



PLANNING AND ZONING COMMISSION

MEETING AGENDA May 22, 2024

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
<p>Any member of the public may attend this meeting. Comments may be provided on public hearing items either in person, at the appointed time, or emailed by 8 am on the meeting day to planning@bismarcknd.gov for distribution to the Commission and inclusion in minutes, unless anonymous.</p> <p>Coverage of this meeting is available on Government Access Channels 2 & 602HD or streaming live and archived online at</p>	<p>FreeTV.org. Minutes will be available at https://www.bismarcknd.gov/agendacenter.</p> <p>The City of Bismarck does not discriminate in admission or access to its programs, activities, or services. To request accommodations for disabilities and/or language assistance, please contact the Title VI/ADA Coordinator at 701-355-1330.</p> <p>Agenda subject to change prior to meeting.</p>	
Item No.		Page No.

MINUTES

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

CONSENT AGENDA

CONSIDERATION

Requests for public hearings at a later date

2. **Misty Waters, Lots 30-39, Block 1 (JW)**..... 6
 PUD Amendment | PUDA2024-001 | *Consideration*
 Staff recommends: schedule hearing schedule hearing continue table deny

3. **Part of Northern Sky Addition, and all of Northern Sky Second Addition First Replat (IJ)**..... 19
 Zoning Map Amendment | ZC2024-003 | *Consideration*
 Staff recommends: schedule hearing schedule hearing continue table deny



- 4. **East Century Avenue and NE 52nd Street (IJ)** 26
 Major Street Plan Amendment | MSPA2024-001 | *Consideration*
 Staff recommends: schedule hearing schedule hearing continue table deny

**REGULAR AGENDA
PUBLIC HEARINGS**

Requests for final action and forwarding to the City Commission

- 5. **Fettig Subdivision (JW)**.....35
 Major Subdivision Final Plat | FPLT2024-002 | *Continued Public Hearing*
 Staff recommendation: review Development Agreement & findings; take action approve continue
 table deny
 Zoning Map Amendment | ZC2023-014 | *Continued Public Hearing*
 Staff recommendation: review Development Agreement & findings; take action approve continue
 table deny

- 6. **Central Outpost Subdivision (DN)**..... 52
 Major Subdivision Final Plat | FPLT2024-003 | *Public Hearing*
 Staff recommends: approve approve continue table deny
 Zoning Map Amendment | ZC2024-002 | *Public Hearing*
 Staff recommends: approve approve continue table deny

- 7. **West Region Medical Second Addition (JW)** 69
 Major Subdivision Final Plat | FPLT2024-001 | *Public Hearing*
 Staff recommends: approve approve continue table deny
 Zoning Map Amendment | ZC2024-001 | *Public Hearing*
 Staff recommends: approve approve continue table deny



8. **Brookfield Estates, Lots 10-11, Block 5 (JW)** 80

Special Use Permit (Filling Station) | SUP2024-002 | *Public Hearing*

Staff recommends: approve approve continue table deny

9. **Sonnet Heights Subdivision Fifth Replat, Lots 1-2, Block 1 (LO)** 88

Special Use Permit (Drive-Through) | SUP2024-006 | *Public Hearing*

Staff recommends: approve approve continue table deny

10. **Revisions to A - Agriculture Zoning District (JW)** 95

Zoning Ordinance Text Amendment | ZOTA2023-001 | *Continued Public Hearing*

Staff recommends: approve approve continue table deny

OTHER BUSINESS

11. **Delay of Major Street Plan and Future Land Use Plan Amendments**

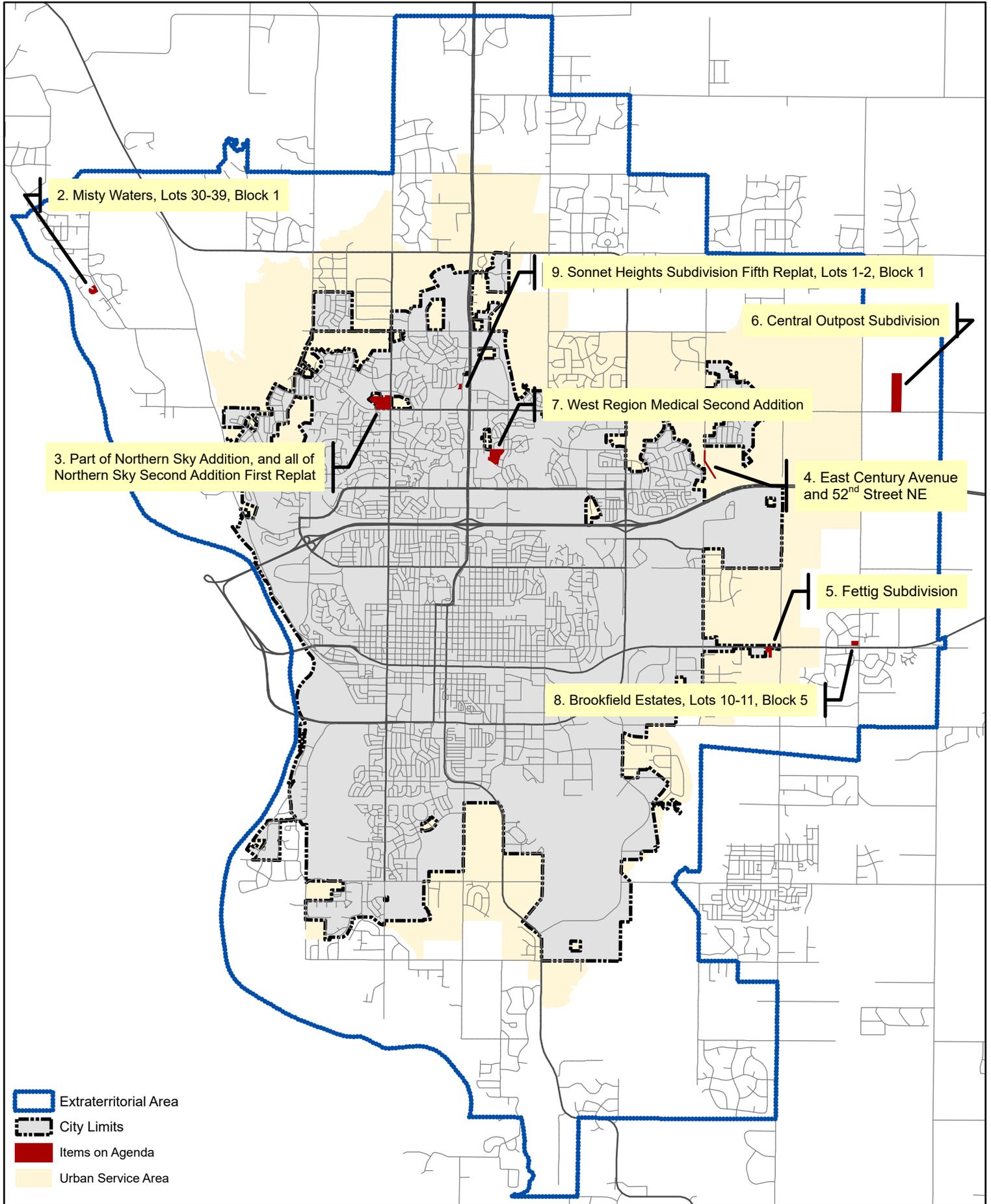
12. **Discuss next steps on Home Occupation ordinance**

ADJOURNMENT

13. **Adjourn.** The next regular meeting date is scheduled for June 26, 2024.

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





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



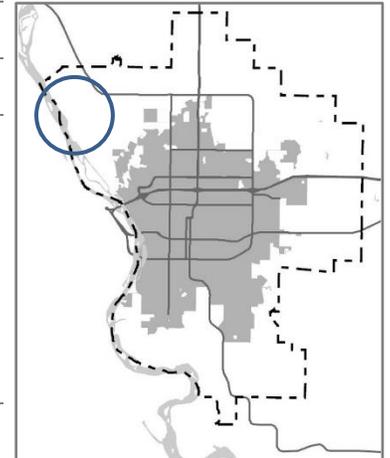
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

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.

Project Summary

<i>Title:</i>	Misty Waters, Lots 30-36 and 38-39, Block 1
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Nancy Volk (Lot 30) Dustin and Holly Seibel (Lot 31) Scott and Tegan Schumacher (32) Hanes and Teresa Reis (Lot 33) Nicole Perreault (Lot 34) Alexander Dahl and Kayla Gradin (Lot 35) Jason and Krysta Sellers (Lot 36) Eric and Sarah Volk (Lots 38-39)
<i>Project Contact:</i>	Michael Gunsch, PE, CFM, Houston Engineering
<i>Project Location:</i>	Northwest of Bismarck, west of River Road along the west north-south portion of Burnt Creek Loop
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Amend PUD for Lots 30-36 and 38-39 to identify the interior edge of the platted 20-foot drainage easement as the rear yard setback from the bay
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	9 lots in 1 block	<i>Lots/Blocks:</i>	9 lots in 1 block
<i>Land Use:</i>	Single-family	<i>Land Use:</i>	Single-family
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<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>	Extraterritorial Area (ETA)	<i>Zoned:</i>	05/2005
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	05/2005
<i>Neighborhood:</i>	Misty Waters	<i>Annexed:</i>	N/A

Project Narrative

The owners of Lots 30-36 and 38-39, Block 1, Misty Waters Subdivision are requesting approval of a Planned Unit Development Amendment (PUDA) that would identify the interior edge of the platted 20-foot drainage easement on their properties as the rear yard setback from the bay. A site exhibit identifying this setback is attached for your review.

The original PUD for Misty Waters was adopted in June 2005 and identified the rear yard setback from the bay as 30 feet. The PUD was amended

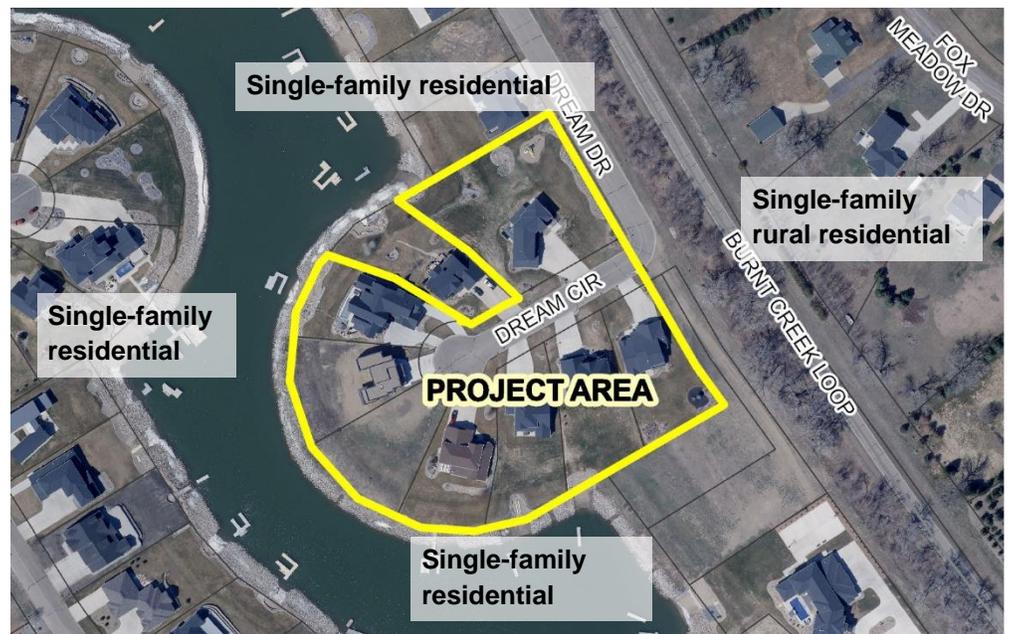
in August 2006 to alter the setback to an elevation of 1640.3 feet as delineated by the contour line described in a Letter of Map Revision (LOMR), which was approved by the Federal Emergency Management Agency (FEMA) in 2005.

A recent North Dakota Supreme Court ruling determined this LOMR was to function as the setback from the bay. As such some properties within Misty Waters encroach on this line. The proposed amendment would resolve this encroachment for the above referenced lots.

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 the PUDA are referenced in review standards below.

Public Engagement

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

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

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)

Yes. The following objectives of the plan would be advanced through the amended planned unit development.

S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands:

- e) Evaluate requests for amendments to plans, ordinances, and the zoning map based on a change in conditions since the last action was taken.*

A recent North Dakota Supreme Cour ruling determined that a FEMA approved LOMR was to function as the setback from the bay. As such some properties within Misty Waters encroach on this line. The proposed amendment would resolve this encroachment for the above referenced lots.

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 amended planned unit development 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. Misty Waters includes a bay with an outlet to the Missouri river. Both the bay and outlet are utilized by the public and property owners within Misty Waters. The amended planned unit development would not modify these existing natural features but would identify the interior edge of the platted 20-foot drainage easement on their properties as the rear yard setback from the bay.

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 planned unit development 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 current PUD allows for a mix of single, two and multifamily uses, and commercial uses. The proposed amendment would not modify these uses.

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.

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 scheduling a public hearing for the major Planned Unit Development amendment as outlined in the draft amendment document.

Attachments

1. Draft PUD Amendment Document
2. Zoning and Plan Reference Map
3. Written Statement
4. Site Exhibit

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

**MISTY WATERS PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5435 (Adopted June 14, 2005)
MAJOR PUD AMENDEMNT (Adopted August 23, 2006)
MAJOR PUD AMENDMENT (Adopted October 25, 2017)
MAJOR PUD AMENDMENT (Adopted October 28, 2020)
MAJOR PUD AMENDMENT (Adopted August 23, 2023)**

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

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

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

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

WHEREAS, the PUD was amended on October 25, 2017 to clarify language relating to multi-family residential development within the PUD; and

WHEREAS, The PUD was amended on October 28, 2020 to replace multi-family residential uses within a portion of the development with single-family uses for Lot 84, Block 1 and Lot 40, Block 3 replatted as Lots 1 and 2, Misty Waters First Replat,

WHEREAS, Lot 2, Block 1, Misty Waters is being replatted as Misty Waters Second Replat, a 2 lot 1 block subdivision, and PUD amendment to remove multi-family uses within the replatted area and allow self-storage uses on Lot 1, Block 1, Misty Waters Second Replat.

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

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

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

1. Uses Permitted. Uses permitted include a maximum of 129 residential units (121 single-family residential units and up to 30 two-family residential

units) to be constructed in condominium associations with two units per building or as twinhome/townhouse projects with mutual easements and obligations with two units per building; water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store with a two-bay boat repair facility, and a restaurant/bar; marina parking facilities; parking facilities for winter storage of marine boats and pontoons; and a public boat ramp with parking to be deeded to Burleigh County. Any change in the proposed uses within the PUD from that indicated herein will require an amendment to this PUD.

2. *Single-Family Residential Development Standards.* Single family residential development shall be located on Lots 2–81, Block 1 and Lots 2- 37, Block 3, Misty Waters and Lots 1-3, Block 1 and Lots 1-3, Block 2, Misty Waters First Replat 121 lots with one dwelling unit per lot); the building corridor shown on the development plan submitted with the original application for a PUD shall be eliminated; the minimum front yard setback shall be 40 feet on Burnt Creek Loop, 35 feet on Misty Waters Drive and 25 feet on the other interior roadways; the minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR **for all lots within Misty Waters with the exception of Lots 30-36 and Lots 38-39, Block 1, Misty Waters. The minimum rear yard setback for Lots 30-36 and Lots 38-39, Block 5, Misty Waters shall be the interior edge of the platted 20-foot drainage easement;** the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 30%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Multi-family or Two-family Residential Development Standards.* Multi-family or two-family residential development shall be located on all of Lots 82-83, Block 1, and Lots 38-39, Block 3 (separate parcels with the option of a separate condominium-association for each parcel or a twinhome/townhouse project with mutual easements and obligations for each parcel and with up to fifteen buildings with no more than two units in each building); the building corridor shown on the development plan submitted with the original application for a PUD shall be eliminated; the minimum front yard setback shall be 35 feet; the minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100

feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 40%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

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

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

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

7. *Storage Uses.* Self-storage development shall be located on Lot 1, Block 1, Misty Waters Second Replat and shall be limited to seven buildings, no more than two stories in height and comply with the following use standards:

- a. Commercial (including offices), residential, and assembly uses are prohibited within storage buildings/units, except for up to 2 units in the southwestern most building. These units may be used for marina operations, watercraft winterization and minor maintenance of watercraft.
- b. Fixtures commonly associated with bathrooms, kitchens, offices and bedrooms are prohibited, with the exception of no more than 1 toilet and 1 sink, in each storage unit.
- c. Floor drains are permitted in each unit.
- d. Water may be installed to one common exterior location for watercraft maintenance.

8. *Design and Aesthetic Standards.* The following design and aesthetic standards shall apply to all structures located on Lot 1, Block 1, Misty Waters Second Replat:

- 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, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. *Building Materials.* All building facades must be designed primarily with architecturally finished materials.
 - i. Primary building materials are 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.
 - ii. The following building materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; and exposed, untextured, uncolored, unaugmented concrete, including poured in place, pre-cast concrete panels and concrete block.

- c. *Lighting.* All exterior lighting shall be designed and installed in a manner intended to limit off-site impacts to adjacent residential uses.

79. Signage. Development identification signage may be installed on Lot 1, Block 2, in accordance with the requirements of Section 14-03-05(9) of the City Code of Ordinances (Residential Area Identification Signs). Signage for the commercial uses on Lot 2, Block 1, shall be limited to one pylon sign no more than 35 feet in overall height with a face not exceeding 96 square feet, one monument sign with a face not exceeding 48 square feet, and up to two wall signs per building (one facing the marina and one facing the entrance to the commercial area) in accordance with the provision of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures).

8-10. Landscaping. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The perimeter parking lot landscaping requirements may be modified by the City Forester and/or Community Development Director to recognize the setting of the development and to incorporate deer and drought-resistant plant materials, provided the overall intent of the landscaping requirements, if not the specific plant quantities, are met.

The following landscaping and buffering requirements shall be installed in conjunction with development of Lot 1, Block 1, Misty Waters Second Replat:

1. A 20-foot wide landscaping buffer along the north side of the lot with planting materials and density outlined in Section 14-03-11 of the City Code of Ordinances.
2. A 20-foot wide landscaping buffer along the east side of the lot, within the Burnt Creek Loop right-of-way with planting materials and density outlined in Section 14-03-01 of the City Code of Ordinances.

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

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

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

14. Changes. This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major

changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

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

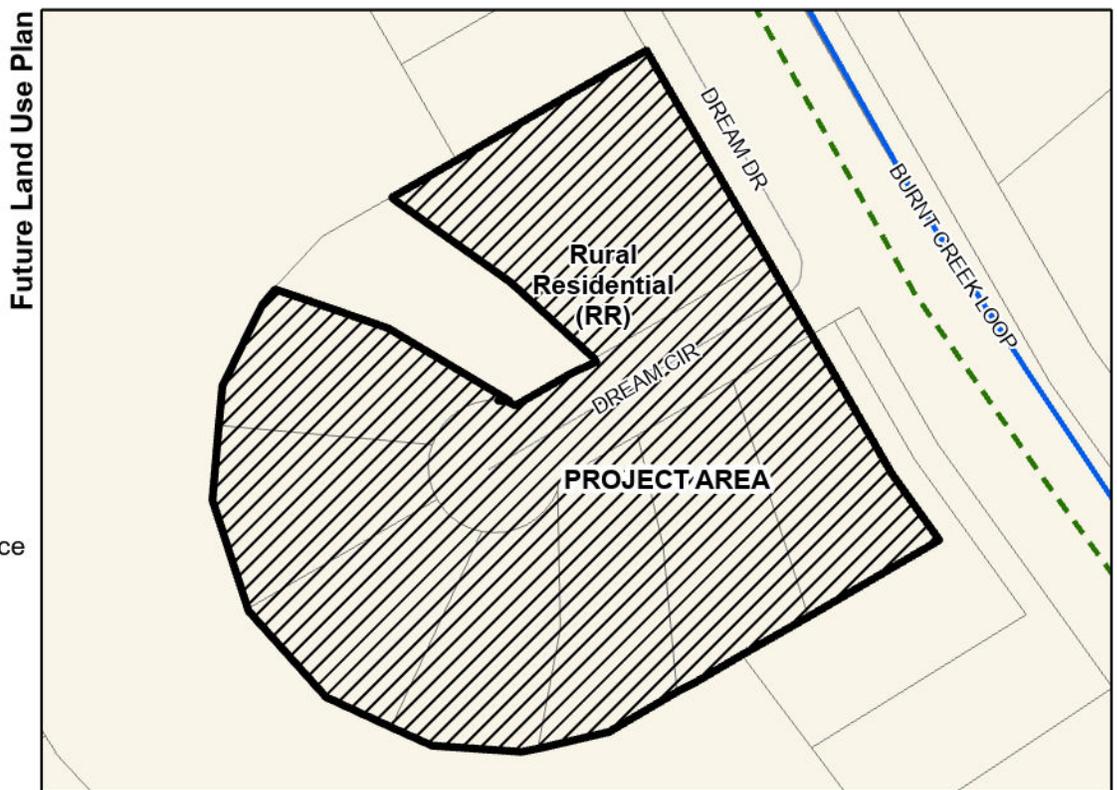
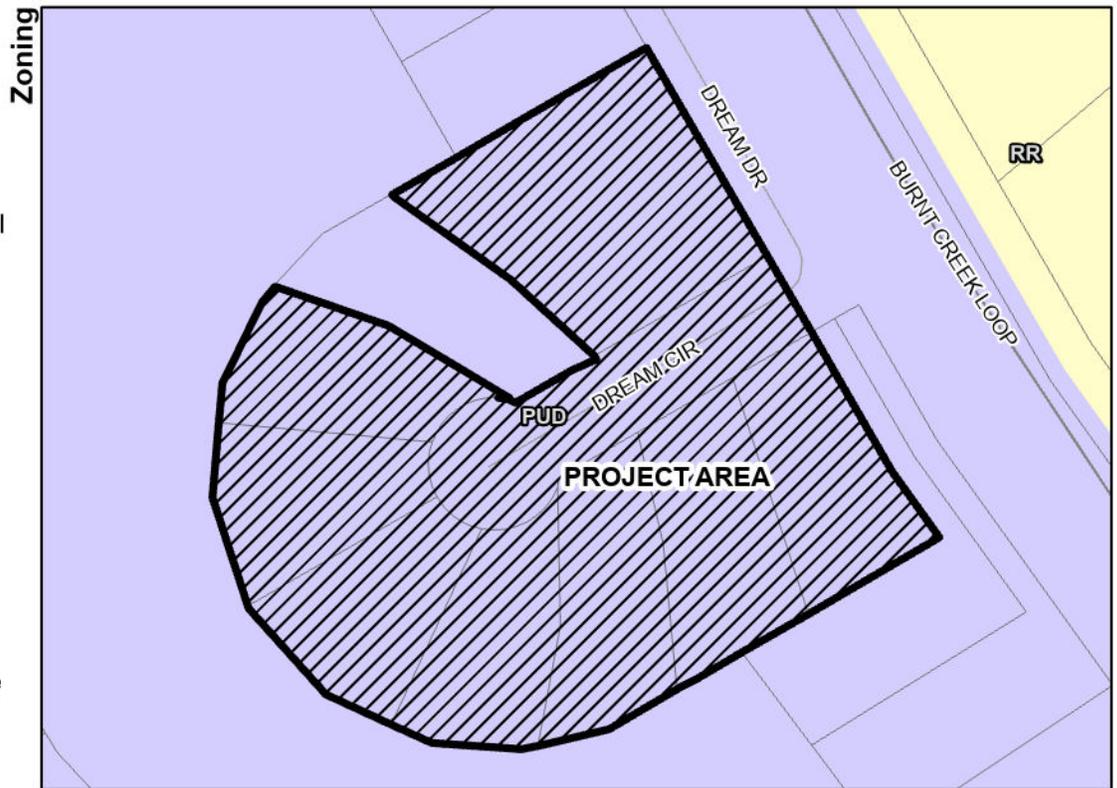
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

