal S10-a)

Yes, with an updated geotechnical report to ensure slope stability of the area once final designs are determined.

As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare, with the above stated condition. This may be considered as a condition of the site plan approval.

Staff Recommendation

Based on the above findings, staff recommends the continuation of the proposed Planned Unit Development amendment.

The original PUD included design standards to “create and maintain a high visual quality and

(continued)

appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance” (all quotations here and afterward come from the original PUD language, attached at the end in its entirety).

These general principles were applied through requirements for site design and layout, as well as the usage of “commercial grade construction materials” as part of buildings designed by a “Professional Architect, registered in the State of North Dakota” that would complement the riverfront context of the site. The proposed building, composed primarily of ridged metal siding, stands in contrast to other buildings in the area which incorporate more brick, stone, architectural paneling, and glass.

The desire to promote “architectural creativity and diversity” does not require all buildings to look identical. However, the section on building design and materials states that the “architectural design must be complementary to the context of the site” and that buildings “must be finished with commercial grade construction materials.”

The original PUD language was crafted with the understanding that this site holds a unique position among the natural landscape of the Missouri River riverfront, and proposed designs

should be held to high standards to reflect this. Staff registers concerns with the proposed design of the site and recommends continuation, unless the following issues are addressed:

1. Justification for how current standards for high-quality design with commercial grade materials are met by the proposed building.
2. Adjustments to the site layout displaying landscaping during the site plan approval process.
3. Consideration of a condition for a geotechnical study to be conducted prior to site plan approval.

Attachments

1. Draft PUDA amendment
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Proposed building elevations
5. Proposed building as seen from I-94 eastbound
6. Original PUD approved building renderings
7. Examples of nearby buildings (existing and proposed)
8. Existing PUD zoning ordinance

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

**MUNICIPAL FOURTH ADDITION FIRST REPLAT PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6527 (Adopted October 25, 2022)
MAJOR PUD AMENDMENT (Adopted TBD)**

WHEREAS, Ordinance No. 6527 was adopted by the Board of City Commissioners on October 25, 2022; and

WHEREAS, Section 2(7) of the ordinance states 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);

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 2 - 3, Block 1, Municipal Fourth Addition First Replat

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

1. *Conformance to Submitted Documents.* The development must generally conform to the conceptual site layout and elevation views ~~submitted in conjunction with the application reviewed and approved by the Bismarck City Commission~~ for a Planned Unit Development and all approved amendments to the Planned Unit Development.
2. *Uses Permitted.* The Uses within the district shall be limited to the following:
 - a. *Principal Uses.* The following principal uses shall be allowed:
 - i. Commercial recreation uses, limited to climbing facilities, fitness facilities, an event center and similar uses on Lot 2.
 - ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to four (4) hours in a twenty-four (24); and multi-purpose meeting rooms on Lot 2.
 - iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD. In the interim, Lot 3 will remain in its undisturbed natural state until an amendment to this PUD ordinance is approved.
 - b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
 - i. Accessory uses and buildings commonly associated with the principal uses, including offices, kitchen space in conjunction with an event center primary use, equipment storage and maintenance facilities on Lot 2.
 - ii. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.
3. *Special uses.* The following uses shall be allowed with a special use permit:

- a. Child care center on Lot 2 in conjunction with a commercial recreation primary use.
 - b. Any special uses for Lot 3 shall be defined at a later date under a specific development ~~proposed~~ proposal submitted as an amendment to this PUD.
4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
- a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.
 - b. *Side Yard.* Each lot shall have two side yards of not less than ten (10) feet in width.
 - c. *Rear Yard.* Each lot shall have a rear yard of not less than ten (10) feet in depth.
 - d. *Lot Coverage.* The lot coverage of the principal building, any accessory buildings and required parking shall not exceed fifty (50) percent of the total lot area.
 - e. *Building Height.* The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
5. *Development Standards.* The following development standards shall apply to all developments within the district.
- a. *Design Standards.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
 - i. *Site Design and Layout.* The layout of the site and the principal building on Lot 2 shall generally conform to the materials information ~~submitted in conjunction with the application~~ reviewed and approved by the Bismarck City Commission for a Planned Unit Development and all approved amendments to the Planned Unit Development.
 - ii. *Building Design and Materials.* All buildings must be designed by a Professional Architect, registered in the State of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.
 - iii. *Slope Preservation.* Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site.
 - iv. *Renovations and Additions.* All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.

- v. *Artwork.* Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.
 - b. *Lighting.* All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.
 - c. *Off-street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.
 - d. *Landscaping and Screening.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

In addition to the requirements of Section 14-03-11, a buffer yard shall be installed along the northeastern 250 feet, as measured from the southern edge of the Edwards Avenue right-of-way, of the common lot line between Lots 1 and 2. Said buffer yard shall be planted with a minimum of four (4) large shade or conifer trees and two (2) small conifer or ornamental trees per 100 feet. Wherever possible, as determined during the site plan review process and with the permission of the City, said landscaping shall be installed within the 15-foot landscape easement included on the face of the plat over Lot 1.
 - e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.



Zoning and Plan Reference Map

PUDA2023-003

MUNICIPAL FOURTH ADDITION FIRST REPLAT L2, B1

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

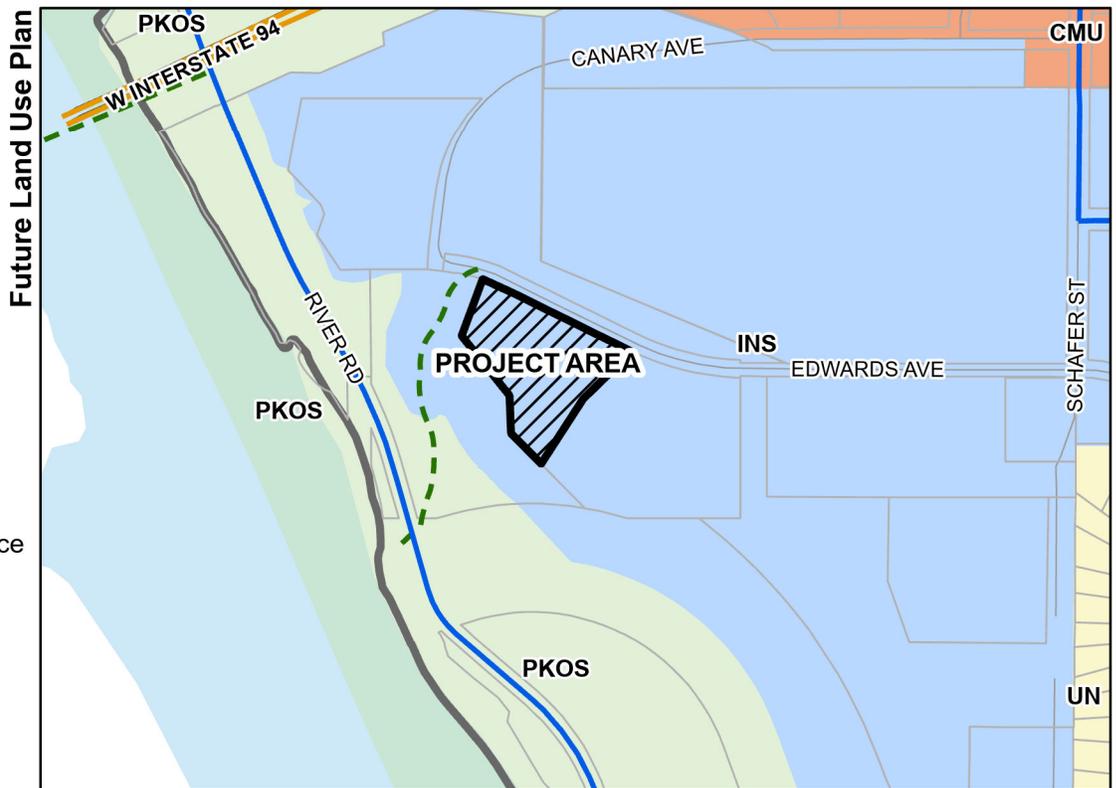
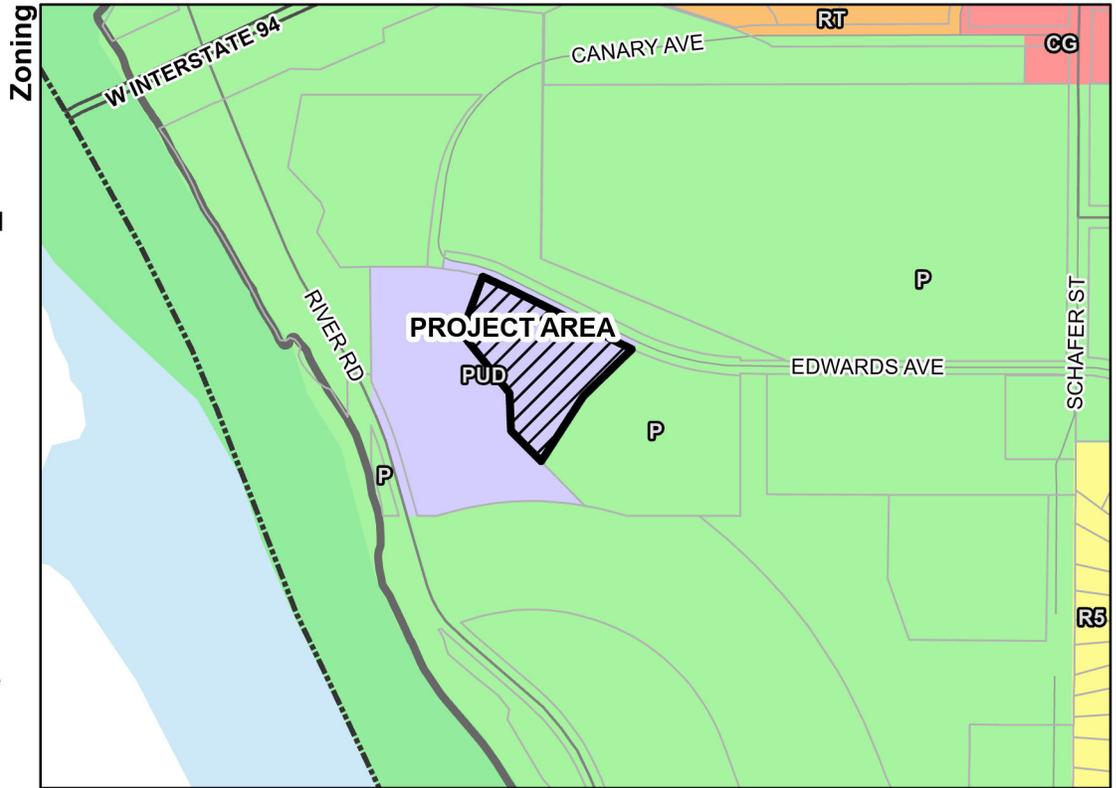
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

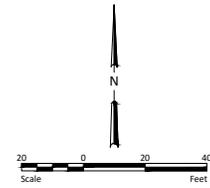
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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
Planning Division
January 8, 2024



PRELIMINARY
NOT FOR CONSTRUCTION

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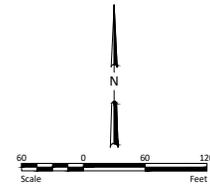


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NC	AS SHOWN

MUNICIPAL 4TH EVENT VENUE
JOSEPH F. CRARY FAMILY LLP
BISMARCK, NORTH DAKOTA

SITE CONCEPT
PROJECT NO. 12227-0001

SHEET
1



PRELIMINARY
NOT FOR CONSTRUCTION

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MUNICIPAL 4TH EVENT VENUE
JOSEPH F. CRARY FAMILY LLP
BISMARCK, NORTH DAKOTA

SITE OVERVIEW
PROJECT NO. 12227-0001

SHEET
2





Grant Marsh Bridge Mandan Side

Proposed building as seen from I-94 eastbound



Grant Marsh Bridge Middle

Proposed building as seen from I-94 eastbound



Google Earth

Image Landsat / Copernicus





Original PUD approved building rendering



CONCEPT RENDERING

Original PUD approved building rendering





ICON ARCHITECTURAL GROUP



NDSC

1710

56

ORDINANCE NO. 6527

<i>First Reading</i>	<u>October 11, 2022</u>
<i>Second Reading</i>	<u>October 25, 2022</u>
<i>Final Passage and Adoption</i>	<u>October 25, 2022</u>
<i>Publication Date</i>	<u>February 13, 2023</u>

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, BURLEIGH COUNTY, 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 P – Public zoning district and included within the P – Public zoning district:

Lot 1, Block 1 and Lot 1, Block 2, Municipal Fourth Addition First Replat

Section 2. 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 P – Public zoning district and included within the PUD – Planned Unit Development zoning district:

Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the conceptual site layout and elevation views submitted in conjunction with the application for a Planned Unit Development.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:

- i. Commercial recreation uses, limited to climbing facilities, fitness facilities and similar uses on Lot 2.
 - ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to 4 hours in a 24 hour period; and multi-purpose meeting rooms on Lot 2.
 - iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD. In the interim, Lot 3 will remain in its undisturbed natural state until an amendment to this PUD ordinance is approved.
 - b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
 - i. Accessory uses and buildings commonly associated with the principal uses, including offices, equipment storage and maintenance facilities on Lot 2.
 - ii. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.
- 3. *Special Uses.* The following uses shall be allowed with a special use permit:
 - a. Child care center on Lot 2.
 - b. Any special uses for Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.
 - b. *Side Yard.* Each lot shall have two side yards of not less than ten (10) feet in width.
 - c. *Rear Yard.* Each lot shall have a rear yard of not less than ten (10) feet in depth.

