PLANNING AND ZONING COMMISSION

MEETING AGENDA
December 15, 2021

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

The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org.

Item No. | Page No.

MINUTES

1. Consider approval of the minutes of the November 17, 2021 meeting of the Bismarck Planning & Zoning Commission

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

2. **Lots 18-27 & 29-32, Block 1, Lots 2-8, Block 4 and Lots 8-10, Block 8 Clear Sky Addition, and a portion of Holmes Drive adjacent to Lot 5, Block 4 and Lots 8-10, Block 8** (JW)..…..……....**1**

   Annexation | ANNX2021-008

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

Item No. Page No.

3. **South Meadows Third Addition** (JW)……..……..……..……7

Partial Annexation | ANNX2021-009

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

Zoning Change (RR and R10 to R10) | ZC2021-012

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

Minor Subdivision Final Plat | MPLT2021-009

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

4. **Basin Electric Fourth Addition** (DN)……..…..……..**21**

Final Plat | FPLT2021-008

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

5. **Municipal Fifth Addition** (WH)……..…..……..**30**

Final Plat | FPLT2021-009

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

6. **Horizon Condos Addition** (JW)……..……..……**38**

Minor Subdivision Final Plat | MPLT2021-008

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

7. **Lot 1, Block 4, Second Addition to Breen's Sub-division (**JW)……..……**45**

Rural Residential Lot Split | RRLS2021-001

Hay Creek Township

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

8. **Part Lot 5, Block 1, Wachter's North Addition and Lot 5, Block 1, Pebble Creek 6th Addition** (WH)……..……**52**

Special Use Permit (Child Care Center) | SUP2021-025

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

9. **Lots 15, 16 & 23, Block 1, Northern Plains Commerce Centre Second Addition** (WH)……..……..……**58**

Special Use Permit (Flammable, Combustible or Hazardous Material Bulk Storage) | SUP2021-026

Staff recommendation: approve □ approve □ continue □ table □ deny

10. **Sign Ordinance Technical Amendments** (DN)……..**66**

Zoning Ordinance Text Amendment | ZOTA2021-005

Staff recommendation: approve □ approve □ continue □ table □ deny

OTHER BUSINESS

11. **Downtown Update**

12. **Together 2045 Update**

13. **Planning & Zoning Commission Terms**

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for January 26, 2022.

Enclosures: Meeting Minutes of November 17, 2021
Building Permit Activity Month to Date Report for November 2021
Building Permit Activity Year to Date Report for November 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.

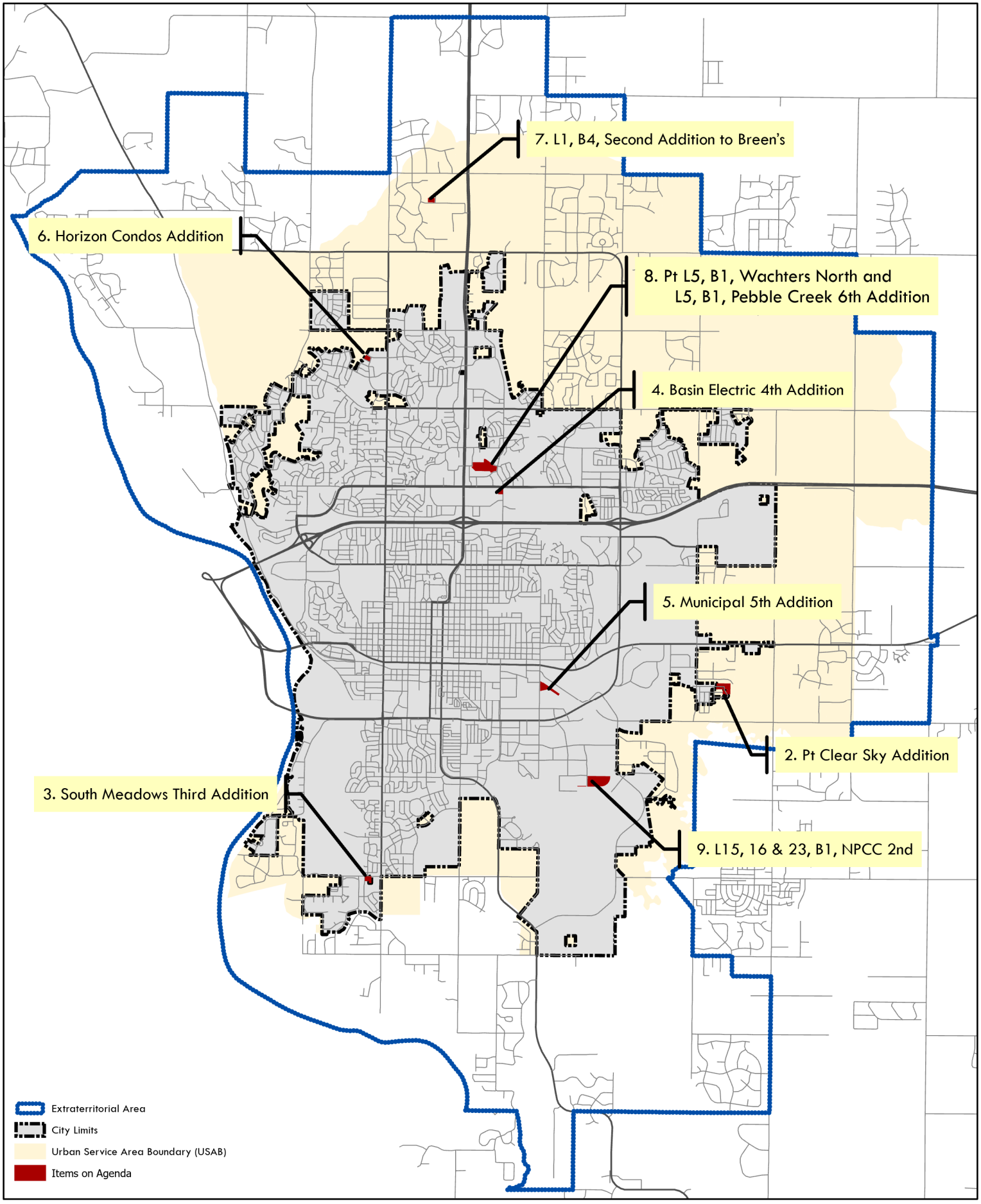
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 - December 15, 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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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

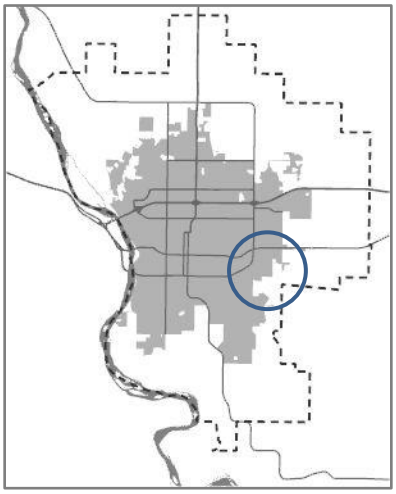
Agenda Item # 2
December 15, 2021

Application for: **Annexation**

Project ID: **ANNX2021-008**

Project Summary

Title:	Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holms Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	FRF Investments, LLP
Project Contact:	Harvey Schneider, 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:	11.02 acres
Request:	Annex property for future residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	24 lots in 3 blocks	*Number of Lots:*	24 lots in 3 blocks
Land Use:	Residential single-family	*Land Use:*	Residential single-family
Future Land Use:	Already zoned. Not in Future Land Use Plan	*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:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

Zoned:	06/2019	*Platted:*	06/2019	*Annexed:*	N/A

Staff Analysis

FRF Investments, LLP is requesting approval of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holms Drive

(continued)

adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition.

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 request is in conjunction with the Development Agreement for Clear Sky Addition, which was approved by the Bismarck City Commission on April 27, 2021.

The proposed annexation would allow for additional single-family residential lots to be developed and a neighborhood park to be constructed on Lot 28. A temporary fire truck turnaround, commonly referred to as a hammerhead, will be located at the intersection of Smette Bend and Holms Drive.

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 Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holms Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition.

Attachments

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

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

CORRECTIVE ORDINANCE NO. ####

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

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, BURLEIGH COUNTY, 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, Burleigh County, North Dakota, as follows:

Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition; and a portion of Holms Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition.

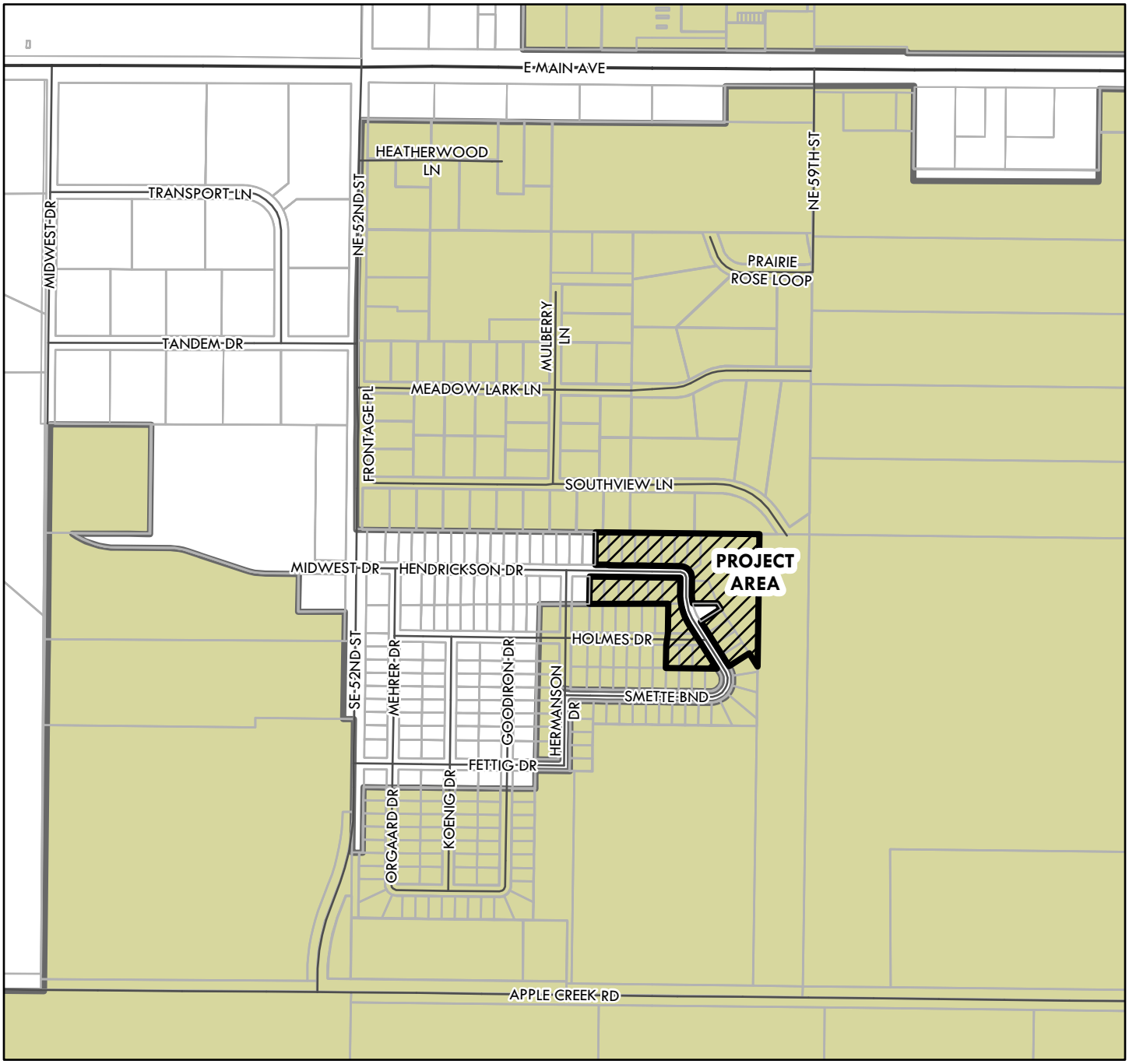
The above described tract of land contains 11.02 acres, more or less.

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

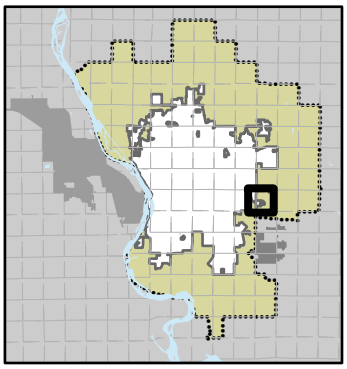
CLEAR SKY ADDITION, PT B1, 4 & 8

ANNX2021-008



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City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

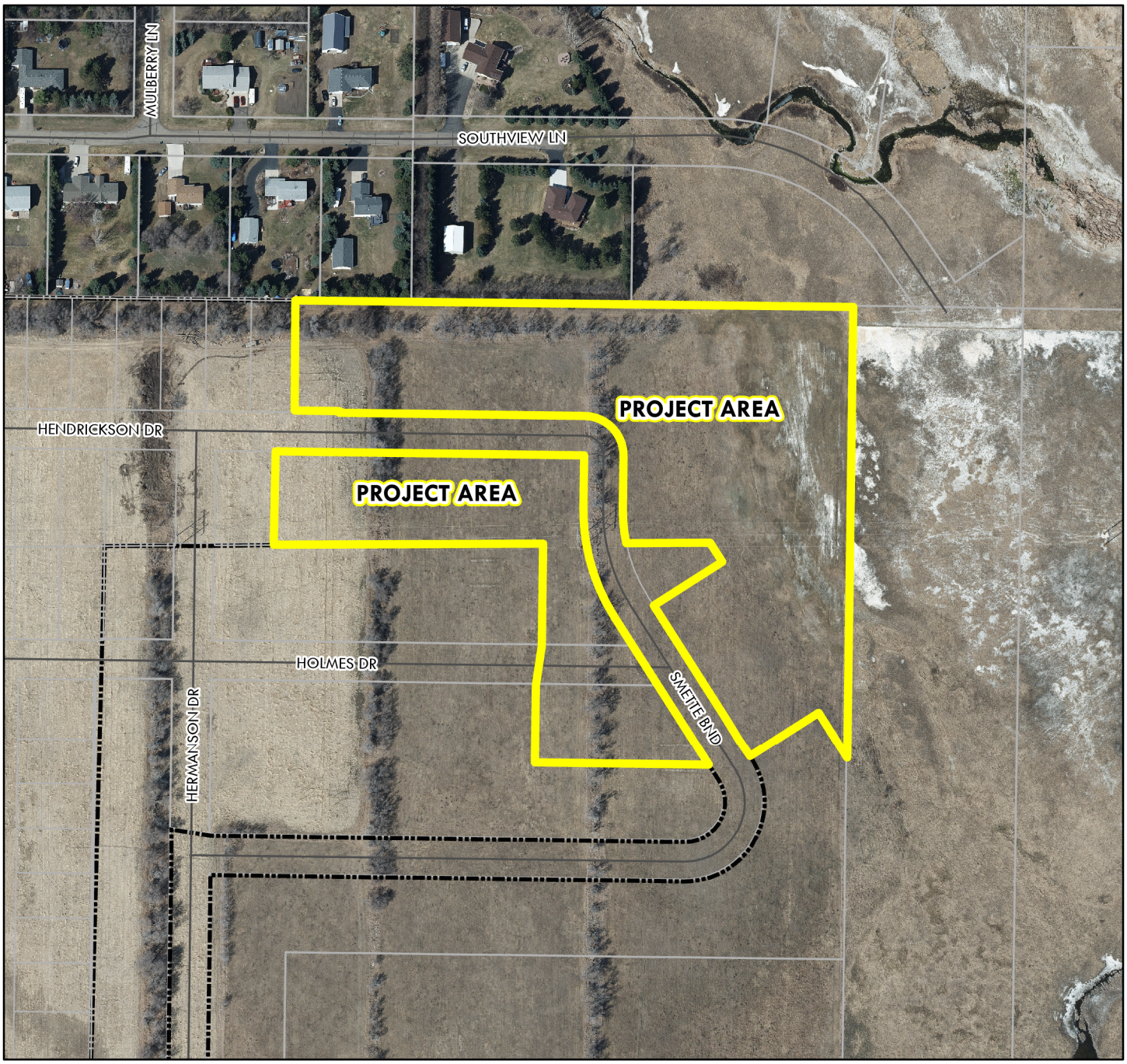
City of Bismarck
Community Development Department
Planning Division
November 18, 2021 (HLB)

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

CLEAR SKY ADDITION, PT B1, 4 & 8

ANNX2021-008



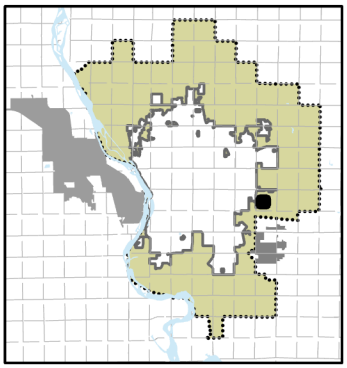
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City Limits

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
November 23, 2021

Zoning and Plan Reference Map

CLEAR SKY ADDITION, PT B1, 4 & 8

ANNX2021-008

Zoning Districts

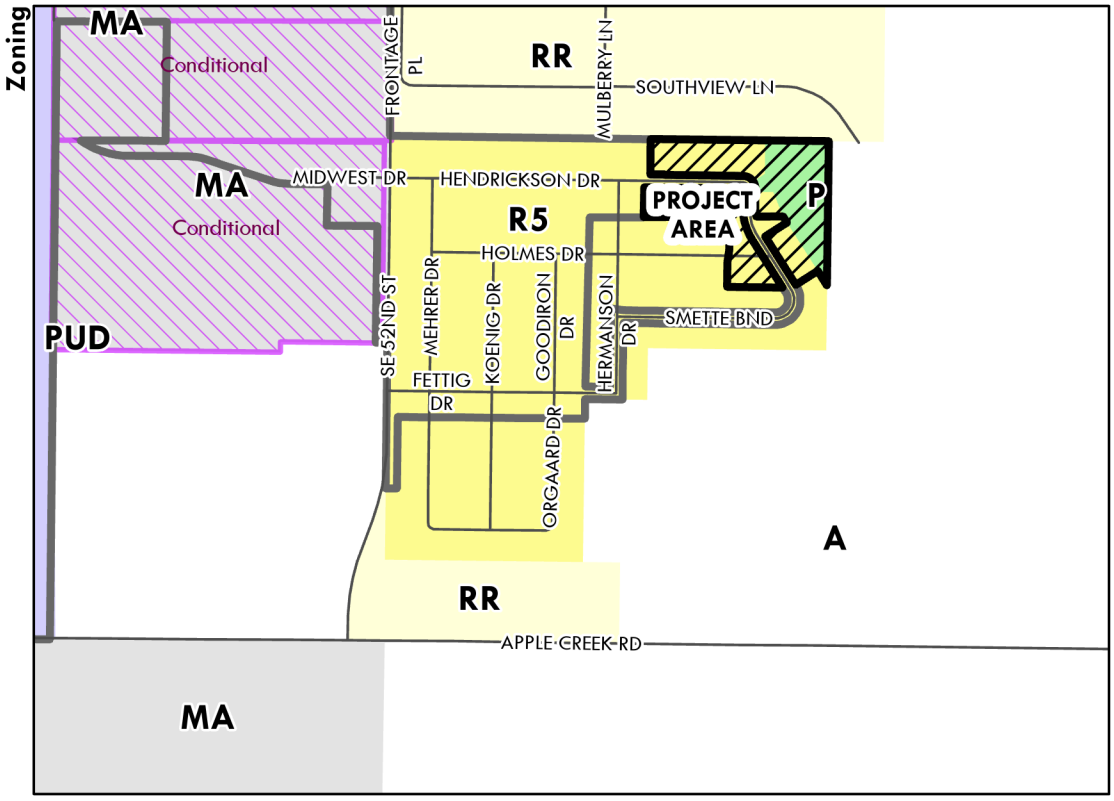
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

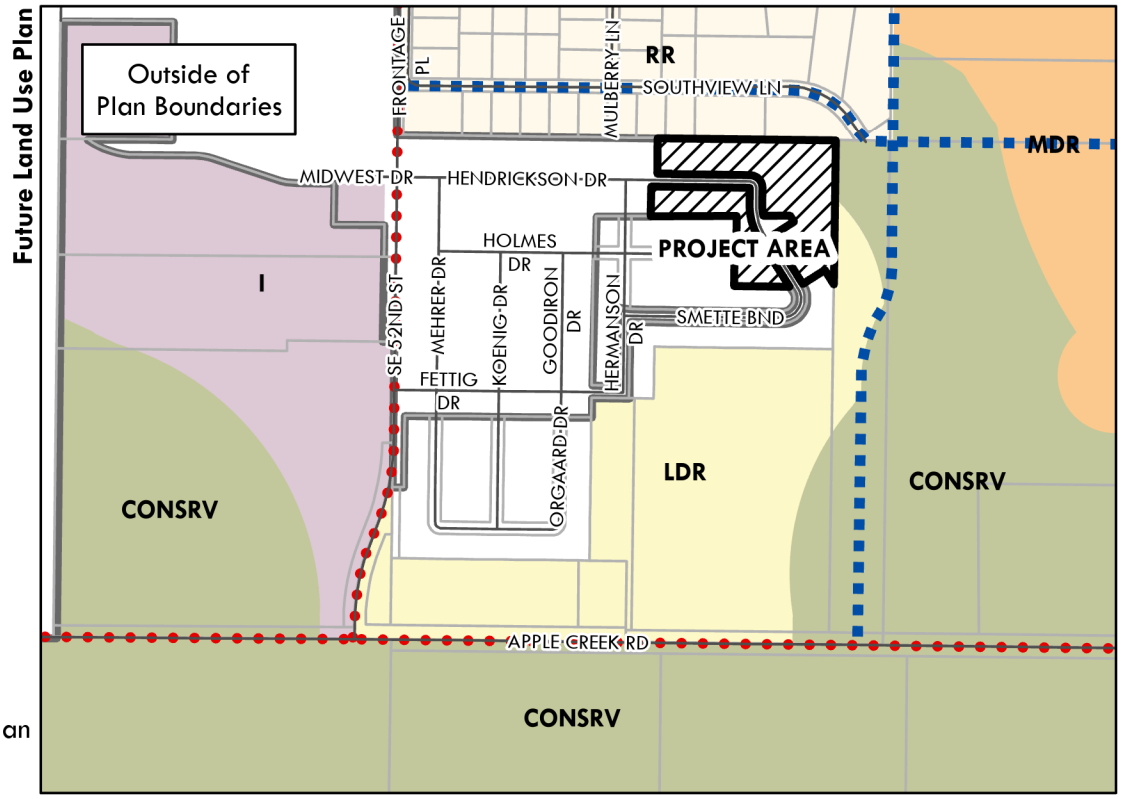
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

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City of Bismarck
Community Development Dept.
Planning Division
December 6, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

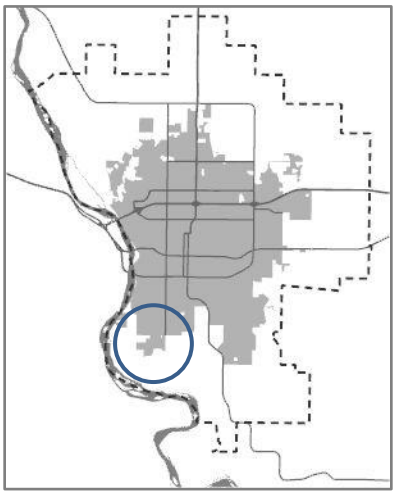
Agenda Item # 3
December 15, 2021

Application for: **Annexation**

Project ID: **ANNX2021-009**
ZC2021-012
MPLT2021-009

Project Summary

Title:	South Meadows Third Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Investcore Inc
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In southwest Bismarck, west of South Washington Street along the south side of Burleigh Avenue (a replat of Lot 1, Block 1, Burleigh Avenue Addition, all of South Meadows Second Addition)
Project Size:	3.98 acres
Request:	Annex, rezone and plat property for future residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	13 lots in 2 blocks	*Number of Lots:*	22 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Two-family residential
Future Land Use:	Already zoned. Not in Future Land Use Plan (western portion) Low Density Residential (eastern portion)	*Future Land Use:*	Low Density Residential
Zoning:	RR – Residential R10 – Residential	*Zoning:*	R10 – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture R10 – Single and two-family residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density:	RR – 1 unit per 65,000 square feet R10 – 10 units / acre	*Max Density:*	R10 – 10 units / acre

(continued)

Property History

Zoned:	10/2009 (Burleigh Avenue Addition) 06/2017 (South Meadows Second Addition)	*Platted:*	10/2009 (Burleigh Avenue Addition) 06/2017 (South Meadows Second Addition)	*Annexed:*	06/1988 (Burleigh Avenue Addition)

Staff Analysis

Investcore Inc. is requesting approval of a partial annexation, a zoning change, and a minor subdivision final plat for South Meadows Third Addition.

The Planning and Zoning Commission at their meeting of October 27th called for a public hearing on the proposed zoning change.

Adjacent uses include existing single-family residential to the north across West Burleigh Avenue, existing single-family residential to the east across Meridian Drive, P – Public zoned property to the south and existing multi-family residential to the east.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and 10th and 26 letters were mailed to the owners of nearby properties on December 3rd.

Private Drive and Utilities

The proposed development would include both private roadways (Kenley Lane, Gemelli Drive, and Prado Place) and private utilities. A signed Private Drive and Private Utility Agreement will be required prior to recordation of the minor subdivision 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.

Zoning Change

1. The proposed zoning change for the eastern portion of the proposed plat generally conforms to the Future Land Use Plan in the 2014 Growth Management

(continued)

Plan, as amended; the proposed zoning change for the western portion of the proposed plat 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; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Minor Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; 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 of Lot 1, Block 1, Burleigh Avenue Addition, the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning district, and minor subdivision final plat for South Meadows Third Addition.

Attachments

1. Draft Annexation Ordinance
2. Draft Zoning Ordinance
3. Location Map
4. Aerial Map
5. Zoning and Plan Reference Map
6. Minor Plat
7. Original plat with Replatted Area Highlighted (South Meadows Second Addition)
8. Original plat with Replatted Area Highlighted (Burleigh Avenue Addition)
9. Annexation Exhibit

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner

(continued)

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, BURLEIGH COUNTY, 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, Burleigh Avenue Addition

The above described tract of land contains 1.49 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.

