PLANNING AND ZONING COMMISSION

MEETING AGENDA
March 23, 2022

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 February 23, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Blocks 1 and 2, Meadow Village Addition** (JW)……..……**6**

   Zoning Change (Conditional R10 & RM30 to PUD) | ZC2022-004 | *Consideration*

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

Building Inspections Division ● Phone: 701-355-1465 ● Fax: 701-258-2073 | **Planning Division** ● Phone: 701-355-1840 ● Fax: 701-222-6450
221 North 5th Street ● P.O. Box 5503 ● Bismarck, ND 58501 ● www.bismarcknd.gov ● TDD 711 ● An Equal Opportunity-Affirmative Action Employer

3. **Boden Addition (revised)** (DN)…..……..…….**25**

Zoning Change (A & R5 to R10 & Conditional RT) | ZC2022-002 | *Consideration*

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

Preliminary Plat | PPLT2022-002 | *Consideration*

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

4. **Paradise Valley Addition** (WH)……..……..…..……**38**

Zoning Change (RR to R5, R10 & CG) | ZC2022-001 | *Consideration*

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

Fringe Area Road Master Plan Amendment | FRMP2022-001 | *Consideration*

Staff recommendation: tentative approval ☐ schedule a hearing ☐ continue ☐ table ☐ deny

Preliminary Plat | PPLT2022-001 | *Consideration*

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

5. **Data Center Ordinance** (DN)……..…..……..……**60**

Zoning Ordinance Text Amendment | ZOTA2022-001 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

6. **Shamrock Industrial Park First Replat** (WH)……..……..**67**

Minor Subdivision Final Plat | MPLT2022-002 | *Public Hearing*

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

7. **Cottonwood Parkview Addition First Replat** (JW)…..…..……..**75**

Minor Subdivision Final Plat | MPLT2022-003 | *Public Hearing*

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

Building Inspections Division ● Phone: 701-355-1465 ● Fax: 701-258-2073 | **Planning Division** ● Phone: 701-355-1840 ● Fax: 701-222-6450
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8. **Northern Sky Second Addition First Replat** (WH)……..……..…**82**

Minor Subdivision Final Plat | MPLT2022-005 | *Public Hearing*

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

9. **Lot 1, Block 1, Daybreak Medical Addition First Replat** (DN)……..…..…..**89**

Special Use Permit (EMC) | SUP2022-002 | *Public Hearing*

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

OTHER BUSINESS

10. **Update on Together 2045**

11. **Other**

ADJOURNMENT

12. **Adjourn.** The next regular meeting date is scheduled for April 27, 2022.

Enclosures: Meeting Minutes of February 23, 2022
Building Permit Activity Month to Date Report for February 2022
Building Permit Activity Year to Date Report for February 2022

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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.

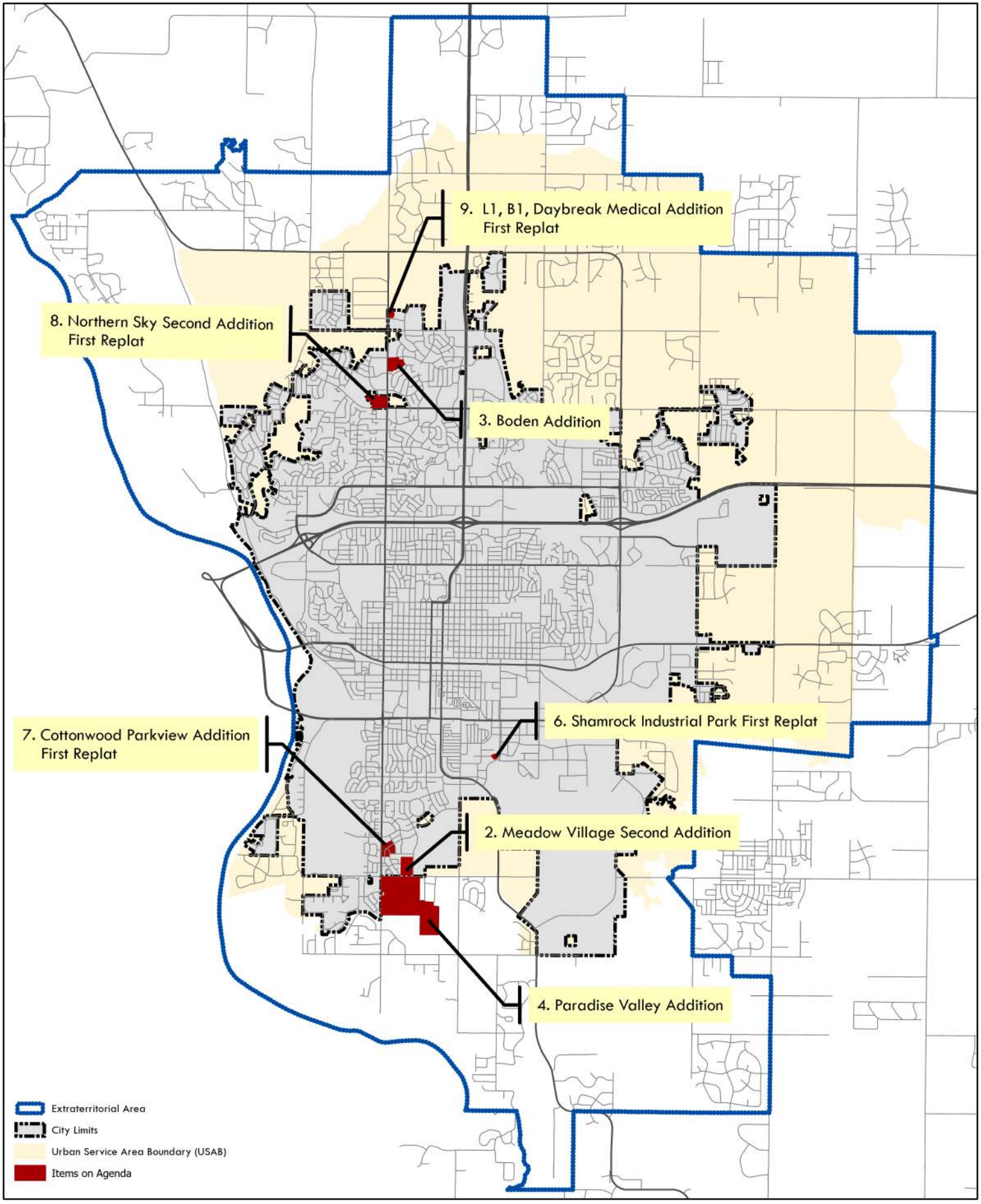
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 - March 23, 2022