- d. *Lot Coverage.* The lot coverage of the principal building, any accessory buildings and required parking shall not exceed fifty (50) percent of the total lot area.
 - e. *Building Height.* The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
5. *Development Standards.* The following development standards shall apply to all development within the district.
- a. *Design Standards.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
 - i. *Site Design and Layout.* The layout of the site and the principal building on Lot 2 shall generally conform to the materials information submitted in conjunction with the application for a Planned Unit Development.
 - ii. *Building Design and Materials.* All buildings must be designed by a Professional Architect, registered in the State of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.
 - iii. *Slope Preservation.* Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site.
 - iv. *Renovations and Additions.* All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.

- v. *Artwork.* Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.
- b. *Lighting.* All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.
- c. *Off-street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.
- d. *Landscaping and Screening.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

In addition to the requirements of Section 14-03-11, a buffer yard shall be installed along the northeastern 250 feet, as measured from the southern edge of the Edwards Avenue right-of-way, of the common lot line between Lots 1 and 2. Said buffer yard shall be planted with a minimum of four (4) large shade or conifer trees and two (2) small conifer or ornamental trees per 100 feet. Wherever possible, as determined during the site plan review process and with the permission of the City, said landscaping shall be installed within the 15-foot landscape easement included on the face of the plat over Lot 1.

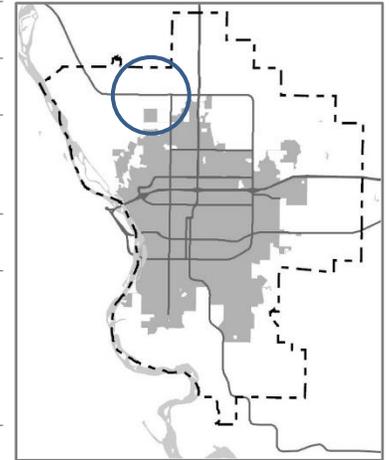
- e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
- 7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

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

Project Summary

<i>Title:</i>	Capital Electric Second Subdivision, Lot 2, Block 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Michael Ward, Owner Five Star Storage, Applicant
<i>Project Contact:</i>	Jacob Barney, Five Star Storage
<i>Project Location:</i>	Northwest of Bismarck, north of 57th Avenue Northwest and west of North Washington Street, in the northwest quadrant of the intersection of Sonora Way and ND Highway 1804 Northwest
<i>Project Size:</i>	7.04 acres
<i>Applicant Request:</i>	Rezone to Conditional MA – Industrial to enable the use of a self-storage facility
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture/Undeveloped	<i>Land Use:</i>	Conditional Light Industrial
<i>Future Land Use:</i>	Industrial Flex (IF)	<i>Future Land Use:</i>	Industrial Flex (IF)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	Conditional MA – Industrial
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	Conditional MA – N/A

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	10/1998
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	04/05
<i>Neighborhood:</i>	Undefined	<i>Annexed:</i>	N/A

(continued)

Project Narrative

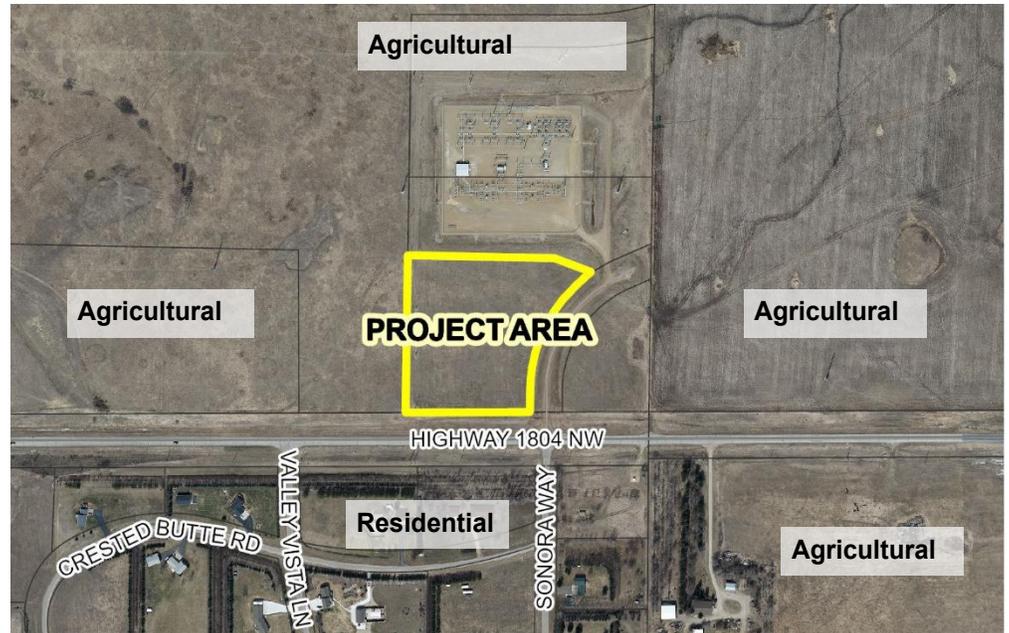
Michael Ward and Five Star Storage are requesting approval of a zoning map amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. The applicant is

proposing to develop the property to include a self-storage facility. The conditional MA – Industrial zoning would limit the use of the property to storage, as proposed.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Industrial Flex (IF) in the Future Land Use Plan. The Industrial Flex (IF) areas are flexible employment centers for a range of businesses, primarily for smaller-scale industrial uses and offices. Goals and objectives of this plan as they relate to a zoning map amendment are referenced in review standards below.

Adjacent uses include agricultural uses to the north, west, and east, and residential uses to the south across ND Highway 1804 NW. A substation is located on the lot to the north of the proposed site.

The right-of-way for Sonora Way was granted when the property was platted in 2005; however, the street was never built to County Commercial/Industrial Subdivision Roadway standards as the substation to the north generated

minimal traffic. Since the proposed self-storage facility will generate increased traffic to this area, Sonora Way will need to be built to the County Commercial/Industrial Subdivision standards at least to the entrance of the substation driveway. A gravel temporary cul-de-sac will also need to be constructed at the end of the street for turnaround purposes.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 16 and February 23, and 30 letters were mailed to the owners of nearby properties on February 15, 2024.

(continued)

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Industrial Flex (IF) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The applicant is aware of the Bismarck’s Growth Phasing Plan and intends to annex into the city once city services are available. However, connection to city services is currently not feasible as the closest city service are half a mile from the property.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes, with certain conditions applied to this zoning district. Adjacent uses are described in the project context section above. The proposed conditional zoning district would allow self-storage. Certain conditions including design, aesthetic, and development standards applied to the proposed zoning would alleviate potential incompatibilities to adjacent land uses in the future. A densely landscaped 20-foot-wide buffer yard is required

along the south and west sides of the lot. The proposed conditional zoning restricts more intensive uses, including, but not limited to:

- Retail Group B, which includes vehicle sales
- Service Group B, which includes motor vehicle repair garages
- Wholesale trade and distribution
- Hotel/Motel

With these conditions, development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of A – Agricultural was established prior 1980. Conditions have changed since this time including the adoption of new comprehensive plans.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed conditional zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck’s Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The proposed conditional zoning map amendment would conform to the Industrial Flex (IF) designation as outlined in the Future Land Use Plan.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed

zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval on the zoning map amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the attached draft zoning ordinance, for Lot 2, Block 1, Capital Electric Second Subdivision with the following conditions:

1. Comply with all relevant design, aesthetic, and development standards.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

<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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), 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 A – Agricultural zoning district and included in the Conditional MA – Industrial zoning district:

Lot 2, Block 1, Capital Electric Second Subdivision

This Conditional MA - Industrial zoning district is subject to the following additional standards:

1. *Uses Permitted*. The following uses are permitted within this Conditional MA – Industrial zoning district:
 - a. Industrial group A, limited to storage buildings and warehouses, including rental and condo storage units.
 - b. Utility service group.All other uses not included in this list shall be prohibited.

2. *Special Uses*. There are no uses allowed as special uses within this Conditional MA – Industrial zoning district.

3. *Dimensional Standards*.

- a. Lot Area. The minimum lot area is ten thousand (10,000) square feet.
- b. Lot Width. The minimum lot width is sixty (60) feet measured along the front building line.
- c. Lot Coverage. The maximum lot coverage for buildings and required parking is eighty (80) percent of the total lot area.
- d. Front Yard. The minimum front yard setback is fifty (50) feet from the property line adjacent to ND Highway 1804 and fifteen (15) feet from the property line adjacent to all other roadways.
- e. Side Yards. No side yards are required except where a lot adjoins a residential district.
- f. Rear Yard. The minimum rear yard setback is ten (10) feet.
- g. Height Limits. The maximum building height is seventy-five (75) feet.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details, and appearance.
- b. Building Materials. All building facades shall be designed with finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. All elevations, especially those facing a public right-of-way, must be visually pleasing and must not be exclusively covered in prefinished metal panels if this material is used.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material and exposed, untextured, uncolored, unaugmented concrete.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the

original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

- c. Enclosed Building Requirement. All production, processing, storage (excluding the storage of vehicles allowed over the WAPA easement), sales, display, or other business activity shall be conducted within a completely enclosed building.
- d. Outdoor Storage. Outdoor storage is only permitted for temporary vehicle storage within the WAPA easement area on the northern portion of the lot if agreed to by the utility entity. Continuous storage of vehicles involving 12 or more consecutive months without moving the vehicle(s) from the property is prohibited.

5. *Other Development Standards.*

- a. Buffer Yards. In addition to the requirements of Section 14-03-11, a 20-foot-wide buffer yard shall be provided along the south side, adjacent to ND Highway 1804 NW, and west side of the lot. Said buffer yard shall be densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for a 20-foot buffer yard in the City's landscaping ordinance (2 shade trees, 4 ornamental trees, 3 large upright coniferous trees, 10 small upright coniferous trees and 14 shrubs).
- b. Lighting. Lighting at entrances, exits, and drive aisles between buildings is permitted provided that any associated glare does not create a public nuisance or traffic safety hazard. High-intensity lighting devices oriented outward, including but not limited to laser lights, strobe lights, searchlights, and beacons, are not permitted.