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 RR – Residential zoning district and R10 – Residential zoning district and included in the R10 - Residential zoning district:

Lots 1-22, Block 1, South Meadows Third Addition

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

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

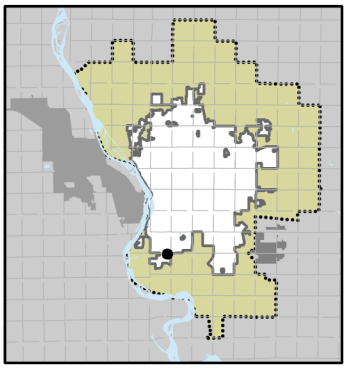
Location Map

SOUTH MEADOWS THIRD ADDITION

ANNX2021-009
ZC2021-012
MPLT2021-009



Miles
0 0.02 0.04 0.09



City Limits
Bismarck ETA Jurisdiction
County Outside ETA

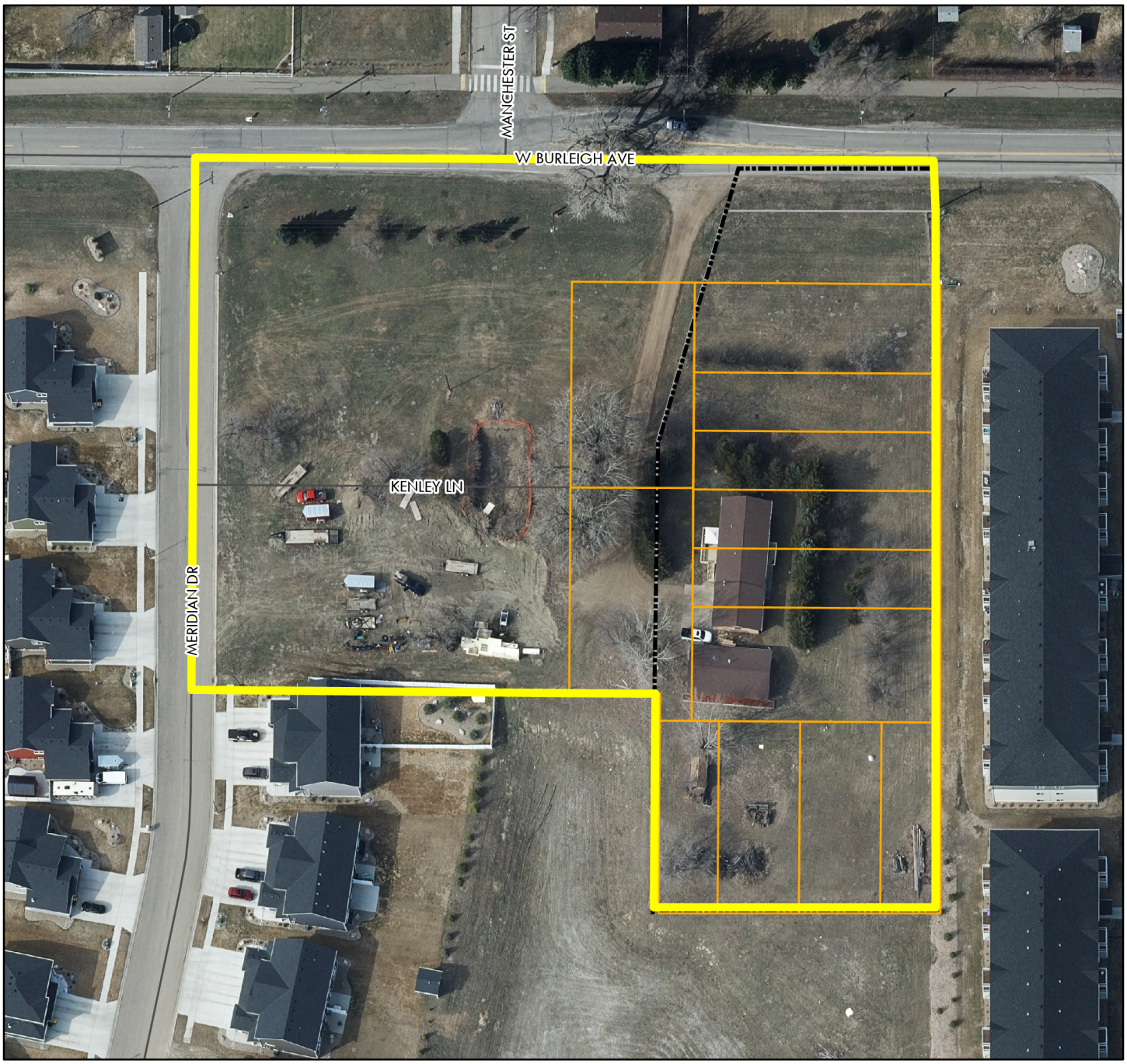
Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
December 8, 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

ANNX2021-009
ZC2021-012
MPLT2021-009

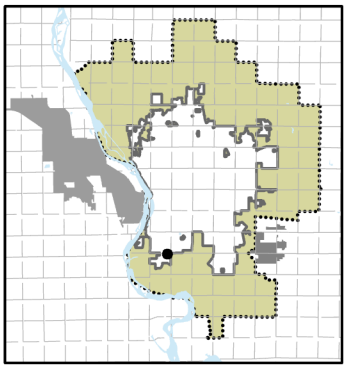


0 0.02 0.04 0.09 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Community Development Department
Planning Division
December 8, 2021

Zoning and Plan Reference Map

SOUTH MEADOWS THIRD ADDITION

ANNX2021-009
ZC2021-012
MPLT2021-009

Zoning Districts

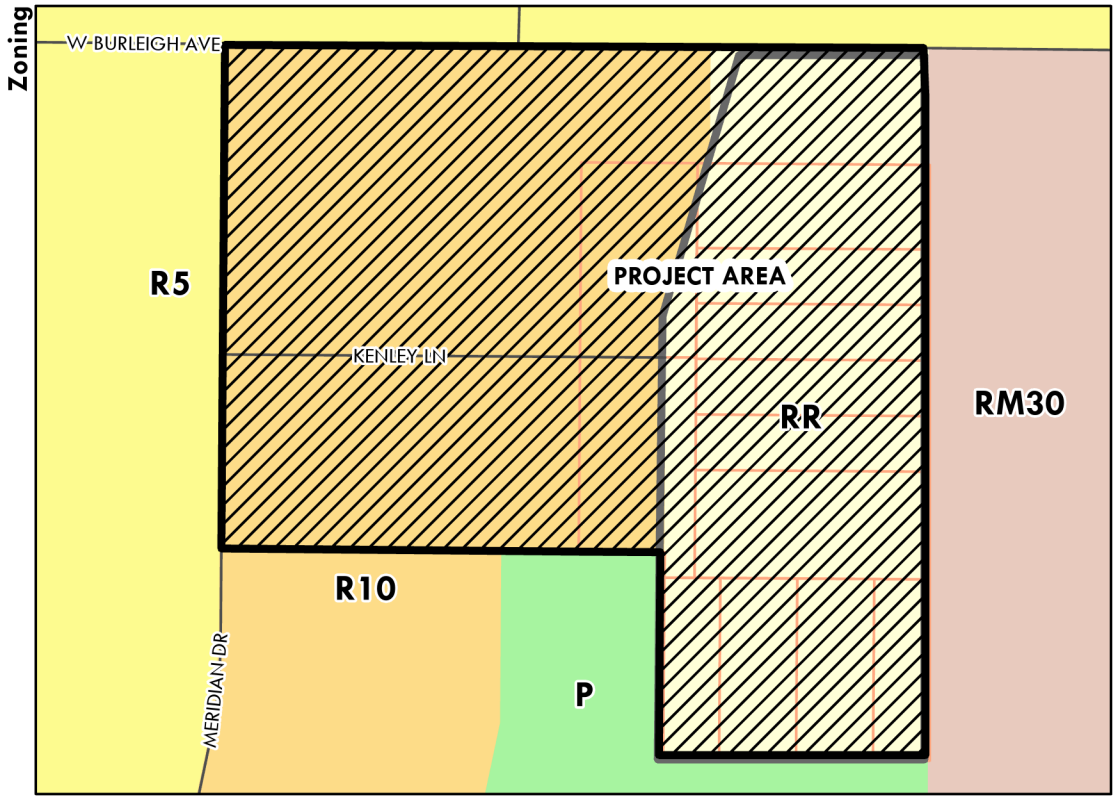
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

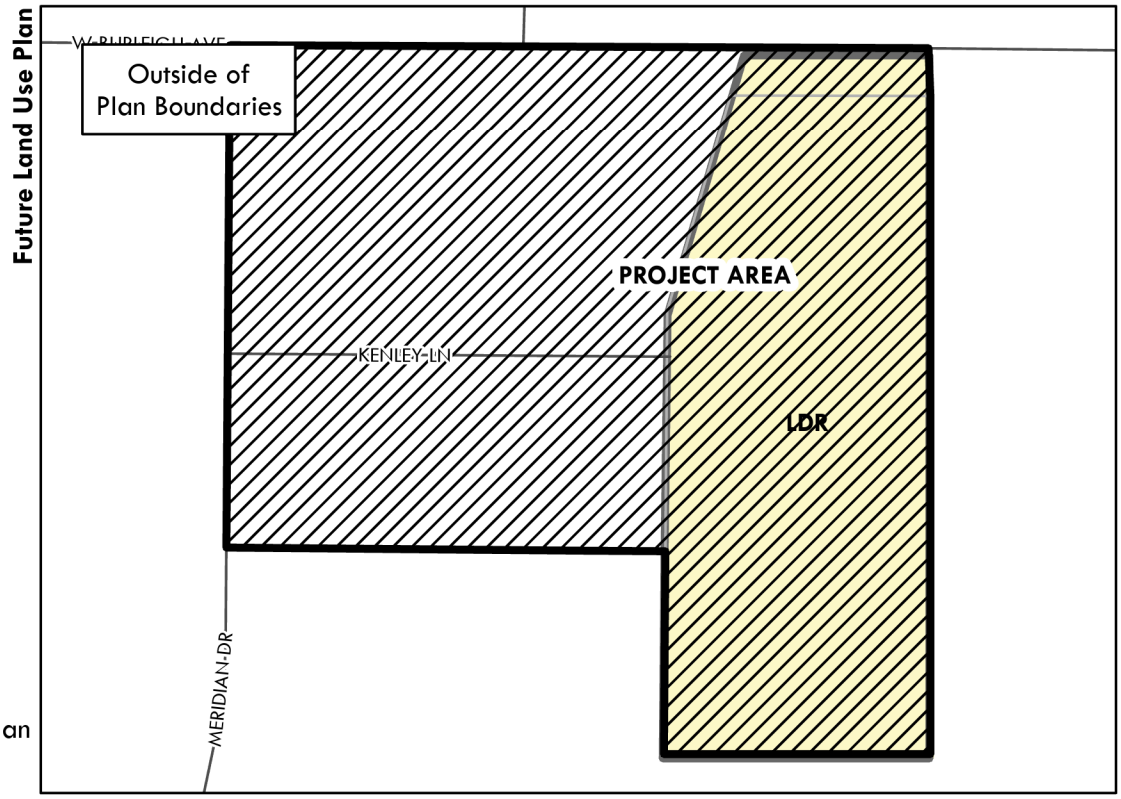
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.01 0.03 0.06 Miles

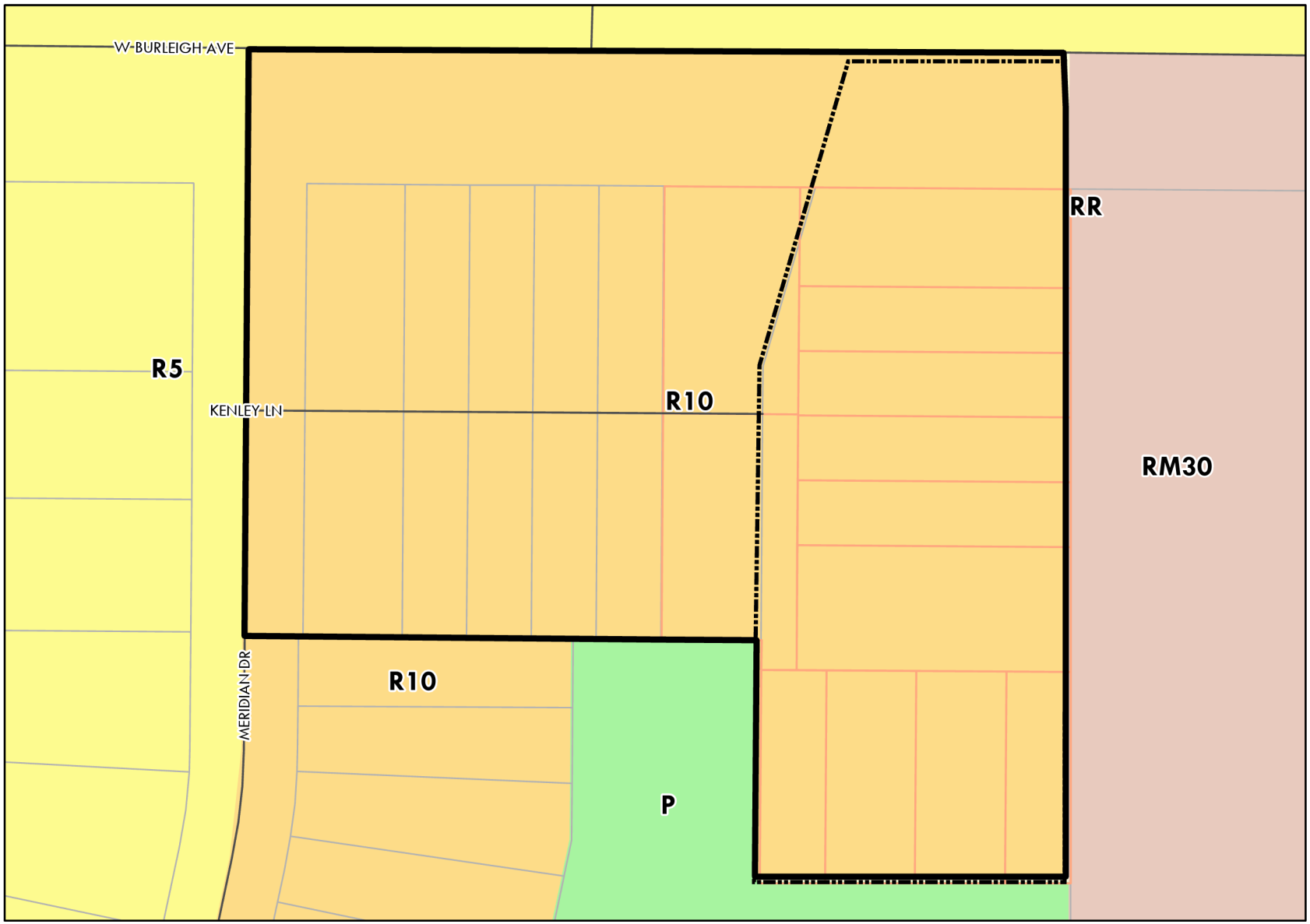
N

City of Bismarck
Community Development Dept.
Planning Division
December 8, 2021

Potential Zoning Change
SOUTH MEADOWS THIRD ADDITION

ANNX2021-009
ZC2021-012
MPLT2021-009

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 0.03 0.06 0.11 Miles

City of Bismarck
Community Development Dept.
Planning Division
December 8, 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.

SOUTH MEADOWS THIRD ADDITION

BEING A REPLAT OF LOT 1 BLOCK 1 BURLEIGH AVENUE ADDITION & SOUTH MEADOWS SECOND ADDITION , PART OF THE SOUTH 1/2 OF BURLEIGH AVENUE RIGHT-OF-WAY AND PART OF THE EAST 1/2 OF MERIDIAN DRIVE RIGHT-OF-WAY

PART OF THE NE 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 1 BURLEIGH AVENUE ADDITION, SOUTH MEADOWS SECOND ADDITION, PART OF THE SOUTH 1/2 OF BURLEIGH AVENUE RIGHT-OF-WAY AND PART OF THE EAST 1/2 OF MERIDIAN DRIVE RIGHT-OF-WAY OF THE NE 1/4 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 NORTHWEST CORNER OF LOT 1 BLOCK 2 SOUTH MEADOWS ADDITION; THENCE SOUTH 00 DEGREES 00 MINUTES 39 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 386.51 FEET TO THE BOUNDARY OF LOT 3 BLOCK 2 SOUTH MEADOWS ADDITION; THENCE SOUTH 89 DEGREES 59 MINUTES 50 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 173.03 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 135.29 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, AND THE NORTH LINE OF LOT 20 BLOCK 2 SOUTH MEADOWS ADDITION AND ITS WESTERLY EXTENSION, A DISTANCE OF 287.87 FEET TO THE CENTERLINE OF MERIDIAN DRIVE RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 23 MINUTES 43 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 327.47 FEET TO THE CENTERLINE OF BURLEIGH AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 35 MINUTES 31 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 457.70 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK2 SOUTH MEADOWS ADDITION; THENCE SOUTH 00 DEGREES 00 MINUTES 39 SECONDS WEST, ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 75.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 173,489 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 _____ 2021, 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 _____ 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 CITY ENGINEER

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

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT INVESTCORE, INC., BEING THE OWNERSAND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

THEY FURTHER GRANT ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS TO THE ADJOINING LAND OWNERS OF SOUTH MEADOWS THIRD ADDITION, 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 AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED. THEY ALSO DEDICATE 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

THEY FURTHER DEDICATE EMERGENCY TURNAROUND EASEMENTS TO THE CITY OF BISMARCK, FOR THE PURPOSES OF EMERGENCY VEHICLE ACCESS

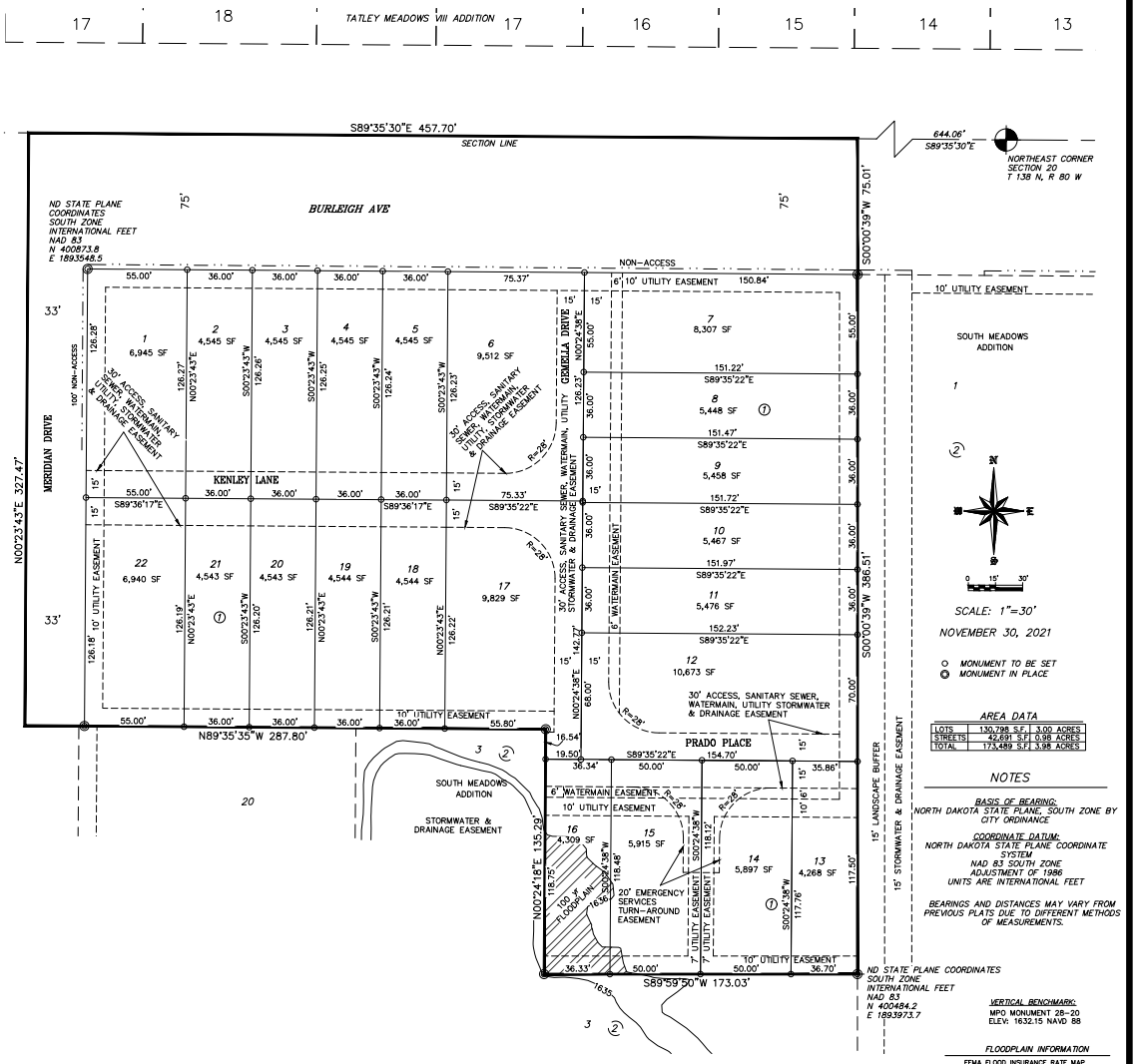
THEY FURTHER DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION,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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

_____
CHAD WACHTER
INVESTCORE, INC.

ON THIS _____ DAY OF _____ 2021, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF INVESTCORE, INC., 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.

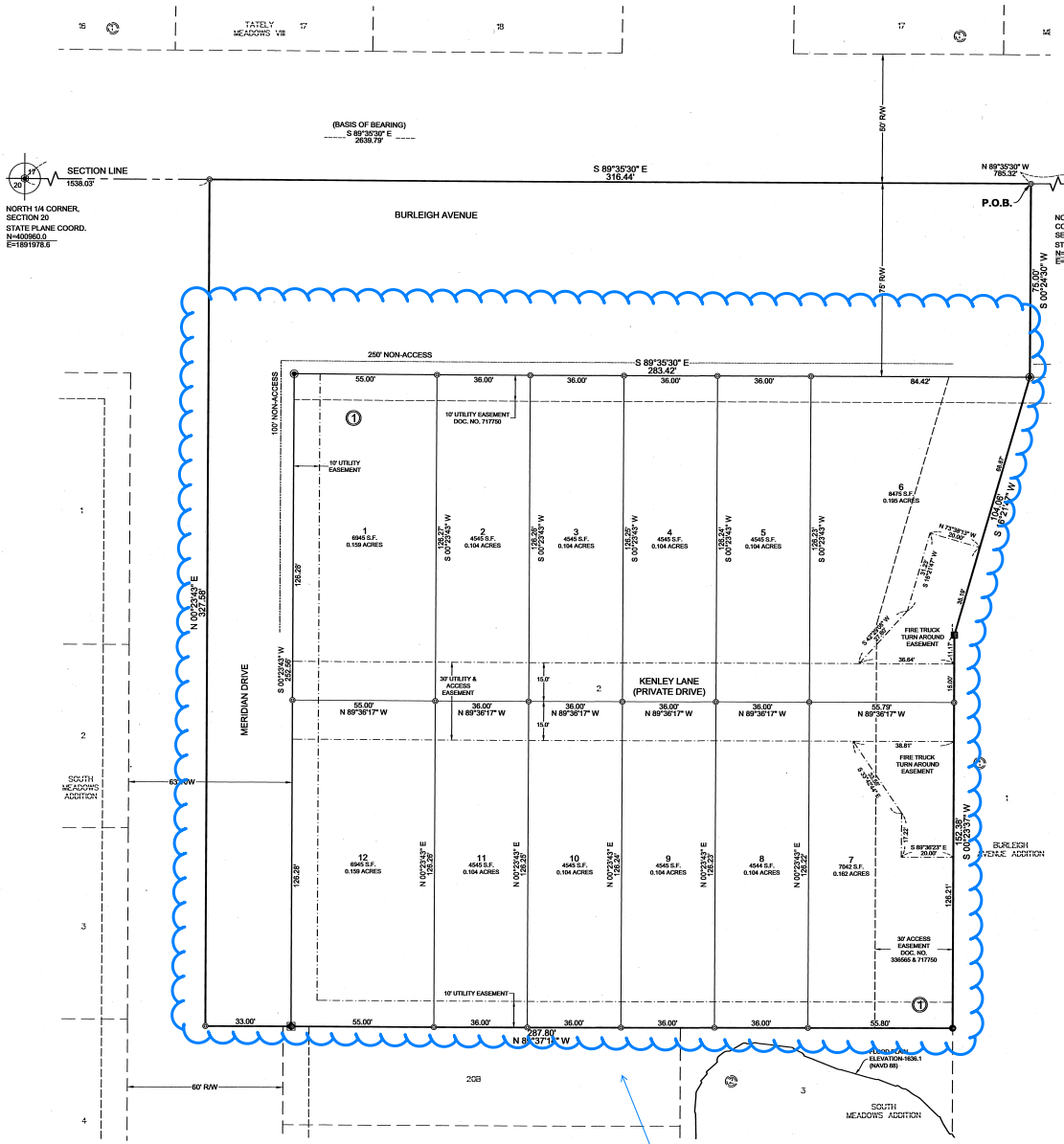
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2690
Fax (701) 223 - 2696
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

SOUTH MEADOWS 2ND ADDITION

BEING A REPLAT OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SURVEYOR:
KLJ
4585 COLEMAN STREET
BISMARCK, NORTH DAKOTA 58503-0431

OWNER:
INVESTCORE, INC.
905 TACOMA AVENUE, SUITE 2
PO BOX 1437
BISMARCK, ND 58502-1437

DESCRIPTION

BEING A REPLAT OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 30; THENCE ALONG THE NORTH LINE OF SAID SECTION 30, N 89°35'30" W A DISTANCE OF 785.32 FEET TO SAID POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, S 00°24'30" W A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, AS DESCRIBED IN DOCUMENT NO. 717750, RECORDED AT THE BURLEIGH COUNTY RECORDER'S OFFICE; THENCE ALONG THE EAST LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, S 16°21'47" W A DISTANCE OF 104.06 FEET; THENCE CONTINUING ALONG SAID EAST LINE OF LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION, S 00°23'07" W A DISTANCE OF 152.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION; THENCE ALONG THE SOUTH LINE OF SAID LOT 2, BLOCK 1 OF BURLEIGH AVENUE ADDITION AND ITS NORTHWESTERLY EXTENSION, N 89°37'14" W A DISTANCE OF 287.80 FEET TO THE CENTERLINE OF MERIDIAN DRIVE, AS DESCRIBED IN DOCUMENT NO. 814622, RECORDED AT THE BURLEIGH COUNTY RECORDER'S OFFICE; THENCE ALONG SAID CENTERLINE OF MERIDIAN DRIVE, N 00°23'43" E A DISTANCE OF 327.58 FEET TO THE NORTH LINE OF SAID SECTION 30; THENCE ALONG SAID NORTH LINE OF SECTION 30, S 89°35'30" E A DISTANCE OF 316.44 FEET TO SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 97834 SQUARE FEET OR 2.246 ACRES.

SURVEYOR'S CERTIFICATE

I, KENT A. ORVIK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 24TH DAY OF FEBRUARY, 2017, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) SS

Rebecca Soelheim
Notary Public
State of North Dakota
My Commission Expires March 22, 2019

KENT A. ORVIK
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3463

ON THIS 25th DAY OF September, 2017, 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.

Rebecca Soelheim
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

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.

THE FOREGOING ACTION OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE 27th DAY OF June, 2017.

ATTEST
KEITH HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTH MEADOWS 2ND ADDITION" AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

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 7th DAY OF May, 2017, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION.

IN WITNESS WHEREON 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

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHAD WACHTER, PRESIDENT OF INVESTORE INC., 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 "SOUTH MEADOWS 2ND ADDITION", AND DO SO DEDICATE STREETS 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.

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

CHAD WACHTER
PRESIDENT
INVESTCORE, INC.

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) SS

ON THIS 26th DAY OF September, 2017, BEFORE ME PERSONALLY APPEARED CHAD WACHTER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 10-22-18

DAWN GLOSTER
Notary Public
State of North Dakota
My Commission Expires October 22, 2018

NOTES:

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

FLOOD PLAIN INFORMATION:

FLOOD PLAIN ELEVATION - 1636.1 (NAVD 88)

PLAT INFORMATION

- NUMBER OF LOTS: 12
- LOT ACREAGE - 1.510 ACRES
- R.O.W. ACREAGE - 0.736 ACRES
- TOTAL ACREAGE - 2.246 ACRES

PLAT LEGEND

- MONUMENT TO BE SET
- 3/4" PIPE FOUND
- REBAR AND LS 3595 CAP FOUND
- REBAR AND LS 3463 CAP SET
- RR SPIKE FOUND
- REBAR FOUND
- EXISTING EASEMENT
- PROPERTY LINE
- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- NON-ACCESS LINE
- EASEMENT LINE
- 1 BLOCK/LOT NUMBERS

N
W E
S

SCALE 1" = 20' (20 0 20 40 FEET)

DATE: AUGUST 2017
HORIZONTAL DATUM - US STATE PLANE NAD 83 (ADJUSTED 86) ND SOUTH ZONE 3302
UNITS OF MEASURE: INTERNATIONAL FEET
VERTICAL DATUM - NAVD 88
BENCHMARK - B 8-20 ELEV. 1638.86

© KLJ 2017

SOUTH MEADOWS 2ND ADDITION

Sep 22, 2017 - 10:48am - \\bsmk-file01\P\Private\ND\City\Bismarck\1612407.2-SouthMeadows2nd\CAD\1612407_MinorPlat.dwg

BURLEIGH AVENUE ADDITION

Lot C & Part of Lot B And Part of The NE 1/4 NE 1/4
SECTION 20 T 138 N R 80 WEST
BISMARCK, NORTH DAKOTA

DESCRIPTION

ALL THAT PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼, AUDITOR'S LOT C AND PART OF AUDITOR'S LOT B OF SECTION 20 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SECTION 20 NORTH 89 DEGREES 35 MINUTES 27 SECONDS WEST A DISTANCE OF 643.12 FEET FROM THE NORTHEAST SECTION CORNER; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 461.42 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 173.00 FEET; THENCE NORTH 0 DEGREES 22 MINUTES 35 SECONDS EAST A DISTANCE OF 135.22 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 21 SECONDS WEST A DISTANCE OF 254.83 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 33 SECONDS EAST A DISTANCE OF 327.34 FEET TO THE NORTH LINE OF SECTION 20; THENCE SOUTH 89 DEGREES 35 MINUTES 27 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 424.61 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.73 ACRES, MORE OR LESS.

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 AND 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 27th DAY OF OCTOBER 2009.

ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

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 27 DAY OF OCTOBER IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY 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

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED 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 SEPTEMBER 24, 2009 AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

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

ON THIS 6TH DAY OF OCTOBER 2009, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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

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

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

11-18-2009

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT OLIVIA HUBER, KIM MARTIN AND DIANE MARTIN BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BURLEIGH AVENUE ADDITION", BISMARCK, NORTH DAKOTA AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITIES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE.

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

OLIVIA HUBER – OWNER LOT 1
225 WEST BURLEIGH AVENUE
BISMARCK, NORTH DAKOTA
58504

ON THIS 12TH DAY OF OCTOBER 2009, BEFORE ME PERSONALLY APPEARED OLIVIA HUBER KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

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

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

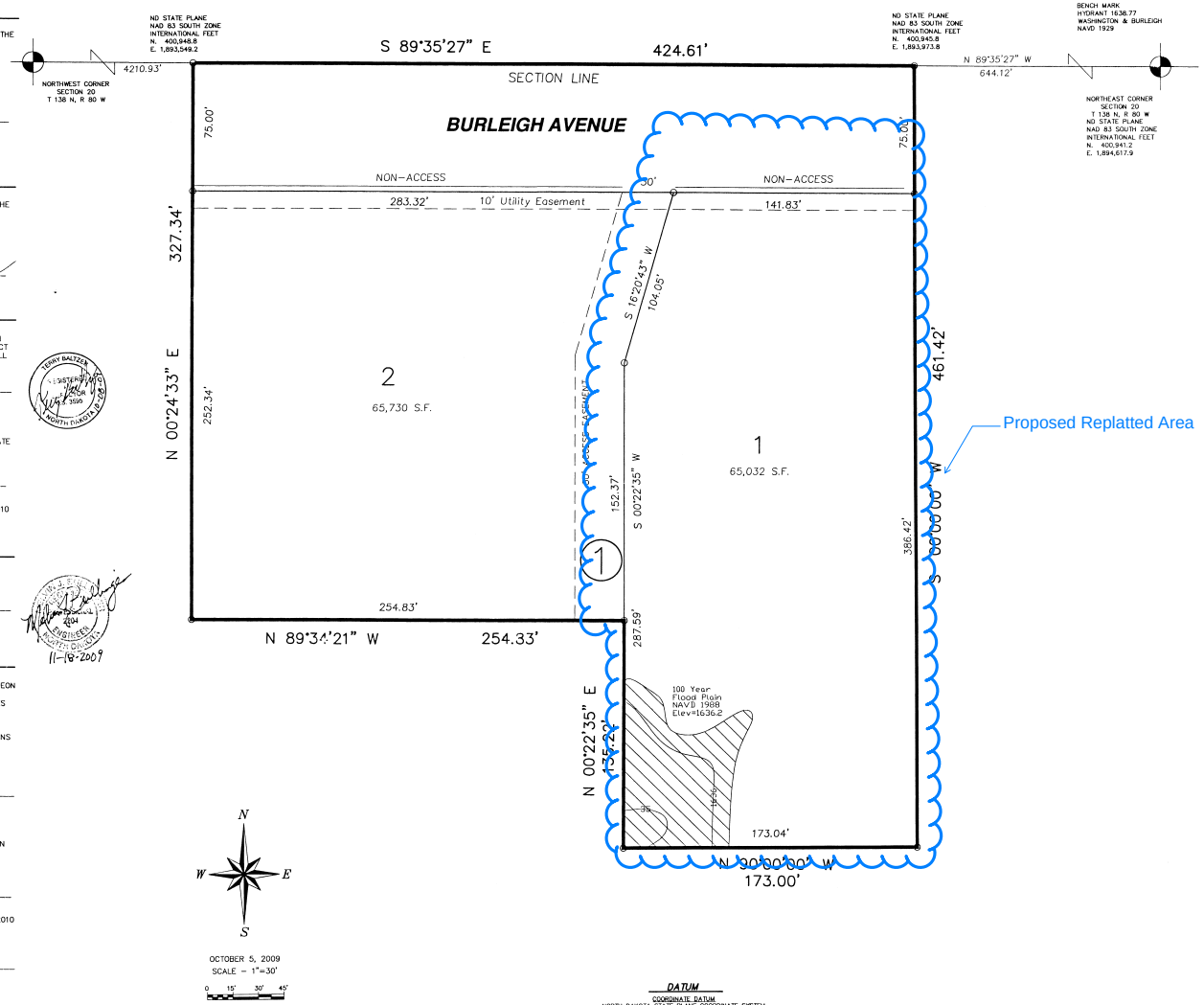
KIM MARTIN – OWNER LOT 2
301 WEST BURLEIGH AVENUE
BISMARCK, NORTH DAKOTA
58504

DIANE MARTIN – OWNER LOT 2
301 WEST BURLEIGH AVENUE
BISMARCK, NORTH DAKOTA
58504

ON THIS 19th DAY OF October 2009, BEFORE ME PERSONALLY APPEARED KIM MARTIN AND DIANE MARTIN KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

JANELLE M HAGER
Notary Public
State of North Dakota
My Commission Expires Feb. 20, 2015

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



DATUM

COORDINATE DATUM
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET
THIS IS ALSO THE BASIS OF BEARING.