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

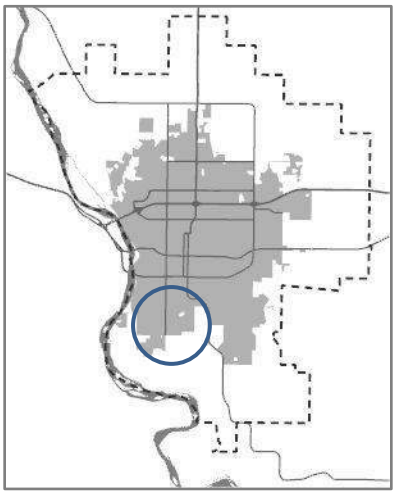
Agenda Item # 2
March 23, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-004**

Project Summary

Title:	Blocks 1 and 2, Meadow Village Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	REI Holdings, LLC
Project Contact:	Brian Zuroff, PE, Mountain Plains, LLC
Location:	In south Bismarck, east of South Washington Street along the west side of Boston Drive and north side of East Burleigh Avenue (a replat of Lots 1-6, Block 1 and Lots 1-11, Block 2, Meadow Village Addition)
Project Size:	24.33 acres
Request:	Rezone property for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	17 lots in 2 blocks	*Number of Lots:*	73 lots in 2 blocks
Land Use:	Undeveloped	*Land Use:*	Single, two and multi-family
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential RM30 - Residential	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	R10 – Single and two-family residential RM30 – Multi-family residential	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density:	R10 – 10 units / acre RM30 – 30 units / acre	*Max Density:*	PUD – Density specified in PUD

Property History

Zoned:	06/2018	*Platted:*	06/2018	*Annexed:*	06/2018

(continued)

Staff Analysis

REI Holdings, LLC is requesting approval of a zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district for Blocks 1 and 2, Meadow Village Addition.

The proposed zoning change is in conjunction with a minor subdivision final plat. The proposed development would allow a combination of single-family and two-family residential uses, and multi-family residential uses.

Adjacent uses include developing two-family residential to the north, parks and open space to the east across Boston Drive, undeveloped RR – Residential zoned property to the south across East Burleigh Avenue, and existing single-family residential to the west.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district for Blocks 1 and 2, Meadow Village Addition.

Attachments

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

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the R10 – Residential and RM30 – Residential zoning districts and included within the PUD – Planned Unit Development zoning district:

Lots 1-32, Block 1, and Lots 1-41, Block 2, Meadow Village 2nd Addition

This PUD is subject to the following standards:

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

2. *Application to Areas Identified as Single Family Detached (SFD).* Lots 1-31, Block 1, Meadow Village 2nd Addition.

    a. *Uses Permitted.* The uses within the Single Family Detached area shall be limited to the following:

        i. *Principal Use*. Single-family dwelling

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Single Family Detached Area:

i. *Density.* The maximum allowable density is ten (10) families per gross acre.

ii. *Lot area.* All lots shall have a minimum area of five thousand (5,000) square feet.