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

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



Zoning and Plan Reference Map

ZC2023-013

CAPITAL ELECTRIC SECOND SUBDIVISION, L2, B1

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

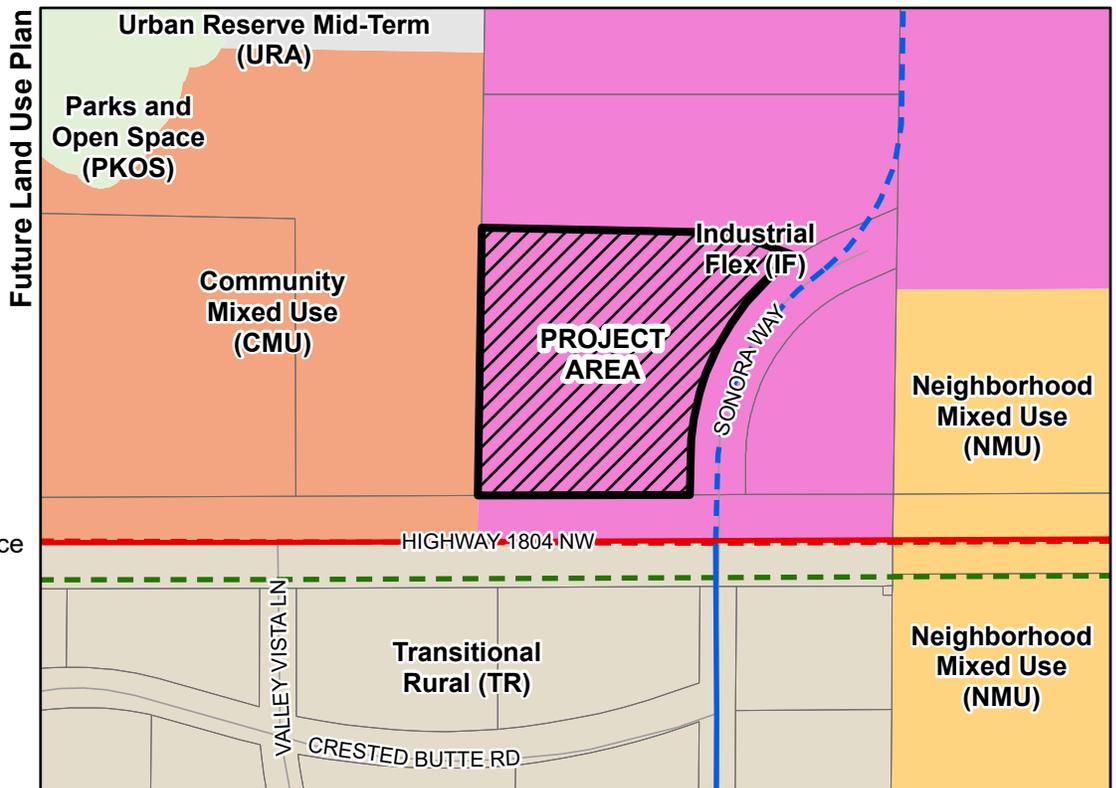
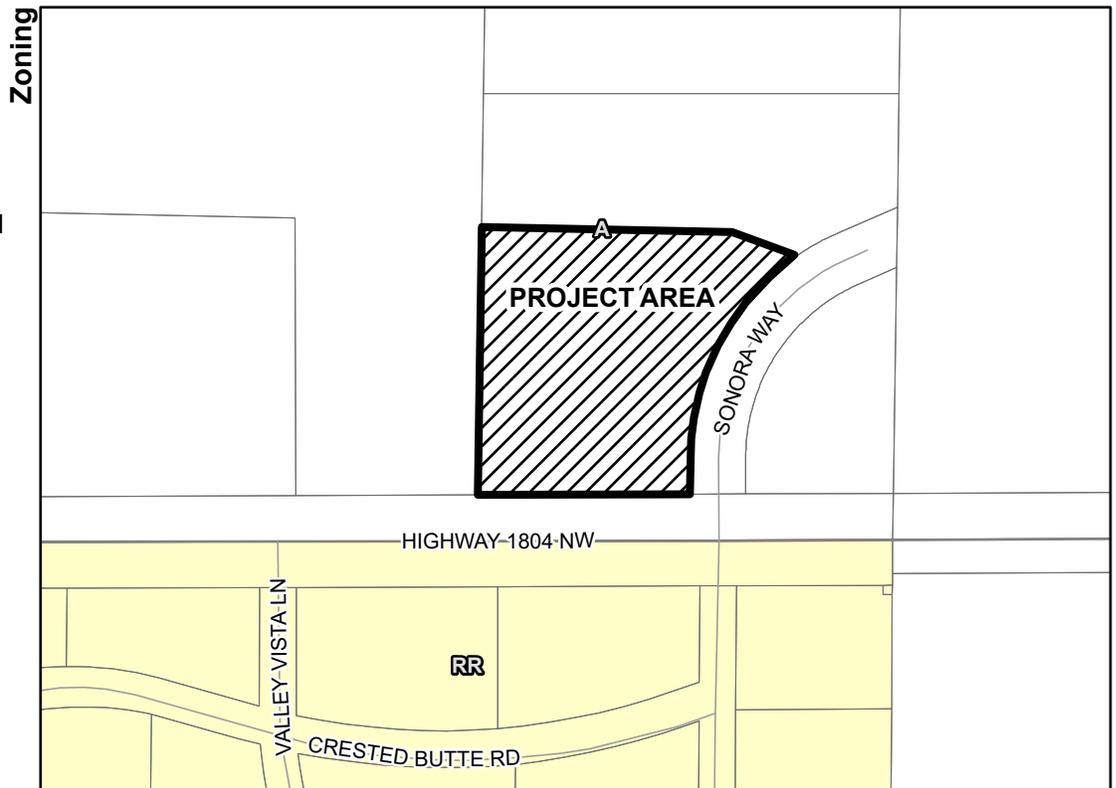
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

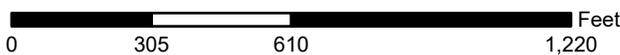
— Future Shared Trail

Major Street Plan

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate



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
Planning Division
January 18, 2024

Proposed New Zoning Map

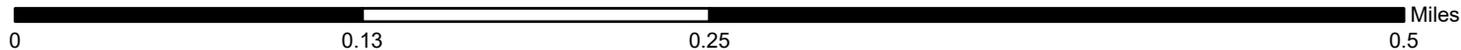
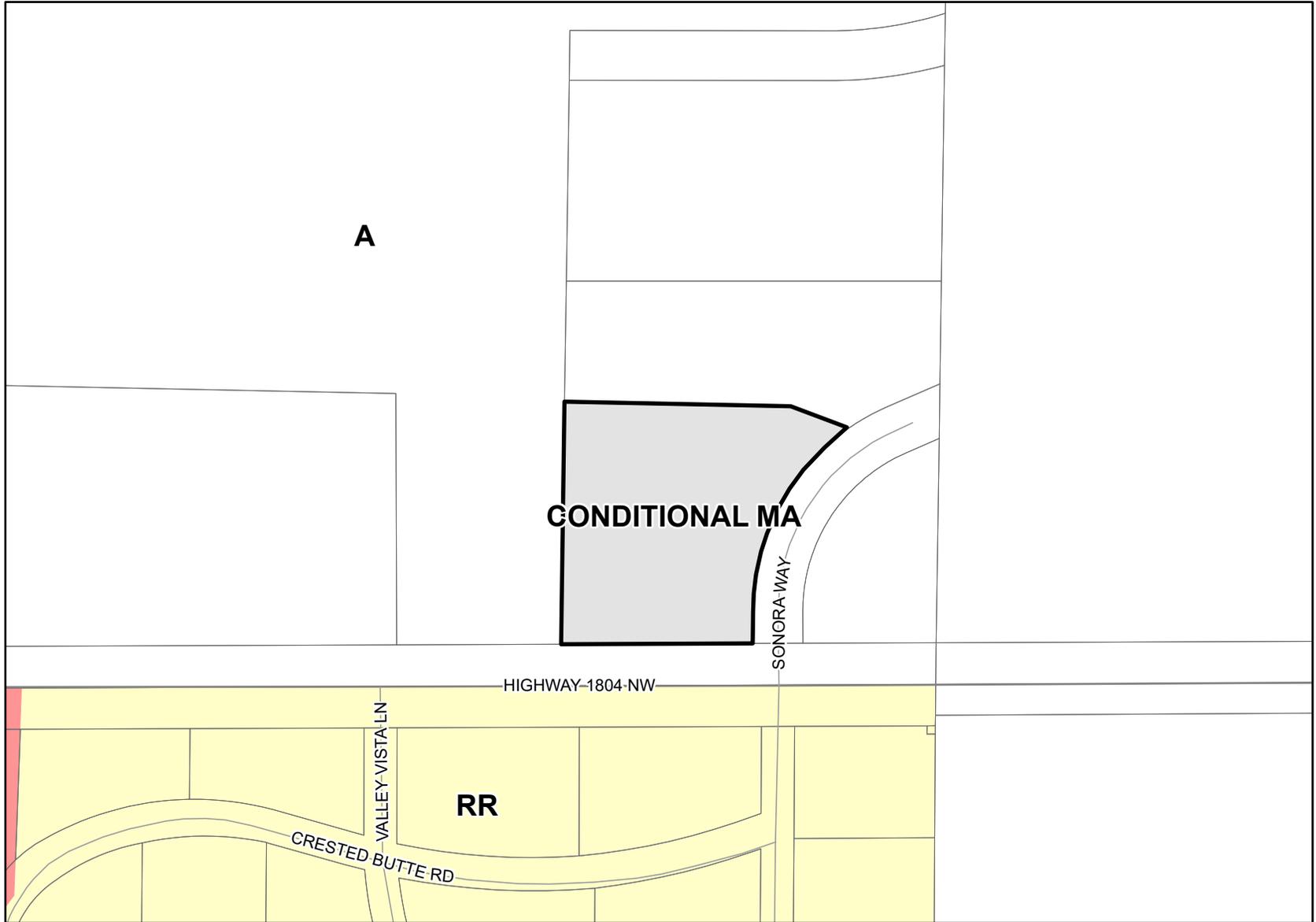
 Project Area
(zoning within
is proposed)

 City Limits

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

A "C-" prior to the district indicates that special conditions would apply to the zoning district



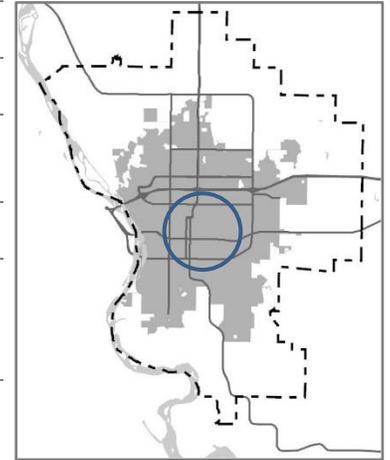
STAFF REPORT

Application for: **Minor Plat**
Zoning Map Amendment

Project ID: **MPLT2024-001**
Project ID: **ZC2023-015**

Project Summary

<i>Title:</i>	McKenzie and Coffin's Second Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Remedy Housing Solutions, LLC, and Cory Louser & Katilla Wiseman
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In central Bismarck, the northwest corner of the intersection of East Avenue D and North 12th Street
<i>Project Size:</i>	8,100 SF, more or less – Zoning Map Amendment 27,443 SF, more or less – Minor Plat
<i>Applicant Request:</i>	Replat & rezone property for multifamily development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Single-family home and two-family flat	<i>Land Use:</i>	Single-family home and twin-home style residential with four housing units
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD R10 – Single and two-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD R10 – 10 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	McKenzie

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	12/1882
<i>Annexed:</i>	Pre-1980

Project Narrative

Remedy Housing Solutions LLC, as well as Cory Louser and Katilla Wiseman, are requesting approval of a minor subdivision final plat titled McKenzie and Coffin’s Second Addition on all of Lots 11-12 and the East 90 Feet of Lots 13-16, Block 69, McKenzie and Coffin’s Addition. Remedy Housing Solutions LLC is also requesting a zoning map amendment from the R10 – Residential district to a Planned Unit Development (PUD) on Lots 2 and 3, Block 1, of McKenzie and Coffin’s Second Addition.

The applicant plans to construct a twin-home style structure with two residential units on the main floor, and two smaller residential units on the lower level, creating a total of four housing units on the portion of the minor plat that would be

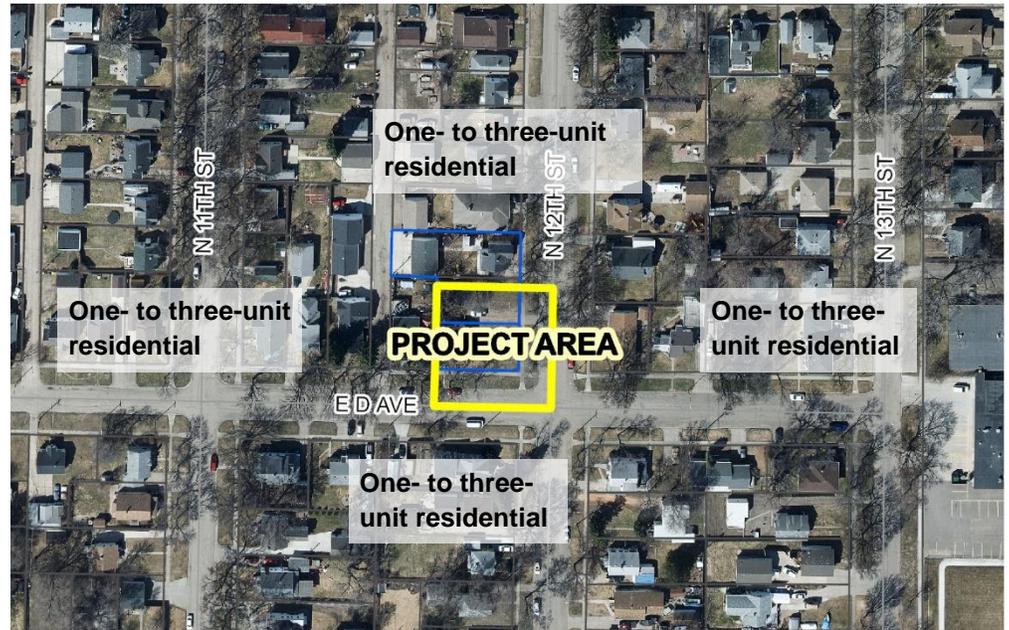
zoned PUD. All other aspects of the development, such as setbacks and lot size, will generally conform to the standards of an R10 – Residential zoning district.