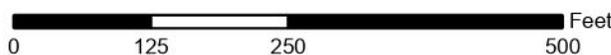
— Future Shared Trail

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
May 17, 2024

TABLE ONE

Misty Waters Dream Circle PUD Amendment

Rear Set Back Compliance Evaluation

PUD Lot Data Summary

4/18/2024

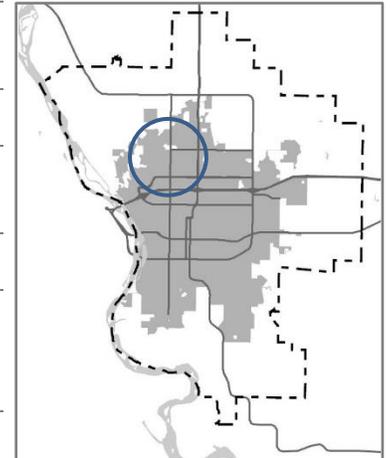
PUD Lots	Parcel No.	Name	Address	Lot Block.1	Lot In Noncompliance	Elevation Certificate Data			LOMR (revalidation)	Lot Survey Source				Building Permit Setbacks			
						BFE [2] [3]	Lowest Adjacent Grade (LAG)	BFE 2024		Building Permit Date	Survey (firm)	Front Yard	Rear Yard [1] [3]	2005 LOMR Shown on lot certificate [2] [4]	Side Yard	Essements	
1	31-139-81-60-01-300	Nancy K Volk Living Trust	6313 Dream Circle Bismarck, ND 58503	30				1640.7	FEMA	10/5/2016	Swenson, Hagen & Company P.C.	25	20	Y	6-15.8	10' UE Front PL (NW)	
2	31-139-81-60-01-310	Dustin & Holly Seibel (2018)	6321 Dream Circle Bismarck, ND 58503	31		1640.9	1642.3	1640.7	FEIMA	4/17/2018	Swenson, Hagen & Company P.C.	25	20	Y	6-17.7	10' UE Front PL (N), 20' Irrigation Easement, Rear PL (S)	
3	31-139-81-60-01-320	Scott & Tegan Schumacher (2019)	6329 Dream Circle Bismarck, ND 58503	32		1640.8	1642.3	1640.7	FEIMA	4/17/2019	Swenson, Hagen & Company P.C.	25	30	Y	10	10' UE Front PL (NW)	
4	31-139-81-60-01-330	James & Teresa Reis (2009)	6337 Dream Circle Bismarck, ND 58503	33	Yes			1640.7	FEIMA	8/4/2009	Houston Engineering, Inc.	25	35	N	10	10' Utility Easement Front PL (N)	
5	31-139-81-60-01-340	Nicole Perreault	6343 Dream Circle Bismarck, ND 58503	34				1640.7	FEIMA								
6	31-139-81-60-01-350	Alexander Dahl & Kyla Gradin (2021)	6340 Dream Circle (818 Hudson Street) Bismarck, ND 58503	35		1640.9	1641.8	1640.7	FEIMA	9/13/2021	Swenson, Hagen & Company P.C.	25	LOMR-F Case No. 05-08-0351A	Y	10	10' Utility Easement Front (E), 20' Drainage Easement Rear (W), 30' Drainage & Access Easement Side (S)	
7	31-139-81-60-01-360	Jason & Krysta Sellers (2019)	6334 Dream Circle Bismarck, ND 58503	36	Yes	1640.9	1641.9	1640.7	LOMR-F Case No. 20-08-0557A	9/18/2019	Swenson, Hagen & Company P.C.	25-35-40	30		10	10' UE Front PL (N), LOMAR Boundary Line Mid lot 05-19-2005, 20' Drainage Easement 3/4 of Lot	
8	31-139-81-60-01-390	Eric & Sarah Volk (2015)	6312 Dream Circle Bismarck, ND 58503	38 & 39				1640.7	FEIMA	9/12/2015	Swenson, Hagen & Company P.C.	25	25		6-38.9	10' UE on Front PL (SE), right side PL (NE), & rear PL (NW), 20' (L Shaped) drainage easement, 40' (SE) in front of left rear pin & 67.48' (NE) to the right of left rear pin	

Notes:

- The original PUD dated June 17, 24, 2005 created a 30 foot rear year set back, which conflicted with the stormwater easement, which effectively became the de-facto setback.
- A revised PUD dated August 23, 2006 created a rear year set back using the plated 2005 LOMR(F) line, which was based on the BFE elevation of 1640.3 and intended to keep residences from being constructed in the floodplain. The interpretation by the City and HOA was that if the property was filled and BFE elevation relocated effectively the stormwater easement again became the de-facto set back. The ND Supreme Court interpreted the PUD language to state that the 2005 LOMR-F line was in fact "a fixer" setback line.
- This PUD revision would correct the noncompliance issues created by the ND Supreme Court's determination, and restore the intent of the original and second PUD.
- The original LOMR-F Case No. 05-08-351A was dated May 19, 2005, a 2005 revision was completed which removed additional property from the floodplain, however this was not addressed in the Supreme Court's decision so the 2005 line governs in all locations.
- The 2005 LOMR-F line was based on the BFE elevation 1640.3, however the actual elevation the meets and bound location can be higher, but not lower than.
- The 2024 BFE is 1640.7, which is 0.4 feet higher than the 2005 BFE at 1640.3 (MAND 88) - these are based on a backwater elevation from marina access channel.
- Note the BFE's used on the elevation certificates were illekey obtained from the Missouri River profile, which is why they are higher than the backwater BFE noted in note #6.

Project Summary

<i>Title:</i>	Part of Northern Sky Addition, and all of Northern Sky Second Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Wilment Development, LLC and Wilment Properties LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	Northwest Bismarck, in the northwest quadrant of the intersection of Washington Street and Ash Coulee Drive
<i>Project Size:</i>	25.6 acres
<i>Applicant Request:</i>	Rezone the property to CG – Commercial to allow additional commercial uses
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	4 lots in 4 blocks	<i>Lots/Blocks:</i>	4 lots in 4 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Undeveloped
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	CA – Commercial RT – Residential	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CA – Neighborhood commercial RT – Offices and multi-family residential	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CA – 30 units / acre RT – 30 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	11/2002 & 08/2020
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	08/2012 & 06/2022
<i>Neighborhood:</i>	Horizon Heights	<i>Annexed:</i>	2012 & N/A

Project Narrative

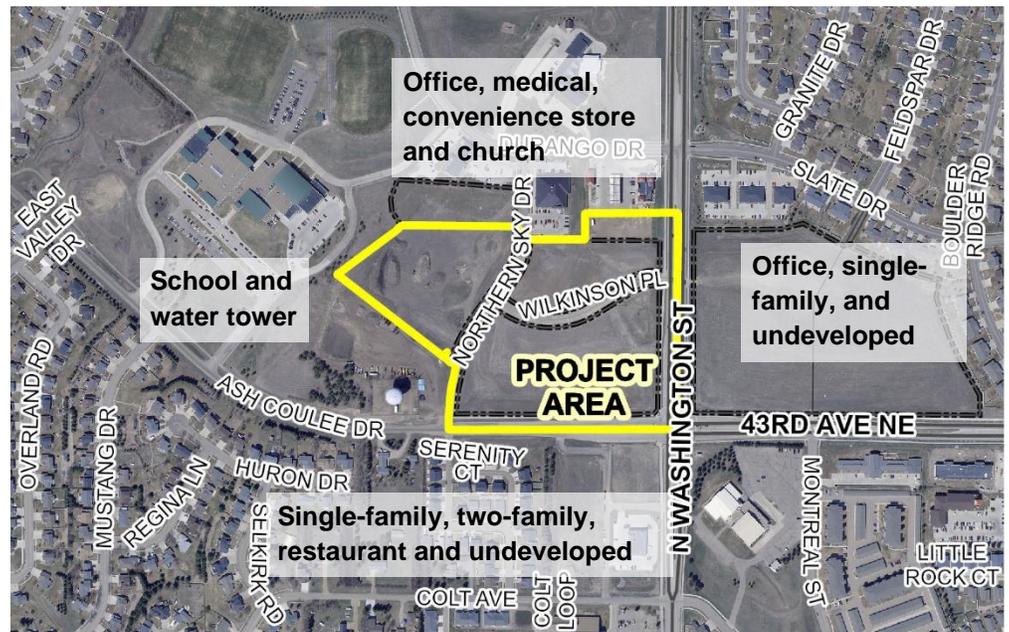
Wilment Development LLC and Wilment Properties LLC are requesting approval of a zoning map amendment on Lot 1 Less the North 250 feet, Block 1, Northern Sky Addition and all of Northern Sky Second Addition First Replat. The applicant is requesting a change from the existing RT – Residential and CA – Commercial zoning

districts to CG – Commercial zoning district for the entire project area. Lot 1 Less the North 250 feet, Block 1, Northern Sky Addition is within the corporate limits of Bismarck while the entirety of Northern Sky Second Addition First replat, which the exception of the rights-of-way, is currently not annexed but surrounded by the corporate limits.

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 primarily Community Mixed Use (CMU) in the Future Land Use Plan, with one small area of Neighborhood Mixed Use (NMU). The CMU and NMU areas are both described as a mixture of housing and commercial or employment activity, with the former leaning more into commerce and employment opportunities and the latter focusing on more residential opportunities. Goals and objectives of this plan as they relate to zoning map amendments are referenced in review standards below.

The project area is immediately surrounded by a variety of different zoning districts including P – Public to the west, PUD – Planned Unit

Development and RT – Residential to the south, CA – Commercial and RT – Residential to the east, and CA Commercial, PUD – Planned Unit Development and RT – Residential to the north. The general land uses in the surrounding area include single-family and two-family dwellings, offices, medical facilities, churches, a school and some undeveloped, unannexed land to the east across Washington Street that is also owned by the applicant.

Public Engagement

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

(continued)

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 Community Mixed Use (CMU) and 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 a variety of commercial uses including retail, services, offices, and medical uses. While no specific development is being proposed in conjunction with this request, the applicant has stated that the intent of the zoning change is to allow additional commercial uses not currently allowed in the existing CA – Commercial and RT – Residential districts. While there is some single- and two-family residential development directly to the south of the project area, Ash Coulee Drive is a wide arterial roadway. This will act as a separation between the commercial development to the north with minimal access directly between the two areas. Therefore, 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 CA – Commercial and RT – Residential zoning districts were established in November 2002 and August 2020, depending on the parcel and plat. Conditions have changed since this time. The area continues to develop with a mixture of residential and commercial uses that a CG – Commercial zoning district would continue to support.

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

- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- G2: Provide for a compact and orderly patten of outward urban growth.
- G3: Coordinate expansion of city infrastructure and services with growth.

This project does not directly involve other immediate changes to the area such as annexation or specific development on the land, yet the zoning change would not impede future development and could potentially encourage development.

There is a development agreement in place for Northern Sky Second Addition First Replat that states the area will be annexed no later than 2030 if the landowner(s) do not request annexation sooner.

(continued)

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 calling for a public hearing for the zoning map amendment on Lot 1 Less the North 250 Feet, Block 1, Northern Sky Addition and all of Northern Sky Second Addition First Replat.

Attachments

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

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@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 RT – Residential and CA – Commercial zoning districts and included in the CG - Commercial zoning district:

Lot 1 Less the North 250 Feet, Block 1, Northern Sky Addition and all of Northern Sky Second Addition First Replat

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

ZC2024-003

NORTHERN SKY ADD LOT 1, BLOCK 1 & NORTHERN SKY 2ND
FIRST REP

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

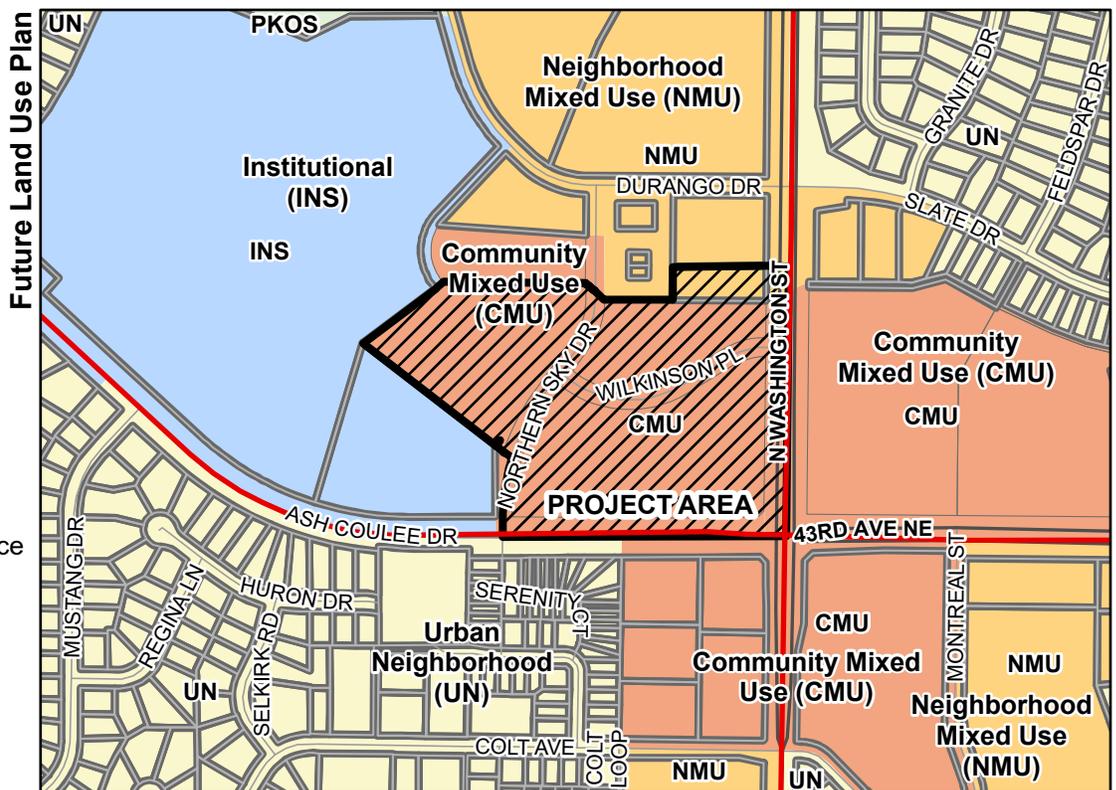
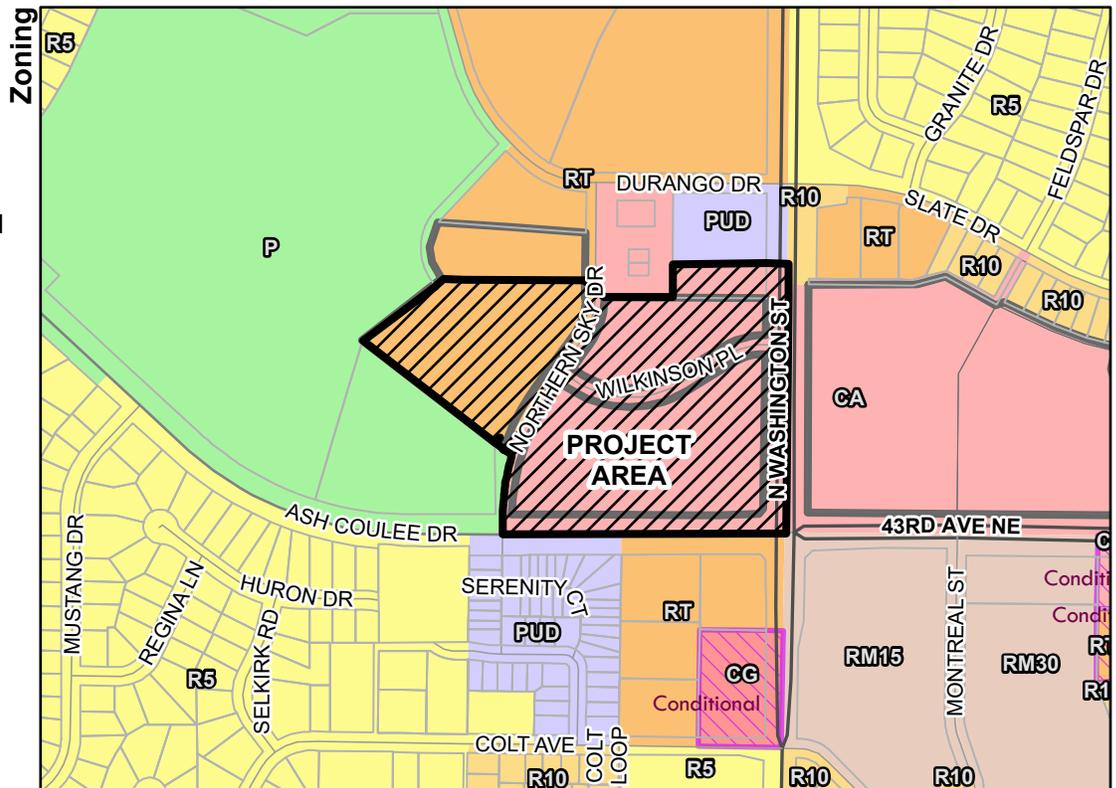
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

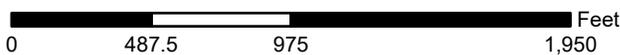
— Future Shared Trail

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 hereon.



City of Bismarck
Community Development
Planning Division
May 9, 2024



Proposed Zoning Change

ZC2024-003

NORTHERN SKY ADD LOT 1, BLOCK 1 & NORTHERN SKY 2ND FIRST REP

Proposed New Zoning Map

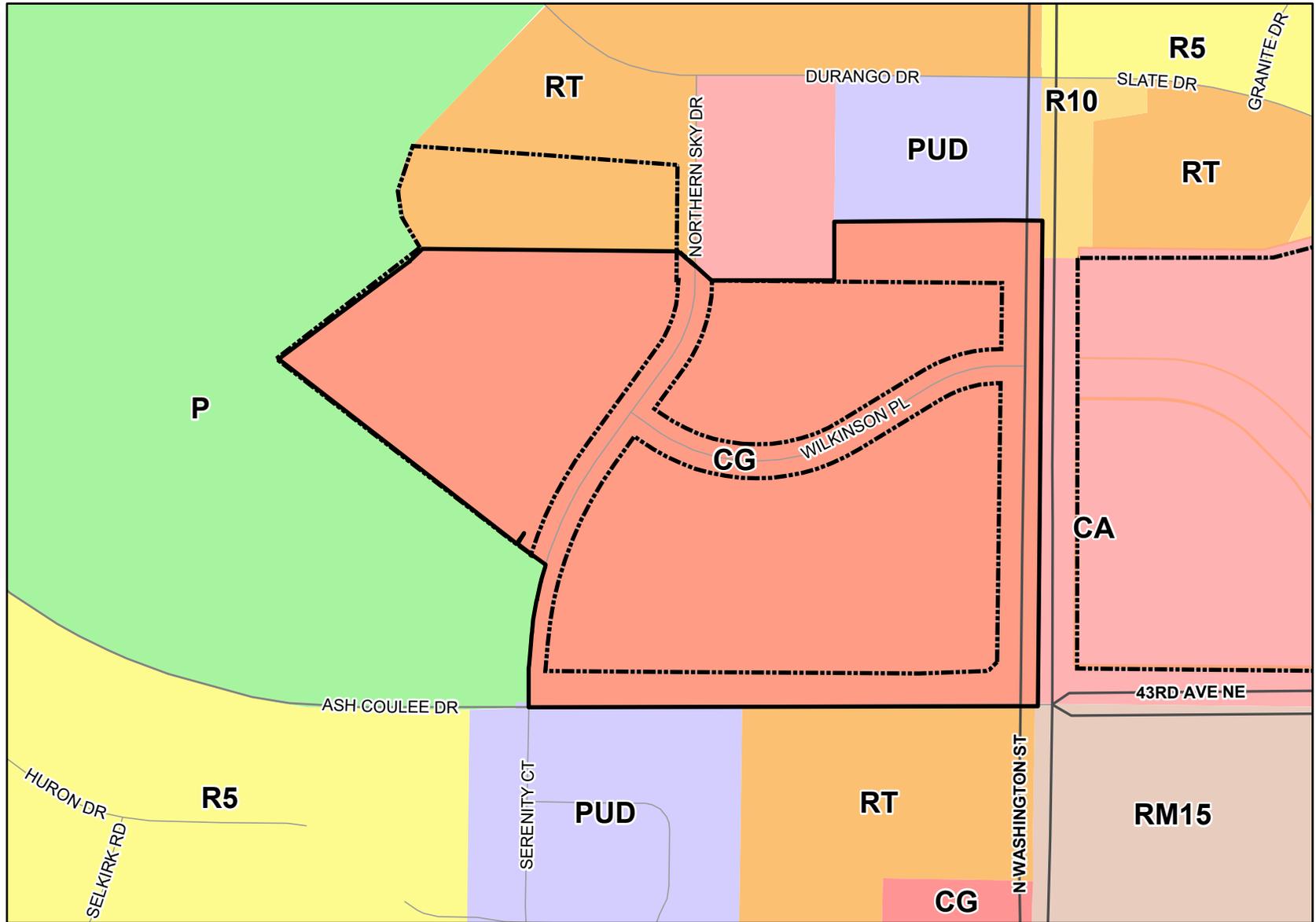
Project Area (zoning within is proposed)

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



City of Bismarck
Community Development
Planning Division
May 9, 2024

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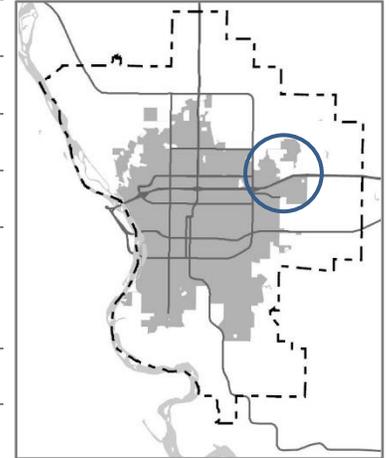
STAFF REPORT

Application for: **Major Street Plan
Amendment**

Project ID: **MSPA2024-001**

Project Summary

<i>Title:</i>	East Century Avenue and NE 52nd Street
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Sattler Family LLLP
<i>Project Contact:</i>	Isak Johnson, Planner, Community Development
<i>Project Location:</i>	Northeast of Bismarck, along East Century Avenue and 52nd Street NE, between Interstate-94 and East Calgary Avenue
<i>Project Size:</i>	5.77 acres
<i>Applicant Request:</i>	Amend the Major Street Plan to maintain consistency with construction project planned by the City Engineering Department
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Parts of 2 tracts of land	<i>Lots/Blocks:</i>	Parts of 2 tracts of land
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Undeveloped
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	A – 1 unit / 40 acres

Area Information

Property History

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

Project Narrative

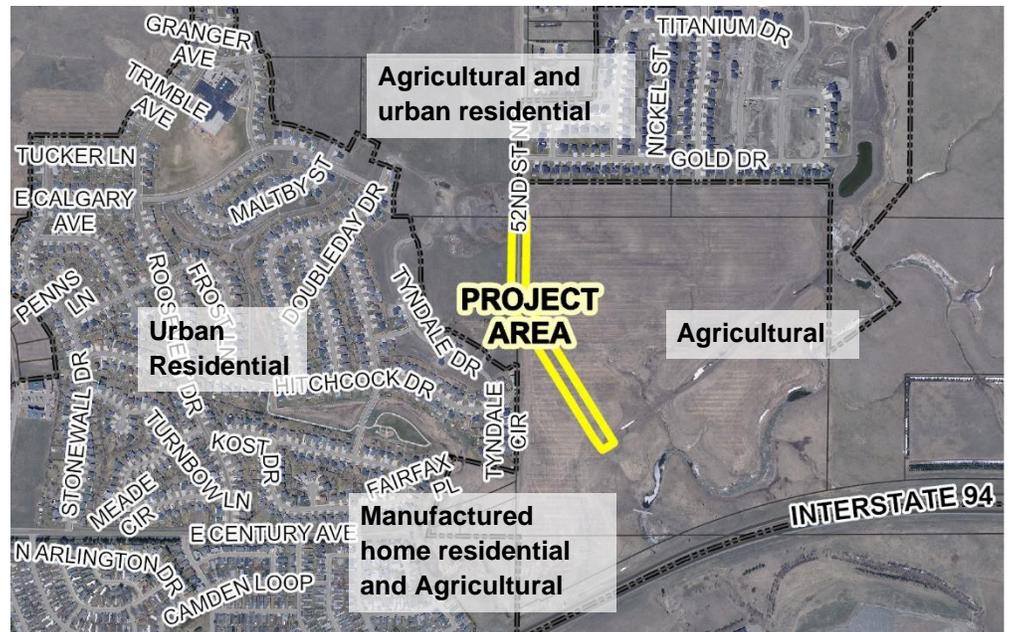
The Community Development Department is requesting approval of a Major Street Plan Amendment (MSPA) in the area of Section 24, T139N-R80W, Hay Creek Township and Section 19, T139N-R79W, Gibbs Township. The project is northeast of Bismarck and just outside of the current corporate limits.