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

iv. *Lot coverage.* The ground area occupied by the principal building shall not exceed forty (40) percent of the total area of the lot.

v. *Front yards.* All lots shall have a front yard setback from all public roadways shall be twenty-five (25) feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge of the private roadway/access easement.

vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.

vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.

viii. *Building height.* No single-family dwelling shall exceed forty (40) feet in height.

3. *Application to Area Identified as Single Family Attached (SFA).* Lots 1-39, Block 2, Meadow Village 2nd Addition.

a. *Uses Permitted.* The uses within Single Family Attached shall be limited to the following:

i. *Principal Use*. Two-family dwelling.

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Single Family Attached:

i. *Density.* The maximum allowable density is ten (10) families per gross acre

DRAFT

ii. *Lot area.* All lots shall have a minimum area of three thousand four hundred (3,400) square feet.

iii. *Lot width.* All lots shall have a minimum width of thirty-one (31) feet.

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

v. *Front yards.* All lots shall have a front yard setback from all public roadways shall be twenty-five (25) feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge of the private roadway/access easement.

vi. *Side yards.* Each two-family dwelling shall have a side yard of not less than five (5) feet on either side of the overall building.

vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.

viii. *Building height.* No two-family dwelling shall exceed forty (40) feet in height.

4. *Application to Area Identified as Condo.* Lot 32, Block 1, Meadow Village 2nd Addition.

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

i. *Principal Use*. Multi-family residential.

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Condo:

i. *Density.* The maximum allowable density is fifteen (15) families per net acre

ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.

iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.

DRAFT

iv. *Front yards.* All lots shall have a front yard setback from all public roadways shall be fifteen (15) feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge of the private roadway/access easement.

v. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.

vi. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.

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

viii. *Building height.* No single-family dwelling shall exceed forty (40) feet in height.

5. *Application to Area Identified as Townhome.* Lot 41, Block 2, Meadow Village 2nd Addition.

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

      i. *Principal Use*. Multi-family dwelling(s).

      ii. *Accessory Use.* Accessory building (detached residential garages)

   b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Townhome:

      i. *Density.* The maximum allowable density is thirty (30) units per net acre.

      ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.

      iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.

      iv. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed fifty (50) percent of the total lot area.

DRAFT

v. *Front yards.* All lots shall have a front yard setback from all public roadways shall be fifteen (15), measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge of the private roadway/access easement.

vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.

vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (10) feet.

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

6. *Application to Area Identified as Apartment*. Lot 40, Block 2, Meadow Village 2nd Addition.

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

i. *Principal Use*. Multi-family dwelling(s)

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Apartment:

i. *Density.* The maximum allowable density is thirty (30) units per net acre.

ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.

iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.

iv. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed fifty (50) percent of the total lot area

v. *Front yards.* All lots shall have a front yard setback from all public roadways shall be fifteen (15), measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge of the private roadway/access easement.

DRAFT

vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.

vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (10) feet.

viii. *Building height.* No two-family dwelling shall exceed forty-eight (48) feet in height.

7. *Private Roadway Maintenance.* The development and construction of the private roadways / access easements shall be the responsibility of the developer. On-going repair and maintenance of the private roadways and utilities shall be the responsibility of the homeowner's association.

