Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA

March 24, 2021

Tom Baker Meeting Room | 5:00 p.m. | City-County Office Building

SPECIAL NOTICE ON PUBLIC PARTICIPATION

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found at www.bismarcknd.gov/agendacenter.

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

If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

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

It is anticipated that some of the Planning and Zoning Commissioners will be attending this meeting in person and others will be participating remotely.

Full agenda starts on the next page.

MINUTES

1. Consider approval of the minutes of the February 24, 2021 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Lot 2, Block 1, J & L Addition** (JW)
Zoning Change (MA to PUD) | ZC2021-002 1

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

3. **Lots 23-24, Block 23, Sturgis Addition** (WH)
Zoning Change (RM30 to PUD) | ZC2021-003.....13

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

4. **East 67 feet of Lot 1 and Lots 2-3, Block 1, Hamilton's First Addition** (DN)
Zoning Change (RM15 & PUD to PUD) | ZC2021-004 25

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

REGULAR AGENDA

FINAL CONSIDERATION

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

5. **Part of Clear Sky Addition** (JW)
Annexation | ANNX2021-004..... 42

Apple Creek Township

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

CONTINUED PUBLIC HEARING

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

6. **East 250 feet of Lot 2, Block 3, KMK Estates** (DN)
Zoning Change (Conditional RT to Conditional CA) | ZC2020-012..... 48

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

PUBLIC HEARINGS

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

7. First Responders Second Addition (JW) *57*

- Annexation | ANNX2020-009

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

- Final Plat | FPLT2021-002

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

8. Southbay Fourth Addition Third Replat (JW)
Minor Subdivision Final Plat | MPLT2021-002 65

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

9. The Ridge at Hawktree Second Replat (DN)
Minor Subdivision Final Plat | MPLT2021-003 72

Hay Creek Township

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

10. Lot 5, Block 2, High Plains Country Estates (WH)
Special Use Permit (Oversized Accessory Building) | SUP2021-002..... 79

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

OTHER BUSINESS

11. Update on Comprehensive Plan

12. Demo of Online Map

13. Other Business

ADJOURNMENT

14. Adjourn. The next regular meeting date is scheduled for **April 28, 2021.**

Enclosures: Meeting Minutes of February 24, 2021
Building Permit Activity Month to Date Report for February 2021
Building Permit Activity Year to Date Report for February 2021

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

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

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.

2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.

3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.

4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.

5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.

6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.

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

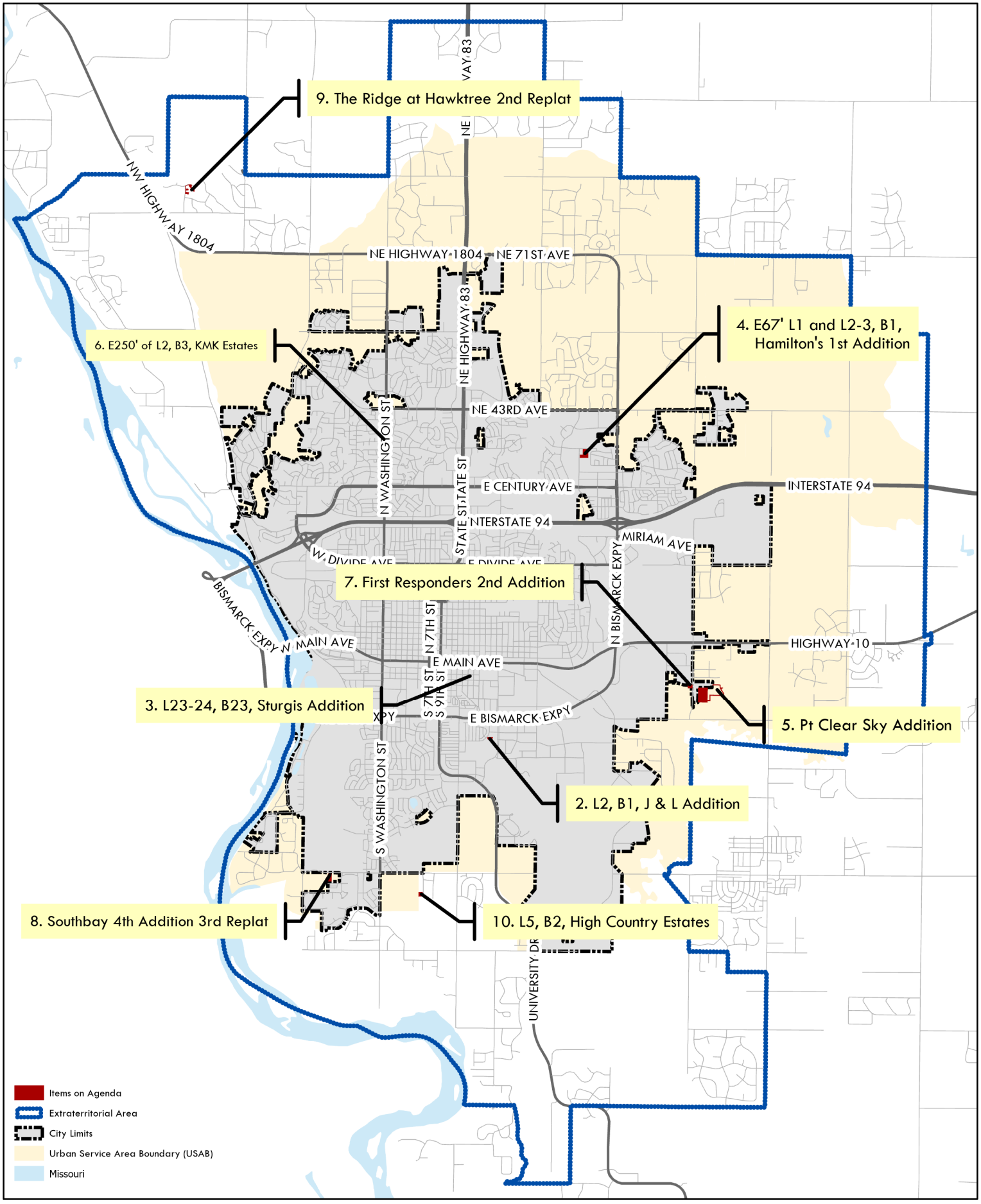
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.

9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.

10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Bismarck Planning & Zoning Commission Meeting - March 24, 2021



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

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

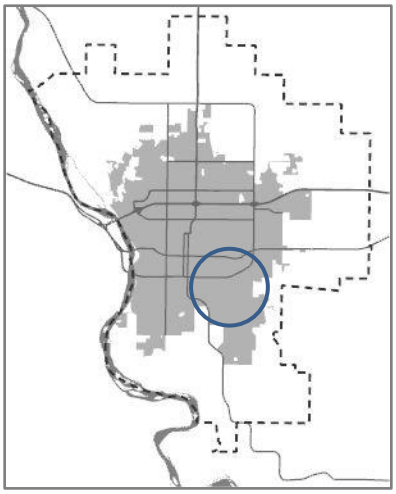
Agenda Item # 2
March 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-002

Project Summary

Title:	Lot 2, Block 1, J & L Addition – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	James Barnhardt
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	In south Bismarck, south of East Bismarck Expressway between South 12th Street and Airport Road, along the southeast side of Park Avenue
Project Size:	74,156 square feet
Request:	Rezone property to allow for residential suite in proposed in conjunction with primary use (The Dream Center)



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	MA – N/A	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*12/1976*	*Platted:*	*09/2000*	Annexed:	*Pre-1980*

Staff Analysis

James Barnhardt is requesting approval of a zoning change from the MA – Industrial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, J & L Addition.

(continued)

The property is currently being developed as The Dream Center, a facility that will provide meals and grocery items to low income members of the community. The facility will also include a chapel space, multi-purpose room, office space and one proposed residential unit for an on-site caretaker.

The MA – Industrial zoning district allows for all the above-mentioned uses, except the proposed residential unit.

Adjacent uses include undeveloped MA – Industrial zoned property to the north, industrial uses to the east and south, and single-family residential to the west and southwest across Park Avenue.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The 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;
7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the MA – Industrial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, J & L Addition as outlined in the attached draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Written Statement
7. Proposed Site Plan

(continued)

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

ORDINANCE NO. XXXX

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

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

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

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

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

Lot 2, Block 1, J & L Addition

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.

2. *Uses Permitted.* The uses within the district shall be limited to the following:

    a. *Principal Uses*. The following principal uses shall be allowed:

        i. Retail group A.

        ii. Service group A.

        iii. Commercial recreation group.

        iv. Office-bank group.

DRAFT

v. Religious institution.

b. *Accessory Uses*. The following accessory use shall be allowed:

i. One residential unit for onsite caretaker.

c. *Special Uses.* The following uses shall be allowed with a special use permit

i. Childcare center.

3. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:

a. *Lot area.* The minimum lot area is 10,000 square feet.

b. *Lot width*. The minimum lot width is 60 feet measured along the front building line.

c. *Lot coverage.* The ground area occupied by the principal building or buildings, accessory buildings and required off-street parking shall not exceed 80%.

d. *Front yard.* The minimum front yard setback is 15 feet.

e. *Side yard.* The minimum side yard setback is 0 feet.

f. *Rear Yard.* The minimum rear yard setback is 10 feet.

g. *Height limits.* The maximum principal building height shall not exceed 75 feet. The maximum accessory building height shall not exceed 50 feet.

4. *Development Standards.* The following development standards shall apply to all development within the district.

a. *Accessory Buildings.* Accessory buildings may be allowed in accordance with section 14-03-06 of the City Code of Ordinances (Incidental Uses). Storage containers may not be used as accessory buildings.

b. *Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Lading).

c. *Landscaping and Screening.* Landscaping and screening shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening.

DRAFT

d. *Screening of Mechanical Equipment and Waste Collection Areas*. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

5. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for MA – Industrial zoning districts.

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

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

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

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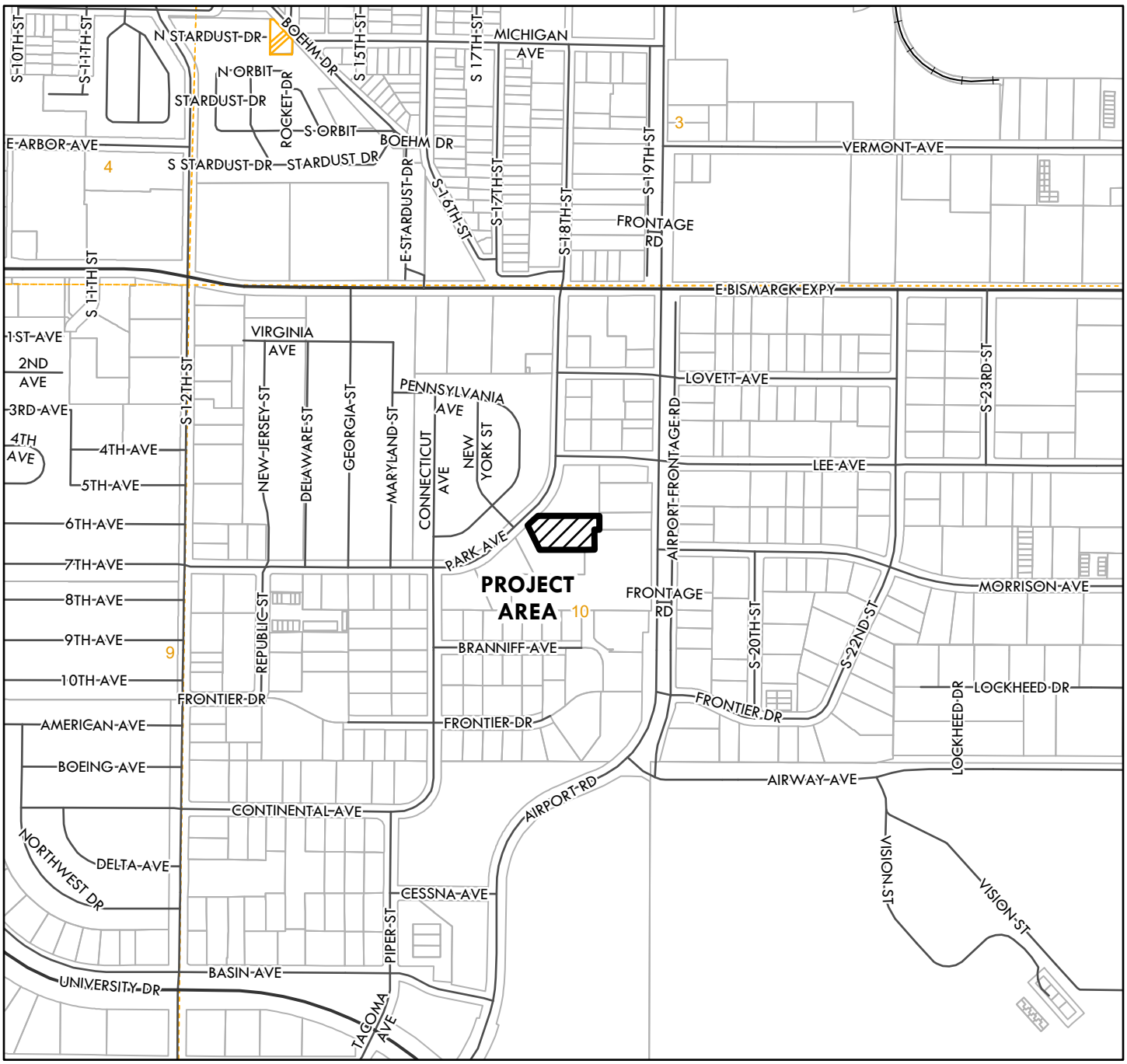
Location Map

J & L ADDITION, L2, B1

ZC2021-002



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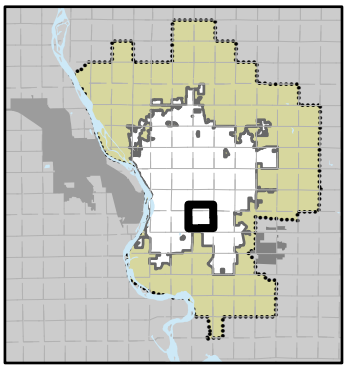

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
February 23, 2021 (HLB)

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

Aerial Map

J & L ADDITION, L2, B1

ZC2021-002

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
March 16, 2021

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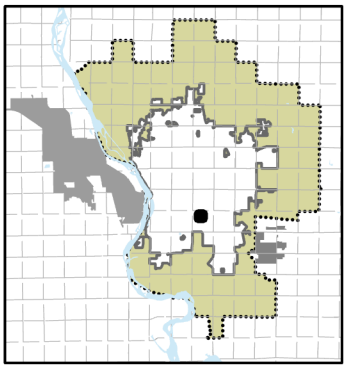


Zoning and Plan Reference Map

J & L ADDITION, L2, B1

ZC2021-002

Zoning Districts

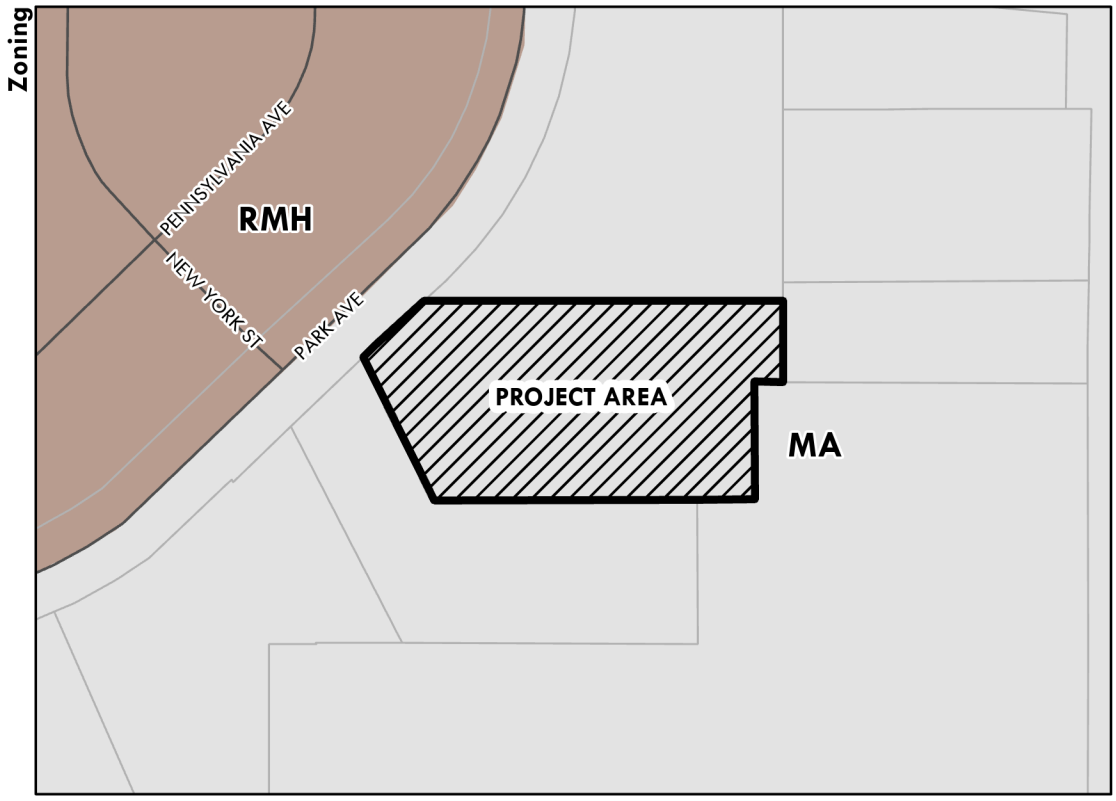
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

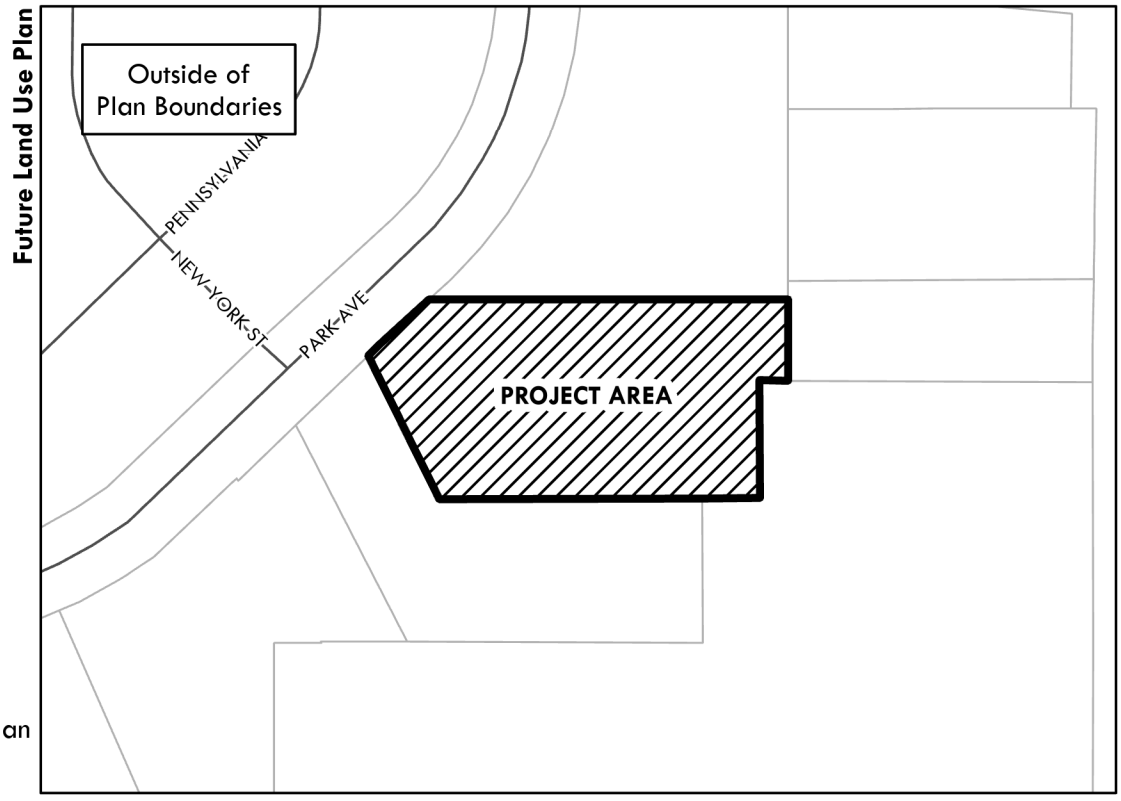
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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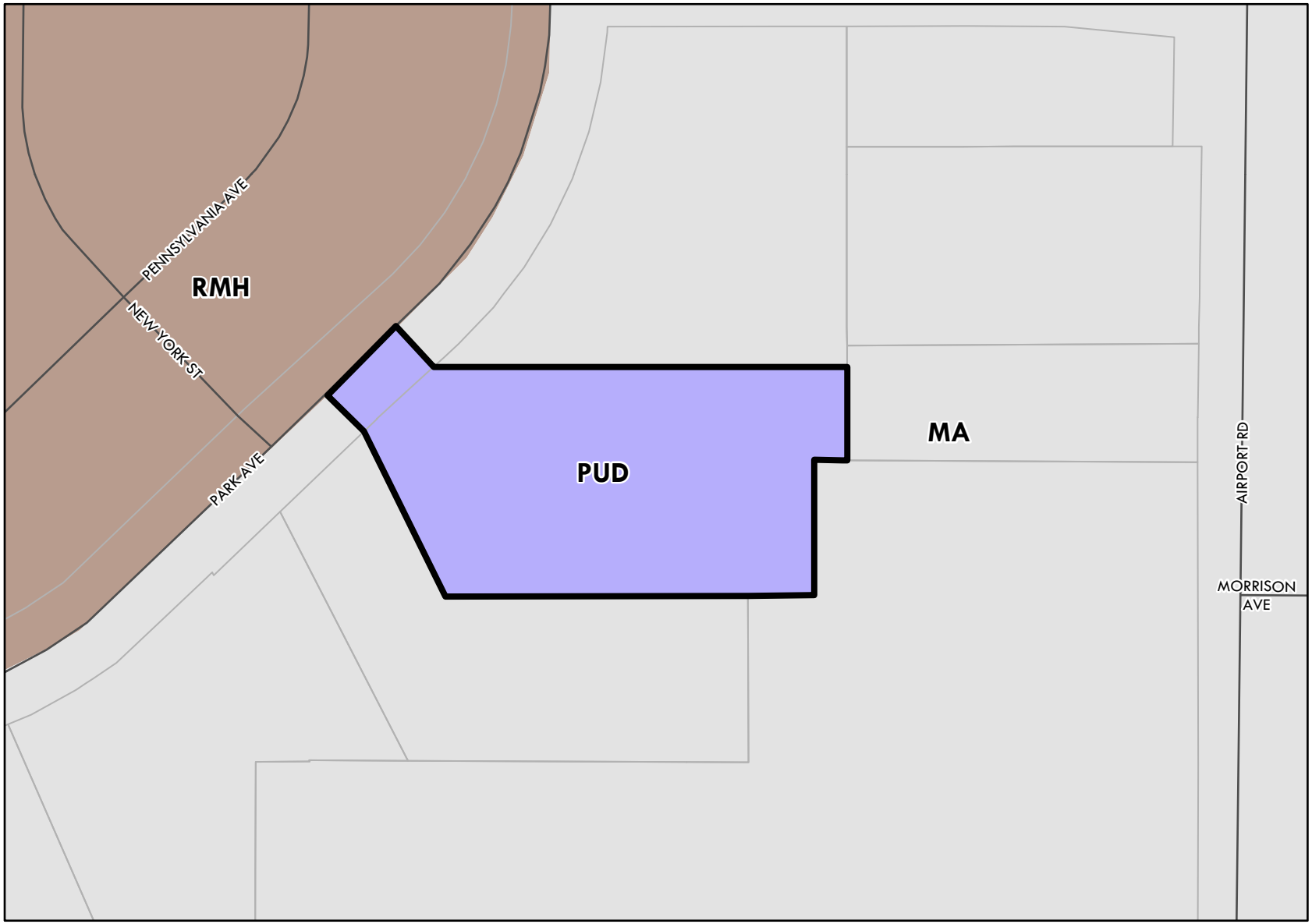
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

Proposed Zoning Change

J & L ADDITION, L2, B1

ZC2021-002

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

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City of Bismarck
Community Development Dept.
Planning Division
March 19, 2021

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

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

LOT 2 BLOCK 1 J & L ADDITION

Request for PUD zoning change

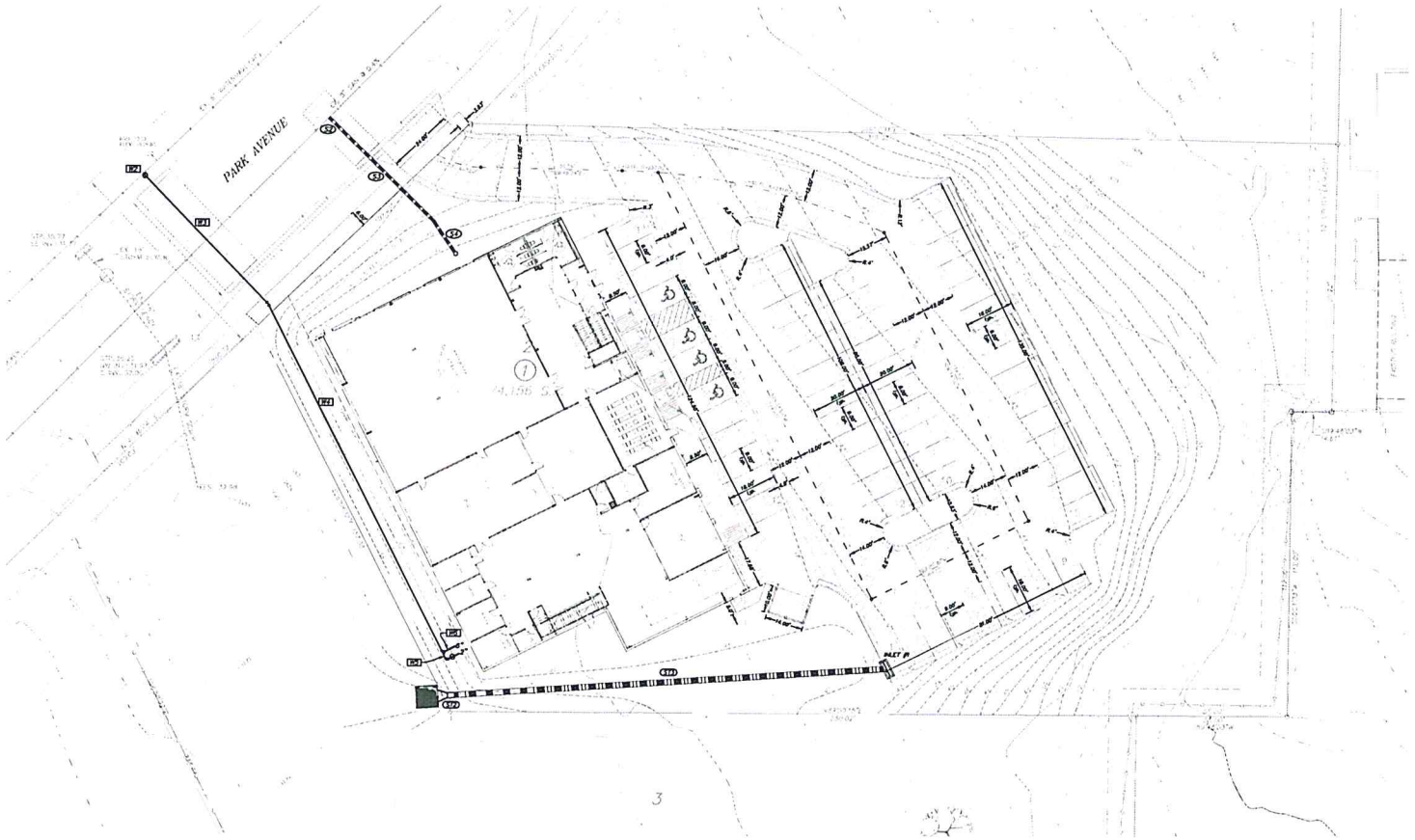
Jim Barnhardt is proposing to develop a meal preparation and distribution ministry for seniors, low-income households, & homeless individuals, known as The Dream Center, on Lot 2 Block 1 J&L Addition. The MA-zoned property can support the intended use of the project, with the exception of an allowance for a residential dwelling in conjunction with the commercial use.

The PUD request is to add that caveat to the MA-uses in a limited capacity, specifically a single executive-suite that will serve as living quarters for a full-time employee or owner/operator to manage the facility.

The zoning change will allow for all of the existing MA use groups to remain, provided that the allowance for a residential dwelling is allowable only in conjunction with crises centers or similar non-profit institutions.

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

FEB 19 2021


PARK AVENUE
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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

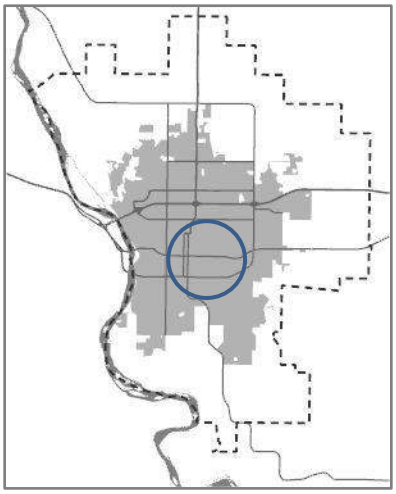
Agenda Item # 3
March 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-003

Project Summary

Title:	Lots 23-24, Block 23, Sturgis Addition – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Kier & Candace Vander Wal
Project Contact:	Clint Dreyer, Parclin LLC Morgan Kolberg, Legend Builders Inc.
Location:	In central Bismarck, south of East Main Avenue, east of South 9th Street, along the east side of South 14th Street and the south side of East Sweet Avenue
Project Size:	7,500 square feet
Request:	Rezone to allow construction of a four-unit rowhouse infill project



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Single-Family Residential	*Land Use:*	Multi-family Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RM30 – Residential	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	RM30 – Multi-family residential	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	RM30 – 30 units / acre	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*Pre-1980*	*Platted:*	*9/1878*	Annexed:	Pre-1980

Staff Analysis

Kier and Candace Vander Wal are requesting approval of a zoning change from the RM30 - Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 23-24, Block 23, Sturgis Addition.

(continued)

The PUD process provides a greater degree of flexibility to the property owner in exchange for providing the Planning and Zoning Commission more specificity in terms of the uses and design. An approval of a PUD is made subject to substantial conformance to the submitted materials. The applicant has submitted a preliminary site plan, building elevations, and a narrative describing the intent of the PUD.

Adjacent uses include a mix of residential and industrial uses to the north across East Sweet Avenue, and a mix of single and multi-family uses to the east, south and west across South 14th Street.

the 2017 Infill and Redevelopment Plan (IRP) is used as the guide for proposed zoning changes within the developed areas of the city (this area is not included within the Future Land Use Plan). Any construction of new buildings in these areas is encouraged to complement existing characteristics of the neighborhood, in terms of mass of nearby buildings, setbacks, heights, as well as vegetation and streetscape elements.

The property currently contains a single-family home that would be demolished prior to construction of this multi-family development. The property is currently zoned RM30 – Residential which in this area, allows for both single-family residential and multi-family residential with a density up to 30 units per acres. The proposed PUD would not exceed the density allowed in the existing zoning district but would reduce required setbacks in exchange for additional development standards outlined in the proposed PUD

Proposed setbacks within the PUD will be comparable to setbacks of single and multi-family structures within this neighborhood. The zoning ordinance allows front yard setbacks based on the surrounding context. If applied to this proposed PUD, the allowable contextual front yard setback along East Sweet Avenue would be between 7.5 feet and 13.5 feet. The contextual front yard setback along South 14th Street would be between 9.5 and 16.5 feet. The applicant has proposed as front yard setback of 10 feet along East Sweet Avenue and 11 feet along South 14th Street which aligns with the allowable contextual setbacks but does not meet a minimum 20 feet setback requirement for areas in front of overhead garage doors. Prior to scheduling a public hearing, revised building and site plans that meet this 20-foot setback requirement will be required.