The applicant intends to use the replat of the property for two purposes: first, to create two new lots, from one existing southern lot, such that each new lot will have two housing units while the whole development looks like a standard twin-home; additionally, the applicant will use the minor plat transfer ten feet from the northern boundary of the existing southern parcel to the existing northern parcel. The parcel receiving the north ten feet of the existing parcel would remain in the R10 – Residential district.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

Note: Yellow project area is the Zoning Map Amendment, and the blue lots are the proposed lots from the Minor Subdivision Final Plat



A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

The project area has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats and to zoning map amendments to Planned Unit Developments are referenced in review standards below.

The project area is surrounded by land zoned R10 – Residential which allows single and two-family homes by-right; however, this is an older area of Bismarck that does have some structures with three or four units – according to City Assessing data – so four units (on two lots) would not be inherently out of character for the neighborhood.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 16 and February 23, and 77 letters were mailed to owners of nearby properties on February 15, 2024.

Basic project information, with the ability to contact staff for more details, has been provided

publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Minor Subdivision Final Plat

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

(continued)

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment (Goal 15, Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. One capital utility charge will be due prior to the recordation of the plat, and an additional two charges (for the secondary residential units) will be due during the building permit stage.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment (Future Land Use Plan)

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The UN designation in the Future Land Use Plan describes a mixture of housing with structures of up to four units, which would align with this request.

The proposed amendment is compatible with adjacent land uses and zoning (Goal S10-a, S5-a)

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow a total of four housing units on two lots. Development that may be anticipated from the proposed zoning would be similar in nature to a typical twin-home that could be expected in an R10 – Residential district and would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established (Goal S9-e)

Yes. The current R10 - Residential zoning district was established pre-1980. Conditions have changed since this time. There are numerous structures in the area that were built before the current R10 – Residential district was created that have more than two housing units on similarly

(continued)

sized lots. There is no evidence that these existing structures inherently, negatively impact the neighborhood. The project area would not be any less restrictive than existing conditions in the surrounding area.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment (Goal S1-a, Goal T1-c)

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; NDCC 40-27-03)

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, NDCC Chapter 40-47)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Together 2045 Bismarck’s Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The following objectives of the plan would be advanced through the proposed Planned Unit Development.

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.

G1: Encourage infill and redevelopment of land already connected to municipal services.

T3: Ensure that the variety and quality of housing is aligned with the needs of the community.

The proposed development would be an infill project which redevelops land within the core of Bismarck. Therefore, it will use existing public utility and roadway infrastructure. This will allow not only additional housing opportunities for the area – which can increase the vibrancy of the neighborhood – but by utilizing existing infrastructure it will minimize costs to the broader public thus allowing it to be very financially efficient from a public services standpoint.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

Natural features of the site would be preserved, insomuch as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. The proposed PUD is a redevelopment of land within the central core of Bismarck. The proposed development would be visually and functionally similar to nearby, existing development in terms of incorporating existing natural features into the design.

The internal roadway circulation system within the Planned Unit Development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed PUD is served entirely by existing public rights-of-way without need for an internal circulation system.

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 (Section 14-04-18(3)e)

Yes. The proposed land use would be a total of four housing units in one structure on two lots that would be visually and functionally similar to a twin-home style development that would be typical of standard R10 – Residential districts. The proposed use, as designed and shown in the layout in the proposed Planned Unit Development, would be compatible and harmonious with the surrounding area.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment

would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled McKenzie and Coffin’s Second Addition, and of the zoning map amendment from the R10 – Residential District to a Planned Unit Development (PUD) on Lots 2 and 3, Block 1, of the new minor subdivision final plat

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations
7. Final Plat
8. Original Plat with Replatted Area Highlighted

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, 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 R10 – Residential district and included in the PUD – Planned Unit Development zoning district:

Lots 2 & 3, Block 1, McKenzie and Coffin’s Second 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 district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. One rowhouse building with two (2) primary units and two (2) secondary units.
 - b. *Accessory Uses*. The following uses shall be allowed as accessory to the principal uses on the property.

allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) as it relates to structures typically seen in an R10 – Residential District (Section 14-04-06).

6. *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.



Zoning and Plan Reference Map

MCKENZIE AND COFFINS SECOND ADDITION

MPLT2024-001

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

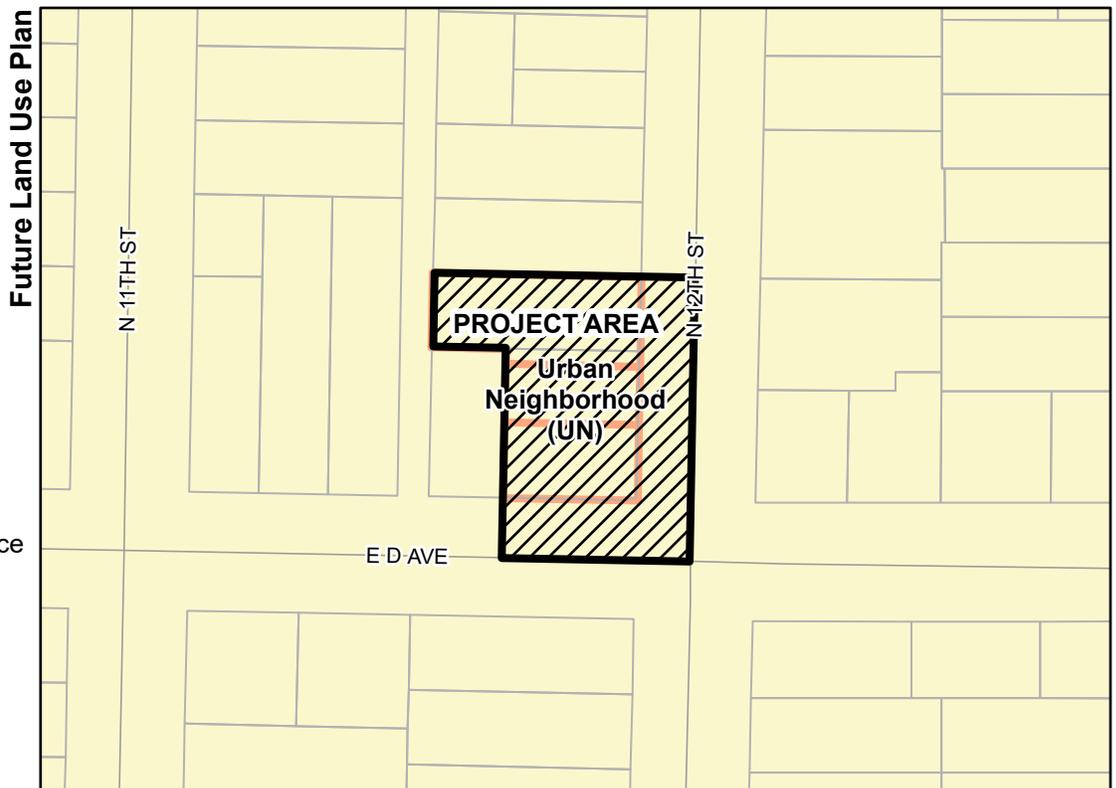
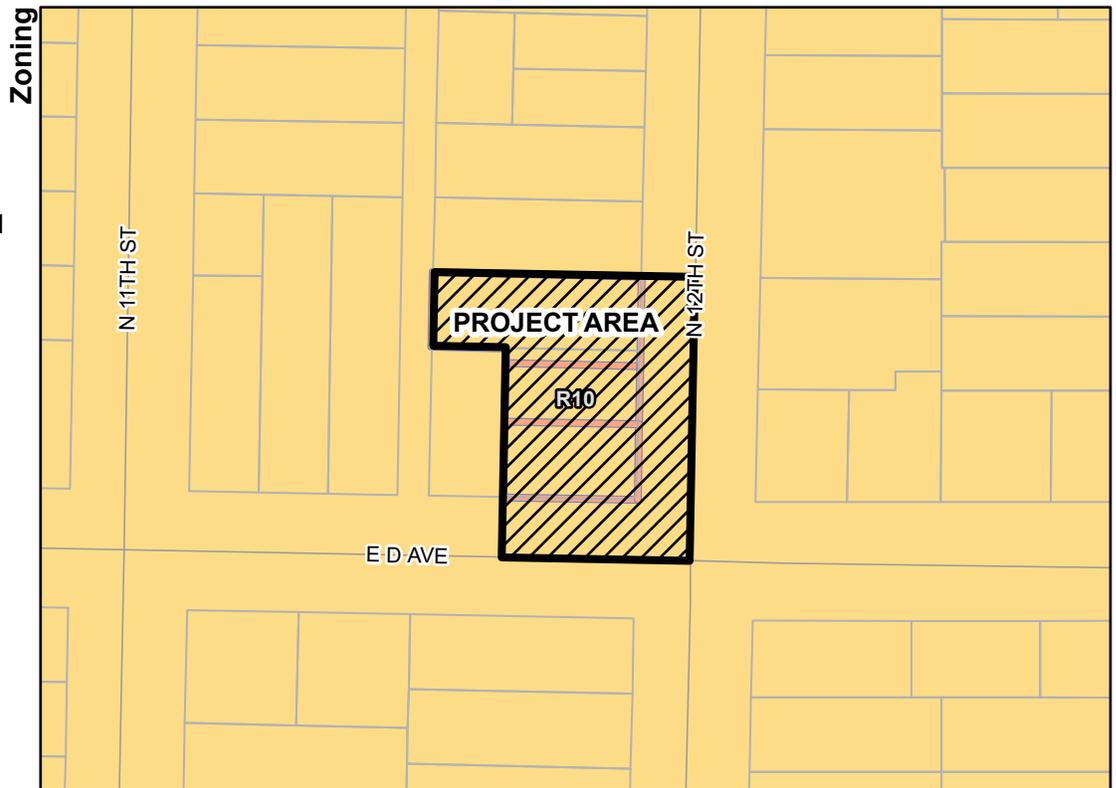
UN	Urban
	Neighborhood
NMU	Neighborhood Mixed Use
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DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

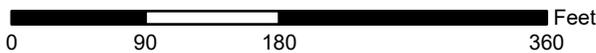
— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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.



80



City of Bismarck
Community Development
Planning Division
February 20, 2024

Proposed New Zoning Map

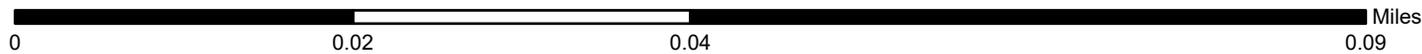
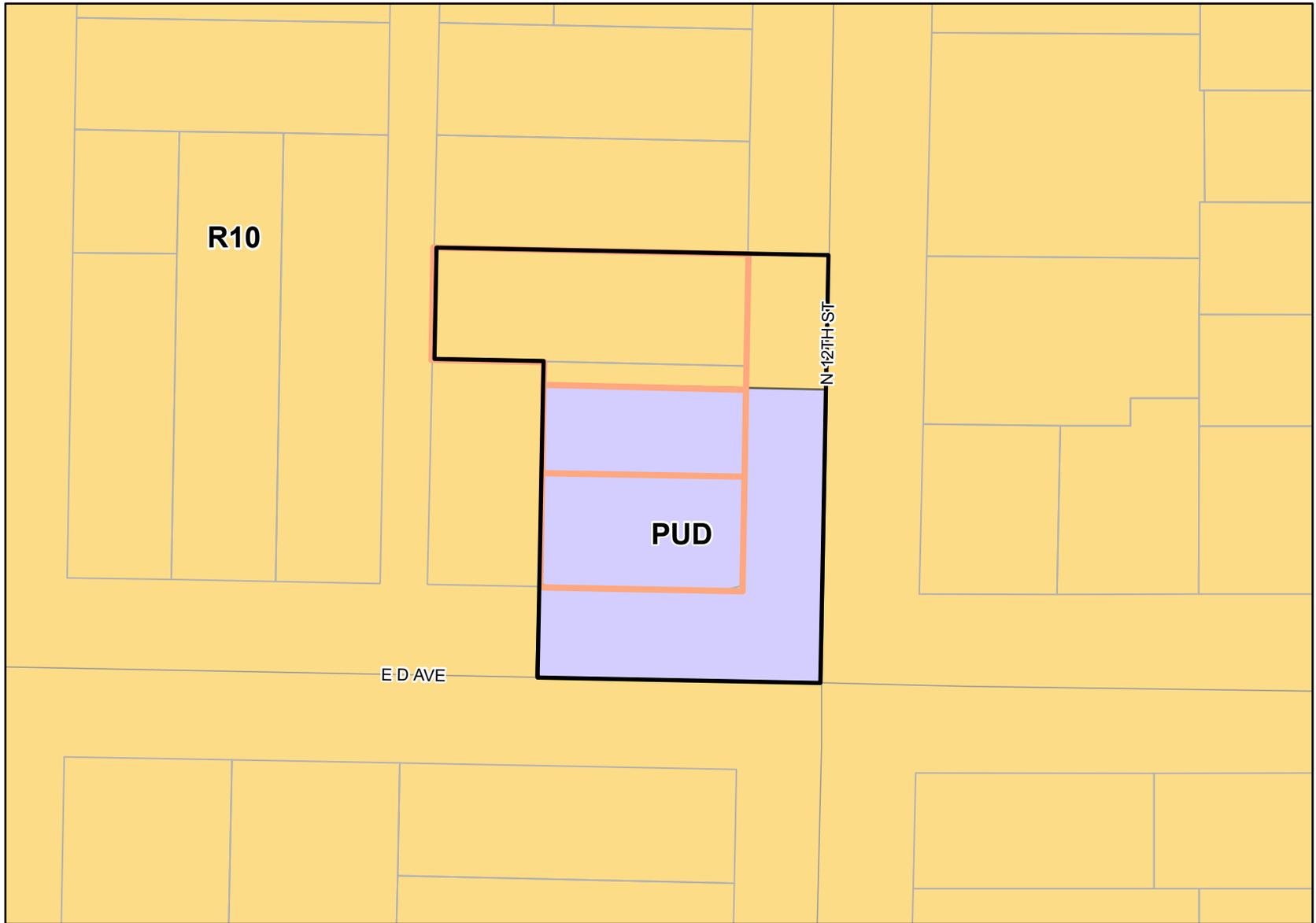
 Project Area
(zoning within is proposed)

 City Limits

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

A "C-" prior to the district indicates that special conditions would apply to the zoning district



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.