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

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

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

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

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

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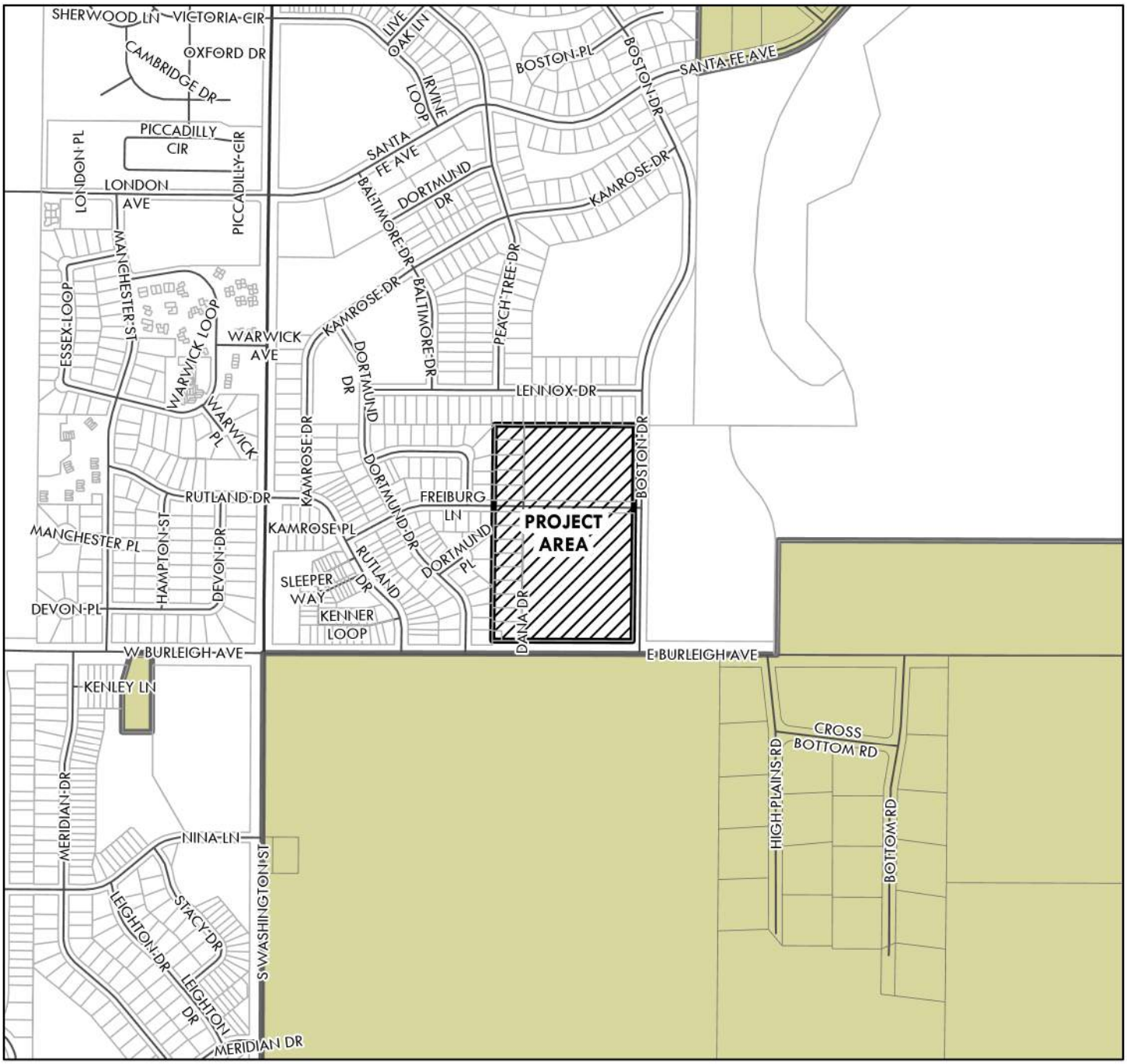
Location Map

MEADOW VILLAGE 2ND ADDITION

MPLT2022-004
ZC2022-004



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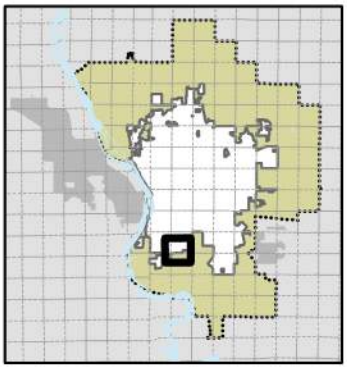


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

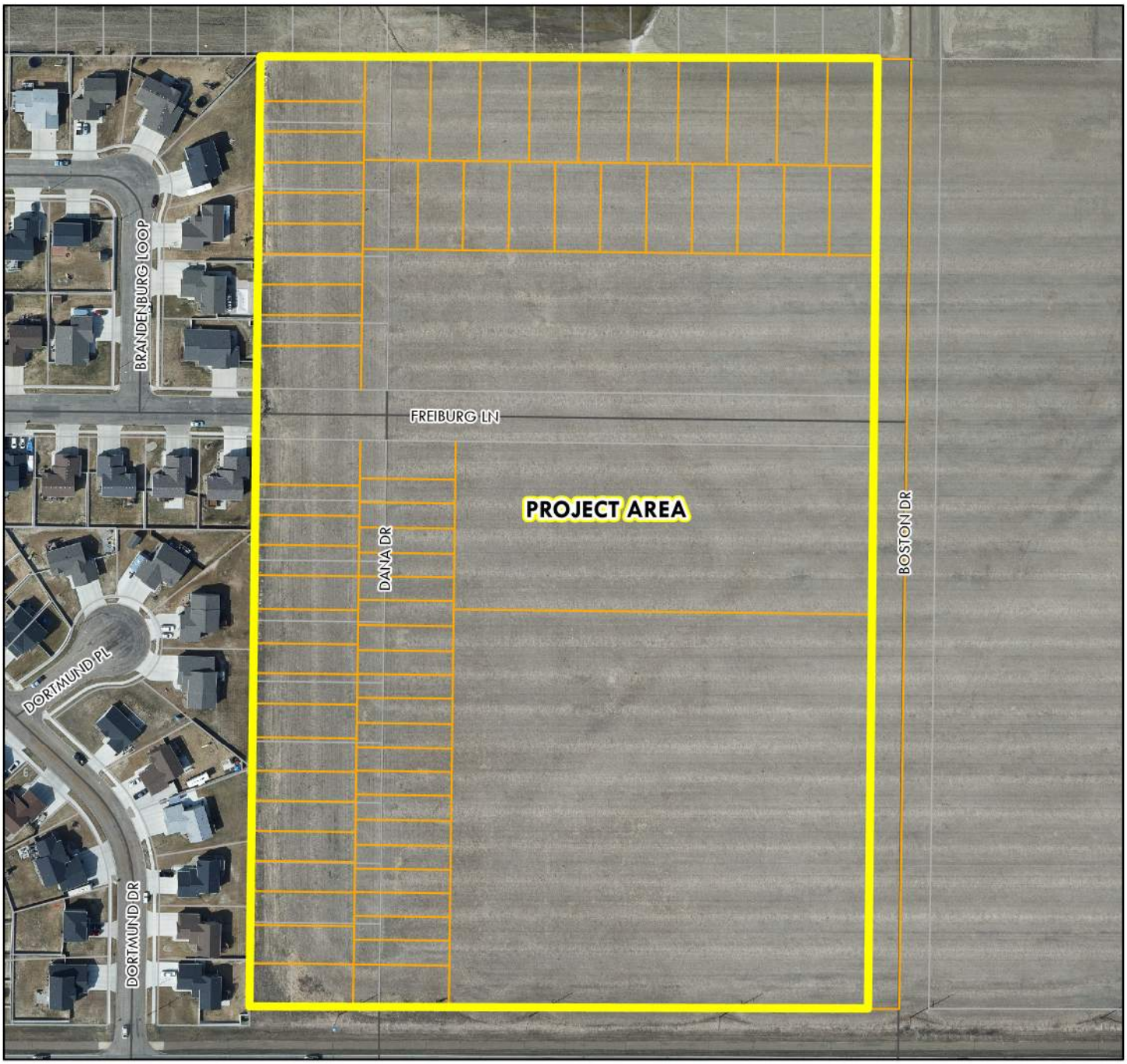
City of Bismarck
Community Development Department
Planning Division
February 23, 2022 (HLB)