The purpose of the proposed amendment is to maintain consistency between future-facing City plans and an existing construction project in design by the City Engineering Department that would extend East Century Avenue and 52nd Street NE and connect the two of them. The construction project would increase road capacity in the area and provide a second connection to the Silver Ranch neighborhood for City services.

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 Urban Neighborhood (UN) in the Future Land Use Plan. UN areas are described as places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to Major Street Plan Amendments are referenced in review standards below.

The current form of the proposed amendment focuses on the extensions (and connection) of East Century Avenue and 52nd Street NE as shown in the project area. Possible revisions to the alignments of Silver Boulevard and East

Calgary Avenue as they relate to the amendment are part of ongoing discussions.

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 currently proposed amendment increases connectivity between developing portions of Bismarck. It also adds another access point for local and regional traffic as well as City services such as maintenance and emergency services.

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

Yes. The proposed amendment to the 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 collector and arterial would create intersections with spacings of at least 450 feet, approximately, from each other between collectors, and over 1320 feet (one-quarter mile) between any intersection with an arterial. 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. No specific development is currently proposed in the area of the project. The proposed alignments would still allow substantial room for a variety of possible developments.

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, primarily undeveloped land zoned A – Agricultural, thus offering no unique manmade obstructions as well as no substantial natural obstacles. Traverse of waterway will be incorporated into the designs of the roadways.

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 proposed amendment is an addition of approximately 0.40 miles. This will create a new connection between the developing Silver Ranch neighborhood, the rest of the City, and any new development in between. This will provide a long-term benefit for the area which will allow the City to more effectively provide services to the area.

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.

- C3: “Construct and support safe and efficient streets and roads.”
- C4: “Encourage a highly connected network of streets and pathways.”

The extension of 52nd Street NE and connection to the extension of East Century Avenue will create more street connections between areas of

(continued)

Bismarck that will increase the effectiveness of provided municipal maintenance and emergency services in addition to their traffic capacity functions. 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 in parts of Hay Creek and Gibbs Townships (Section 24, T139N-R80W, and Section 19, T139N-R79W).

Attachments

1. Draft Major Street Plan Resolution
2. Zoning and Plan Reference Map
3. Existing Major Street Plan Map
4. Proposed Changes 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 (MSPA2024-001)**

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 June 26, 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 add an additional collector alignment for the area shown on the attached exhibit and described, more or less, as:

Parts of Section 24, T139N-R80W, Hay Creek Township and Section 19, T139N-R79W,
Gibbs Township in 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 9th day of July, 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 July 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT

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

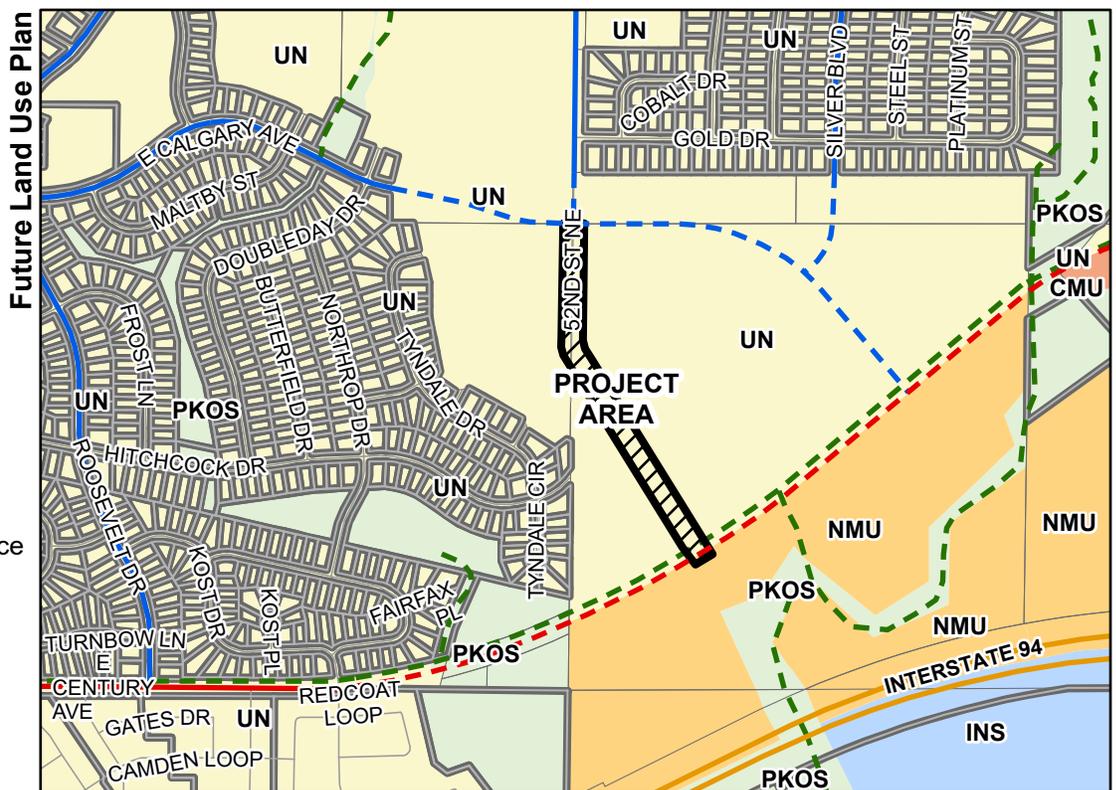
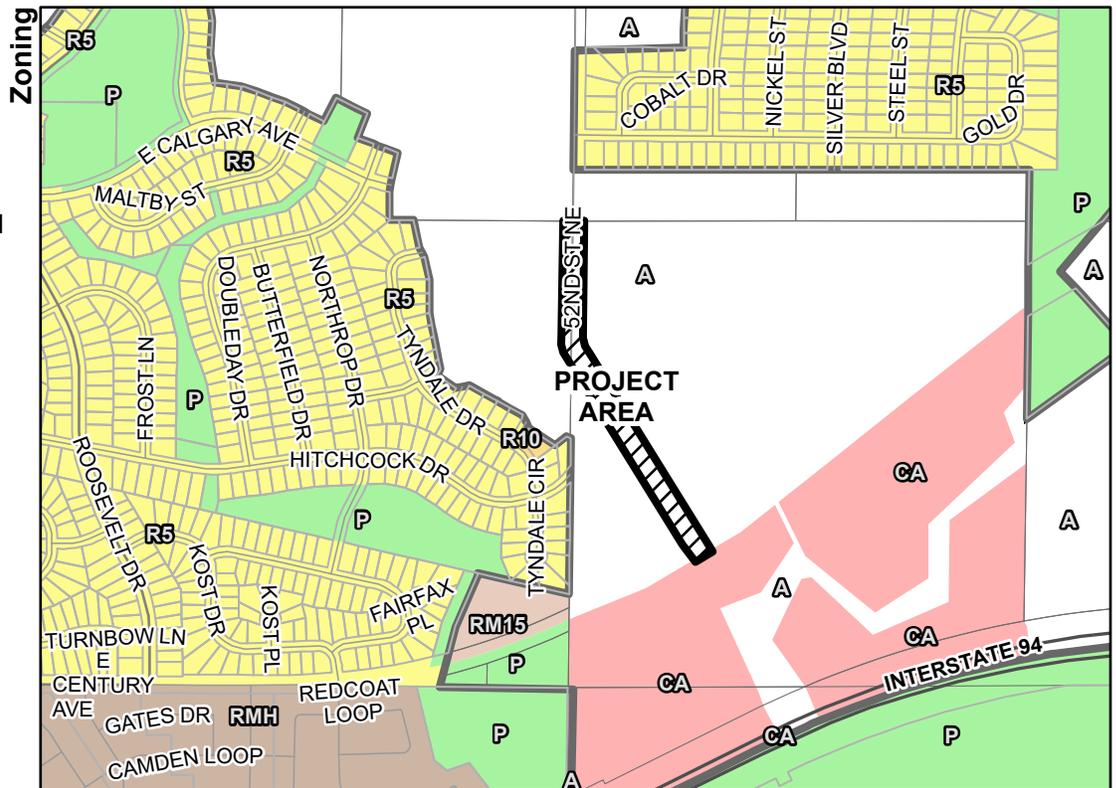
- UN** Urban
- NMU** Neighborhood Mixed Use
- CMU** Community Mixed Use
- DMU** Destination Mixed Use
- DT** Downtown
- IND** Industrial
- IF** Industrial Flex
- IMU** Industrial Mixed Use
- INS** Institutional
- RR** Rural Residential
- TR** Transitional Rural
- PKOS** Parks/Open Space Urban Reserve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

Active Mobility Plan

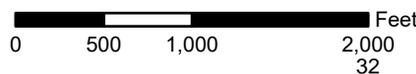
- Future Shared Trail

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.





Bismarck-Mandan MPO, Maxar

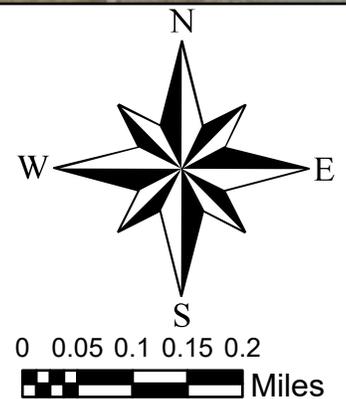


Existing Major Street Plan in parts of Sections 24, T139N-R80W, Hay Creek Township and Sections 19, T139N-R79W, of Gibbs Township

Created by Planning Division on 05/13/2024

Legend

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





Bismarck-Mandan MPO. Maxar



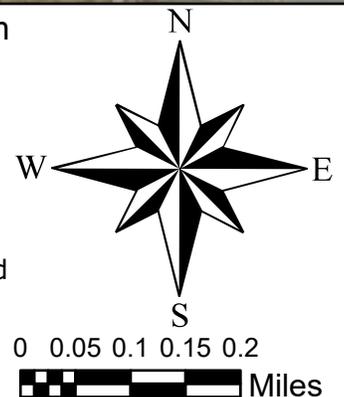
Draft of Proposed Revisions to Major Street Plan in parts of Sections 24, T139N-R80W, Hay Creek Township and Sections 19, T139N-R79W, of Gibbs Township

Created by Planning Division on 05/13/2024

Notes: Proposed alignments shown do not mean that the City would oppose roadways in other areas or adjusting the roadways shown above.

Legend

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



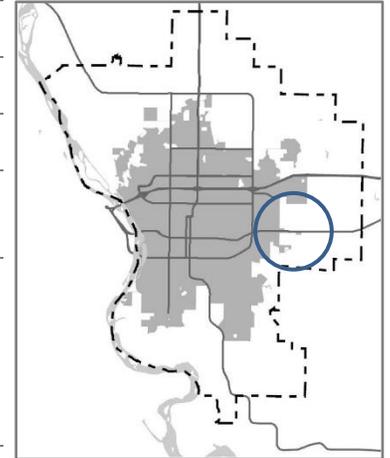
STAFF REPORT

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

Project ID: **ZC2023-014**
FPLT2024-002

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	East of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of 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 rezone property for development of a single-family dwelling in conjunction with commercial use
<i>Staff Recommendation:</i>	Review the draft development agreement and take action on request



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 – Agricultural 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 final plat titled Fettig Subdivision.

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

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 or at a minimum Lot 2 and Lot 3 of the proposed plat to meet the goals and objectives of the Comprehensive Plan.

The proposed plat is adjacent to corporate limits and in an area that is partially 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.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat or at a minimum Lots 2 and 3 of the proposed plat and noted that

municipal sanitary sewer is not readily available to the property. He also suggested that the owner would be amenable to a development agreement that would specify conditions of annexation based on availability of municipal sanitary sewer.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have created a development agreement that would require a signed annexation petition for the entire subdivision be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition would be required prior to recording the proposed plat and finalization of the zoning map amendment.

The owner and their consulting engineer have and agreed to the provisions outlined in the development agreement.

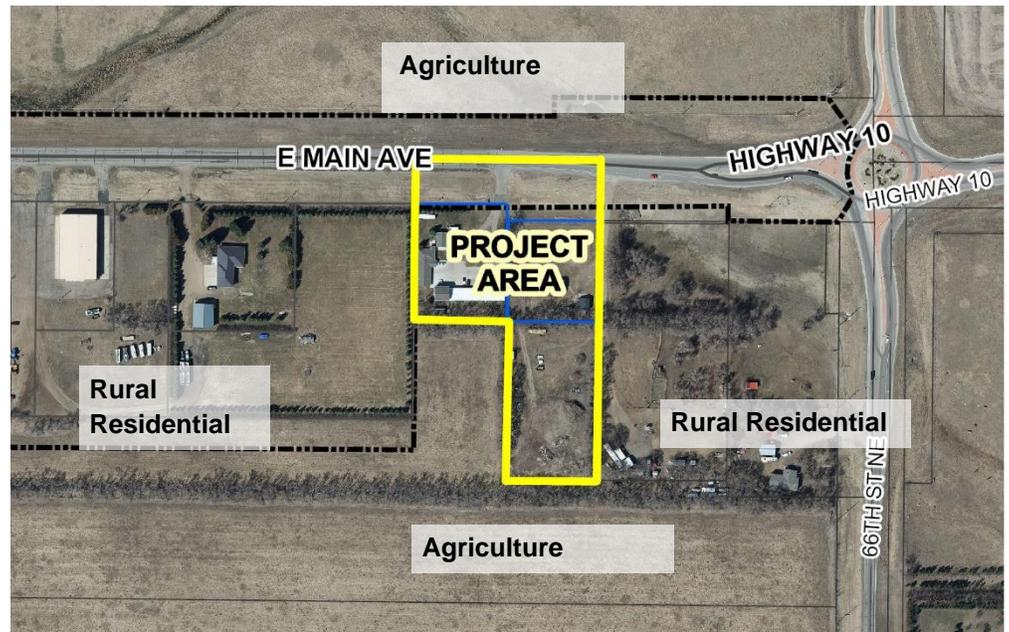
(continued)

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.



Comprehensive Plan

Goals and objectives of the Comprehensive Plan as they relate to the zoning map amendment and final plat are referenced in review standards below.

Future Land Use Plan

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

Access

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.

Infrastructure

The City and South Central Regional Water District (SCRWD) entered into an agreement in 1996, which was revised in 2019. This agreement that allows the City to provide municipal water to SCRWD and for SCRWD to sell this water to rural residents. As part of this agreement, the City must approve of and agree to SCRWD providing water to properties within 2-miles of corporate limits. Municipal water was extended within the East Main Avenue right-of-way recently; however, SCRWD is currently providing water to adjacent properties and to Lot 1 and Lot 2 of the proposed plat.

Municipal sanitary sewer is not currently available in this location and there are existing individual private sewer systems located on each lot. Typically, these private sewer systems are not located on property that is annexed; however, as sewer is not available at this time, staff have indicated that the existing private sewer systems could remain, and a new private sewer system could be installed on Lot 3 until the provisions in the development agreement have been met.

Public Engagement

Apple Creek Township was notified of this request on April 19, 2024.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and 19, and 16 letters were mailed to the owners of nearby properties on April 12, 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. Additional comments prior to the continued public hearing will be distributed to the Planning and Zoning Commission prior to the public hearing.

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](#))*

No. The proposed amendment may impede the goals and objectives of the Comprehensive Plan. Specifically, without annexation of the plat, the following goals would not be advanced.

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 City has agreed that lots within the plat can be serviced by an individual septic tank and drain field until such a time that municipal sanitary sewer is available.

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](#))

No. City of Bismarck staff find that the proposed zoning map amendment would adversely impact the public health, safety, and general welfare. In particular, without annexation of the proposed plat, the ability of the city to expand its boundaries and extend municipal services would be limited.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and

drainage, municipal water and sanitary sewer, access, and other utilities.

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. 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.

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.

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 14-09-04(2)a(vii))

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 one existing access point along East Main Avenue via access easements. The

(continued)

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 15, Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal 16-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 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 will 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 this subdivision (Goal G3-a)

No, unless the proposed plat is annexed and a development agreement is created and approved

by the Bismarck City Commission. 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.

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

Staff recommends review of the development agreement and the above findings and taking action on the request.

Attachments

1. Draft Development Agreement
2. Draft Zoning Ordinance
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Growth Phasing Plan Map
6. Preliminary Plat
7. Final Plat

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

DEVELOPMENT AGREEMENT – 2024

The City of Bismarck (the “City”) and Robert Fettig, their successors and assigns (the “Developer”), make this Development Agreement (“Agreement”) with regard to future annexation of lands into the corporate limits of the City, such lands described as follows:

Lots 1-3, Block 1, Fettig Subdivision, Burleigh County, North Dakota.

The **Developer** desires to develop the land known as Fettig Subdivision, which lies within one-quarter mile of **City’s** corporate limits and is thus not subject to restrictions on agreements to annex in 40-47-01.2 (City Zoning) of North Dakota Century Code. The **City** desires to preserve its ability the grow in an orderly and efficient manner in the future.

In exchange for the mutual performance of the parties under this Agreement, the parties hereby agree to the following terms, conditions and obligations:

1. The **Developer** will file with the **City** a duly executed petition for annexation of Fettig Subdivision, contemporaneously with the execution of this agreement. The petition for annexation shall remain binding on any successors to interest in the above described property and shall be a covenant running with the land.
2. The **City** shall hold said petition until no less than twenty (20) years after the date of this agreement or at such time when **City** sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.
3. Upon receipt of the annexation petition, the **City** will authorize the plat for Fettig Subdivision for recordation with the Burleigh County Recorder’s Office

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:

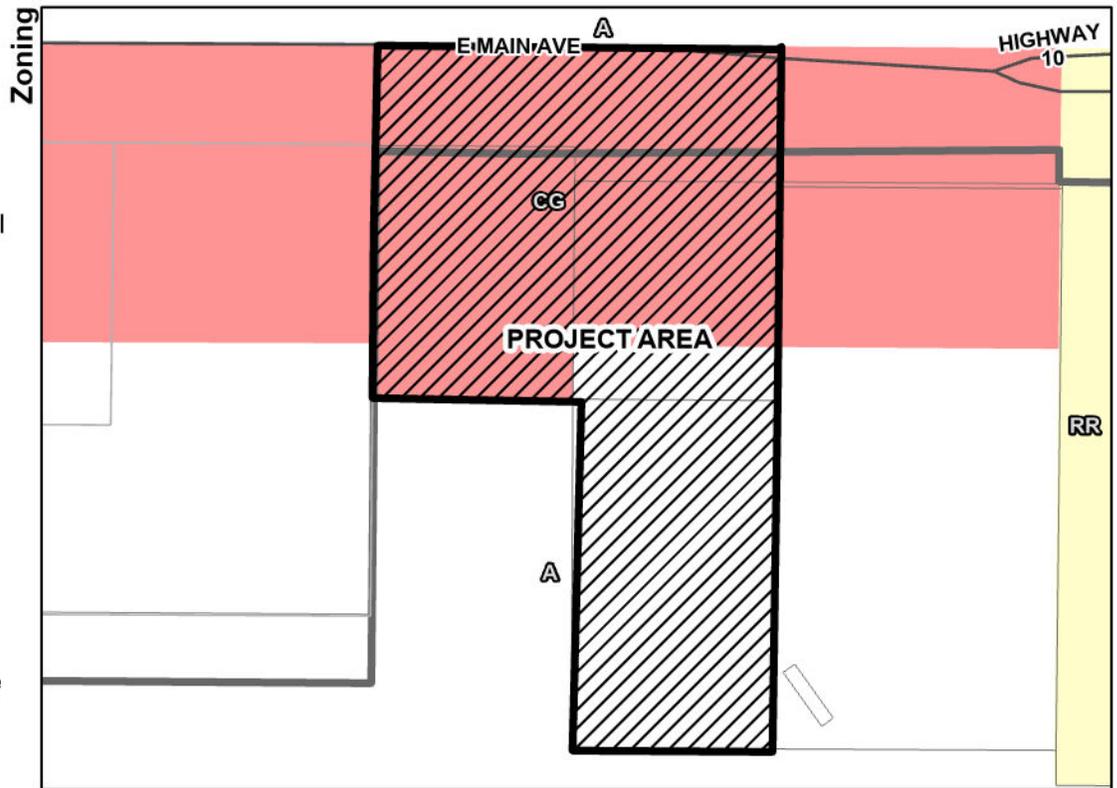
Lots 1-3, Block 1, Fettig Subdivision

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.