BENCH MARK DATUM IS NAVD 1929
FLOOD PLAIN DATUM IS NAVD 1988

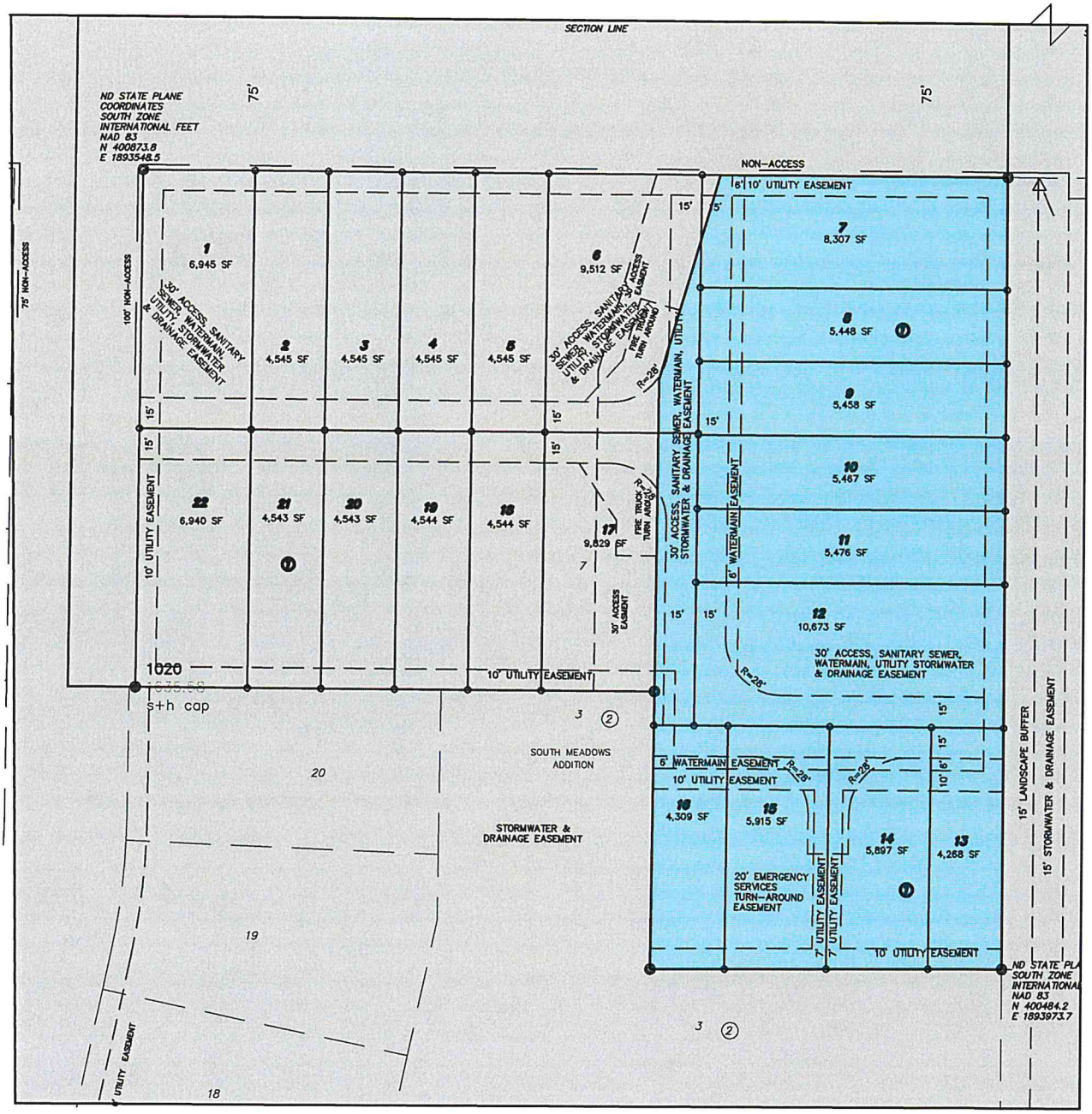
ROW	31,866 S.F.	0.73 ACRES
LOTS	130,762 S.F.	3.00 ACRES
TOTAL	162628 S.F	3.73 ACRES

o MONUMENT IN PLACE

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

ANNEXATION EXHBIT

NOV 12 2021



CURRENT ANNEXATION

PROPOSED ANNEXATION

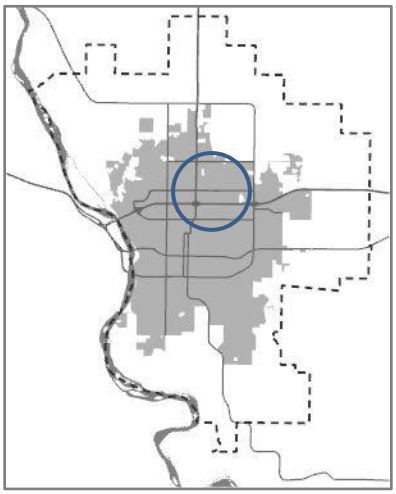
Agenda Item # 4
December 15, 2021

STAFF REPORT

Application for: **Major Subdivision Final Plat** Project ID: **FPLT2021-008**

Project Summary

Title:	Basin Electric Fourth Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	City of Bismarck Sanford Bismarck
Project Contact:	Gabe Schell, PE, City Engineer
Location:	In north-central Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street (part of the NE ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township and a replat of all of Tract 4A of Lot 1, Block 1, Basin Electric Third Addition)
Project Size:	2.90 Acres
Request:	Plat city-owned land and adjacent unplatted property for future sale and development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot and 1 unplatted parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Vacant and parking lot	*Land Use:*	Future development
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	*Zoning:*	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density:	RT – 30 units / acre	*Max Density:*	RT – 30 units / acre

Property History

Zoned:	*01/1980*	*Platted:*	*01/1980 (part)*	Annexed:	01/1980

(continued)

Staff Analysis

The City of Bismarck and Sanford Bismarck are requesting approval of a major subdivision final plat for Basin Electric Fourth Addition.

The Planning and Zoning Commission considered this request at their meeting of April 28, 2021 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th, and 10 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include office uses to the south and west, commercial to the north across East Century Avenue, and a stormwater detention pond to the east across North 19th Street.

The subdivision includes two lots. The proposed Lot 1, Block 1 is city-owned and undeveloped. The City acquired this land for right-of-way purposes, but no longer has a public need for the land. The proposed Lot 2, Block 1 is owned by Sanford Bismarck but has not been platted. The purpose of the action is to prepare Lot 1, Block 1 for potential sale and development as a parcel within the existing RT – Residential zoning district.

The access to the proposed Lot 1, Block 1 would be at the very southern end of the lot, immediately north of the existing access to the proposed Lot 2, Block 1.

Required Findings of Fact **(relating to land use)**

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the final plat for Basin Electric Fourth Addition.

Attachments

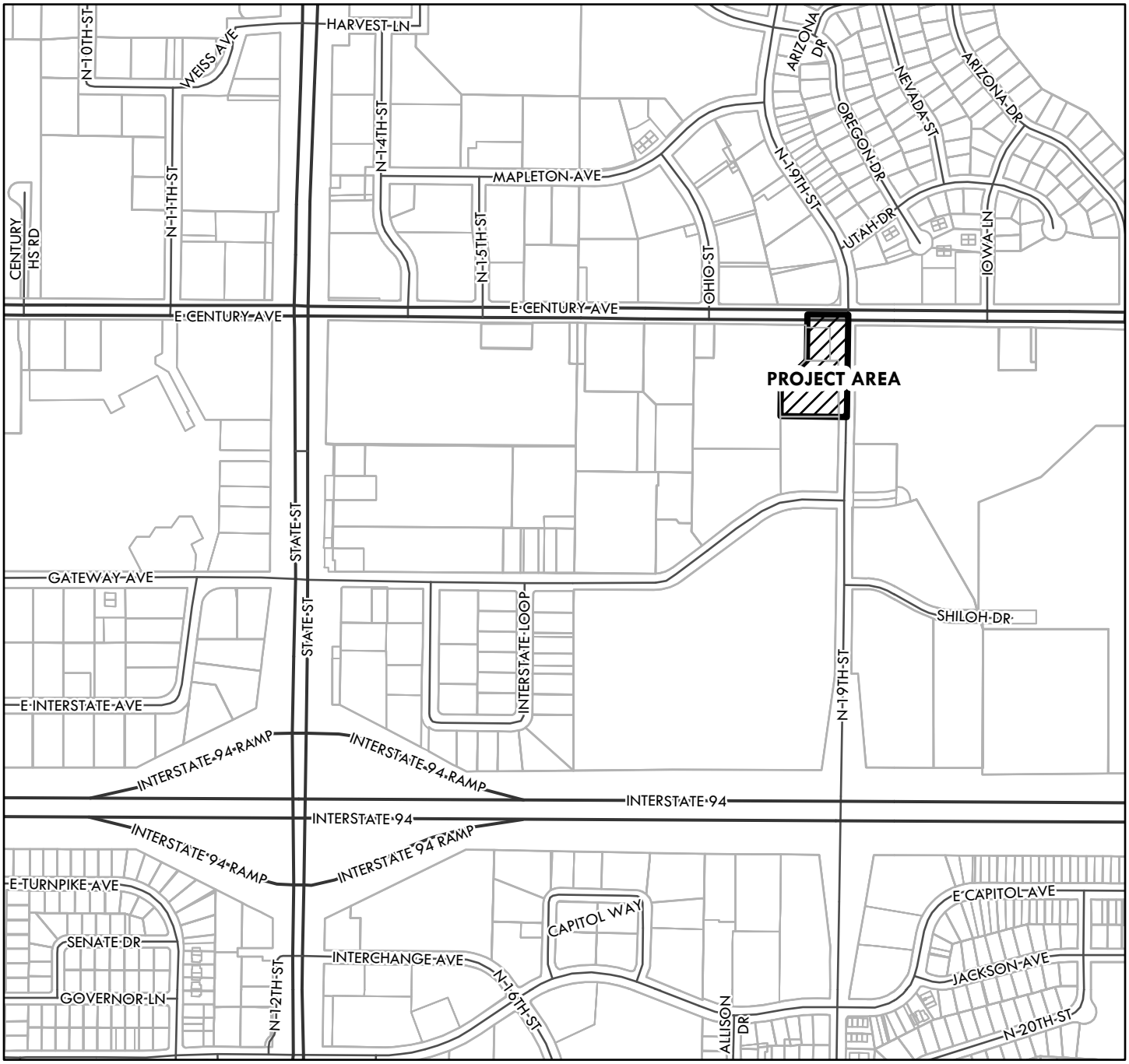
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat
6. Portion of Basin Electric Third Addition Being Replatted

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

Location Map

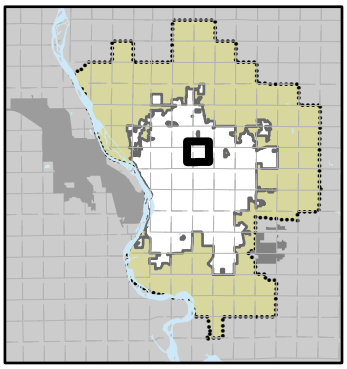
BASIN ELECTRIC FOURTH ADDITION

FPLT2021-008



0 0.15 0.3 0.6 Miles





City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

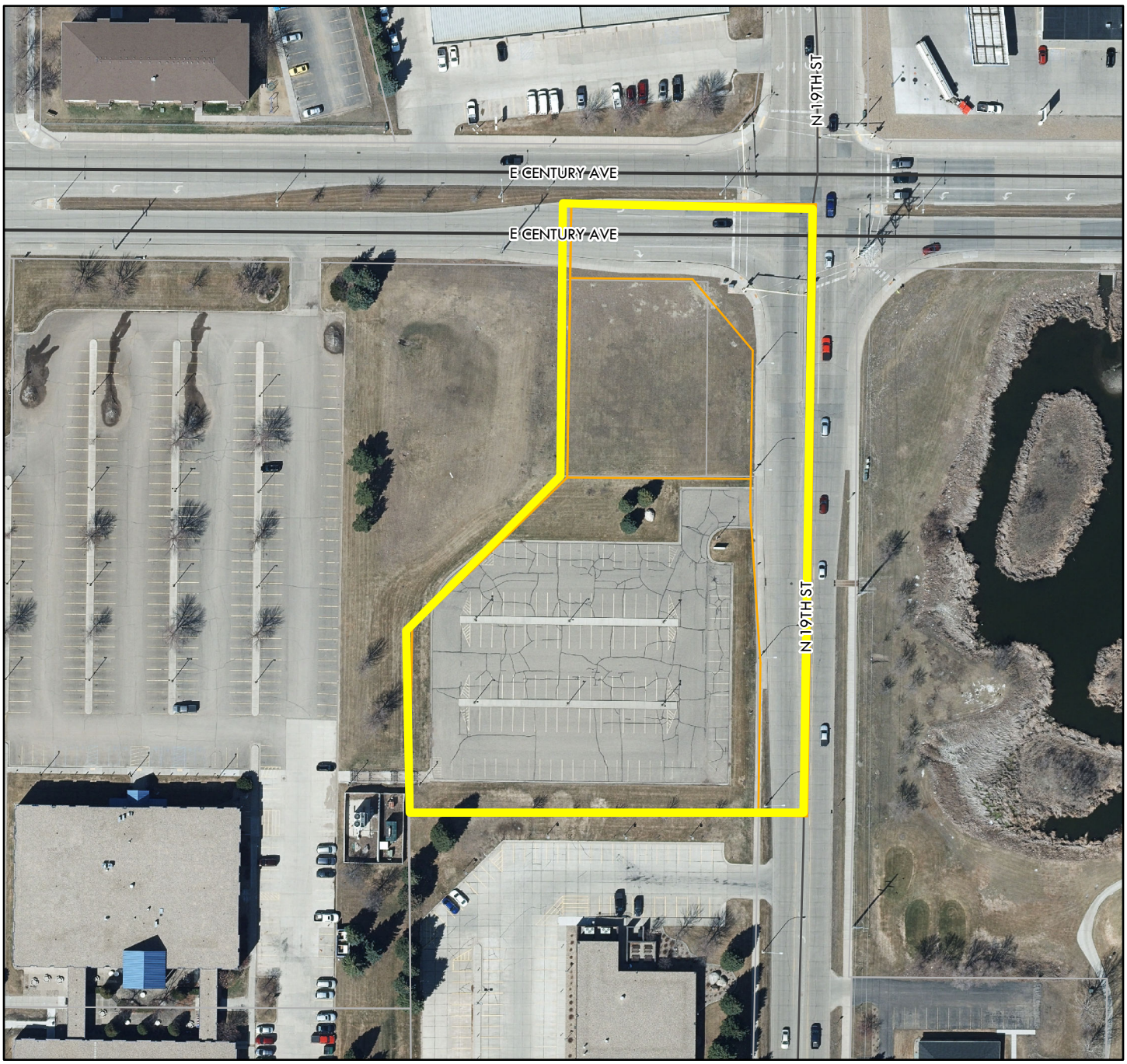
City of Bismarck
Community Development Department
Planning Division
November 30, 2021 (HLB)

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

BASIN ELECTRIC FOURTH ADDITION

FPLT2021-008

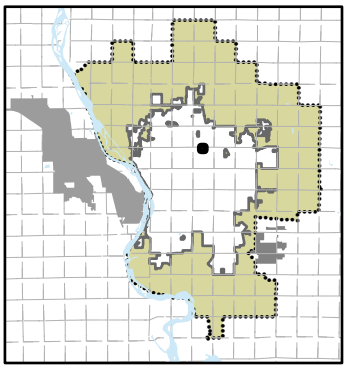


0 0.03 0.06 0.12 Miles

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
April 19, 2021

Zoning and Plan Reference Map

BASIN ELECTRIC FOURTH ADDITION

FPLT2021-008

Zoning Districts

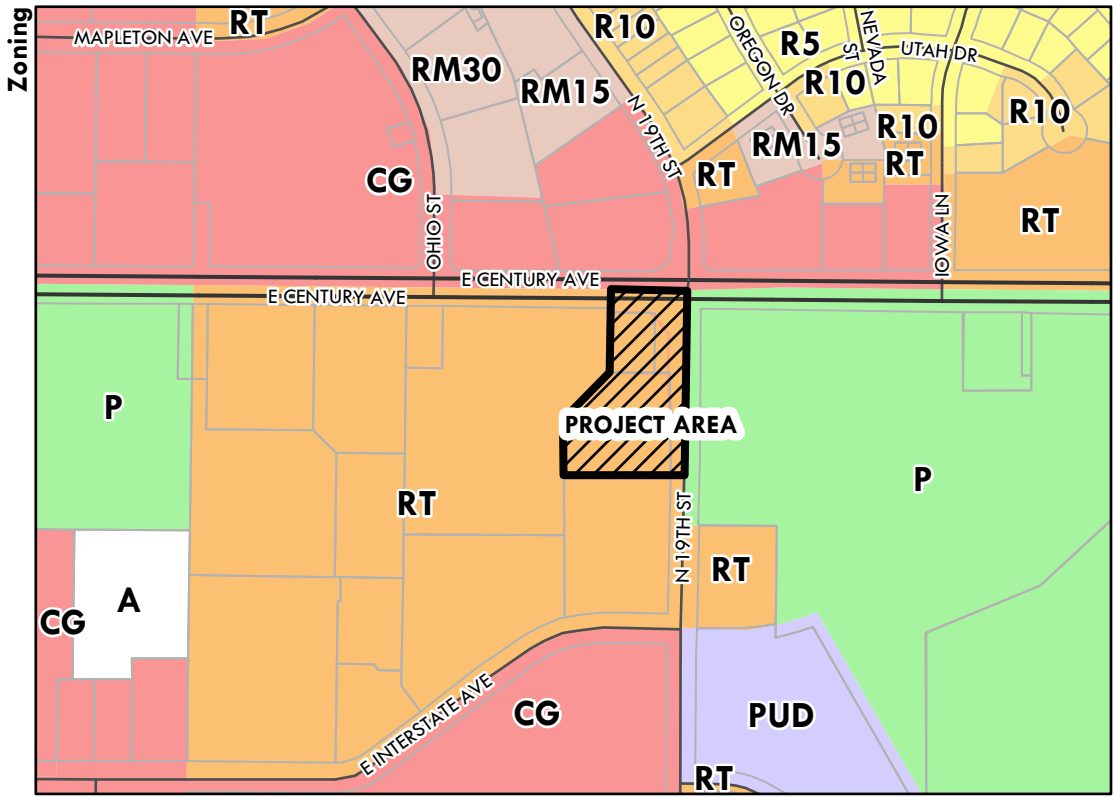
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

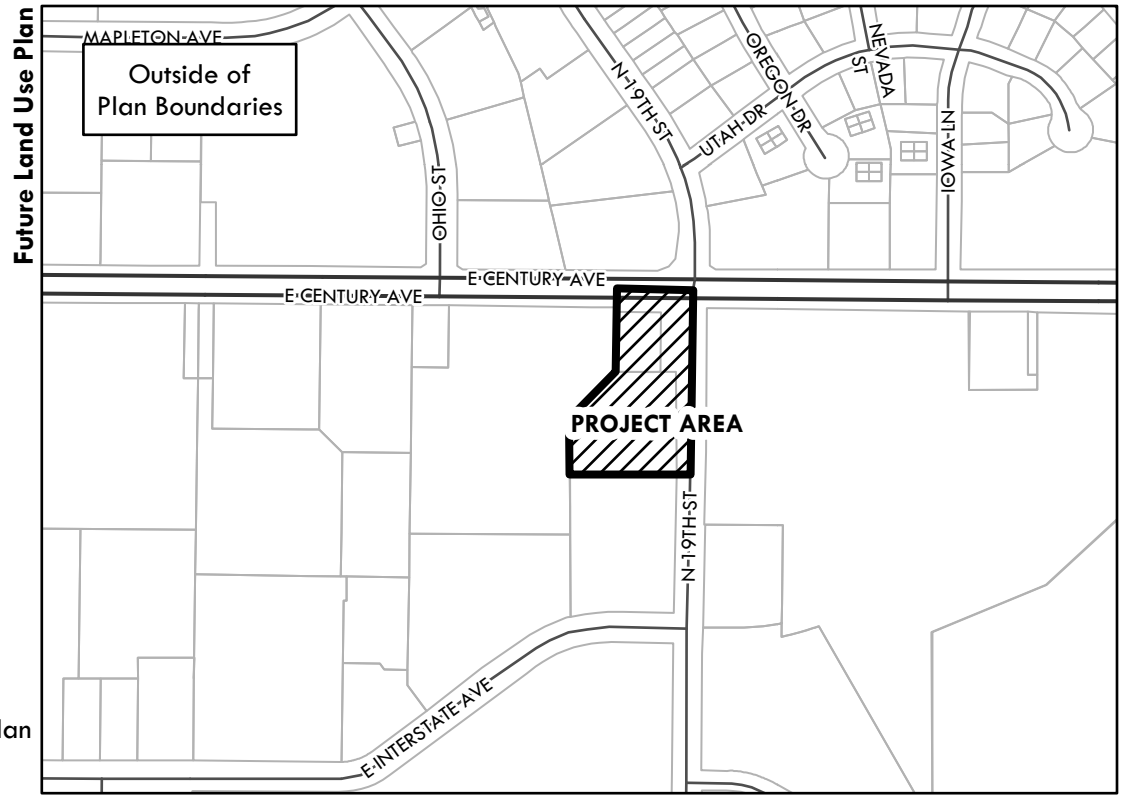
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





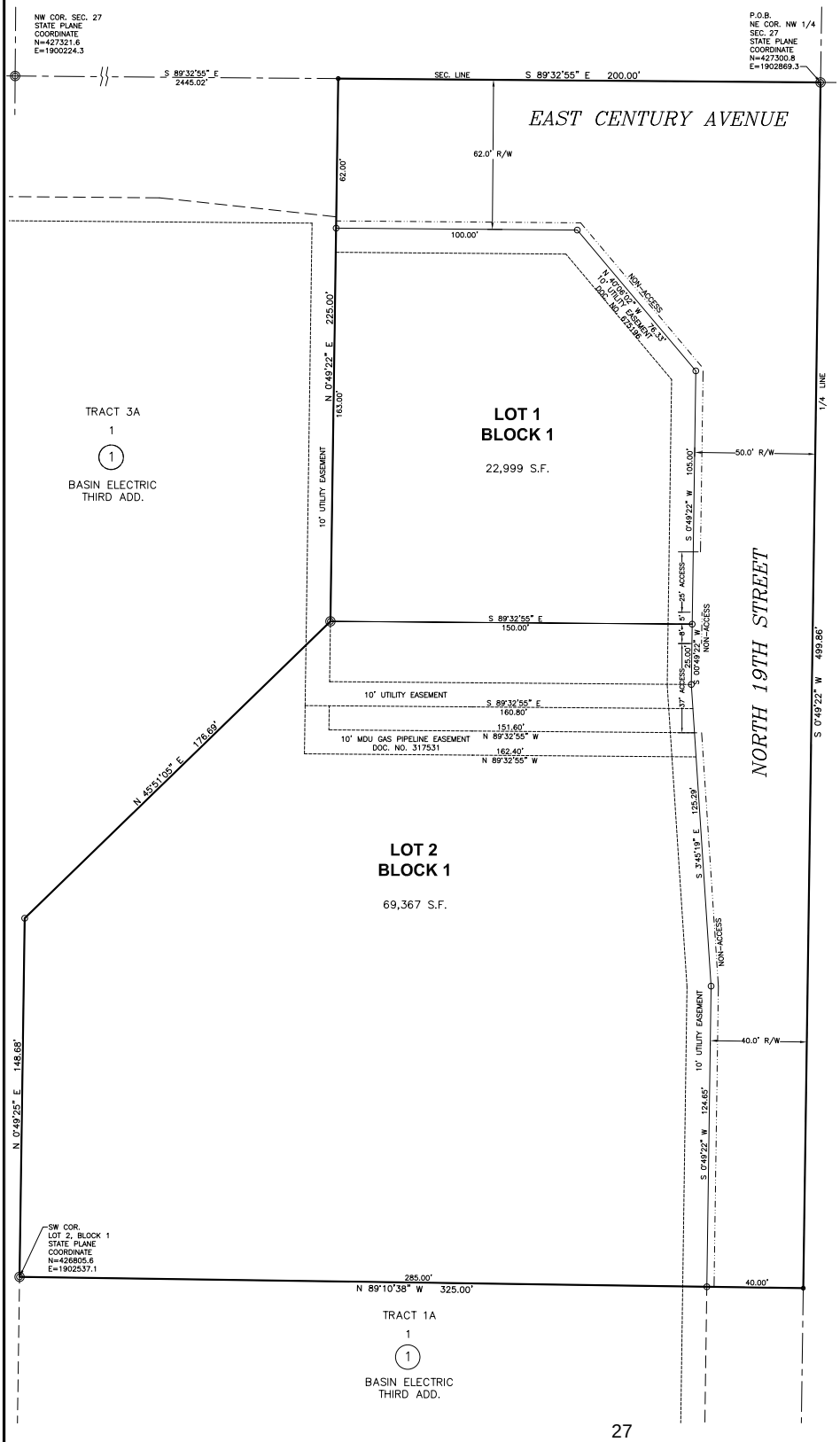
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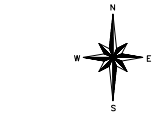
Miles
0 0.05 0.1 0.2

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

BASIN ELECTRIC FOURTH ADDITION

PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST AND ALL OF TRACT 4A OF LOT 1, BLOCK 1, BASIN ELECTRIC 3RD ADDITION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE WESTERLY PORTION OF NINETEENTH STREET AND PART OF THE SOUTHERLY PORTION OF CENTURY AVENUE OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





NOVEMBER 3, 2021

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.

- ○ MONUMENT TO BE SET
- ◎ MONUMENT FOUND
- ● CALCULATED POINT NOT SET

ACCESS NOTE:
THE ACCESS TO LOT 1, BLOCK 1 ALONG NORTH 19TH STREET SHALL BE A RIGHT-IN RIGHT-OUT ACCESS APPROVED BY THE CITY ENGINEER.

PLAT TOTAL

LOTS	92,366 S.F.	2.12 ACRES
STREET	33,865 S.F.	0.78 ACRES
TOTAL	126,231 S.F.	2.90 ACRES

BENCHMARK:

HYDRANT NO. 1662 AT
SW CORNER OF 19TH ST. & CENTURY AVE.
ELEV = 1782.71 (NAVD 88)

DESCRIPTION

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST AND ALL OF TRACT 4A OF LOT 1, BLOCK 1, BASIN ELECTRIC 3RD ADDITION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE WESTERLY PORTION OF NINETEENTH STREET AND PART OF THE SOUTHERLY PORTION OF CENTURY AVENUE OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE SOUTH 00 DEGREES 49 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 499.86 FEET; THENCE N 89 DEGREES 10 MINUTES 38 SECONDS WEST, ALONG NORTH LINE OF TRACT 1A, OF LOT 1, BLOCK 1, BASIN ELECTRIC THIRD ADDITION, A DISTANCE OF 325.00 FEET TO THE EAST LINE OF TRACT 3A, OF LOT 1, BLOCK 1, BASIN ELECTRIC 3RD ADDITION; THENCE NORTH 00 DEGREES 49 MINUTES 25 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 148.68 FEET; THENCE NORTH 45 DEGREES 51 MINUTES 05 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 176.69 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 22 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 225.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 27; THENCE SOUTH 89 DEGREES 32 MINUTES 55 SECONDS EAST, ALONG SAID SECTION LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 126,231 S.F. OR 2.90 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 20__, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ – CHAIRMAN

ATTEST: BEN EHRETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON 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 AND REDEDICATION 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 _____, 20__.

ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT THIS _____ DAY OF _____, 20__.

GABRIEL J. SCHELL
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, CLEARY JOHS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ DAY OF _____, 20__, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL REQUIRED MONUMENTS HAVE BEEN SET.

CLEARY JOHS
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5288

OWNER'S CERTIFICATE & DEDICATION

WE, THE CITY OF BISMARCK AND SANFORD BISMARCK, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED BASIN ELECTRIC FOURTH ADDITION, AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY 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 FOR PUBLIC USE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORM WATER & 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 DEDICATE ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

ATTEST: KEITH J. HUNKE, CITY ADMINISTRATOR
OWNER LOT 1, BLOCK 1

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

STEVE BAKKEN, PRESIDENT BISMARCK CITY COMMISSION
OWNER LOT 1, BLOCK 1

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED KEITH J. HUNKE & STEVE BAKKEN, OF THE CITY OF BISMARCK, 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)

KIRK CRISTY, VICE PRESIDENT FINANCE
SANFORD BISMARCK
OWNER LOT 2, BLOCK 1

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED KIRK CRISTY OF SANFORD BISMARCK, 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.