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

MEADOW VILLAGE 2ND ADDITION

MPLT2022-004



Miles

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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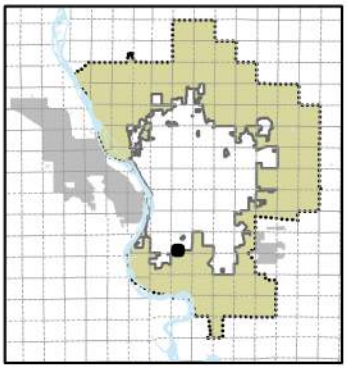


City of Bismarck
Finance Department
IT/GIS Division
March 17, 2022

Zoning and Plan Reference Map

MEADOW VILLAGE 2ND ADDITION

MPLT2022-004

Zoning Districts

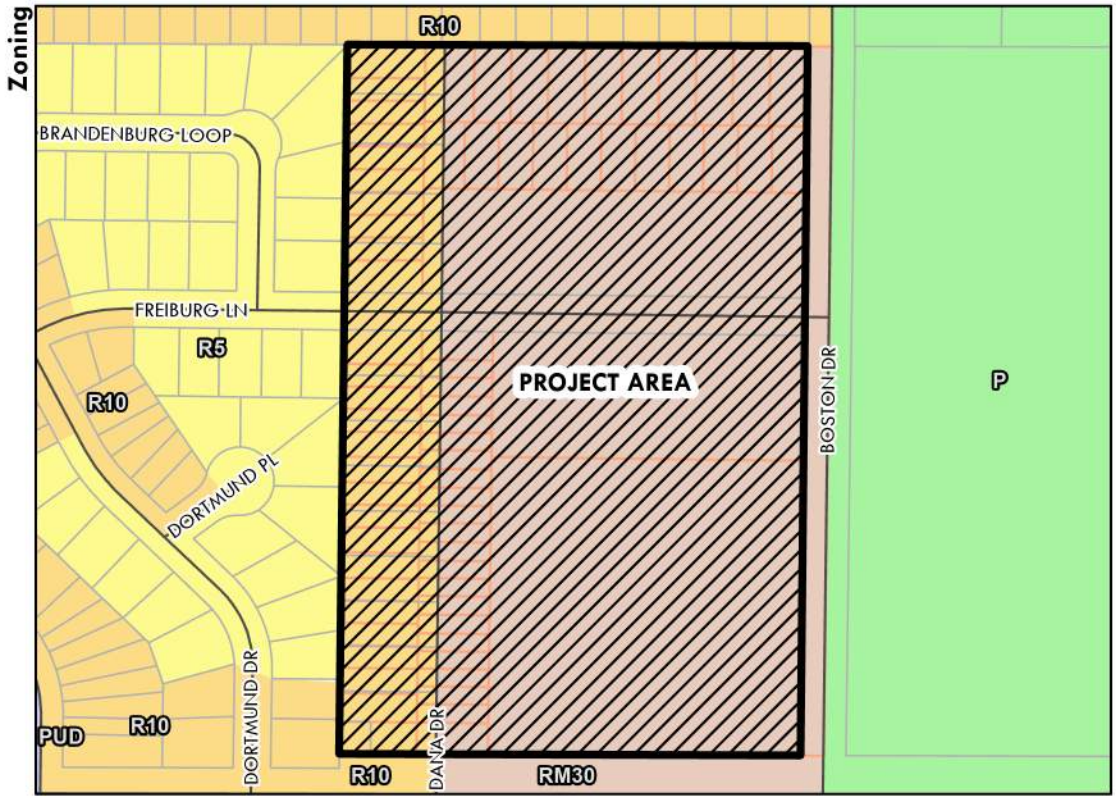
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