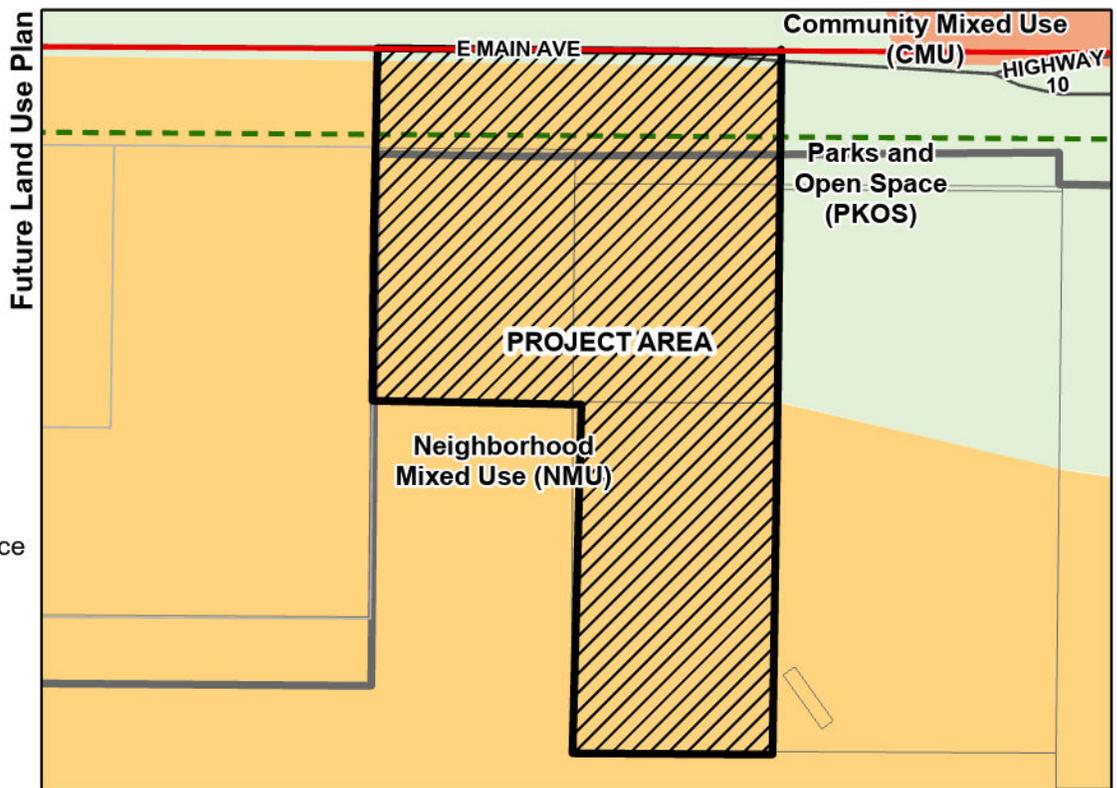
Zoning Districts

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



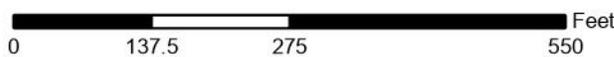
Active Mobility Plan

— 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

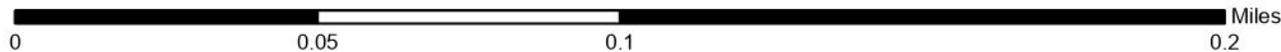
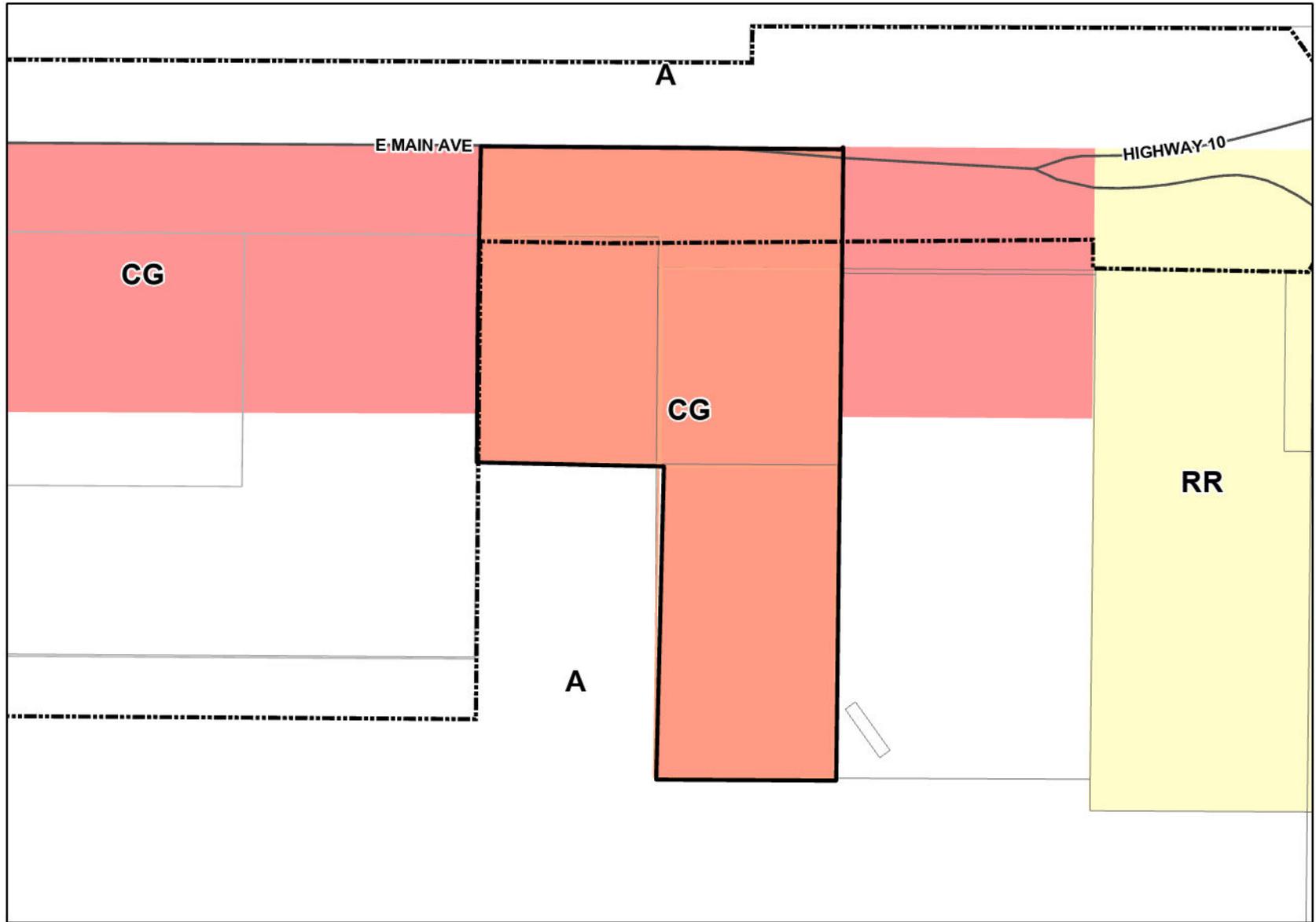
Project Area
(zoning within is proposed)

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

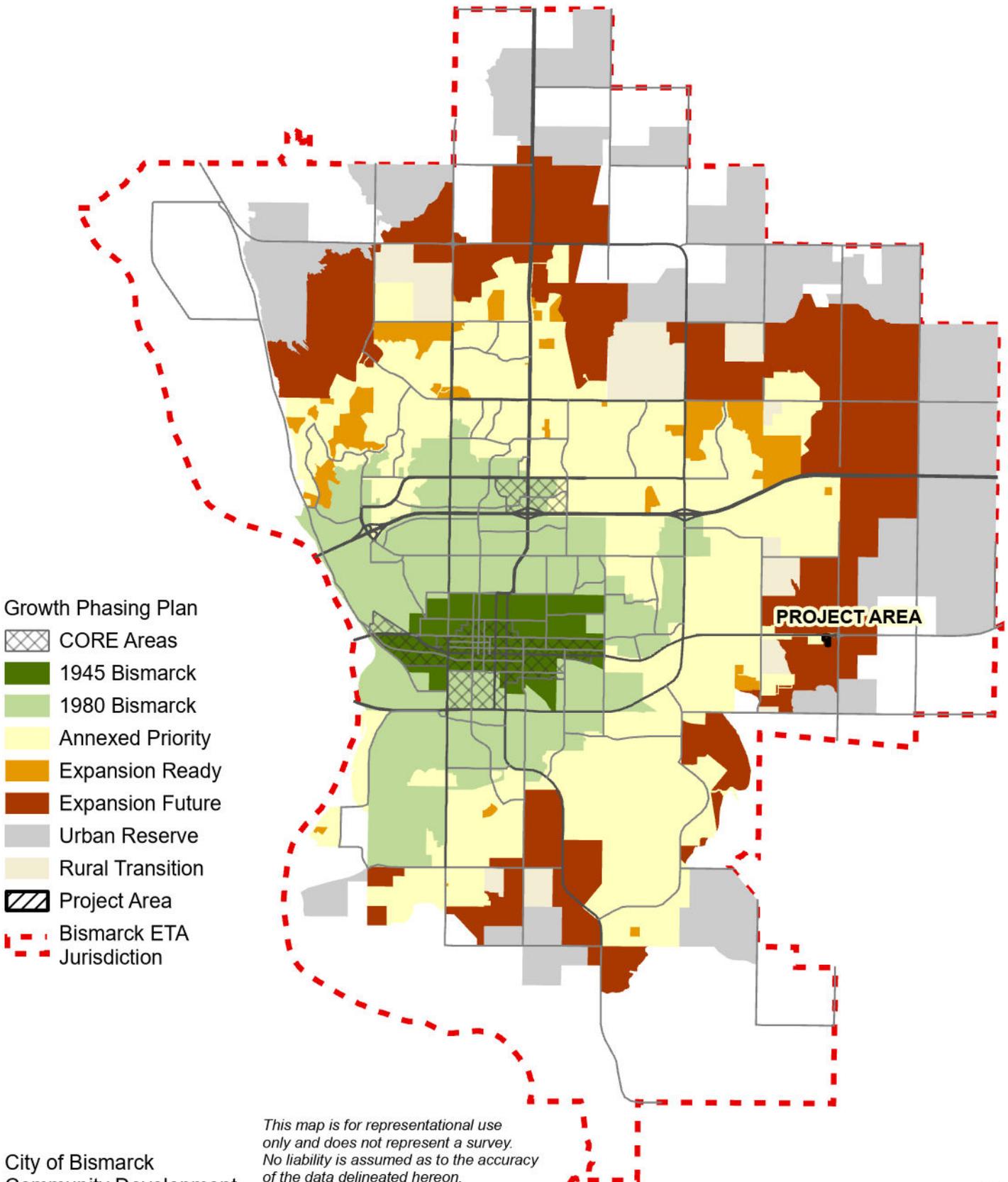




Growth Phasing Plan Map

FETTIG SUBDIVISION

PPLT2023-004



Growth Phasing Plan

- CORE Areas
- 1945 Bismarck
- 1980 Bismarck
- Annexed Priority
- Expansion Ready
- Expansion Future
- Urban Reserve
- Rural Transition
- Project Area
- Bismarck ETA Jurisdiction

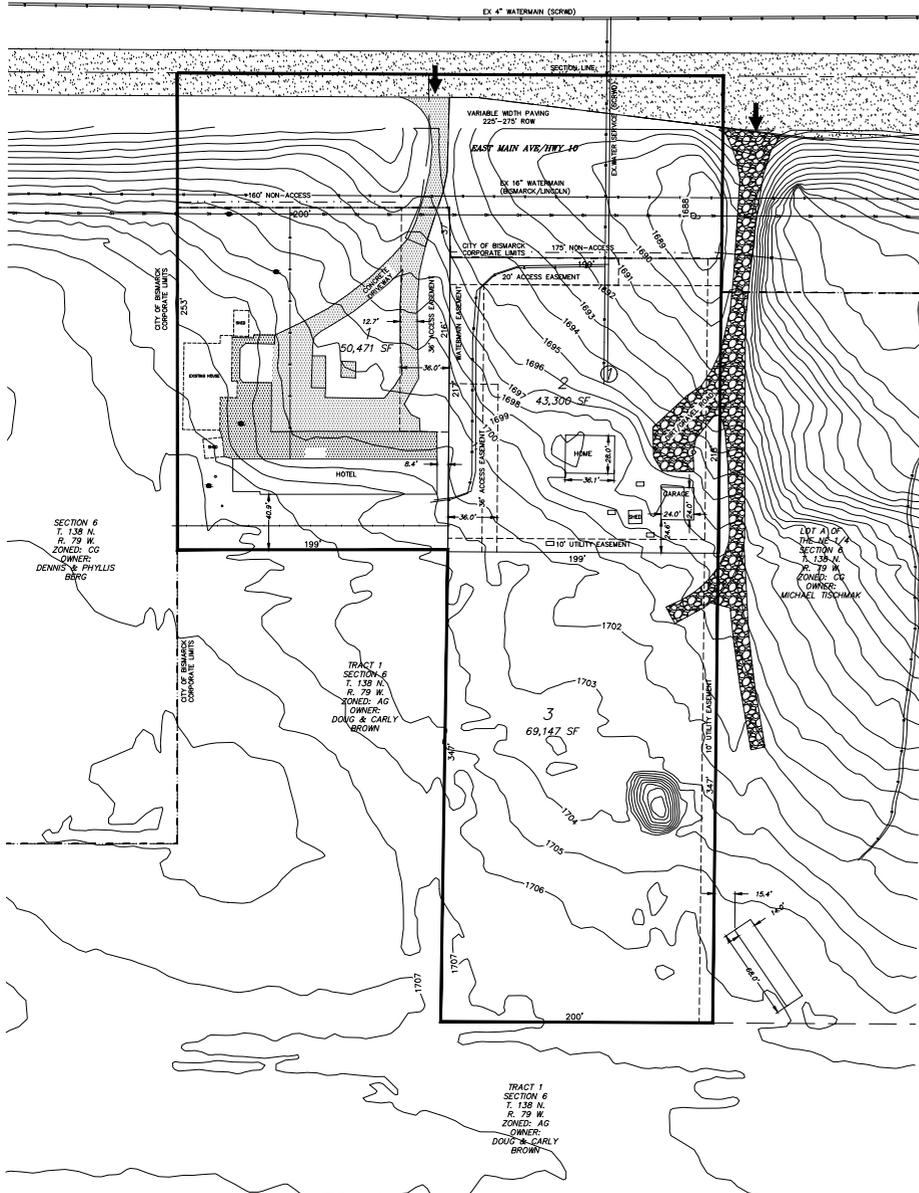
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City of Bismarck
Community Development
Planning Division
February 20, 2024



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'

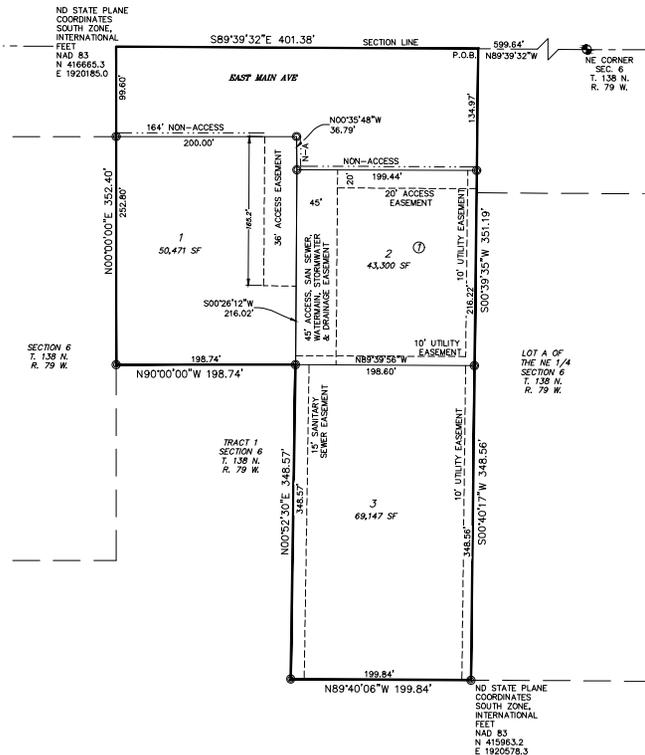
VERTICAL DATUM: NAVD 88

JANUARY 26, 2024

SWENSON, HAGEN & COMPANY P.C.
 509 Basin Avenue
 Bismarck, North Dakota 58104
 sleng@swensonhagen.com Phone: (701) 221-2000
 Fax: (701) 221-2000
 Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

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



DESCRIPTION

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 DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF SAID NE 1/4 THAT IS NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 599.84 FEET FROM THE NE CORNER OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 348.57 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 198.74 FEET TO THE WEST LINE OF HIGHWAY SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 352.40 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 401.38 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 4.82 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EPRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS APPROVED THE GROUNDS 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 REZONING OF ALL RIGHTS-OF-WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2024.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - 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

OWNER'S CERTIFICATE & DEDICATION

I, ROBERT FETTIG, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREON, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FETTIG SUBDIVISION, 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, LIGHT AND COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

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

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

THEY FURTHER GRANT A WATERMAIN & SANITARY SEWER EASEMENT TO THE CITY OF BISMARCK, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBERT FETTIG
6319 E MAIN AVE
BISMARCK, ND 58501

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

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES

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

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

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

VERTICAL BENCHMARK:
SE CORNER FETTIG SUBDIVISION
ELEV: 1706.19 (NAVD 88)



MONUMENT IN PLACE

AREA DATA	
LOTS	16,216 SQ. FT. 3.74 ACRES
STREETS	16,803 SQ. FT. 3.08 ACRES
TOTAL	208,811 SQ. FT. 4.82 ACRES

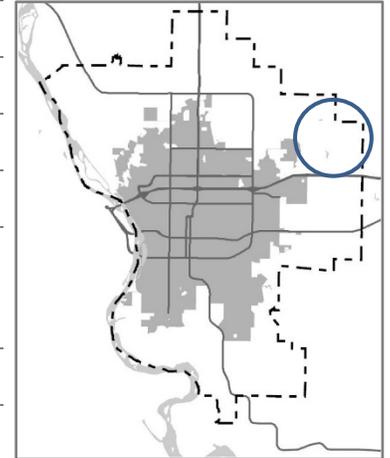
STAFF REPORT

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

Project ID: **FPLT2024-003**
ZC2024-002

Project Summary

<i>Title:</i>	Central Outpost Subdivision
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Central Power Electric Cooperative, Inc.
<i>Project Contact:</i>	Bryan Hastig, Interstate Engineering
<i>Project Location:</i>	Northeast of Bismarck, east of 80th Street NE and on the north side of 43rd Avenue NE (E ½ of E ½ of SW ¼ of Section 16, T139N-R79W)
<i>Project Size:</i>	40.21 Acres
<i>Applicant Request:</i>	Plat for development of utility maintenance facility and service yard
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Tract	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Utility maintenance facility and service yard
<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)	<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

Property History

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

Project Narrative

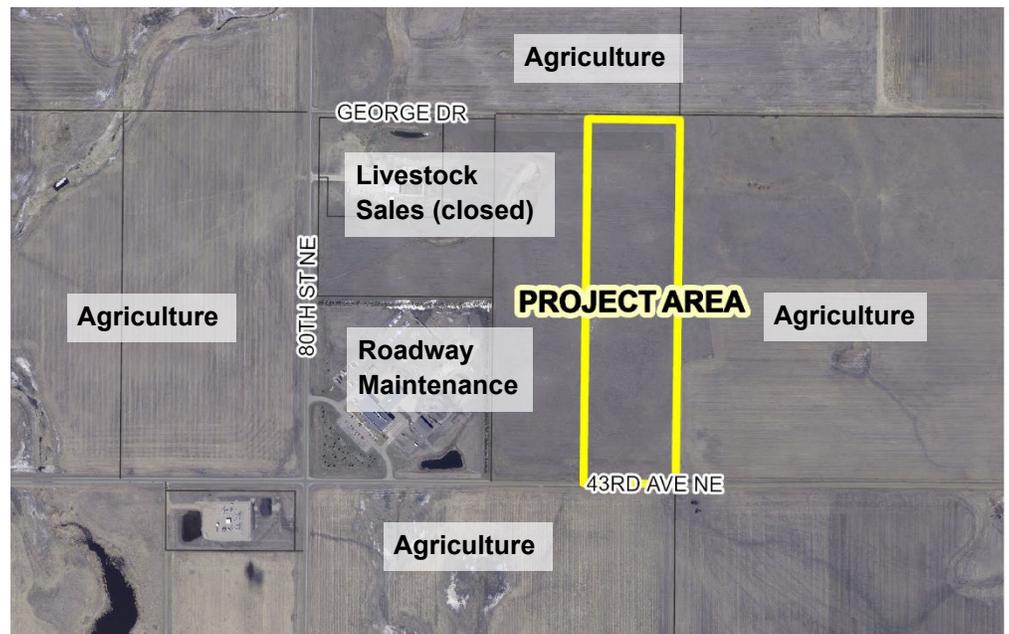
Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision final plat for Central Outpost Subdivision.

The proposed 1-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc. would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

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 mostly Urban Reserve Mid-Term, with a small portion as Urban Reserve Long-Term, in the Future Land Use Plan. Urban Reserve areas are suitable for urban development but are not projected to be annexed by the year 2045. Goals and objectives of this plan as they relate to this zoning map amendment and subdivision are referenced in review standards below.

The Major Street Plan shows an arterial roadway and two collectors adjacent to the proposed plat. Conformance with this plan is discussed in Findings of Fact below.

Public Engagement

Gibbs Township was notified of this request on April 8, 2024. The township has issued a resolution in support of this request, which is attached to this staff report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and May 17, and seven letters were mailed to the owners of nearby properties on May 10, 2024.

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

(continued)

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.

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 Reserve Mid-Term in the Future Land Use Plan, as described in the Project Context section above. Specific land uses are not identified for this area, because urban development is not expected until after 2045, the time horizon of the plan. The proposed zoning district would generally conform to the character of this district.

In this area, any development should be made with consideration for future redevelopment at urban densities. A large-lot utility site would not be likely to create a barrier to annexation, and the northern portion of the 40-acres tract could be further subdivided in the future as warranted for development.

It should be noted that the lands to the west of 80th Street NE are identified for Urban Neighborhood, and previous Future Land Use Plans identified the subject site for residential development. Although future land use is formally undefined, approval of this plat will make residential development of the immediate

surroundings, in particular the tract of the land to the west, less likely and desirable.

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

Yes. Adjacent uses are identified in the project context section above. All immediately adjacent lands are undeveloped or in agricultural use. The nearest developed sites are a roadway maintenance facility, a former livestock sales pavilion, and an electrical substation. 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 when the city assumed the extraterritorial authority of this area. Conditions have changed since this time, as the city limits have expanded in the northeastern corridor.

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 directly adversely impact housing opportunities. However, over the longer-term, development of a non-residential use on this site may decrease the likelihood of residential development in the surrounding tracts of land. The inclusion of landscape buffers is intended to mitigate this impact.

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:

“Collaborate with public utility and delivery organizations to ensure efficient services” (C10).

This location is central to the utility service area, which includes several rural substations, and this location will optimize access to the mobile substation and other service needs of their facilities.

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 Planned Unit Development (PUD) would be limited to only public utility services, which would prevent the site and general area from developing into an industrial character overall, and further aforementioned goals related to efficient service delivery.

The dimensional standards and requirements of the PUD mirror that of the roadway maintenance facility owned by Burleigh County. The application of these standards would create consistency for like uses within this section of land.

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

Yes. Although there are no incompatible adjacent uses currently, the proposed Planned Unit Development includes landscaped buffers to mitigate any potential negative impacts on future nearby uses. The landscaped buffers would be 50-feet in width and densely planted, similar to what has been planted by Burleigh County Highway Department to the west.