SWENSON, HAGEN & CO. P.C.

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

McKenzie & Coffin's First Addition First Replat

The East 90' of Lots 13-16 Block 69 Less the North 10' of Lot 13

McKenzie & Coffin's Addition

Request for PUD

Remedy Housing Solutions, LLC, is proposing to re-zone a portion of McKenzie & Coffin's addition on the NW corner of N 12th St & East Avenue D. The lots in question are currently zoned R10, and contain a partially demolished home & outbuilding. Adjoining properties are also zoned R10.

The proposed PUD for a Gentle/Lean Infill project, as described in the City of Bismarck's "Infill and Redevelopment Plan" accepted by the Board of City Commissioners in February of 2017, would replace the existing structure with a twin-home style building, that will also have rental space for two additional units, for a total of four living spaces.

Setbacks would generally conform to R10 zoning with the allowance of Contextual setbacks. As measured per a survey, the "front yard" setback from East Ave D will be set at 18.2'. The Front Yard setback from N. 12th St. will be 20', which will be the garage facing side of the structure. Side yard of 6' and a rear yard of 20'.

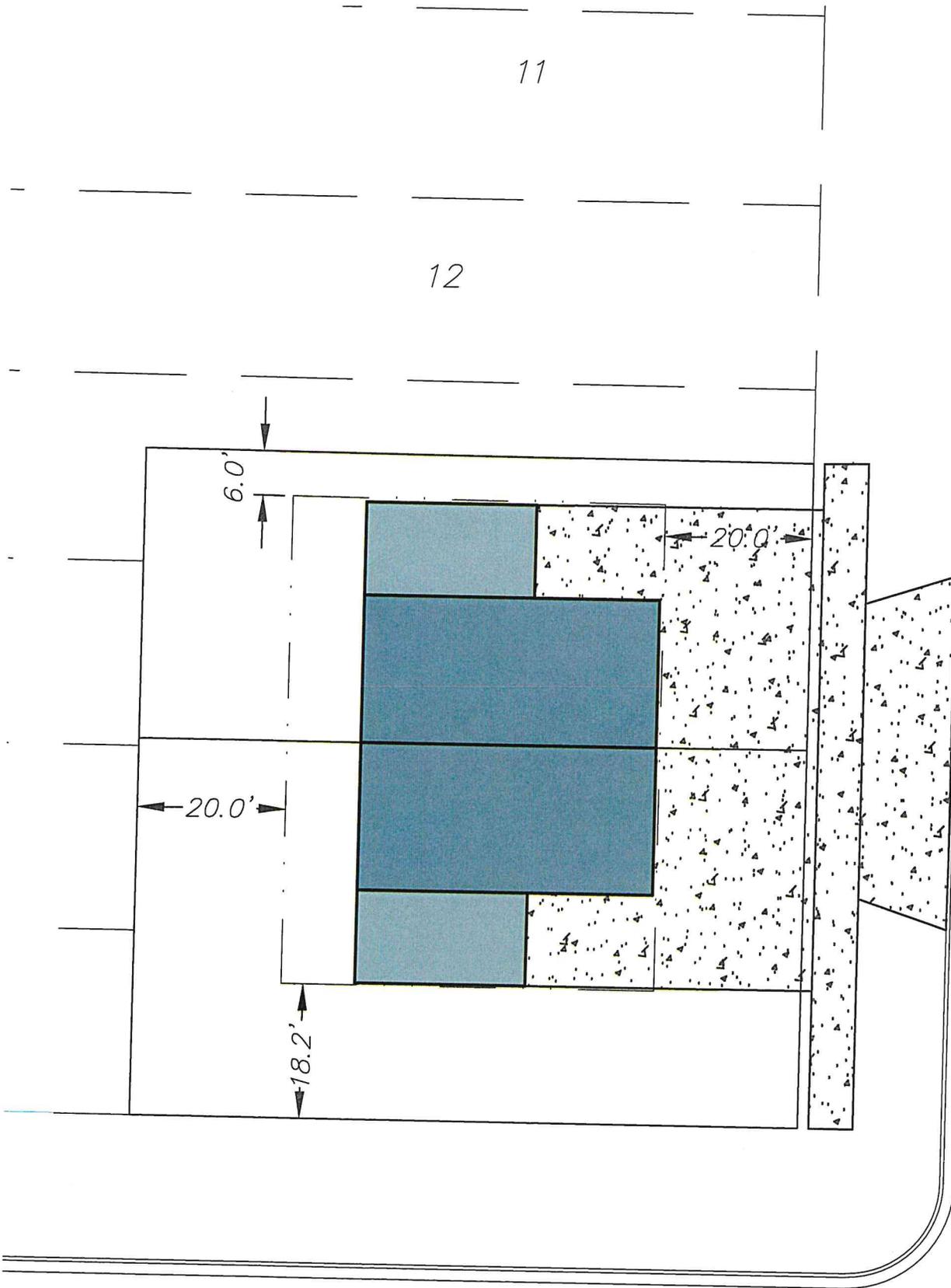
Additionally, two of the units will be provided with garage space, while the two remaining will have paved parking spaces within the property. An HOA will be formed for maintenance of the structure, snow removal & communal green space.

Landscaping will be limited to street trees & grass, as the structure will aesthetically and structurally appear as a twin home, no landscape buffering between the project & adjoining uses will be required.

Lot coverage for all structures will be limited to 40%, building height limited to 40', minimum lot area of 3,500 sf.

RECEIVED
DEC 22 2023

N 12TH ST.



11

12

AVENUE D



DRAWING SCHEDULE	
Second Floor_____	1
Main Floor_____	2
Basement_____	3
Foundation_____	4
Roof_____	5
Elevations - Front & Back_	6
Elevations - Left & Right__	7



1118 E Ave D

Thursday, December 28, 2023



FRONT ELEVATION

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



BACK ELEVATION

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

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

Disclaimer:

M.A. has prepared these plans based on information provided to J.E. Homes. Plans and elevations to be used to provide a concept and example of what is to be built. Contractor or Architect is responsible for verifying all locations, dimensions, building codes, & exterior materials. Contractor or Architect is responsible for having all plans reviewed by an engineer.

DRAWN BY: M.A.

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

DATE: 12/28/2023 **Elevations - Front & Back**

PAGE:

6/7

House Information

1118 E Ave D

Foundation Walls : 8" Concrete (UNO)

Exterior Walls : 2x6

Interior Walls : 2x4 (UNO)

Wall Height : 0'-0"

Garage Wall Height : 0'-0" (VERIFY)

Floor Trusses : 00"-Engineered

Basement : 0000 sf

Main Floor : 0000 sf

Second Floor : 0000 sf

Garage : 0000 sf

Covered Porch : 0000 sf

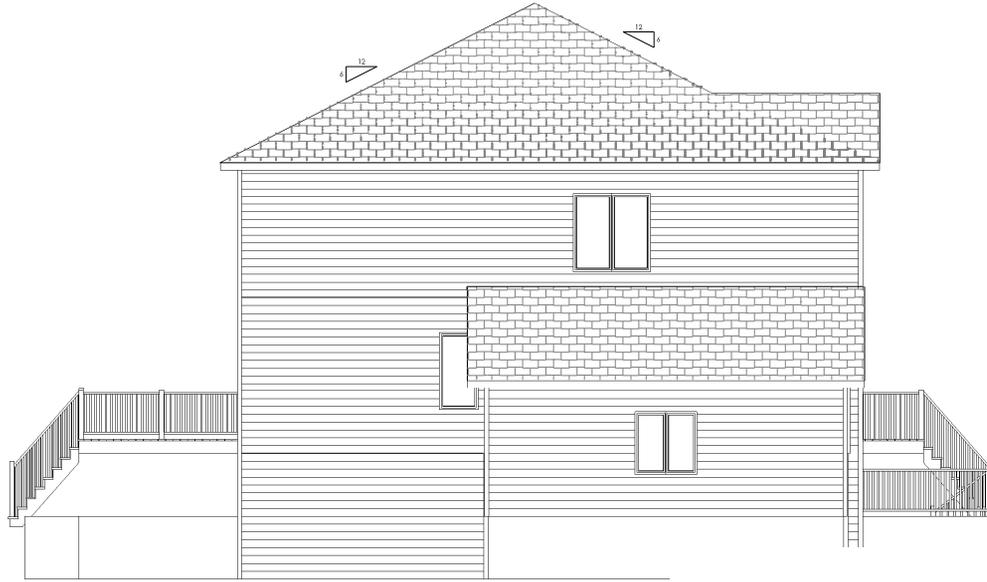
Covered Patio : 0000 sf

Total Living Area : 0000 sf

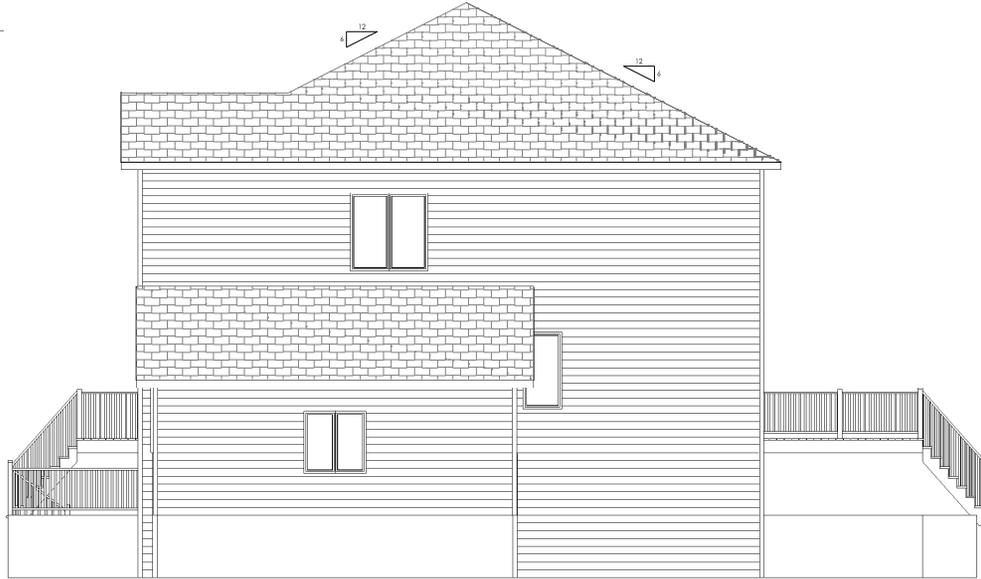


BUILDERS

7007 15th St NW
Bismarck, North Dakota 58503
701-595-2758



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



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

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

Disclaimer:

M.A. has prepared these plans based on information provided to J.E. Homes. Plans and elevations to be used to provide a concept and example of what is to be built. Contractor or Architect is responsible for verifying all locations, dimensions, building codes, & exterior materials. Contractor or Architect is responsible for having all plans reviewed by an engineer.

DRAWN BY: M.A.