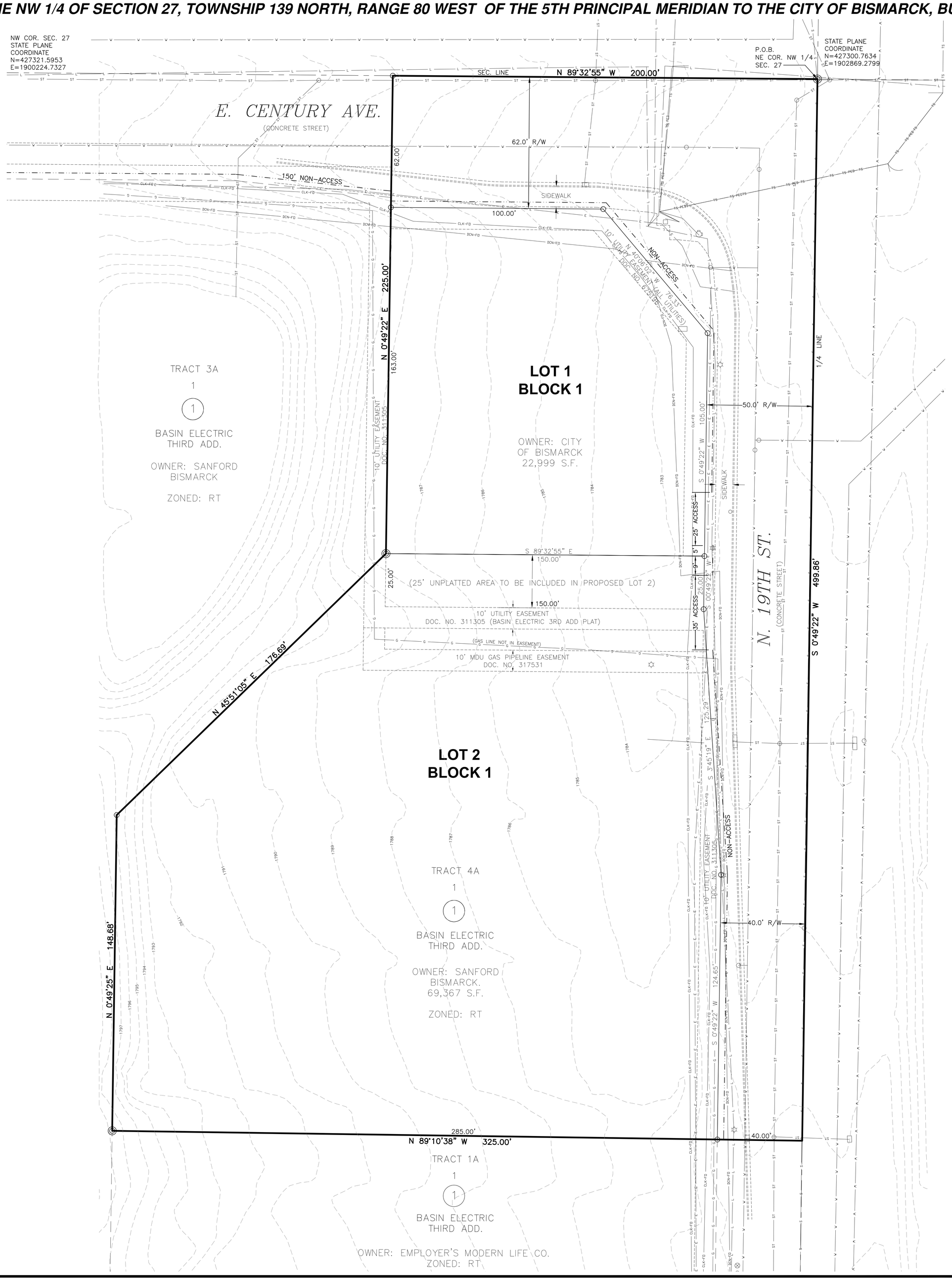
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

Bismarck ENGINEERING
221 N. 5TH ST.

SHEET 1 OF 1

PRELIMINARY PLAT
BASIN ELECTRIC FOURTH ADDITION

PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST AND ALL OF TRACT 4A OF LOT 1, BLOCK 1, BASIN ELECTRIC 3RD ADDITION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE WEST HALF OF NINETEENTH STREET OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



N

W E

S

10' 0 20' 40'

SCALE = 1:20

APRIL, 2021

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

VERTICAL DATUM:
NAVD 88

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

2.90 ACRES ±
EXISTING ZONING: RT
PROPOSED ZONING: RT
2 LOTS:

PLAT TOTAL

LOTS	92,366 S.F.	2.12 ACRES
STREET	33,864 S.F.	0.78 ACRES
TOTAL	126,230 S.F.	2.90 ACRES

BENCHMARK:

HYDRANT NO. 1662 AT
SW CORNER OF 19TH ST. & CENTURY AVE.
ELEV = 1784.11 (NAVD 88)

PREPARED BY:
CLEARY JOHS NDPLS 5288
CITY OF BISMARCK
221 N. 5TH ST.
BISMARCK, ND 58501
PHONE: 701-355-1505

Bismarck Engineering Department

SHEET 1 OF 1

H:\PRELIM DESIGN\STU\2020-001 - 19th & Century\Cadd Drawings\19th & century plat.dwg, 4/12/2021 8:57:39 AM, aaronr, Previous paper size (36.00 x 30.00 Inches)

BASIN ELECTRIC THIRD ADDITION

Part Of The NE. 1/4 NW. 1/4 Section 27, T. 139 N., R. 80 W.

Bismarck, North Dakota

DESCRIPTION

BASIN ELECTRIC THIRD ADDITION

ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION TWENTY-SEVEN (27) TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T.139 N.), RANGE EIGHTY WEST (R.80 W.) OF THE FIFTH PRINCIPAL MERIDIAN (5th P.M.) BURLEIGH COUNTY, NORTH DAKOTA THAT LIES WITHIN AND IS BOUNDED BY THE FOLLOWING DESCRIBED TRAVERSE:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION TWENTY-SEVEN (27); THENCE BEARING NORTH EIGHTY-NINE DEGREES, THIRTY-SIX MINUTES AND ZERO SECONDS EAST (N.89°-36'-00"E.) ALONG THE NORTH LINE OF SAID SECTION TWENTY-SEVEN (27) A DISTANCE OF ONE THOUSAND ONE HUNDRED TWENTY-TWO AND FORTY-FIVE HUNDREDTHS (1122.45) FEET TO A POINT THAT LIES TWO HUNDRED (200.00) FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW¼); THENCE BEARING SOUTH ZERO DEGREES, ONE MINUTES AND FORTY-THREE SECONDS EAST (S.0°-01'-43"E.), PARALLEL TO AND TWO HUNDRED (200.00) FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼), A DISTANCE OF TWO HUNDRED FIFTY (250.00) FEET; THENCE BEARING NORTH EIGHTY-NINE DEGREES, THIRTY-SIX MINUTES AND ZERO SECONDS EAST (N.89°-36'-00"E.), PARALLEL TO AND TWO HUNDRED FIFTY (250.00) FEET SOUTH OF NORTH LINE OF SAID SECTION TWENTY-SEVEN (27), A DISTANCE OF TWO HUNDRED (200.00) FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼), SAID POINT BEING TWO HUNDRED FIFTY (250.00) FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW¼); THENCE BEARING SOUTH ZERO DEGREES, ONE MINUTES AND FORTY-THREE SECONDS EAST (S.0°-01'-43"E.), ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼) A DISTANCE OF SIX HUNDRED NINETEEN AND FIFTY-SIX HUNDREDTHS (619.56) FEET TO THE INTERSECTION OF SAID QUARTER LINE WITH THE NORTH LINE OF INTERSTATE AVENUE EXTENDED EAST; THENCE BEARING SOUTH EIGHTY-NINE DEGREES, THIRTY-THREE MINUTES AND TWENTY-FIVE SECONDS WEST (S.89°-33'-25"W.), ALONG SAID NORTH LINE OF INTERSTATE AVENUE AND ITS EXTENSION, A DISTANCE OF TWO HUNDRED FIFTEEN AND NINETY-NINE HUNDREDTHS (215.99) FEET; THENCE BEARING SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG THE NORTH LINE OF INTERSTATE AVENUE, ON A CURVE HAVING A RADIUS OF THREE HUNDRED NINETY-NINE AND TWENTY-SEVEN HUNDREDTHS (399.27) FEET, AN ARC DISTANCE OF TWO HUNDRED FIFTY-EIGHT AND EIGHTY-SIX HUNDREDTHS (258.86) FEET; THENCE BEARING SOUTH FIFTY-TWO DEGREES, TWENTY-FOUR MINUTES AND THIRTY-SEVEN SECONDS WEST (S.52°-24'-37"W.), CONTINUING ALONG THE NORTH LINE OF INTERSTATE AVENUE, A DISTANCE OF FOUR HUNDRED EIGHTY-TWO AND THIRTEEN HUNDREDTHS (482.13) FEET; THENCE BEARING SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG THE NORTH LINE OF INTERSTATE AVENUE, ON A CURVE HAVING A RADIUS OF ONE HUNDRED FIFTY-THREE AND NINETEEN HUNDREDTHS (153.19) FEET, AN ARC LENGTH OF NINETEEN AND TWENTY-EIGHT HUNDREDTHS (19.28) FEET TO THE SOUTHEAST CORNER OF BASIN ELECTRIC SECOND ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA; THENCE BEARING NORTH ZERO DEGREES, FIVE MINUTES AND FIFTY-SEVEN SECONDS WEST (N.0°-05'-57"W.), ALONG THE EAST LINE OF SAID BASIN ELECTRIC SECOND ADDITION, A DISTANCE OF FOUR HUNDRED SEVENTY-FIVE AND EIGHTY-THREE HUNDREDTHS (475.83) FEET; THENCE BEARING SOUTH EIGHTY-NINE DEGREES, FIFTY-TWO MINUTES AND NINETEEN SECONDS WEST (S.89°-52'-19"W.), ALONG THE NORTH LINE OF SAID BASIN ELECTRIC SECOND ADDITION, A DISTANCE OF FOUR HUNDRED SIXTY-SIX AND EIGHT HUNDREDTHS (466.08) FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼ NW¼); THENCE BEARING NORTH ZERO DEGREES, SIX MINUTES AND THIRTY-FOUR SECONDS WEST (N.0°-06'-34"W.), ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼ NW¼), A DISTANCE OF SEVEN HUNDRED SEVENTY-FOUR AND NINETY-SIX HUNDREDTHS (774.96) FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS TWENTY-SIX AND FIFTY-ONE HUNDREDTHS (26.51) ACRES, MORE OR LESS.

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 HEREON, AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BISMARCK.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 8th DAY OF January, 1980.

ATTEST:

TOM BAKER, CITY AUDITOR

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 1st DAY OF October 1979, IN ACCORDANCE WITH THE 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.

W. C. WOCKEN, SECRETARY

DAVID BLACKSTEAD, CHAIRMAN

SURVEYOR'S CERTIFICATE

I, EDWARD W. HAGEN, A REGISTERED PROFESSIONAL ENGINEER AND 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 SEPTEMBER 14, 1979 AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO.
CONSULTING ENGINEERS
909 BASIN AVENUE, BOX 1135
BISMARCK, NORTH DAKOTA

EDWARD W. HAGEN
REGISTERED PROFESSIONAL ENGINEER &
LAND SURVEYOR
REGISTRATION NUMBER 850

ON THIS 4th DAY OF January, 1979, BEFORE ME PERSONALLY APPEARED EDWARD W. HAGEN, KNOWN TO BE TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: JULY 24, 1980

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT "BASIN ELECTRIC POWER COOPERATIVE" A NORTH DAKOTA COOPERATIVE, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN AND DESCRIBED ON THE ANNEXED PLAT, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS "BASIN ELECTRIC THIRD ADDITION" AND DOES HEREBY DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWERS, CULVERTS, WATER DISTRIBUTION LINES, GAS DISTRIBUTION LINES, AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER. IT ALSO DEDICATES EASEMENTS, TO RUN WITH THE LAND, FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

C. R. THIESSEN, PRESIDENT
BASIN ELECTRIC POWER COOPERATIVE
1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA

DENNIS LINDBERG - SECRETARY
BASIN ELECTRIC POWER COOPERATIVE
STATE OF

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS 14th DAY OF December, 1979, BEFORE ME PERSONALLY APPEARED C.R. THIESSEN, KNOWN TO ME TO BE THE PRESIDENT OF THE COOPERATIVE THAT IS DESCRIBED IN AND THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH COOPERATIVE EXECUTED THE SAME.

Notary Public, NOTARY PUBLIC
COUNTY OF Burleigh, STATE OF North Dakota
MY COMMISSION EXPIRES December 17, 1982

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

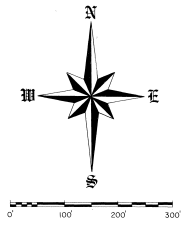
ON THIS 14th DAY OF December, 1979 BEFORE ME PERSONALLY APPEARED DENNIS LINDBERG, KNOWN TO ME TO BE THE SECRETARY OF THE COOPERATIVE THAT IS DESCRIBED IN AND THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH COOPERATIVE EXECUTED THE SAME.

Notary Public, NOTARY PUBLIC
COUNTY OF Burleigh, STATE OF North Dakota
MY COMMISSION EXPIRES December 17, 1982

APPROVAL OF CITY ENGINEER

I, RAYMOND J. JUNDT, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BASIN ELECTRIC THIRD ADDITION" AS SHOWN ON THE ANNEXED PLAT.

RAYMOND J. JUNDT, CITY ENGINEER



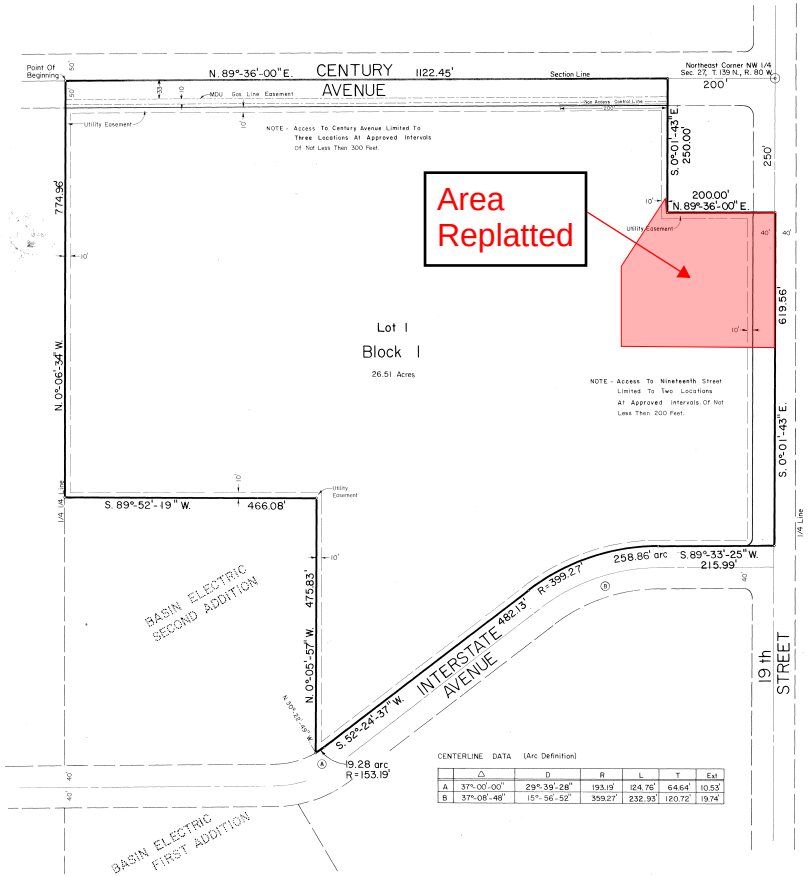
SCALE : 1" = 100'

DATE : SEPTEMBER 13, 1979

NOTES

1.) ● Denotes Iron Pipe Monument To Be Set.

2.) Block Corners At Street Intersections Are Rounded To A 15' Radius.



CENTERLINE DATA (Arc Definition)

	Δ	D	R	L	T	Ext
A	37°-00'-00"	29°-39'-28"	193.19'	124.76'	64.64'	10.53'
B	37°-08'-48"	15°-56'-52"	359.27'	232.93'	120.72'	19.74'

Bismarck COMMUNITY DEVELOPMENT

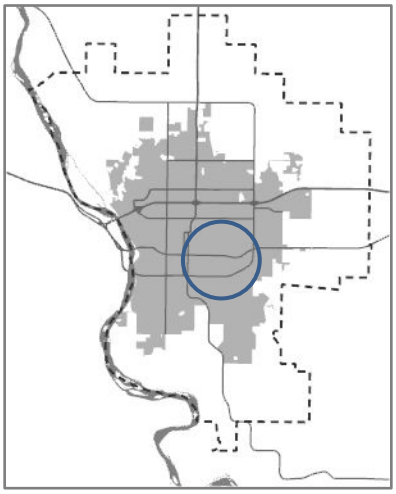
STAFF REPORT

Agenda Item # 5
December 15, 2021

Application for: **Major Subdivision Final Plat** Project ID: **FPLT2021-009**

Project Summary

Title:	Municipal Fifth Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	City of Bismarck
Project Contact:	Gabe Schell, PE, City Engineer
Location:	In east Bismarck, south of East Main Avenue, north of Vermont Avenue, along the east side of South 26th Street (Tract 335, Lots 1 and 2, Block 1, Sloven Second Subdivision and part of the SW ¼ of Section 2, T138N-R80W/Lincoln Township)
Project Size:	9.29 acres
Request:	Plat city-owned land for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Municipal
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, and manufacturing	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, and manufacturing
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	Sloven 2nd Subdivision – 07/1984	*Annexed:*	Pre-1980

(continued)

Staff Analysis

The City of Bismarck is requesting approval of a major subdivision final plat for Municipal Fifth Addition. The City previously acquired this land and is now in the design phase to develop a new Bismarck-Burleigh Public Health facility at this location. Since a portion along the north side of the proposed plat has never been platted, a major subdivision final plat is required prior to development.

The Planning and Zoning Commission considered this request at their meeting of November 17, 2021 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th, and 7 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include State of North Dakota facilities and railroad right-of-way to the north and east, City of Bismarck Public Works facility to the east and south, and industrial uses to the west across South 26th Street.

The proposed plat contains a non-access line along the entirety of South 26th Street. As currently shown, this would create a non-conforming parcel as it lacks required access to a public right-of-way. It is anticipated that, as plans for the new facility are further refined, the location of access will be identified. The proposed plat contains a note granting the City Engineer the authority to grant access as necessary. .

The land within the proposed plat may be combined with the already platted parcel for the existing Public Works site located to the south.

The proposed plat would replat portions of Sloven Second Subdivision which included 'Trackage and Utility' easements. The portion that is being replatted would release those easements that straddle the two plats as part of the platting process; however, the associated other half of the easement not being replatted would remain. These easements have been determined to not be necessary and may be released as a separate action through the Plat Modification process.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans,

(continued)

policies and accepted planning practice; and

10. 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 final plat for Municipal Fifth Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat
6. Original Plat with of Replat Highlighted

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

Aerial Map

MUNICIPAL FIFTH ADDITION

FPLT2021-009



Miles

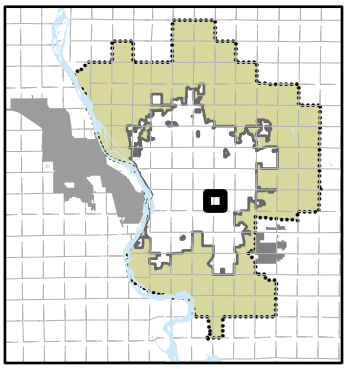
0 0.13 0.25 0.5

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
Finance Department
IT/GIS Division
December 7, 2021

Zoning and Plan Reference Map

MUNICIPAL FIFTH ADDITION

FPLT2021-009

Zoning Districts

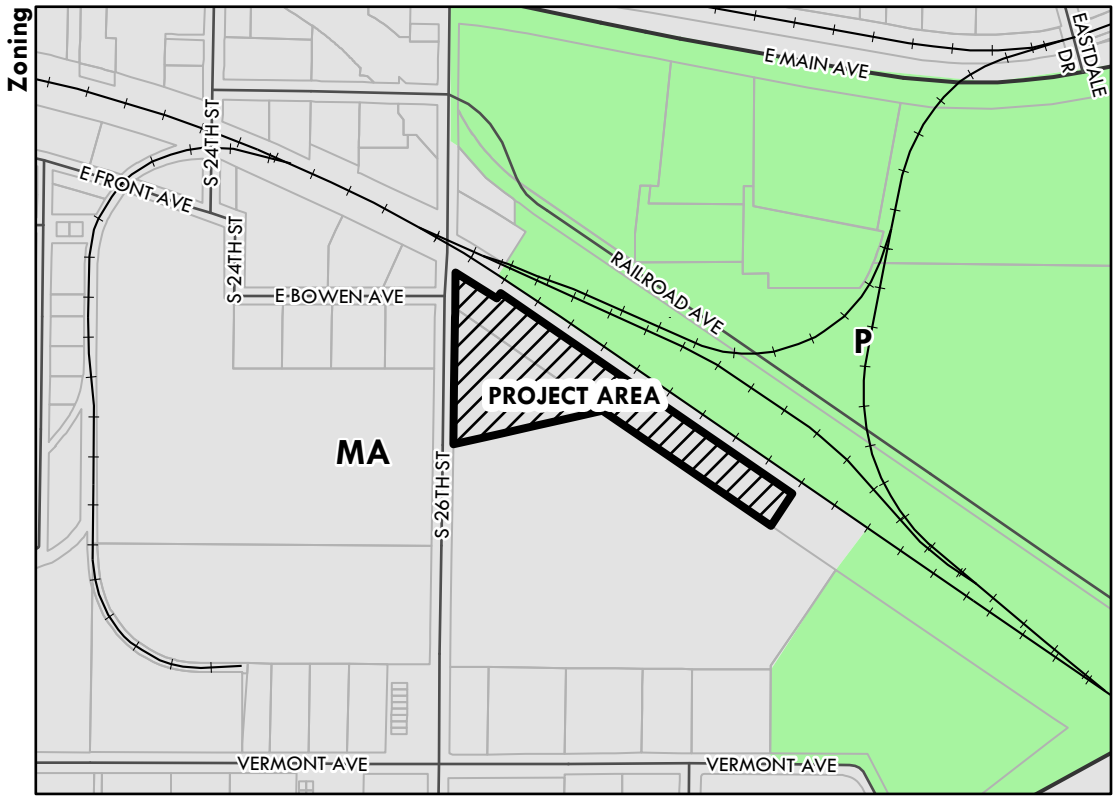
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

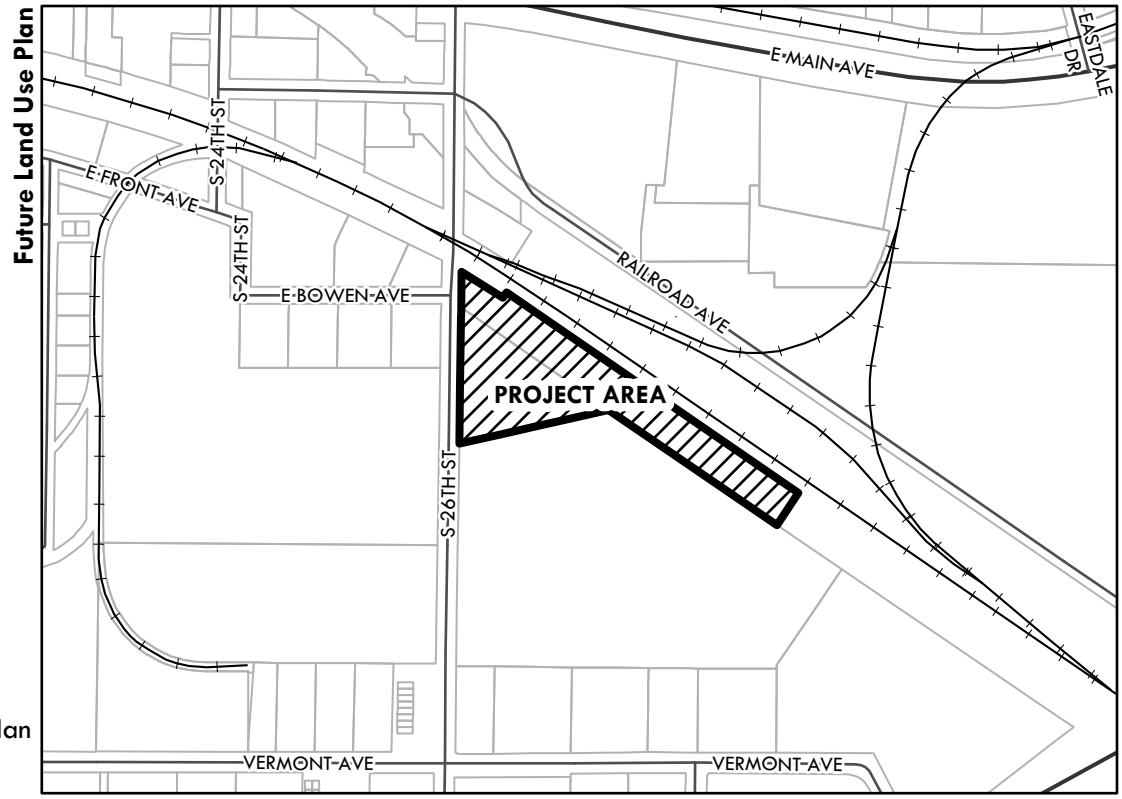
Future Land Use Plan

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.

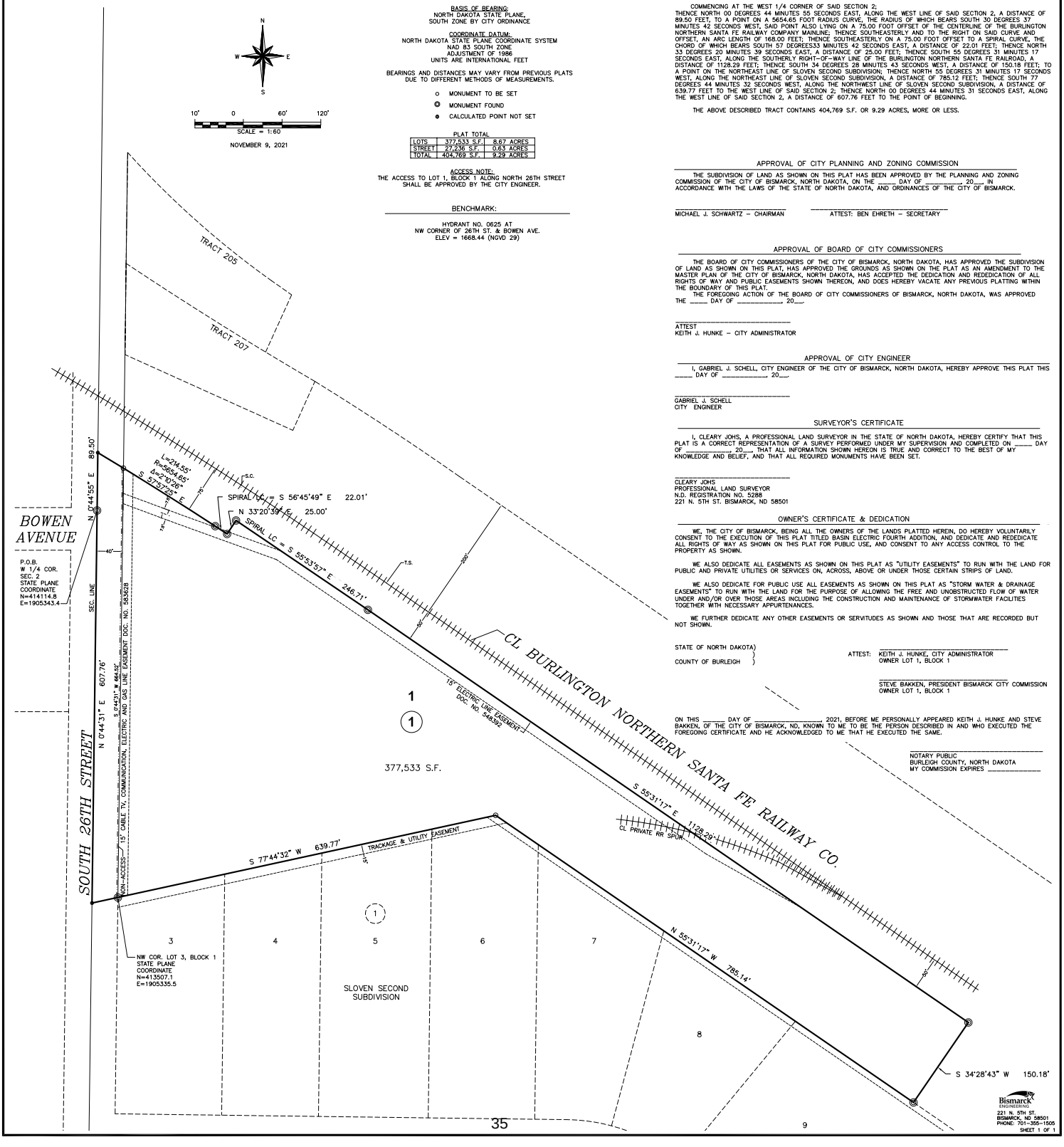
Miles
0 0.07 0.15 0.3

N

City of Bismarck
Community Development Dept.
Planning Division
December 7, 2021

MUNICIPAL FIFTH ADDITION

TRACT 335, LOTS 1 AND 2, BLOCK 1, SLOVEN SECOND SUBDIVISION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE EAST HALF OF TWENTY-SIXTH STREET PART OF THE SW1/4 OF SECTION 2, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF BISMARCK, 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.

- o MONUMENT TO BE SET
- ◎ MONUMENT FOUND
- ● CALCULATED POINT NOT SET

PLAT TOTAL

LOTS	377,533 S.F.	8.67 ACRES
STREET	27,236 S.F.	0.63 ACRES
TOTAL	404,769 S.F.	9.29 ACRES

ACCESS NOTE:
THE ACCESS TO LOT 1, BLOCK 1 ALONG NORTH 26TH STREET SHALL BE APPROVED BY THE CITY ENGINEER.