A landscape buffer yard requirement applies for any new multi-family use adjacent to single-family uses. The proposed development is adjacent to single-family uses to the east and south. The proposed setbacks are less than the typical 15-foot landscape buffer yard requirements. A lesser width may be acceptable as long as the proposed buffer yard screening materials meet the buffer yard which is to utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties. The submitted site plan does not indicate any proposed landscaping material. The applicant is working with a landscaping professional to provide a landscape plan for consideration. Prior to scheduling a public hearing, a detailed landscape plan indicating required buffer yard landscaping must be provided.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses

(continued)

that are compatible and harmonious with the area in which it is located;

7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 23-24, Block 23, Sturgis Addition, as outlined in the attached, with the following conditions:

1. The building and site plan are revised to meet the 20-foot setback requirement in front of all overhead garage doors.
2. A landscape plan is provided indicating required buffer yard landscaping.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Written Statement
6. Proposed Layout
7. Proposed Building Elevations

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the RM30 – Residential zoning district and included within the PUD – Planned Unit Development zoning district:

Lot 23 and 24, Block 23, Sturgis Addition

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan and building elevations approved in conjunction with the PUD.

2. *Uses Permitted.* The uses within the district shall be limited to the following:

    a. One rowhouse building with up to four (4) residential units.

3. *Special Uses.* No uses shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within district:

    a. *Lot Dimensions*. No minimum lot size, width or any other lot standards apply. The existing lot within this district may not be subdivided or split through the lot modification process.

DRAFT

b. *Front Yards*. The minimum front yard setback from East Sweet Avenue shall be 12 feet. The minimum front yard setback from South 14th Street shall be 11 feet. Notwithstanding, any garage face of a principal or accessory structure must be setback at least twenty (20) feet from any right-of-way. Projections into front yards shall be allowed in accordance with Section 14-03-05 of the City Code of Ordinances (supplementary provisions). The minimum side yard setback to the east shall be 11 feet in width. The minimum rear yard setback to the south shall be ten (10) feet in width.

c. *Side Yards*. The minimum side yard setback to the east shall be eleven (11) feet.

d. *Rear Yards*. The minimum rear yard setback to the south shall be ten (10) feet in width.

e. *Height*. All buildings shall have a height limit of twenty (25) feet.

5. *Development Standards*. The following development standards shall apply to all development within the district.

   a. *Off-Street Parking and Loading*. All off-street parking and loading must conform to the layout shown on the submitted site plan. A total of eight (8) off-street parking spaces shall be provided.

   b. *Landscaping and Screening*. Street trees and buffer yard landscaping must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

6. *Design and Aesthetic Standards*. The following design and aesthetic standards shall apply to all development within the district.

   a. *Materials*. Building materials utilized may vary from submitted documents but should generally conform in type and quality to materials presented.

   b. *Colors*. Building colors may vary from submitted documents but should be subdued in nature. Brighter and darker hues shall be limited to use as an accent color or to draw attention to building details.

DRAFT

c. *Signs.* Signs shall be allowed within this district only in accordance with all requirements applicable to the RM30 – residential zoning district.

d. *Screening*. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

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

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

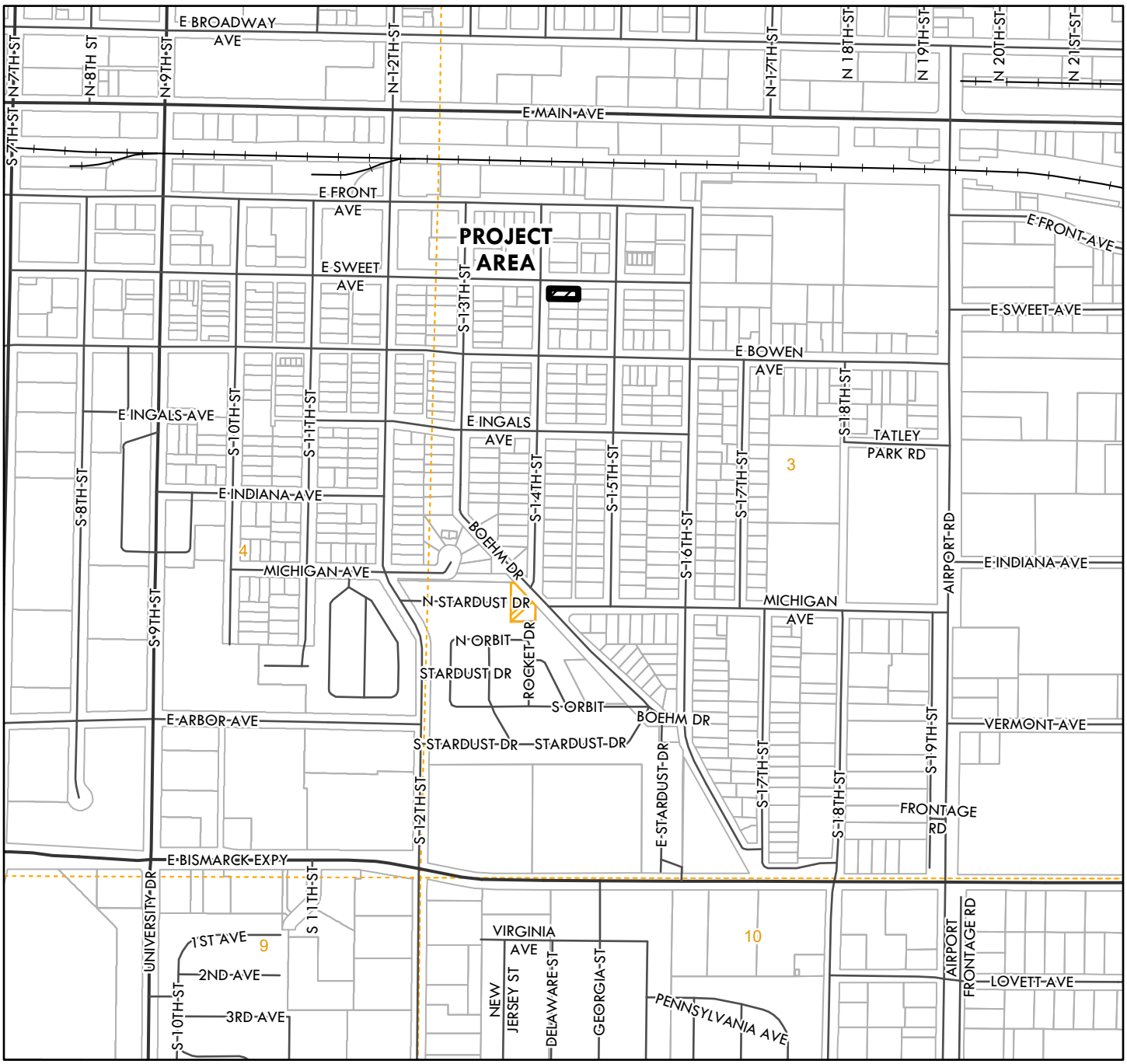
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

STURGIS ADDITION, L23-24, B23

ZC2021-003



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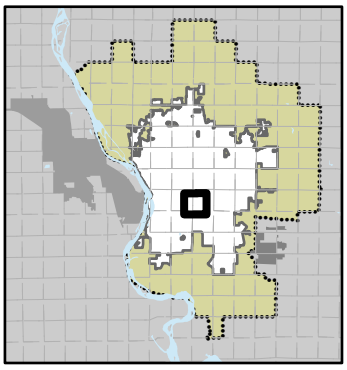


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Lots Pending Approval

Section, township, and range indicated in orange

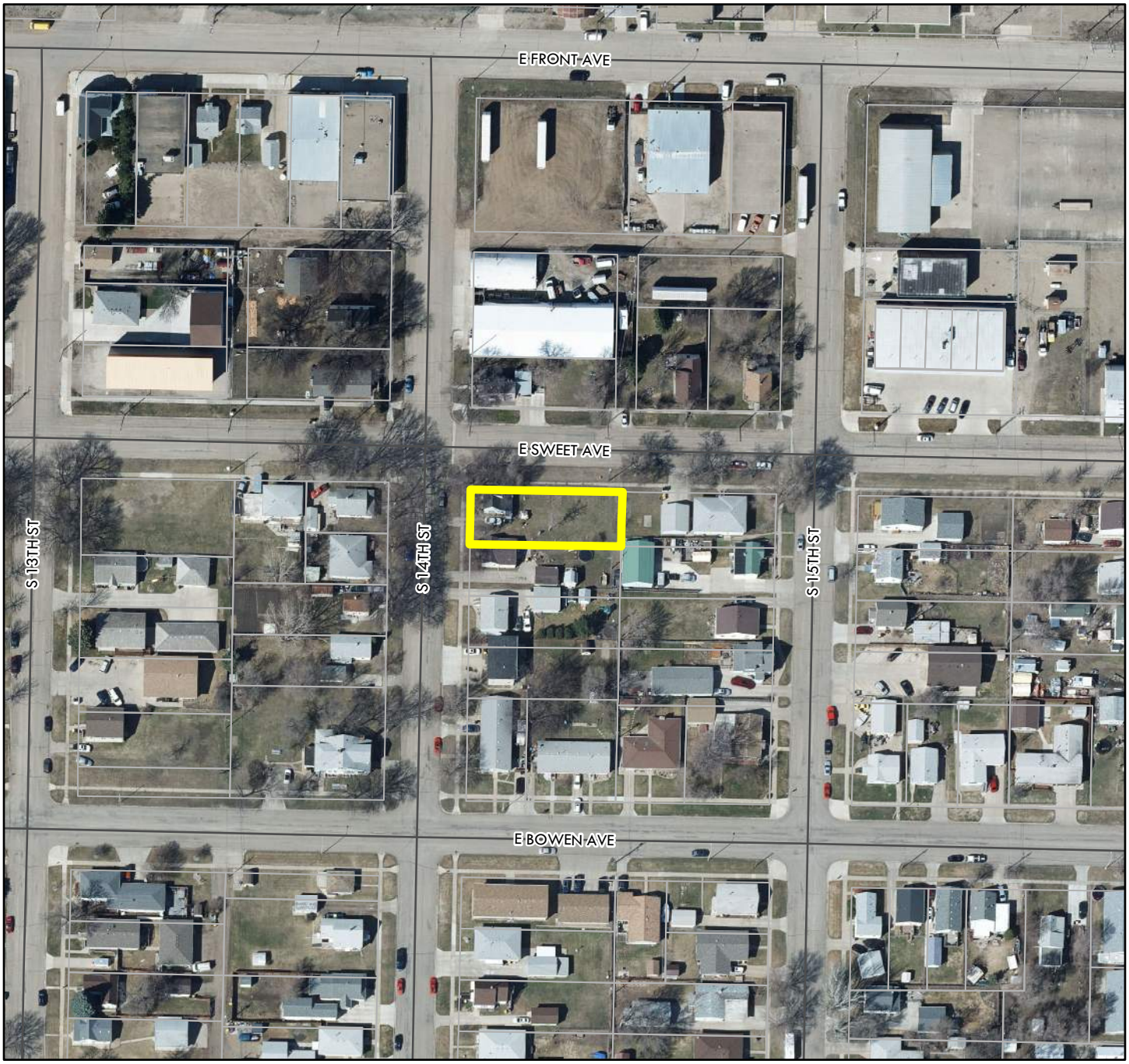
City of Bismarck
Community Development Department
Planning Division
February 23, 2021 (HLB)

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

Aerial Map

STURGIS ADDITION, L23-24, B23

ZC2021-003

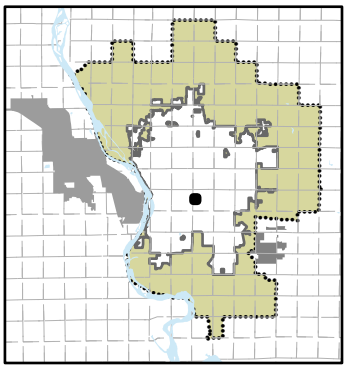


0 0.04 0.07 0.14 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Department
Planning Division
March 18, 2021

Zoning and Plan Reference Map

STURGIS ADDITION, L23-24, B23

ZC2021-003

Zoning Districts

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

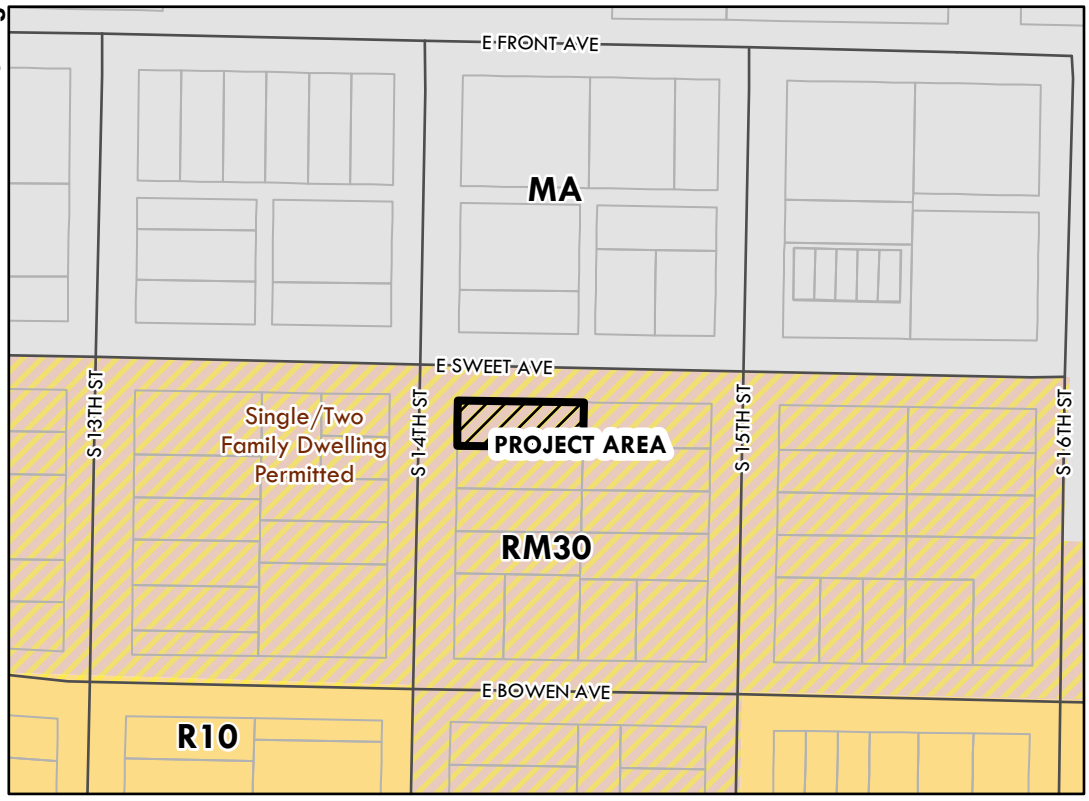
Future Land Use Plan

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

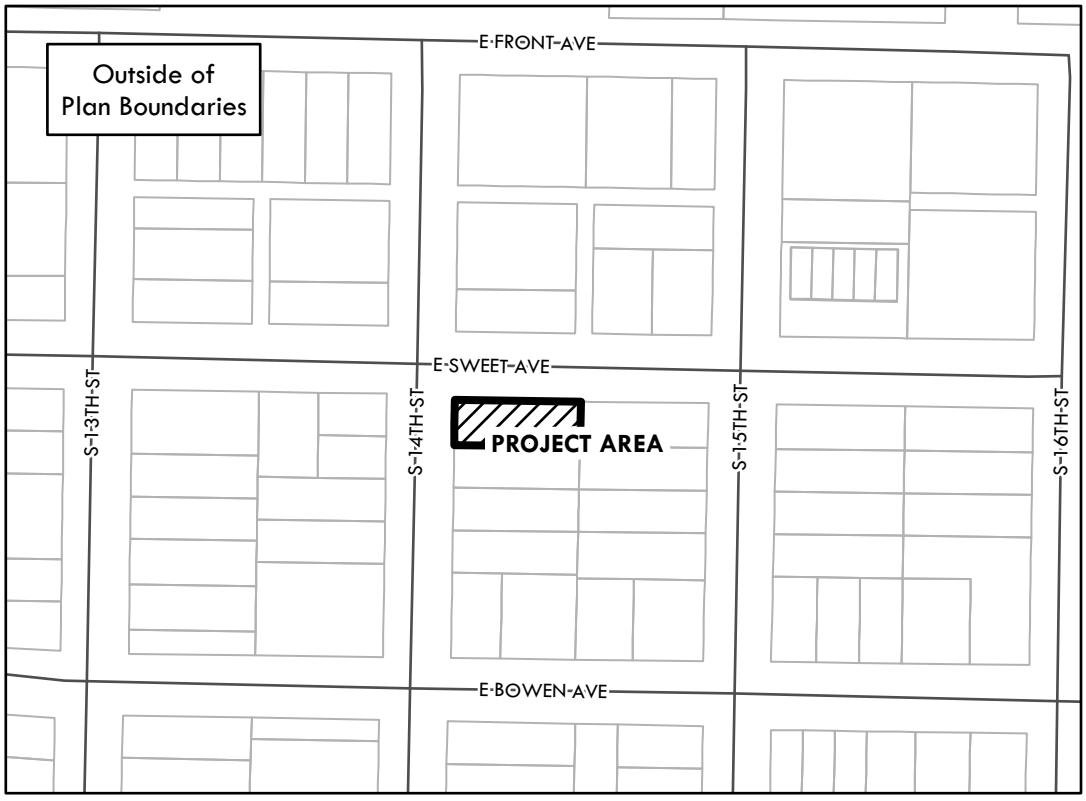
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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.

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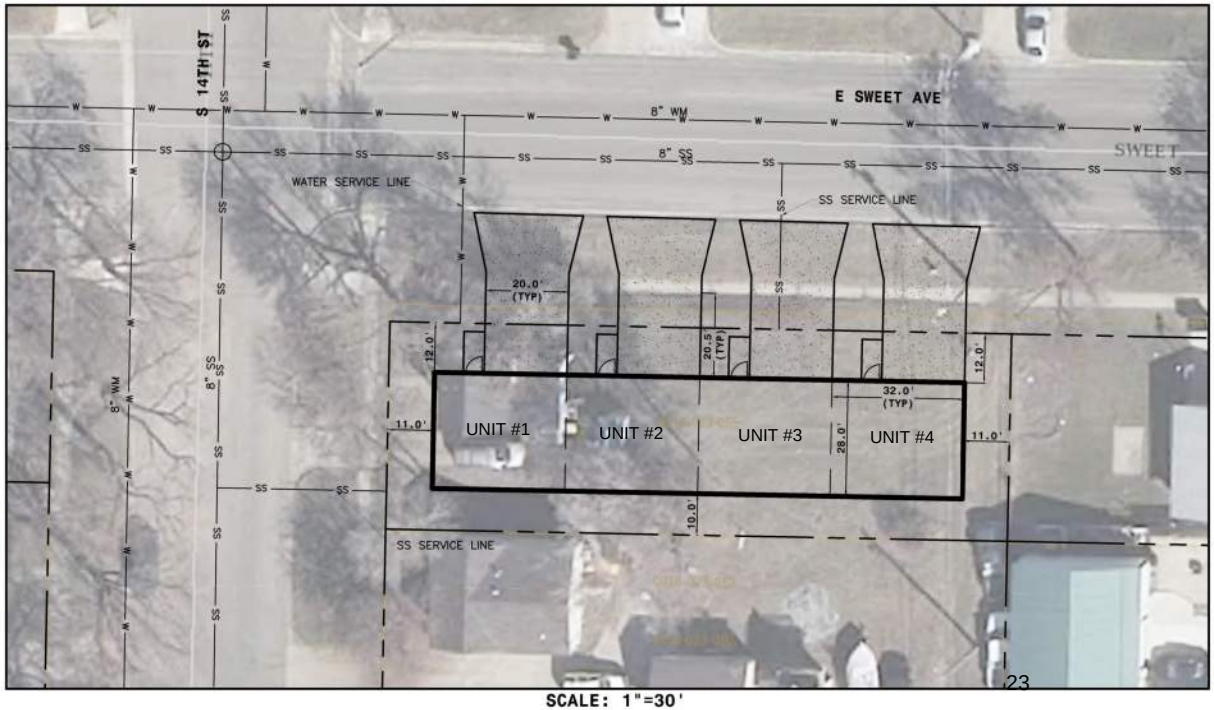
N

City of Bismarck
Community Development Dept.
Planning Division
March 18, 2021

The property involved in this application located at 301 South 14th Street, the SE quadrant of the street corner at South 14th Street and East Sweet Avenue. It is owned by Kier and Candace Vander Wal. Legal description of Lots 23 & 24, Block 23, Sturgis Addition to the City of Bismarck, Burleigh County, North Dakota.

We are proposing the construction of a 4 unit condo building for single family homes. Each unit will be a 2 bedroom, single bathroom unit with a two car garage accompanying each home. Our intent is to increase the property value of the neighborhood in which this is proposed. Our company's typical finish style will be included with this structure: Upscale interior finish and the current above average local exterior finish style. The planned structure will be slightly larger than what the current zoning—RM30—currently allows due to setbacks. We are requesting the setbacks to be 12' from the font property line, 11' from the side property lines, and 10' from the rear property line. These proposed setbacks can be seen on the attached site plan. The driveways for each unit will open onto E Sweet Ave. The back yards will be a sodded area to the adjacent property.

SCALE: 1"=60'



SCALE: 1"=30'

PUD NOTES:

LOT SIZE: 7,500 SF

EXISTING LAND USE: RES MULTI FAM-30 UNITS/ACRE
PROPOSED LAND USE: RES MULTI FAM-30 UNITS/ACRE (UNCHANGED)

EXISTING STRUCTURE: NO STRUCTURE, LOT SITS VACANT
PROPOSED STRUCTURE: 2 STORY 4-PLEX
28'X32' UNITS
2-BEDROOM UNITS
28' MAX HEIGHT
4,096 SF

MBN ENGINEERING
MECHANICAL * ELECTRICAL * CIVIL
503 7TH ST. N
SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340

N
W E
S

PARCLIN REAL ESTATE GROUP
301 S 14TH ST.
4-PLEX

BISMARCK, ND

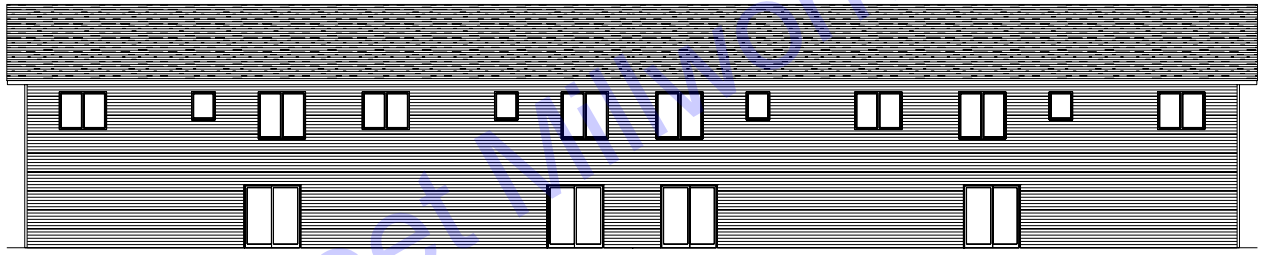
NOT FOR CONSTRUCTION

MBN JOB #: 21-040 DATE: 2-19-21

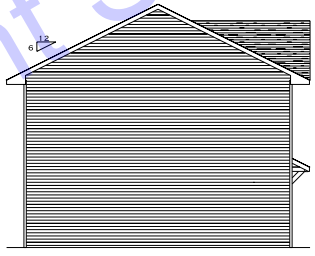
PUD SITE PLAN

SITE

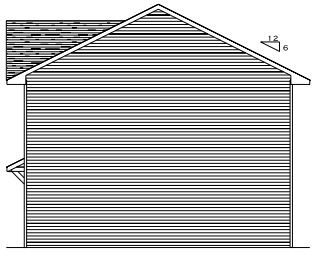
Front Elevation



Rear Elevation



Left Elevation



Right Elevation

Front Street Millwork & Lumber

Front Street Millwork & Lumber Inc.
3320 E Century Ave - Bismarck, ND 58503
Phone: 701-255-1636 - Fax: 701-222-0500
Marcie@FrontStreetMillwork.com

Disclaimer of Warranties: Plans furnished by Front Street Millwork & Lumber, Inc. are prepared by Draftsmen who are not qualified as Licensed Architects or Professional Engineers. Front Street Millwork & Lumber, Inc. expressly disclaims any warranty that the plans furnished by Front Street Millwork & Lumber, Inc. are fit for any purpose and at the risk of the user. Any plans furnished by Front Street Millwork & Lumber, Inc. are furnished without warranty of any kind, expressed or implied, including any warranty of merchantability or fitness for a particular purpose. User of the plans and all responsibilities for the same, know calculation of correct structural materials, spans, aesthetics or the physical sciences must be the responsibility of the builder, the owner, or the user of the plans.

Drawn:
Marcie Frankelind
Date:
Feb 12, 2021
Version:
Wednesday, February 17, 2021
Scale:
0.0076" = 1'-0"

Drawn For:
Parclin Real Estate
Plan Name:
Parclin Real Estate 4 Plex

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

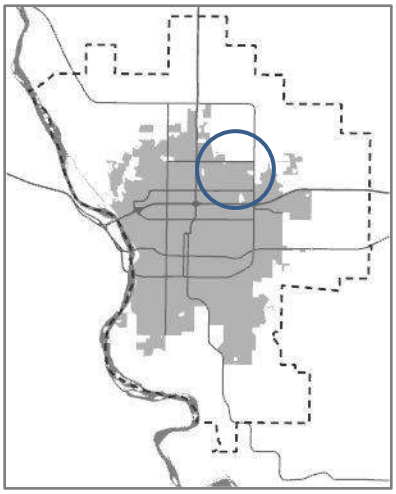
Agenda Item # 4
March 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-004

Project Summary

Title:	East 67 feet of Lot 1 and Lots 2-3, Block 1, Hamilton's First Addition – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Sattler Homes, Inc.
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, north of East Century Avenue and west of Centennial Road on the west side of Hamilton Street
Project Size:	6.15 Acres
Request:	Rezone to facilitate single-family development in the northern portion, and restricted shop condos in the southern portion of the parcels



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 lots in 2 blocks	*Number of Lots:*	19 lots in 2 blocks
Land Use:	Undeveloped	*Land Use:*	Single-family residential and shop condo uses
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential PUD – Planned Unit Development	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	RM15 – Multi-family residential PUD – Uses specified in PUD	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	RM15 – Multi-family residential PUD – Density specified in PUD	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*05/2009 (PUD)* *04/2014 (RM15)*	*Platted:*	*08/2010*	Annexed:	08/2010

(continued)

Staff Analysis

Sattler Homes, Inc. is requesting approval of a zoning change from the RM15 – Residential and PUD – Planned Unit Development zoning districts to a new PUD – Planned Unit Development zoning district for the East 67 feet of Lot 1 and Lots 2-3, Block 1, Hamilton's First Addition.

The applicant intends to submit a minor subdivision final plat for action in conjunction with the public hearing for this zoning change.

Adjacent uses include Legacy High School to the north, developing single-family residential to the east, developing shop condos to the south, and multi-family residential directly to the west and shop condos to the west across Hamilton Street.

The proposed PUD would be divided into two distinct areas that are divided by a 50-foot transmission pipeline easement that passes diagonally through the lots. Area north of the easement would be designated Area A, and the area south of the easement would be designated Area B.

Area A of the PUD

Area A would be residential in character, including 18 single-family homes. The majority of the homes would be accessed from an internal private roadway creating a loop between East Calgary Avenue and the rear parking lot to the west. The applicant would enter into an agreement with the adjoining property owners for access through this lot. One single-family home would include a driveway directly on East Calgary Avenue.

The internal private roads are 32 feet in width for the north-south access and 24 feet in width for the east-west access. The narrower portion of the private road must be signed as a fire lane-no parking to ensure it can be accessed for emergency services. The roadway would be entirely owned and maintained by a homeowners association (HOA) created for Area A. The HOA would also be responsible for the private sanitary sewer, water, and stormwater facilities serving the development.

The dimensional requirements would be reduced from a typical single-family R5 – Residential zoning district. The lot sizes, widths, and depths would be somewhat smaller. The front yard setback would be reduced from 25 feet to 18 feet, although at least 20 feet would need to be maintained in front of any garage face to allow a parking space without obstructing a drive lane or sidewalk. The overall density of this development is estimated to be 4.8 units per acre. Given that the adjacent zoning districts already allow multifamily residential, the greater density this single-family district would permit would not have negative effects on the surroundings.

Area B of the PUD

Area B is intended for light industrial and commercial use, for shop condos developed in a similar manner as the properties to the south. A total of 23 condo units in three buildings are proposed. Area B is adjacent to Area A, but entirely distinct. It would accessed separately from Hamilton Street.

A total of 92 off-street and 6 adjacent on-street parking spaces would be used to service this area. This is a reduced quantity of parking. By ordinance, a typical shop condo development of the proposed size would require a total of approximately 120 parking spaces. To account for this reduction, additional restrictions on allowable uses are applied to limit the parking demand. Also allowing shared parking, rather than designating exclusive parking spaces for specific tenants, would mitigate potential spillover parking problems.

The intended tenants of the condo units are personal storage and small businesses that have limited activity. Certain uses in the Service Group A category that may attract large numbers of direct customers, such as food and grooming services, would not be permitted. Additionally, certain industrial uses that may create a hazard or nuisance in proximity to residential areas are also not permitted. A first draft of the proposed PUD ordinance is attached.

A landscaped buffer would be required between Area B and Area A, as well as existing adjacent residential areas. A buffer has already been planted to the east, which consists of evergreen trees on a berm. This would

(continued)

remain. The area to the north is encumbered by a 50-foot pipeline easement. The applicant has proposed co-locating the landscape buffer with this easement, using a planting screen that complies with guidelines set by the owner of the easement. Staff will continue to work with the applicant on an appropriate screening method in this location.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The 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;
7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM15 – Residential and PUD – Planned Unit Development zoning district to a new PUD – Planned Unit Development zoning district for The East 67 feet of Lot 1 and Lots 2-3, Block 1, Hamilton's First Addition, as outlined in the attached draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Written Statement
7. Proposed Layout
8. Proposed Building Elevations for residences in Area A

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the RM15 - Residential and PUD – Planned Unit Development zoning districts and included within the PUD – Planned Unit Development zoning district:

Hamilton's First Addition First Replat [*note: forthcoming*]

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD. Notwithstanding, lot lines may be adjusted through the administrative lot modification process, provided all minimum dimensional requirements of this ordinance continue to be met.

2. *Application to Area A.* Area A refers to [*North side of PUD. legal description from forthcoming replat*]. The area is intended to be residential in character. The following provisions shall apply:

    a. *Uses Permitted.* The uses within Area A shall be limited to the following:

        i. *Principal Uses*. The following principal uses shall be allowed:

            1. Single-family residential

2. All other uses permitted within the R5 – Residential zoning district.

ii. *Accessory Uses*. The following uses shall be allowed as accessory to the principal uses on the property:

1. All accessory uses permitted within the R5 – Residential zoning district.

b. *Special Uses.* The following uses shall be allowed with a special use permit:

i. All special uses permitted within the R5 – Residential zoning district.

c. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Area A:

i. *Lot area*. All lots shall have a minimum area of six thousand (6,000) square feet.

ii. *Lot width*. All lots shall have a minimum width of forty (40) feet.

iii. *Lot depth*. All lots shall have a minimum depth of one hundred and twenty (120) feet.

iv. *Front Yards*. All lots shall have a front yard for principal structures of not less than eighteen (18) feet. Notwithstanding, any garage face of a principal or accessory structure must be setback at least twenty (20) feet from any right-of-way or access easement.

v. *Side Yards.* All lots shall have two (2) side yards for principal structures of not less than six (6) feet.

vi. *Rear Yards.* All lots shall have two (2) side yards for principal structures of not less than six (6) feet.

vii. *Lot coverage*. The ground area occupied by all principal and accessory buildings shall not exceed forty (40) percent of the total lot area.

viii. *Building height*. No single-family dwelling shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height, as measured to the peak of the roof.

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d. *Development Standards.* The following development standards shall apply to all development within Area A:

i. *Accessory Buildings*. All accessory buildings shall be located in the side or rear yard and be a minimum of five (5) feet from the rear or side lot line, and ten (10) feet from any access easement.

ii. *Projection into yards*. Steps, terraces, porches, and covered or uncovered decks may extend into any minimum front, side, or rear yard as measured from any access easement. Yards adjacent to public right-of-way are subject to Section 14-03-05(2) of the City Code of Ordinances (Supplementary Provisions).

e. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for residential zoning districts.

3. *Application to Area B.* Area B refers to [*South side of PUD. legal description from forthcoming replat*]. The area is intended to provide a mix of condo-style personal storage and microbusiness units, with limited parking and traffic demand and at an appropriate scale in proximity to residential areas. The following provisions shall apply:

a. *Uses Permitted.* The uses within the Area B shall be limited to the following:

i. *Principal Uses*. The following principal uses shall be allowed:

1. Service Group A, excluding all food service establishments, personal grooming such as barbershops and salons, sports and fitness clubs, and laundromats.