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

DATE: 12/28/2023

PAGE: 7/7

Elevations - Left & Right

House Information

1118 E Ave D

Foundation Walls : 8" Concrete (UNO)

Exterior Walls : 2x6

Interior Walls : 2x4 (UNO)

Wall Height : 0'-0"

Garage Wall Height : 0'-0" (VERIFY)

Floor Trusses : 00"-Engineered

Basement : 0000 sf

Main Floor : 0000 sf

Second Floor : 0000 sf

Garage : 0000 sf

Covered Porch : 0000 sf

Covered Patio : 0000 sf

Total Living Area : 0000 sf



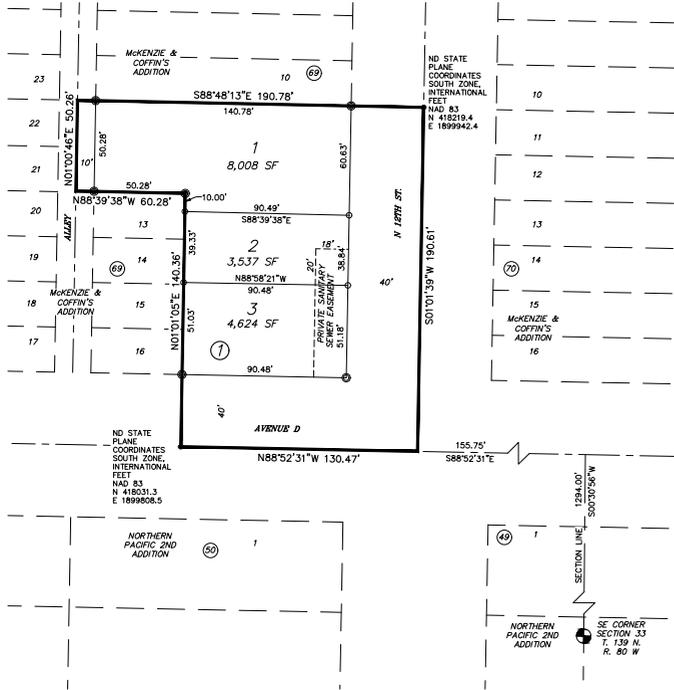
BUILDERS

7007 15th St NW
Bismarck, North Dakota 58503
701-595-2758

McKENZIE AND COFFIN'S SECOND ADDITION

BEING ALL OF LOTS 11-12 AND THE EAST 90 FEET OF
LOTS 13-16 BLOCK 69 MCKENZIE AND COFFIN'S ADDITION OF
SECTION 33 TOWNSHIP 139 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM

NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

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



- MONUMENT TO BE SET
- MONUMENT IN PLACE

DESCRIPTION

BEING ALL OF LOTS 11-12 AND THE EAST 90 FEET OF LOTS 13-16 BLOCK 69 MCKENZIE AND COFFIN'S ADDITION OF SECTION 33 TOWNSHIP 139 NORTH RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 01 DEGREE 00 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF THE BLOCK 69 ALLEY OF SAID MCKENZIE & COFFIN'S ADDITION, A DISTANCE OF 50.28 FEET TO THE SOUTH LINE OF LOT 10 BLOCK 69 OF SAID MCKENZIE & COFFIN'S ADDITION; THENCE SOUTH 88 DEGREES 48 MINUTES 13 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 140.78 FEET TO THE CENTERLINE OF NORTH 16TH STREET RIGHT-OF-WAY; THENCE SOUTH 01 DEGREE 01 MINUTE 39 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 190.61 FEET TO THE CENTERLINE OF AVENUE D RIGHT-OF-WAY; THENCE NORTH 88 DEGREES 52 MINUTES 31 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 130.47 FEET; THENCE NORTH 01 DEGREE 01 MINUTE 03 SECONDS EAST, A DISTANCE OF 140.36 FEET; THENCE NORTH 88 DEGREES 39 MINUTES 38 SECONDS WEST, A DISTANCE OF 50.28 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 0.63 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALDZ, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, 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.
809 BISHOP AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALDZ
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3393

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 _____ DAY OF _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, 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 GRASSES AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION AND REDEDICATION OF ALL RIGHTS-OF-WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATING 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 _____, 2024.

MICHAEL T. SCHWITZ---PRESIDENT ATTEST: JASON TOMANEK---ACTING CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL---CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

WE, REMEDY HOUSING SOLUTIONS, LLC, CORY LOUSER, AND KATILLA WISEMAN, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED MCKENZIE AND COFFIN'S ADDITION FIRST REPLAT, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENT" TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE SANITARY SEWER EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
NATHAN SCHLOSSER
REMEDY HOUSING SOLUTIONS, LLC

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED NATHAN SCHLOSSER OF REMEDY HOUSING SOLUTIONS, 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)
KATILLA WISEMAN

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
CORY LOUSER

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED CORY LOUSER, 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)
KATILLA WISEMAN

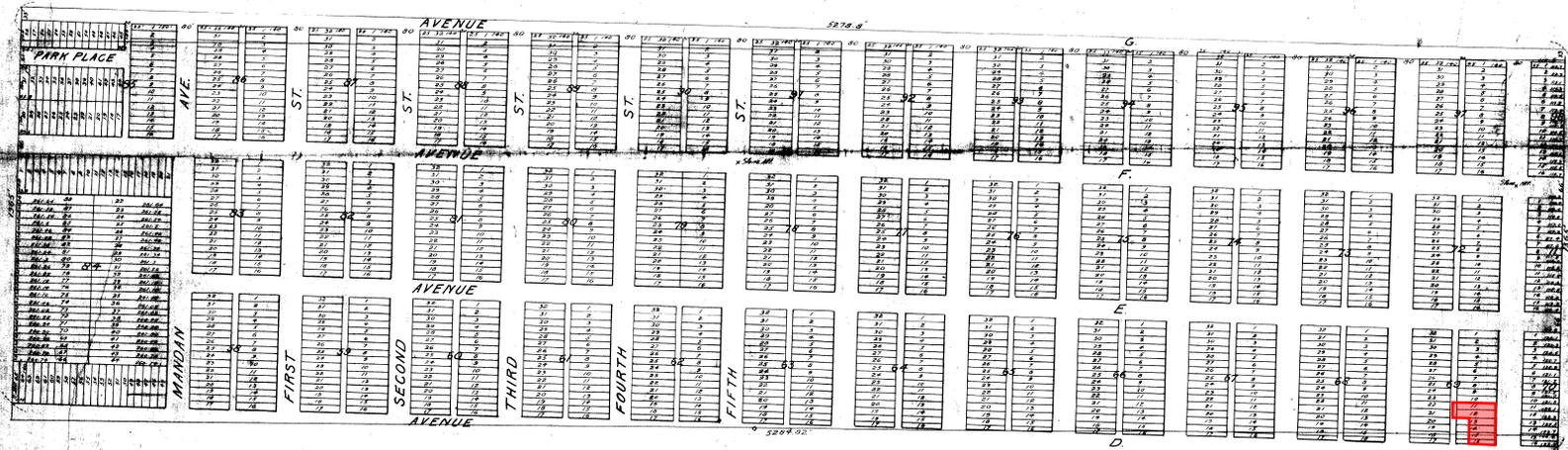
STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
KATILLA WISEMAN

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED KATILLA WISEMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
KATILLA WISEMAN



FLAT OF MCKENZIE AND COFFIN'S ADDITION TO THE CITY OF BISMARCK



Area of McKenzie and Coffin's Second Addition

Plat of the McKenzie and Coffin Addition to the City of Bismarck in the County of Burleigh and Territory of Dakota comprising part of section thirty three (33) in Township one hundred and thirty nine (139) North of Range eighty (80) West of the Fifth Principal Meridian and bounded as follows: Commencing at a point on the section line between sections thirty three and thirty four (33 & 34) on Township one hundred and thirty nine (139) North of Range eighty (80) West of the Fifth Principal Meridian. One thousand three hundred and forty (1340) feet south from the quarter point said section line, thence westerly upon a line of 20' 22" north said section line between sections thirty three and thirty four (33 & 34) Five thousand two hundred and eighty two (5282) feet to a point on the section line between sections thirty two and thirty three (32 & 33) Township one hundred and thirty nine (139) North of Range eighty (80) West of the Fifth Principal Meridian, thence north on said section line one thousand three hundred and sixty five (1365) feet, thence easterly Five thousand two hundred and eighty eight (5288) feet to a point on the section line between sections thirty three and thirty four (33 & 34), thence south on said section line one thousand three hundred and sixty five (1365) feet to place of beginning.

Alexander McKenzie and Elijah Coffin the proprietors of the McKenzie and Coffin Addition and Robt. J. Johnson and Geo. E. Reed Surveyors hereby declare and make known that the said proprietors caused to be surveyed and laid out during the month of December A. D. 1882 and this Plat hereof to be made by the said Robt. J. Johnson and Geo. E. Reed Surveyors according to the statute in such case provided. That the foregoing is a true and accurate description of the situation and boundaries of said McKenzie and Coffin Addition. All streets, avenues and alleys and lots of said McKenzie and Coffin Addition are particularly described and set forth on the plat with names, with boundaries and extent of all said streets and avenues and with boundaries & extent of all lots and alleys. The figures representing distances, length or width denote feet and tenths of feet. All streets are of the uniform width of eighty feet except Park Place which is sixty (60) feet wide. All avenues are of the uniform width of sixty six (66) feet except Avenue G which is thirty three (33) feet and Mandan which is eighty (80) feet. All the lots are numbered in figures in the regular blocks or squares in which they are situated and their precise length and width marked on the Plat. At the time of surveying and laying out said McKenzie and Coffin Addition the proprietors caused to be planted wood lines at the intersection of the center line of Avenue F and Fifth and Tenth streets, a good and sufficient stone monument for corners from which to make further surveys, and the points where the same may be found are designated on the Plat thus x with the words "Stone Monument" in the contiguous blocks. And the said Robt. J. Johnson and Geo. E. Reed Surveyors do hereby certify that the Plat of the McKenzie and Coffin Addition was made by them from actual survey as above said and the same is in all respects correct and true. In witness whereof the said Alexander McKenzie and Elijah Coffin Proprietors and Robt. J. Johnson and Geo. E. Reed Surveyors hereunto subscribed their names.

Robt. J. Johnson } Surveyors
Geo. E. Reed }

Alexander McKenzie
Elijah Coffin
Proprietors

Territory of Dakota } I, F. W. McHenry a Notary Public within and for said County do hereby certify that on this 20th day of December A. D. 1882 personally came before me Alexander McKenzie and Elijah Coffin owners and Robt. J. Johnson and Geo. E. Reed Surveyors & we well known to the persons described in and who executed the foregoing Plat and who each acknowledged that they executed the same freely and voluntarily.

In witness whereof I have hereunto set my hand and official seal of said County the day and year above written.

F. W. McHenry Notary Public Seal

Office of Register of Deeds } I hereby certify that the within and foregoing Plat was filed in this office for record on the 16th day of December A. D. 1882 and was duly recorded in Book of Plats at 9 o'clock A. M.

John R. Richards Register of Deeds Seal

I hereby certify that this plat is a true and literal description of the plat of survey to which it purports to relate now on file in the Register of Deeds Office, Bismarck, N. D.

Sworn and subscribed to before me this _____ day of _____ 1912

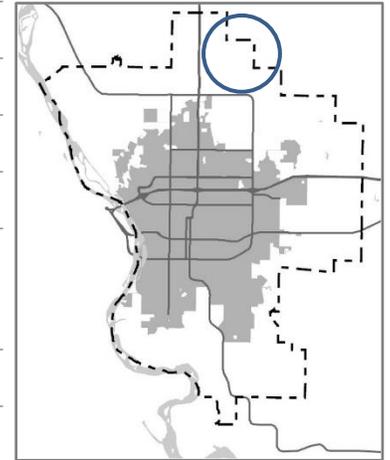
Checked and corrected Feb. 19, 1915.