BENCHMARK:

HYDRANT NO. 0625 AT
NW CORNER OF 26TH ST. & BOWEN AVE.
ELEV = 1668.44 (NGVD 29)

DESCRIPTION

TRACT 335, LOTS 1 AND 2, BLOCK 1, SLOVEN SECOND SUBDIVISION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE EAST HALF OF TWENTY-SIXTH STREET PART OF THE SW1/4 OF SECTION 2, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2;
THENCE NORTH 00 DEGREES 44 MINUTES 55 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 89.50 FEET, TO A POINT ON A 5654.65 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 30 DEGREES 37 MINUTES 42 SECONDS WEST, SAID POINT ALSO LYING ON A 75.00 FOOT OFFSET OF THE CENTERLINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY MAINLINE; THENCE SOUTHEASTERLY AND TO THE RIGHT ON SAID CURVE AND OFFSET, AN ARC LENGTH OF 168.00 FEET; THENCE SOUTHEASTERLY ON A 75.00 FOOT OFFSET TO A SPIRAL CURVE, THE CHORD OF WHICH BEARS SOUTH 57 DEGREES33 MINUTES 42 SECONDS EAST, A DISTANCE OF 22.01 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 39 SECONDS EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 55 DEGREES 31 MINUTES 17 SECONDS EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, A DISTANCE OF 1128.29 FEET; THENCE SOUTH 34 DEGREES 28 MINUTES 43 SECONDS WEST, A DISTANCE OF 150.18 FEET; TO A POINT ON THE NORTHEAST LINE OF SLOVEN SECOND SUBDIVISION; THENCE NORTH 55 DEGREES 31 MINUTES 17 SECONDS WEST, ALONG THE NORTHEAST LINE OF SLOVEN SECOND SUBDIVISION, A DISTANCE OF 785.12 FEET; THENCE SOUTH 77 DEGREES 44 MINUTES 32 SECONDS WEST, ALONG THE NORTHWEST LINE OF SLOVEN SECOND SUBDIVISION, A DISTANCE OF 639.77 FEET TO THE WEST LINE OF SAID SECTION 2; THENCE NORTH 00 DEGREES 44 MINUTES 31 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 607.76 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 404,769 S.F. OR 9.29 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 20___ IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND ORDINANCES OF THE CITY OF BISMARCK.

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

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON 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 AND REDEDICATION 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 _____, 20___.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT THIS _____ DAY OF _____, 20___.

_____
GABRIEL J. SCHELL
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, CLEARY JOHS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ DAY OF _____, 20___, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL REQUIRED MONUMENTS HAVE BEEN SET.

_____
CLEARY JOHS
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5288
221 N. 5TH ST. BISMARCK, ND 58501

OWNER'S CERTIFICATE & DEDICATION

WE, THE CITY OF BISMARCK, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED BASIN ELECTRIC FOURTH ADDITION, AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY 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 FOR PUBLIC USE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORM WATER & 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 DEDICATE ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

ATTEST: _____
KEITH J. HUNKE, CITY ADMINISTRATOR
OWNER LOT 1, BLOCK 1

_____
STEVE BAKKEN, PRESIDENT BISMARCK CITY COMMISSION
OWNER LOT 1, BLOCK 1

ON THIS _____ DAY OF _____ 2021, BEFORE ME PERSONALLY APPEARED KEITH J. HUNKE AND STEVE BAKKEN, OF THE CITY OF BISMARCK, ND, 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.

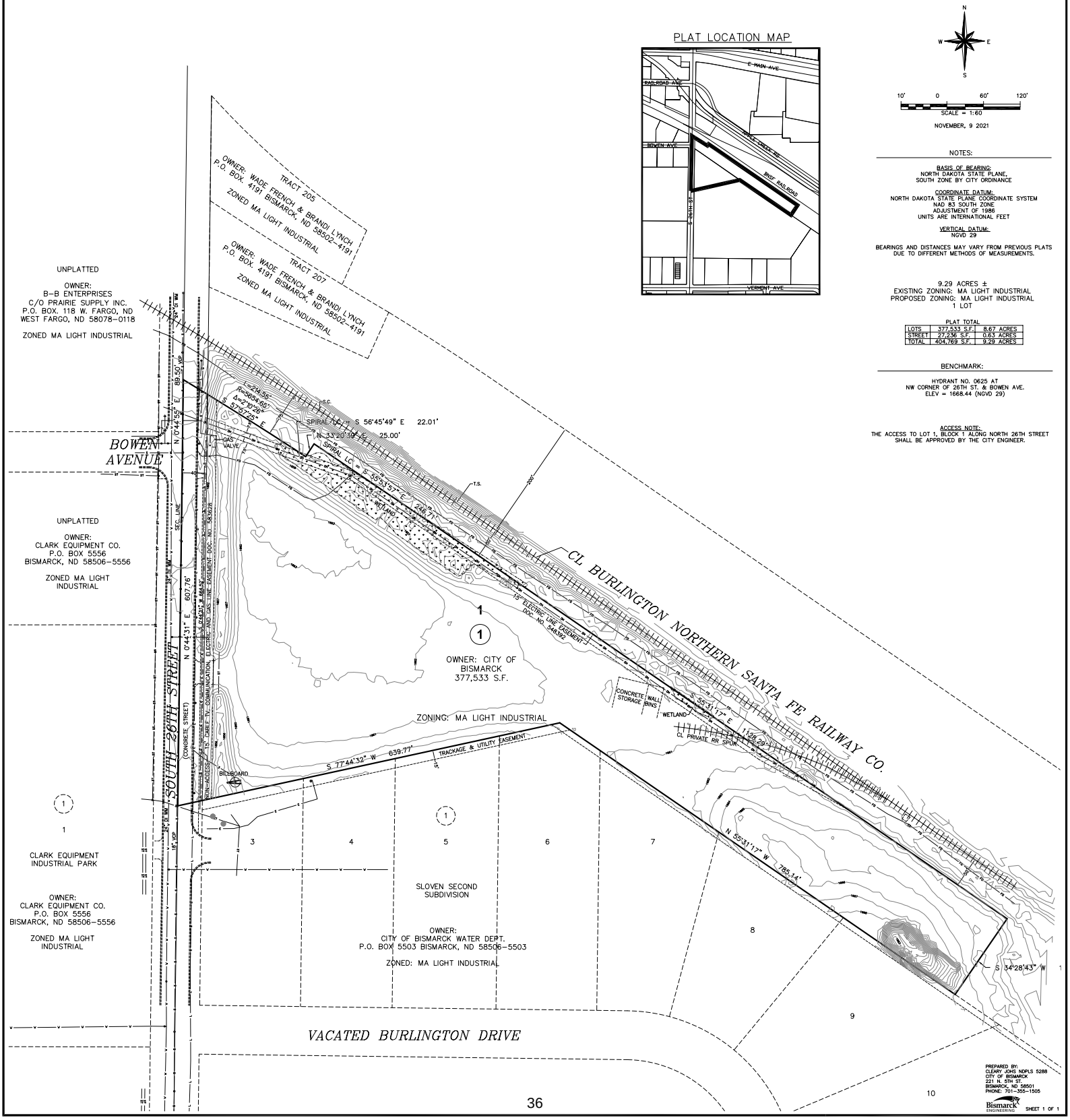
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

Bismarck ENGINEERING
221 N. 5TH ST.
BISMARCK, ND 58501
PHONE: 701-355-1505

SHEET 1 OF 1

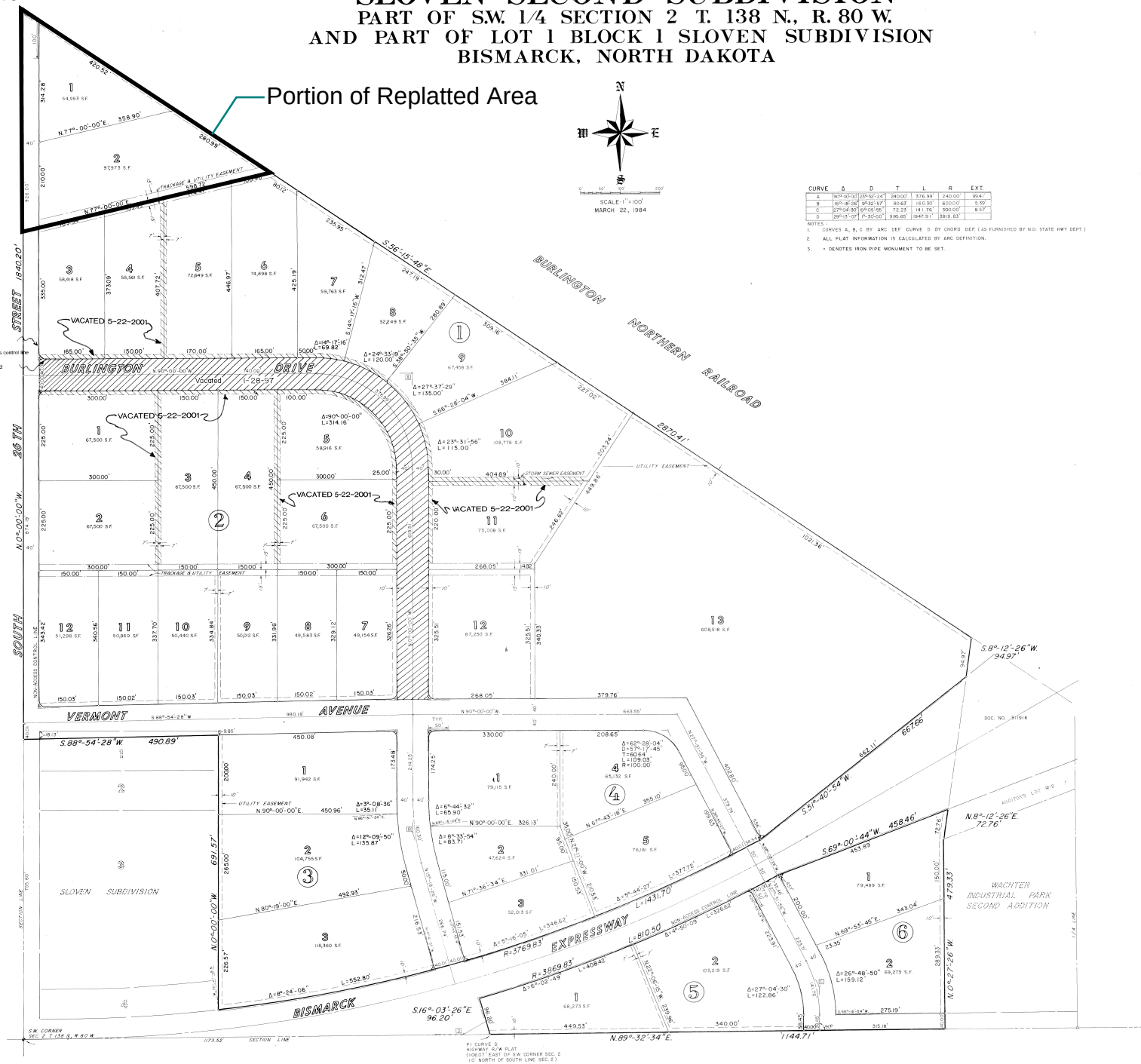
PRELIMINARY PLAT MUNICIPAL FIFTH ADDITION

TRACT 335, LOTS 1 AND 2, BLOCK 1, SLOVEN SECOND SUBDIVISION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE EAST HALF OF TWENTY-SIXTH STREET PART OF THE SW1/4 OF SECTION 2, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SLOVEN SECOND SUBDIVISION

PART OF S.W. 1/4 SECTION 2 T. 138 N., R. 80 W.
AND PART OF LOT 1 BLOCK 1 SLOVEN SUBDIVISION
BISMARCK, NORTH DAKOTA



82.31 ACRES
SLOVEN SECOND SUBDIVISION

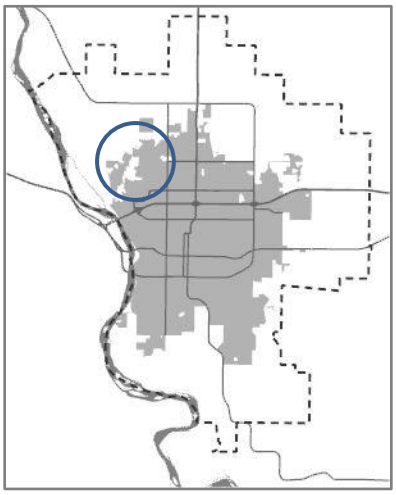
Agenda Item # 6
December 15, 2021

STAFF REPORT

Application for: **Minor Subdivision Final Plat** Project ID: **MPLT2021-011**

Project Summary

Title:	Horizon Condos Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	First Class Properties, LLC
Project Contact:	Thomas Klabunde, PE, Moore Engineering Inc.
Location:	In northwest Bismarck, west of North Washington Street and north of LaPaz Avenue (a replat of Lot 1, Block 3, BREI Estates First Addition Replat)
Project Size:	3.46 acres
Request:	Replat property for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	6 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Multi-family residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential	*Zoning:*	RM15 – Residential
Uses Allowed:	RM15 – Multi-family residential	*Uses Allowed:*	RM15 – Multi-family residential
Max Density:	RM15 – 15 units / acre	*Max Density:*	RM15 – 15 units / acre

Property History

Zoned:	02/2013	*Platted:*	02/2013	*Annexed:*	02/2013

Staff Analysis

First Class Properties, LLC is requesting approval of minor subdivision final plat for Horizon Condos Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and 10th, and 23 letters were

(continued)

mailed to the owners of nearby properties on December 3rd.

Adjacent uses include multi-family uses to the north across West LaSalle Drive, vacant multi-family zoned property to the east, across Durango Drive, two-family uses to the south, across La Paz Avenue and undeveloped agriculturally-zoned property to the west.

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. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; 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 minor subdivision final plat titled Horizon Condos Addition.

Attachments

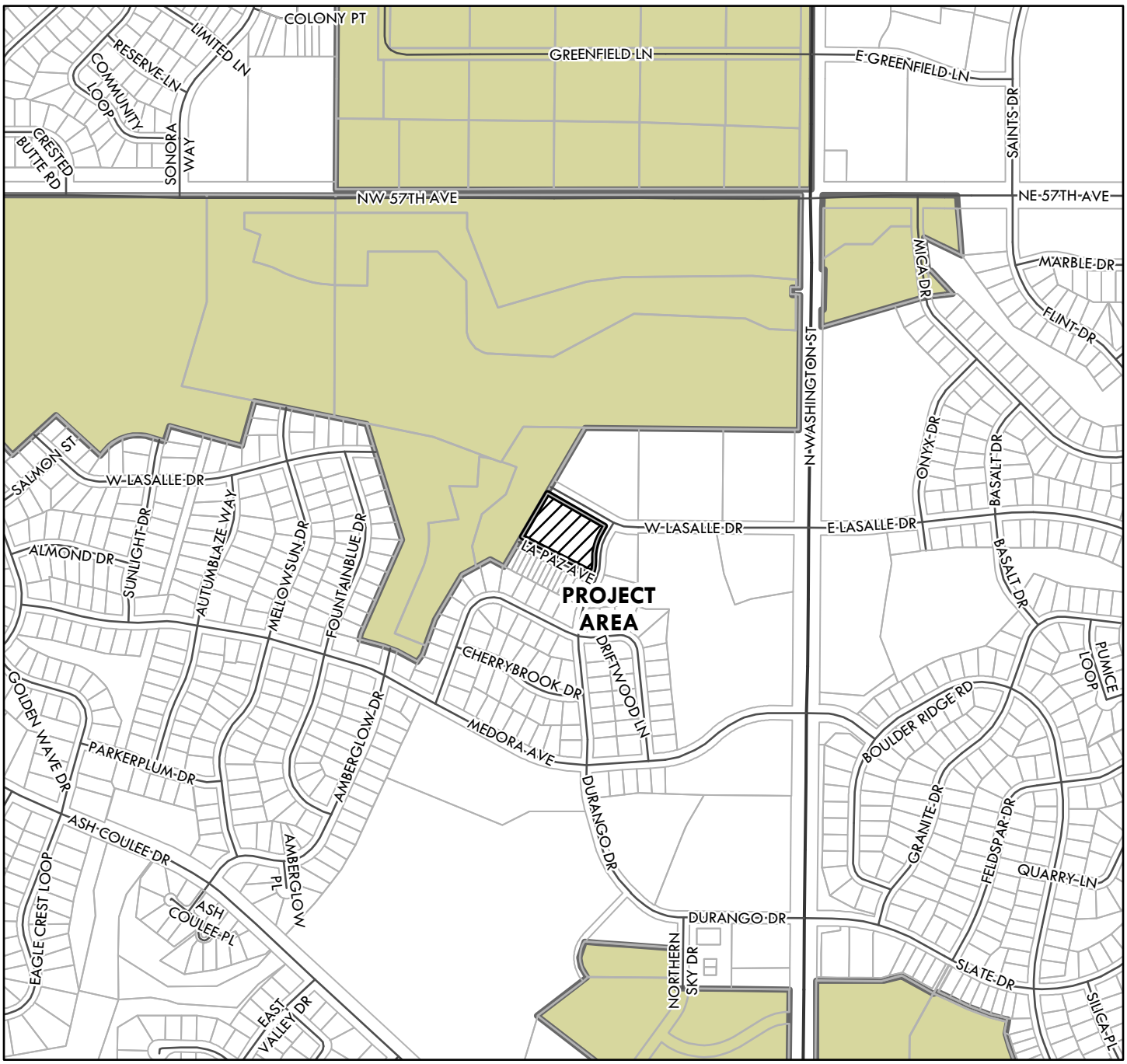
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat with Replatted Area Highlighted

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

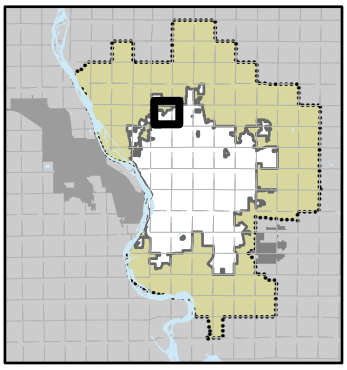
Location Map

HORIZON CONDOS ADDITION

MPLT2021-011



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

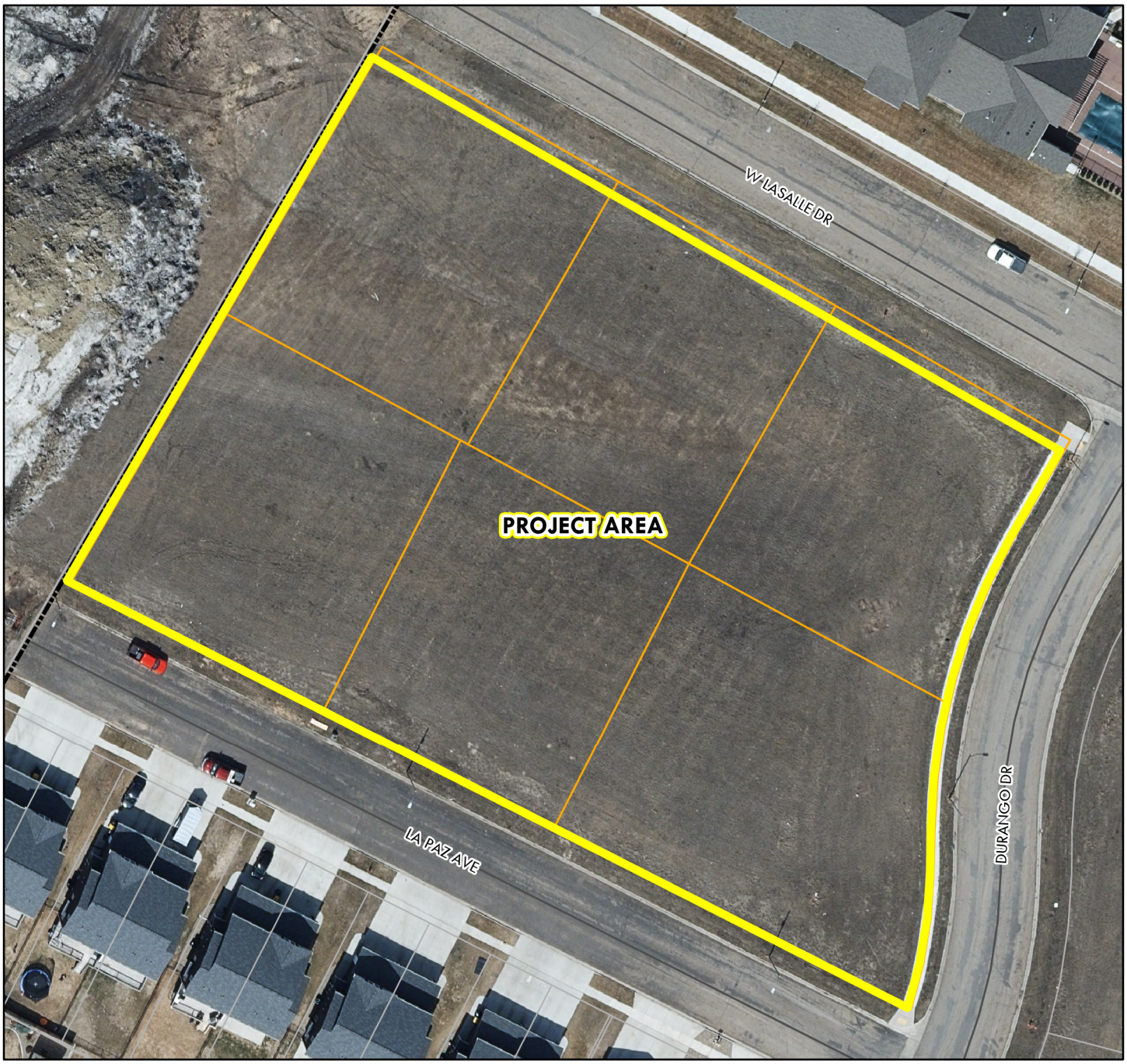
City of Bismarck
Community Development Department
Planning Division
September 24, 2021 (HLB)

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

HORIZON CONDOS ADDITION

MPLT2021-011
ZC2021-012



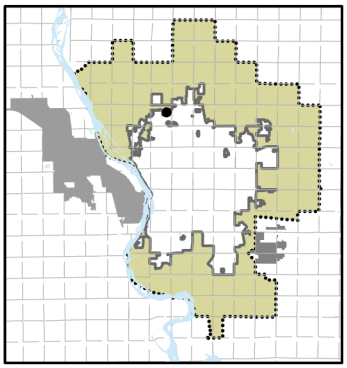
0 0.01 0.03 0.06 Miles

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
October 6, 2021

Zoning and Plan Reference Map

HORIZON CONDOS ADDITION

MPLT2021-011

Zoning Districts

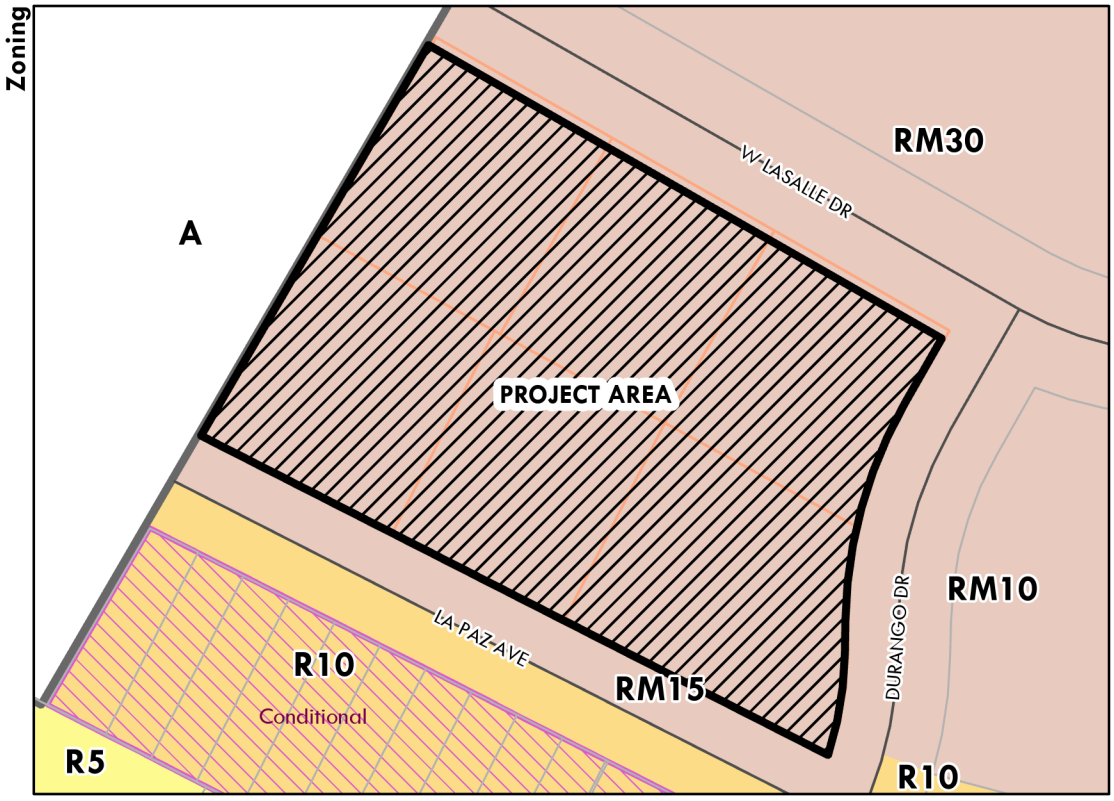
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

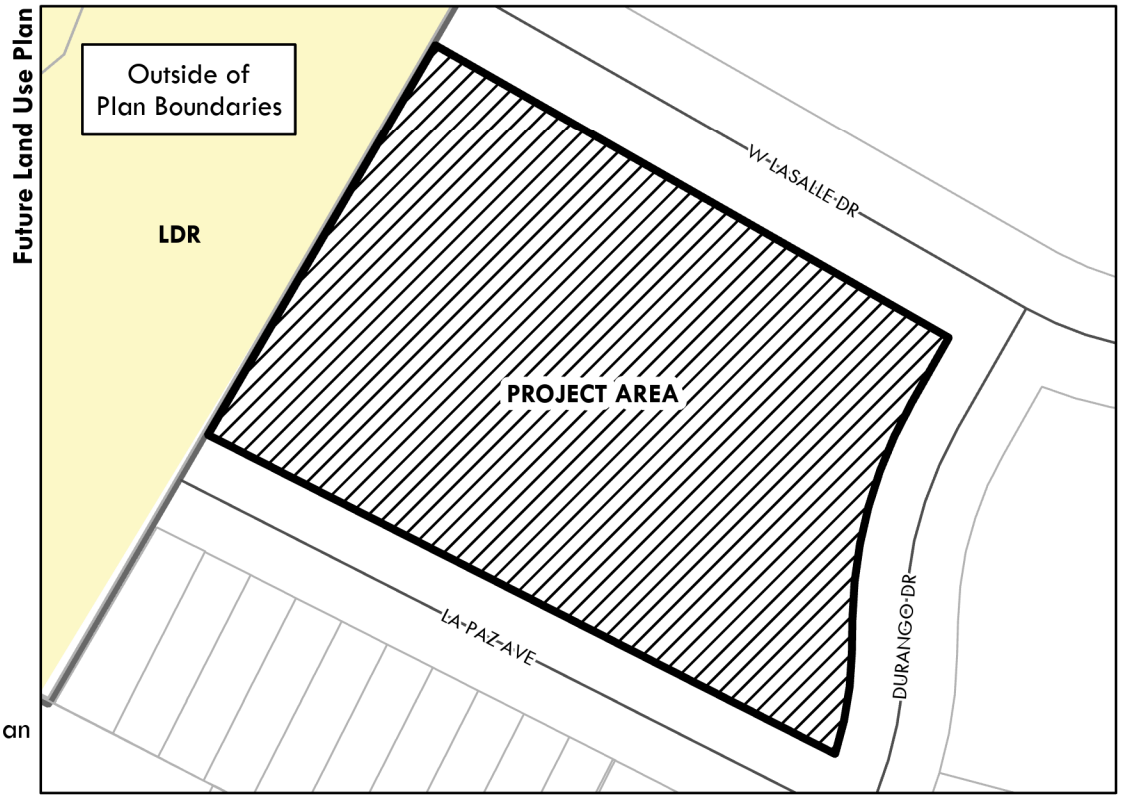
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.01 0.03 0.06 Miles

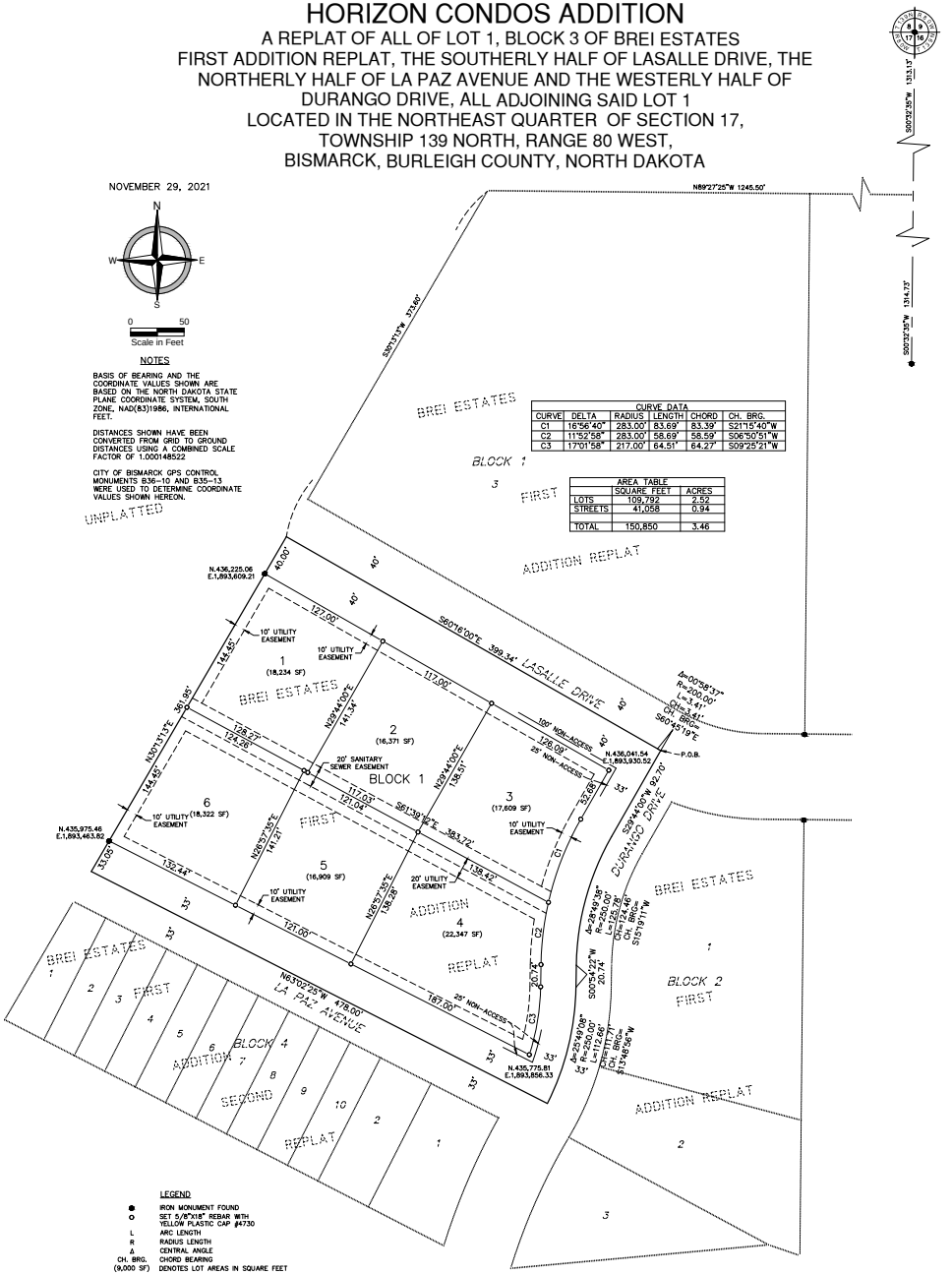
City of Bismarck
Community Development Dept.
Planning Division
October 6, 2021