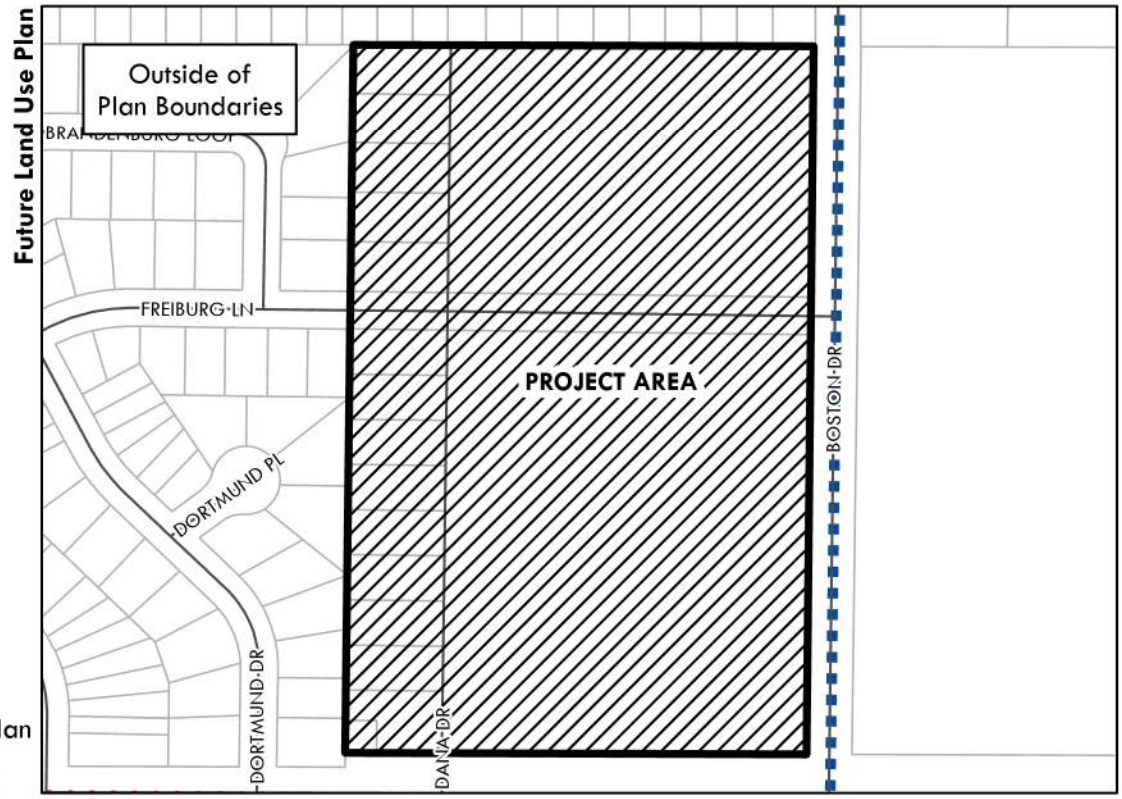
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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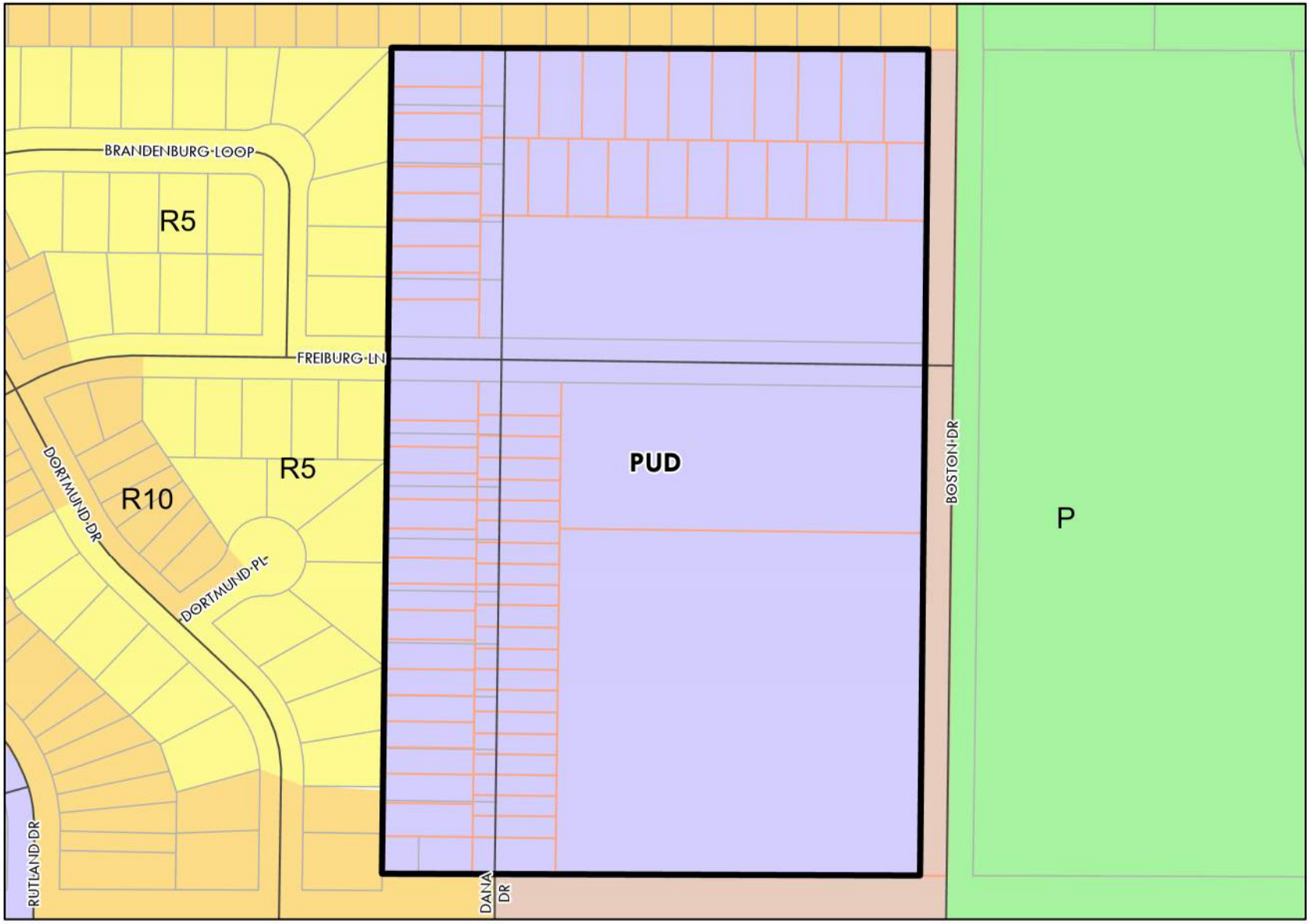
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