Alexander McKenzie
Elijah Coffin
County Surveyors

Register of Deeds

Project Summary

<i>Title:</i>	Shamrock Acres Third, Block 7, Lot 2
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Marcel Wirth
<i>Project Contact:</i>	Marcel Wirth
<i>Project Location:</i>	North of Bismarck, east of 26th Street Northeast and south of 97th Avenue Northeast, on the south side of Dublin Drive
<i>Project Size:</i>	2.02 acres
<i>Applicant Request:</i>	Increase the allowable size of accessory structures to 3,200 square feet
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential	<i>Land Use:</i>	Rural Residential
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<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:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	RR – 1 unit per 65,000 square feet

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	06/2004
<i>Township:</i>	Burnt Creek (not organized)	<i>Platted:</i>	08/1977
<i>Neighborhood:</i>	Shamrock Acres	<i>Annexed:</i>	N/A

Project Narrative

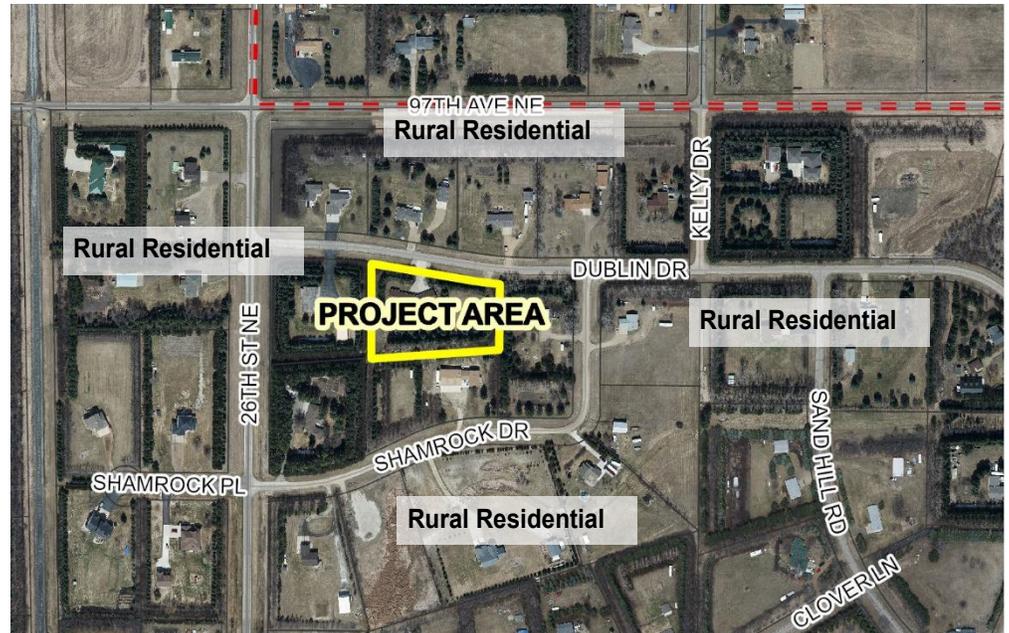
Marcel Wirth is requesting approval of a special use permit (SUP) to increase the allowable size of accessory structures to 3,200 square feet on Lot 2, Block 7, Shamrock Acres Third Subdivision.

This parcel is within the RR – Rural Residential zoning district and is large enough to have an allowable maximum size of accessory structures of 2,400 square feet without the SUP.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to special use permits are referenced in review standards below.

The project area is zoned RR – Rural Residential and is surrounded by RR – Rural Residential land. The Growth Phasing Plan neither identifies the area for city expansion nor as Urban Reserve; therefore, urban-style redevelopment with the next 50 years is unlikely.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 16 and February 23, and 64 letters were

mailed to the owners of nearby properties on February 15, 2024.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

Special Use Permit

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

Yes. The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(5), which states that “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 size of the lot is 2.02 acres (87,991.2 sq ft) and the sum of all accessory structures on the lot would be 3,200 sq ft.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed special use permit would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck’s Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an increased maximum allowable size of accessory structures to 3,200 square feet.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit

Staff report prepared by:

Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY
STRUCTURES TO 3,200 SQUARE FEET
IN SHAMROCK ACRES THIRD SUBDIVISION (SUP2024-001)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 2, Block 7, Shamrock Acres Third Subdivision have requested approval of a special use permit to allow an increased allowable size of accessory structures to 3,200 square feet in the RR – Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on February 28, 2024 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for increased allowable size of accessory structures to 3,200 square feet on Lot 2, Block 7, Shamrock Acres Third Subdivision is hereby approved, subject to the following conditions:

1. The special use permit is put into use by February 28, 2026.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 28th day of February, 2024.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this February 28, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand, this 28th day of February, 2024.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota



Zoning and Plan Reference Map

SUP2024-001

SHAMROCK ACRES THIRD, B7, L2

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

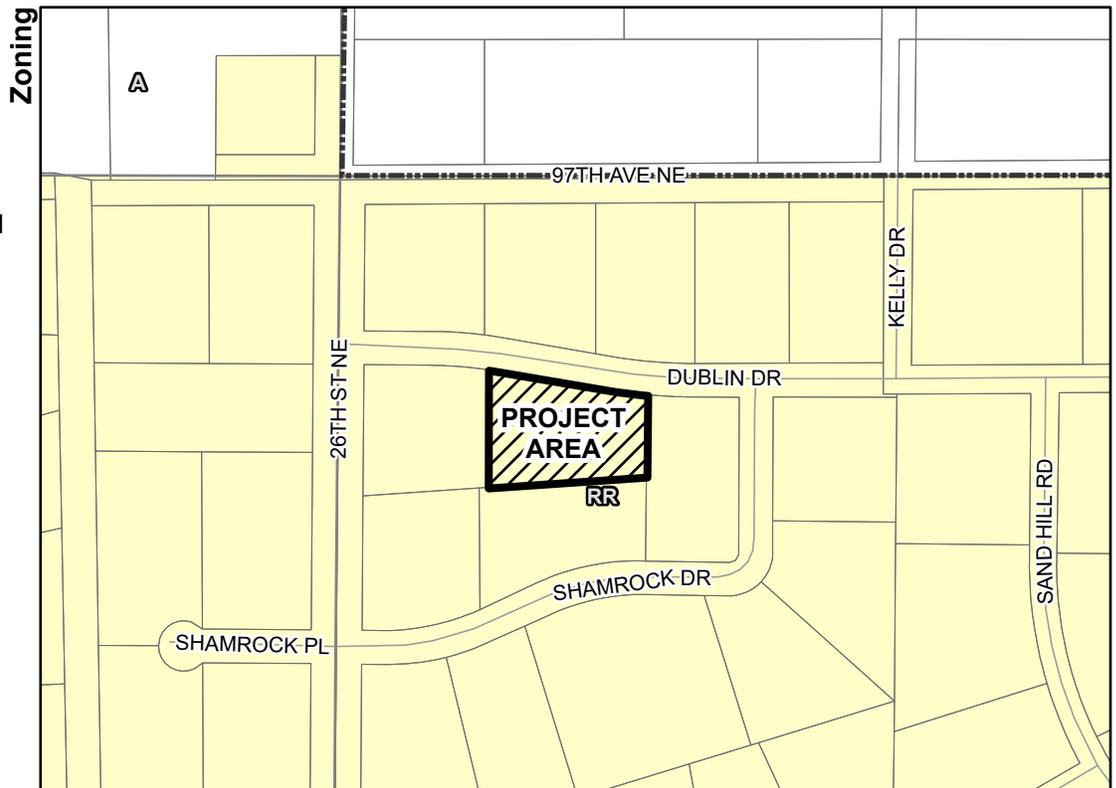
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

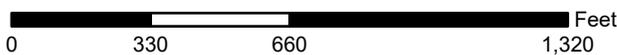
Future Shared Trail

Major Street Plan

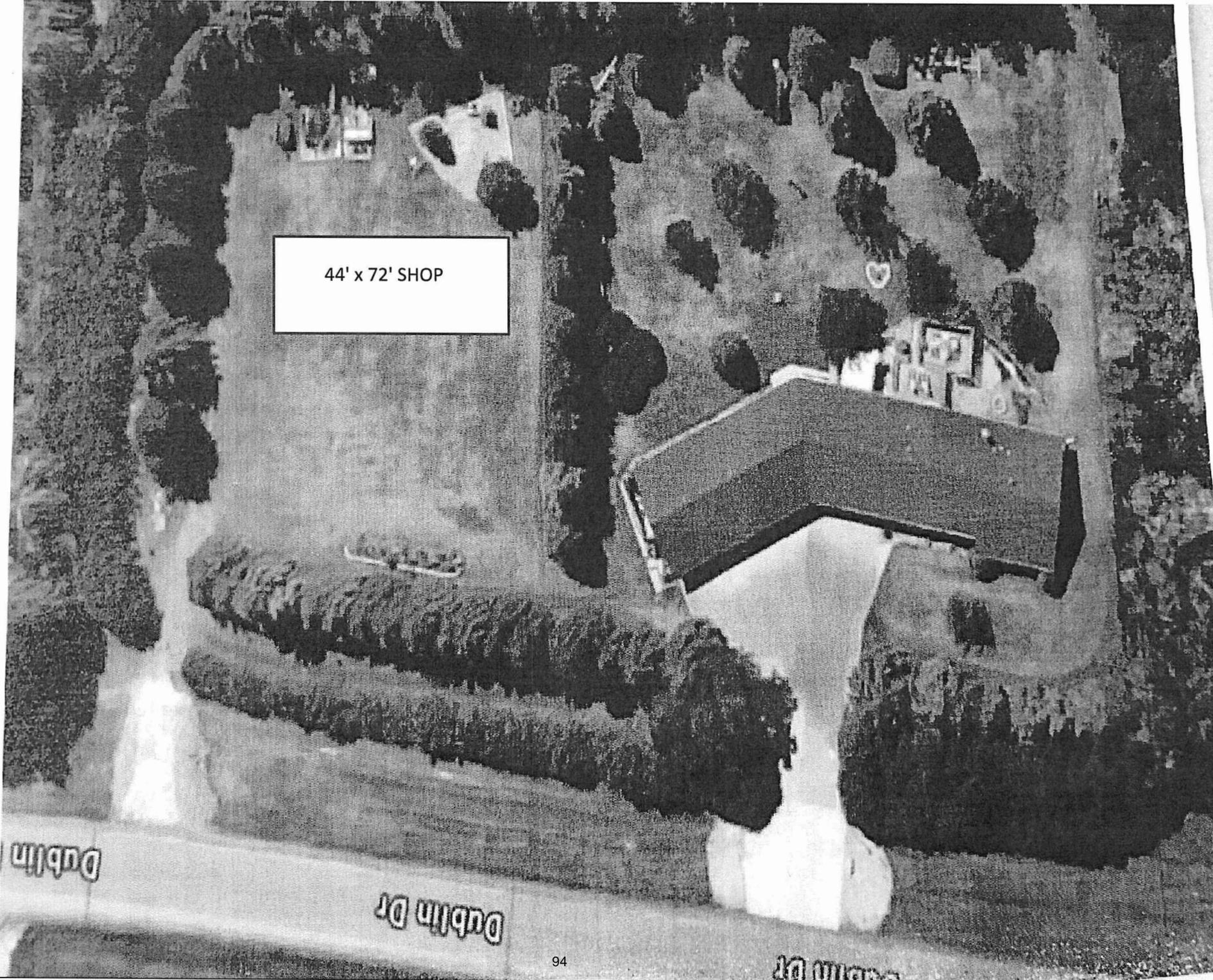
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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
Planning Division
February 16, 2024



44' x 72' SHOP

Dublin

Dublin Dr

Dublin Dr



MEMORANDUM

Continuation of Home Occupation Public Hearing

TO: Chair Michael Schwartz and Planning and Zoning Commission

FROM: Daniel Nairn, AICP

DATE: February 22, 2024

A public hearing on a zoning ordinance text amendment related to Home Occupations (ZOTA2023-005) was held by the Planning and Zoning Commission on January 24, 2024, and continued to a future meeting.

Staff requests a further continuation to the March 27 regular meeting to allow time for further outreach and feedback. A meeting has been scheduled with a stakeholder group consisting of residents and business owners in rural residential areas. The stakeholder group will also include Planning and Zoning Commissioners Trent Wagnen and Mayor Mike Schmitz. Once the group has been able to meet and discuss the ordinance, staff will present a recommended version to the Planning and Zoning Commission.





Resolution of Appreciation

Whereas, Wendy Van Duyne has served as a member of the Bismarck Planning and Zoning Commission for the past six years; and

Whereas, during this time she has represented the interests of both urban and rural residents of the City of Bismarck and Burleigh County; and

Whereas, Ms. Van Duyne has given freely of her time and expertise in the many matters considered by the Commission; and

Whereas, during her term of office on the Planning and Zoning Commission, Mr. Van Duyne has distinguished herself for fair deliberation and common-sense decision making;

Now, therefore be it resolved by the Bismarck Planning and Zoning Commission that Wendy Van Duyne be commended for her dedication and her support for planned development of Bismarck and that the appreciation of the Planning and Zoning Commission be extended to her.

Date

Mike Schwartz, Chair
Bismarck Planning and Zoning Commission

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 24, 2024**

The Bismarck Planning & Zoning Commission met on January 24, 2024, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner, Robert Field, Cole Johnson, Dan Lukens (via Zoom), Gabe Schell, Mike Schmitz (via Zoom), Mike Schwartz, Trent Wangen and Paul Zent.

Commissioner Wendy Van Duyne was absent.