2. Industrial Group A, excluding petroleum bulk plants, breweries, distilleries, and any outdoor storage.

3. Wholesale Group.

4. Furniture repair and upholstery.

5. Self-service storage facilities.

6. Office-Bank group, excluding banks and medical offices.

DRAFT

b. *Special Uses.* The following uses shall be allowed with a special use permit:

    i. Temporary sales of Christmas trees, farm produce, or other seasonal products.

c. *Use Standards.* All uses within Area B shall conform to the following requirements:

    i. *Storage proportion*. At least fifty (50) of the gross floor area of each unit must be dedicate to storage, warehousing, and/or industrial use, regardless of the principal use of the unit.

    ii. *Hazardous materials prohibited*. Buildings may not contain any materials classified as hazardous or toxic under any local, state, or federal law or regulation, and any production of such materials is prohibited. Prohibitions of such materials shall be incorporated into any rental agreements and posted on sign(s) in each storage unit.

    iii. *Noise emission*. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.

    iv. *Lighting Standards*. All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.

    v. *Outdoor storage prohibited*. The storage of any items outside of any building in the district is not permitted, with the exception of vehicles or trailers parked in designated parking spots in the district.

d. *Dimensional Standards.* All dimensional standards of the MA – Industrial zoning district shall apply to Area B.

DRAFT

e. *Development Standards.* The following development standards shall apply to all development within Area B:

i. *Parking and Loading*. No less than ninety-two (92) off-street parking spaces shall be provided to be shared by all owners or tenants within Area B.

ii. *Landscaping and Screening*. A landscaped buffer shall be installed and/or maintained on the north and east side of Area B, conforming to applicable planting standards in Section 14-03-11(10)e of the Bismarck Code of Ordinances. Responsibility for ongoing maintenance and/or replacement of landscaping shall be assigned to the owner(s) of lot(s) within the district.

f. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for commercial zoning districts. Off-premise advertising signs are prohibited.

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

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

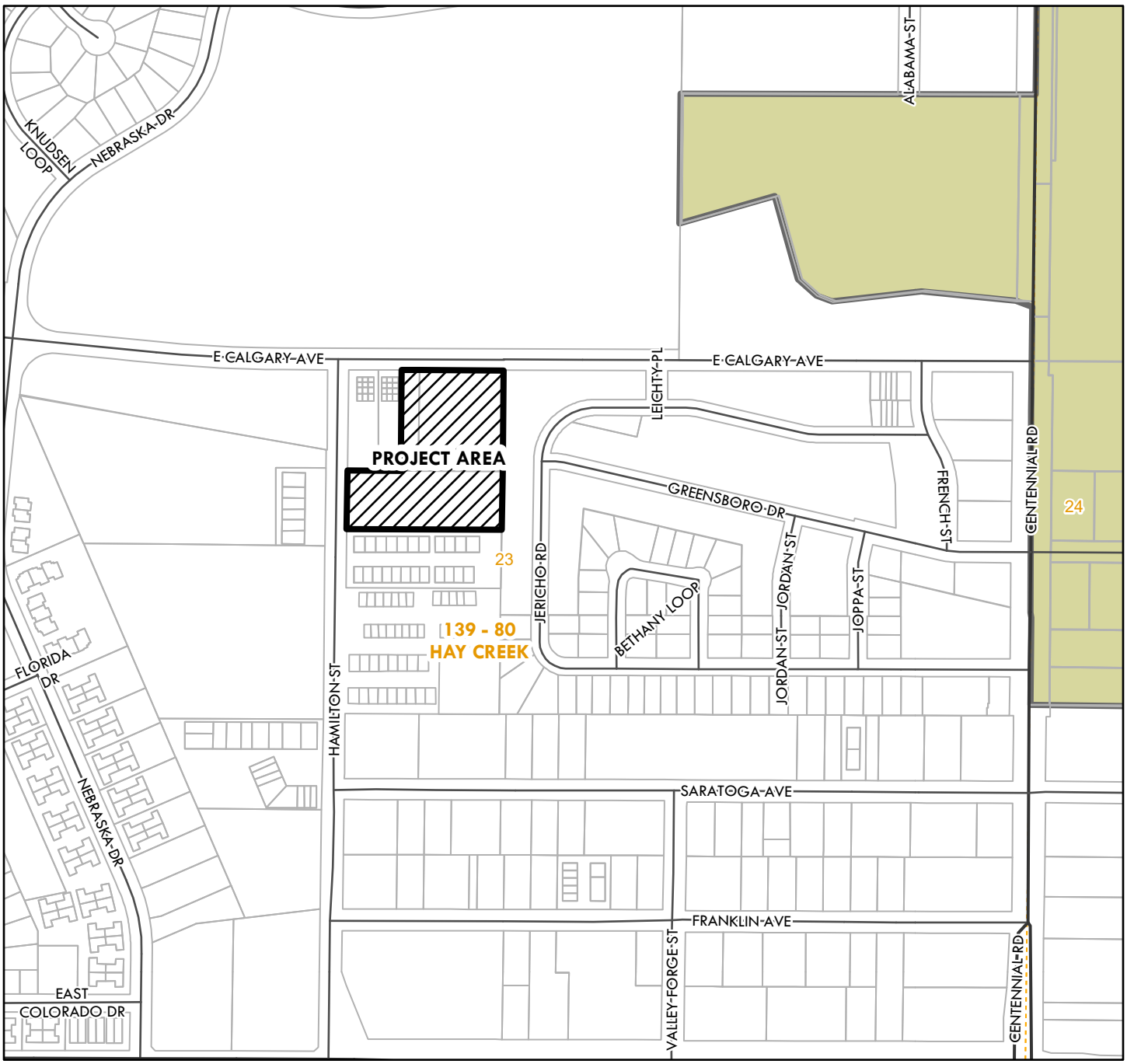
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

HAMILTON'S FIRST ADDITION, PT L1-3, B1

ZC2021-004



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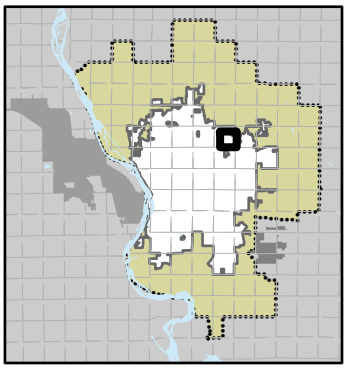

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 16, 2021 (HLB)

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

Aerial Map

HAMILTON'S FIRST ADDITION, PT L1-3, B1

ZC2021-004

0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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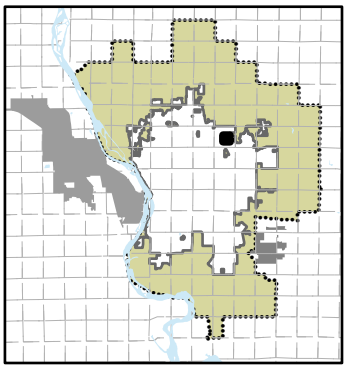


City of Bismarck
Community Development Department
Planning Division
March 16, 2021

Zoning and Plan Reference Map

HAMILTON'S FIRST ADDITION, PT L1-3, B1

ZC2021-004

Zoning Districts

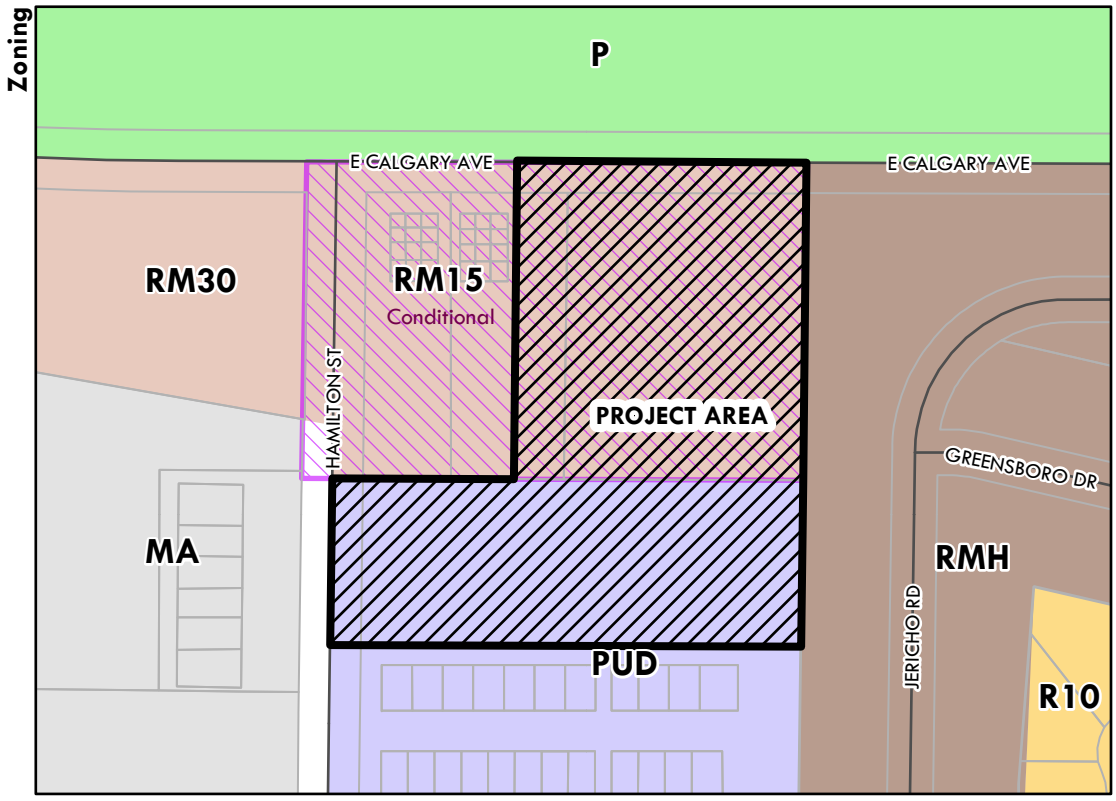
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

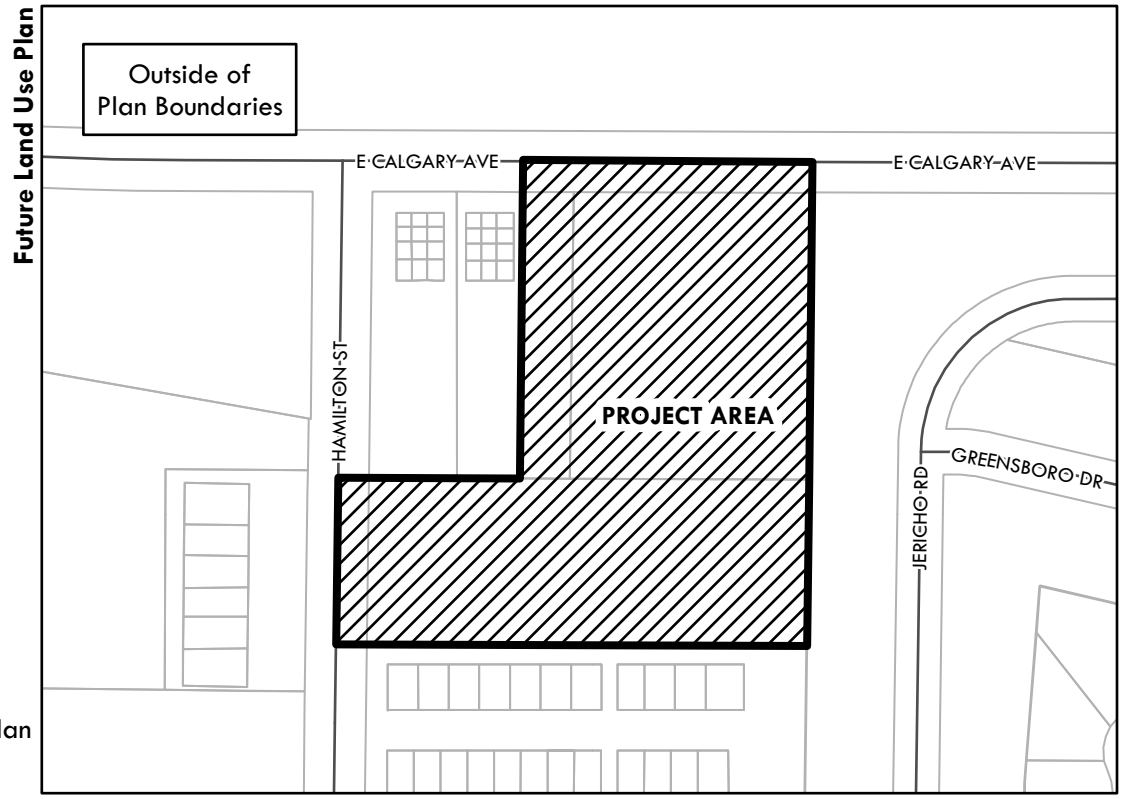
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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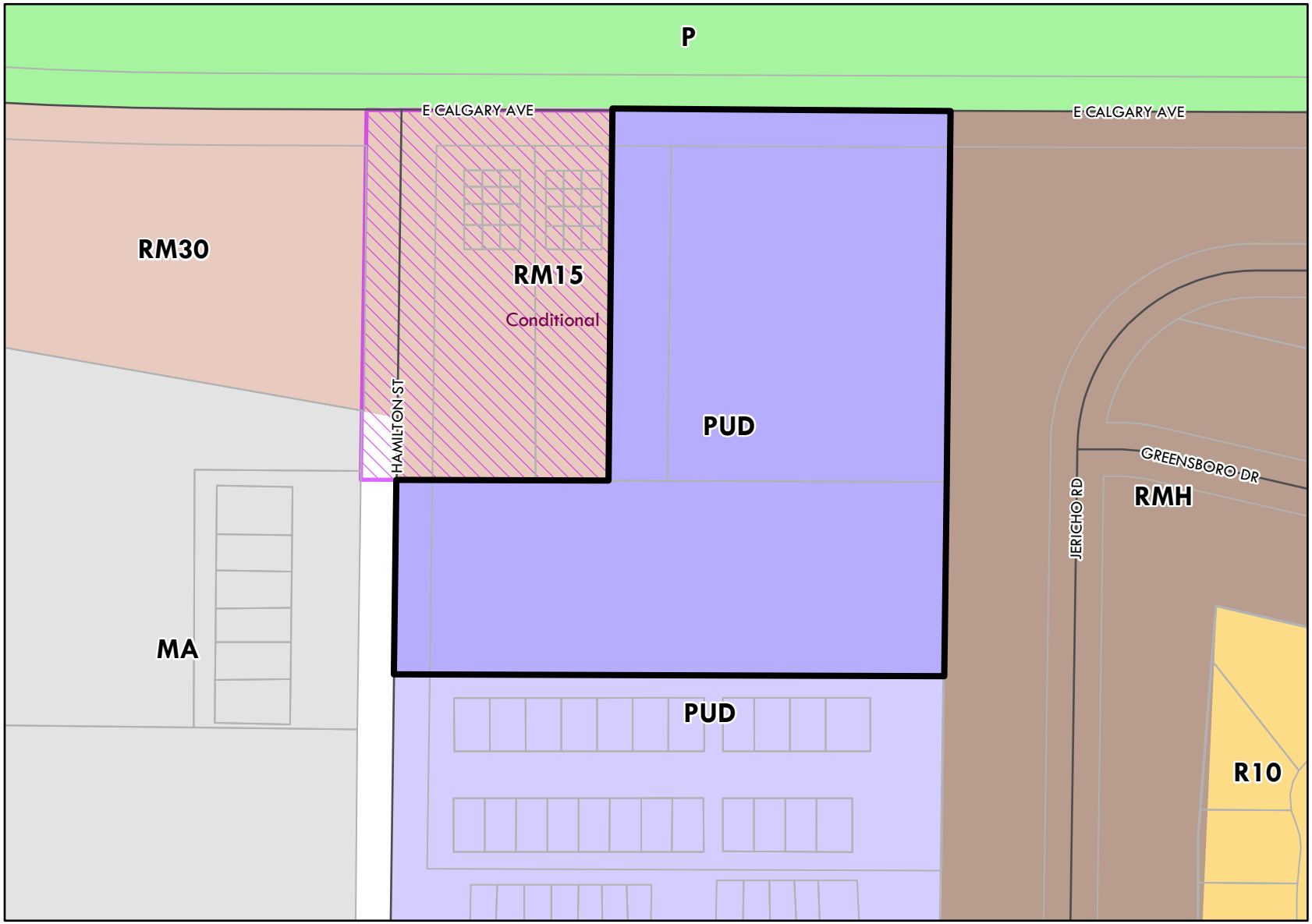
City of Bismarck
Community Development Dept.
Planning Division
March 19, 2021

Proposed Zoning Change

HAMILTON'S FIRST ADDITION, PT L1-3, B1

ZC2021-004

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

0 0.05 0.1 0.2 Miles

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City of Bismarck
Community Development Dept.
Planning Division
March 19, 2021

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

HAMILTON'S FIRST ADDITION FIRST REPLAT

Request for Hamilton's First Addition First Replat PUD zoning change

Sattler Homes, Inc., is proposing to develop approximately 6.2 acres, south of East Calgary Ave & east of Hamilton St. into a mixed-use development featuring single family-homes, starter-business shops, and personal storage units within a PUD-zoned subdivision. The area is currently platted as part of Hamilton's First Addition with a mix of RM15 & PUD zoning.

Area A:

The northeast portion of the property, north of the NuStar Pipeline easement & east of the existing 12-unit apartment buildings, will serve as the area for single family housing to address the continuing need for affordable housing in the City of Bismarck.

The proposed single-family lots will have sub-R5 lot requirements, which will allow for a smaller building footprint to meet the needs of the area & allow for a greater number of homes to be built on the site. The site plan shows an overall concept of 18 single family lots, with an overall density of 4.8 units/acre.

The development shall be accessed by a private road/private access easement, which will be owned & maintained by an HOA, and through an adjoining access easement provided by the land owners to the west. The private road/access easement will also contain private sanitary sewer & waterlines for the areas served by the road, as well as stormwater facilities, and shall be owned & maintained collectively by the adjoining home owners under the provisions of the HOA.

Additionally, lot lines may be adjusted into alternate sized lots, provided lot minimums are still met, for the construction of a single-family residence, to be approved administratively by the city of Bismarck without amending the PUD.

Accessory buildings may be constructed on any lots within the development and will be subject to the PUD & HOA regulations.

Steps, terraces, porches, and covered & uncovered decks may extend into any minimum front, rear, or side yard up to ten (10) feet, irrespective of its finished floor height, except those lots fronting onto Calgary Avenue, which shall conform to the Supplementary Provisions of the city of Bismarck zoning ordinance for R5-zoned lots.

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

Lot size minimums shall be:

Single Family Lots:

Lot width—40'

Lot Area—6,000 SF

Lot Depth—120'

Front Yard Setbacks—18'

Side Yard Setbacks—6'

Rear Yard Setbacks—20'

Lot Coverage, including principal building & all accessory buildings—40%

Accessory buildings:

All accessory buildings shall be located in the side or rear yard and be a minimum of 5' from the rear or side lot line, and 10' from any access easement.

Accessory buildings are subject to the lot coverage of 40% within Hamilton First Addition First Replat.

Area B:

The southern portion of the PUD, south of the NuStar Pipeline, is intended to be developed as a mix of starter/micro-businesses with a limited number of employees, and a series of condo-style personal & commercial storage units.

The proposed 23 units will have a shared driving lane, emergency turn-around, and parking area. Each unit owner or lessee will share in the costs & maintenance of the parking area & the landscaping needed to buffer the residential uses north & east of the property. The landscaping buffer between the residential uses north & south of the NuStar pipeline will be limited to the allowable landscaping materials within NuStar Energies guidelines. The landscaping buffer on the east end has been constructed wit the input of the Bismarck city Forrester to ensure the landscaping requirements have been met.

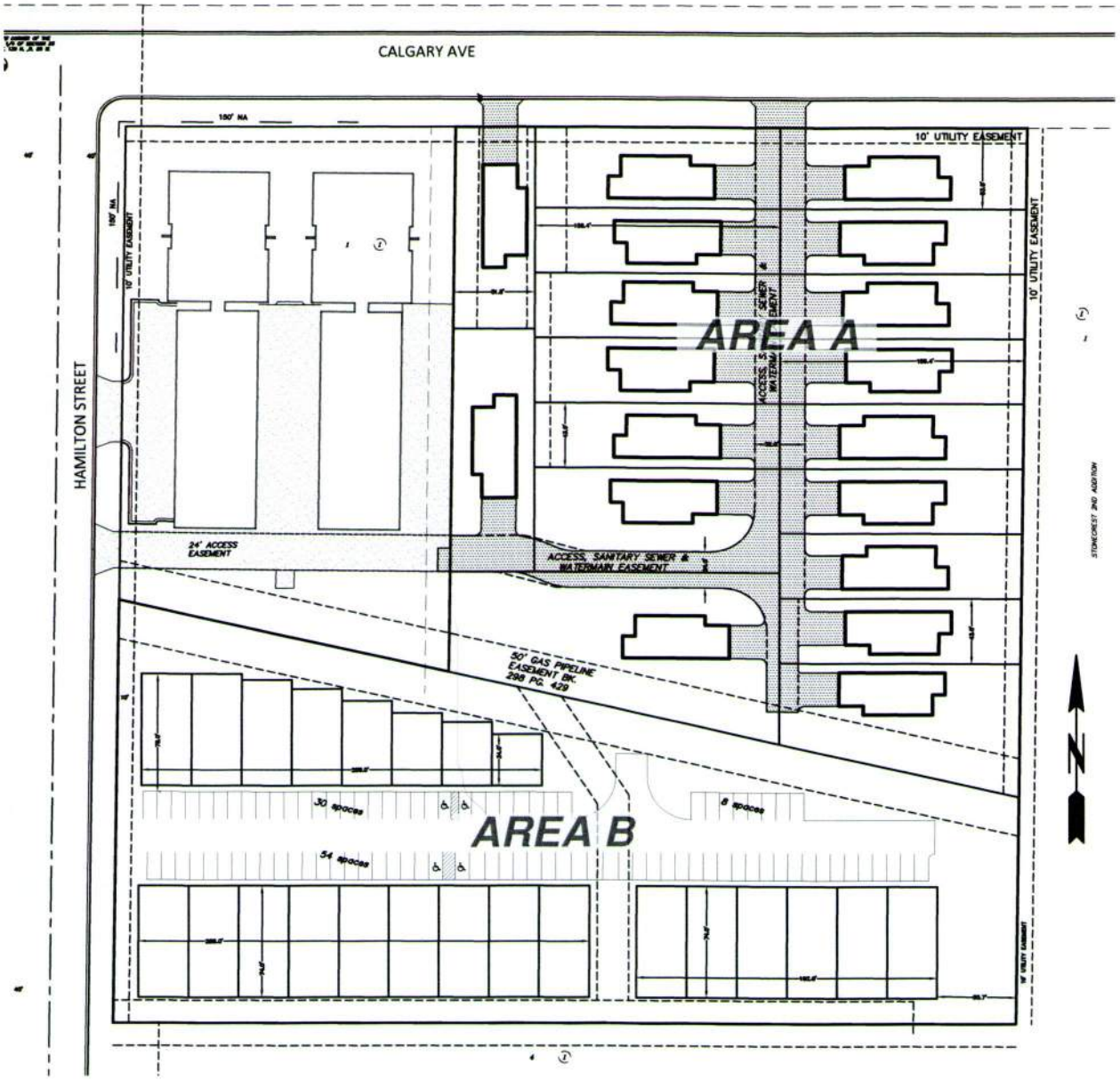
Parking for Area B will be shared among the units, with two (2) parking spaces dedicated exclusively for the use of the individual owner/lessee in front of the unit, and two (2) spaces as overflow at any non-dedicated space within Area B, for a total of 92 parking spaces, including 4 handicap-accessible spaces, as well as nine (9) additional parking spaces available on Hamilton Street right-of-way.

Uses Permitted: Service Group A, Service Group B, Wholesale group, Industrial Group A, Office Bank-Group (Limited to General Office).

See attached PUD site plan exhibit.

HAMILTON'S FIRST ADDITION FIRST REPLAT
PUD SITE PLAN

FEB 19 2021



CERTAINTEED - GEARGETOWN GREY - SHINGLES
WHITE FASCIA - FRONT STREET MILLWORK
WHITE SOFFIT - ABC SUPPLY (VINYL)
NORANDEX - WOODSMAN SELECT D4" SIDING (STEEL BLUE)
NORANDEX - BOARD & BATTEN (WHITE) 1.5 SQ
MIDWEST DOORS - WHITE (16x8 & 9x8 OH DOORS)

SATTLER HOMES INC.
P.O. BOX 7218 - BISMARCK, ND 58507
PHONE: (701)255-7628 FAX: (701)255-7629
EMAIL: JEFF@BISMARCKBUILDER.COM

DRAWN FOR: SPEC
ADDRESS: LEGACY TRAIL 3

DRAWN BY: J.R.S
DATE: JANUARY 13TH, 2021
REVISED: JANUARY 13TH, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

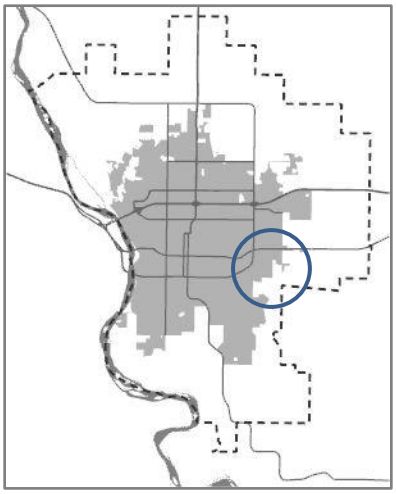
Agenda Item # 5
March 24, 2021

Application for: Annexation

TRAKiT Project ID: ANNX2021-004

Project Summary

Title:	Part of Clear Sky Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	FRF Investments LLP
Project Contact:	Abe Ulmer, PE, Toman Engineering
Location:	East of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE
Project Size:	20.18 acres
Request:	Annex property for future development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	46 lots in 4 blocks	*Number of Lots:*	46 lots in 4 blocks
Land Use:	Residential single-family	*Land Use:*	Residential single-family
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density Allowed:	R5 – 5 units / acre	*Max Density Allowed:*	R5 – 5 units / acre

Property History

Zoned:	*06/2019*	*Platted:*	*06/2019*	Annexed:	*NA*

Staff Analysis

FRF Investments LLP is requesting approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition.

(continued)

Adjacent uses include developing urban single-family residential to the north and west, and undeveloped agriculturally zoned land to the east and southeast.

The proposed annexation would allow for additional single-family residential lots to be developed and will include the annexation of right-of-way to reach a proposed sanitary sewer lift station for the City to provide sanitary service which is needed to serve the proposed development.

The annexation will result in an area within Clear Sky Addition that is not annexed but surrounded by city limits. Although such "donut holes" are undesirable a development agreement will be prepared and submitted for approval by the City Commission in conjunction with this request. The development agreement will specify the timing of annexation for lots adjacent to rights-of-way included in this request.

Utility Capital Charges

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

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition, with the understanding that:

1. A development agreement specifying the timing for the annexation of lots adjacent to Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive is approved by the City Commission.

Attachments

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

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

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition.

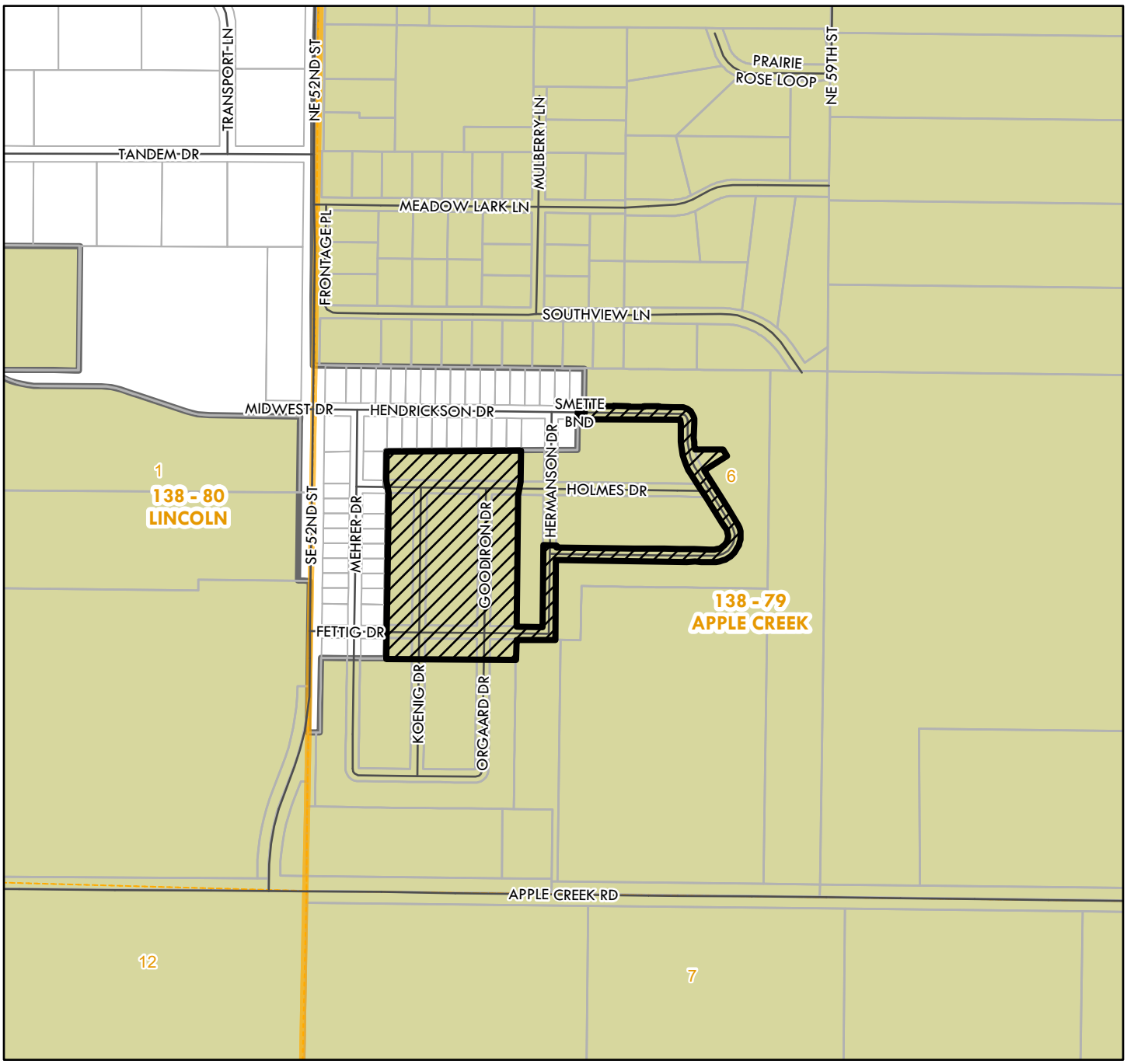
The above described tract of land contains 20.18 acres, more or less.