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 planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. A pending stormwater management plan will address any potential for water runoff from the site. There are no hazardous water or topographical slope conditions.

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 planned unit development 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 utility servicing uses, as designed and laid out 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](#))

(continued)

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 Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No conditions were placed on the tentative approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat for stormwater and drainage, utilities, future City water and sewer, and rural water. Easements have been dedicated for the interim use as a rural site, and also for future urban services once the site is annexed into corporate limits.

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.

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, in each case the half of the right-of-way within the platted area. A total of 75 feet of right-of-way would be dedicated for 43rd Street NE on the southern boundary. On the northern boundary, 40 feet would be dedicated for an extension of George Drive. Third, a new collector roadway would be dedicated along the eastern boundary, to be named Lignite Drive. A plan reference map is attached to this staff report.

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

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. 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 14-09-04(2)a(vii))

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, with improvements to 43rd Avenue NE. The segment of this roadway at this site is currently not paved. As a condition for acceptance of right-of-way, Burleigh County is anticipated to require improvement of this roadway to county standards. A waiver from improvement at this time of the collector roadways is being requested by the applicant.

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

Yes. There are no internal roadways proposed with this plat, and all access currently would be gained from the existing 43rd Avenue NE. Any future development that requires additional roadway access could be determined through a replatting process.

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

Yes. This plat would share a single access point to 43rd Avenue with the undeveloped tract of the land to the west. An access easement between these two properties would be recorded in conjunction with the plat. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the County’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.

Due to the public utility function of this site, it is important for an access point to the site to remain open at all times.

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 City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

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 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 is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat. The City of Bismarck will retain rights to extend municipal water into the proposed subdivision after five years.

Water and sewer easements for future municipal services have been included on this plat. Detailed servicing plans have not been developed, but the reservation of easements during the platting process may facilitate future urbanization, as anticipated in the Comprehensive Plan.

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 this subdivision (Goal G3-a)

Yes. The proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

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

Yes. The proposed final plat contains the required information to ensure an accurate and timely

(continued)

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.

Upon tentative approval of the preliminary plat, 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.

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 approval of the zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district, as attached, and approval of a final plat for Central Outpost Subdivision.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat
6. Site Plan (referenced in PUD)
7. Landscape Plan (referenced in PUD)
8. Township Resolution

Staff report prepared by: Daniel Nairn, AICP, Planning Manager
 701-355-1854 | dnairn@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, 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 A – Agricultural zoning district and included in the PUD – Planned Unit Development zoning district

Lot 1, Block 1, Central Outpost Subdivision.

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan and landscape 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. Public utility storage and maintenance facility
 - ii. Public utility service yard
 - iii. Farming group

- b. *Accessory Uses.* No accessory uses shall be permitted, with the exception of any general services and utilities necessary for proper function of the principal uses on the site, including but not limited to above-ground storage tanks.
- 3. *Special Uses.* No uses requiring a special use permit shall be allowed.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Front Yard (south).* The setback from the south lot line adjacent to the arterial roadway of 43rd Avenue NE shall be 175 feet.
 - b. *Front Yard (east).* The setback from the east lot line adjacent to the collector roadway of Lignite Drive shall be 125 feet.
 - c. *Side Yard (west).* The setback from the west lot line shall be 50 feet.
 - d. *Rear Yard (north).* The setback from the north lot line shall be 50 feet.
 - e. *Height.* No building shall exceed fifty (50) feet in height.
- 5. *Development Standards.* The following development standards shall apply to all development within the district.
 - a. *Landscaping.* A landscaped buffer yard, as depicted in the landscape plan, is provided on the north and west sides of the developed site to screen the operation from adjacent land uses. Buffer yards shall be planted in conjunction with site development. General plantings on the south and southeast portions of the lot, as depicted in the land use plan, must be planted to provide visual screening of the parking area from adjacent rights-of-way.
 - b. *Parking.* Off-street parking spaces for a service business shall be required, according to Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading). Required parking and necessary drive lanes must be paved. All other service yard areas may utilize a gravel surface.
 - c. *Service Yard.* All exterior equipment and material storage areas shall be fenced and set back no less than one hundred fifty (150) feet from the south or east property line and no less than seventy-five (75) feet from a north or west property line.
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for Commercial zoning

districts. Notwithstanding, no off-premise advertising signs shall be allowed.

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

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

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



Zoning and Plan Reference Map

CENTRAL OUTPOST SUBDIVISION

PPLT2024-001
ZC2024-002

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

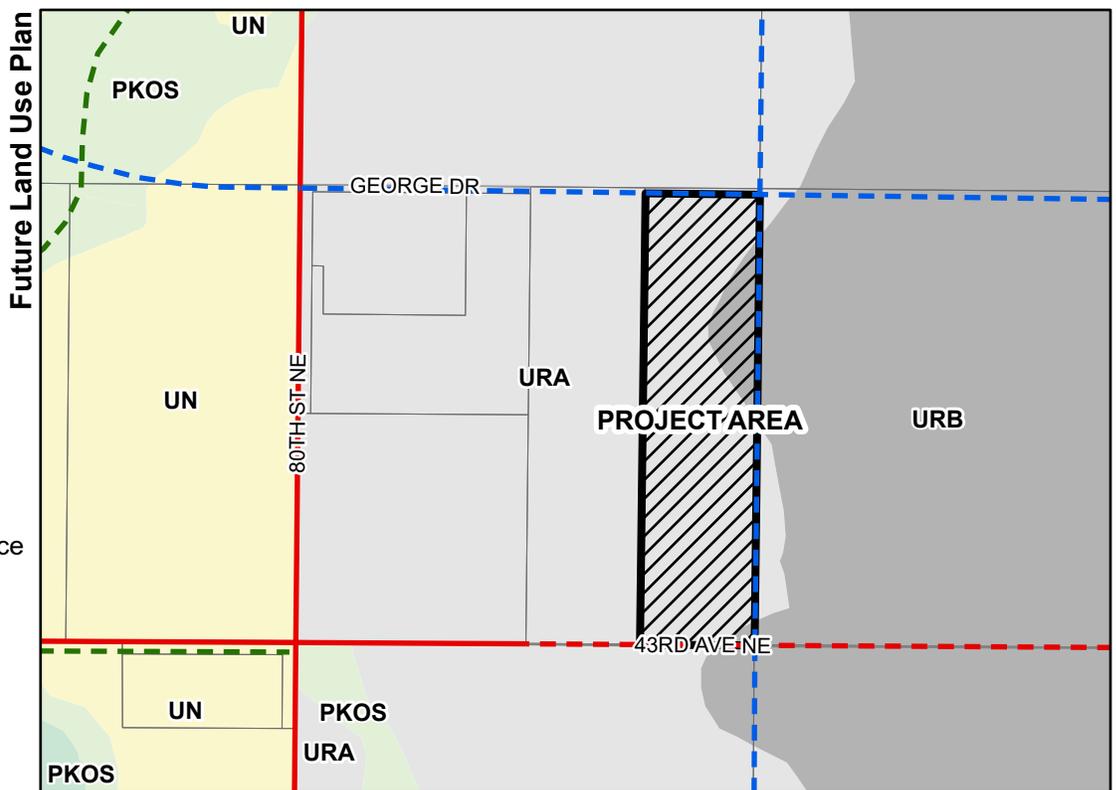
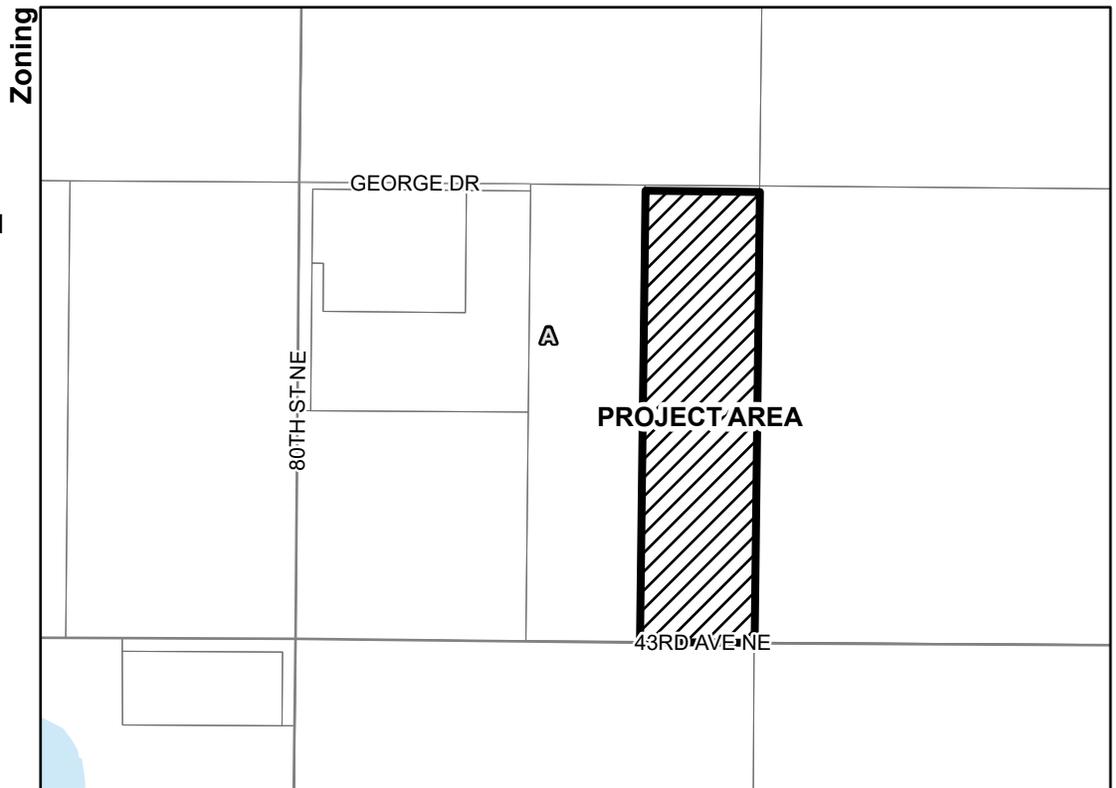
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

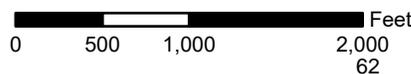
— Future Shared Trail

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 hereon.



City of Bismarck
Community Development
Planning Division
March 19, 2024



Proposed Zoning Change

CENTRAL OUTPOST SUBDIVISION

ZC2024-002

Proposed New Zoning Map

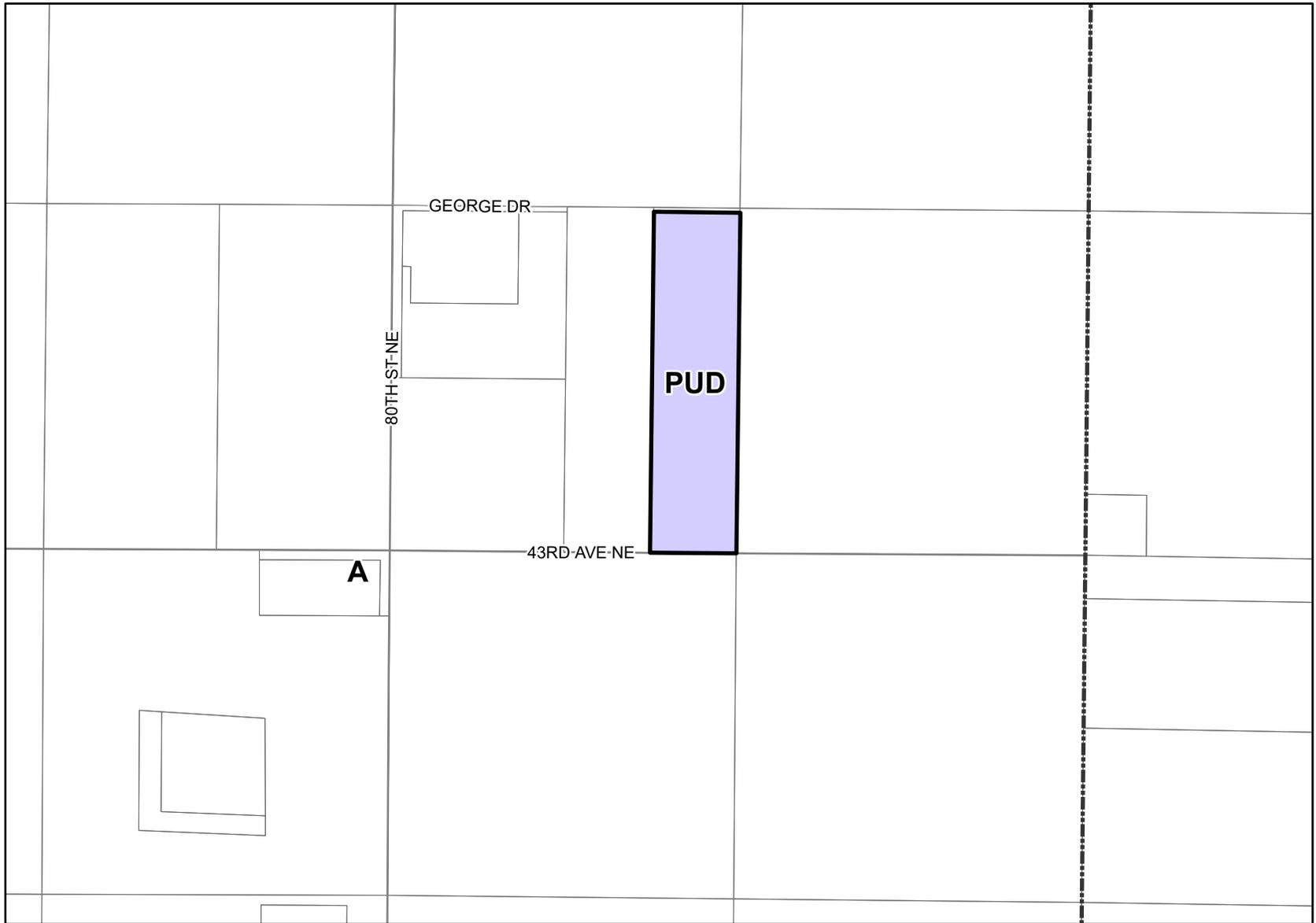
 Project Area
(zoning within
is proposed)

 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



City of Bismarck
Community Development
Planning Division
March 19, 2024

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.

**RESOLUTION OF
GIBBS TOWNSHIP**

WHEREAS, The Board of Supervisors of Gibbs Township have been advised of a request submitted to Bismarck's Planning and Zoning Commission within the geographic boundaries of this township.

WHEREAS, Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision plat for Central Outpost Subdivision.

WHEREAS, Gibbs Township wishes to make a recommendation to the Planning and Zoning Commission regarding this request and has the right, under Section 14-01-02 of the Bismarck Code of Ordinances, to appoint a representative to participate as a voting member of the Planning and Zoning Commission in any action related to this issue.

NOW, THEREFORE, BE IT RESOLVED by Board of Township Supervisors of Gibbs Township, Burleigh County, North Dakota, takes a position regarding the above-referenced request for the zoning map amendment and subdivision to:

Support

Support with Conditions: _____

Oppose for Reasons: _____

Adopted this 12 day of April.

CERTIFICATE

IN WITNESS WHEREOF, I have hereunto set my hand, this this 11 day of April.



Signature

Richard Sandberg

Printed Name
Township Supervisor
Gibbs Township
Bismarck, North Dakota

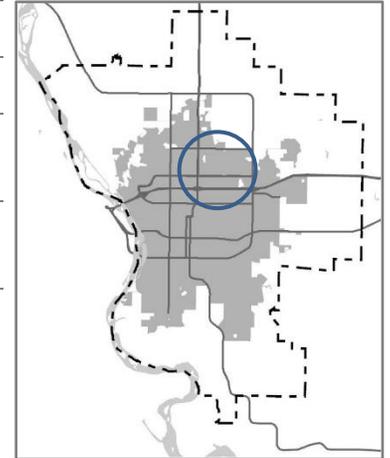
STAFF REPORT

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

Project ID: **ZC2024-001**
FPLT2024-001

Project Summary

<i>Title:</i>	West Region Medical Second Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	High Plains PMS LLC Bearstail Basketball
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	In north-central Bismarck, north of East Century Avenue between State Street and North 19th Street, along the south side of East Calgary Avenue (being a replat of all of West Region Medical Addition)
<i>Project Size:</i>	17 acres
<i>Applicant Request:</i>	Replat property for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 parcels in 2 blocks	<i>Lots/Blocks:</i>	3 lots in 2 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial land uses including basketball training and game facility
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	RT – Residential CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	06/2004
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	07/2013
<i>Neighborhood:</i>	Memorial	<i>Annexed:</i>	04/1993

Project Narrative

High Plains PMS LLC and Bearstail Basketball are requesting approval of a zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive,

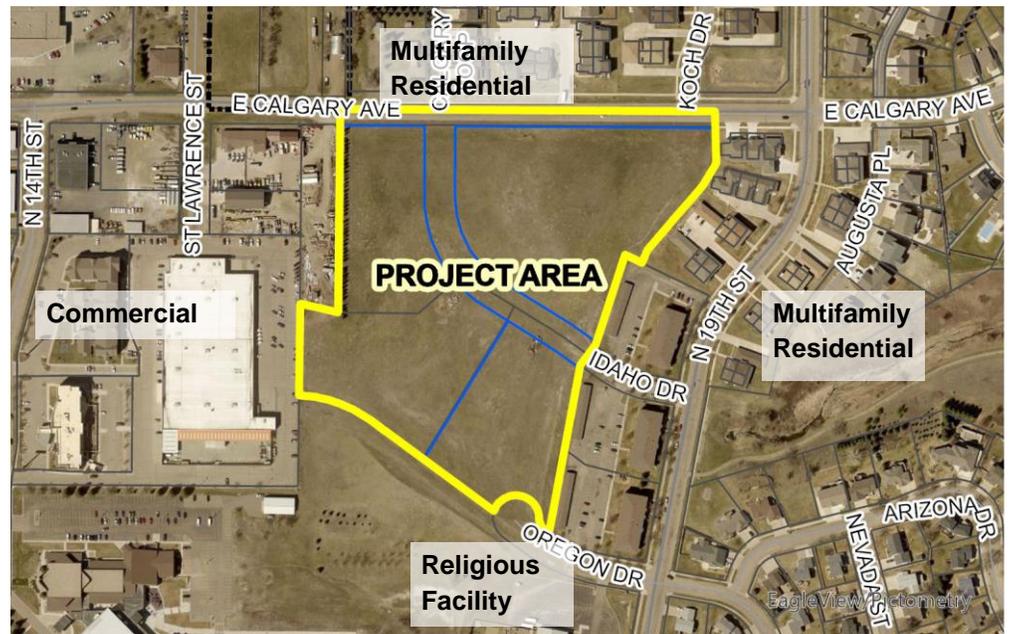
adjust lot lines and allow for future commercial development including a basketball training and game facility.

The Planning and Zoning Commission considered this request at their meeting of March 27, 2024 and called for a public hearing on the zoning map amendment and tentatively approved the preliminary plat.

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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to the proposed zoning map

amendment and final plat are referenced in review standards below.

Adjacent uses include multifamily residential to the north across East Calgary Avenue and to the

(continued)

east, a religious facility to the south, and commercial property to the west.

Background Information

The proposed plat is a replat of all of West Region Medical Addition, which was approved in 2013. A plat modification to vacate all of Idaho Drive and a lot modification to combine Lots on either side of Idaho Drive into one parcel were approved in 2015 at the owner’s request.

The proposed plat would rededicate Idaho Drive in the same location as the original plat and create parcels for development. Idaho Drive would be constructed to the northwestern edge of Lot 1, Block 1 and would continue north to East Calgary Avenue as development of the adjacent lots occurs.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and 17, and 94 letters were mailed to the owners of nearby properties on May 10, 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.

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 Community Mixed Use (CMU) 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 for commercial uses, specifically a basketball training and game facility which is allowed in the CG – Commercial zoning district as a commercial recreation group. 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 RT – Residential and CG – Commercial were established in 2004. Conditions have changed since this time including 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 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 zoning map amendment would confirm to the Community Mixed Use (CMU) 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.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the final 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 development capital charges for municipal utilities. Capital utility charges will be due prior to recordation of the plat.

(continued)

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 Calgary Avenue is included in the proposed plat and is an existing collector roadway. A plan reference map is attached to this staff report.

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. There is an existing street bike connection within the right-of-way of East Calgary 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 14-09-04(2)a(vii))

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 have 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.

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.

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. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSM) for the proposed subdivision.