Staff members present were Brady Blaskowski – Building Official, Sandra Bogaczyk – Office Assistant II, Janelle Combs – City Attorney, Ben Ehreth – Community Development Director, Isak Johnson – Planner, Daniel Nairn – Planning Manager, Lauren Oster - Planner and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the December 20, 2023, meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the December 20, 2023, meeting, as presented. Commissioner Field seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

CONSIDERATION

- 2. MUNICIPAL FOURTH ADDITION FIRST REPLAT
PUD AMENDMENT**
- 3. CAPITAL ELECTRIC SECOND ADDITION
ZONING MAP AMENDMENT**
- 4. MCKENZIE AND COFFIN'S ADDITION
ZONING MAP AMENDMENT**
- 5. WILLIAM BLACKSTONE ADDITION
MAJOR SUBDIVISION PRELIMINARY PLAT
ZONING MAP AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Schell made a motion to approve consent agenda items 2, 4 and 5, calling for public hearings and granting tentative approval on the items as recommended by staff. Commissioner Johnson seconded the motion and it was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

Mr. Nairn stated that based on the findings contained in the staff report staff recommended calling a public hearing for Consent Agenda item 3 and explained that staff has learned since the release of the staff report that the recommended annexation agreement is not permitted

by Century Code, and that other alternatives would need to be explored to meet objectives of the plan. He stated that Jacob Barney of Five Star Storage was present at the meeting via Zoom to answer any questions.

Mr. Schmitz asked why plans for storage buildings were being considered in a largely residential area. Mr. Nairn stated that the Future Land Use Plan (FLUP) designates the area for industrial uses, but this can be discussed by the Planning and Zoning Commission.

MOTION: Based on the findings contained in the staff reports, Commissioner Schell made a motion to approve consent agenda item 3, calling for public hearings and granting tentative approval on the items as recommended by staff. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT FIRST RESPONDERS THIRD ADDITION

Chair Schwartz called for the public hearing on the major subdivision final plat for First Responders Third Addition. The proposed plat is two lots in one block on 5.34 acres and is located in east Bismarck, east of North Bismarck Expressway and south of East Main Avenue / County Highway 10, in the northwest quadrant of 52nd Street NE and Midwest Drive (a replat of all of First Responders Addition, Part of Auditor's Lot 6A of Auditor's Lot 6, Part of Lot 7B of Auditor's Lot 7, part of the W½ of 52nd Street SE right-of-way, and part of the N½ of Midwest Drive right-of-way, Section 1, T138N-R80W/Lincoln Township.

Ms. Wollmuth provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed major subdivision final plat would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the major subdivision final plat for First Responders Third Addition as presented.

Chair Schwartz opened the public hearing.

Ms. Wollmuth introduced Mr. Schneider from Toman Engineering who concurred with the information contained in Ms. Wollmuth's presentation.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the major subdivision final plat for First Responders Third Addition. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING –MINOR SUBDIVISION FINAL PLAT AND ZONING CHANGE SONNET HEIGHTS SUBDIVISION NINTH REPLAT

*This item was presented as 'Sonnet Heights Subdivision Eighth Replat' at the public hearing. After the public hearing, staff discovered that an Eighth Replat already exists. Therefore, this project has been retitled 'Sonnet Heights Subdivision Ninth Replat'. The minutes will use Ninth Replat to reflect the correct name.

Chair Schwartz called for the public hearing on a zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district and a minor subdivision final plat for Sonnet Heights Subdivision Ninth Replat. The proposed plat is 5 lots in one block on 1.15 acres and is located in north Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive.

Mr. Johnson provided an overview of the request, presented a public comment that staff received prior to the hearing, and stated that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed minor subdivision final plat and zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat and zoning map amendment for Sonnet Heights Subdivision Ninth Replat as presented.

Chair Schwartz opened the public hearing.

Mr. Johnson stated that Jason Voegele was present to answer questions from the commissioners.

Mr. Schell asked who is to maintain the common area. Mr. Voegele stated that a homeowners association was being established for that purpose.

Mr. Bitner asked Mr. Voegele to address the public comment, included in the agenda packet for this item, regarding right-of-way access, stormwater issues, and access to adjacent properties. Mr. Schneider, on behalf of Mr. Voegele, stated that the proposed lots would receive access from Normandy Street and that the project area is private property adjacent to other privately-owned property, so there is no public access between the properties. He also stated that the stormwater plan was conditionally approved by the City Engineering Department. Mr. Bitner then reiterated that it is not the responsibility of the developer to give neighbors access through private property.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district and a minor subdivision final plat for Sonnet Heights Subdivision Ninth Replat. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT HOME OCCUPATIONS

Chair Schwartz called for the public hearing on the zoning ordinance text amendment for home occupations.

Mr. Nairn provided an overview of the proposed amendment, noting that the proposed ordinance includes minor and a major home occupation categories, with the minor being allowed by-right and major appearing before the Planning and Zoning Commission. He noted that staff convened a stakeholder committee, conducted a public survey, reviewed peer communities, and took documented complaints from neighbors into consideration when forming suggestions for amending the ordinance, all of which is included in the staff report. He then noted that the parameters of the proposed ordinance include number of employees, noise, traffic, weight of vehicles, quantity and hours of visits, and other provisions. Mr. Nairn stated that providing accessibility to any business with public accommodations may be required by federal law, regardless of home occupation status. He then stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning ordinance text amendment would not adversely impact the public health, safety and general welfare.

Mr. Nairn said, based on the findings, staff recommends approval of the zoning ordinance text amendment related to home occupations.

Commissioner Field noted a difference between living in the Extra-Territorial Area (ETA) and within the corporate city limits. He suggested that a majority of people living in the ETA do not want to see limitations on land use regarding possible future business opportunities and stated that he supports limitations in the city limits. Mr. Bitner agreed and noted he felt that limitations on land use would limit property values.

There was discussion about specific and general home occupation scenarios.

Mr. Ehreth stated the vast majority of complaints the City receives are in the ETA, often surrounding the issues of noise and traffic from small businesses storing equipment and materials at homes in the ETA.

Ms. Combs stated that the City of Bismarck does have jurisdiction in the ETA for zoning compliance but not for general health and safety ordinances and further explained the City's role in compliance.

Commissioner Wangen agreed with Commissioners Field and Bitner's position of wanting less regulation on land use in the ETA.

Chair Schwartz asked how many complaints have been business-related. Mr. Ehreth confirmed with Mr. Blaskowski that the complaints are contractor and traffic-related, and about equipment and employees; that the noise and traffic are not the rural setting that the rural residents brought into.

There was discussion about the difference between daily versus weekly traffic regarding garbage and snowplow vehicles versus daily construction vehicles and road stress.

Mr. Schmitz explained that the proposed zoning text amendment is written to allow the clarification and flexibility for more business in the ETA and explained that the current ordinance is not working.

There was discussion about the proposed process and fee schedule.

Commissioners Zent, Field, and Bitner discussed a lack of representation for residents of the ETA.

Mr. Nairn mentioned that the existing Burleigh County home occupation ordinance is, in some ways, more restrictive than what staff is proposing, and that no outside employees are allowed for home occupations outside of the ETA.

Chair Schwartz called for the public hearing on the zoning ordinance text amendment.

Mr. Jake Wutzke, who owns a landscape business on two acres in the ETA, stated that he has not had any complaints directly from neighbors. He requested that commissioners support home-based businesses more than what is detailed in the proposed ordinance.

Mr. Tyson Austin, who owns a landscape business on five acres in the ETA, stated that he lives among neighbors with horses and their livestock trailer traffic, all the package delivery service and day-care traffic in his neighborhood. He disagreed with the proposed ordinance and compared professional drivers' safety levels against private citizens' unsafe driving habits.

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

There was discussion about degrees of enforcement under current rules versus enforcement under the proposed ordinance.

Commissioner Schell suggested that the proposed ordinance is better than the current one and suggested that it might be beneficial to try it and see how it works.

Commissioner Johnson questioned the limitations of outside employment and what impact this may have on childcare and other businesses. Mr. Nairn noted that childcare operators would be exempted, because state licensing requires outside employment, and considered minor home occupations.

Commissioner Johnson noted that the ordinance may consider live-work units permitted under the building code, but that this may be an issue to address in the large zoning ordinance rewrite.

Commissioners Bitner, Wangen, and Field repeated that they cannot support the proposed ordinance.

Mr. Nairn explained that the proposed ordinance only refers to properties in the Rural Residential zoning district.

Commissioner Schmitz suggested convening a new stakeholder group comprised of rural residents and home-based businesses for further discussion about the language of the ordinance.

MOTION: Commissioner Schmitz made a motion to table the discussion for the zoning ordinance text amendment for home occupations. The motion failed to be seconded and the motion died.

Mr. Ehreth stated the difference between tabling and continuing a motion.

MOTION: Commissioner Zent made a motion to continue the discussion for the zoning ordinance text amendment for home occupations. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS TERMS AND OATHS OF OFFICE

Chairman Schwartz thanked current and previous Commissioners for their service in guiding decisions in city planning.

New oaths of office were shared with those Commissioners present at this time and notarized for filing with City Administration.

ELECTION OF OFFICERS:

Chair Schwartz opened nominations for the election of Chair and Vice Chair at this time.

Chair Schwartz stated that he would enjoy continuing being chair. Commissioner Zent made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning and Zoning Commission. Commissioner Field seconded the motion and, with Commissioners Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion, Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Johnson stated that he would enjoy continuing being vice-chair. Mr. Bitner made a motion to elect Cole Johnson as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Zent seconded the motion and with Bitner, Field, Johnson, Lukens, Schell, Schmitz, Schwartz, Wangen and Zent voting in favor of the motion, Cole Johnson was elected Vice Chair of the Bismarck Planning and Zoning Commission.

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 6:45 p.m. to meet again on February 28, 2024.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2024

*****City*****

*****ETA*****

Census Code	1/2024		1/2023		1/2024		1/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	\$576,676.00	8	\$1,412,138.56	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	1	\$241,700.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	3	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$13,118.40	0	\$0.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	3	\$4,945.50	0	\$0.00	0	\$0.00	0	\$0.00
SWIMMING POOLS	0	\$0.00	1	\$85,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	2	\$77,500.00	2	\$110,000.00	1	\$59,000.00	1	\$9,250.00
BASEMENT FINISH	5	\$102,125.00	6	\$77,292.50	0	\$0.00	2	\$69,552.50
RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	5	\$66,879.00	1	\$3,600.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$21,295.00	1	\$2,550.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	3	\$480,000.00	10	\$850,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	9	\$4,479,930.00	9	\$2,320,000.00	0	\$0.00	0	\$0.00
Total	41	\$6,064,168.90	41	\$4,860,581.06	1	\$59,000.00	3	\$78,802.50

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2024**

*****City*****

*****ETA*****

Trade Permit Type	1/2024		1/2023		1/2024		1/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	64	\$0.00	68	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	139	\$2,275,286.76	124	\$1,561,891.72	4	\$24,513.00	8	\$243,737.75
BUILDING PLUMBING	11	\$1,030,960.00	6	\$147,000.00	2	\$12,043.00	0	\$0.00
Total	214	\$3,306,246.76	198	\$1,708,891.72	6	\$36,556.00	8	\$243,737.75

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2024

	*****City*****		*****ETA*****	
	1/2024	1/2023	1/2024	1/2023
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	3	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	8	0	0
SINGLE FAMILY DETACHED	1	0	0	0
SWIMMING POOLS	0	0	0	0
Total	10	9	0	0

PERMIT ACTIVITY FEE REPORT - YTD
DATE SELECTION 1/2024

*****City*****

*****ETA*****

Census Code	1/2024		1/2023		1/2024		1/2023	
	Permits	Fees	Permits	Fees	Permits	Fees	Permits	Fees
SINGLE FAMILY DETACHED	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	\$3,105.80	8	\$7,082.00	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	1	\$1,327.50	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	3	\$450.00	1	\$150.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$168.55	0	\$0.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	3	\$185.75	0	\$0.00	0	\$0.00	0	\$0.00
SWIMMING POOLS	0	\$0.00	1	\$560.45	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	2	\$594.60	2	\$758.40	1	\$451.25	1	\$134.95
BASEMENT FINISH	5	\$1,120.65	6	\$865.10	0	\$0.00	2	\$650.00
RESIDENTIAL	0	\$0.00	1	\$75.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$75.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	5	\$822.40	1	\$84.55	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$273.75	1	\$76.15	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	3	\$2,969.22	10	\$3,983.28	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	9	\$15,357.12	9	\$12,280.68	0	\$0.00	0	\$0.00
Total	41	\$26,375.34	41	\$25,990.61	1	\$451.25	3	\$784.95

PERMIT ACTIVITY FEE REPORT - YTD
DATE SELECTION 1/2024

*****City*****

*****ETA*****

Trade Permit Type	1/2024		1/2023		1/2024		1/2023	
	Permits	Fees	Permits	Fees	Permits	Fees	Permits	Fees
BUILDING PLUMBING	11	\$1,271.40	6	\$427.00	2	\$96.50	0	\$0.00
Total	11	\$1,271.40	6	\$427.00	2	\$96.50	0	\$0.00