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

Location Map

CLEAR SKY ANNEXATION PHASE II

ANNX2021-004



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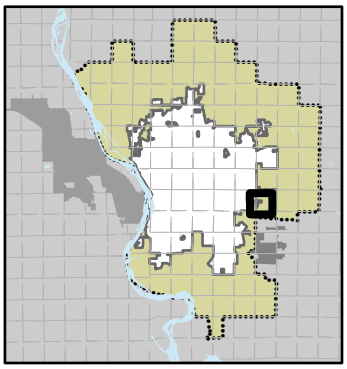

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 9, 2021 (HLB)

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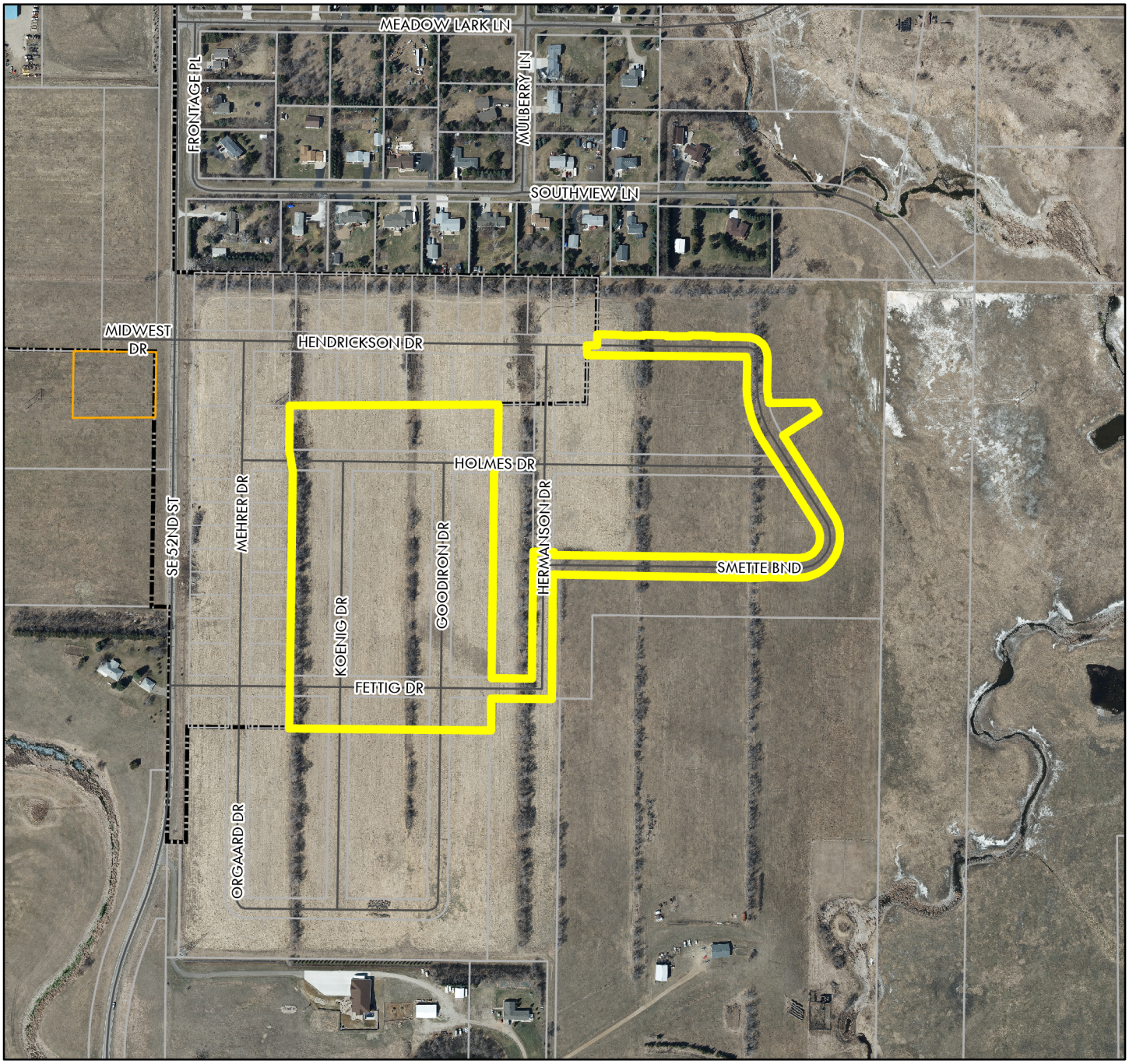
Aerial Map

CLEAR SKY ANNEXATION PHASE II

ANNX2021-004



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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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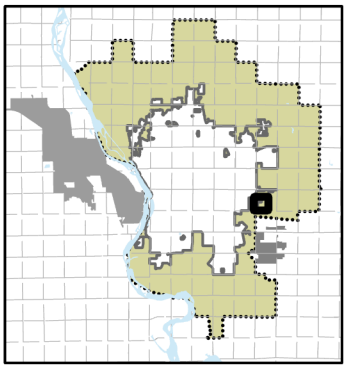

City of Bismarck
Community Development Department
Planning Division
March 15, 2021

Zoning and Plan Reference Map

CLEAR SKY ANNEXATION PHASE II

ANNX2021-004

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
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MB	Industrial
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DC	Downtown Core
DF	Downtown Fringe

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BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
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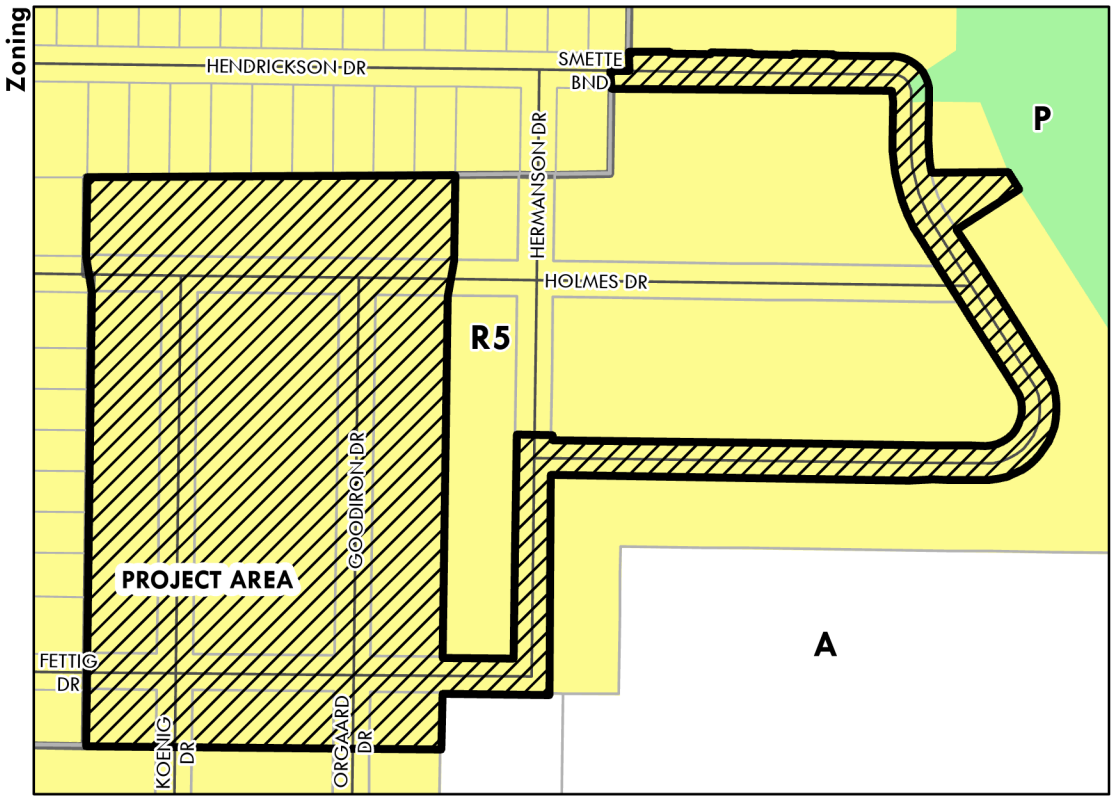
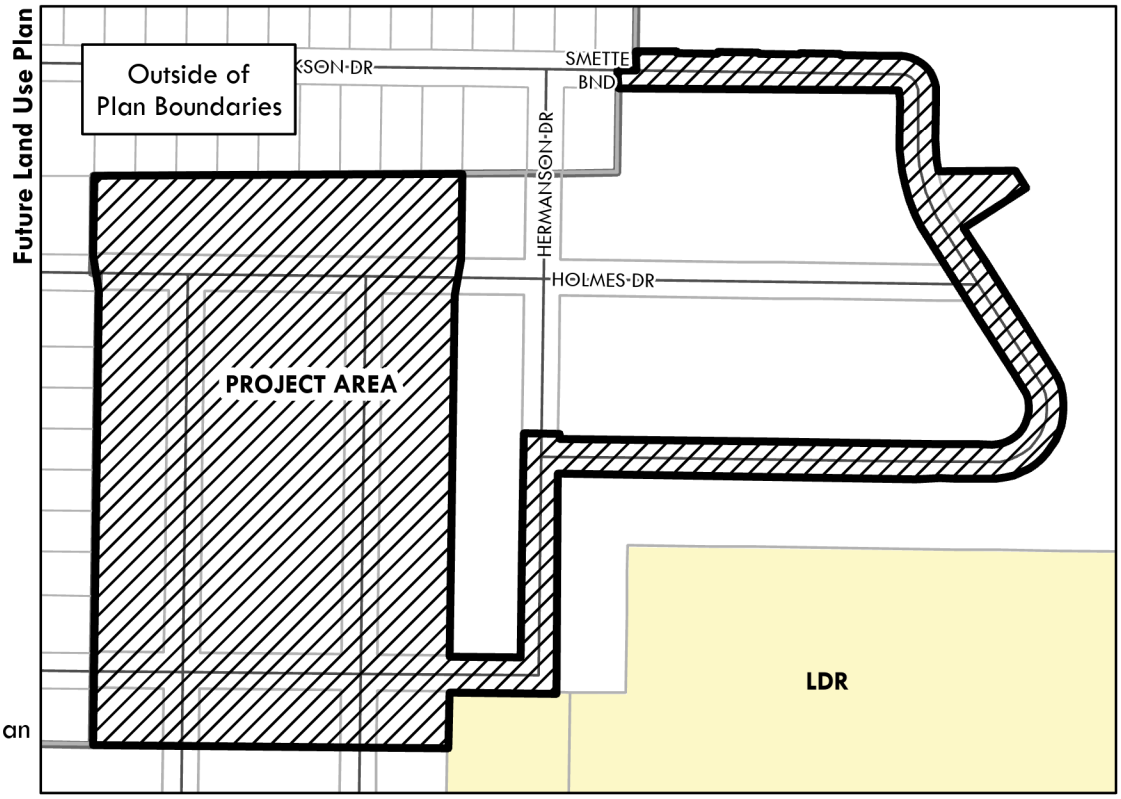
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

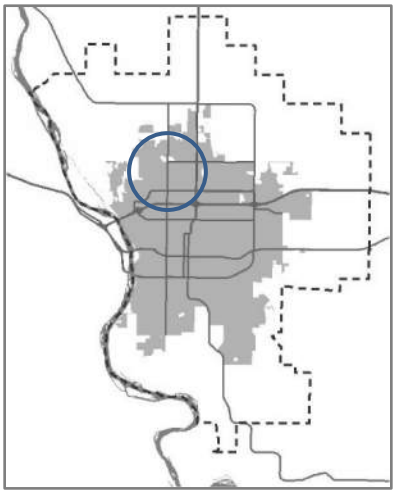
Agenda Item # 6
March 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-012

Project Summary

Title:	East 250 feet of Lot 2, Block 3, KMK Estates
Status:	Planning & Zoning Commission – Public Hearing - Continued
Owner(s):	Jerry Kessel, Owner Cody Stern, Applicant
Project Contact:	Cody Stern
Location:	In northeast Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE and Ash Coulee Drive
Project Size:	2.00 Acres
Request:	Rezone for development of full-service restaurant



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in I block	*Number of Lots:*	1 lot in I block
Land Use:	Undeveloped	*Land Use:*	Restaurant
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional RT – Residential	*Zoning:*	Conditional CA – Commercial
Uses Allowed:	Conditional RT – Offices and multi-family residential	*Uses Allowed:*	Conditional CA – Restaurant, Offices and Multifamily Residential
Max Density Allowed:	Conditional RT – 30 units / acre	*Max Density Allowed:*	CA – 30 units / acre

Property History

Zoned:	*10/2014*	*Platted:*	*08/1966*	Annexed:	10/2014

Staff Analysis

Cody Stern is requesting approval of a zoning change from the Conditional RT – Residential zoning district to the Conditional CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The lot is currently undeveloped, and the applicant intends to develop a full-service restaurant on the lot. The

(continued)

requested change in zoning would allow a restaurant, as well as office and multifamily residential uses allowed within an RT – Residential zoning district, with the same height and unit limitations that are in the underlying Conditional RT – Residential zoning district.

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing. A public hearing was held on February 24, 2021, and the request was continued to allow time for staff to draft a conditional zoning ordinance for the proposed use and to allow renotification of the nearby property owners.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th, February 19th, March 12th and March 19th, and 28 letters were mailed to the owners of nearby properties on February 12th and on March 12th.

Adjacent uses include single-family residential to the west and south, and across North Washington Street to the east. The parcel to the north is also zoned Conditional RT – Residential, and a two-story office building has recently received site plan approval for this property.

The property has frontage along the arterial roadway of North Washington Street, although access to the site would be obtained from the south via the rural section local roadway of Arabian Avenue.

The conditions on the RT – Residential zoning district are as follows:

1. Non-residential uses/buildings are limited to two stories in height.
2. Residential uses/buildings are limited to two story, multifamily residential with up to 4 units per structure or a one story assisted living memory care or independent senior living facility.

A conditional zoning ordinance has been prepared at the request of the Planning and Zoning Commission for their consideration. This ordinance would limit the standard CA -Commercial zoning district in the following ways:

- The only commercial uses permitted would be a full-service restaurant. A restaurant liquor license may be issued, but a full stand-alone bar would be not be permitted in the district. All office and multifamily residential uses already permitted would remain.
- The existing restrictions would remain in place, related to building height and multifamily residential units, as well as lot coverage.
- Light trespass outside of the zone boundaries would be restricted.

Staff continues to not support this rezoning request for a number of reasons.

First, the proposed site is directly adjacent to a single-family home to the west and there are several single-family homes in the vicinity. A commercial use on this site would not be compatible with these existing uses and may result in negative impacts of noise and odor. A landscape buffer will not be sufficient to mitigate these effects. The City has no adopted plans that indicate this area should be changed to be more commercial in character.

Second, this CA – Commercial zoning district would be isolated as a single parcel with no other commercial zoning adjacent or nearby. This is sometimes referred to as spot zoning, a practice that is discouraged and sometimes deemed "arbitrary and capricious" by courts on the grounds that it grants preferential treatment to a single landowner not available to nearby properties. Moreover, there are commercially zoned areas about one-half mile to both the north and south at the intersections of major arterial roadways. Staff does not believe this general area lacks sites for commercial uses to serve the needs of the neighborhood.

Third, commercial uses generate high numbers of vehicle trips. Although most of the traffic would enter onto Arabian Avenue directly from North Washington Street, additional trips will likely be generated along Arabian Avenue from the west through a residential area. This route through a residential area may be more efficient from certain points to the west, especially if there is delay at the intersection with Washington Street.

(continued)

Fourth, staff has consistently declined to support any zoning more intensive than Conditional RT – Residential in this area. This was the position of staff during the initial rezoning of this parcel in 2014, and neither conditions nor plans have changed to alter this position. As recently as April 2020, when the subdivision of Carol's Addition was approved to the north, staff declined to support a request for commercial zoning in this area.

During consideration of this item, staff raised the issue of impacts to stormwater management due to the potential for greater impervious surface with a commercial use. However, the proposed zoning district has lot coverage requirements that are comparable to the existing zoning district, so staff is retracting this concern as it relates to this rezoning request.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is not in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends denial of the zoning change from the Conditional RT – Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates, as outlined in the attached draft zoning change ordinance.

Attachments

1. Draft Zoning Change Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Change to Zoning Map

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the Conditional RT – Residential zoning district and included within the Conditional CA – Commercial zoning district:

The East 250 feet of Lot 2, Block 3, KMK Estates

This Conditional CA – Commercial zoning is subject to the following provisions:

1. *Uses Permitted.* The following uses are permitted:
    a. Food service establishment, exclusive of a drive-through.
    b. All uses permitted within the RT – Residential zoning district
2. *Special Uses Permitted.* The following special uses are permitted:
    a. All special uses permitted within the RT – Residential zoning district
3. *Lighting Standards*. All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is

effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.

4. *Height and Density Restrictions*. The following dimensional standards shall apply:

    a. Non-residential uses/buildings are limited to two stories in height.

    b. Residential uses/buildings are limited to two story, multifamily residential with up to 4 units per structure or a one story assisted living memory care or independent senior living facility.

5. This district shall be subject to all other standards of the CA-Commercial zoning district.

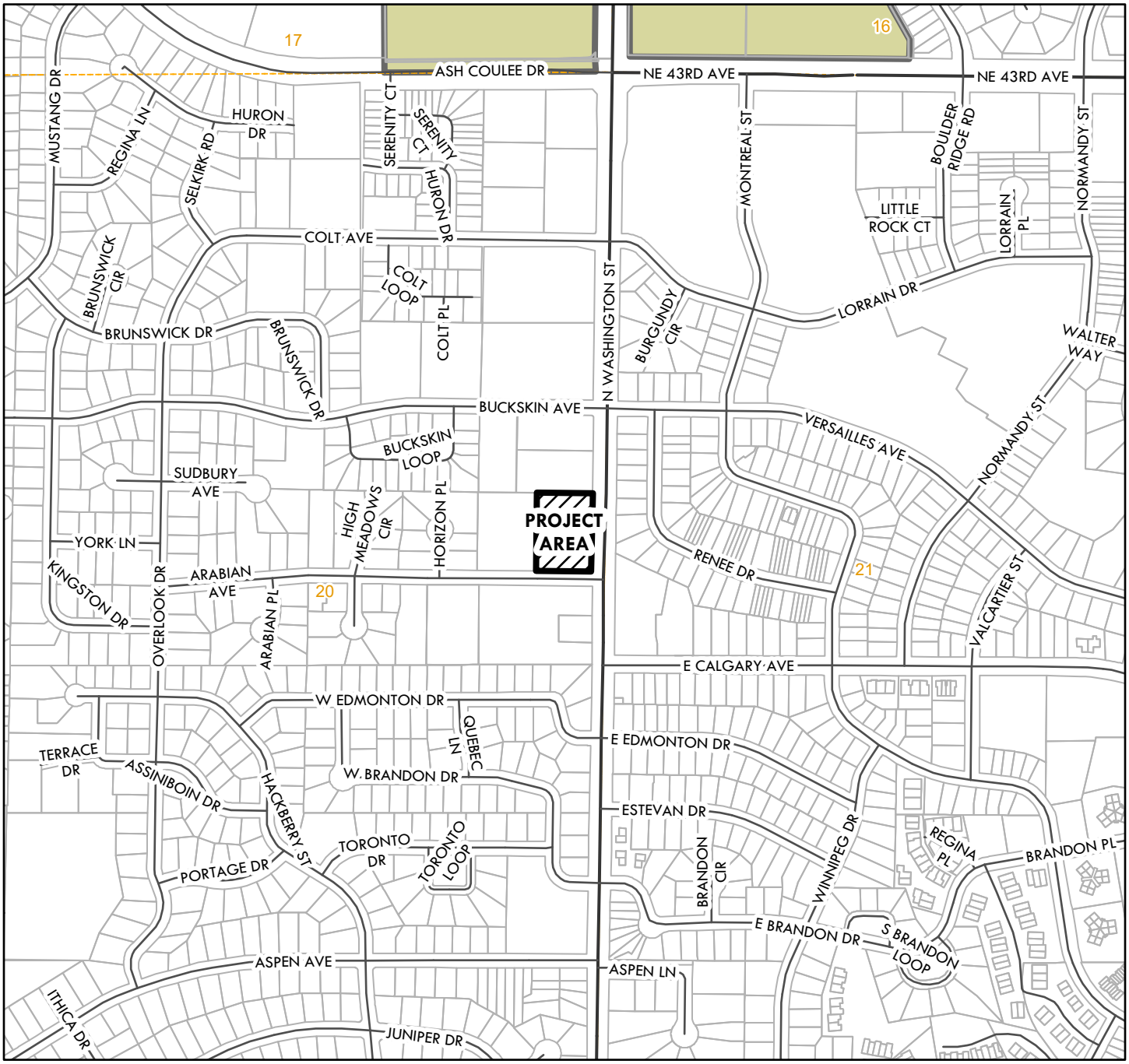
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Location Map

KMK ESTATES, E 250' OF L2, B3

ZC2020-012



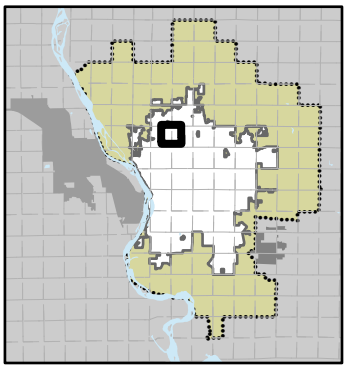
0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



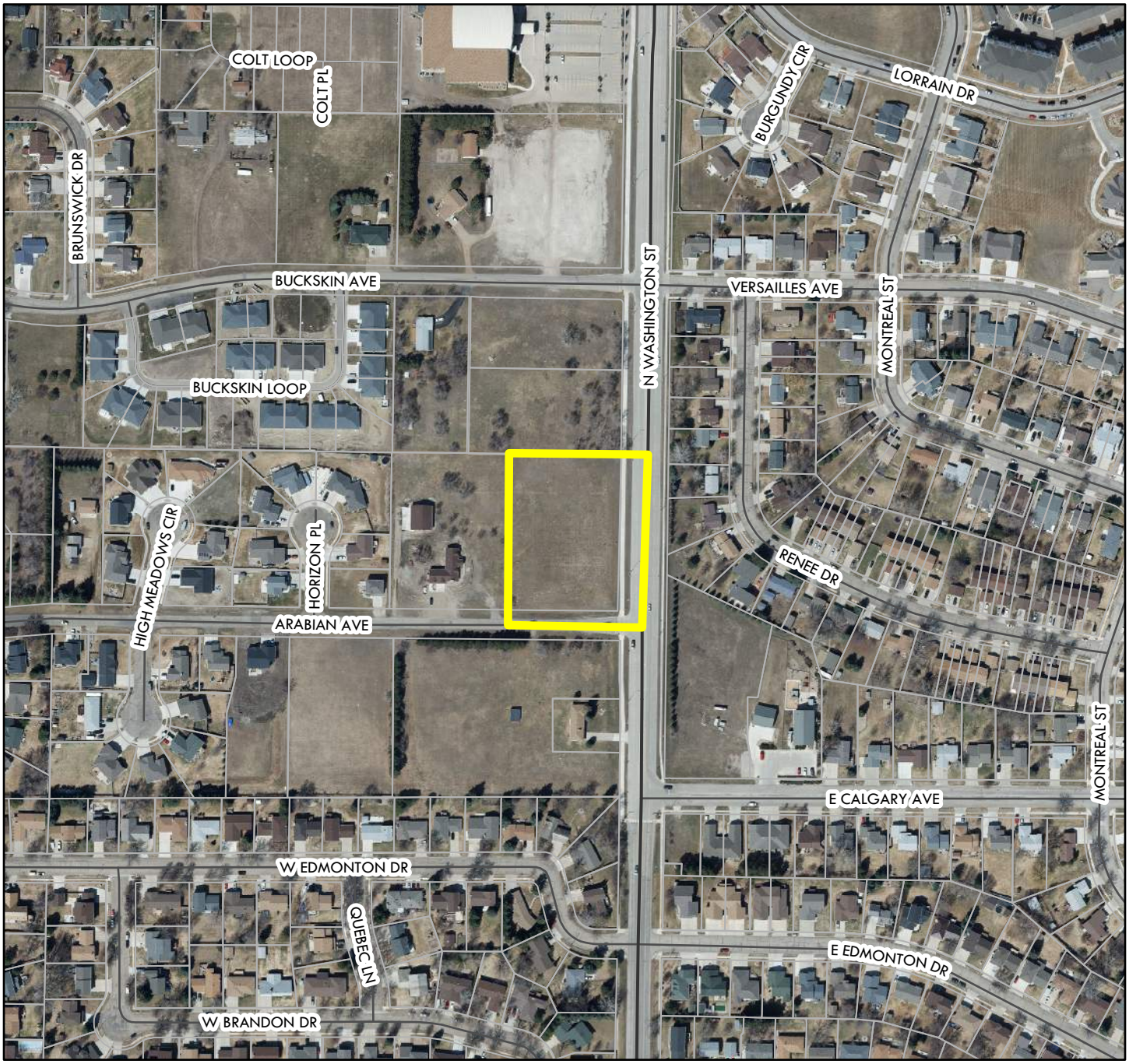
City of Bismarck
Community Development Department
Planning Division
December 14, 2020 (HLB)

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

Aerial Map

KMK ESTATES, E 250' OF L2, B3

ZC2020-012

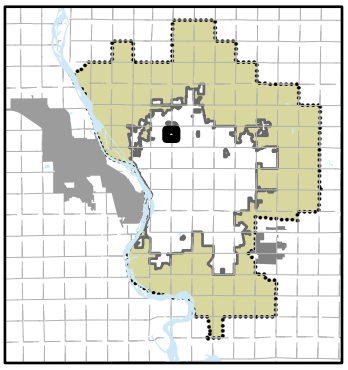


0 0.07 0.15 0.3 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Department
Planning Division
January 13, 2021

Zoning and Plan Reference Map

ZC2020-012

Zoning Districts

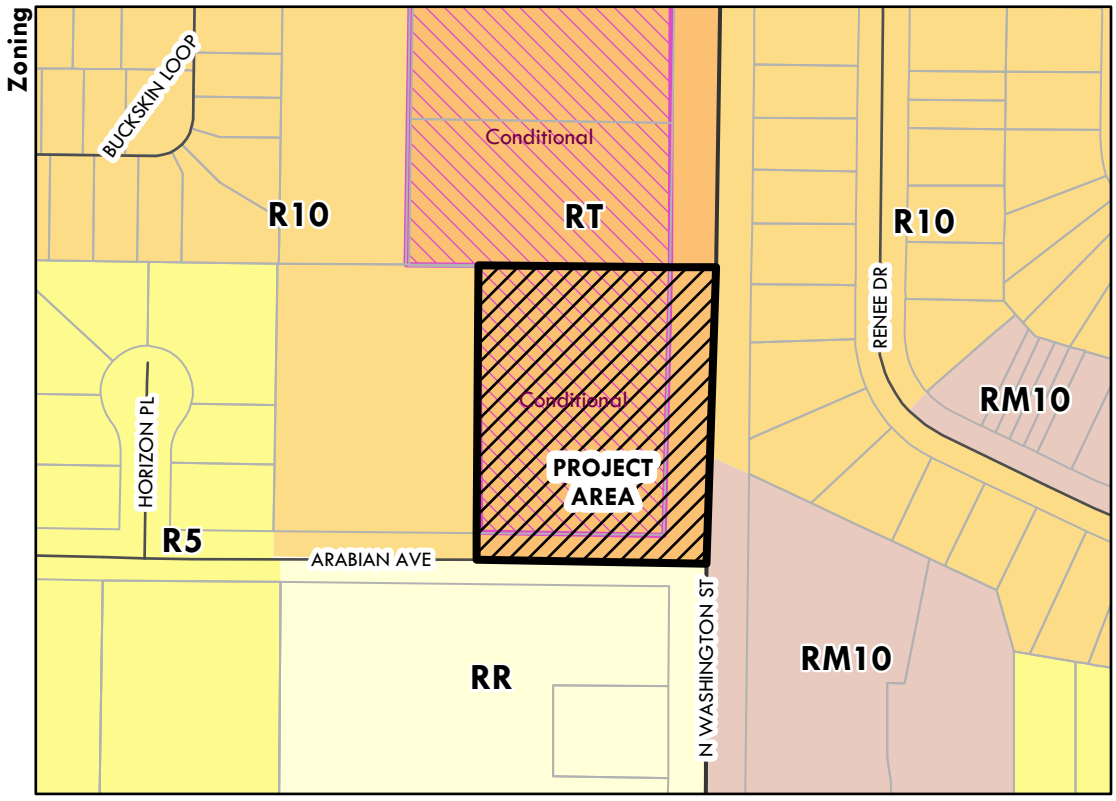
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

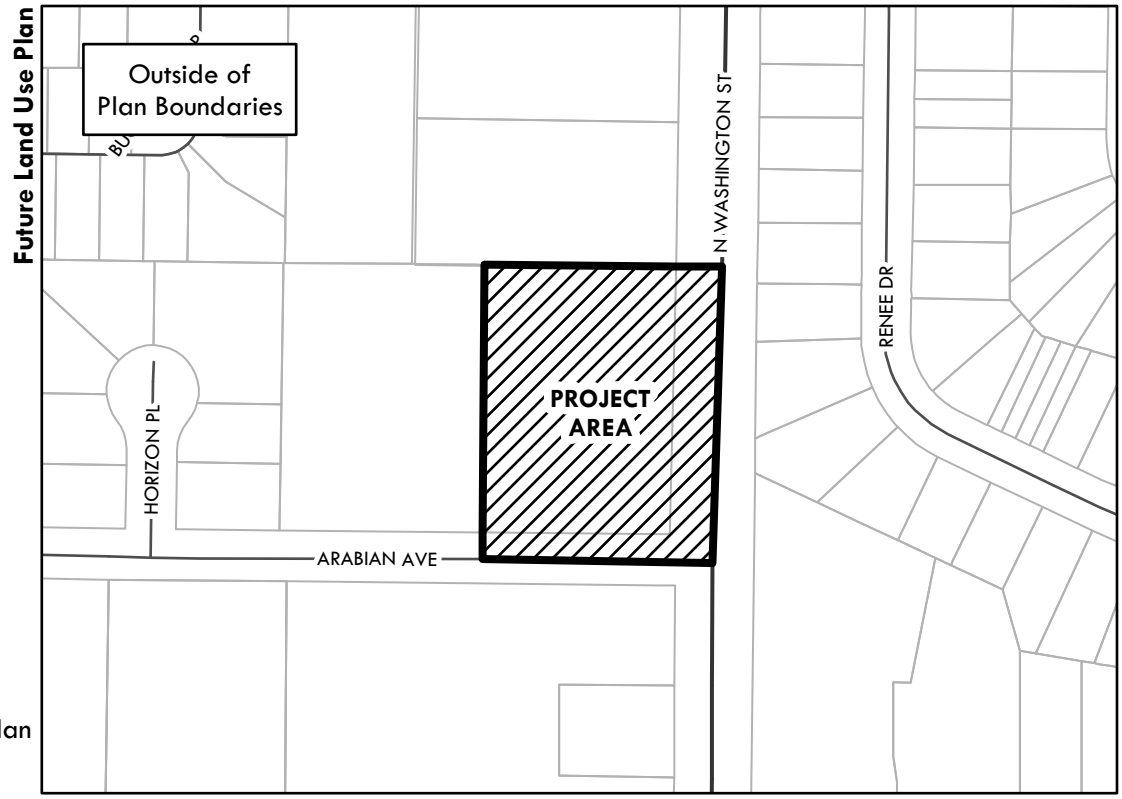
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.03 0.06 0.12 Miles

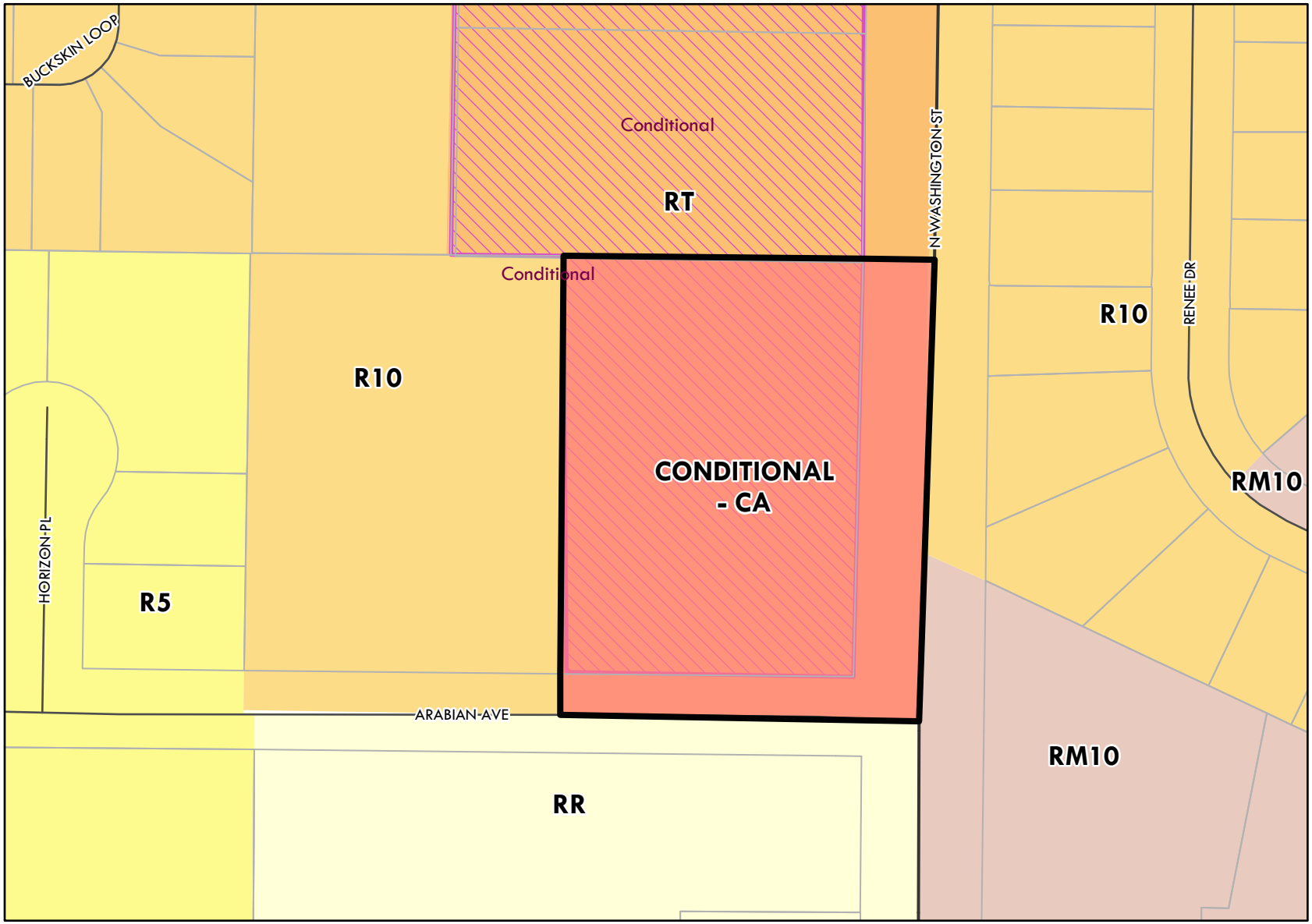
City of Bismarck
Community Development Dept.
Planning Division
January 13, 2021

Proposed Zoning Change

KMK ESTATES, E 250' OF L2, B3

ZC2020-012

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

0 0.04 0.09 0.17 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

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

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

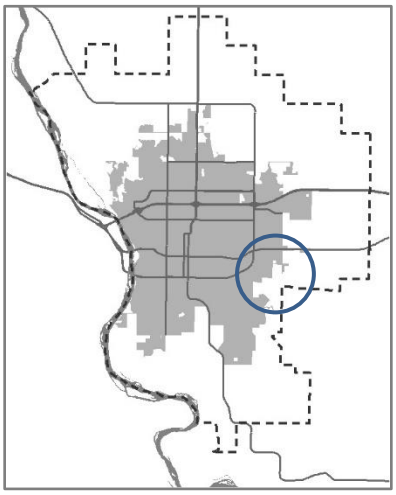
Agenda Item # 7
March 24, 2021

Application for: Annexation
Major Subdivision Final Plat

TRAKiT Project ID: ANNX2020-009
FPLT2021-002

Project Summary

Title:	First Responders Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	161 Commercial LLC
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	East of Bismarck, east of East Bismarck Expressway and south of East Main Avenue / County Highway 10 in the southwest quadrant of the intersection of Midwest Drive and 52nd Street SE (part of Lot 7A and 7B of Auditor's Lot 7 and part of the W½ of 52nd Street right-of-way in the SE¼ of Section 1, T138N-R80W/Lincoln Township)
Project Size:	1.98 acres
Request:	Plat and annex property for future development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	Part of one parcel	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Light Industrial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional MA – Industrial	*Zoning:*	Conditional MA – Industrial
Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards	*Uses Allowed:*	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards
Max Density Allowed:	Conditional MA – N/A	*Max Density Allowed:*	Conditional MA – N/A

(continued)

Property History

Zoned:	*03/2017*	*Platted:*	*N/A*	Annexed:	N/A

Staff Analysis

161 Commercial, LLC is requesting approval of the annexation and a major subdivision final plat for First Responders Second Addition a one lot one block subdivision.