Proposed Zoning Change
MEADOW VILLAGE 2ND ADDITION

MPLT2022-004

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

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City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

BUCHHOLZ
PROPERTIES

To: The City of Bismarck

From: REI Holdings LLC

Through the collaborative efforts of the developer and the City of Bismarck, we are pleased to present a Planned Unit Development (PUD) aligning with the City's specific need for lower density residential lots. The development consists of a combination of Class A multi-family units and lower density residential.

The redesigned multifamily portion of the PUD reduces the overall density of housing units from over 400 apartment units down to 165 units. More precisely, the 3 buildings will consist of (2) 51-unit buildings and (1) 63-unit building. The units will consist of a mix of 1 bedroom, 2 bedroom, and 3 bedroom units, with the majority being 1 and 2 bedroom units. The spacious open floor plans of the units will provide designer-driven finishes as well as other notable upgrades such as 9 foot ceilings, elevator, marble like countertops, stainless steel appliances, LVT wood plank flooring, tile back splashes, complimentary in-unit washer & dryer, private balconies, as well as on-site property management. The contemporary and urban looking exteriors are aesthetically enhanced through parapet and wall depths, as well as the use of timeless materials and colors. Furthermore, the buildings will serve as a seamless transition between the various housing types as we created a seamless transition from higher to lower density. The building heights are up to 48' which creates a unique property look and provides for architectural variation throughout the community.

The buildings offer a number of interior common areas and exterior amenities that will enhance the resident's overall living experience. As for common area amenities, each building will offer a Wi-Fi lounge and coffee bar that will promote positive interaction amongst the residents. The secured entrances and video monitored entry points will provide reassurance of a secure living environment to the residents. Each building will offer heated on-grade parking within the buildings. The combination of the quality of the building, amenities, and the walkability to park amenities will undoubtedly contribute to a superior living experience for residents, as well as provide another outstanding housing choice for Bismarck residents.. It is also worthwhile to note that the Buchholz group has a long history of site selecting, constructing, and most importantly, managing with a long-term perspective in mind. As has been their case, their intentions are to develop and hold the property for the long term; and given the financial investment, they have a vested interest in seeing the project through.

In summary, through the work of many, the proposed plan has evolved into what could truly be a marquee development that offers several different housing types. When this takes place, it will provide options for young professionals, seniors, and families to make their home. We thank you again for the opportunity to be a part in the growth of Bismarck.