PLAT OF

HORIZON CONDOS ADDITION

A REPLAT OF ALL OF LOT 1, BLOCK 3 OF BREI ESTATES
FIRST ADDITION REPLAT, THE SOUTHERLY HALF OF LASALLE DRIVE, THE
NORTHERLY HALF OF LA PAZ AVENUE AND THE WESTERLY HALF OF
DURANGO DRIVE, ALL ADJOINING SAID LOT 1
LOCATED IN THE NORTHEAST QUARTER OF SECTION 17,
TOWNSHIP 139 NORTH, RANGE 80 WEST,
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

NOVEMBER 29, 2021



DESCRIPTION

A REPLAT OF ALL OF LOT 1, BLOCK 3 OF BREI ESTATES FIRST ADDITION REPLAT, THE SOUTHERLY HALF OF LASALLE DRIVE, THE NORTHERLY HALF OF LA PAZ AVENUE AND THE WESTERLY HALF OF DURANGO DRIVE, ALL ADJOINING SAID LOT 1, LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF SAID LASALLE DRIVE AND DURANGO DRIVE; THENCE SOUTH 29 DEGREES 44 MINUTES 00 SECONDS WEST ON THE CENTERLINE OF SAID DURANGO DRIVE FOR A DISTANCE OF 92.70 FEET; THENCE SOUTHERLY ON SAID CENTERLINE 125.78 FEET ON THE ARC OF A CURVE CONCAVE TO THE EAST, SAID CURVE HAVING A CENTRAL ANGLE OF 28 DEGREES 49 MINUTES 38 SECONDS, A RADIUS OF 250.00 FEET AND A CHORD LENGTH OF 124.46 FEET WHICH BEARS SOUTH 15 DEGREES 19 MINUTES 11 SECONDS WEST; THENCE SOUTH 00 DEGREES 54 MINUTES 22 SECONDS WEST ON SAID CENTERLINE FOR A DISTANCE OF 20.74 FEET; THENCE SOUTHERLY ON SAID CENTERLINE 112.66 FEET ON THE ARC OF A CURVE CONCAVE TO THE WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 25 DEGREES 49 MINUTES 08 SECONDS, A RADIUS OF 250.00 FEET AND A CHORD LENGTH OF 111.71 FEET WHICH BEARS SOUTH 13 DEGREES 48 MINUTES 56 SECONDS WEST TO THE CENTERLINE OF SAID LA PAZ AVENUE; THENCE NORTH 63 DEGREES 02 MINUTES 25 SECONDS WEST ON SAID CENTERLINE FOR A DISTANCE OF 478.00 FEET TO THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 30 DEGREES 13 MINUTES 13 SECONDS EAST ON SAID WESTERLY LINE AND THE SOUTHERLY AND NORTHERLY EXTENSION THEREOF FOR A DISTANCE OF 361.95 FEET TO THE CENTERLINE OF SAID LASALLE DRIVE; THENCE SOUTH 60 DEGREES 16 MINUTES 00 SECONDS EAST ON SAID CENTERLINE FOR A DISTANCE OF 399.34 FEET; THENCE SOUTHEASTERLY ON SAID CENTERLINE 3.41 ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE 00 DEGREES 58 MINUTES 37 SECONDS, A RADIUS OF 200.00 FEET AND A CHORD LENGTH OF 3.41 WHICH BEARS SOUTH 60 DEGREES 45 MINUTES 19 SECONDS EAST TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 150,850 SQUARE FEET OR 3.46 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR'S CERTIFICATE

I, JAMES ALBER, HEREBY CERTIFY THAT 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 BETWEEN AUGUST 12, 2021 AND AUGUST 16, 2021 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 THE SURVEY TO BE RETRACED.

JAMES ALBER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4730

DATE

REGISTERED LAND SURVEYOR
JAMES ALBER
LS--4730
DATE
NORTH DAKOTA

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF THE LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK NORTH DAKOTA, ON THE _____ DAY OF _____, 20___, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR

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 THE 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 REDEDICATION 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 _____, 20 __.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HORIZON CONDOS ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THIS PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

WE, FIRST CLASS PROPERTIES, LLC, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTIONS OF THIS PLAT TITLED HORIZON CONDOS ADDITION, AND REDEDICATE 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 "SANITARY SEWER EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF SEWAGE UNDER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

PATRICK KOSKI
PRESIDENT
FIRST CLASS PROPERTIES, LLC

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

BE IT KNOWN ON THIS _____ DAY OF _____, 20__, BEFORE ME PERSONALLY APPEARED PATRICK KOSKI, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THAT HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

PRELIMINARY

OWNER
FIRST CLASS PROPERTIES
PATRICK KOSKI
3612 HIGH CREEK ROAD
BISMARCK, ND 58503
701--471--1331

SURVEYOR
JIM ALBER
4503 COLEMAN STREET
BISMARCK, ND 58501
701--663--0718

SHEET 1 OF 1
PROJ. NO. 21807

BREI ESTATES FIRST ADDITION REPLAT

ALL OF BREI ESTATES FIRST ADDITION, PART OF THE NORTHEAST 1/4, SECTION 17, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY

NORTH DAKOTA

CURVE DATA

CURVE	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
C1	29°11'47"	52.09'	200.00'	101.91'
C2	28°49'38"	64.25'	250.00'	125.78'
C3	29°48'25"	66.54'	250.00'	130.06'
C4	13°56'54"	73.40'	600.00'	146.07'

AREA DATA

LOTS	856,782 S.F.	19.67 ACRES
STREET	141,778 S.F.	3.25 ACRES
TOTAL	998,560 S.F.	22.92 ACRES

NOTES

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

BENCHMARK:
HYDRANT #2582 BOULDER RIDGE ROAD BETWEEN FELDSPAR DRIVE AND GRANITE DRIVE
ELEV = 1878.74 (NGVD 29)

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 1929

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

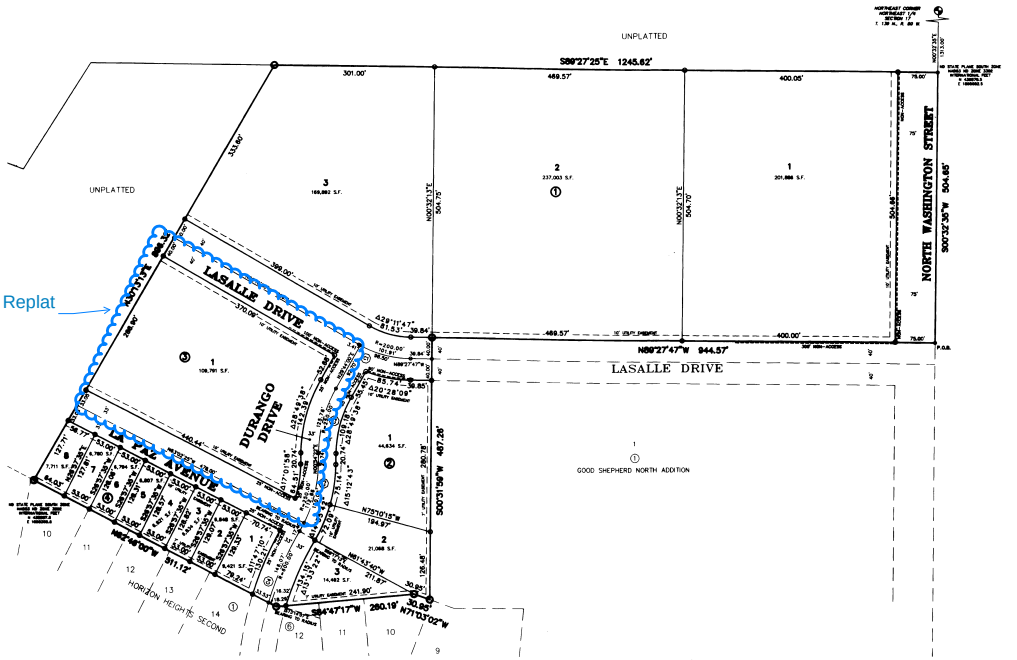
LOTS 1-8 BLOCK 4 ARE TWIN HOME LOTS
EACH LOT ALLOWS 1 UNIT OF AN ATTACHED TWIN HOME

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

N
W E
S

0 50' 100' 150'
SCALE: 1"=100'

NOVEMBER 25, 2013
DATUM: NGVD 1929



DESCRIPTION

ALL OF BREI ESTATES FIRST ADDITION, PART OF THE NORTHEAST 1/4, SECTION 17, T. 139 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOOD SHEPHERD NORTH ADDITION; THENCE NORTH 89 DEGREES 27 MINUTES 47 SECONDS WEST, ALONG THE NORTH LINE OF SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 944.57 FEET, TO THE WEST LINE OF SAID GOOD SHEPHERD NORTH ADDITION; THENCE SOUTH 00 DEGREES 31 MINUTES 56 SECONDS WEST, ALONG SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 487.26 FEET, TO THE NORTHERLY LINE OF HORIZON HEIGHTS SECOND ADDITION; THENCE NORTH 71 DEGREES 03 MINUTES 02 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 30.95 FEET; THENCE SOUTH 84 DEGREES 47 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 280.19 FEET; THENCE NORTH 62 DEGREES 46 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 911.12 FEET; THENCE NORTH 30 DEGREES 13 MINUTES 13 SECONDS EAST, A DISTANCE OF 898.32 FEET, TO THE WESTERLY EXTENSION OF THE NORTH LINE OF AUDITOR'S LOT E-1 ; THENCE SOUTH 89 DEGREES 27 MINUTES 25 SECONDS EAST, ALONG SAID EXTENSION AND THE NORTH LINE OF AUDITOR'S LOT E-1, A DISTANCE OF 1245.62 FEET, TO THE EAST LINE OF SAID NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 504.65 FEET, TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 22.92 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, 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 FEBRUARY 8, 2013, 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.

11-25-13

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

MATTHEW M. STERN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8299

ON THIS 26th DAY OF November 2013, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, 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

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BREI ESTATES LLP OF BISMARCK, NORTH DAKOTA BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BREI ESTATES FIRST ADDITION REPLAT", BISMARCK, NORTH DAKOTA

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.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

SHANNON L. BAKKE, GENERAL PARTNER
BREI ESTATES LLP
1850 BONN BOULEVARD
BISMARCK, N.D. 58502

ON THIS 25th DAY OF November 2013, BEFORE ME PERSONALLY APPEARED SHANNON L. BAKKE OF BREI ESTATES LLP 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.

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

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 10th DAY OF December 2013, 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 September 2013.

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 "BREI ESTATES FIRST ADDITION REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
Phone (701) 223 - 3000
Fax (701) 223 - 3001
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

Bismarck COMMUNITY DEVELOPMENT

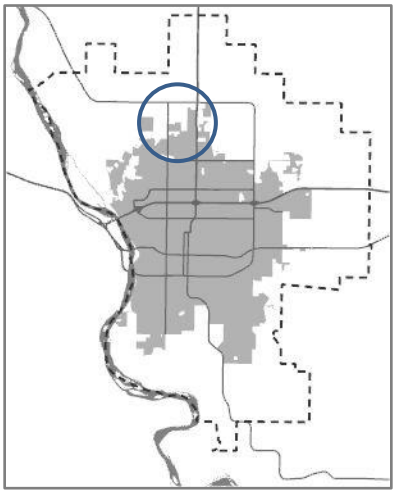
STAFF REPORT

Agenda Item # 7
December 15, 2021

Application for: **Rural Residential Lot Split** Project ID: **RRLS2021-001**

Project Summary

Title:	Lot 1, Block 4, Second Addition to Breen's Sub-Division
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	John Glaser
Project Contact:	John Glaser
Location:	In north of Bismarck, west of US Highway 83 and north of ND Highway 1804 in the northwest quadrant of the intersection of 79th Avenue NE and 7th Street NE (6007 79th Avenue NE)
Project Size:	3.24 acres
Request:	Split lot for future rural residential development of one single-family dwelling



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	2 parcels in 1 block
Land Use:	Single-family residential	*Land Use:*	Single-family residential
Future Land Use:	Medium Density Residential/Mixed Use	*Future Land Use:*	Medium Density Residential/Mixed Use
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR5 – RR – Large lot single-family residential and limited agriculture
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

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

Staff Analysis

(continued)

John Glaser is requesting approval of a rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and 10th, and 54 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include undeveloped rural residential zoned property to the north, single-family rural residential to the east across 7th Street NE, to the south across 79th Avenue NE, and to the west.

The proposed lot split would create two parcels along a north-south axis. Both parcels would meet the minimum dimensional standards including minimum lot size for a parcel located within the RR – Residential zoning district. The western parcel includes an existing single-family dwelling and would consists of 1.57 acres. The eastern parcel would consist of 1.59 acres and would allow for the construction of one rural residential single-family dwelling which would be accessed from 7th Street NW.

Future Land Use Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the area in the proposed lot split as Medium Density Residential / Mixed Use (MDR/MU) which, when municipal services are available and the property is annexed into corporate limits, would allow for a mix of residential and commercial uses. While the Future Land Use Plan does not identify this area as rural residential, staff is comfortable with the proposed lot split as the property is currently zoned RR – Rural Residential and resulting larger parcels could be redeveloped in the future to adhere to the future land uses identified in the 2014 Growth Management Plan, as amended.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a rural residential lot split have been met;
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located;
3. The Hay Creek Township Board of Supervisors has not yet made a recommendation for the proposed lot split;
4. The proposed lot split is compatible with adjacent land uses;
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities;
6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed lot split would not adversely affect the public health, safety and general welfare.
9. The proposed lot split is compatible with adjacent land uses;
10. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities;
11. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
12. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

13. The proposed lot split would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division as shown in the attached lot split exhibit.

Attachments

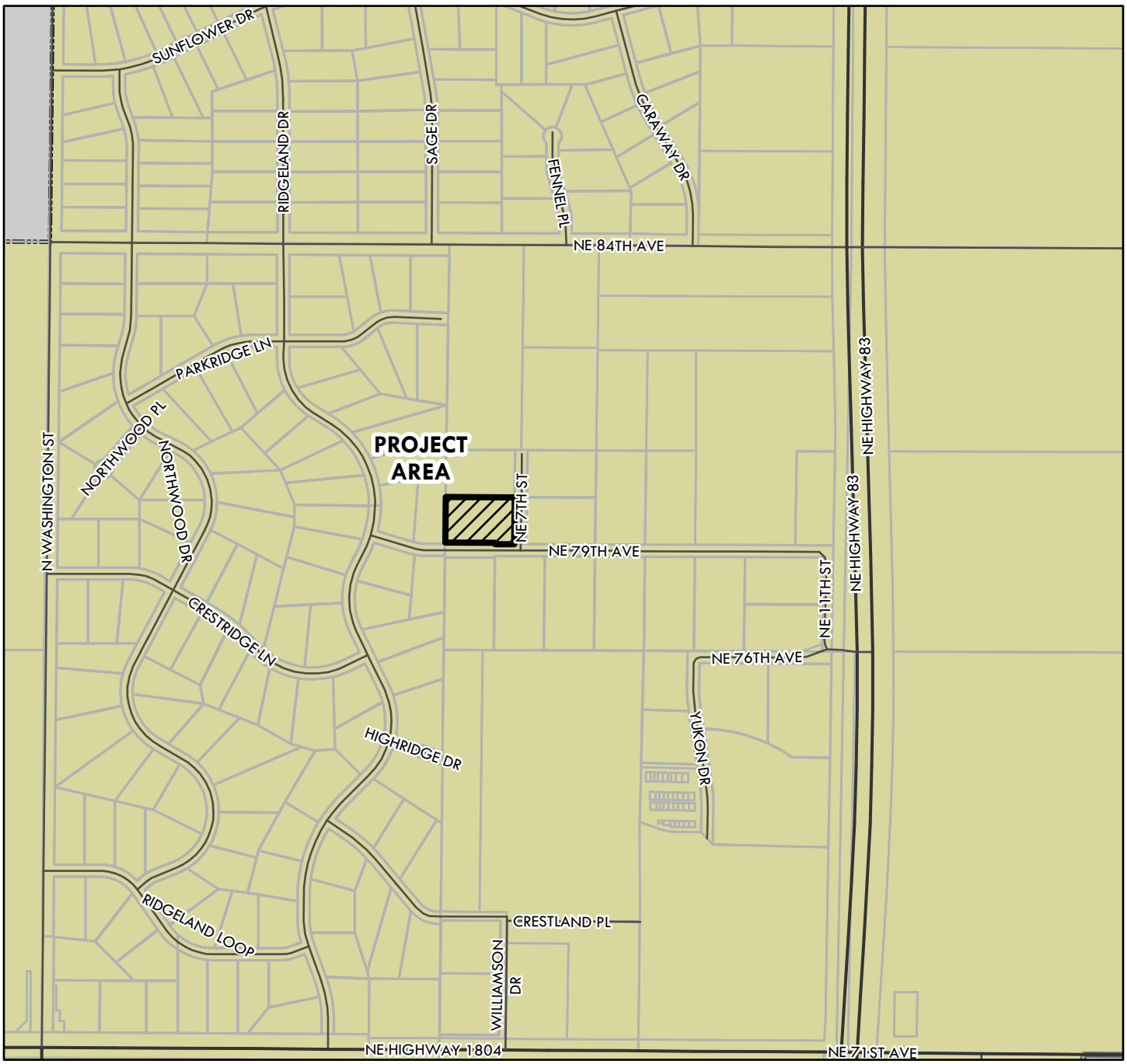
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Plan
4. Lot Split Exhibit

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

Location Map

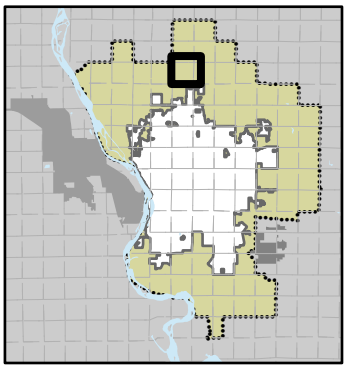
SECOND ADDITION TO BREEN'S SUB-DIVISION, LOT 1, BLOCK 4

RRLS2021-001



0 0.23 0.45 0.9 Miles

N



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

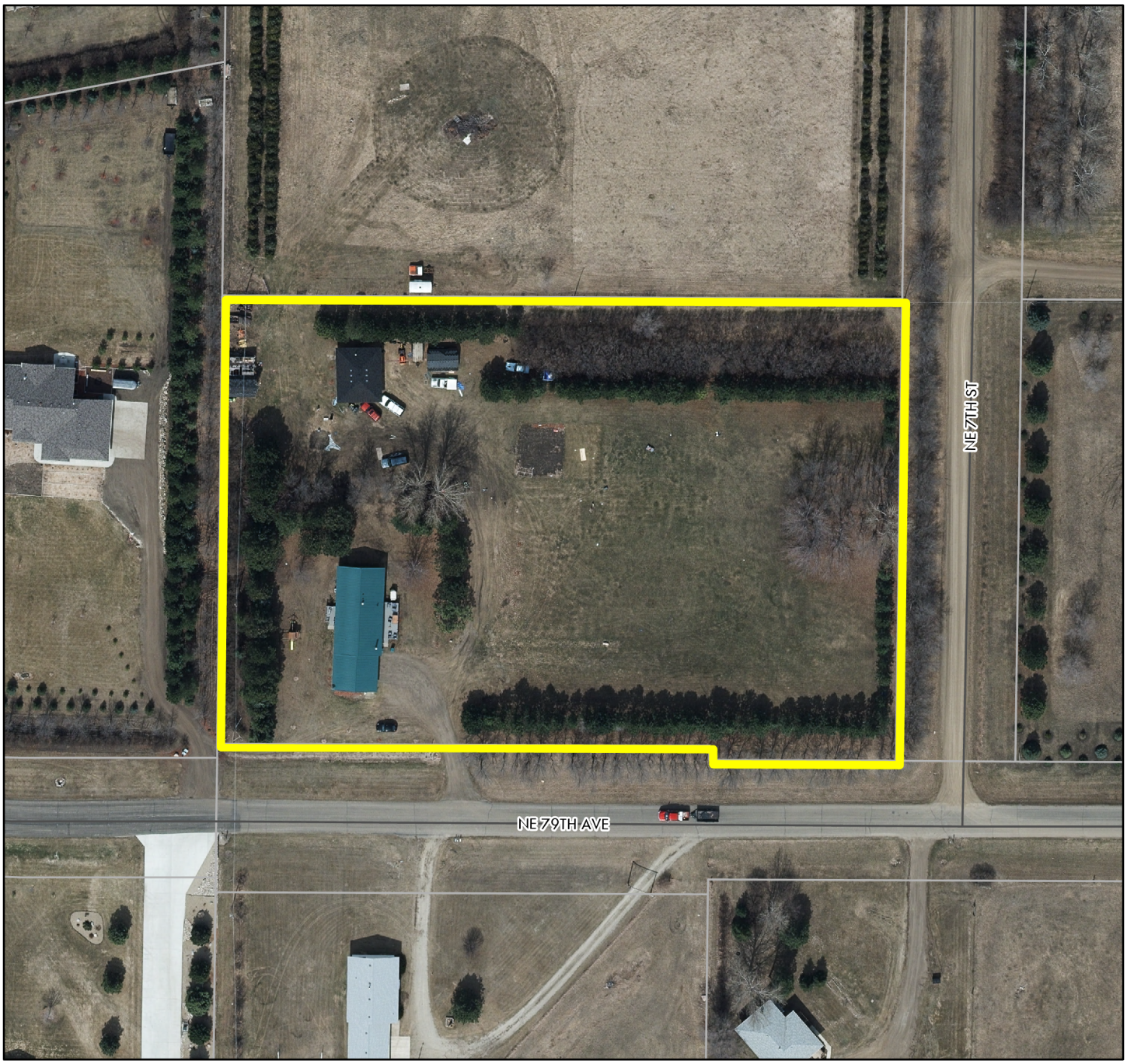
Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
November 18, 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

RRLS2021-001



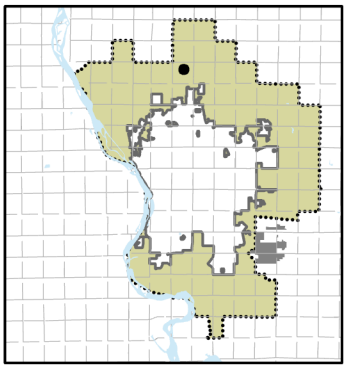
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
December 10, 2021

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Zoning and Plan Reference Map

SECOND ADDITION TO BREEN'S SUB-DIVISION, LOT 1, BLOCK 4

RRLS2021-001

Zoning Districts

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

Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road



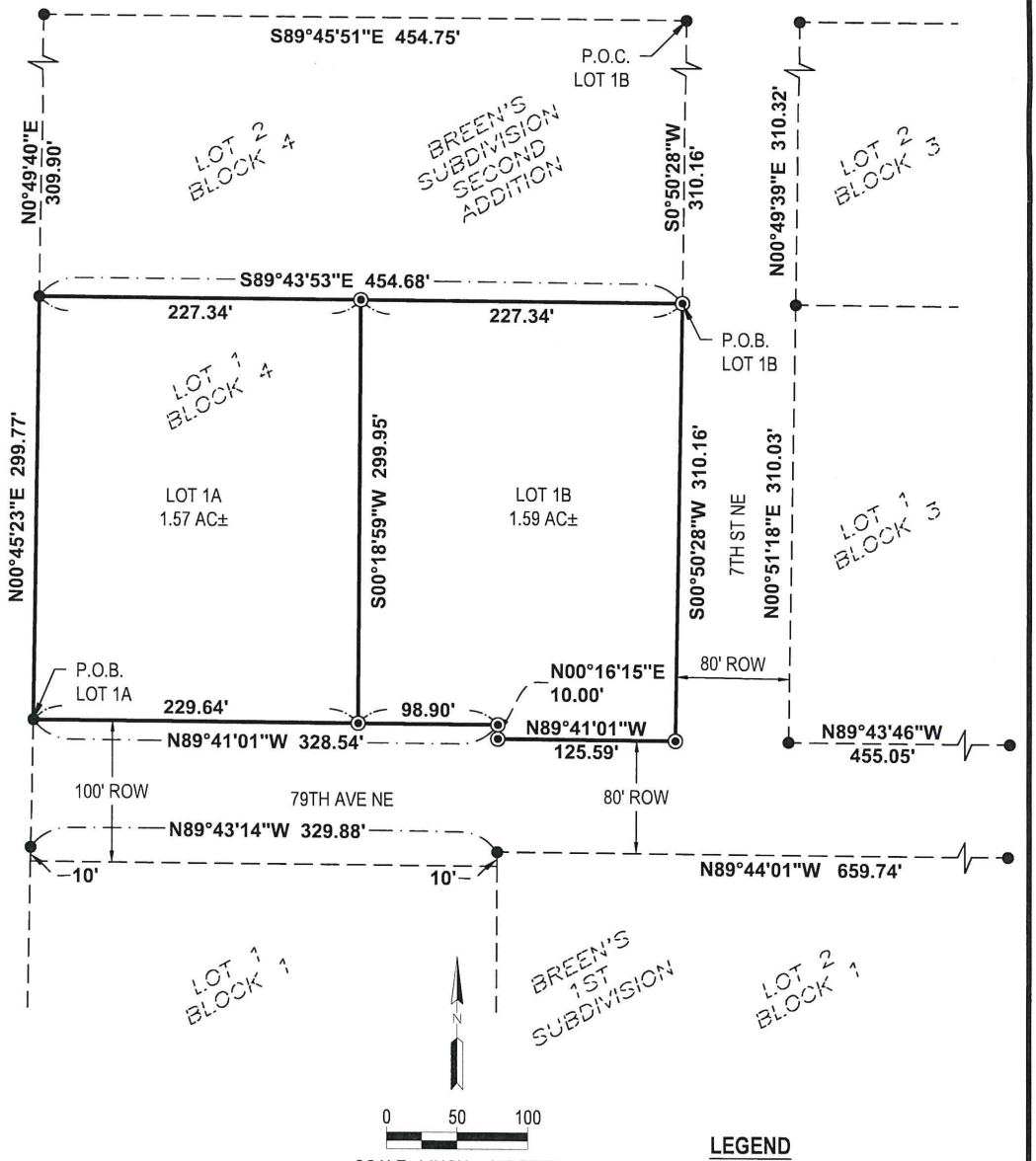
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.02 0.04 0.09 Miles

City of Bismarck
Community Development Dept.
Planning Division
December 10, 2021

PLAT OF IRREGULAR DESCRIPTION

LOT 1, BLOCK 4 OF BREEN'S SUBDIVISION
SECOND ADDITION
NE1/4 OF SECTION 4, T139N, R80W,
OF THE 5TH PRINCIPLE MERIDIAN,
BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1 INCH = 100 FEET
N.D. STATE PLANE, SOUTH ZONE
HORIZONTAL DATUM: NAD83
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

LEGEND

- ● FOUND IRON PIPE MONUMENT
- ◉ SET #5 REBAR W/ OPC "TARNOWSKI LS-27506"
- P.O.B. POINT OF BEGINNING
- ——— SUBJECT PROPERTY LINE
- — — — EXISTING PROPERTY LINE

REGISTERED PROFESSIONAL LAND SURVEYOR
MICHAEL J. TARNOWSKI
LS-27506
DATE 8/12/21
NORTH DAKOTA

PROJECT TITLE: PLAT OF IRREGULAR DESCRIPTION	MOUNTAIN PLAINS LLC 1300 TACOMA AVE BISMARCK, ND 58504 PHONE:(701) 557-3348 WWW.MTNPLAINS.COM
CLIENT NAME: JOHN GLASER	DRWN BY: ARH · CHKD BY: JME · APPD BY: MJT · DATE: 8/12/2021 · SCALE: 1" = 100' · PROJECT NO: 005183 · SHEET NO: 1 OF 4

Plot Date & Time: 12 August 2021 12:46 PM
C:\Users\JoymeEngen\Box\Survey\Active Jobs\John Glaser\005183_Breen's Subdivision Add L4 Blk1 Split\CAD\Plat of Irregular Description\John Glaser_Irregular Description.dwg

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

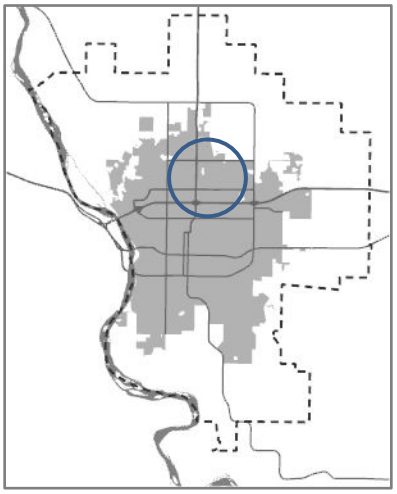
Agenda Item # 8
December 15, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-025**

Project Summary

Title:	Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Evangel Assembly of God
Project Contact:	Dan Sipes, Business Administrator, Evangel
Location:	in north-central Bismarck, east of US Highway 83/State Street and north of East Century Avenue east of the intersection of Harvest Lane and North 14th Street (3225 North 14th Street)
Project Size:	Within the existing building on a 21.7 acre parcel
Request:	Approval of a special use permit for a child care center



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Religious facility	*Land Use:*	Religious facility with a child care center
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	*Zoning:*	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density:	CA – 30 units / acre	*Max Density:*	RT – 30 units / acre

Property History

Zoned:	2019 (rezoned)	*Platted:*	1988 - Wachters North Addition 2004 - Pebble Creek 6th Addition	*Annexed:*	1993 – PC 6th Addition (part) 1992 – PC 6th Addition (part) Pre-1980 – Wachter's North Addition

(continued)

Staff Analysis

Evangel Assembly of God is requesting approval of a special use permit to allow a child care center within an existing religious facility on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th, and 44 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include a variety of commercial uses including hotels / motels, restaurants and multifamily dwellings to the north, south, east and west.