Background Information

The Planning and Zoning Commission, at their meeting of December 20, 2020, tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 12th and March 19th, and 33 letters were mailed to the owners of nearby properties on March 12th.

Additional Information

Adjacent uses include developing light industrial property to the north and undeveloped light industrial property to the west and south, and developing single-family urban residential to the east across 52nd Street SE.

The proposed plat would be accessed from the north via Midwest Drive. Midwest Drive will be constructed to the western edge of the proposed plat. The proposed plat includes a required 150-foot non-access line adjacent to Midwest Drive measured from the eastern edge of the plat to the west. The applicant is proposing to install a driveway at the western edge of the non-access line. This driveway will also serve as the required fire turnaround for this property and the property to the north in First Responders Addition until Midwest Drive is extended to the west. The Bismarck Fire Department has approved this turnaround and will require the driveway be constructed to support a fire truck during site development.

The proposed plat also includes a 50-foot landscape buffer along the east side of the plat, adjacent to 52nd Street SE, which will be installed according to zoning requirements in conjunction with development.

The area included in the proposed plat contains easements meant to serve as off-site stormwater and drainage easements for the First Responders Addition, the plat to the north across Midwest Drive. These easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat.

Utility Capital Charges

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

Required Findings of Fact (relating to land use)

Annexation

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

(continued)

Required Findings of Fact (relating to land use)

Final Plat

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation and final plat for First Responders Second Addition, with the following condition:

1. The existing stormwater and drainage easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Major Subdivision Final Plat

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

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

Lot 1, Block 1, First Responders Second Addition

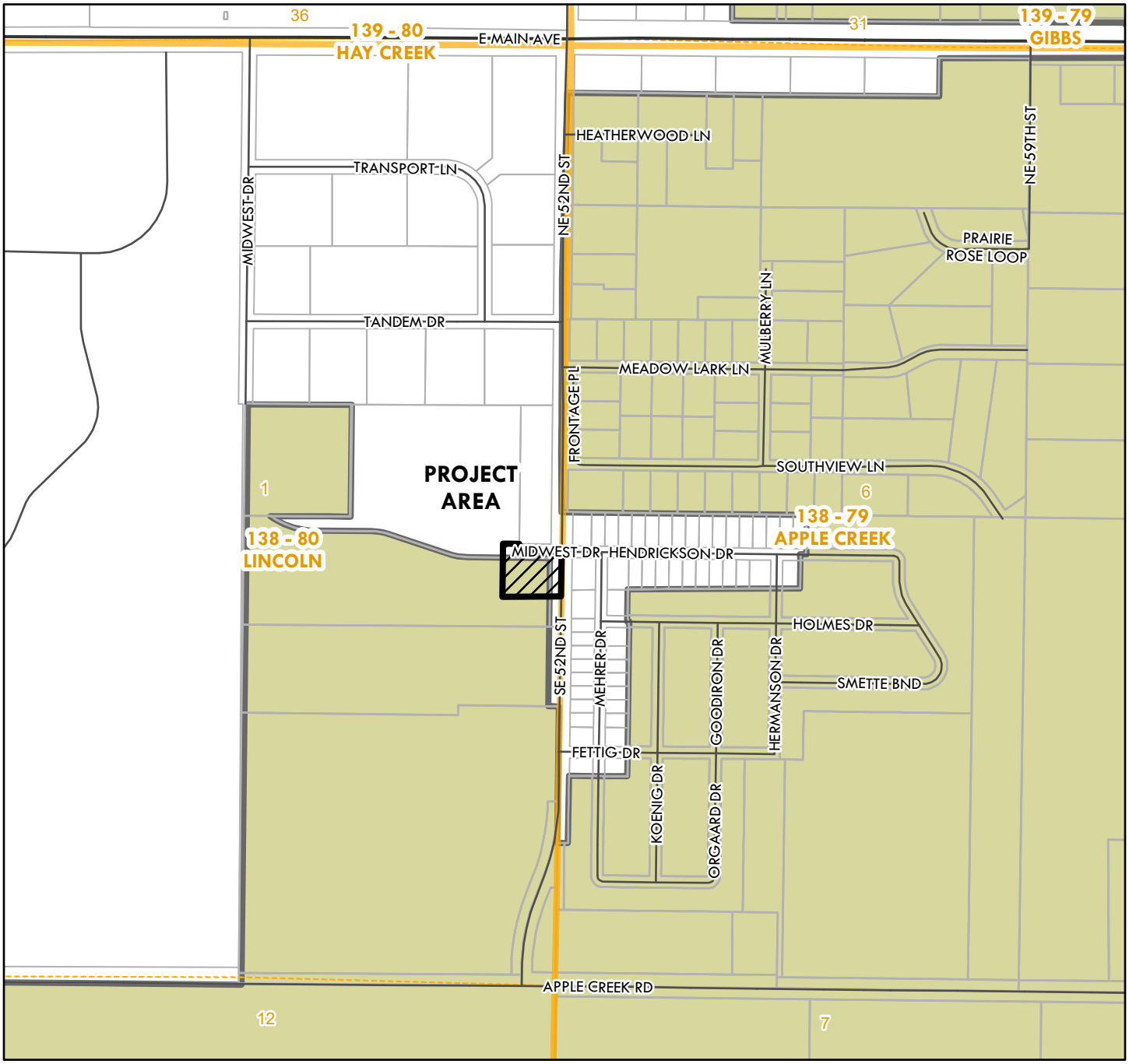
The above described tract of land contains 1.98 acres, more or less.

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

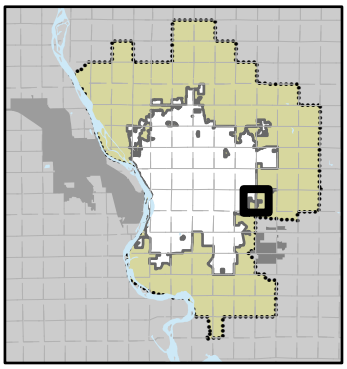
Location Map

FIRST RESPONDERS SECOND ADDITION

FPLT2021-002



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 12, 2021 (HLB)

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

Aerial Map

FIRST RESPONDERS SECOND ADDITION

FPLT2021-002

0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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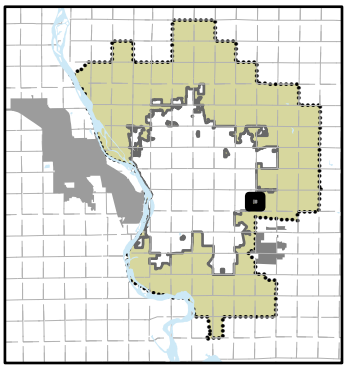


City of Bismarck
Community Development Department
Planning Division
December 9, 2020

Zoning and Plan Reference Map

Zoning Districts

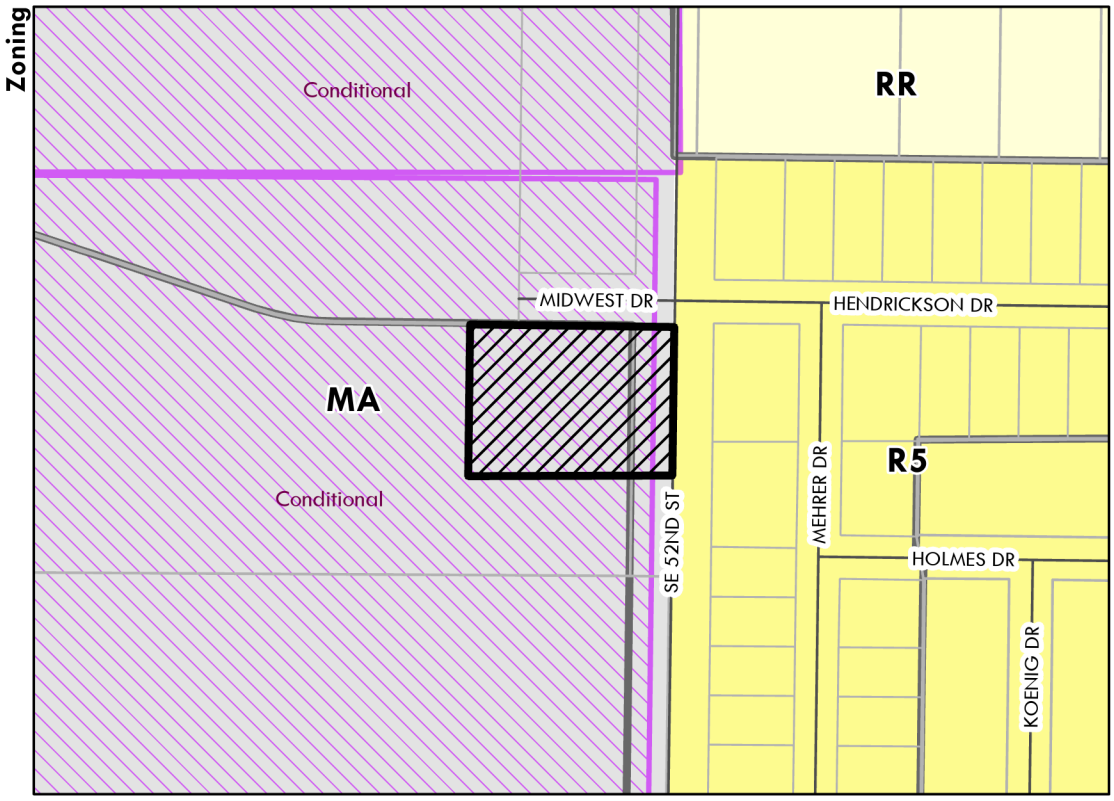
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

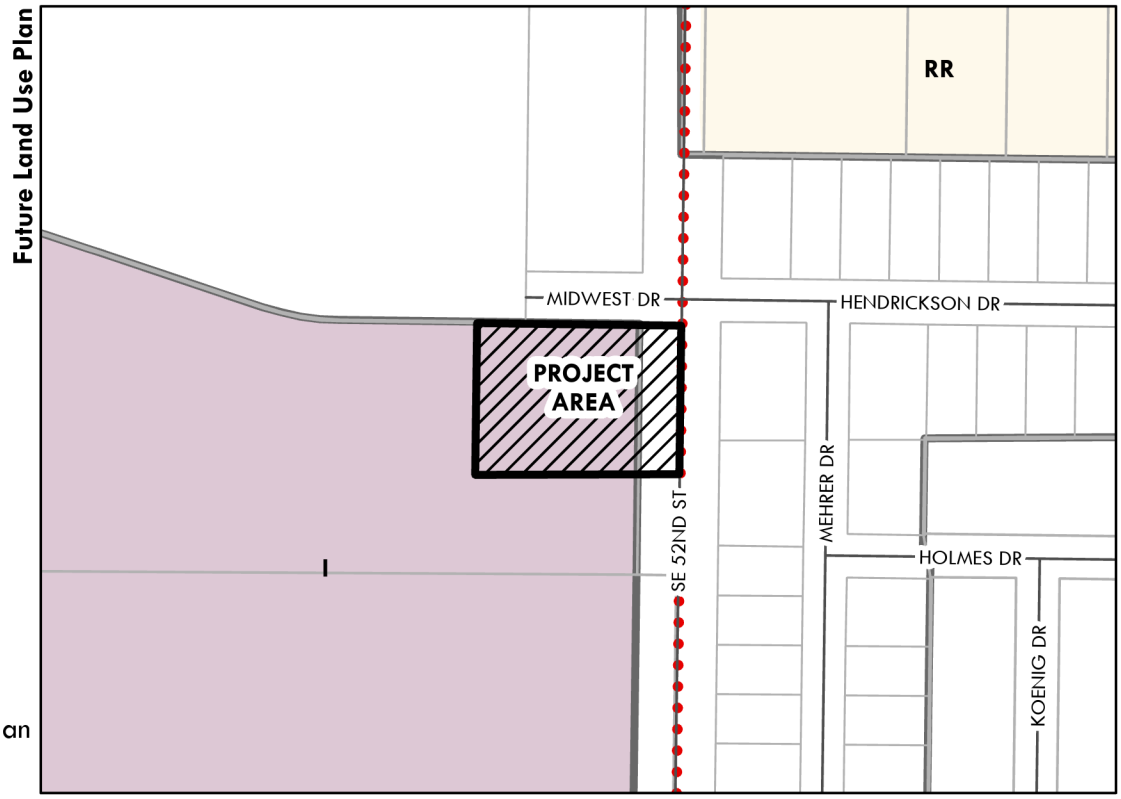
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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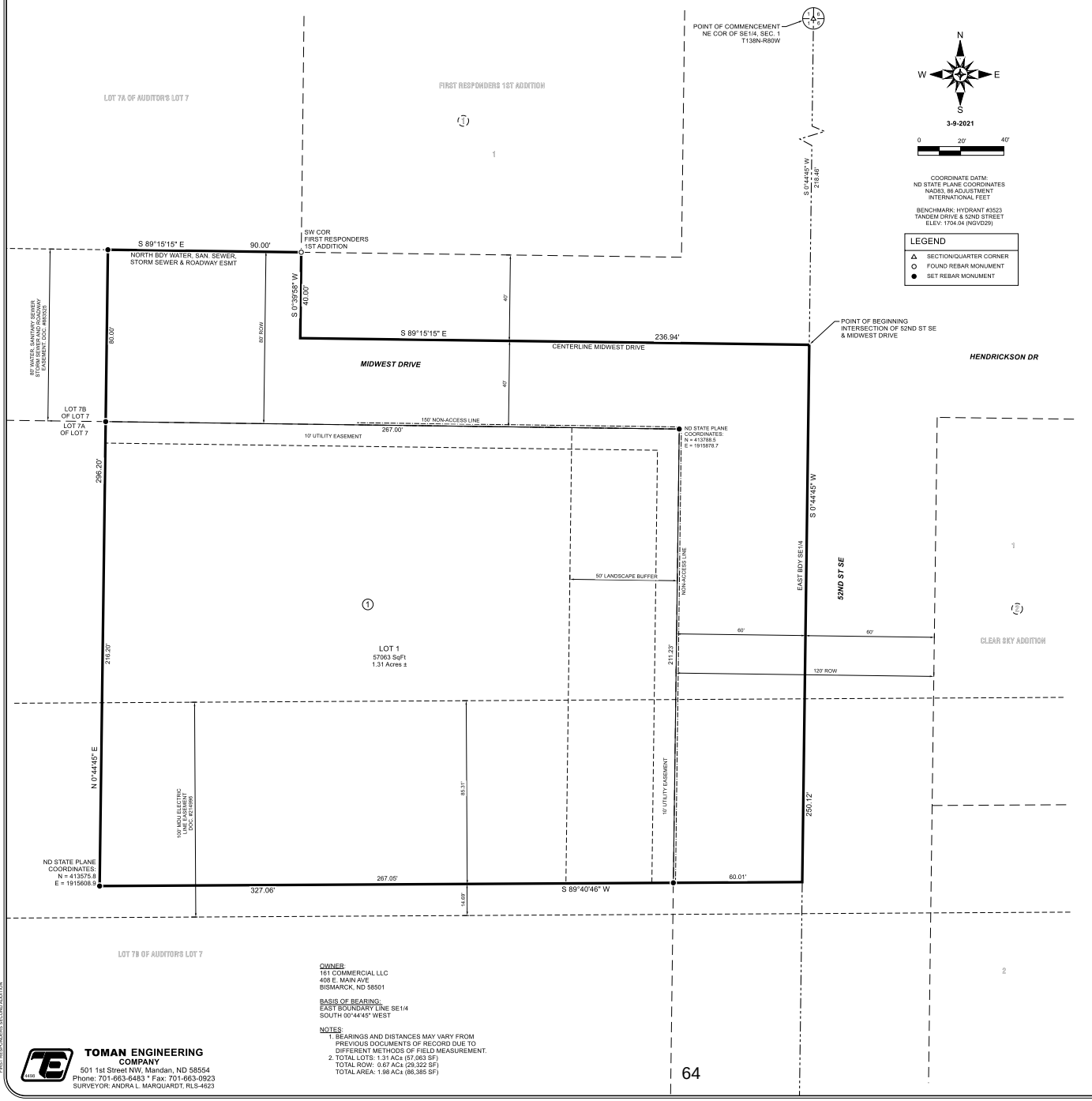
0 0.04 0.07 0.14 Miles

City of Bismarck
Community Development Dept.
Planning Division
December 9, 2020

FIRST RESPONDERS SECOND ADDITION

PART OF LOT 7A AND LOT 7B OF AUDITOR'S LOT 7, PART OF THE WEST HALF OF 52ND ST SE AND PART OF THE SOUTH HALF OF MIDWEST DRIVE OF THE SE1/4 OF SECTION 1, T138N-R80W OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



OWNER:
161 COMMERCIAL LLC
409 E. MAIN AVE
BISMARCK, ND 58501

BASIS OF BEARING:
EAST BOUNDARY LINE SE1/4
SOUTH 00°44'45" WEST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOTS: 1.31 AC± (57,063 SF)
   TOTAL ROW: 0.67 AC± (29,322 SF)
   TOTAL AREA: 1.98 AC± (86,385 SF)

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING A PART OF LOT 7A AND LOT 7B OF AUDITOR'S LOT 7, PART OF THE WEST HALF OF 52ND ST SE AND PART OF THE SOUTH HALF OF MIDWEST DRIVE OF THE SE1/4 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE1/4 OF SECTION 1, T138N-R80W; THENCE SOUTH 00°44'45" WEST ALONG THE EAST BOUNDARY LINE OF SAID SE1/4 FOR 218.46 FEET TO THE POINT OF INTERSECTION OF 52ND ST SE AND MIDWEST DRIVE; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°44'45" WEST ALONG SAID EAST BOUNDARY LINE FOR 250.12 FEET; THENCE SOUTH 89°40'46" WEST FOR 327.06 FEET; THENCE NORTH 00°44'45" EAST FOR 296.20 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF AN WATER, SANITARY SEWER, STORM SEWER AND ROADWAY EASEMENT AS DESCRIBED IN DOCUMENT NO. 883525; THENCE SOUTH 89°15'15" EAST ALONG SAID NORTH BOUNDARY LINE FOR 90.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, FIRST RESPONDERS FIRST ADDITION; THENCE SOUTH 00°39'58" WEST FOR 40.00 FEET TO A POINT ON THE CENTERLINE OF MIDWEST DRIVE; THENCE SOUTH 89° 15'15" EAST ALONG SAID CENTERLINE FOR 236.94 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 1.98 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, 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 COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

ANDRA L. MARQUARDT, RLS 4623 — DATE

OWNER'S CERTIFICATE AND DEDICATION

WE OF 161 COMMERCIAL LLC, BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "FIRST RESPONDERS 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 CONTROL TO THE PROPERTY AS SHOWN.

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

WE ALSO DEDICATE TO THE CITY OF BISMARCK FOR PUBLIC USE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

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

MATT GEIGER
MANAGING PARTNER
161 COMMERCIAL LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS____ DAY OF _____, 2021.

_____ NOTARY PUBLIC
_____COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE_____DAY OF _____2021, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN — ATTEST: BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE____DAY OF _____, 2021.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVE THIS PLAT THIS____ DAY OF _____, 2021.

GABRIEL J. SCHELL - CITY ENGINEER

FIRST RESPONDERS SECOND ADDITION

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

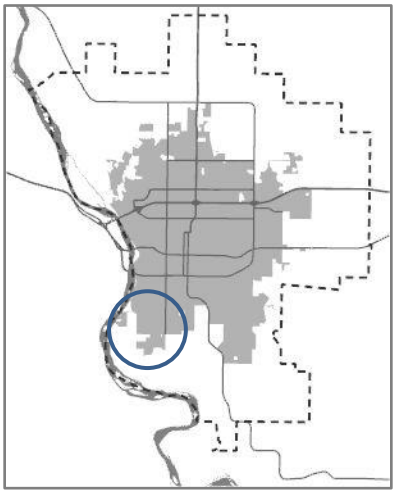
Agenda Item # 8
March 24, 2021

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2021-002

Project Summary

Title:	Southbay Fourth Addition Third Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bradley King
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In southwest Bismarck, west of South Washington Street and east of England Street, along the south side of West Burleigh Avenue (a replat of the West 256 feet of Lot 1, Block 1, Southbay Fourth Addition)
Project Size:	3.58 acres
Request:	Re-plat property for development of two rural residential lots



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	*04/2012*	*Platted:*	*04/2012*	Annexed:	N/A

Staff Analysis

Bradley King is requesting approval of a minor subdivision final plat named Southbay Fourth Addition Third Replat.

Approval of the proposed plat would create two separate rural residential lots. Access to the southern lot would be through a platted access easement.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 12th and March 19th and 66 letters were mailed to the owners of nearby properties on March 12th.

Adjacent uses include the City wastewater treatment plant to the north across West Burleigh Avenue, an existing rural residential dwelling to the east, urban rowhouse dwellings to the south and an existing rural residential dwelling to the west.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
3. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Southbay Fourth Addition Third Replat.

Attachments

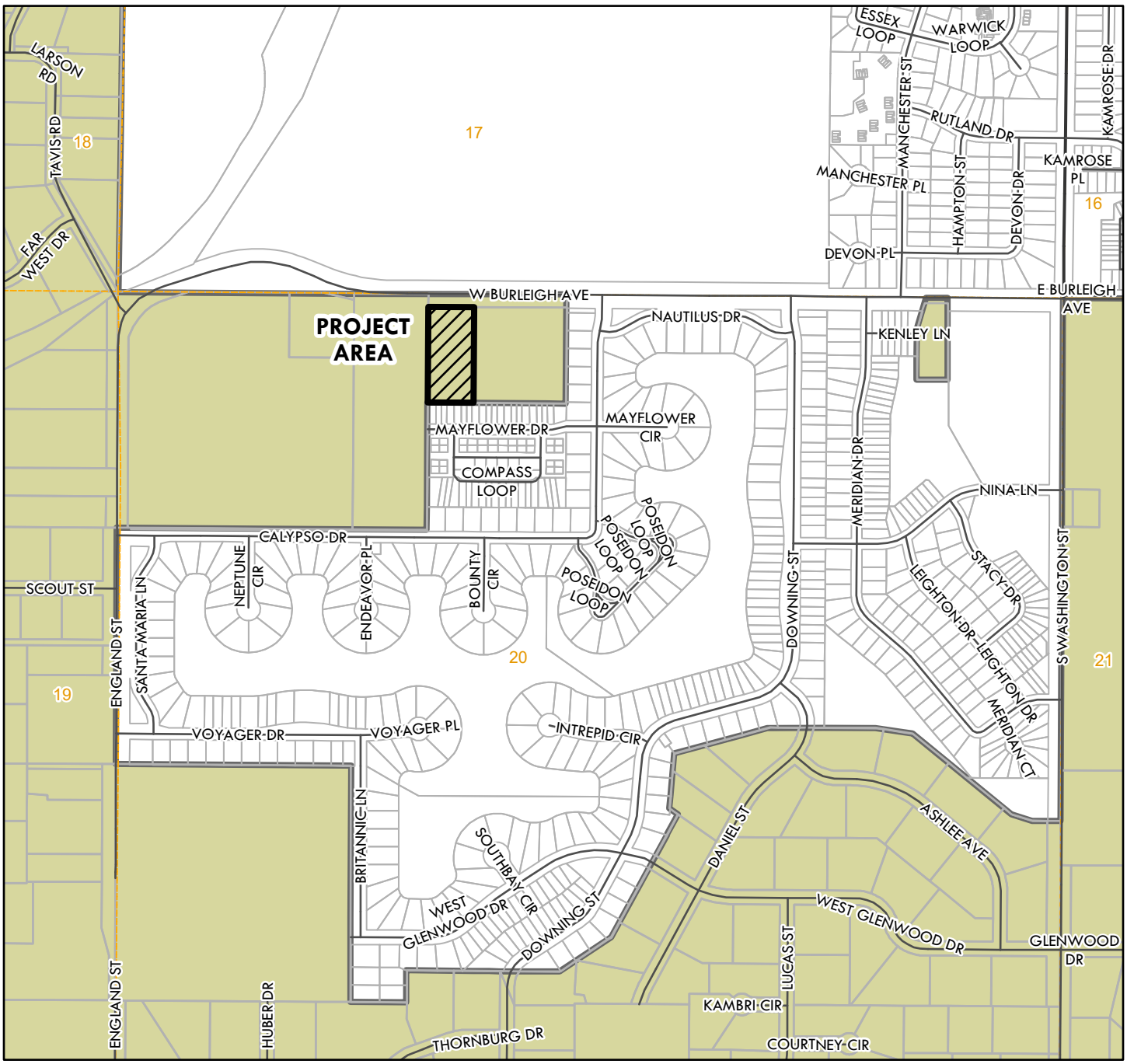
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

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

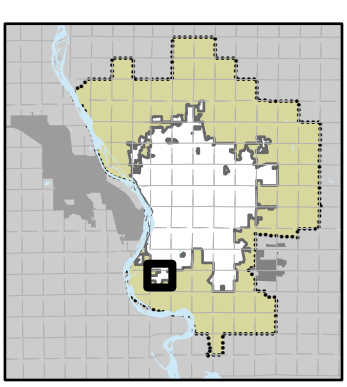
Location Map

SOUTHBAY FOURTH ADDITION THIRD REPLAT

MPLT2021-002



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
February 23, 2021 (HLB)

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

Aerial Map

SOUTHBAY FOURTH ADDITION THIRD REPLAT

MPLT2021-002

Miles

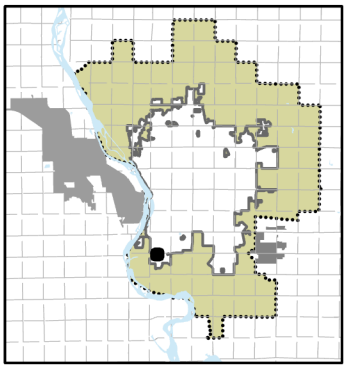
0 0.05 0.1 0.2

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Department
Planning Division
March 16, 2021

Zoning and Plan Reference Map

SOUTHBAY FOURTH ADDITION THIRD REPLAT

MPLT2021-002

Zoning Districts

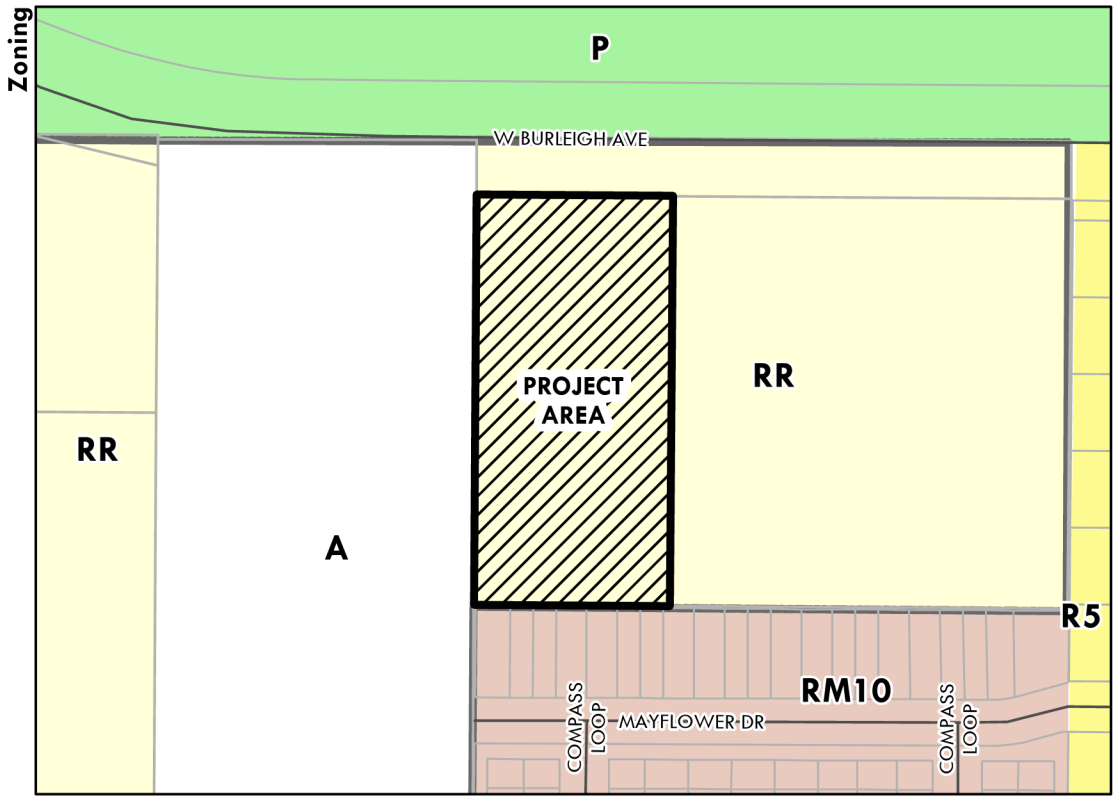
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