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 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 will 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

(continued)

future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes. The proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

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 approval of the zoning map amendment from the RT – Residential and CG Commercial zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Preliminary Plat
4. Final Plat
5. Replatted area

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 RT – Residential and CG – Commercial zoning district and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, West Region Medical Second Addition

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 CG – Commercial zoning district and included in the CG - Commercial zoning district:

Lot 1, Block 2, West Region Medical Second Addition

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

Section 4. 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

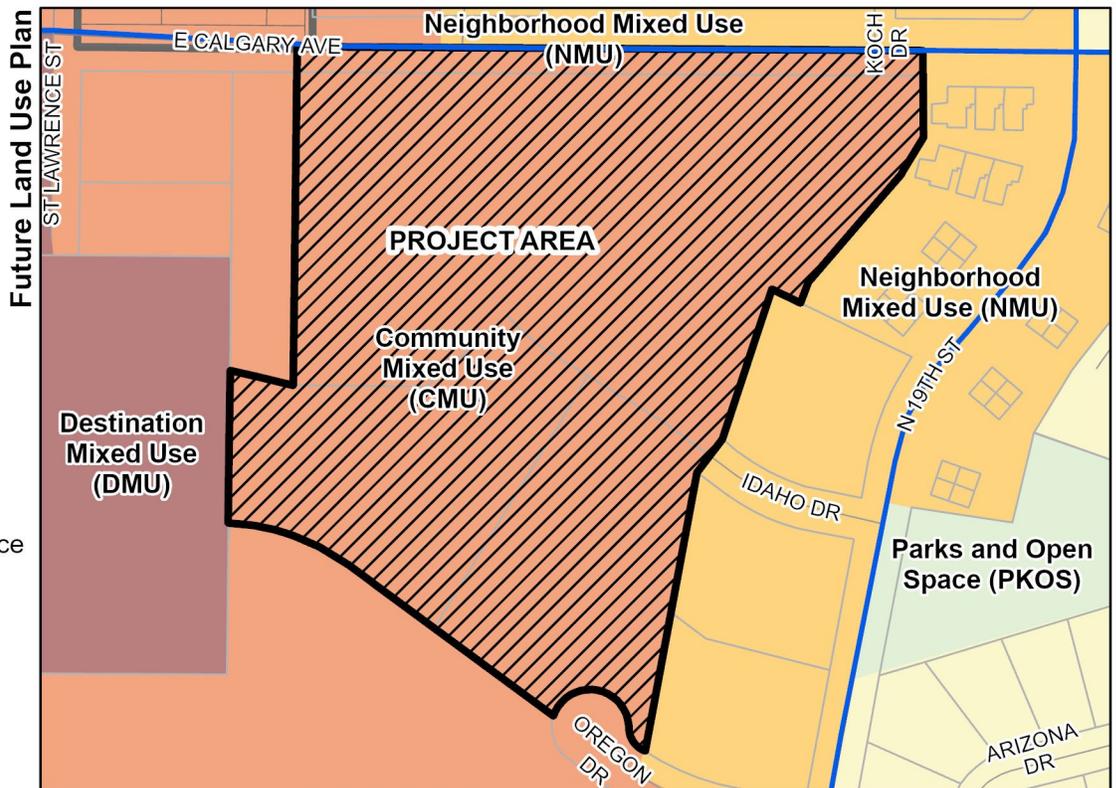
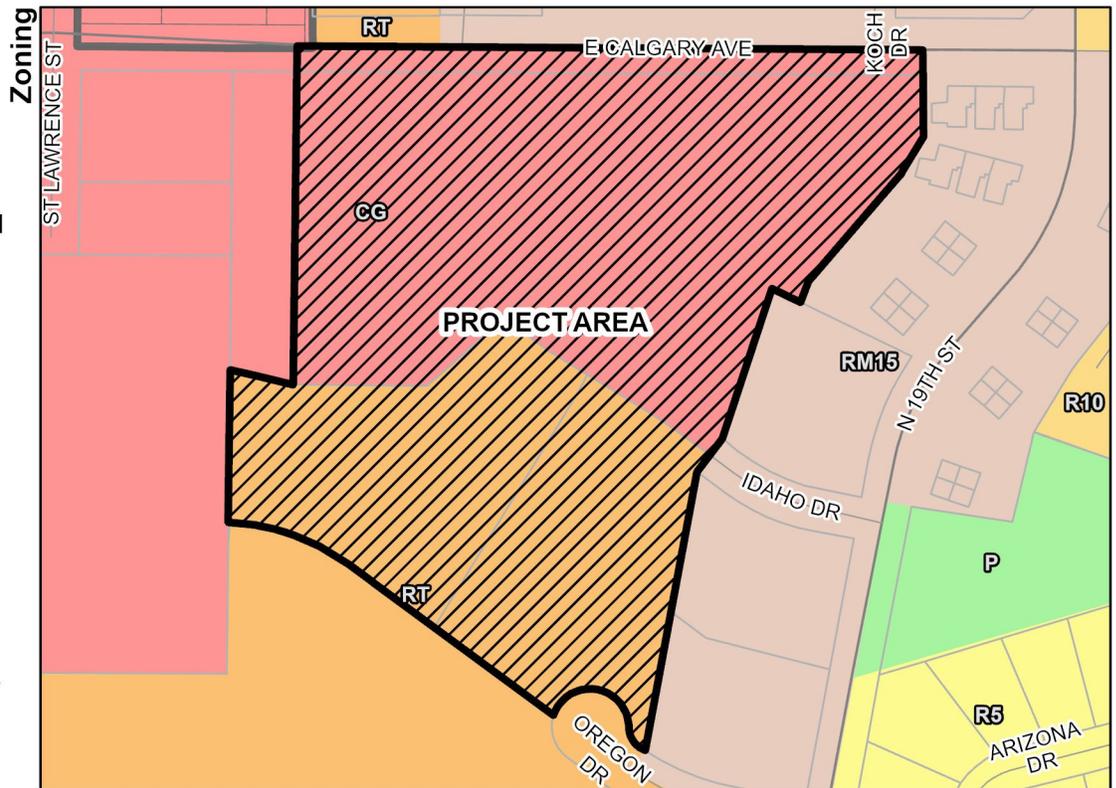
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

Future Shared Trail

Major Street Plan

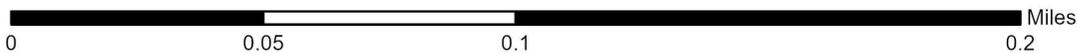
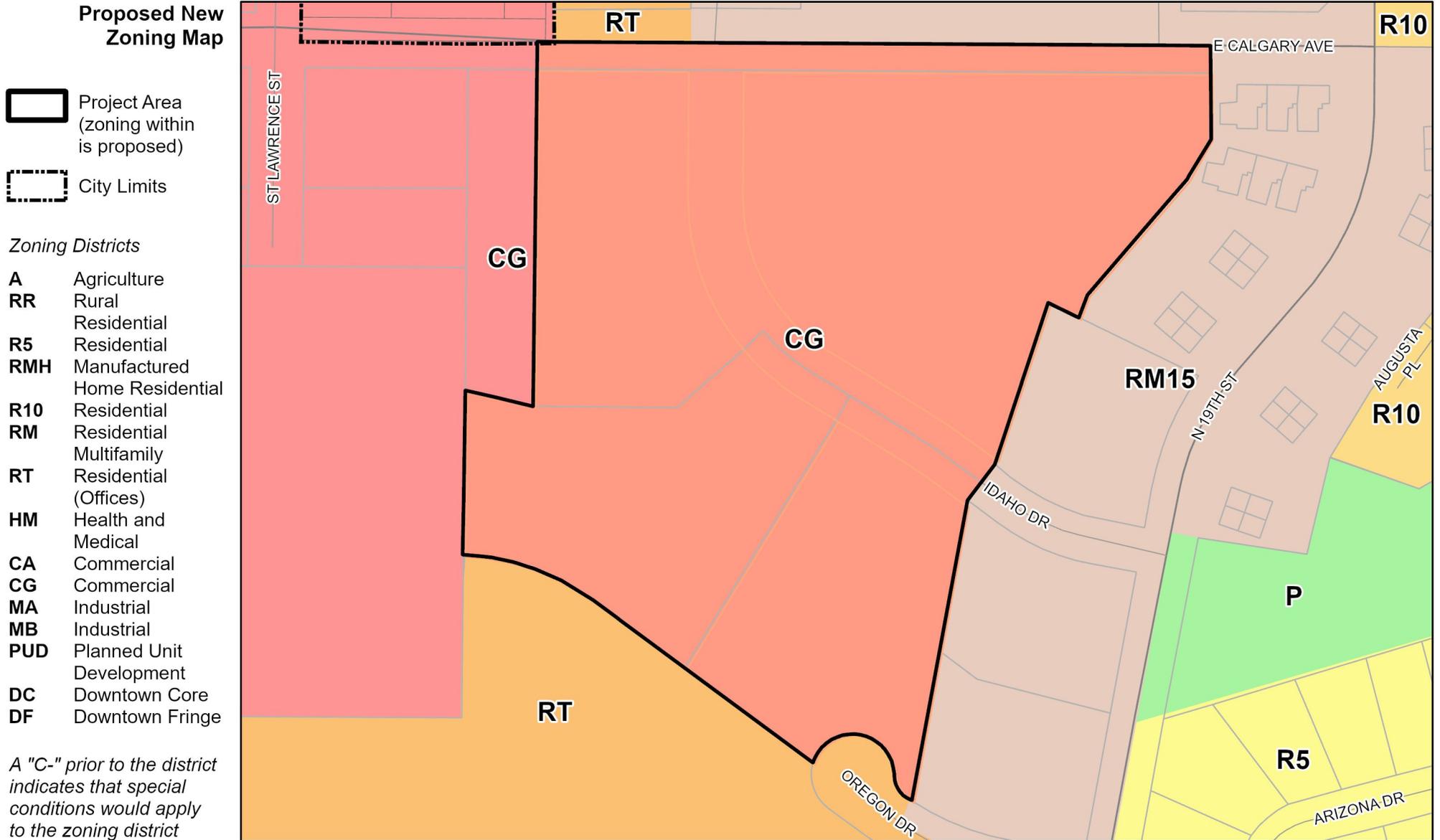
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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
March 19, 2024



WEST REGION MEDICAL SECOND ADDITION

BEING A REPLAT OF ALL OF WEST REGION MEDICAL ADDITION
PART OF THE SW 1/4 OF SECTION 22
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

17.0 ACRES
EXISTING ZONING: RT/CG
PROPOSED ZONING: CG
3 LOTS, 2 BLOCKS

OWNER: HIGH PLAINS PMS, LLC
PO BOX 564
MANDAREE, ND 58757

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503



SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
MARCH 21, 2024



LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.

500 Basin Avenue
Bismarck, North Dakota 58504
shc@swensonhagen.com
Phone: 701.223.2000
Fax: 701.223.2006
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

WEST REGION MEDICAL SECOND ADDITION

BEING ALL OF WEST REGION MEDICAL ADDITION
OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING ALL OF WEST REGION MEDICAL ADDITION OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 6 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 00 DEGREES 37 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 6 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 531.71 FEET TO THE CENTERLINE OF CALDARY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 38 MINUTES 19 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 801.05 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 00 DEGREES 11 MINUTES 11 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 135.68 FEET TO THE WEST LINE OF LOT 2 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 29 DEGREES 03 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 67.54 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 40 DEGREES 43 SECONDS WEST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK NINTH ADDITION, A DISTANCE OF 223.05 FEET; THENCE SOUTH 21 DEGREES 00 MINUTES 20 SECONDS WEST, CONTINUING ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 30.11 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE NORTH 64 DEGREES 11 MINUTES 01 SECOND WEST, ALONG SAID NORTH LINE, A DISTANCE OF 49.36 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 18 DEGREES 20 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 247.69 FEET TO THE NORTH LINE OF IDAHO DRIVE RIGHT-OF-WAY; THENCE SOUTH 33 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 66.01 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 64 DEGREES 11 MINUTES 01 SECOND WEST, ALONG SAID WEST LINE, AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK SIXTH ADDITION, A DISTANCE OF 445.81 FEET TO THE BOUNDARY OF OREGON DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 33 DEGREES 03 MINUTES 45 SECONDS EAST, ALONG SAID BOUNDARY, AN ARC LENGTH OF 53.63 FEET; THENCE WESTERLY AND TO THE LEFT, ON A 60.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID BOUNDARY, AN ARC LENGTH OF 165.19 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 53 DEGREES 32 MINUTES 48 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 388.32 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 340.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 204.53 FEET TO THE EAST LINE OF LOT 1 BLOCK 1 HOME DEPOT ADDITION; THENCE NORTH 00 DEGREES 35 MINUTES 37 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 102.59 FEET TO THE SOUTH LINE OF LOT 6 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 76 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 102.59 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 17.04 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, BIRON BAKER, 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 GEOMETRIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
800 BROAD AVENUE
BISMARCK, NORTH DAKOTA
58504

BIRON BAKER
PROFESSIONAL LAND SURVEYOR
NAD 83 N 429197.1
E 1901570.0

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 _____, 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ — CHAIRMAN

ATTEST:
BEN SWARTH — SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE 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 PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2022.

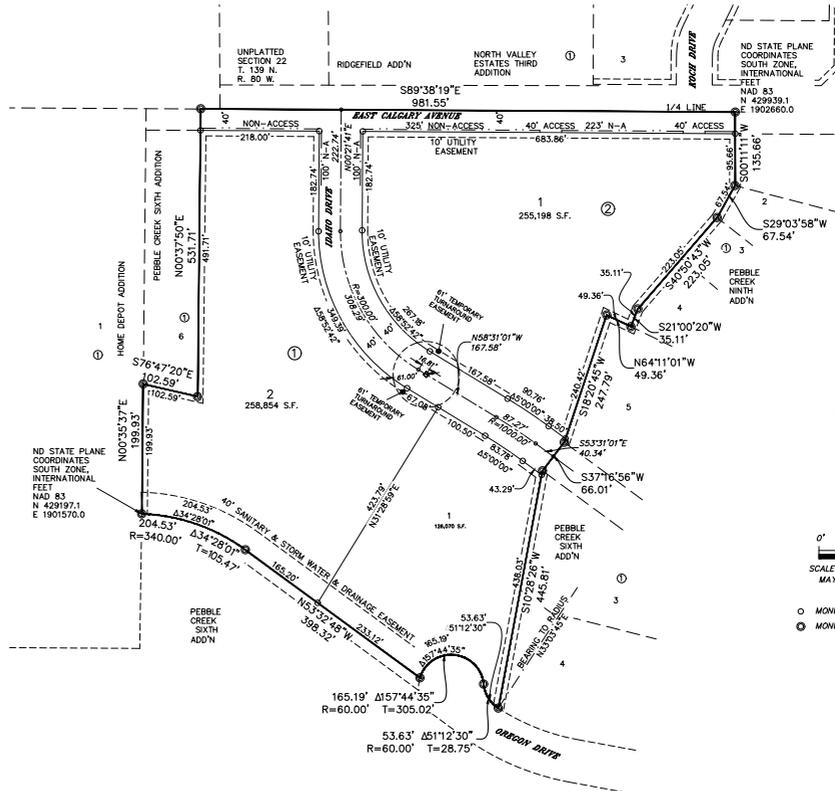
MICHAEL T. SCHWITZ—PRESIDENT

ATTEST: JASON TOMANEK—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



NOTES

- BASIS OF BEARINGS: NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE
- COORDINATE DATUM: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
- ADJUSTMENT OF 1986 UNITS ARE INTERNATIONAL FEET
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- VERTICAL BENCHMARK: HYD #2011 ELEV. 1774.17 (NGVD 29) 19TH STREET 1ST NORTH OF IDAHO DRIVE

AREA DATA	
LOTS	640,122 S.F. 14.70 ACRES
STREETS	150,188 S.F. 3.44 ACRES
TOTAL	792,310 S.F. 17.04 ACRES

OWNER'S CERTIFICATE & DEDICATION

WE, HIGH PLAINS PMS, LLC & BEARS TAIL BASKETBALL, 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 WEST REGION MEDICAL SECOND ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTRARY 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.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BIRON BAKER
HIGH PLAINS PMS, LLC
PO BOX 564
MANDARKE, ND 58757

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED BIRON BAKER OF HIGH PLAINS PMS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

OWNER'S CERTIFICATE & DEDICATION CONT'D

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503

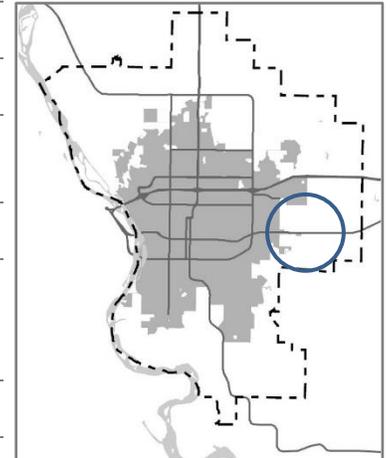
ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____ OF BEARS TAIL BASKETBALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
909 Main Avenue
Bismarck, North Dakota 58501
sheng@swensohagen.com
Phone (701) 223-2600
Cell Engineering
Landscape & Site Design
Construction Management
Fax (701) 223-2606

Project Summary

<i>Title:</i>	Brookfield Estates, Lots 10-11, Block 5
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Dusty Anderson (owner) Robb Sattler (applicant)
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	East of Bismarck, north of County Highway 10 in the northwest quadrant of the intersection of Belaire Drive and 80th Street NE
<i>Project Size:</i>	3.24 acres
<i>Applicant Request:</i>	Allow special use permit for filling station
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Filling station
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	CA – Commercial	<i>Zoning:</i>	CA – Commercial
<i>Uses Allowed:</i>	CA – Neighborhood commercial	<i>Uses Allowed:</i>	CA – Neighborhood commercial
<i>Max Density:</i>	CA – 30 units / acre	<i>Max Density:</i>	CA – 30 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	03/1975
<i>Township:</i>	Gibbs (organized)	<i>Platted:</i>	06/1975
<i>Neighborhood:</i>	Brookfield	<i>Annexed:</i>	N/A

Project Narrative

Dusty Anderson and Robb Sattler are requesting approval of a filling station on Lots 10 and 11, Block 5, Brookfield Estates.

Background information

The property is located outside Bismarck corporate limits. Annexation for this property is not required as it is located outside the Urban Service Area Boundary (USAB). The USAB is an official line, established by the City Commission within the City’s zoning and subdivision jurisdiction that distinguishes between future urban and rural areas. Areas outside this boundary are not

expected to see urban growth for a number of years.

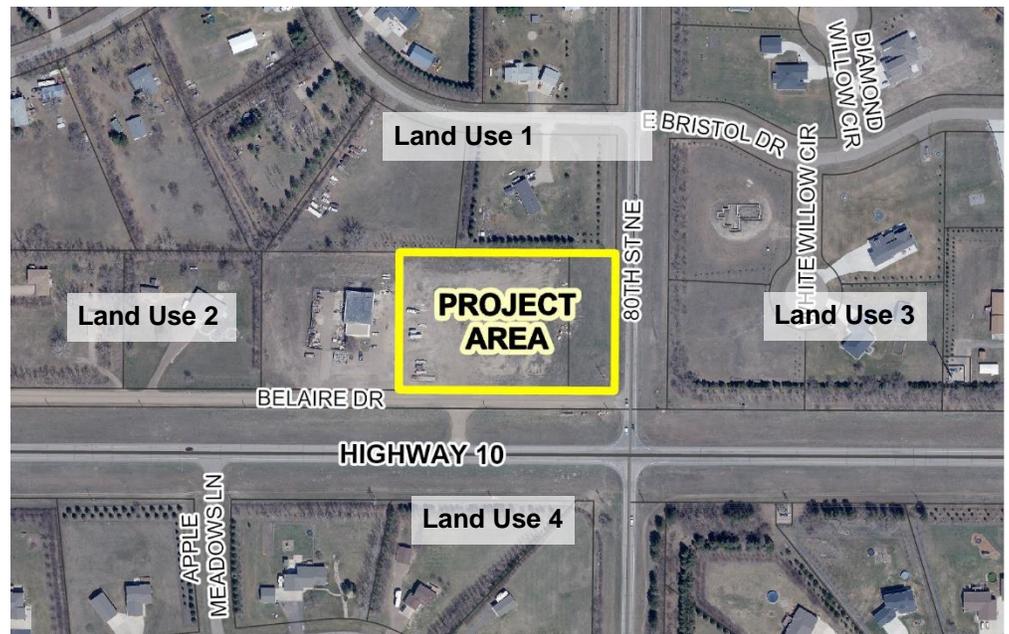
The property was zoned CA – Commercial when it was platted in 1975 in anticipation of commercial development. The property has remained vacant since platting.

Lot 11 is labeled as “public use” on the plat. Neither staff or the applicant’s consulting engineer have been able to determine the intent of this and there are no other known references in our records. Additionally, since this lot was created when platted, it has been consistently under private ownership.

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 the proposed special use permit are referenced in review standards below.

Although the property is identified as RR, it has been zoned CA – Commercial since 1975. A filling station is allowed within this zoning district via approval of a special use permit.

Adjacent uses include rural residential to the north, east across 80th Street NE and to the south,

(continued)

across County Highway 10, and commercial property to the west.

Roadways and access

Staff from Burleigh County Rural Fire and Burleigh County Engineering as well as City staff have reviewed the proposed special use permit request and associated site plan. Based on this review and as a condition of approval, staff from Burleigh County have requested a traffic impact study be completed prior to administrative approval of the formal site plan. They have also requested all improvements required as a result of the traffic impact study be installed in conjunction with site development.

In addition to the traffic impact study, County staff have requested the site includes two access points for secondary access to the filling station. This site plan includes access to the property from 80th Street NE, in the northeast corner of the property and from Belaire Drive along the south side of the property.

Belaire Drive is a rural gravel roadway, and County staff have requested it be paved by the applicant in conjunction with site development. This is also a condition of their approval. The applicant is aware and has agreed to this condition.

There is a long-standing field access to Belaire Drive from County Highway 10. This access has been in place since before this area was platted. The County Highway Department has indicated that they have already planned to remove this access as it is no longer needed.

The site drawing for the proposed filling station includes both Lot 10 and Lot 11, and one of the accesses to the site would be from 80th Street NE to the filling station through Lot 11. As such, staff have requested that the Lots be combined into one parcel as a condition of approval. The

applicant is aware and has agreed to this condition.

Landscaping and lighting

The proposed filling station would be located in an area that is adjacent to existing rural residential uses. In order to mitigate off-site impacts of the filling station, specifically lighting and signage, additional landscaping and lighting requirements beyond the minimum requirements outlined in the zoning ordinance have been requested as a condition of approval. The applicant is aware and has agreed to this condition.

The site drawing submitted with the application indicates that lighting on site will consist of shorter pole height and subtle lighting with hood shielding to provide a downcast illumination preventing excessive light pollution. Additional landscaping is provided in the east and southeast portion of the property.

The proposed site drawing includes landscaping along the north side of the property to provide a buffer from the filling station to the existing rural residential properties and perimeter parking lot landscaping. The landscaping buffer and perimeter parking lot landscaping meet landscaping and buffering requirements outlined in the zoning ordinance.

Public Engagement

The Gibbs Township was notified of this request on May 14, 2024.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and 17 and 82 letters were mailed to the owners of nearby properties on May 10, 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.

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

Yes. *Filling station standards outlined in 14-03-08(4)e have been, or will be, met by the proposed special use:*

“1. The minimum total area of the premises shall be at least twenty-one thousand (21,000) square feet with minimum lot dimensions of one hundred forty (140) feet in width and length.”

The minimum total area and minimum lot dimensions are greater than required.

“2. Pump dispensers shall have a setback of at least fourteen (14) feet from the property line.”

According to the site plan submitted with the application, this requirement would be met.

“3. The filling station building shall have a fifty (50) foot setback from property lines adjacent to public streets.”

According to the site plan submitted with the application, this requirement would be met.

“4. A filling station may front on only one arterial or collector street and may also be adjacent to a local street.”

According to the site plan submitted with the application, and based on the current and future functional classification of 80th Street NE, an arterial roadway and Belaire Drive, a local roadway, this requirement would be met.

“5. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from intersecting street corner on local streets.”

According to the site plan submitted with the application, this requirement would be met.

“6. All repair areas, grease and wash racks shall be maintained within the principal building.”

The applicant affirms that this requirement would be met.

“7. Rubbish bins and storage racks shall be maintained within a screened area only.”

Adequate screening and landscaping will be reviewed during the site plan review process and prior to issuing a building permit for the project.

“8. Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five (5) spaces for each service stall or bay on the premises.”

According to the site plan submitted with the application, this requirement would be met.

“9. No storing or parking of wrecked or partially disassembled automobiles or trucks for periods of greater than ninety-six (96) hours shall be allowed.”

The applicant affirms that this requirement would be met.

“10. Above-ground storage of petroleum products may be allowed only in MA-Industrial District subject to prior written approval of the Fire

Department and adherence to the requirements of subsection p of this section.”

No above-ground storage of petroleum products is proposed for this site.

Staff Recommendation

Based on the above findings, staff recommends approval with the following conditions:

1. A traffic impact study be completed prior to administrative approval of the formal site plan and all improvements required as a result of the traffic impact study be installed in conjunction with site development.

2. Belaire Drive be paved by the applicant in conjunction with site development.
3. Approval of a lot modification request to combine Lot 10 and Lot 11 into one parcel.
4. Additional landscaping and lighting standards to mitigate off-site impacts of the filling station must be included and approved during the formal site plan review process.

Attachments

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

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

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR FILLING STATION
IN LOTS 10-11, BLOCK 5, BROOKFIELD ESTATES (SUP2024-003)**

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 Lots 10-11, Block 5, Brookfield Estates have requested approval of a special use permit to allow a filling station in the CA – Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on May 22, 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 filling station on Lots 10-11, Block 5, Brookfield Estates is hereby approved, subject to the following conditions:

1. A traffic impact study be completed prior to administrative approval of the formal site plan and all improvements required as a result of the traffic impact study be installed in conjunction with site development.
2. Belaire Drive be paved by the applicant in conjunction with site development.
3. Approval of a lot modification request to combine Lot 10 and Lot 11 into one parcel.
4. Additional landscaping and lighting standards to mitigate off-site impacts of the filling station must be included and approved during the formal site plan review process.
5. The special use permit is put into use by May 22, 2026
6. All other terms and conditions of the zoning ordinance are met.