The property is zoned RT - Residential. A child care center may be permitted as a special use in the RT – Residential zoning district, provided certain criteria are met.

The following criteria from Section 14-03-08(3)(q) of the City Code of Ordinances (Special Uses/Child Care Center) apply:

1) *"Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation."*

   The applicant has indicated that at full capacity the child care center would provide child care services for up to 30 children ages 0-12 years of age within three different rooms. Based on a narrative and building exhibit provided with the application, staff have verified that this requirement could be met.

2) *"Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines."*

   The applicant has proposed an outdoor recreation space on the north side of the building. The proposed size and screening requirements would meet this ordinance provision. However, due to winter weather, the applicant is requesting that this requirement be delayed until July 30, 2022. Staff is supportive of this delay request as a condition of approval.

3) *"Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children."*

   The applicant has indicated that the parking lot on the north side of their building will be used for child care center parking. This parking lot area contains 161 spaces. The maximum number of staff for both the proposed child care center and the other simultaneous church functions is 40 and for the other 30 proposed children to be provided child care; a total of 43 parking spaces would be required. The church does not have other functions that would conflict with the proposed hours of operation of the child care center or create parking demands in excess of the number of parking spaces that are available on site.

4) *"Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services."*

(continued)

The City Building Official and Fire Marshall have noted concerns with the proposed child care center's ability to meet Building Code and International Fire Code requirements. Additional improvements maybe necessary to ensure these requirements will be met. Staff is recommending continuing the public hearing for this request to provide the applicant more time determine a solution that will meet these requirements.

5) *"Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health."*

The applicant has provided written verification that they intend to meet these requirements.

Required Findings of Fact (relating to land use)

1. The proposed special use does not currently comply with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, specifically building and fire code requirements;
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 continuing the public hearing for the special use permit to allow an child care center on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition,

Attachments

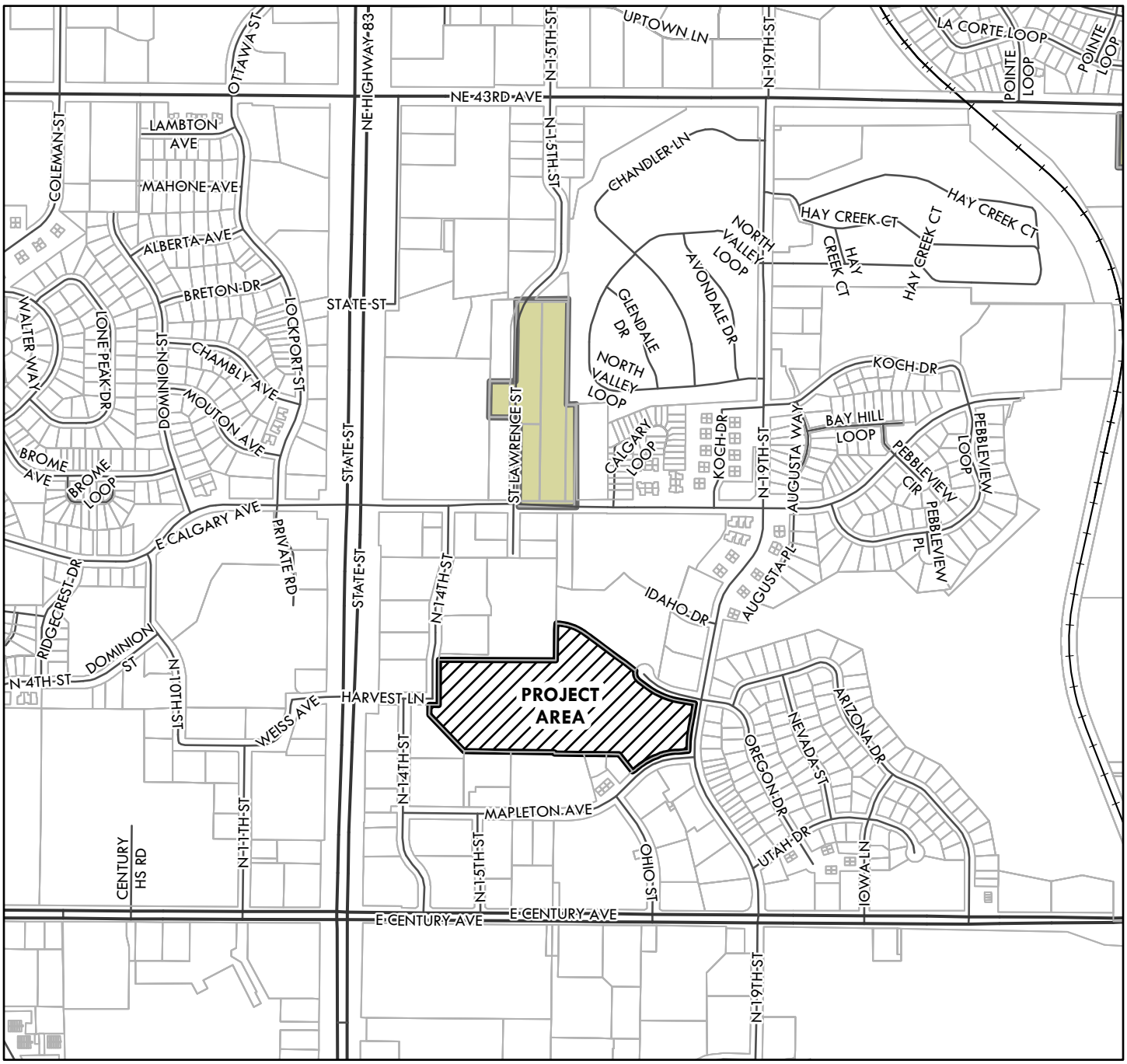
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

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

Location Map

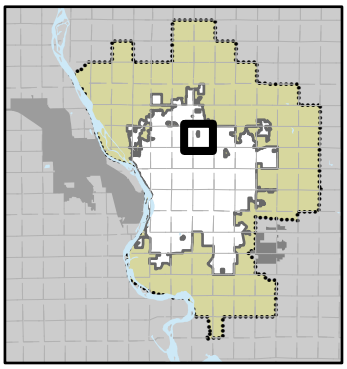
WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025



0 0.2 0.4 0.8 Miles





City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
November 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

WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025

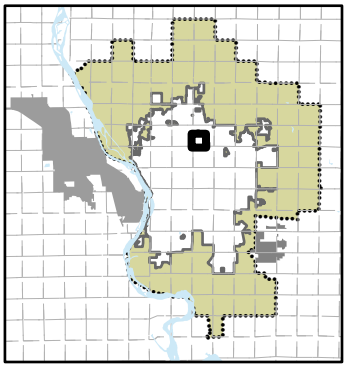


0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Finance Department
IT/GIS Division
December 7, 2021

Zoning and Plan Reference Map

WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025

Zoning Districts

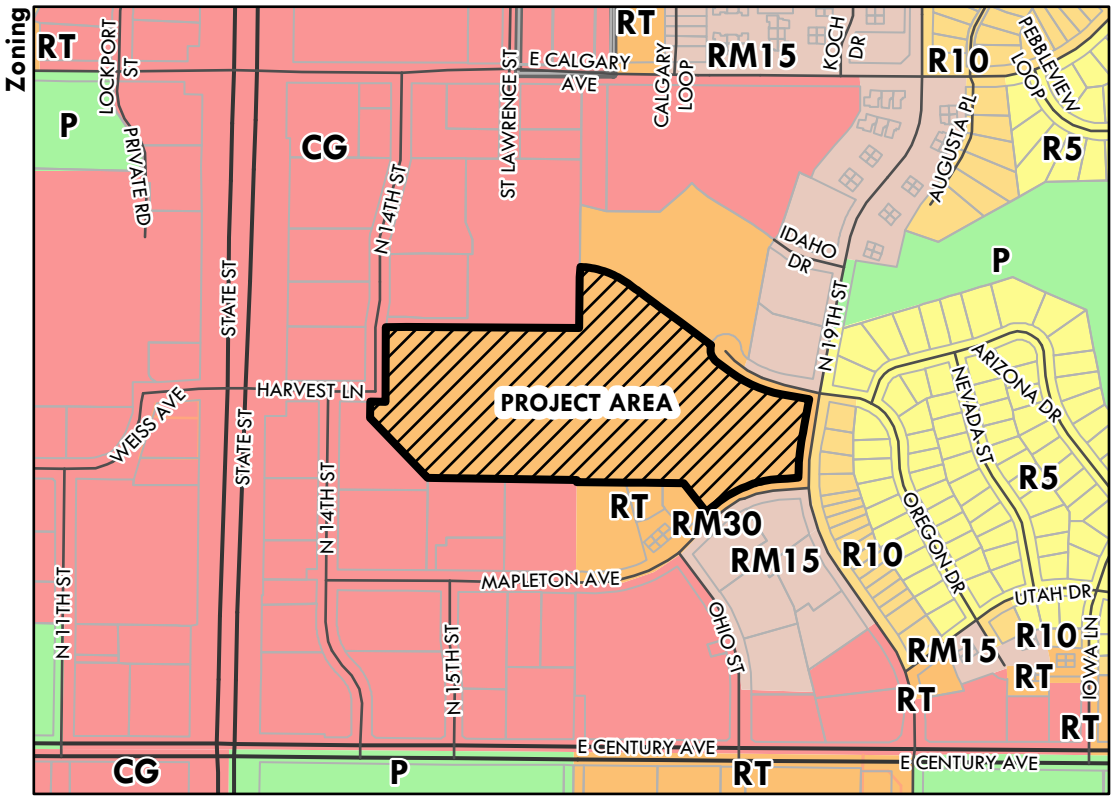
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

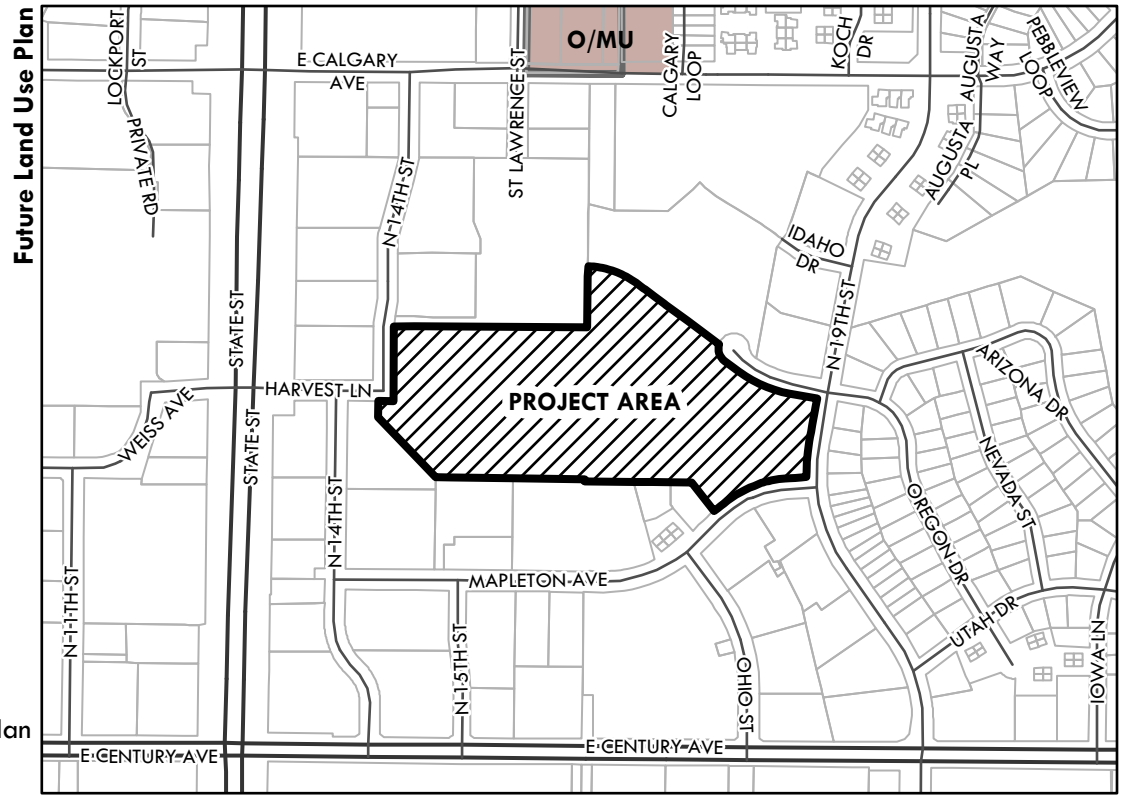
Future Land Use Plan

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 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
December 7, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

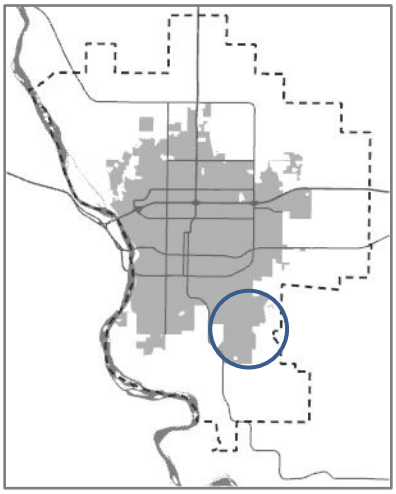
Agenda Item # 9
December 15, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-026**

Project Summary

Title:	Lots 15, 16 & 23, Block 1, Northern Plains Commerce Centre Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Braly Properties and Robert and Mary Braly
Project Contact:	Justin Glasser, Tubular Transport & Logistics
Location:	In southeast Bismarck, south of Morrison Avenue along the east side of Northern Plains Drive (1901 Northern Plain Drive)
Project Size:	34.6 acres
Request:	Approval of a special use permit to allow a diesel fuel transloading facility



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 lots in 1 block	*Number of Lots:*	3 lots in 1 block
Land Use:	Freight transloading facility	*Land Use:*	Freight transloading facility and Diesel transloading facility
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	11/2021	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Tubular Transport & Logistics, Braly Properties and Robert and Mary Braly are requesting approval of a special use permit to allow the bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th, and 8 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include light industrial uses to the north, east, south, west.

The property is zoned MA – Industrial. The storage of flammable, combustible or hazardous materials may be permitted as a special use in the MA – Industrial zoning district provided certain criteria are met.

As currently proposed, the facility would operate as a transloading facility and storage of flammable, combustible or hazardous materials (diesel) would be done within rail car tankers until transferred to a tanker truck for distribution.

The following criteria from Section 14-03-08(3)(0) of the City Code of Ordinances (Special Uses/Child Care Center) apply:

1) *"Meet all requirements of the city's fire code;*

   The City Fire Marshall has reviewed the proposed facility and has noted that since the proposed operation consists of temporary and not long-term storage, all requirements will be met. However, if the use ever expands to provide long-term storage, additional requirements, including approval of a site plan for the holding tanks will be required.

2) *"Shall not be adjacent to waterways or drainage ways."*

   The proposed project is not located adjacent to waterways or drainage areas.

3) *"Copies of appropriate certificates of siting from the Environmental Protection Agency shall be furnished by the applicant"*

   The applicant has noted that at this time there will not be bulk physical storage on site at this time and as such this requirement is not applicable. If that eventually becomes the case, the applicant will work with a consultant to assist in meeting all environmental requirements.

4) *"Shall be located at least four hundred (400) feet from any residential area."*

   Based on staff analysis, this requirement would be met.

5) *"Shall be located within eight hundred (800) feet of a dependable water supply for fire suppression purposes."*

   Based on staff analysis, this requirement would be met.

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;

(continued)

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition with the following conditions:

1. The proposed facility must continue to meet all requirements.
2. If the facility becomes permanent, notification to the City is required as well as approval of a site plan for any associated improvements is required.

Attachments

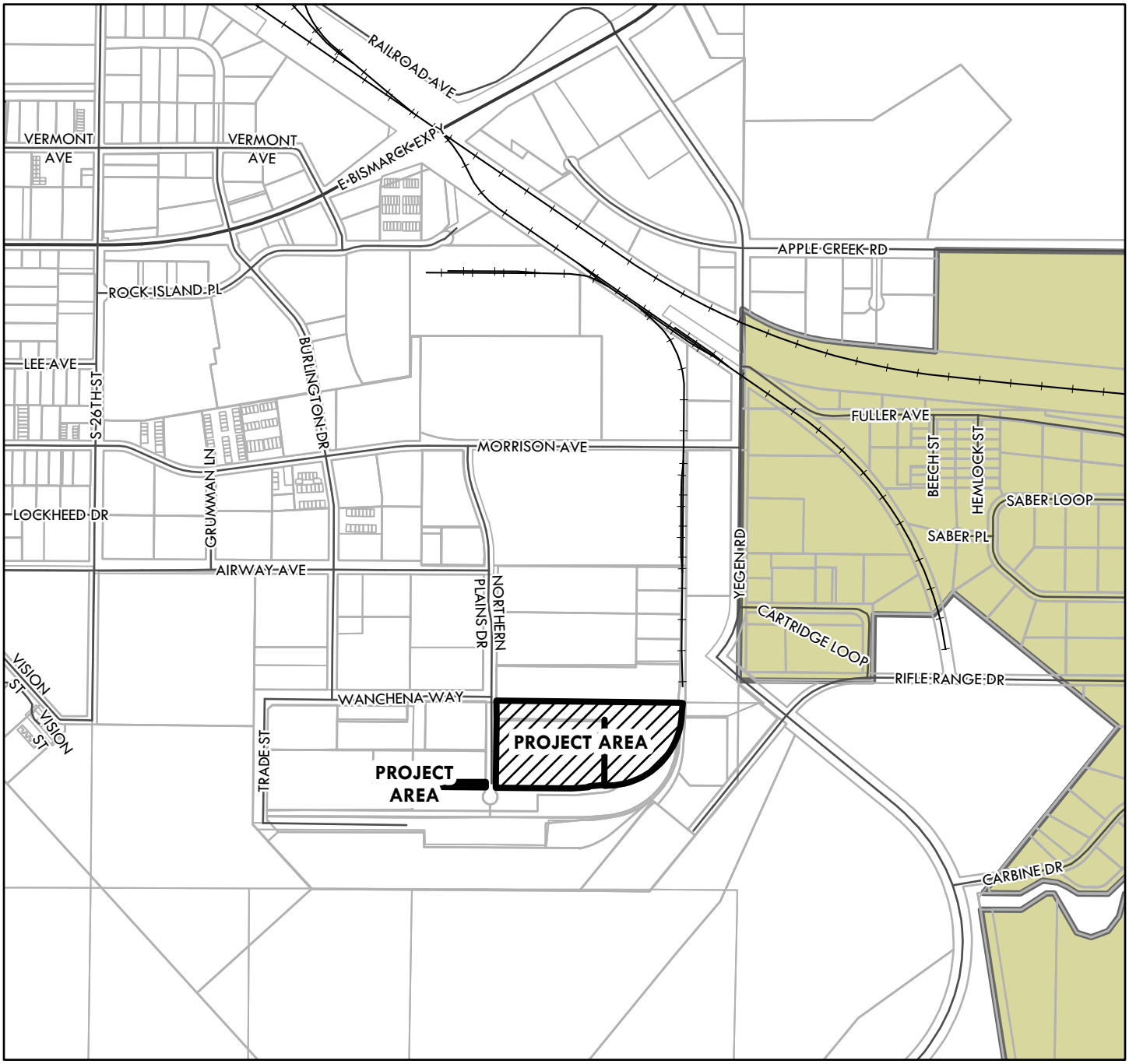
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit

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

Location Map

SUP2021-026

NORTHERN PLAINS COMMERCE CENTRE 2ND ADDITION, L15-16 & 23,B1



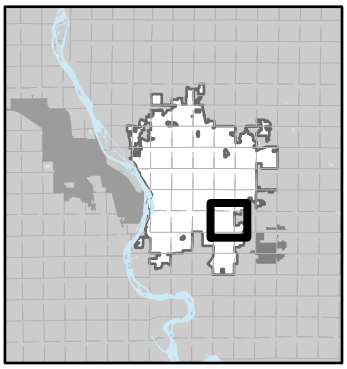
0 0.28 0.55 1.1 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



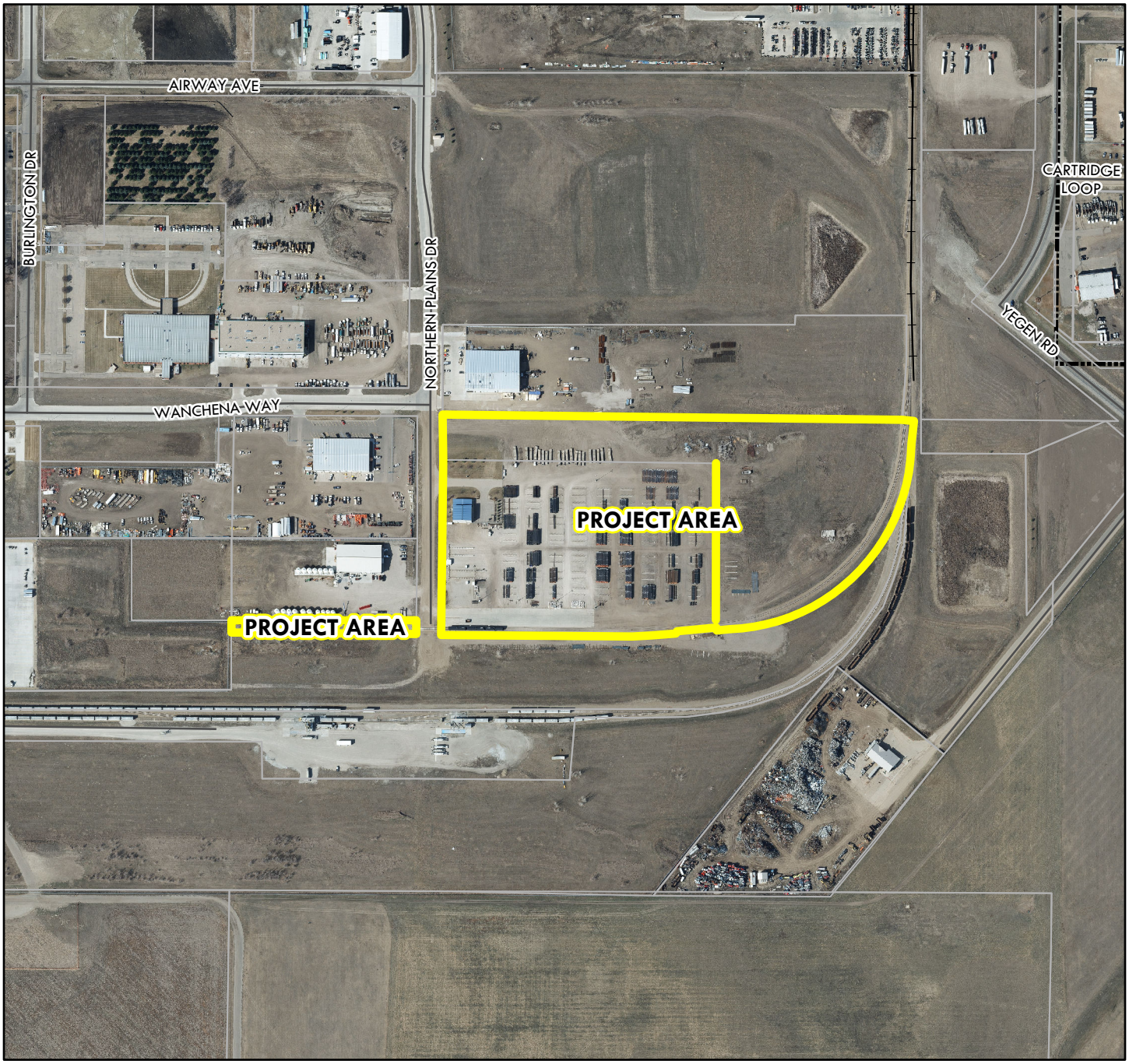
City of Bismarck
Community Development Department
Planning Division
November 30, 2021 (HLB)

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

NORTHERN PLAINS COMMERCE CENTRE 2ND ADDITION, L15-16 & 23,B1

SUP2021-026

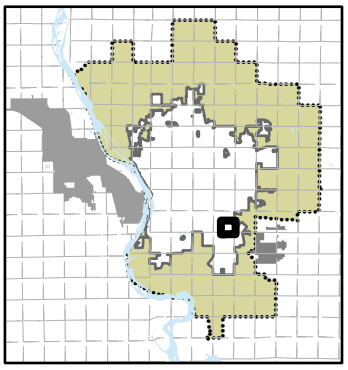


0 0.1 0.2 0.4 Miles

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
Finance Department
IT/GIS Division
December 7, 2021

Zoning and Plan Reference Map

NORTHERN PLAINS COMMERCE CENTRE 2ND ADDITION, L15-16 & 23,B1

SUP2021-026

Zoning Districts

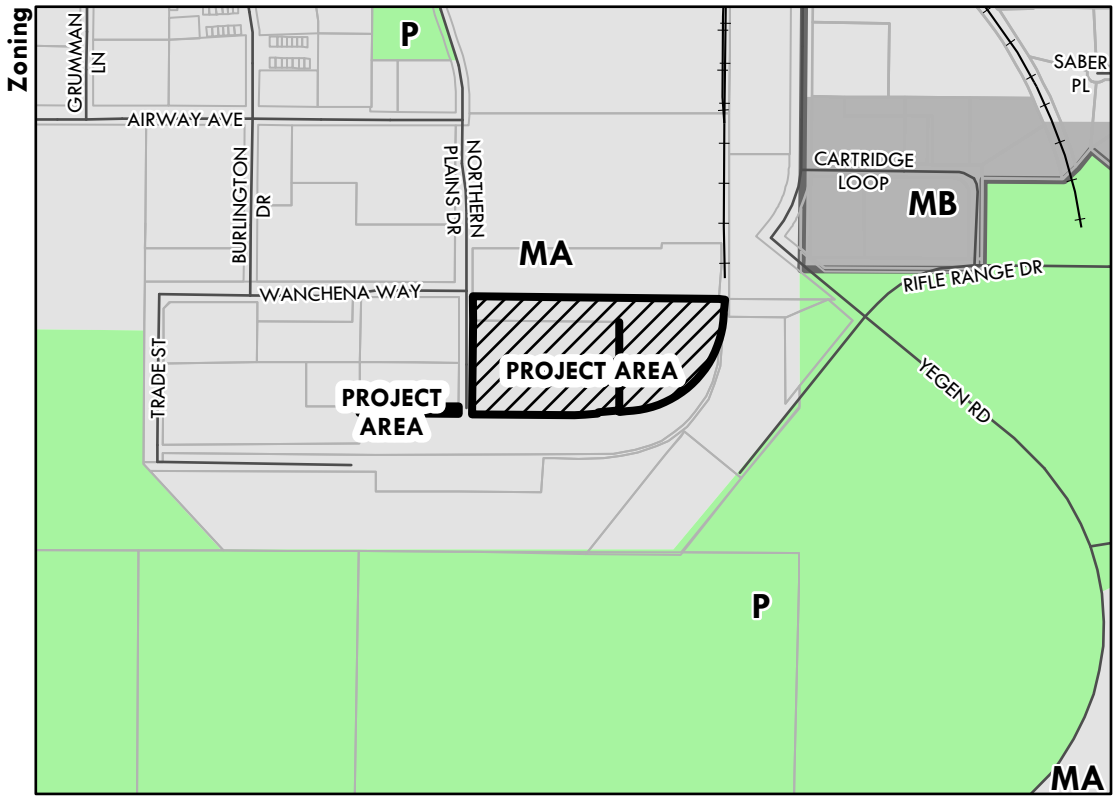
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