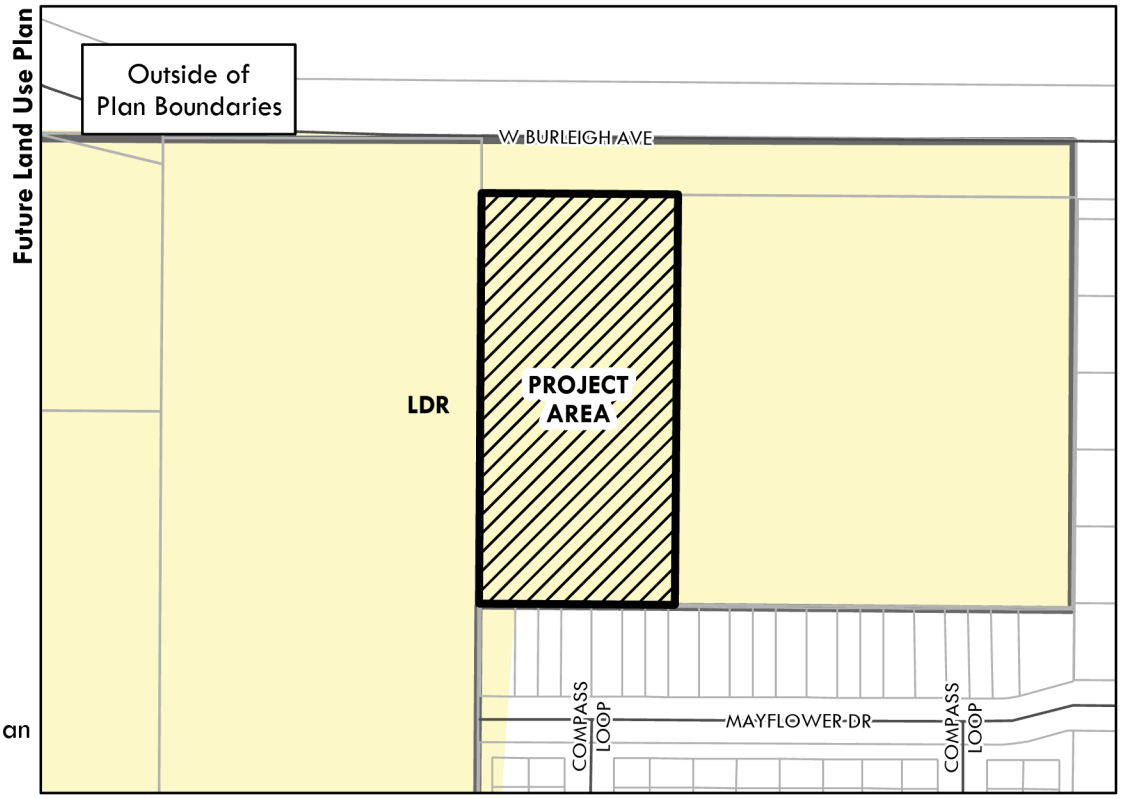
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

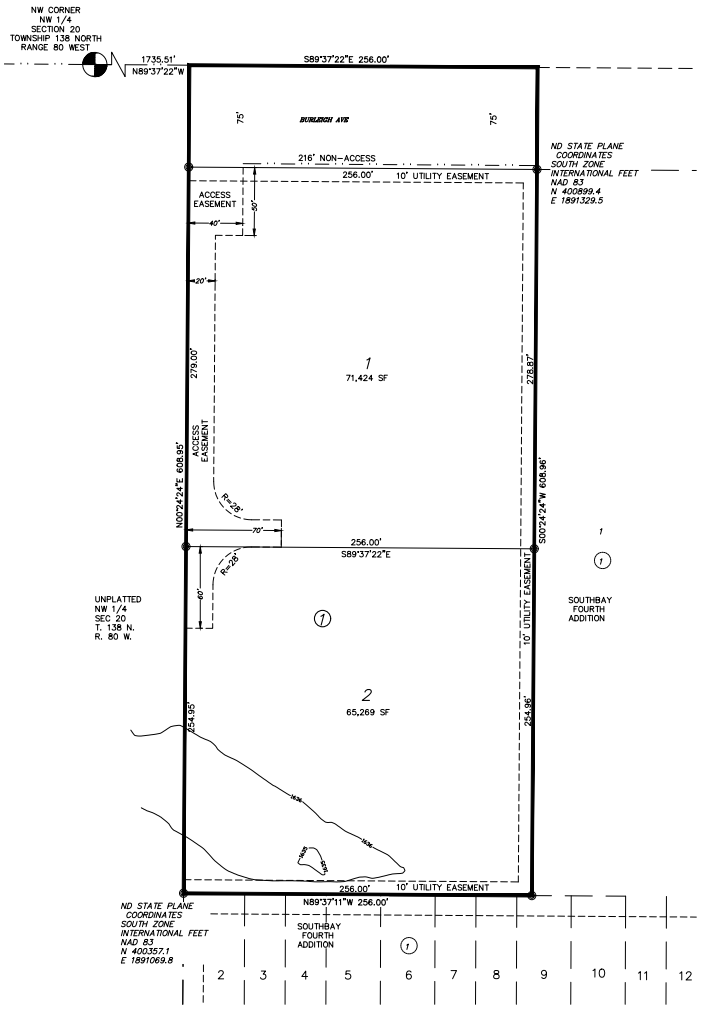
0 0.03 0.06 0.12 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

SOUTHBAY FOURTH ADDITION THIRD REPLAT

BEING A REPLAT OF THE WEST 256' OF LOT 1 BLOCK 1 SOUTHBAY FOURTH ADDITION AND PART OF THE SOUTH 1/2 OF PART OF BURLEIGH AVENUE RIGHT-OF-WAY OF THE NORTH 1/2 OF THE NORTH 1/2 OF SECTION 20 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF THE WEST 256' OF LOT 1 BLOCK 1 SOUTHBAY FOURTH ADDITION AND PART OF THE SOUTH ½ OF OF PART OF BURLEIGH AVENUE RIGHT-OF-WAY OF THE NORTH 1/2 OF THE NORTH 1/2 OF SECTION 20 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 24 MINUTES 24 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 608.95 FEET TO THE NORTH LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 37 MINUTES 22 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 256.00 FEET; THENCE SOUTH 00 DEGREES 24 MINUTES 24 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 608.96 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 37 MINUTES 11 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 256.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 155,893 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

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

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

APPROVAL OF CITY PLANNING COMMISSION

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

_____ _____
MICHAEL J. SCHWARTZ – CHAIRMAN *ATTEST*
BEN EHRETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2021.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____DAY OF _____, 2021.

_____ _____
KATHLEEN JONES–CHAIR *ATTEST: LEO VETTER*
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTHBAY FOURTH ADDITION THIRD REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

SCALE: 1"=40'

MARCH 10, 2021

● MONUMENT IN PLACE

AREA DATA

LOTS	136,693 S.F.	3.14 ACRES
STREETS	19,200 S.F.	0.44 ACRES
TOTAL	155,893 S.F.	3.58 ACRES

NOTES

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

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

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

VERTICAL BENCHMARK:
SW CORNER LOT 2 BLOCK 1
ELEV. (NAVD 88) 1636.8

FIRM MAP #38015C0795D
DATED: 08-04-2014

100 YR FLOOD PLAIN--
ELEV. 1636.1 BFE NAVD 88

NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO APPLE MEADOWS THIRD SUBDIVISION FOR A PERIOD OF _____ YEAR_, AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BRADLEY KING, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTHBAY FOURTH ADDITION THIRD REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DOES RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE CITY OF BISMARCK.

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

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
BRADLEY KING
3612 CALYPSO DR.
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED BRADLEY KING., 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 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

SouthBay
FOURTH ADDITION
LOTS 1 & 2 OF AUDITOR'S LOT Z OF THE N 1/2 OF THE N 1/2 OF SECTION 20, T.138N., R.80W.
BISMARCK, NORTH DAKOTA

NOTES

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

BENCHMARK:
MPO MONUMENT B28-20 ON BURLEIGH AVE.
ELEV = 1632.15 (NAVD 88)

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

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1988

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

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

LOT 1 BLOCK 2 IS A COMMON AREA LOT UTILIZED BY ADJACENT LAND OWNERS AND MAINTAINED BY A FUTURE, LOCAL ASSOCIATION GROUP.

CURVE DATA

NUMBER	ARC LENGTH	DELTA ANGLE	TANGENT	RADIUS
A	26.18	15°00'00"	13.17	100.00

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 3801SC0790C
DATED JULY 19, 2005
FLOOD PLAIN ELEVATION-1636.0 (NAVD 88)

AREA DATA

LOTS	815,060 S.F. 18.71 ACRES
STREET	104,562 S.F. 2.40 ACRES
TOTAL	919,622 S.F. 21.11 ACRES

NW 1/4 | 919,622 S.F. | 21.11 ACRES

SCALE - 1"=50'

APRIL 24, 2012

FLOODPLAIN INFORMATION
FLOODPLAIN ELEV. 1636.0 - NAVD 88

DESCRIPTION

LOT 1 AND LOT 2 OF AUDITOR'S LOT Z OF THE NORTH 1/2 OF THE NORTH 1/2 SECTION 20 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SOUTHBAY SECOND ADDITION; THENCE SOUTH 00 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SOUTHBAY 2ND ADDITION A DISTANCE OF 1189.50 FEET TO THE NORTHERLY LINE OF SAID SOUTHBAY SECOND ADDITION; THENCE NORTH 89 DEGREES 37 MINUTES 11 SECONDS WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 771.99 FEET TO THE NORTHWEST CORNER OF LOT 13 BLOCK 2 OF SAID SOUTHBAY SECOND ADDITION; THENCE NORTH 00 DEGREES 24 MINUTES 24 SECONDS EAST A DISTANCE OF 1189.45 FEET TO THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 37 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 774.28 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 21.11 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON DECEMBER 20, 2011, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

TIM LANGERUD
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS 11 DAY OF May 2012, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 23rd DAY OF MARCH, 2012, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - 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 ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 24th DAY OF April, 2012.

ATTEST
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTHBAY FOURTH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT SOUTHBAY DEVELOPMENT LLC, COREY BOTNER AND MICHELLE BOTNER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTHBAY FOURTH ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

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

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AS APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED 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 PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

OWNERS OF LOTS 2-22 BLOCK 1
OWNERS OF LOTS 1-69 BLOCK 2
SOUTHBAY FOURTH ADDITION

SOUTHBAY DEVELOPMENT LLC
KEVIN TURNBOW, PRESIDENT
1805 HARBOR DRIVE
BISMARCK, N.D. 58504

ON THIS 11TH DAY OF May 2012, BEFORE ME PERSONALLY APPEARED KEVIN TURNBOW KNOWN TO ME TO BE THE PRESIDENT OF SOUTHBAY DEVELOPMENT LLC WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES August 24, 2016

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

MICHELLE BOTNER
COREY BOTNER

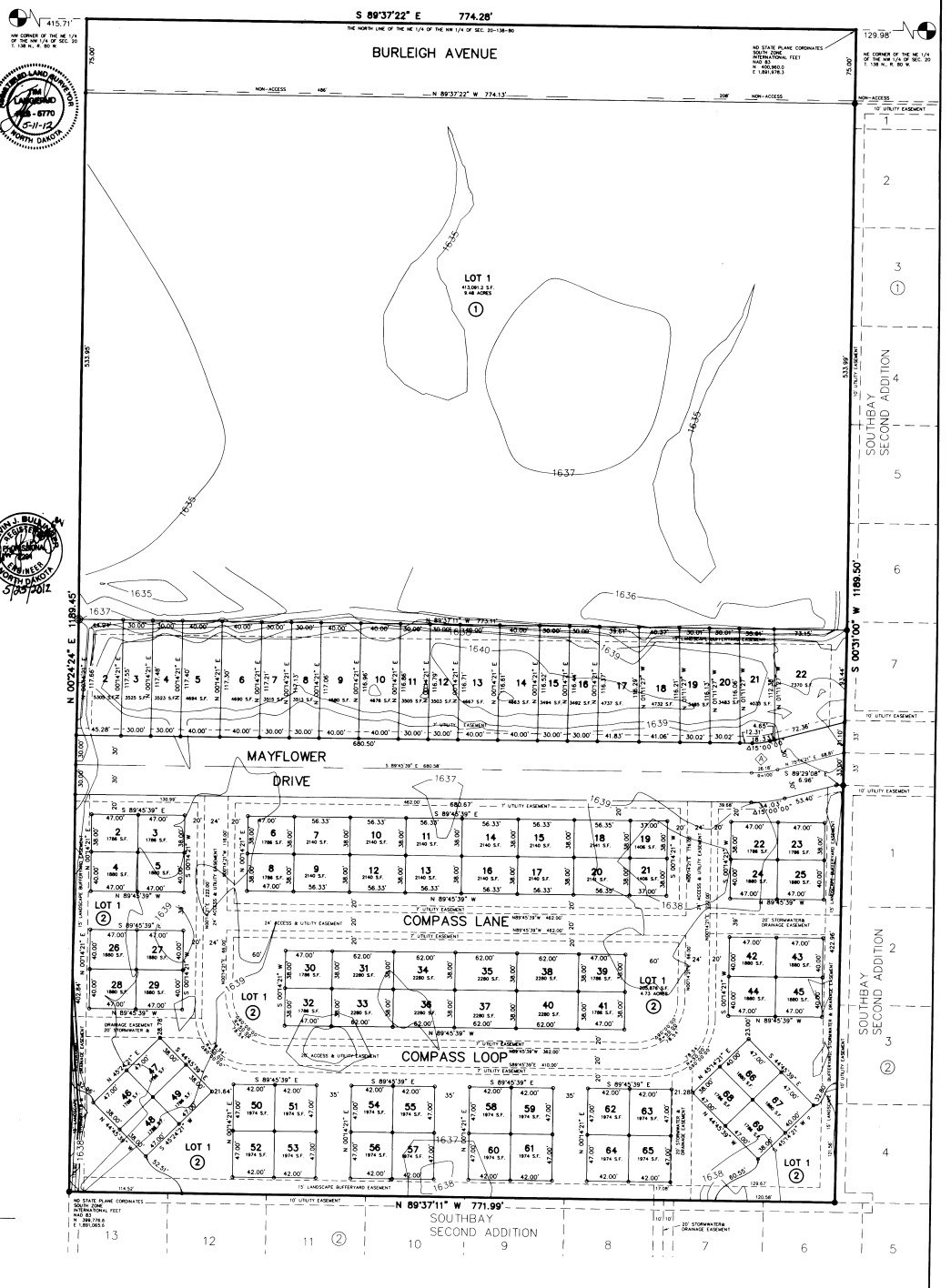
OWNERS OF LOT 1 BLOCK 1

711 BURLEIGH AVENUE W
BISMARCK, N.D. 58504

ON THIS 14TH DAY OF May 2012, BEFORE ME PERSONALLY APPEARED COREY & MICHELLE BOTNER KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES August 24, 2016



SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
sherg@swensonhagen.com
Phone (701) 223 - 3600
Fax (701) 223 - 3606

MICHELLE BOTNER
OWNERS OF LOT 1 BLOCK 1

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

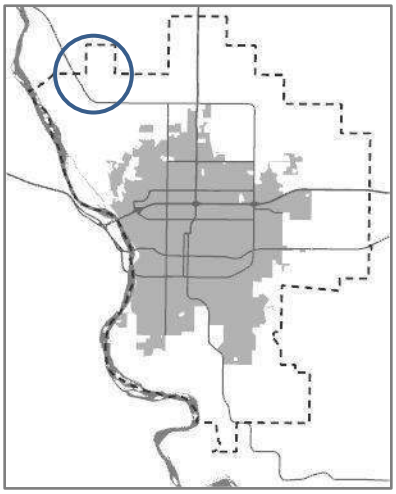
Agenda Item # 9
March 24, 2021

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2021-003

Project Summary

Title:	The Ridge at Hawktree Second Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	JE Homes, LLC 1806 Development Group, LLC Burnt Creek Group, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	The property is located north of Bismarck, north of Highway 1804 NW and south of the Hawktree Golf Club, along the east side of Hawktree Drive and the south side of Ridge Way (a replat of Tracts 8027, 8027A, 8029 and 8029A of Lot 1, Block 1; Tracts 3631, 3631A, 3633 and 3633A of Lot 3, Block 1; Tracts 3701, 3701A, 3703, 3703A, 3707, 3707A, 3709 and 3709A of Lot 4, Block 1; Tracts 8139, 8139A, 8141 and 8141A of Lot 5, Block 1; Replat of Lots 18-25, Block 1, The Ridge at Hawktree)
Project Size:	5.37 Acres
Request:	Replat property to adjust lot lines for construction of 10 two-family dwellings



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	20 lots in 1 blocks	*Number of Lots:*	20 lots in 3 blocks
Land Use:	Undeveloped	*Land Use:*	Two-family residential
Designated GMP Future Land Use:	Low Density Residential	*Designated GMP Future Land Use:*	Low Density Residential
Zoning:	PUD – Planned Unit Development	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	PUD – Two-family residential	*Uses Allowed:*	PUD – Two-family residential
Max Density Allowed:	PUD – Approximately 2.4 Units / Acre	*Max Density Allowed:*	PUD – Approximately 2.4 Units / Acre

Property History

Zoned:	*08/2008*	*Platted:*	*06/2001*	Annexed:	N/A

(continued)

Staff Analysis

JE Homes, LLC, 1806 Development Group, LLC, and Burnt Creek Group, LLC are requesting approval of a minor subdivision final plat for The Ridge at Hawktree Second Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 12th and 19th, and 72 letters were mailed to the owners of nearby properties on March 12th.

Adjacent uses include single-family residential to the north, developing two-family residential to the east and south, and undeveloped land to the west.

The purpose of this replat is to adjust the lot lines for ten separate two-family dwellings (in five buildings). No other dimensional changes are proposed. The underlying PUD zoning district allows a total of 36 dwelling units (in 18 buildings) within the entire PUD, and this requirement would remain. No changes to the zoning are requested.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for The Ridge at Hawktree Second Replat.

Attachments

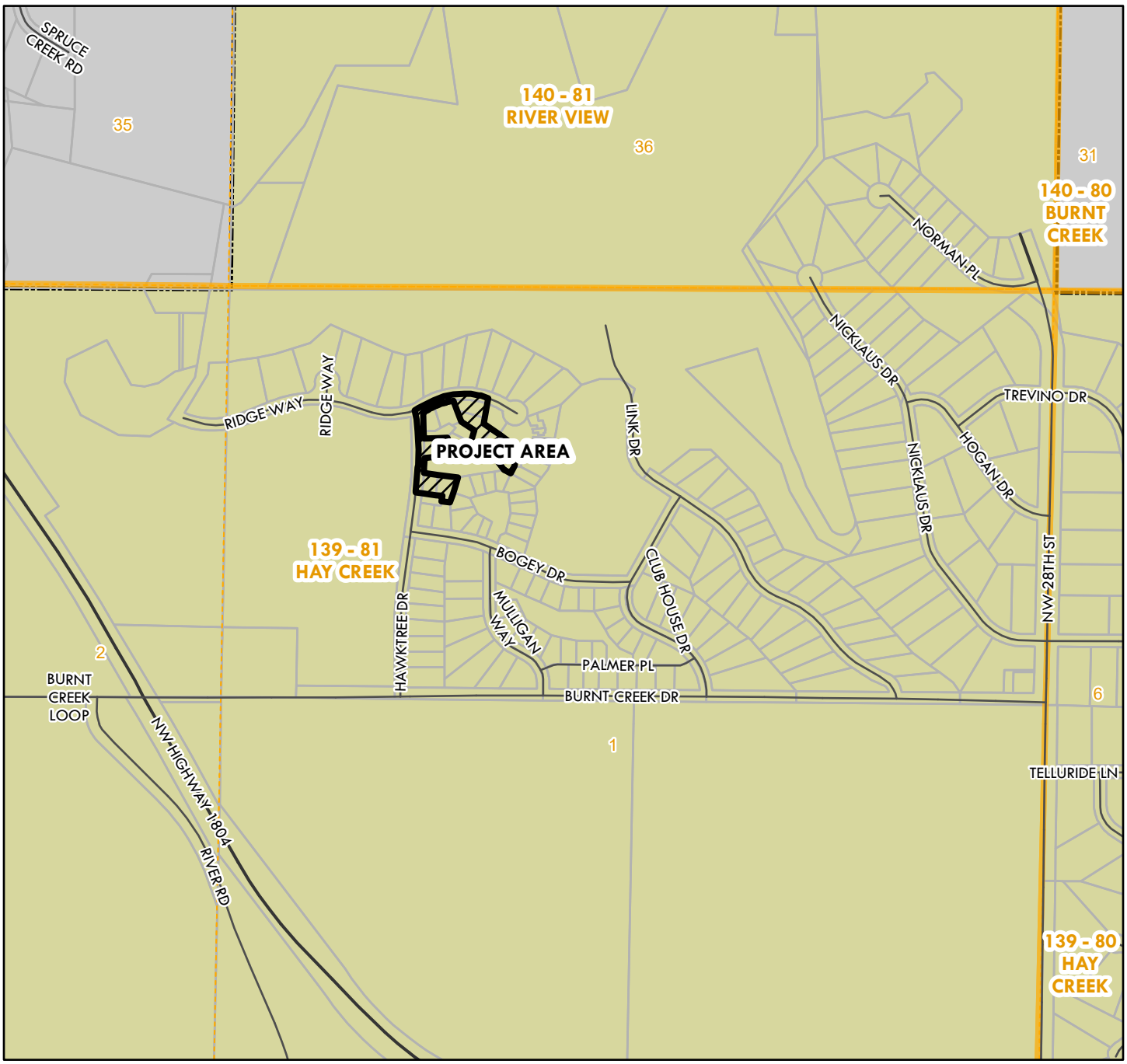
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

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

Location Map

THE RIDGE AT HAWKTREE SECOND REPLAT

MPLT2021-003

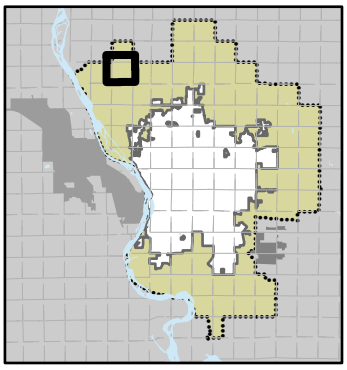


0 0.2 0.4 0.8 Miles

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



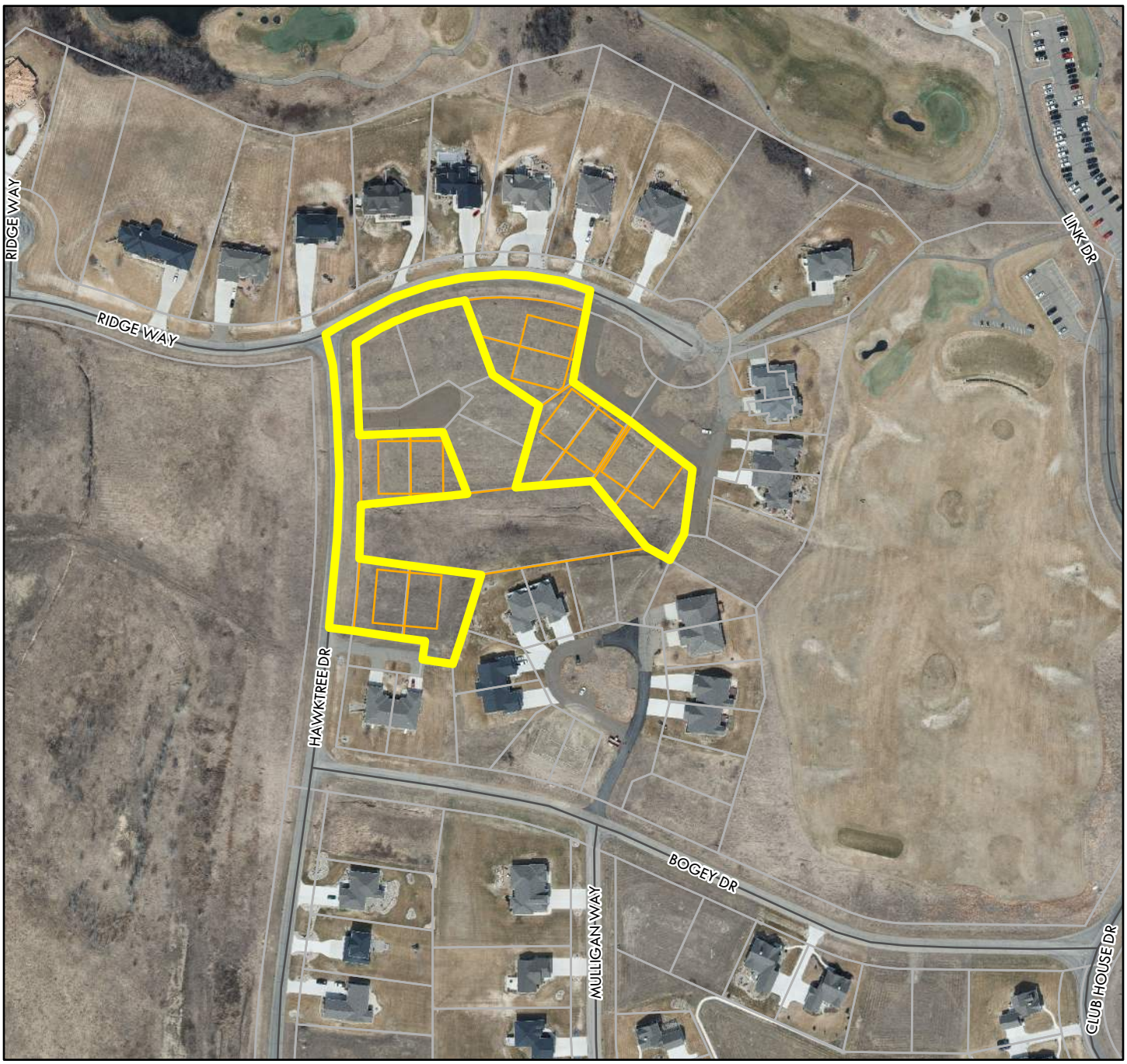
City of Bismarck
Community Development Department
Planning Division
March 10, 2021 (HLB)

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

Aerial Map

THE RIDGE AT HAWKTREE SECOND REPLAT

MPLT2021-003



Miles

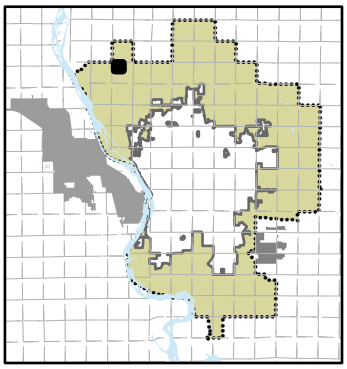
0 0.05 0.1 0.2

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
March 16, 2021

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



Zoning and Plan Reference Map

THE RIDGE AT HAWKTREE SECOND REPLAT

MPLT2021-003

Zoning Districts

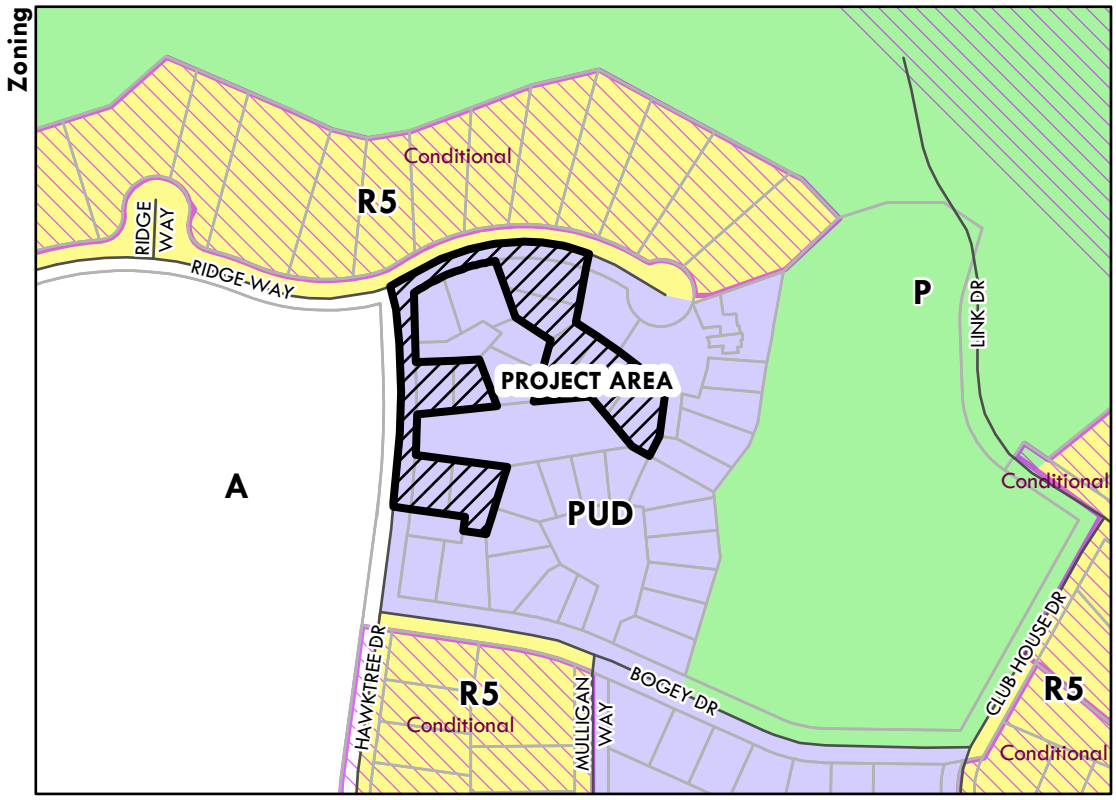
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

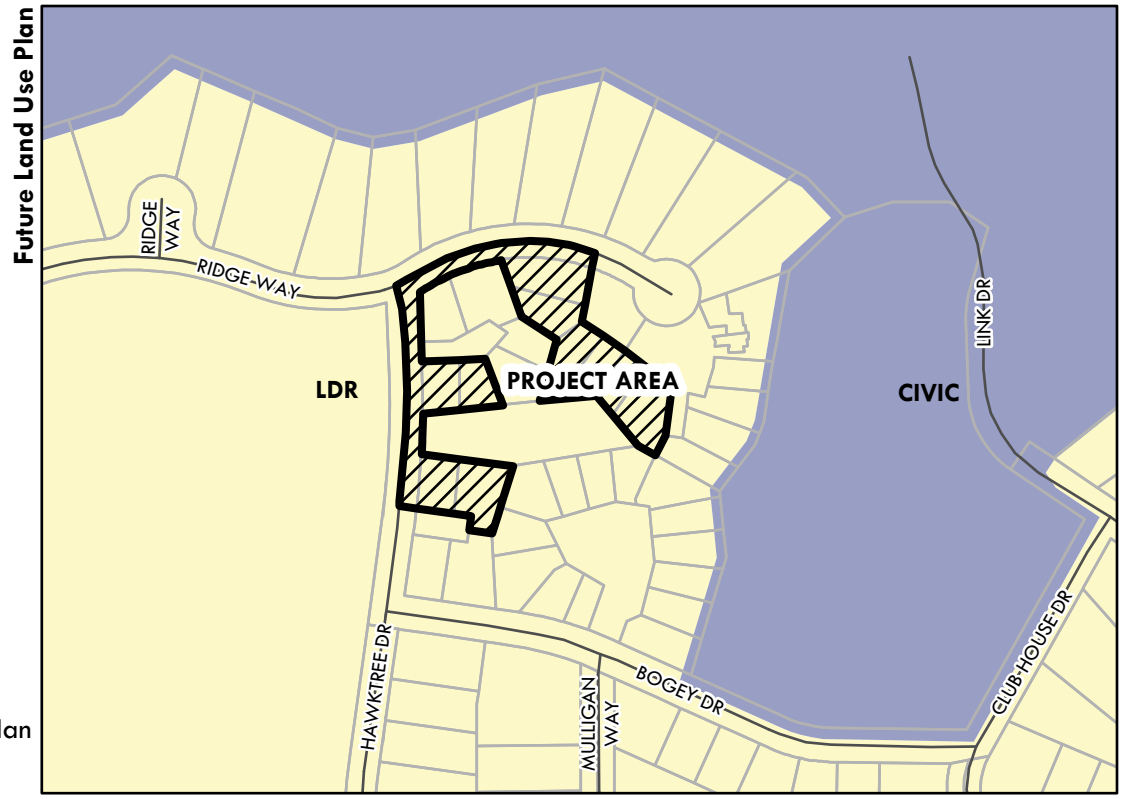
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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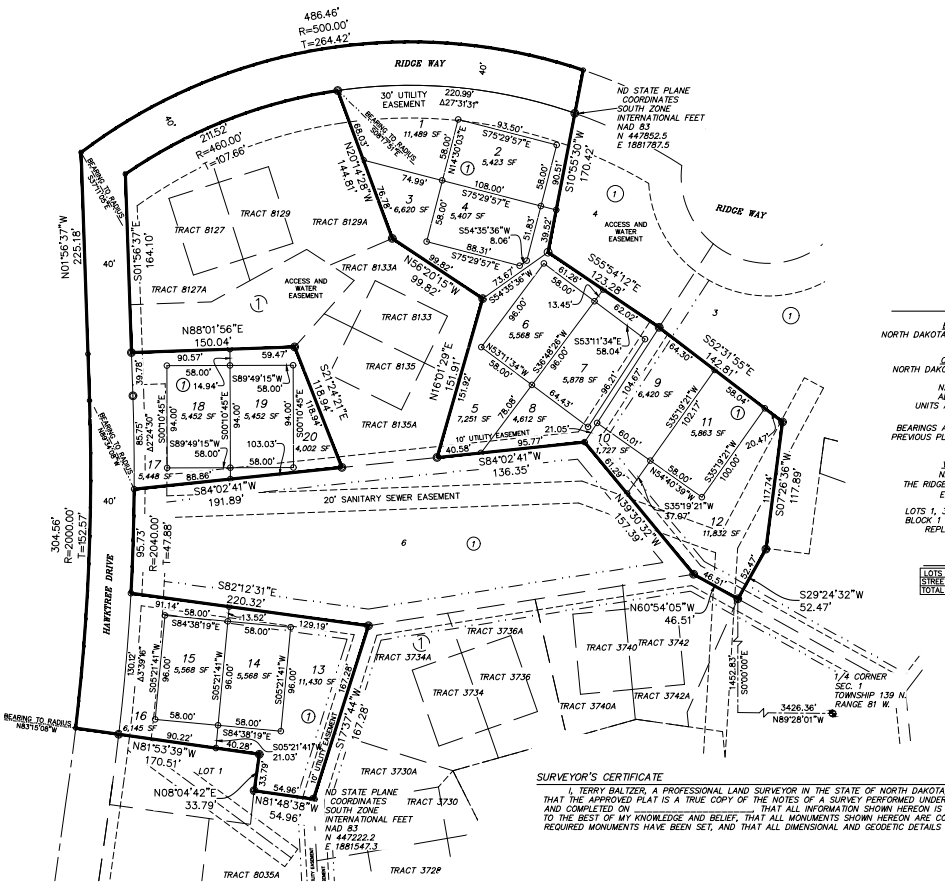
0 0.05 0.1 0.2 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 16, 2021

THE RIDGE AT HAWKTREE SECOND REPLAT

BEING A REPLAT OF TRACTS 8027, 8027A, 8029, 8029A OF LOT 1 BLOCK 1; TRACTS 3631, 3631A, 3633, 3633A OF LOT 3 BLOCK 1; TRACTS 3701, 3701A, 3703, 3703A 3707, 3707A, 3709, 3709A OF LOT 4 BLOCK 1; TRACTS 8139, 8139A, 8141, 8141A OF LOT 5 BLOCK 1 OF REPLAT OF LOTS 18–25, BLOCK 1 THE RIDGE AT HAWKTREE AND PARTS OF RIDGE WAY AND HAWKTREE DRIVE RIGHTS–OF–WAY OF THE NW 1/4 OF SECTION 1 TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

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

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

VERTICAL BENCHMARK:
NE CORNER LOT 1 BLOCK 1
THE RIDGE AT HAWKTREE SECOND REPLAT
ELEV. (NAVD 88) 1737.1

LOTS 1, 3, 5, 8, 10, 12, 13, 16, 17 & 20 BLOCK 1 THE RIDGE AT HAWKTREE SECOND REPLAT ARE NON–BUILDABLE LOTS

AREA DATA

LOTS	194,565 S.F.	4.47 ACRES
STREETS	39,285 S.F.	0.90 ACRES
TOTAL	233,850 S.F.	5.37 ACRES

SCALE – 1" = 50'

MARCH 10, 2021

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

DESCRIPTION

BEING A REPLAT OF TRACTS 8027, 8027A, 8029, 8029A OF LOT 1 BLOCK 1; TRACTS 3631, 3631A, 3633, 3633A OF LOT 3 BLOCK 1; TRACTS 3701, 3701A, 3703, 3703A 3707, 3707A, 3709, 3709A OF LOT 4 BLOCK 1; TRACTS 8139, 8139A, 8141, 8141A OF LOT 5 BLOCK 1 OF REPLAT OF LOTS 18–25, BLOCK 1 THE RIDGE AT HAWKTREE AND PARTS OF RIDGE WAY AND HAWKTREE DRIVE RIGHTS–OF–WAY OF THE NW 1/4 OF SECTION 1 TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY NORTH DAKOTA.