Adopted this May 22, 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 May 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth
Community Development Director
Bismarck, North Dakota

Date



Zoning and Plan Reference Map

SUP2024-003

BROOKFIELD ESTATES L10-11, B5

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

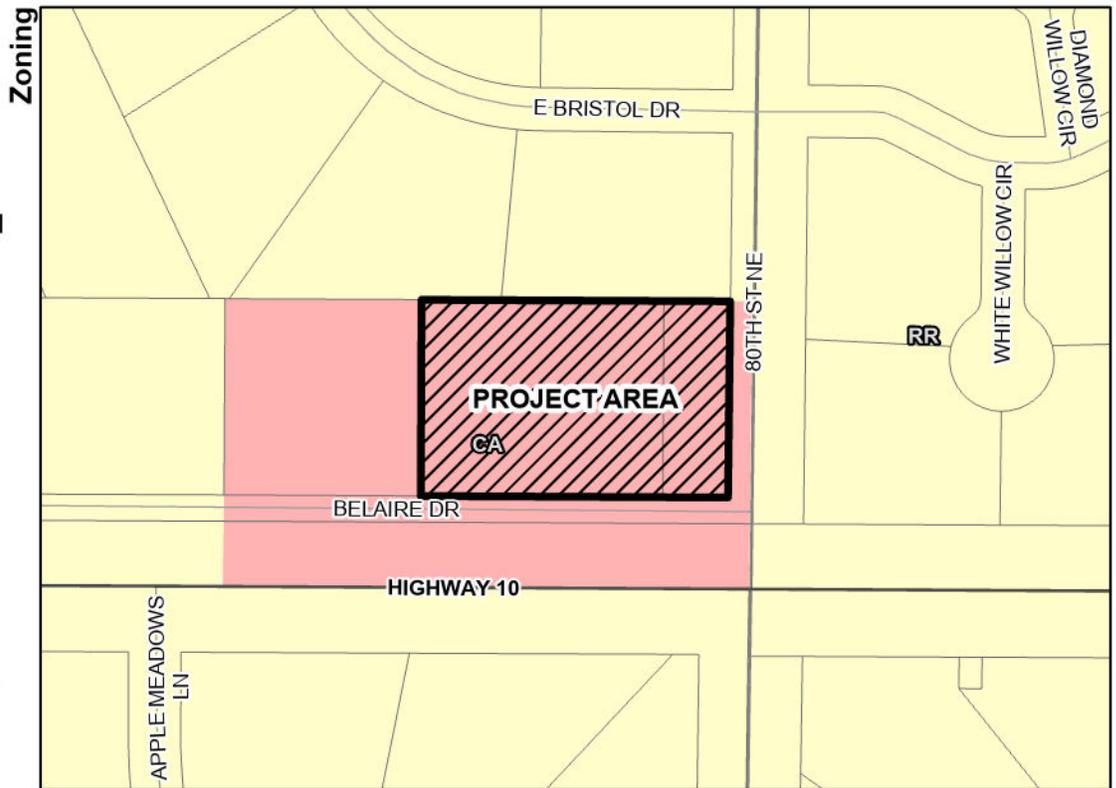
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

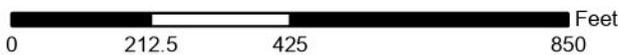
Future Shared Trail

Major Street Plan

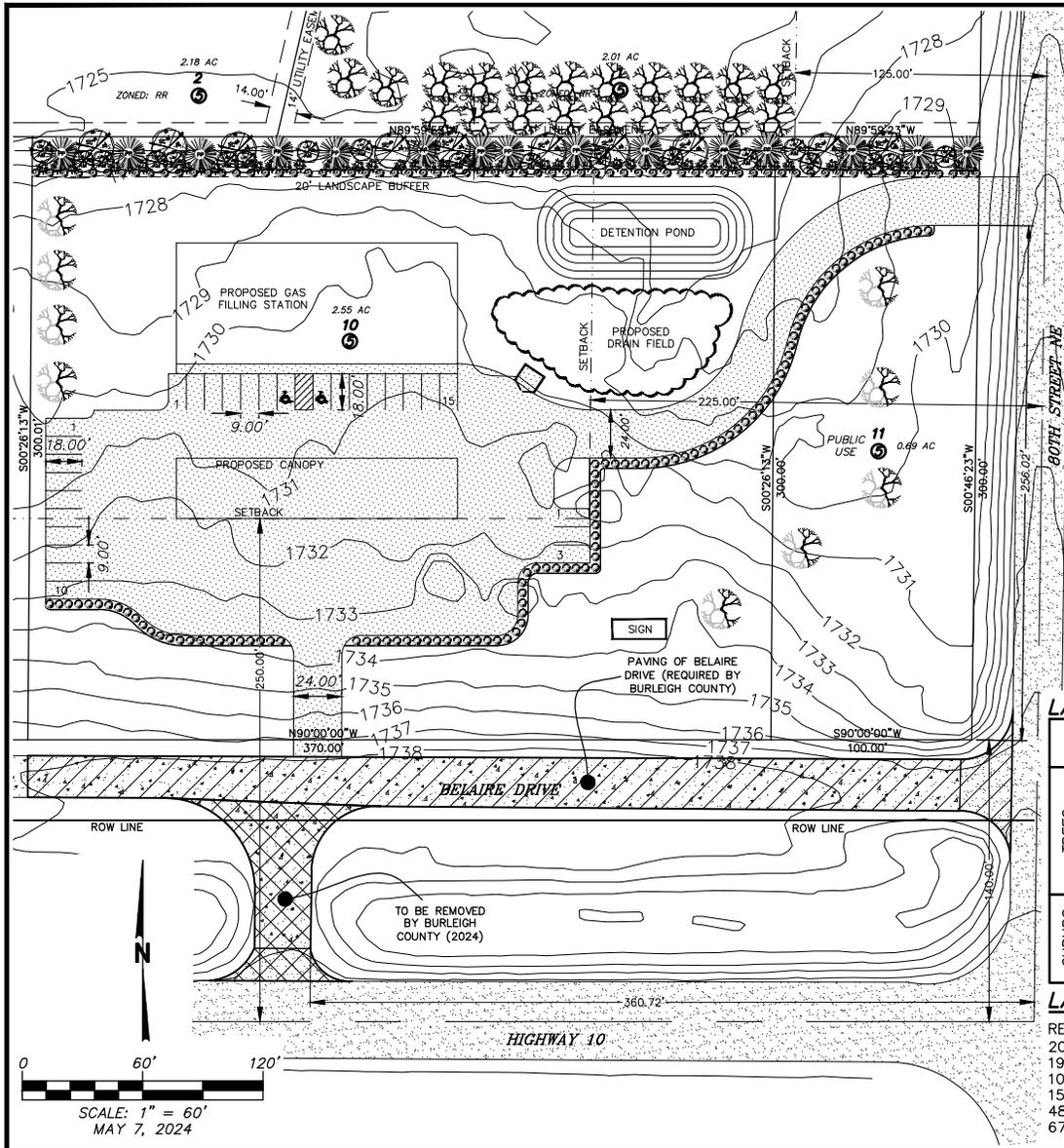
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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
 May 14, 2024



ZONING

ZONING – CA
 LOT AREA – MIN 7,000 SF
 LOT WIDTH – MIN 60 FEET
 LOT COVERAGE – MAX BUILDING COVERAGE IS 70% OF LOT AREA
 FRONT YARD – MIN 15 FEET
 SIDE YARD – MIN 10 FEET
 REAR YARD – MIN 10 FEET
 HEIGHT LIMIT – MAX PRINCIPAL BUILDING 40 FEET
 MAX ACCESSORY BUILDING 25 FEET

PARKING

REQUIRED PARKING FOR MOTOR FUELING STATION/
 CONVENIENCE STORE:
 4 SPACES + 2 SPACES/STALL OR BAY
 10 STALLS/BAYS = 20 SPACES
 4 SPACES + 20 SPACES = 24 SPACES

PROVIDED PARKING:
 28 SPACES

LIGHTING

PROPOSED LIGHTING CONSISTS OF SHORTER POLE
 HEIGHT SUBTLE LIGHTING WITH HOOD SHIELDING
 AROUND LIGHTS TO PROVIDED DOWNCAST
 ILLUMINATION PREVENTING EXCESSIVE LIGHTING
 POLLUTION.

SIGN

WILL BE NON BLINKING SIGNAGE. LIGHTING ON
 SIGNAGE WILL BE DOWNCAST HOOD PROTECTED
 LIGHTING, PREVENTING EXCESSIVE LIGHT POLLUTION

COUNTY NOTES

BURLEIGH COUNTY HAS BEEN PROGRAMMING OF
 FUTURE SAFETY ENHANCEMENT IMPROVEMENTS TO
 THE INTERSECTION OF BOTH ST. NE AND HIGHWAY 10.
 IMPROVEMENTS TO LIGHT THE INTERSECTION ARE
 PROPOSED.

LANDSCAPE BUFFER PLANT PALETTE

	SYM.	COMMON NAME	SCIENTIFIC NAME	SIZE	QNTY.
TREES	AM	AMUR MAPLE	<i>Acer ginnala</i>	2" Cal.	19
	MJ	MEDORA JUNIPER	<i>Juniperus scopulorum 'Medora'</i>	4' +	48
	PP	PONDEROSA PINE	<i>Pinus ponderosa</i>	1-1/2" Cal.	15
	SC	SIouxLAND COTTONWOOD	<i>Populus deltoides 'Siouxland'</i>		10
SHRUBS	SV	SAVIN JUNIPER	<i>Juniperus sabina</i>	2 Gallon	67

LANDSCAPING REQUIREMENTS

REQUIRED LANDSCAPE BUFFER YARD:
 20' WIDTH
 19 ORNAMENTAL TREES
 10 SHADE TREES
 15 LARGE CONIFEROUS TREES
 48 SMALL CONIFEROUS TREES
 67 SHRUBS

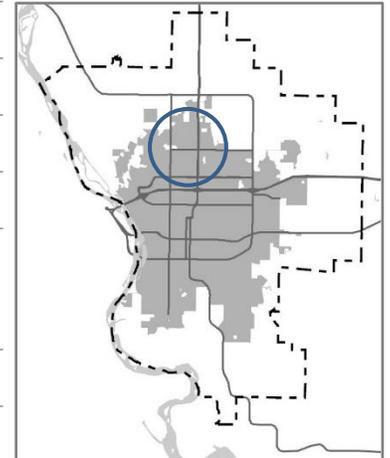
PROVIDED LANDSCAPE BUFFER YARD:
 20' WIDTH
 19 ORNAMENTAL TREES
 10 SHADE TREES
 15 LARGE CONIFEROUS TREES
 48 SMALL CONIFEROUS TREES
 67 SHRUBS

EXHIBIT - CONCEPT LAYOUT
 BROOKFIELD ESTATES
 BISMARCK, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.
 899 Bison Avenue
 Bismarck, North Dakota 58504
 Telephone: (701) 225-2800
 Fax: (701) 225-2806
 Surveying
 Planning
 Land Planning
 Civil & Structural Design
 Construction Management

Project Summary

<i>Title:</i>	Sonnet Heights Subdivision Fifth Replat, Lots 1-2, Block 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Gossett Enterprises LLC
<i>Project Contact:</i>	Dale Gossett
<i>Project Location:</i>	In north Bismarck, west of State Street/US Highway 83 and north of 43rd Avenue NW on the west side of Ottawa Street
<i>Project Size:</i>	122,181 square feet
<i>Applicant Request:</i>	Request of a special use permit for drive-through capability for new coffee shop tenant
<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>	2 Lots in 1 Block
<i>Land Use:</i>	Multi-tenant retail center	<i>Land Use:</i>	Multi-tenant retail center
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	09/08
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	06/11
<i>Neighborhood:</i>	Sonnet Heights	<i>Annexed:</i>	04/07

Project Narrative

Gossett Enterprises LLC is requesting approval of a special use permit to allow a drive-through for a coffee

shop on Lots 1-2, Block 1, Sonnet Heights Subdivision Fifth Replat.

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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce employment, and residences for the Bismarck Community. Goals and objectives of this plan as they relate to the proposed special use permit are referenced in review standards below.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and May 17, and 33 letters were mailed to the owners of nearby properties on May 10, 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.

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

Yes. Drive-in/drive-through standards outlined in 14-03-08(4)g have been, or will be, met by the proposed special use:

“1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to

the requirements of the district in which it is located.”

According to the site plan submitted with the application, this requirement would be met.

“2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.”

According to the site plan submitted with the application, an accessible curb ramp is provided for use on the east side of the building, thereby providing pedestrians with a safe means of egress and an accessible route between the building and the accessible parking stalls.

“3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.”

According to the site plan submitted with the application, this requirement would be met. Vehicle stacking spaces are provided and is greater than the ten required spaces.

“4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.”

According to the site plan submitted with the application, this requirement would be met. Both ingress and egress points are over forty feet from the intersection of Bremner Avenue and Ottawa Street.

“5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a

permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.”

According to the site plan submitted with the application, this requirement would be met.

“6. On a corner lot no fence, wall, terrace, structure, shrubbery, or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.”

According to the site plan submitted with the application, this requirement would be met.

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 zoning map amendment 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 a special use permit to allow a drive-through for a coffee shop on Lots 1-2, Block 1, Sonnet Heights Subdivision Fifth Replat.

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 DRIVE-THROUGH FOR A COFFEE SHOP
IN SONNET HEIGHTS SUBDIVISION FIFTH REPLAT (SUP2024-006)**

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 Lots 1-2, Block 1, Sonnet Heights Subdivision Fifth Replat have requested approval of a special use permit to allow a drive-through for a coffee shop in the CG – Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on May 22, 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 a drive-through for a coffee shop on Lots 1-2, Block 1, Sonnet Heights Subdivision Fifth Replat is hereby approved, subject to the following conditions:

1. The special use permit is put into use by May 22, 2026.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 22 day of May, 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 May 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth
Community Development Director
Bismarck, North Dakota

Date

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

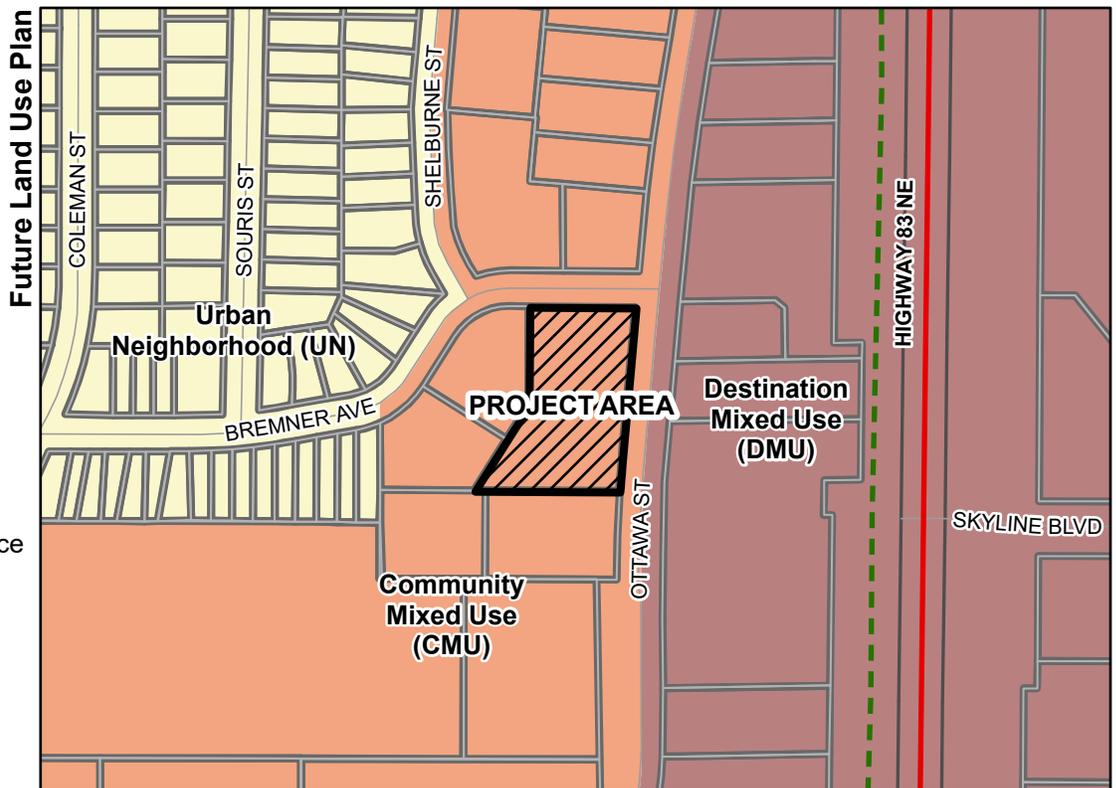
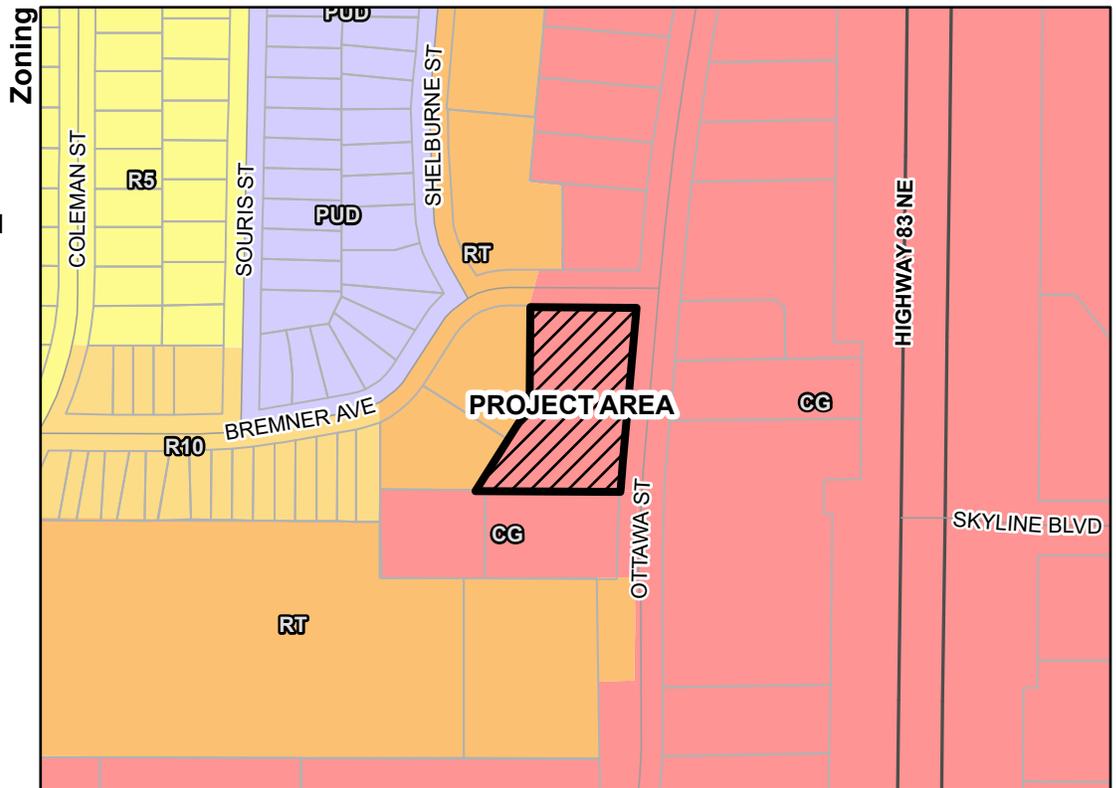
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

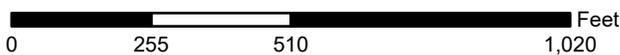
— Future Shared Trail

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.





STAFF REPORT

Agenda Item # 10
May 22, 2024

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2023-001**

Project Summary

<i>Title:</i>	Agriculture Recreation Uses and Private Riding Arena
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 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>	Approve

Project Narrative

The Community Development Department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 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.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Representatives of Apple Creek Farms, the Tourism Division of the Department of commerce, and several citizens spoke during the public hearing. Concerns were raised by some that the proposed ordinance limited opportunities for agriculture recreation in particular that certain events, such as pumpkin patches, corn mazes and u-pick produce should not be restricted to the major agriculture recreation uses.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with a representative of Apple Creek Farms and the Tourism Division of the ND Department of Commerce to address concerns expressed during the hearing.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024 to modify the ordinance to address concerns made during the public hearing.

During this meeting it was decided to revise the definitions of both major agriculture recreation and minor agriculture recreation to provide additional agriculture recreation opportunities and increase the number of days for a major recreation event from 12 to 30.

Minor agriculture recreation includes uses that are smaller in scale and intensity with a limit of no more than 75 people on site at any one time. Minor agriculture recreation uses would be permitted without approval of a special use permit in the A – Agriculture zoning district.

Major agriculture recreation includes uses that are larger in scale and intensity, include commercial

(continued)

event type uses, and are limited to no more than 250 people on site at any one time for a period of no more than 30 calendar days. Major agriculture recreation uses would be permitted via a special use permit based on certain criteria.

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, representatives from Papas Pumpkin Patch, Apple Creek Farms and Grandpa Al’s Hayrides was formed in the Fall of 2023 and five meetings have been held to draft and review the proposed amendments. City and County staff also met with representatives of the Convention and Visitors Bureau and the Tourism Division of the ND Department of Commerce in March and again in May 2024.

Proposed Changes

The proposed amendments include the following:

- Definitions for agriculture, minor agriculture recreation, major agriculture recreation, and private riding arena.
- Modify the lot/parcel size and increase the area of accessory buildings approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB).
- Minor agriculture recreation uses permitted by right for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres.

- Major agriculture recreation uses approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include mitigation of noise and light impacts to adjacent properties, additional setback requirements and requirements to meet applicable building and fire codes.
- Private riding arenas approved by special use for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include location requirements, building 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 five occasions to draft, review and offer suggested changes to the draft ordinance.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and April 19, 2024 and the hearing was continued to the next regular meeting.

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 were distributed to the Planning and Zoning Commission prior to their April 24, 2024, meeting and summarized by staff during the oral presentation. Additional comments prior to

(continued)

the continued public hearing will be distributed to the Planning and Zoning Commission prior to the public hearing.

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

(continued)

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 approval of the zoning ordinance text amendment for Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 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.

Attachments

1. Revised draft zoning ordinance text amendment
2. Map of the USAB

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

CITY OF BISMARCK ORDINANCE NO. XXXX

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

AN ORDINANCE TO AMEND 14-02-03, 14-03-06, 14-03-08, 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, Minor. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include education related events and tours, farm to table dinners, pumpkin patches, u-pick produce, Christmas tree farm, corn maze, and hayrides for someone other than the property owner. Minor agriculture recreation uses shall not exceed an occupancy of seventy-five (75) people at any one time.

Agriculture Recreation, Major. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include but are not limited to education related events and tours, a celebration, ceremony, wedding, reception, corporate function, u-pick produce, Christmas tree farm, pumpkin patches, corn maze and hayrides for someone other than the property owner. A Major agriculture recreation use shall not exceed an occupancy of two-hundred fifty (250) people at any one time and shall not exceed thirty (30) days per calendar year.