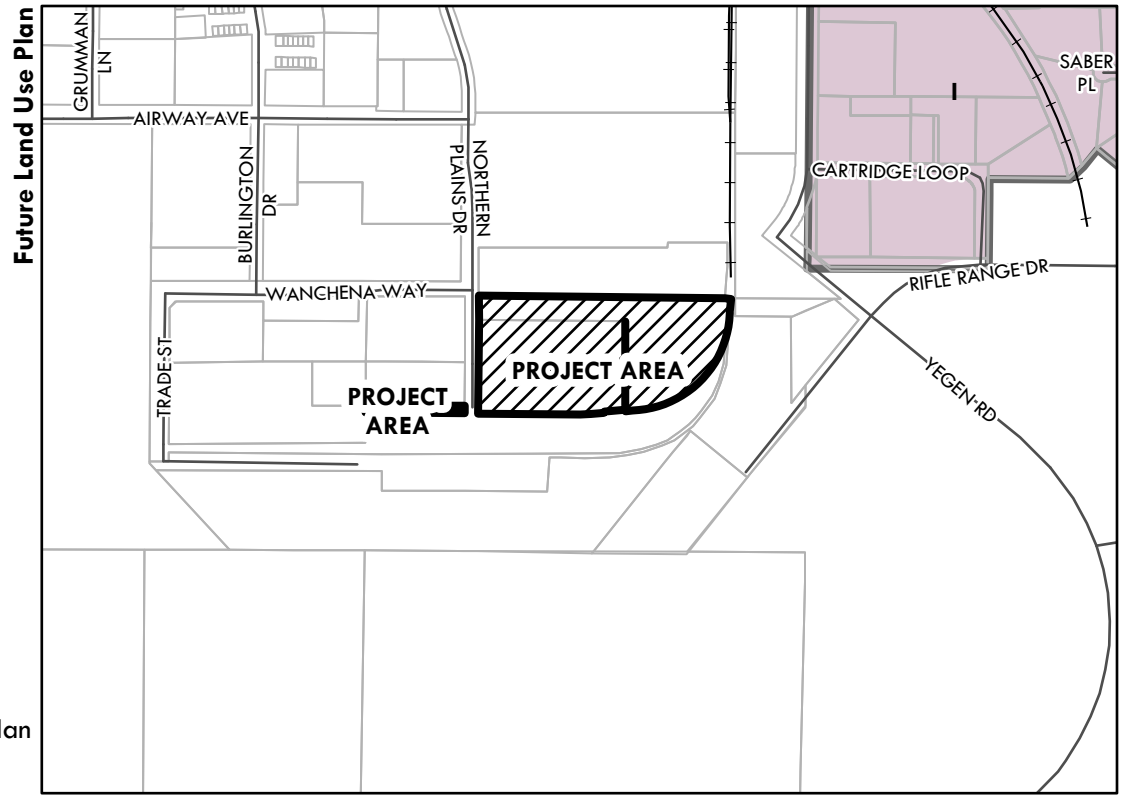
Future Land Use Plan

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

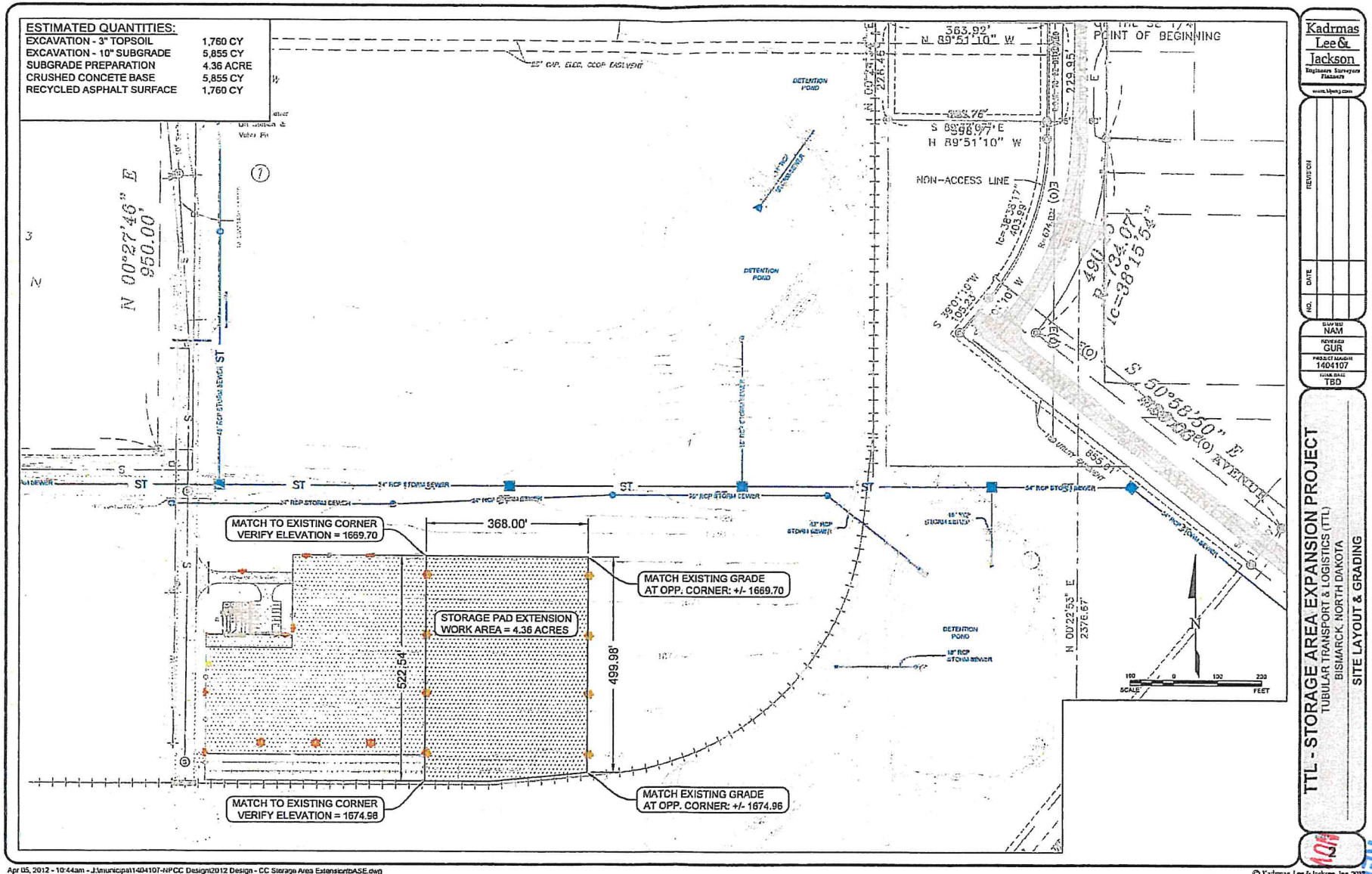




This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.13 0.25 0.5 Miles

City of Bismarck
Community Development Dept.
Planning Division
December 7, 2021



Kadrmas Lee & Jackson
Engineers Surveyors Planners

NO.	DATE	REVISION

DRAWN NAM
REVIEWED GJR
PROJECT NUMBER 1404107
ISSUE DATE TBD

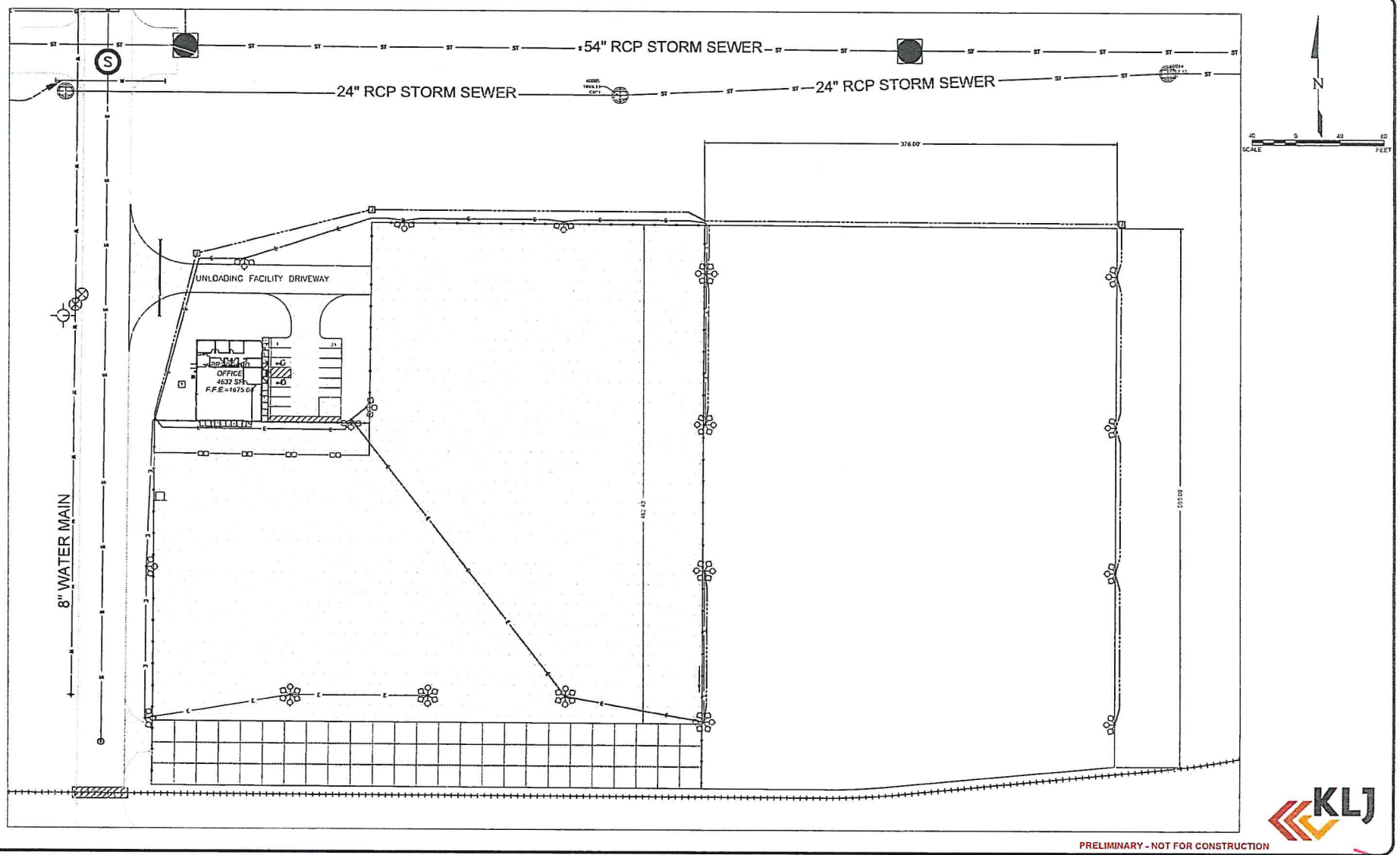
TTL - STORAGE AREA EXPANSION PROJECT
TUBULAR TRANSPORT & LOGISTICS (TTL)
BISMARCK, NORTH DAKOTA
SITE LAYOUT & GRADING

SHEET NO. 1 OF 1

Apr 05, 2012 - 10:44am - J:\municipal\1404107-NPCC Design\2012 Design - CC Storage Area Extension\BASE.dwg

© Kadrmas, Lee & Jackson, Inc. 2012

RECEIVED
NOV 12 2024



PRELIMINARY - NOT FOR CONSTRUCTION

© KLJ ENGINEERING, LLC 2021

Nov 10, 2021 – 9:58am – K:\Projects\City\ND\Bismarck\ClientInfo\NPCC\TLL Storage Area.dwg

RECEIVED
NOV 12 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item # 10
December 15, 2021

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2021-005**

Project Summary

Title:	Sign Ordinance Technical Revisions
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Daniel Nairn, AICP, Senior Planner
Section(s) Amended:	Chapter 14-03.1 Signs: Sections 01 (Definitions and Measurements), 02 (Permitting Procedures), 03 (General Standards), and 04 (Commercial Zoning District Standards).
Request:	Make technical revisions to the sign ordinance

Staff Analysis

The City of Bismarck Community Development Department is requesting approval of a zoning ordinance text amendment for technical amendments to the sign ordinance Chapter 14-03.1.

The Planning and Zoning Commission considered this request at their meeting of November 17, 2021 and called for a public hearing on this zoning ordinance text amendment.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th.

The new sign ordinance was adopted by the City Commission and went into effect on July 25, 2020. After a year of administering this new ordinance, staff from the Building Inspections and Planning Divisions have identified a few proposed changes that may clarify certain provisions and ease the permitting process for both the sign industry and city staff.

This amendment is not intended to make substantive changes to the ordinance, and no changes at all are proposed for portable signs, off-premise advertising signs, or signs in the downtown zoning districts.

The following issues are addressed in this proposed amendment:

- Areas that are zoned P – Public and are adjacent to an A – Agricultural district or surrounded by a P – Public district will follow the residential standards, rather than the commercial standards.
- Written permission from the Police and Engineering Departments would no longer be required for approval of Electronic Message Centers (EMCs) or off-premise advertising signs. Staff from these departments will continue to be involved in all reviews and provide recommendations.
- Small-scale “electronic components” would be allowed on any permitted sign without the need to follow the more restrictive EMC process.
- Sign area measurement procedures are adjusted to allow a sign that can be viewed from multiple streets to combine allowable area from all.

(continued)

- Additional freestanding signs would be permitted on commercial parcels with more street frontage. The difference between pole and monument sign will no longer be relevant.
- EMCs will continue to require some static content, but the proportion and placement of the content will no longer be restricted.
- More details are provided on necessary elements of a site exhibit to be submitted with all signs.
- The definition of monument signs is broadened to include different types of bases.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

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 CHAPTER 14.03.1 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO SIGNS.

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

Section 1. Amend. Chapter of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby amended to read as follows:

Section 14-03.1-02 **Definitions and Measurements**

1. **Definitions of Terms**. In addition to the overall definitions for zoning contained in Section 14-02-03 (Definitions) of the City Code of Ordinances, the following definitions represent the meanings of terms as they are used in this chapter:

…

Commercial Zoning District: The CA – Commercial, CG – Commercial, HM – Health Medical, or RT – Residential zoning districts. Street frontages in a P – Public zoning district that are not adjacent to or across from a residential zoning district, the A – Agricultural zoning district, or another P – Public zoning district are considered to be within a commercial zoning district for the purpose of this section.

…

Electronic Component: A small-scale electronic component of a permanent sign that meets all conditions of Section 14-03.1-05(10).

Electronic Message Center Sign (EMC): An on-premise advertising sign with a digital display of information that is capable of displaying characters, letters or illustrations and can be electronically changed by remote or automatic means. Small scale electronic components to signs that comply with all requirements of this ordinance are not included within this definition.

…

Monument Sign: a freestanding sign supported by a solid base, extending to the ground, of at least ~~seventy-five~~fifty (~~75~~50) percent of the sign width with the highest point of the sign face located eight (8) feet or less from the ground. Signs that are affixed to boulders or other inorganic natural features may be considered monument signs.

…

Portable Sign: A sign that is constructed ~~so as~~ to be movable, either by skids, wheels, truck or other conveyance and which does not have a permanent foundation or is otherwise permanently fastened to the ground and is not actively used as a vehicle for movement of goods. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. However, sidewalk signs are not considered portable signs.

…

Residential Zoning District: The R5 – Residential, R10 – Residential, RM – Residential, RMH – Residential, RR – Residential, or RR5 – Residential zoning districts. Lots or parcels within a P – Public zoning district that is adjacent to or across from a residential zoning district, the A – Agricultural zoning district, or another P – Public zoning district are considered to be within a residential zoning district for the purpose of this section.

…

2. **Method of Measurement**. All dimensional measurements in this chapter shall be calculated based on the following methods:

   a) **Determining Allowable Area.** Wherever a total allowable sign area is applied in this chapter, the following methods shall be used to determine area measurements:

   …

      iv. ~~The total allowable sign area is applied separately to the primary street frontage and any secondary street frontages as herein defined, and allowable area may not be transferred between frontages on a parcel.~~ The total allowable sign area of any street frontage, whether primary or secondary, may be

applied to any sign that is visible from that frontage, including the combined total from multiple street frontages. The total allowable sign area of any street frontage may not be applied to any sign that is not visible from that frontage.

…

Section 14-03.1-04 **Permitting Procedures**

…

3. **Permit Submittal Requirements**. The following items shall be submitted by an applicant to the Zoning Administrator prior to the issuance of any sign permit:

…

a) **Site ~~Plan~~Exhibit**. A site ~~plan~~ exhibit showing the dimensions of the sign, the exact location of the sign and any appurtenant features must be submitted for all pole signs, monuments signs, and off-premise advertising signs. The exhibit must include locations of all property lines, easements, sign setbacks, and structures in proximity to the proposed sign. This requirement may be waived by the Zoning Administrator if the sign is shown on an approved site plan for the overall development of the site.

…

~~d) **Public Safety Verification**. For all new off-premise advertising signs or electronic message center signs, a written verification from the City Engineer and Chief of Police, or their designees, that the public safety provisions of Section 14-03.1-05 have been, or will be met, with the proposed sign is required.~~

Section 14-03.1-05 **General Standards**

…

10. Small-Scale Electronic Components. Any permanent permitted sign may include small-scale electronic components, which shall not be considered an electronic message center sign, subject to the following conditions:

a) Each electronic component is no greater than five (5) square feet in size.

b) No more than three (3) electronic components are included on any sign.

c) Each frame of all electronic components is held for a minimum of three (3) hours before changing content.

d) Each electronic component uses only one (1) color.

…

Section 14-03.1-08 **Commercial Zoning District Standards**

…

3. **On-Premise Advertising Signs**. In addition to general standards of Section 14-03.1-05, the following provisions apply to all on-premise advertising signs, excluding portable signs.

a) **Freestanding Signs**. Freestanding signs, including pole signs and monument signs, are permitted according to the following provisions:

i. **Number**: ~~Pole~~ Freestanding signs shall be limited to one (1) ~~pole~~ freestanding sign per street frontage per parcel, ~~and monument signs shall be limited to one (1) monument sign per street frontage per parcel.~~ Notwithstanding, parcels with a street frontage of greater than three-hundred and fifty (350) feet are entitled to one (1) additional freestanding sign for each additional three-hundred and fifty feet (350) for frontage. Multiple businesses operating on-premises may be advertised on any single sign.

…

d). **Electronic Message Center Signs**. The following provisions apply to electronic message center signs within commercial zoning districts or industrial zoning districts, with the exception of electronic message center signs located within one hundred and fifty (150) feet of any residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district, which are subject to residential requirements for electronic message center signs in Section 14-03.1-07(5)d.

…

iv. **Proportion of Sign**. Electronic message center signs may only be included on ~~pole~~ freestanding signs that also contain static content. ~~The electronic portion of the sign may not exceed fifty (50) of the entire sign area, and must be entirely below the~~

~~static portion of the sign.~~. Electronic message center signs used as wall signs are exempt from this requirement.

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

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

DRAFT

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2021

	**********City**********				**********ETA**********			
	11/2021		**11/2020**		**11/2021**		**11/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	11	$3,219,107.75	9	$2,481,148.83	3	$348,874.25	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	14	$2,374,629.40	4	$889,076.52	4	$1,187,661.20	0	$0.00
MANUFACTURED HOMES	2	$0.00	0	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	3	$100,250.00	1	$17,472.00	2	$95,000.00	4	$99,645.00
DECKS\PORCHES & COVERED PORCHES	3	$21,435.75	1	$3,177.02	0	$0.00	1	$33,683.20
SWIMMING POOLS	1	$85,000.00	0	$0.00	0	$0.00	2	$131,992.00
RESIDENTIAL ALTERATION/OTHER	7	$232,959.97	3	$106,600.00	0	$0.00	1	$6,300.00
HOME OCCUPATION	0	$0.00	1	$0.00	0	$0.00	1	$0.00
STORAGE SHED	1	$2,880.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	5	$117,846.50	4	$92,925.75	0	$0.00	0	$0.00
NEW SIGN PERMITS	9	$153,650.00	3	$32,312.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	1	$215,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	5	$1,980,000.00	1	$5,000,000.00	1	$140,000.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	2	$252,850.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	6	$546,300.00	8	$11,150,592.82	1	$603,288.00	0	$0.00
Total	**68**	**$9,049,059.37**	**37**	**$20,026,154.94**	**11**	**$2,374,823.45**	**9**	**$271,620.20**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2021

	*******************City*******************				*******************ETA*******************			
	11/2021		**11/2020**		**11/2021**		**11/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	118	$16,550.00	115	$725,050.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	145	$1,579,460.85	121	$1,200,028.48	13	$95,049.00	8	$30,188.00
BUILDING PLUMBING	55	$1,079,545.00	40	$1,227,458.00	7	$116,864.00	5	$69,165.00
BUILDING SEPTIC	1	$0.00	0	$0.00	10	$13,000.00	4	$0.00
Total	**319**	**$2,675,555.85**	**276**	**$3,152,536.48**	**30**	**$224,913.00**	**17**	**$99,353.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2021

	*******************City*******************		*******************ETA*******************	
	11/2021	**11/2020**	**11/2021**	**11/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	0	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	1
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	1	0	1
ROWHOUSE (2) 1-HR FIRE SEPARATION	13	4	4	0
SINGLE FAMILY DETACHED	11	9	1	0
SWIMMING POOLS	0	0	0	1
Total	**26**	**14**	**5**	**3**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2021

	**********City**********				**********ETA**********			
	11/2021		11/2020		11/2021		11/2020	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	190	$53,337,086.79	173	$43,554,887.62	51	$18,384,082.48	55	$17,979,504.05
ROWHOUSE (2) 1-HR FIRE SEPARATION	166	$35,182,621.10	67	$13,625,243.76	6	$1,640,576.50	2	$429,629.68
2-UNIT DUPLEX OR CONDO	0	$0.00	1	$285,873.04	0	$0.00	0	$0.00
THREE OR FOUR UNIT	0	$0.00	7	$1,612,170.04	0	$0.00	0	$0.00
MULTI FAMILY RESIDENTIAL	1	$191,457.83	13	$1,500,000.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	25	$0.00	20	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	23	$1,256,567.17	15	$657,538.78	12	$808,522.68	20	$1,185,347.42
DETACHED GARAGE	31	$406,150.00	34	$641,997.50	61	$2,432,940.00	74	$2,528,171.50
DECKS\PORCHES & COVERED PORCHES	110	$839,612.08	151	$816,305.49	11	$53,544.00	24	$150,747.45
SWIMMING POOLS	15	$1,226,584.00	15	$1,007,497.00	7	$585,849.00	6	$407,012.00
RESIDENTIAL ALTERATION/OTHER	63	$1,960,406.73	52	$1,683,827.29	3	$144,025.77	11	$320,315.00
HOME OCCUPATION	5	$0.00	7	$0.00	2	$0.00	3	$0.00
STORAGE SHED	18	$56,680.00	17	$78,440.00	1	$2,880.00	4	$10,800.00
BASEMENT FINISH	81	$1,826,905.00	82	$1,600,180.14	9	$201,111.00	14	$212,885.00
COMMERCIAL BUILDINGS	0	$0.00	7	$0.00	0	$0.00	0	$0.00
RESIDENTIAL	10	$0.00	9	$0.00	0	$0.00	1	$0.00
COMMERCIAL	0	$0.00	3	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	7	$0.00	12	$0.00
NURSERY STOCK SALES	5	$0.00	0	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	4	$0.00	6	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	110	$1,726,699.46	99	$1,329,492.00	0	$0.00	3	$25,175.00
SIGN ALTERATION	14	$245,697.00	19	$269,555.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	2	$255,000.00	1	$36,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	71	$55,845,157.21	27	$95,982,213.00	32	$16,678,813.00	9	$2,338,998.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2021

	*******************City*******************				*******************ETA*******************			
	11/2021		**11/2020**		**11/2021**		**11/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
COMMERCIAL ADDITION	7	$5,362,176.00	10	$12,072,555.00	2	$2,800,000.00	0	$0.00
COMMERCIAL ALTERATION	88	$29,890,185.86	120	$39,696,210.89	5	$5,246,745.00	5	$4,117,730.28
Total	**1039**	**$189,608,986.23**	**955**	**$216,449,986.55**	**209**	**$48,979,089.43**	**243**	**$29,706,315.38**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2021

	*******************City*******************				*******************ETA*******************			
	11/2021		**11/2020**		**11/2021**		**11/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	969	$2,320,267.15	974	$1,029,698.00	2	$0.00	8	$0.00
BUILDING MECHANICAL	1379	$13,854,147.40	1216	$18,620,289.13	260	$2,676,839.14	261	$2,507,567.53
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	456	$13,051,638.63	386	$13,581,756.12	104	$2,808,456.00	86	$2,073,516.18
BUILDING SEPTIC	0	$0.00	1	$0.00	44	$52,500.00	52	$48,850.00
Total	**2804**	**$29,226,053.18**	**2578**	**$33,254,743.25**	**410**	**$5,537,795.14**	**408**	**$4,632,933.71**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2021

	*******************City*******************		*******************ETA*******************	
	11/2021	**11/2020**	**11/2021**	**11/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	133	164	0	0
MULTI FAMILY RESIDENTIAL	0	22	0	0
MANUFACTURED HOMES	17	16	0	0
2-UNIT DUPLEX OR CONDO	0	0	0	0
BASEMENT FINISH	0	2	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	2
DETACHED GARAGE	0	1	2	4
RESIDENTIAL ADDITION	1	2	0	1
RESIDENTIAL ALTERATION/OTHER	1	4	0	1
ROWHOUSE (2) 1-HR FIRE SEPARATION	146	64	6	2
SINGLE FAMILY DETACHED	177	168	45	48
SWIMMING POOLS	1	2	0	1
THREE OR FOUR UNIT	0	11	0	0
Total	**476**	**456**	**53**	**59**

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 17, 2021

The Bismarck Planning & Zoning Commission met on November 17, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

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

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 – Senior Planner, Kim Lee – Planning Manager, Daniel Nairn – Senior Planner and Jenny Wollmuth – Senior Planner.

MINUTES

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

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

CONSIDERATION

2. **MUNICIPAL FIFTH ADDITION – PRELIMINARY PLAT**
3. **SIGN ORDINANCE TECHNICAL AMENDMENTS – ZONING ORDINANCE TEXT AMENDMENT**

MOTION: Based on the findings contained in the staff report, Commissioner Martin made a motion to approve consent agenda items 2 and 3, calling for a public hearing on the items as recommended by staff. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT SCHILLING SECOND ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat and the zoning change from the PUD – Planned Unit Development and CG – Commercial zoning districts to the PUD – Planned Unit Development and CG – Commercial zoning districts for Schilling Second Addition. The proposed plat is 3 lots in 1 block on 12.52 acres and is located in north Bismarck, south of 43rd Avenue NE, along the east side of the State Street frontage road (A

replat of Lot 3, Block 1, Capital Electric Headquarters Addition and Lot 3, Block 1, Buffalo Jump Addition).

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 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.

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

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).

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

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

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

Mr. Hutchings said, based on the above findings, staff recommends approval of the minor subdivision final plat for Schilling Second Addition and approval of the zoning change from the PUD – Planned Unit Development and CG – Commercial zoning districts to the PUD – Planned Unit Development and CG – Commercial zoning districts as outlined in the draft ordinance attached to the staff report.

Commissioner Bakken asked what the transition period timeline looks like. Mr. Hutchings there is not a timeline yet but the uses would likely be tied to the potential buyer.

Commissioner Schell asked how the uses allowed in the PUD ordinance were determined. Mr. Hutchings said they were determined based on previous versions, the requests of the applicants in this case for industrial uses and also what staff is or is not comfortable with. He said this is a unique site so a provision was added to allow some MA-Industrial uses in the existing building and also a special use provision for a brewery use option.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co. said staff helped work through a lot of moving parts with these requests and how to achieve the specific uses desired while retrofitting them to the area. He said the PUD can solve many problems between industrial uses and new buildings and, with a lot of easements and utility needs, the buildable area is limited. He said he appreciates a solution being found and added that the access on the north side of the site would likely move and that new access location will be determined at the time the site plan goes through the review process.

Additional written comments in opposition of the requests are attached as Exhibit A.

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

MOTION: Commissioner Levchak made a motion to approve the minor subdivision final plat for Schilling Second Addition and approval of the zoning change from the PUD – Planned Unit Development and CG – Commercial zoning districts to the PUD – Planned Unit Development and CG – Commercial zoning districts as outlined in the draft ordinance attached to the staff report. Commissioner Bakken seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
BIG PINES ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat for Big Pines Addition. The proposed plat is two lots in one block on 4.792 acres and is located in north-central Bismarck, north of West Century Avenue and west of North Washington Street, along the east side of Hackberry Street (a replat of Lot 21, Block 2, Replat of Pinehurst Third Addition).

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the minor subdivision final plat:

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the minor subdivision final plat for Big Pines Addition.

Brad Krogstad, KLJ, said this is a simple change to the lots for the purpose of future development needs.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Big Pines Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (ACCESSORY DWELLING UNIT) LOT 2, BLOCK 3, HAY CREEK PINES SUBDIVISION

Chair Schwartz called for the public hearing on a special use permit for an accessory dwelling unit on Lot 2, Block 3, Hay Creek Pines Subdivision. The property is located north of Bismarck, south of 97th Avenue NE and west of 26th Street NE, along the east side of Oak Drive (9501 Oak Drive).

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

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

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

3. The property is located in Burnt Creek Township, which is not an organized township.

4. 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.

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

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

7. 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.

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit for an accessory dwelling unit on Lot 2, Block 3, Hay Creek Pines Subdivision, with the following condition:

1. The accessory dwelling unit will substantially conform to all submitted documents.

Commissioner Levchak asked if the structure would be both a garage and a dwelling. Mr. Nairn said that is correct, that it would be one story and only the square footage of the dwelling unit is used to determine the size of the accessory dwelling unit.

Commissioner Schell asked how the design of the separate septic system was determined. Mr. Nairn said it would be one small additional system just for the accessory dwelling unit and the builder is available for further questions on that item if needed.

Chair Schwartz opened the public hearing.

Brian Eiseman, Stoneshire Builders, said preliminary soil tests were conducted and the septic system was designed according to the results of those tests using a mound system for the project.

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 special use permit for an accessory dwelling unit on Lot 2, Block 3, Hay Creek Pines Subdivision, with the following condition: 1. The accessory dwelling unit will substantially conform to all submitted documents. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT LOT MODIFICATION PROCESS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to the lot modification process.

Ms. Wollmuth 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.

Ms. Wollmuth said based on these findings, staff recommends approval of the zoning ordinance text amendment for Section(s) 14-09-03 (Definitions), 14-09-04(6) (Procedure / Lot Modifications) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Commissioner Bakken asked if these changes would create any additional costs for an applicant. Ms. Wollmuth said she does not believe so and added that the preparation of documents and related expenses should remain similar to before.

Commissioner Bakken asked if these changes would create longer review times for a lot modification request.

Ms. Wollmuth said the average review time for a lot modification request now is approximately two weeks and she does not anticipate that changing.

Commissioner Levchak asked if there is a board or commission approval process for lot modifications right now.

Ms. Wollmuth said lot modifications are approved administratively so they would not require board or commission approval. She added that rural residential lot split requests would continue to need to be approved by the Planning and Zoning Commission, however.

Commissioner Schell asked if the County Auditor can still require an irregular plat to be submitted for a lot modification.

Ms. Wollmuth said that is correct and explained that they are part of the review process and will notify an owner or applicant if they are going to require an irregular plat and work through that portion themselves.

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 Zent made a motion to recommend approval of the zoning ordinance text amendment for Section(s) 14-09-03 (Definitions), 14-09-04(6) (Procedure / Lot Modifications) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, 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 5:31 p.m. to meet again on December 15, 2021.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: public hearing November 17, 2021 zoning of Schilling Second Addition.
Date:	Monday, November 8, 2021 4:57:32 PM

From: pat smith <[redacted]>
Sent: Monday, November 8, 2021 4:52 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: public hearing November 17, 2021 zoning of Schilling Second Addition.

CAUTION: ***External Email - Use caution clicking links or opening attachments***

I am speaking for myself and my family that own the lots adjacent to the east side of the addition. The problem we have with zoning changes is outside storage areas. We do not want the cluttered look of outside storage to detract from any uses of our lots.

Patrick Smith

Virus-free. www.avg.com

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Denise & Stephen McDonough Dwelling
Date: Monday, November 15, 2021 11:30:51 AM

-----Original Message-----
From: Brekken, Tad R <[redacted]>
Sent: Wednesday, November 10, 2021 7:05 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Brekken, Tad R <[redacted]>
Subject: Denise & Stephen McDonough Dwelling

CAUTION: ***External Email - Use caution clicking links or opening attachments***

The only question that I have is the following…. I just want to make sure that the dwelling has the same color and style of siding as the primary dwelling. We have had other secondary dwellings/garages that have been built in our development that have had the same color of siding but the style was not the same. If they have vertical metal/vinyl siding on their home then they should have the same on the secondary dwelling/garage. This would be the only question that I would have.