ALL CALLS TO TRACTS OR LOTS IN THE DESCRIPTION ARE REFERENCES TO REPLAT OF LOTS 18–25 BLOCK 1 THE RIDGE AT HAWKTREE

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 3734A; THENCE SOUTH 17 DEGREES 37 MINUTES 44 SECONDS WEST, ALONG THE BOUNDARY OF SAID TRACT 3734A & TRACT 3730A, A DISTANCE OF 167.28 FEET TO THE NORTHEAST CORNER OF TRACT 8035A; THENCE NORTH 81 DEGREES 48 MINUTES 38 SECONDS WEST, ALONG THE BOUNDARY OF SAID TRACT 8035A, A DISTANCE OF 54.96 FEET TO THE BOUNDARY OF LOT 1 BLOCK 1; THENCE NORTH 81 DEGREES 53 MINUTES 39 SECONDS WEST, ALONG SAID ITS WESTERLY EXTENSION, A DISTANCE OF 170.51 FEET TO THE CENTERLINE OF HAWKTREE DRIVE RIGHT–OF–WAY; THENCE NORTHERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 2000.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 83 DEGREES 15 MINUTES 08 SECONDS WEST, AN ARC LENGTH OF 304.56 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 37 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 225.18 FEET TO THE CENTERLINE OF RIDGE WAY RIGHT–OF–WAY; THENCE EASTERLY AND TO THE RIGHT, ALONG SAID CENTERLINE, ON A 500.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 37 DEGREES 11 MINUTES 05 SECONDS EAST, AN ARC LENGTH OF 486.46 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 4 BLOCK 1; THENCE SOUTH 10 DEGREES 55 MINUTES 30 SECONDS WEST, ALONG SAID WEST LINE & ITS NORTHERLY EXTENSION, A DISTANCE OF 170.42 FEET; THENCE SOUTH 55 DEGREES 54 MINUTES 12 SECONDS EAST, ALONG THE BOUNDARY OF SAID LOT 4, A DISTANCE OF 123.28 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 52 DEGREES 31 MINUTES 55 SECONDS EAST, ALONG THE BOUNDARY OF LOT 3, A DISTANCE OF 142.82 FEET; THENCE SOUTH 07 DEGREES 26 MINUTES 36 SECONDS WEST, CONTINUING ALONG SAID LOT 3, A DISTANCE OF 117.89 FEET; THENCE SOUTH 29 DEGREES 24 MINUTES 32 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 52.47 FEET; TO THE NORTHERLY LINE OF TRACT 3740A; THENCE NORTH 60 DEGREES 54 MINUTES 05 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 46.51 FEET TO THE BOUNDARY OF LOT 6; THENCE NORTH 39 DEGREES 30 MINUTES 32 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 157.39 FEET; THENCE SOUTH 84 DEGREES 02 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 136.35 FEET TO THE EAST LINE OF TRACT 8135A; THENCE NORTH 16 DEGREES 01 MINUTE 29 SECONDS EAST, ALONG SAID EAST LINE AND THE EAST LINE OF TRACT 8133A, A DISTANCE OF 151.91 FEET TO THE NORTHERLY LINE OF TRACT 8133A; THENCE NORTH 56 DEGREES 20 MINUTES 15 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 99.82 FEET TO THE EASTERLY LINE OF TRACT 8129A; THENCE NORTH 20 DEGREES 14 MINUTES 28 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 144.81 FEET TO THE NORTHERLY LINE OF SAID TRACT 8129A; THENCE WESTERLY AND TO THE LEFT, ALONG SAID NORTHERLY LINE, AND THE NORTHERLY LINE OF TRACT 8127A, ON A 460.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 08 DEGREES 17 MINUTES 51 SECONDS EAST, AN ARC LENGTH OF 211.52 FEET TO THE WEST LINE OF SAID TRACT 8127A; THENCE SOUTH 01 DEGREE 56 MINUTES 37 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 5, A DISTANCE OF 164.10 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE NORTH 88 DEGREES 01 MINUTE 56 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 150.04 FEET TO THE WEST LINE OF TRACT 8135A; THENCE SOUTH 21 DEGREES 24 MINUTES 21 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 118.94 FEET TO THE BOUNDARY OF LOT 6; THENCE SOUTH 84 DEGREES 02 MINUTES 41 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 191.89 FEET; THENCE SOUTHERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 2040.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST, AN ARC LENGTH OF 95.73 FEET; THENCE SOUTH 82 DEGREES 12 MINUTES 31 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 220.32 FEET; TO THE POINT OF BEGINNING.

CONTAINING 233,850 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

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

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2021, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ – CHAIRMAN *ATTEST*
BEN EHRETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2021.

ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____ 2021.

KATHLEEN JONES–CHAIR *ATTEST: LEO VETTER*
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL
CITY ENGINEER

KNOW ALL MEN BY THESE PRESENTS THAT JE HOMES, LLC, BURNT CREEK GROUP, LLC, & 1806 DEVELOPERS GROUP, LLC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "THE RIDGE AT HAWKTREE SECOND REPLAT", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE–DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND CERTAIN PUBLIC UTILITIES, WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

OWNER'S CERTIFICATE & DEDICATION

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____(PRINT)
JE HOMES, LLC

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ OF JE HOMES, 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 _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

BURNT CREEK GROUP, LLC

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ OF BURNT CREEK GROUP, 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 _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

1806 DEVELOPERS GROUP, LLC

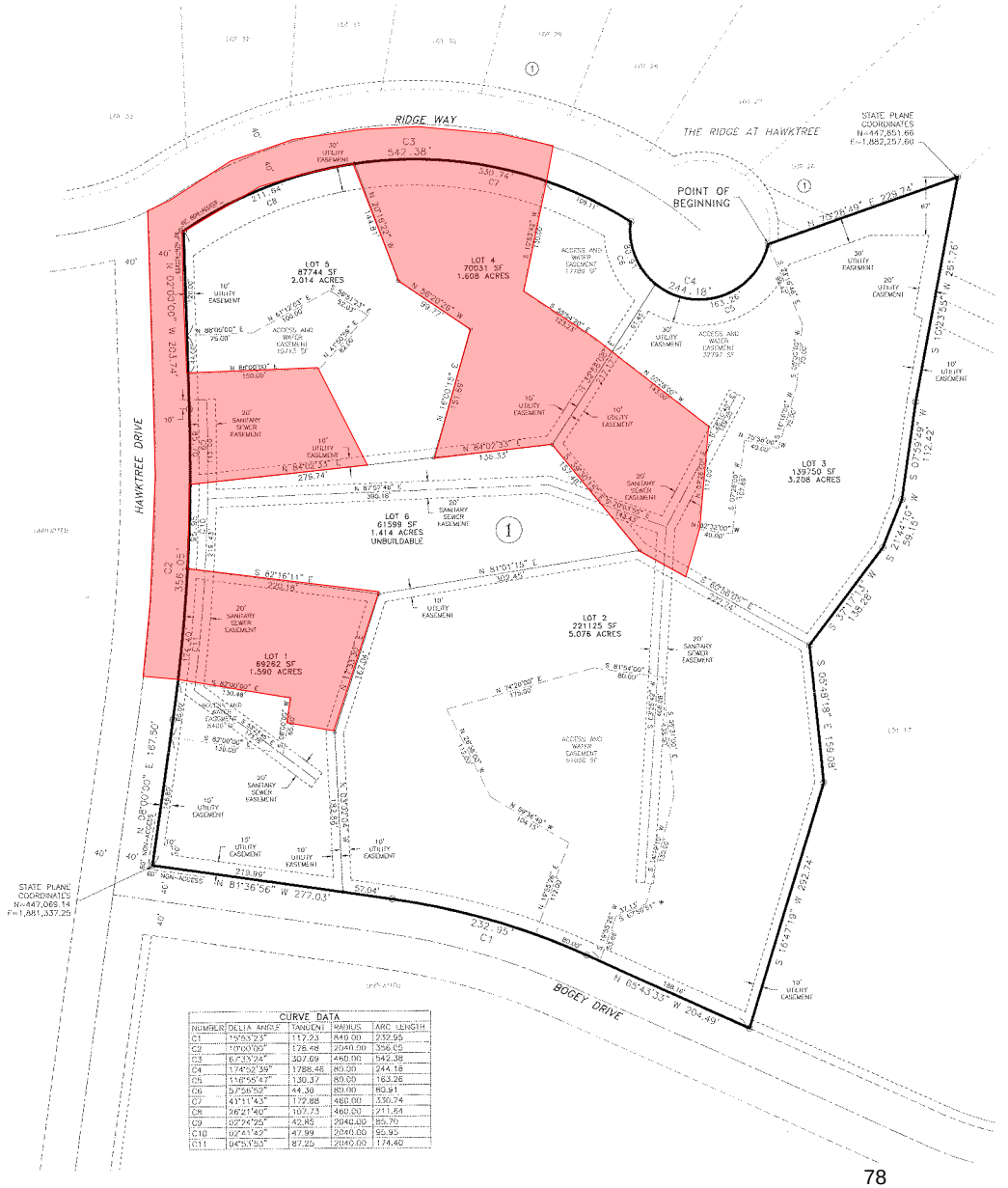
ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ OF 1806 DEVELOPERS GROUP, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

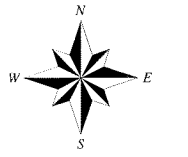
SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

REPLAT OF LOTS 18-25, BLOCK 1
THE RIDGE AT HAWKTREE

PART OF THE NW 1/4 OF SECTION 1, TOWNSHIP 139 NORTH, RANGE 81 WEST
BURLEIGH COUNTY, NORTH DAKOTA



CURVE DATA				
NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
C1	7°53'23"	117.23	840.00	232.95
C2	7°00'00"	178.48	2040.00	356.05
C3	67°33'24"	307.69	460.00	542.38
C4	174°52'39"	1788.46	80.00	244.18
C5	116°55'47"	130.37	80.00	163.26
C6	57°56'52"	44.30	80.00	80.81
C7	41°11'43"	172.88	460.00	330.74
C8	26°21'40"	107.73	460.00	211.84
C9	02°24'25"	42.85	2040.00	85.70
C10	02°43'49"	47.99	2040.00	95.95
C11	04°53'53"	87.20	2040.00	174.40



DATE: MAY 2001

60 0 60 120
scale 1"=60' feet

ENGINEER:
KADRMAS, LEE & JACKSON, PC
3233 LAST BROADWAY
BISMARCK, NORTH DAKOTA 58501
PHONE 255-0276

OWNER:
STEVE McCORMICK
NE 09
BISMARCK, NORTH DAKOTA 58501
PHONE 255-3132

PLAT INFORMATION

LOT ACREAGE = 14.911 ACRES
STREET ACREAGE = 0.000 ACRES
TOTAL ACREAGE = 14.911 ACRES

PLAT LEGEND

⊗ DENOTES MONUMENT FOUND
◦ DENOTES LOT CORNERS
◉ DENOTES SUBDIVISION CORNER OR BLOCK CORNER

PLAT NOTES

1. LOT 6 SHALL BE JOINTLY OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THIS LOT IS UNBUILDABLE.

DESCRIPTION

A TRACT OF LAND LOCATED IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 26, BLOCK 1 OF THE RIDGE AT HAWKTREE WHICH IS THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING THENCE N 10°26'49" E FOR 228.74 FEET; THENCE S 10°23'56" W FOR 261.76 FEET; THENCE S 07°59'49" W FOR 112.42 FEET; THENCE S 21°44'10" W FOR 59.15 FEET; THENCE S 27°17'13" W FOR 136.26 FEET; THENCE S 08°48'18" E FOR 159.08 FEET; THENCE S 16°47'19" W FOR 282.74 FEET; THENCE N 65°43'33" W FOR 204.49 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 840.00 FEET, A DELTA ANGLE OF 15°53'23" AND A TANGENT LENGTH OF 117.23 FEET FOR 232.95 FEET; THENCE N 81°36'56" W FOR 277.03 FEET; THENCE N 08°00'00" E FOR 167.50 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2040.00 FEET, A DELTA ANGLE OF 10°00'00" AND A TANGENT LENGTH OF 178.48 FEET FOR 356.05 FEET; THENCE N 02°00'00" W FOR 293.74 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 460.00 FEET, A DELTA ANGLE OF 67°33'24" AND A TANGENT LENGTH OF 307.69 FEET FOR 542.38 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET, A DELTA ANGLE OF 174°52'39" AND A TANGENT LENGTH OF 1788.46 FEET FOR 244.18 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 649,508 SQUARE FEET OR 14.911 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, KENT A. ORVIK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A CORRECT COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 29TH DAY OF MARCH, 1998, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED 3815 LAND SURVEYOR

KENT A. ORVIK, LS 3815
REGISTERED PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3815

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS 11 DAY OF June 2001, BEFORE ME PERSONALLY APPEARED KENT A. ORVIK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Barbara Ramseyer
Notary Public, State of North Dakota
My Commission Expires Jan. 23, 2005

BARBARA RAMSEYER, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JANUARY 23, 2005

APPROVAL OF COUNTY ENGINEER

I, JON MILL, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THE PLAT OF LOTS 18-25, BLOCK 1, THE RIDGE AT HAWKTREE, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Jon Mill 14 June 01
JON MILL
COUNTY ENGINEER

Taxes and special assessments paid and TRANSFER accepted this 13 day of June, 2001
Kevin Glatt
Burleigh County Auditor
By Deputy, Burleigh County Auditor

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT STEVE McCORMICK BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "REPLAT OF LOTS 18-25, BLOCK 1 THE RIDGE AT HAWKTREE", BURLEIGH COUNTY, NORTH DAKOTA AND DO SO SUBJECT RESTRICTS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND GAS DISTRIBUTION LINES AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

HE ALSO DEDICATES EASEMENTS TO RUN WITH THE LAND, FOR SANITARY SEWER, GAS, ELECTRIC, TELEPHONE AND OTHER PUBLIC UTILITIES OR SERVICES OU, ACROSS OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS"

HE ALSO DEDICATES "ACCESS AND WATER EASEMENTS" TO RUN WITH THE LAND; SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR OWNERS OF THE PROPERTIES WITHIN "REPLAT OF LOTS 18-25, BLOCK 1, THE RIDGE AT HAWKTREE" THEIR HEIRS AND ASSIGNS, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHTS AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID OWNERS, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. HE ALSO DEDICATES SAID "ACCESS & WATER EASEMENT" TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL SERVICES OR USES IT DEEMS NECESSARY OR ADVISABLE.

Steve McCormick
STEVE McCORMICK

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh)

ON THIS 11th DAY OF June 2001, BEFORE ME PERSONALLY APPEARED STEVE McCORMICK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT THE EXECUTED THE SAME.

Dennis Kramer

DENNIS KRAMER
Notary Public
State of North Dakota
My Commission Expires Nov 19, 2003

BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 11-19-2003

APPROVAL OF COUNTY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF BURLEIGH, ON THE 14th DAY OF March, 2001, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREON ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF PLANNING COMMISSION OF THE COUNTY OF BURLEIGH.

TIM ATKINSON — CHAIRMAN
KEVIN GLATT — SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE COUNTY OF BURLEIGH, NORTH DAKOTA.

THE FOREGOING ACTION OF THE COUNTY COMMISSIONERS OF BURLEIGH, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE 2nd DAY OF April, 2001.

HELEN D. SCHATZ — CHAIRMAN
ATTEST
KEVIN GLATT — COUNTY AUDITOR

PLAT LOTS 18-25 BLOCK 1

(The) Ridge at Hawktree Replat
205-01

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

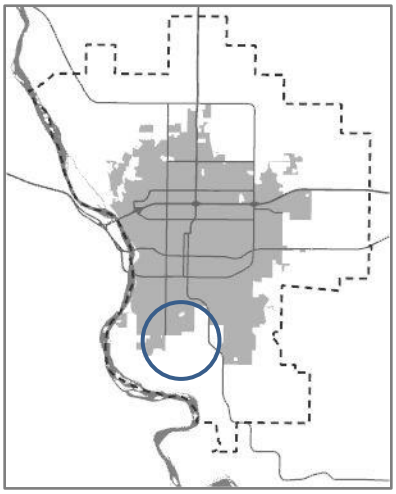
Agenda Item # 10
March 24, 2021

Application for: Special Use Permit

TRAKiT Project ID: SUP2021-002

Project Summary

Title:	Lot 5, Block 2, High Plains Country Estates
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Stan and Brenda Olheiser
Project Contact:	Stan Olheiser
Location:	South of Bismarck, south of East Burleigh Avenue and west of 12th Street SE, along the west side of High Plains Road (3724 High Plains Road)
Project Size:	1.98 acres
Request:	Increase the area of accessory buildings to 3,024 square feet



Site Information

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

Property History

Zoned:	*08/96*	*Platted:*	*08/96*	Annexed:	N/A

Staff Analysis

Stan and Brenda Olheiser are requesting approval of a special use permit to increase the total allowable square footage of accessory structures on the lot to 3,024 square feet for Lot 5, Block 2, High Plains Country Estates.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 12th and March 19th, and 25 letters were mailed to the owners of nearby properties on March 12th.

Adjacent uses include rural residential to the north and east, and vacant land zoned RR – Rural Residential to the south and west.

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

The parcel size for the proposed special use is 1.98 acres or 86,249 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

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

The property is located in the Special Flood Hazard Area or 100-year floodplain. Development within this area must comply with Section 14-04-19 of the City Code of Ordinances (FP – Floodplain District). In addition, a Floodplain Development Permit must be obtained prior to any development.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates.

Attachments

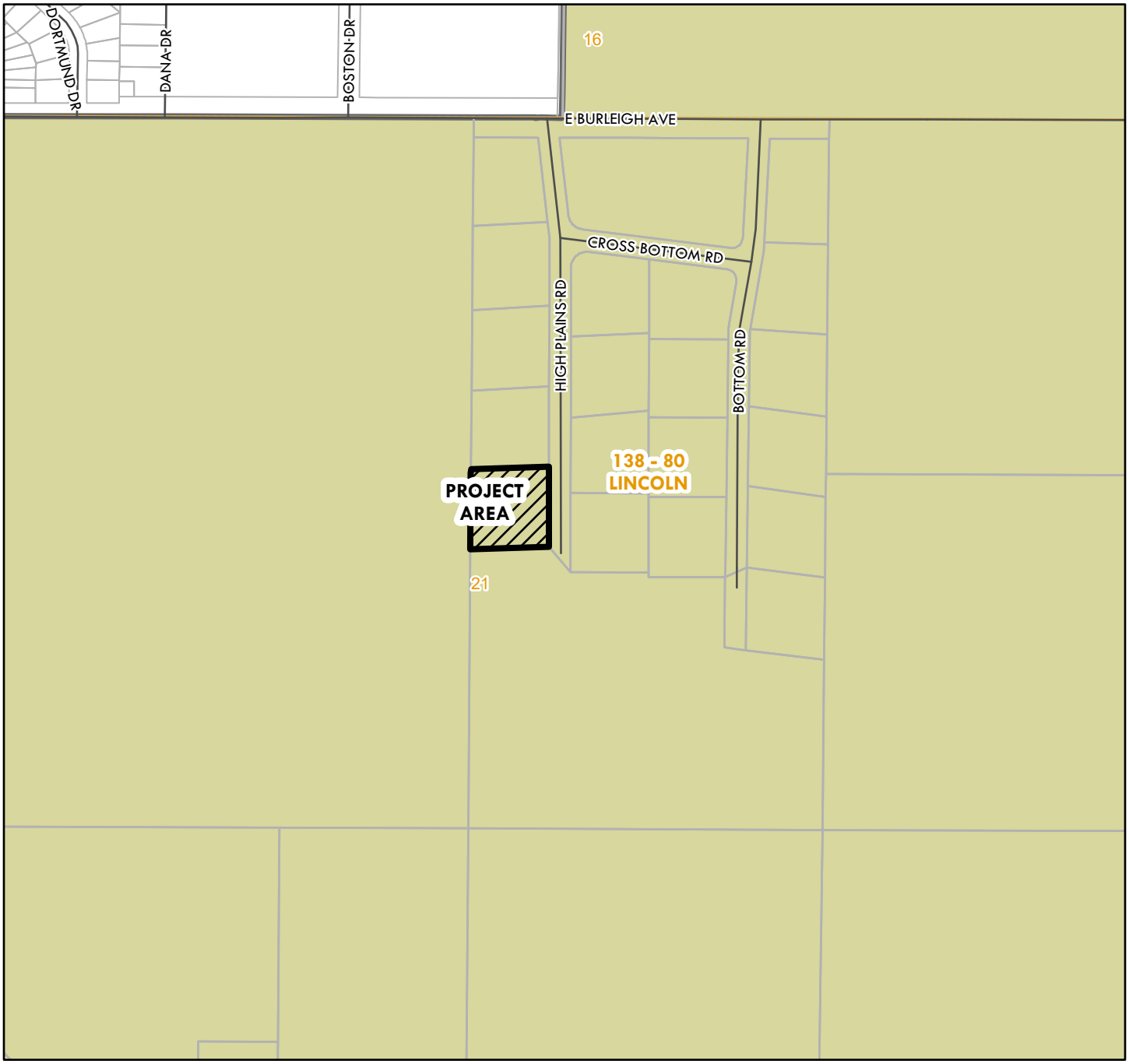
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Site Plan
5. Proposed Building Elevations

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

Location Map

HIGH PLAINS COUNTRY ESTATES, L5, B2

SUP2021-002



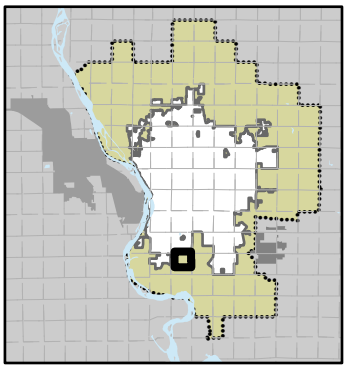
0 0.13 0.25 0.5 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 17, 2021 (HLB)

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

Aerial Map

HIGH PLAINS COUNTRY ESTATES, L5, B2

SUP2021-002

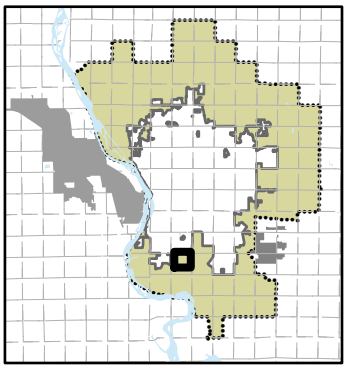
0 0.13 0.25 0.5 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Department
Planning Division
March 17, 2021

Zoning and Plan Reference Map

HIGH PLAINS COUNTRY ESTATES, L5, B2

SUP2021-002

Zoning Districts

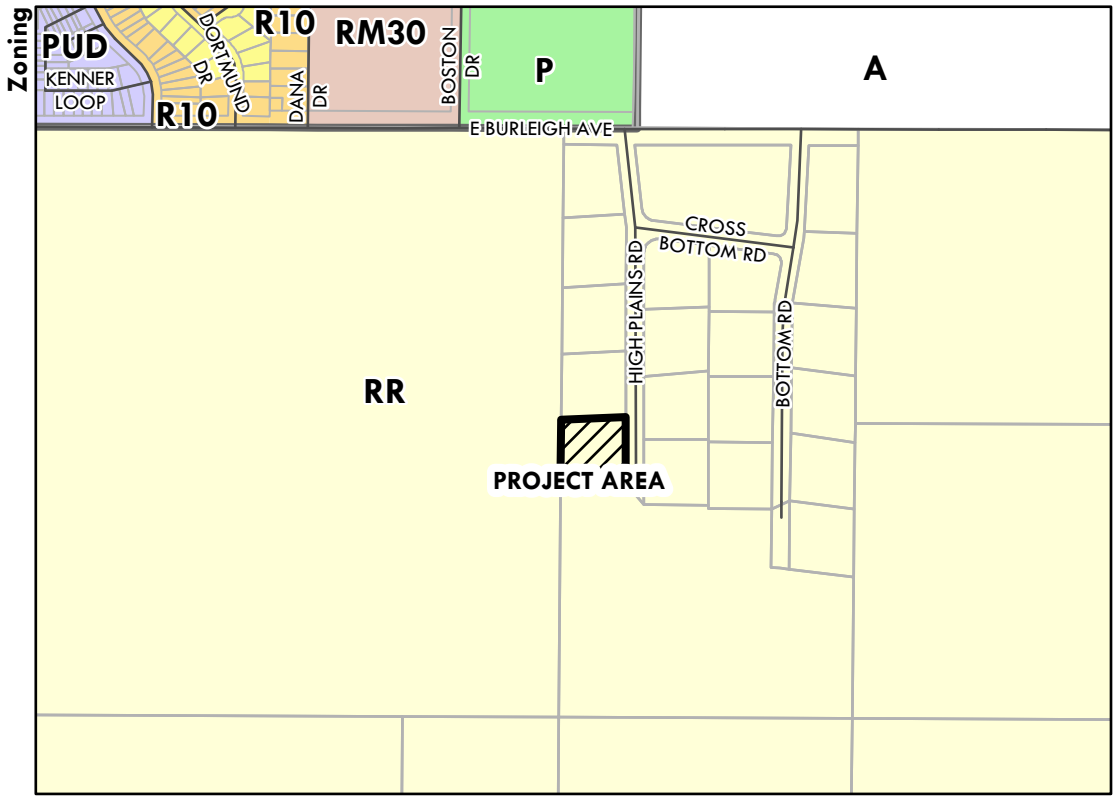
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

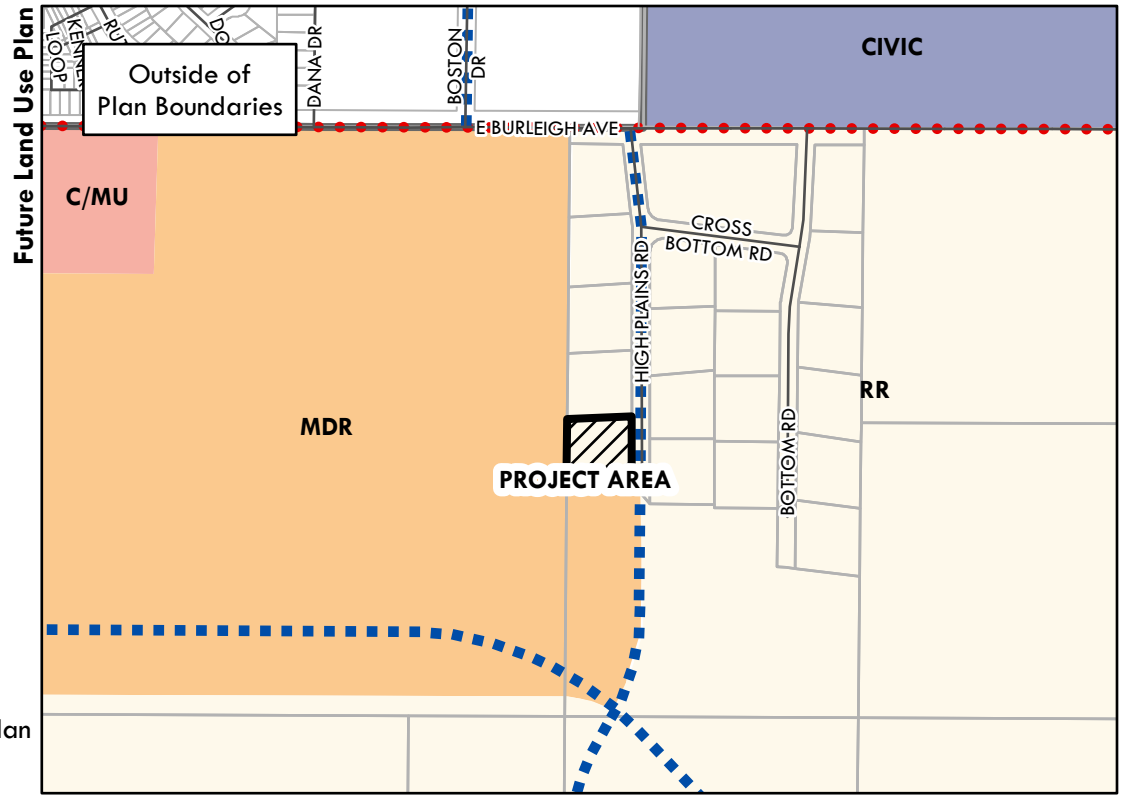
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

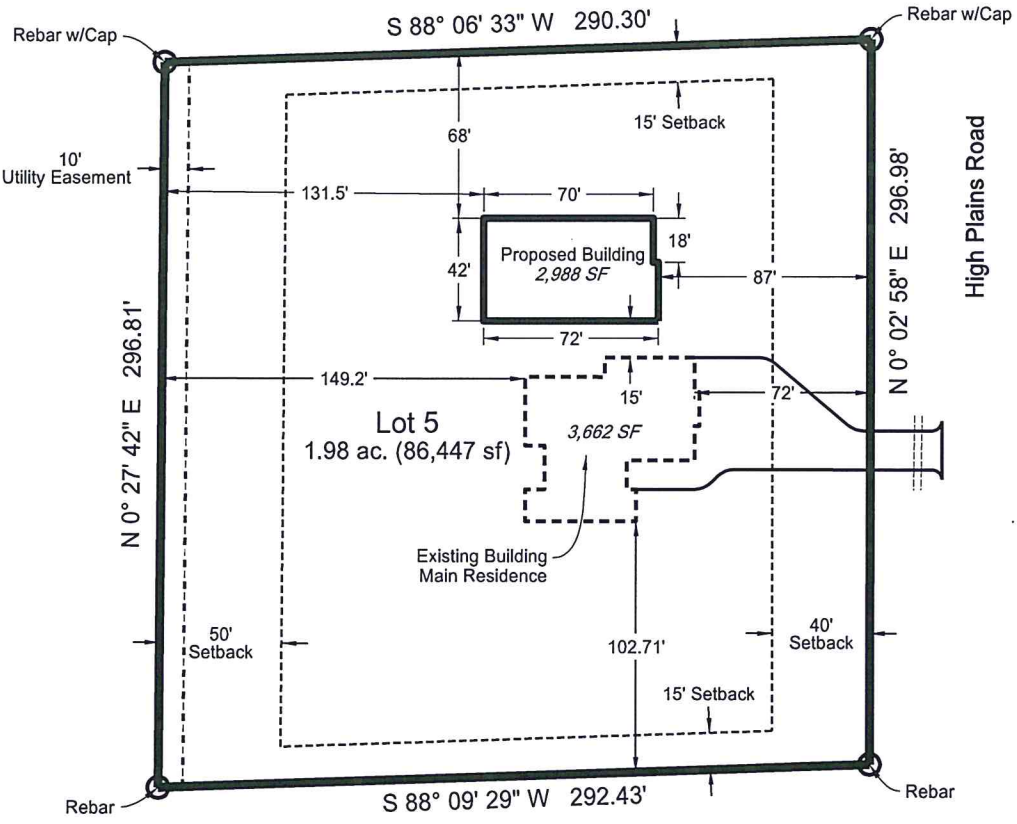
0 0.1 0.2 0.4 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

FEB 19 2021

LOT SURVEY EXHIBIT

Lot 5, Block 2 of High Plains Country Estates
in the East 1/2 of Section 21, Township 138 North, Range 80 West,
Burleigh County, North Dakota
3724 High Plains Rd.