* * * * *

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 area, and located entirely 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 entirely 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 thirty-five (35) acres area, 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, Major. Agriculture Recreation, Major 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 thirty-five (35) acres in area.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. Attendance is limited to two hundred and fifty (250) persons in attendance at any one time.
5. No more than thirty (30) days per calendar year, not to include minor agriculture recreation uses.
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. All parking areas shall be mowed and designed to prevent debris from the site entering the public right-of-way and be arranged to provide for orderly and safe loading or unloading and parking.
8. Access to buildings or areas associated with the agriculture recreation use shall be an all-weather access and be designed for safe and orderly access for patrons and emergency services.
9. Sound generated by the use shall meet the requirements outlined in Chapter 08-10 of the City Code of Ordinance.
10. 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.
11. The use is setback a minimum of 50 feet adjacent to properties with a residential use, zoning, or land use classification.
12. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit or commencement of operations.

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 thirty-five (35) acres.
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.

14-04-17. “A” Agricultural Zoning District. In an A agricultural district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

I. Agriculture Recreation, Minor, shall be allowed on a parcel of land thirty-five (35) acres in area and entirely located outside the Urban Service Area Boundary (USAB), and shall not exceed an occupancy of seventy-five (75) people at any one time.

* * * * *

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

* * * * *

u. Private riding arena

v. Agriculture Recreation, Major

* * * * *

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 area, and located entirely 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:

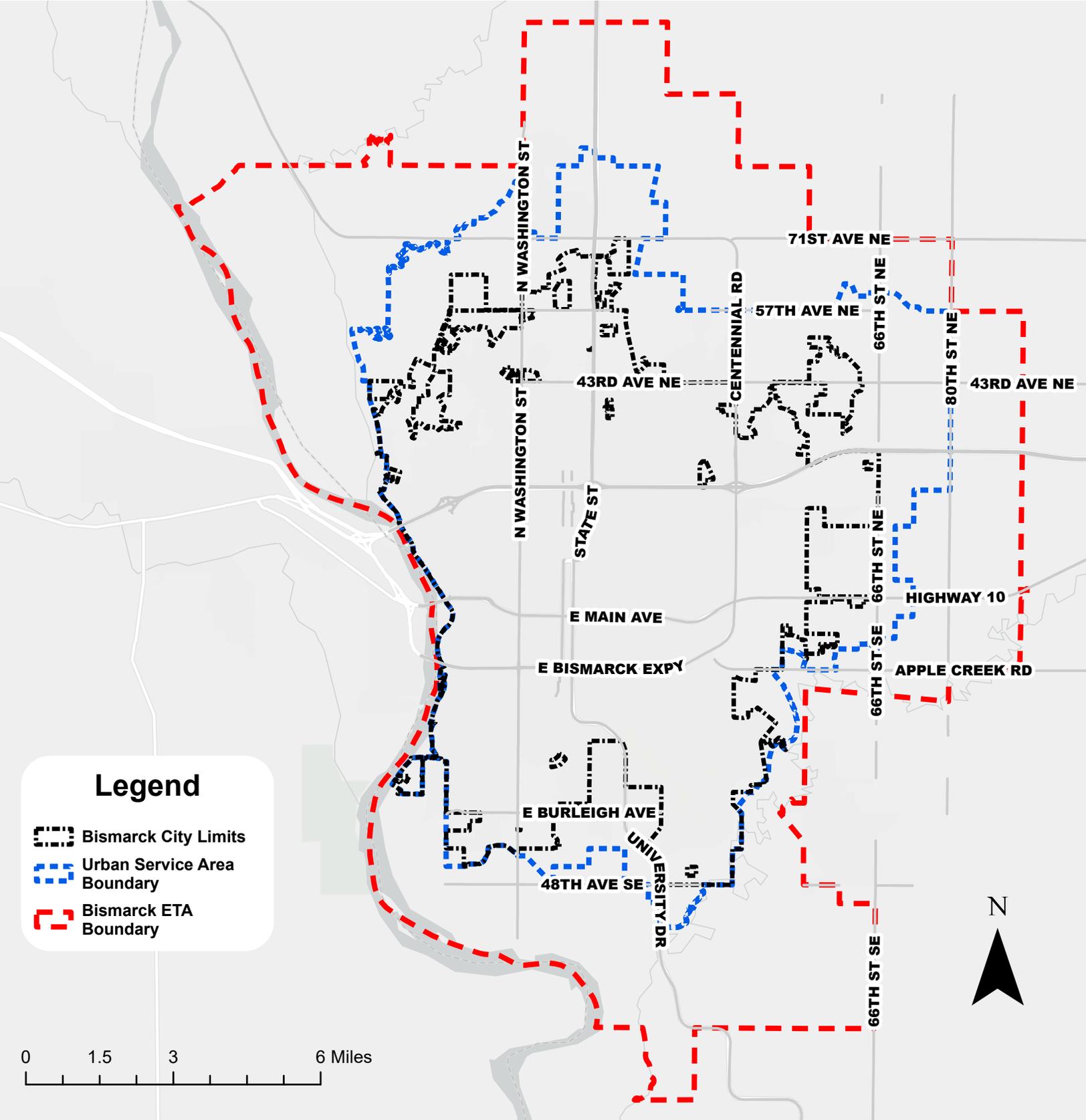
- a. ~~The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquant parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.~~
- b. ~~The 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 seventy (70) acres in area and located entirely 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 thirty-five (35) acres area, and located entirely outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.~~

* * * * *

- 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.



Legend

-  Bismarck City Limits
-  Urban Service Area Boundary
-  Bismarck ETA Boundary



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

The Bismarck Planning & Zoning Commission met on April 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, Amber Larson, Dan Lukens (Via Zoom), Gabe Schell, Mike Schmitz (via Zoom), Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

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

Chair Schwartz introduced and welcomed Sheldon Sivak to the Planning and Zoning Commission.

MINUTES

Chair Schwartz called for consideration of the minutes of the March 27, 2024, meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the March 27, 2024, meeting, as presented. Commissioner Bitner seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT / ZONING MAP AMENDMENT
FETTIG SUBDIVISION**

Chair Schwartz called for the public hearing on the zoning map amendment and major subdivision final plat for Fettig Subdivision. The property is located east of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of all of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apple Creek Township).

Ms. Wollmuth provided an overview of the requests and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning map amendment and major subdivision final plat for Fettig Subdivision may adversely impact the public health, safety, and general welfare and is not consistent the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Without annexation of the proposed plat, the ability of the city to expand its boundaries and extend municipal services would be limited.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends denial of both the zoning map amendment from the A – Agriculture zoning district and the CG – Commercial zoning district to the CG – Commercial zoning district and major subdivision final plat for Fettig Subdivision, as presented.

Chair Schwartz opened the public hearing.

Landon Niemiller from Swenson Hagen & Co approached the Commission to address staff's recommendation to deny. He stated the developer plans to only develop Lot 3 and the developer has agreed to provide access easements to the city to allow consolidation of access points in the future. He stated that the developer wishes not to annex at this time because the timeline for full utility services is unknown. Mr. Niemiller then offered a Development Agreement to annex the property when utility services are available.

Chair Schwartz asked about the plan for sanitary sewer.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to deny the zoning map amendment and major subdivision final plat for Fettig Subdivision. Commissioner Schell seconded the motion. The motion failed with Commissioners Bitner, Field, Johnson, Schmitz, Schwartz, Sivak, and Wangen voting against the motion. Commissioners Larson, Lukens, Schell and Zent voted in favor of the motion.

Commissioner Johnson asked if denial would mean the developer simply does not develop or if there is another way other than annexation. Commissioner Schell stated that the city will only provide water after annexation.

Commissioner Bitner then asked if this denial means the property is undevelopable. Commissioner Schell indicated the sewer will remain the same regardless of the Commission's decision and only the water provider will change. Commissioner Bitner stated that he disagrees with staff's recommendation to deny because rural water is available to the property.

Commissioner Schmitz stated that he believes the Development Agreement proposal is a good solution. Commissioner Bitner agreed that Mr. Niemiller's solution is reasonable.

Commissioner Schell said he had not been contacted previously on the proposed Development Agreement and typical practice is to annex properties adjacent to corporate limits.

Commissioner Bitner stated he believes the Development Agreement is more appropriate for this developer and advised city staff to work with Mr. Niemiller on it. Chair Schwartz asked about a development schedule and Mr. Niemiller said the plan is to begin construction this summer and fall as the business will be snow removal.

Jannelle Combs questioned whether a Development Agreement will work for annexation and if it would bind any future landowner to follow it. She will research it to try to find a way around this issue.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to continue the public hearing for the zoning map amendment and major subdivision final plat for Fettig Subdivision. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION PLAT
APPLE CREEK COUNTRY CLUB FOURTH SUBDIVISION**

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision. The property is located east of Bismarck, in the southwest quadrant of the intersection of Country Club Drive and County Highway 10 (a replat of Lots 1-5 and 7-11, Block 1 of Apple Creek Country Club Third Subdivision).

Ms. Oster 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 minor plat would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the minor subdivision final plat for Apple Creek Country Club Fourth Subdivision, as presented.

Commissioner Field questioned why this developer was not being asked to annex. Ms. Oster explained that this property is not adjacent to city limits.

Commissioner Bitner asked if efforts have been made to address drainage concerns. Commissioner Schell explained that both City and County Engineering had reviewed and are comfortable with the water plans.

Chair Schwartz opened the public hearing.

Hannah Boese, with Lowry Engineering, came forward to confirm that a drainage plan had been submitted and approved. Grading will be built up to drain to the Highway 10 ditch and because the property is not connected to the city, existing water lines will be used.

Apple Creek Township President, Monte Sicble asked if the property is already developed for homes and roads. He then stated that as long as the township will not be responsible for snow removal or street maintenance, Apple Creek has no issue with the proposed plat. Commissioner Bitner stated there would be no additional costs to the County for building roads.

Ms. Boese stated street maintenance will be the responsibility of the homeowner's association that will be created for this neighborhood.

Marie Halstead, an adjacent property owner, came forward to voice her concerns with increased traffic. Commissioner Schell responded that this project only has 14 new homes and does not require a traffic impact study.

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

MOTION: Commissioner Bitner made a motion to approve the minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT
HAY CREEK TOWNSHIP, SECTIONS 7 AND 18, T139 – R80**

Chair Schwartz called for the public hearing on a future land use plan amendment to adjust the proposed Future Land Uses in portions of Hay Creek Township, Sections 7 & 18, T139N-R80W, to maintain consistency with a Major Street Plan Amendment in this area. The project area is located northwest of Bismarck, west of Tyler Parkway between Ash Coulee Drive to the south and State Highway 1804 to the North.

Mr. Johnson 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 future land use plan amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the future land use plan to adjust the proposed Future Land Uses in portions of Hay Creek Township, Sections 7 & 18, T139N-R80W, as presented.

Commissioner Zent asked if East 57th Avenue is the only road to the area. Mr. Johnson stated that at this time East 57th Avenue is the only road and that additional roads could be built depending on future development.

Chair Schwartz opened the public hearing.

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 future land use plan to adjust the proposed Future Land Uses in portions of Hay Creek Township, Sections 7 & 18, T139N-R80W. Commissioner Larson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
REVISIONS TO FLOODPLAIN DISTRICT**

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to revise Section 14-04-19 of the City Code of Ordinances (FP – Floodplain). The proposed amendments would add additional definitions to avoid misinterpretation and clarify requirements, reduce the freeboard or elevation requirement for Pre-FIRM manufactured home parks or subdivisions from two feet above the Base Flood Elevation (BFE) to one foot above the BFE, and change the effective date of the Flood Insurance Rate Map (FIRM) to

June 6, 2024. The FIRM is an official map of a community on which FEMA determines base flood elevation, flood zones and floodplain boundaries.

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 zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the zoning ordinance text amendment to revise Section 14-04-19 of the City Code of Ordinances (FP – Floodplain), as presented.

Commissioner Schell asked how an individual would know if their manufactured home is pre-FIRM. Ms. Wollmuth said that several mobile home parks in Bismarck were created prior to 1985 and individuals are welcome to call the office for more information.

Commissioner Field asked how this ordinance amendment will benefit the people living in mobile home parks. Ms. Wollmuth stated the benefit is the reduction of the elevation requirement for mobile homes located in a Pre-FIRM mobile home park or subdivision from two feet above the base flood elevation to one foot above the base flood elevation. Commissioner Schmitz commented that most mobile home park residents do not carry flood insurance.

Chair Schwartz opened the public hearing.

Del Lind, a resident of a mobile home park on the south side of the city, came forward to explain the flooding that occurs frequently in his area.

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

Commissioner Bitner asked if the city has any plans to look into Mr. Lind's concerns. Commissioner Schell stated that the City has requested funding from FEMA for improvements within this area. The City has goals to remove homes from the floodplain.

MOTION: Commissioner Bitner made a motion to approve the zoning ordinance text amendment to revise Section 14-04-19 of the City Code of Ordinances (FP – Floodplain as recommended by staff. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT AGRICULTURE ZONING DISTRICT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to revise Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 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.

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 zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the zoning ordinance text amendment to revise Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district, as presented.

Commissioner Larson asked how the 250-attendance and 12 events per year limits were decided. Ms. Wollmuth explained that the numbers were determined by the stakeholder group.

Commissioner Schell asked if only the major events would have a limit to the number of events they hold per year. Ms. Wollmuth said minor events do not have a limit.

Commissioner Bitner asked if he owned 20 acres of land within corporate city limits, what size building would be allowed. Ms. Wollmuth said it would be based on the zoning district, and that for example if the property was zoned commercial or industrial and 80% of the land would be allowed to be covered with structure. Commissioner Bitner stated he does not like the use of the word “allowed” when referring to projects in the ETA. He noted he understands that Ms. Wollmuth works for the City but does not agree with the City creating requirements for properties in the ETA.

Commissioner Johnson asked if there would be options for an entity that wants more than the allowed events or patrons. Ms. Wollmuth stated there is an option of applying for a PUD – Planned Unit Development, which would be heard by the Planning and Zoning Commission.

Commissioner Sivak asked what the fire suppression requirements would be for a 250-capacity building. Mr. Blaskowski responded that building plans would need to be reviewed in order to determine fire suppression requirements. Commissioner Bitner asked for the number of people to require a building have sprinklers. Mr. Blaskowski explained that it depends on the use, the area of the building, as well as the number of occupants.

Chair Schwartz opened the public hearing.

Sara Otti Coleman, the Director of Tourism for the Department of Commerce, came forward to express her opinions on the ordinance amendment. She supports agri-tourism but believes some of the activities included in the major activities should be considered minor, such as pumpkin patches. She feels the ordinance needs more work.

Commissioner Schell asked Ms. Coleman her thoughts on how to handle an activity considered minor that later becomes a major event. Ms. Coleman does not believe a PUD would pass for something like Papa’s Pumpkin Patch if it were to be proposed today.

Commissioner Zent asked how the events mentioned in the ordinance amendment differ from a county fair. Ms. Coleman said that fairgrounds are not zoned Agriculture.

ReNay Zundel, owner of Apple Creek Farm, addressed the Commission in support of the ordinance amendment. She explained her business and interest in this ordinance

amendment. Her business has gained much interest from the community for education visits. Commissioner Bitner asked Ms. Zundel if she feels confident that this ordinance amendment would not restrict her business. She stated that all of her needs are met with the current draft.

A resident, Bonnie Munsch, came forward to get clarification on the definition of minor and major events. Ms. Wollmuth explained that a major event would include large rural events, such as weddings, corporate events. Minor events include educational events.

A Burleigh County resident, Laurie Holverson, came forward to express concerns with the affect the major events would have on neighbors including traffic and noise. Mr. Nairn responded by explaining the special use permit process for major agricultural recreation that includes public notice and a public hearing so neighbors may voice their concerns to the Planning and Zoning Commission prior to approval.

Don Zundel, owner of Apple Creek Farm, then explained the educational benefits of the events and the contribution to the community.

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

MOTION: Commissioner Bitner made a motion to approve the zoning ordinance text amendment to revise Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district. Commissioner Wangen seconded the motion.

Commissioner Zent asked if the motion could be changed to approve with changes to the amendment language. Mr. Ehreth explained that the motion would need to be withdrawn and a new motion made. Commissioner Bitner withdrew his motion to approve.

Commissioner Field stated he disagrees with the requirement of a special use permit. Commissioner Larson questioned the rationale for including pumpkin patches and hayrides in the major events. Ms. Wollmuth stated that the rationale is based on the community's existing pumpkin patch and the thousands of visitors each fall season. Commissioner Larson disagrees with including certain activities based on assumed attendance rather than the type of event.

Commissioner Johnson agrees with the requirement of a special use permit to give neighbors the opportunity to ask questions and oppose a large event, if they choose.

Commissioner Schell asked if the number of attendees to an event was considered during stakeholder meetings. Ms. Wollmuth explained the discussions held with the stakeholders and how they collectively decided on 250 people being considered a large event.

Commissioner Zent asked why private riding arenas are included but not commercial riding arenas. Ms. Wollmuth explained that private riding arenas were specifically included because of an existing property owner request for one and that if in the future, that riding arena would like to hold events, similar to those in the major agriculture recreation use, the owner could apply for a special use permit. Mr. Ehreth stated that any use restrictions depend on the zoning district of a property. Mr. Nairn explained that riding arenas are in separate sections of the ordinance, even though the amendments are being presented together.

MOTION: Commissioner Bitner made a motion to continue the zoning ordinance text amendment to revise Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district to allow staff to make changes to the draft to include the concerns expressed during the meeting. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

Update on Home Occupation Zoning Ordinance Text Amendment.

Mr. Nairn explained to the Commission that, because of the controversial nature of this item, a public meeting will be held as its own special meeting of the Planning and Zoning Commission on May 15, 2024, at 5:00 pm in the Tom Baker meeting room. Mr. Nairn asked for feedback on the appropriate time to hold a formal public hearing, and the consensus of the Commission was to wait until the June regular meeting.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:15 p.m. to meet again on May 22, 2024.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 4/2024

*****City*****

*****ETA*****

Census Code	4/2024		4/2023		4/2024		4/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	11	\$5,180,198.50	6	\$1,933,068.93	6	\$2,666,321.75	5	\$1,986,033.82
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$0.00	3	\$824,956.85	0	\$0.00	1	\$268,596.85
MANUFACTURED HOMES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$27,132.00	0	\$0.00	2	\$78,807.00	1	\$88,698.00
DETACHED GARAGE	2	\$33,000.00	2	\$36,000.00	1	\$25,600.00	1	\$45,000.00
DECKS\PORCHES & COVERED PORCHES	12	\$64,481.50	5	\$30,365.75	1	\$6,804.00	1	\$3,024.00
SWIMMING POOLS	2	\$290,000.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	10	\$128,803.23	2	\$11,000.00	0	\$0.00	2	\$558,193.48
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	1	\$2,160.00	2	\$5,400.00	1	\$2,400.00	0	\$0.00
BASEMENT FINISH	5	\$143,394.25	4	\$106,382.00	0	\$0.00	0	\$0.00
COMMERCIAL	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	9	\$71,911.00	7	\$185,920.62	1	\$300.00	0	\$0.00
SIGN ALTERATION	6	\$16,655.00	8	\$70,829.27	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	7	\$27,757,625.00	6	\$9,068,000.00	8	\$4,580,000.00	0	\$0.00
COMMERCIAL ADDITION	1	\$2,051,718.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	10	\$5,194,760.02	8	\$1,127,150.00	1	\$40,600.00	0	\$0.00
Total	86	\$40,961,838.50	55	\$13,399,073.42	21	\$7,400,832.75	11	\$2,949,546.15

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

Trade Permit Type	4/2024		4/2023		4/2024		4/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	84	\$20,000.00	60	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	137	\$1,305,576.11	105	\$2,922,134.00	1	\$34,620.00	2	\$10,075.00
BUILDING PLUMBING	22	\$278,300.00	43	\$1,005,507.67	1	\$5,000.00	4	\$38,632.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	0	\$0.00	1	\$10,000.00
Total	243	\$1,603,876.11	208	\$3,927,641.67	2	\$39,620.00	7	\$58,707.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 4/2024

	*****City*****		*****ETA*****	
	4/2024	4/2023	4/2024	4/2023
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	0	2	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	2	0	0
SINGLE FAMILY DETACHED	11	6	5	5
SWIMMING POOLS	0	0	0	0
Total	13	10	5	5

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 4/2024

*****City*****

*****ETA*****

Census Code	4/2024		4/2023		4/2024		4/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	21	\$8,670,638.05	8	\$2,555,850.11	7	\$3,109,941.25	6	\$2,297,629.46
ROWHOUSE (2) 1-HR FIRE SEPARATION	30	\$5,294,837.00	18	\$4,151,980.92	0	\$0.00	2	\$537,193.70
MULTI FAMILY RESIDENTIAL	1	\$241,700.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	4	\$142,715.40	1	\$32,796.00	2	\$78,807.00	1	\$88,698.00
DETACHED GARAGE	2	\$37,900.00	2	\$33,600.00	2	\$37,600.00	2	\$64,200.00
DECKS\PORCHES & COVERED PORCHES	20	\$91,463.40	11	\$39,896.75	1	\$6,804.00	1	\$3,024.00
SWIMMING POOLS	3	\$375,000.00	1	\$85,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	25	\$821,797.58	6	\$150,300.00	3	\$59,000.00	4	\$583,581.16
HOME OCCUPATION	3	\$0.00	2	\$0.00	1	\$0.00	0	\$0.00
STORAGE SHED	2	\$5,040.00	1	\$2,400.00	1	\$2,400.00	1	\$3,000.00
BASEMENT FINISH	19	\$458,525.25	21	\$415,208.00	3	\$80,023.00	3	\$85,677.50
RESIDENTIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	2	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	30	\$576,096.61	14	\$443,973.62	1	\$300.00	0	\$0.00
SIGN ALTERATION	14	\$105,077.13	10	\$73,879.27	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	21	\$31,733,235.00	34	\$26,477,753.00	7	\$4,520,000.00	0	\$0.00
COMMERCIAL ADDITION	1	\$2,051,718.00	1	\$1,000,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	36	\$13,432,761.02	37	\$13,263,505.00	3	\$73,030.00	1	\$19,500.00
Total	243	\$64,038,504.44	180	\$48,726,142.67	31	\$7,967,905.25	21	\$3,682,503.82

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 4/2024**

*****City*****

*****ETA*****

Permit Type	4/2024		4/2023		4/2024		4/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	253	\$20,000.00	226	\$0.00	1	\$0.00	0	\$0.00
BUILDING MECHANICAL	432	\$6,677,232.99	434	\$7,589,171.84	55	\$450,401.53	68	\$817,500.25
BUILDING PLUMBING	73	\$4,821,966.00	64	\$1,649,608.67	3	\$24,000.00	5	\$53,647.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	1	\$0.00	1	\$10,000.00
Total	758	\$11,519,198.99	724	\$9,238,780.51	60	\$474,401.53	74	\$881,147.25

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 4/2024

*****City*****

*****ETA*****

Living Units	4/2024	4/2023	4/2024	4/2023
	Units	Units	Units	Units
MULTI FAMILY RESIDENTIAL	0	0	0	0
MANUFACTURED HOMES	3	4	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	90	42	0	0
SINGLE FAMILY DETACHED	20	8	6	6
SWIMMING POOLS	0	0	0	0
Total	113	54	6	6