Owner: Stanley & Brenda Olheiser
3724 High Plains Rd
Bismarck, ND 58504

Builder: Legendary Homes, Inc.
4435 Thornburg Dr.
Bismarck, ND 58504

Zoning Jurisdiction: Bismarck ETA
Zoning District: RR

Flood Zone: SFHA - AE
Base Flood Elevation: 1634

This document is preliminary and not for recording or implementation purposes.

PRELIMINARY

SCALE: 1" = 60'

0' 60' 120'

NOTES:

HORIZONTAL DATUM:
Burleigh County Ground Coordinates
North Dakota Coordinate System of 1983, South Zone
NAD83(2011). International Foot definition
Combination Factor: 0.9998515

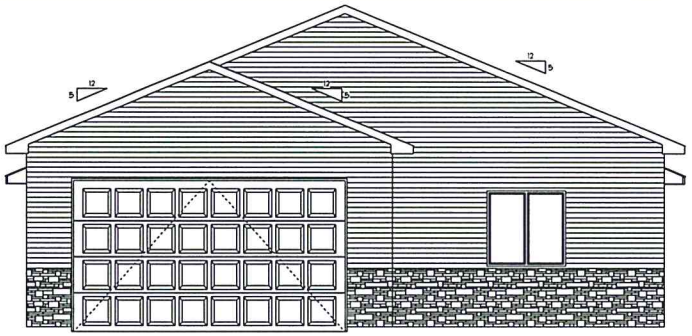
LEGEND

- SECTION CORNER
- QUARTER CORNER
- TO BE SET MONUMENT
- FOUND MONUMENT

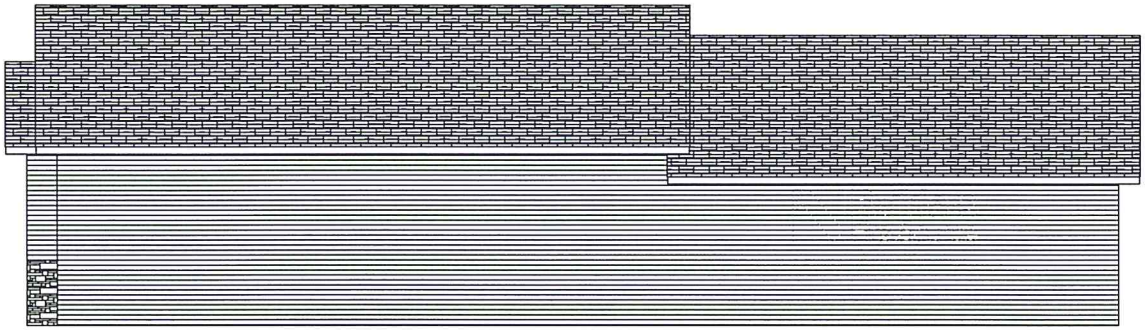
HOLLYBECK
SURVEYING ENGINEERING, INC

Date Issued: 2/18/21
Project No: HB 20-687

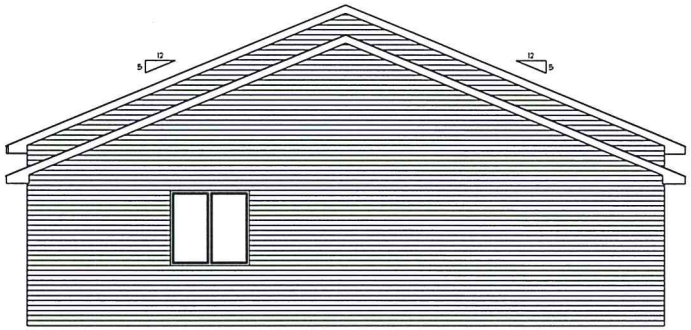
FEB 19 2021



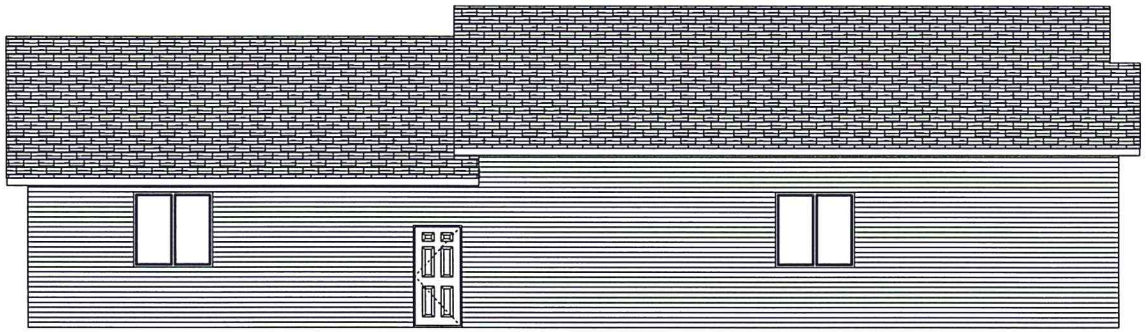
19-077 FRONT ELEVATION
SCALE = 1/8" = 1'-0"



19-077 RIGHT ELEVATION
SCALE = 1/8" = 1'-0"



19-077 BACK ELEVATION
SCALE = 1/8" = 1'-0"



19-077 LEFT ELEVATION
SCALE = 1/8" = 1'-0"

NOTE: CONTRACTOR / HOMEOWNER RESPONSIBLE FOR SENDING PLANS TO SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS

1513 39TH AVE.
P.O. BOX 35
MANDAN, ND 58554
PHONE: 663-3861
FAX: 663-1346

Builders FirstSource

NOTE: VERIFY ALL DIMENSIONS

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWING CONFORMED TO GENERALLY ACCEPTED BUILDING PRACTICES, HOWEVER, STATE AND LOCAL CODES VARY WIDELY. THE DESIGNER AND "BFS" SHALL NOT BE HELD LIABLE FOR ANY ERRORS. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. DO NOT SCALE DRAWINGS, PRINTED DIMENSIONS OVERRIDE SCALING. VERIFY WITH THE WINDOW MANUFACTURE ON ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCE. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND HEADER SIZES FOR CODE COMPLIANCE.

PLAN # 19-077	PRINT DATE: Wednesday, February 17, 2021 PRINT TIME: 12:30 PM
CONTRACTOR: Legendary Homes	SCALE: 1/8"=1'-0"
CUSTOMER: Spec Home	DRAWN BY: Jeremy Benson

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 24, 2021

The Bismarck Planning & Zoning Commission met on February 24, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Brian Eiseman, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schwartz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioner Brian Bitner was absent.

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

Chair Schwartz shared at this time that item #8, a request for a zoning change from the R10-Residential zoning district to the RM30-Residential zoning district for Lot 1, Block 19, Wachter's Third Addition, has been withdrawn by the applicant. He explained that if they choose to reapply again in the future, the neighborhood would be re-notified of that request.

MINUTES

Chair Schwartz called for consideration of the minutes of the January 27, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the January 27, 2021 meeting, as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

CONSIDERATION

2. ELK RIDGE THIRD ADDITION – ZONING CHANGE AND PRELIMINARY PLAT

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

2. Elk Ridge Third Addition – Zoning Change and Preliminary Plat

No items were pulled from the consent agenda for discussion.

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda item 2, calling for a public hearing or granting tentative approval of the items as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
LOT 40, BLOCK 2 AND LOT 1, BLOCK 14, SILVER RANCH FIRST ADDITION AND LOT 25, BLOCK 1, SILVER RANCH SECOND ADDITION

Chair Schwartz called for final consideration of the annexation of parts of Silver Ranch First Addition and Silver Ranch Second Addition. The property is located northeast of Bismarck, south of 43rd Avenue NE and east of 52nd Street NE.

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

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition.

Commissioner Levchak asked if the Bismarck Park Board would be responsible for maintaining the stormwater facilities.

Mr. Nairn said the City would maintain the stormwater facilities which are in an easement of these lots, and Commissioner Schell confirmed this.

Commissioner Laning said the property is very long and asked if there would be walking trails installed.

Mr. Nairn said that is correct, that trails would extend to the north and connect to the park and eventually extend into Silver Ranch Third Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PARTS OF BLOCKS 12-14, SILVER RANCH THIRD ADDITION

Chair Schwartz called for final consideration of the annexation of parts of Blocks 12-14, Silver Ranch Third Addition. The property is located northeast of Bismarck, north of 43rd Avenue NE and east of 52nd Street NE.

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

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition.

Commissioner Bakken asked how pedestrians would cross over with the location being adjacent to Silbernagel Drive.

Mr. Nairn said the area to the east is zoned P-Public but is not a formally designated park. He said there would not be any easements for direct access, so access would have to be further to the north.

Commissioner Levchak said even if there is not a need for a fire turnaround, the Silbernagel Drive stub out would likely need a fire apparatus turnaround space.

Mr. Nairn said the layout would be similar to the current development one block to the south and he understands 150 feet is an allowable extension without requiring a fire apparatus turnaround.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
MEMORY THIRD ADDITION

Chair Schwartz called for the public hearing on the final plat and the zoning change from the RR-Residential zoning district to the CG-Commercial zoning district for Memory Third Addition. The proposed plat is 3 lots in 1 block on 6.6 acres and is located in north Bismarck, along the east side of US Highway 83 / State Street and the south side of Brookside Lane (a replat of Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites).

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Mr. Hutchings then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.

2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.

3. 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.

4. 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.

5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer.

6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat with the condition that they will not accept maintenance responsibility for the proposed right-of-way.

7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.

8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.

9. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

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10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Mr. Hutchings said, based on the above findings, staff recommends approval of the zoning change from the RR – Rural Residential zoning district to the CG - Commercial zoning district and approval of the major subdivision final plat for Memory Third Addition, with the following condition:

1. The applicant must provide association documents outlining installation and maintenance for plant materials along the east side of Brookside Place and maintenance and ownership of Lot 3, Block 1 of the proposed plat.

Commissioner Laning asked if there is an advantage or disadvantage to the property not being annexed now.

Mr. Hutchings said there is not and added that the developer will be limited with what could be developed until annexation takes place and the street would not be improved until the property is annexed as well.

Commissioner Levchak asked how Lot 1 would be accessed.

Mr. Hutchings said a limited access has been indicated to be from of Brookside Lane as well from the proposed Brookside Place. The limited access from Brookside Lane and would be restricted to right-in right-out access.

Commissioner Levchak asked where the proposed right turn out is expected to lead traffic to.

Mr. Hutchings said likely north through the Costco development and then back out until such time as Brookside Lane connects to North 19th Street.

Commissioner Levchak asked if it is known what the use of Lot 1 will be. Mr. Hutchings said nothing formal has been submitted at this time.

Commissioner Levchak said he has concerns about traffic being forced into a residential area and this seems to be a poor arrangement.

Commissioner Schell said primary access would be from Brookside Place, but that can be reevaluated as development proceeds. He said the limited access on Brookside Lane would be more of a supplemental access point than anything.

Commissioner Zent asked Mr. Hutchings to speak to the comments provided by Hay Creek Township.

Mr. Hutchings said Hay Creek Township did provide conditional approval with the understanding they would not be responsible for maintenance of the roadway or with Burleigh County assurance for roadway improvements. He said the right-of-way dedication on the plat will be to the city so that it is clear it would be a City facility and not the responsibility of Hay Creek Township or Burleigh County.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the RR – Rural Residential zoning district to the CG - Commercial zoning district and approval of the major subdivision final plat for Memory Third Addition, with the following condition: 1. The applicant must provide association documents outlining installation and maintenance for plant materials along the east side of Brookside Place and maintenance and ownership of Lot 3, Block 1 of the proposed plat. Commissioner Laning seconded the motion and the motion was approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
THE EAST 250 FEET OF LOT 2, BLOCK 3, KMK ESTATES

Chair Schwartz called for the public hearing on a zoning change from the Conditional RT-Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The property is located in northeast Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE and Ash Coulee Drive.

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is not compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

5. The zoning change is not in the public interest and is not solely for the benefit of a single property owner.

6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance.

7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

**Mr. Nairn outlined reasons for a staff recommendation to deny, including the proximity to residences, the lack of other commercial zoning in the area, the potential for traffic generation, adjustments that may be necessary for stormwater management, and the precedent set through previous rezoning requests in the area.

Mr. Nairn said based on these findings, staff recommends denial of the zoning change from the Conditional RT – Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates.

Chair Schwartz opened the public hearing.

Curt Miller, Old 10 Bar and Grill, said the purchase of the property is contingent upon approval of the requested zoning change. He said they currently have the same restaurant in Mandan and it is family friendly. He said this would be a great location and is proposed to be a single-story structure with a landscape buffer. Mr. Miller provided a building design concept drawing as well as green space plans at this time. He said they are willing to make the zoning conditional if necessary as they have no other plans for development at this location.

Alice Schmalz, said she is providing comments on behalf of the current property owner, Jerry Kessel, and stated he feels this would be a great opportunity for him to sell his property to good owners who would do right in order to be in accordance with the surrounding area.

Cody Stern, Old 10 Bar and Grill, said they tried finding a location in other locations in the area and were under contract in another location previously, but they were going to go over budget with shared costs for services. He said they want to be in this area and would accept a conditional approval if necessary.

Commissioner Zent asked if the front of the restaurant would face North Washington Street or Arabian Avenue.

Mr. Stern said the main entrance would face North Washington Street and vehicular access would be from Arabian Avenue.

Chair Schwartz asked even with the staff concerns, why is it felt this is the best location. Mr. Stern said they want to be located away from State Street and in an area with less restaurants. He said there is strong commercial development happening in this area of town and there is a need for a restaurant.

Abe Ulmer, Toman Engineering Co., said, as it relates to the staff comment regarding compatibility, the land adjacent is zoned R10-Residential but there is only one home to the west on a two-acre lot. He said there are similar sized large lots in Carol's Addition and he knows of two other restaurant sites where there is a landscape buffer adjacent to a R10-Residential zoning district elsewhere in the City. He said available commercial property is limited right now and the building footprint is relatively small in comparison with the overall size of the property. He said the site is next to North Washington Street, which is a principal arterial roadway, and when he ran calculations he gathered 399 traffic trips daily if the property were built to the maximum allowable multifamily in the RT-Residential zoning district and a commercial restaurant use was calculated to be approximately 405 trips daily, so they are very similar.

Commissioner Zent asked what the hours of operation of the restaurant would be. Mr. Miller said they would be open from 11AM until 11PM daily.

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

Commissioner Bakken asked if the adjacent property owners were contacted regarding the request.

Mr. Nairn said they notified the adjacent owners within 350 feet per their standard process and did not receive any comments in return.

Chair Schwartz asked what the negative impacts of spot zoning might be.

Mr. Nairn said spot zoning is discouraged because it can appear arbitrary and by single parcel zoning there can be the opinion that there is a privilege to some property owners over others. He added that other areas in the city with single-parcel zoning tend to be adjacent to similar zoning districts.

Commissioner Bakken asked if offices are proposed to be placed in the area to the north of this location.

Mr. Nairn said that is correct, that Carol's Addition recently had a site plan approved and is similarly zoned.

Commissioner Bakken asked if there is still a parking lot on the north side of Buckskin Avenue and a church north of that.

Mr. Nairn confirmed and said the parking lot is owned by the church and used for overflow parking.

Commissioner Bakken said a church, parking lot, office and restaurant are all commercial in his opinion and this does not seem to follow the spot zoning concerns.

Commissioner Van Duyne asked if this property and the one to the north would then be accessed from Arabian Avenue.

Mr. Nairn said that is correct as the City discourages too many access points off of a major arterial road.

Commissioner Van Duyne asked what the roadway widths are now and if they are of a neighborhood collector road configuration.

Mr. Nairn said currently Arabian is relatively narrow and added that the roads previously served a rural residential area that are now becoming more urban in form.

Commissioner Bakken asked what the plans are for traffic conveyance and lane configuration for Arabian Avenue and Buckskin Avenue.

Commissioner Schell said some petitions for construction have been received and once enough of them have been submitted they would move forward likely with an assessment district, but they are not there quite yet. He said they would further review access with the site plan approval process and the nature of the development would determine the lane widths, as well as the need or not for turn lanes.

Commissioner Zent asked if there are concerns related to noise or odor with a restaurant site.

Mr. Nairn said staff has received comments in the past to that nature as potential concerns in other locations.

Commissioner Bakken asked if light pollution mitigation should also be considered.

Mr. Nairn said there is not an ordinance requirement for that in the CA-Commercial zoning district, but it can be an added condition if deemed necessary.

Commissioner Martin said there can be an odor from restaurant sites especially with cooler temperatures and can also affect waste pickups, so there could be some impact in that sense.

Commissioner Van Duyne asked how supply delivery trucks might access and move through the site.

Mr. Nairn said that is a good question and is also something that could be evaluated during the site plan process to make sure it is addressed.

Commissioner Laning said a restaurant would be popular in this location, but the proximity to the residential neighborhood is concerning and he is surprised no comments were received from the adjacent owners.

Commissioner Bakken said he feels the spot zone label is surprising and he would like there to be alley access considered for delivery purposes.

Commissioner Schell said it would behoove them to guide the applicant to an area already zoned for commercial uses, possibly to a signaled intersection if the demand is there.

Commissioner Van Duyne said a left hand turn from North Washington Street to Calgary Avenue can prove frustrating. She said she knows this is a successful restaurant and a restaurant is needed in this area, but she is concerned if this is the best location.

Commissioner Zent asked if the letter to the adjacent owners specified it would be a restaurant. Mr. Nairn said the letter stated that it was a zoning change and what the allowable uses are such as retail and restaurant. He said the letters were sent to those properties to the west and also across the street and showed a map of the properties.

Chair Schwartz said he went to the property today and it is interesting that no owner responses were received. He said he does not feel this would be a bad thing in that location in one form or another.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to deny the zoning change from the Conditional RT-Residential zoning district to the CA-Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. Commissioner Martin seconded the motion and with Commissioners Levchak, Martin, Schell and Wangen voting in favor of the motion and Commissioners Bakken, Eiseman, Laning, Van Duyne, Zent and Schwartz opposing the motion, the motion failed.

MOTION: Commissioner Laning made a motion to recommend approval of the zoning change from the Conditional RT-Residential zoning district to the CA-Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates, with the condition that light pollution mitigation efforts be required. Commissioner Bakken seconded the motion.

Commissioner Schell said he would like tabling the request be considered so staff can create a conditional zoning ordinance with a restaurant indicated as the specific use and with the incorporation of light restriction requirements.

Commissioner Laning withdrew his motion and Commissioner Bakken withdrew his second to the motion.

Commissioner Levchak said he would also like the adjacent owners to be re-notified and it be specified in the adjacent property owner notification that it is intended to be restaurant.

MOTION: Commissioner Laning made a motion to table the zoning change from the Conditional RT-Residential zoning district to the CA-Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates, to allow time for staff to create a conditional zoning ordinance, including a requirement for light pollution control and greater restrictions on allowable uses, and re-notification of the request to the adjacent property owners. Commissioner Bakken seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
LOTS 2 & 3, BLOCK 1, HAY CREEK INDUSTRIAL SUBDIVISION REPLAT

Chair Schwartz called for the public hearing on a zoning change from the PUD-Planned Unit Development zoning district to the Conditional MA-Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat. The property is located north of Bismarck, east of US Highway 83 along the north side of 71st Avenue NE.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has been informed of the proposed zoning change, but has not yet made a recommendation regarding the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Ms. Lee said, based on these findings, staff recommends approval of the zoning change from the PUD – Planned Unit Development zoning district to the Conditional MA – Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision, as outlined in the draft zoning change ordinance.

Commissioner Laning asked if there is an agreement for road sharing to access the storage facilities.

Ms. Lee said that is correct and added that there is an easement on the plat from North 19th Street that provides access to these lots.

Chair Schwartz opened the public hearing.

Eric Aldinger said he available to answer questions related to the property as well.

Commissioner Laning asked if he is aware of the roadway and access information. Mr. Aldinger said he is aware.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the PUD – Planned Unit Development zoning district to the Conditional MA – Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
LOTS 1-24, BLOCK 6, COTTONWOOD PARKVIEW ADDITION

Chair Schwartz called for the public hearing on a zoning change from the Conditional R10 - Residential zoning district to the R10 – Residential zoning district for Lots 1-24, Block 6, Cottonwood Parkview Addition. The property is located in south Bismarck, east of South Washington Street and north of East Burleigh Avenue, along the south side of Lennox Drive.

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth stated that these lots were zoned Conditional R10 – Residential in 2018 when the property was platted and that this condition required the construction of two-family dwellings on these lots. She explained that the applicant has reevaluated the area and has requested a zoning change to the R10 – Residential zoning district to have more flexibility in building type. Stating that the R10 – Residential zoning district allows the construction of both two-family and single-family dwellings.

Ms. Wollmuth said based on these findings, staff recommends approval of the zoning change from the Conditional R10 - Residential zoning district to the R10 – Residential zoning district for Lots 1-24, Block 6, Cottonwood Parkview Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the Conditional R10 - Residential zoning district to the R10 – Residential zoning district for Lots 1-24, Block 6, Cottonwood Parkview Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion. Commissioner Martin abstained.

PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGH) LOT 1, BLOCK 1, CAPITAL ELECTRIC HEADQUARTERS ADDITION (4245 STATE STREET)

Chair Schwartz called for the public hearing on a special use permit to allow for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Capital Electric Headquarters Addition. The property is located in north Bismarck, south of 43rd Avenue NE and east of State Street/US Highway 83 (4245 State Street).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

4. Adequate public facilities and services are in place or would be provided at the time of development.

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.

7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Capital Electric Headquarters Addition with the following condition:

1. Site development must generally conform to the submitted site plan.

Chair Schwartz opened the public hearing.

Commissioner Bakken asked if the property would meet the development plan that has been outlined for 43rd Avenue NE and if the applicant is aware of the status of the existing frontage road.

Mr. Hutchings said they are aware they could not access onto 43rd Avenue NE directly and access would be through an existing, frontage road along State Street / US Highway 83. He said he is not sure if they are aware of the status of the frontage road.

Commissioner Schell said the City has proposed improvements to 43rd Avenue NE in this area from State Street to North 26th Street and the frontage road at 43rd Avenue NE would become a right-in, right-out access.

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

Commissioner Levchak said with the north end of the frontage road having a right-in, right-out then anyone leaving the site would have to go south on the frontage road to an uncontrolled access onto State Street / US Highway 83.

Commissioner Schell said the reroute would go north back to 43rd Avenue NE which was the best balance and compromise that seemed to be able to be found at this time.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the special use permit to allow for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Capital Electric Headquarters Addition with the following condition: 1. Site development must generally conform to the submitted site plan. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT DOMESTIC DISTILLERIES AND MICROBREW PUBS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to domestic distilleries and microbrew pubs, which would allow brewer tap rooms and domestic distilleries.

Mr. Hutchings gave an overview of the amendment, then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.

2. 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.

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Hutchings said based on these findings, staff recommends approval of the zoning ordinance text amendment of Sections 14-02-03 (Definitions), 14-03-07 (Use Groups), 14-03-08 (Special Uses), 14-04-10 (CA Commercial District), 14-04-12 (CG Commercial District), 14-04-14 (MA Industrial District), 14-04-21 (Downtown Districts), 14-04-21.3 (Use Categories), 14-04-21.4 (Use Standards) relating to brewpubs, brewer taprooms, microbreweries, microbrew pubs and domestic distilleries as presented in the draft ordinance attached to the staff report.

Chair Schwartz opened the public hearing.

Written comments in support of the zoning ordinance text amendment are attached as Exhibit A.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning ordinance text amendment of Sections 14-02-03 (Definitions), 14-03-07 (Use Groups), 14-03-08 (Special Uses), 14-04-10 (CA Commercial District), 14-04-12 (CG Commercial District), 14-04-14 (MA Industrial District), 14-04-21 (Downtown Districts), 14-04-21.3 (Use Categories), 14-04-21.4 (Use Standards) relating to brewpubs, brewer taprooms, microbreweries, microbrew pubs and domestic distilleries as presented in the draft ordinance attached to the staff report. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:47 p.m. to meet again on March 24, 2021.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

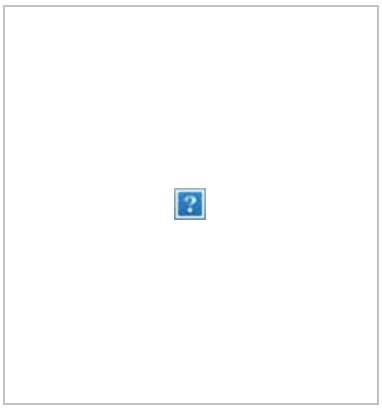
From:	William Hutchings
To:	Hilary Balzum
Subject:	FW: Zoning Ordinance
Date:	Wednesday, February 24, 2021 2:47:31 PM

From: Bismarck Distillery < >
Sent: Wednesday, February 24, 2021 1:56 PM
To: William Hutchings <whutchings@bismarcknd.gov>
Subject: Zoning Ordinance

External Email - Use caution clicking links or opening attachments
Will,

Reviewing the changes that are being made to the City Of Bismarck Ordinance I am in 100% support of the change. This will allow us to grow our distillery and allow us to operate in our currently planned location. If you have any questions please feel free to contact me. Thank you

Chris Fries
Bismarck Distillery
1100 Canada Ave,
Bismarck Nd 58504



PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2021

	*******************City*******************				********************ETA********************			
	2/2021		**2/2020**		**2/2021**		**2/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	2	$668,386.35	8	$1,602,051.57	2	$665,182.50	1	$740,570.02
ROWHOUSE (2) 1-HR FIRE SEPARATION	15	$2,669,659.35	0	$0.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	0	$0.00	3	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$73,319.40	1	$13,535.20	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	0	$0.00	3	$117,600.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	0	$0.00	1	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	14	$464,324.00	3	$70,500.00	1	$38,000.00	1	$23,300.00
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	15	$385,994.50	12	$133,614.00	2	$36,722.00	2	$46,800.00
RESIDENTIAL	0	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	6	$20,800.00	11	$177,400.00	0	$0.00	1	$600.00
SIGN ALTERATION	2	$61,217.00	1	$1,350.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	0	$0.00	1	$575,000.00	0	$0.00	5	$0.00
COMMERCIAL ADDITION	1	$611,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	11	$8,363,430.00	14	$2,197,705.00	0	$0.00	0	$0.00
Total	**68**	**$13,318,130.60**	**60**	**$4,771,155.77**	**8**	**$857,504.50**	**10**	**$811,270.02**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2021

	*******************City*******************				*******************ETA*******************			
	2/2021		**2/2020**		**2/2021**		**2/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	54	$26,500.00	47	$0.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	116	$702,283.18	99	$3,144,220.32	14	$81,530.00	15	$477,604.00
BUILDING PLUMBING	12	$208,060.00	25	$4,286,611.00	0	$0.00	6	$95,924.93
Total	**182**	**$936,843.18**	**171**	**$7,430,831.32**	**14**	**$81,530.00**	**21**	**$573,528.93**

PERMIT ACTIVITY REPORT - MTD
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	*******************City*******************		*******************ETA*******************	
	2/2021	**2/2020**	**2/2021**	**2/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	3	0	0
Total	**0**	**3**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2021

	**********City**********				**********ETA**********			
	2/2021		**2/2020**		**2/2021**		**2/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	6	$1,561,678.77	8	$1,602,051.57	2	$665,182.50	1	$740,570.02
ROWHOUSE (2) 1-HR FIRE SEPARATION	17	$3,133,335.75	2	$461,045.04	0	$0.00	0	$0.00
MANUFACTURED HOMES	0	$0.00	3	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	2	$131,610.60	1	$13,535.20	0	$0.00	0	$0.00
DETACHED GARAGE	1	$12,000.00	0	$0.00	3	$117,600.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	1	$3,024.00	2	$2,232.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	20	$574,524.00	7	$370,850.00	1	$38,000.00	5	$181,075.00
HOME OCCUPATION	1	$0.00	1	$0.00	1	$0.00	0	$0.00
STORAGE SHED	1	$6,480.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	27	$677,077.50	19	$221,974.00	3	$69,660.00	4	$66,768.00
RESIDENTIAL	4	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	9	$38,851.44	15	$189,100.00	0	$0.00	1	$600.00
SIGN ALTERATION	2	$61,217.00	3	$16,350.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	1	$109,000.00	3	$20,315,000.00	0	$0.00	5	$0.00
COMMERCIAL ADDITION	1	$611,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	18	$9,202,977.00	29	$4,412,236.07	0	$0.00	0	$0.00
Total	**111**	**$16,122,776.06**	**97**	**$27,604,373.88**	**10**	**$890,442.50**	**16**	**$989,013.02**

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	*******************City*******************				*******************ETA*******************			
	2/2021		**2/2020**		**2/2021**		**2/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	129	$34,500.00	113	$0.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	226	$3,068,966.93	186	$5,930,475.32	25	$196,570.00	28	$594,724.00
BUILDING MECHANICAL FIREPLACE	0	$0.00	0	$0.00	0	$0.00	1	$3,000.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	$0.00	1	$23,000.00	0	$0.00	0	$0.00
BUILDING PLUMBING	26	$1,940,608.00	41	$5,422,716.79	2	$16,000.00	9	$132,223.43
Total	**381**	**$5,044,074.93**	**341**	**$11,376,192.11**	**27**	**$212,570.00**	**38**	**$729,947.43**

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	2/2021	**2/2020**	**2/2021**	**2/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	3	0	0
Total	**0**	**3**	**0**	**0**