Mark Buchholz

President, REI Holdings LLC

mdbuchholz@gmail.com

BUCHHOLZ
PROPERTIES

To: The City of Bismarck

From: REI Holdings LLC

REI Holdings, LLC is proposing to re-plat and develop approximately 21.97 acres located east of South Washington Street and north of Burleigh Ave, Bismarck, ND. The area is currently platted as Block 1 and Block 2 of Meadow Village Addition to the City of Bismarck, with approximately 17.36 acres as RM 30 and 4.61 acres as R 10 zoning districts.

REI Holdings, LLC is proposing to develop the property into a mixed-use residential site with a combination of single family detached (stand-alone single family), single family attached (twin home), multi-family townhome & condo,and multi-family apartment uses, which will all address many of the housing and land use needs for the City of Bismarck and it's residents.

REI Holdings, LLC proposes rezoning the property to a PUD district to accommodate and govern the development criteria for the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Bismarck Municipal Code and Future Land Use Plan. The proposed PUD decreases current potential density of approximately 560 dwelling units to 305 dwelling units, or by 42% less units overall.

Development within the district will be characterized by four main types as mentioned above, single family detached housing, single family attached housing, townhome/condo, & apartment. Considering the land is currently zoned RM 30 and R 10, and our proposed PUD reduces total unit count by 42%, while providing a more systematic transitional use from apartment to single family detached units, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD would reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

Platting: Meadow Village will be platted using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

BUCHHOLZ
PROPERTIES

Phasing: Meadow Village will be developed in 2 phases, with Buchholz Construction developing the apartment RM 30 and townhome portions, and Dakota Pioneer Land Co developing the single family attached, detached, and condo portions of the project. Boston & Freiburg to be developed initially as a City Project.

Issuance of Building Permits: Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards and the LOMR complete.

Zoning & Taxation: After plat and PUD approval, Meadow Villagewill be zoned as a PUD. Once complete, the properties included in the completed phase shall be taxed as determined by the BismarckCity Auditor for the appropriate use and zoning.

Location: Combined parcel located in the City of Bismarck, Burleigh County, North Dakota, consisting of Blocks 1 & 2 of Meadow Village Addition. The project consists of approximately 21.97 acres.

Details: The subdivision PUD plan provides for 38 single family attached residential lots (19 twin buildings), 31 single family detached lots, 32 two story condo units, 39 townhome units, and 165 apartment units.

Infrastructure Installation: The Developer of the Project will install all sanitary sewer, & water. The developer (or successor in DPLC) will install the private access drives (Dana Drive & Dana Place?). Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, public curb/gutter/paving, and road base prep will be handled by the City of Bismarck via a special assessment district.

Infrastructure Funding: The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. Also, the Developer will fund the cost of private access drives. The storm sewer, street lighting, curb/gutter/paving, and road base prep shall be handled via Bids awarded by the City of Bismarckand assessed in a Special Assessment District per the City of Bismarck Ordinance.

Infrastructure Maintenance and Repair: The City of Bismarckshall be responsible for future repairs and maintenance of public right of way and roads. The HOA, Landlord, & Property Manager, respectively, shall be responsible for the future repairs and maintenance of the private access drives and internal site infrastructure.

Private Access Drives: Private access drives, as proposed, are utilized for a variety of reasons when developing this project. They allow customization of roadway infrastructure, coordination within the Planned Unit Development and Home Owners Association for maintenance and repairs (potentially reducing the overall tax and specials burden for the affected properties) and allow for more green space within the development while increasing residential unit density and allowing the gradual transition from apartment unit site to single family lots.

BUCHHOLZ
PROPERTIES

Private Access Drives Continued: The burden of additional roadway maintenance and snow removal is also removed from City responsibility as the roadway will be privately managed. For consideration with Meadow Village Addition, a 20' wide private roadway within a 30' Access and Utility easement is proposed. The roadway speed limits will be marked at 10 MPH for speed control, and on-street parking will not be allowed. It is anticipated that sidewalks will not be installed adjacent to the private roadway. This corridor allows for sufficient vehicular, pedestrian, waste management, and emergency services movements, while avoiding the additional cost of installing full-width city streets. Parking for all SFA/SFD lots shall consist of 2 to 3 garage stalls, in addition to a 25' deep driveway that will allow an additional 2 to 3 parking spaces per residence. Additional guest and delivery driver parking areas are also provided.

Emergency Services Access: A break-away fire gate and minimal approach to Burleigh Avenue will be installed on the south end of Dana Drive for access by Emergency Services, should it be needed.

Lot Combination Alternative: Single family attached and detached lots may be combined to accommodate larger homes. If lots are combined, the regulations of R5 zoning district shall apply.

Residential Lot Setbacks: In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

Condo Lot Setbacks: In order to simplify the condo lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 15' from public street (condos load garages from rear of lots, not directly on street).
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 10'

Apartment & Townhome Lot Setbacks: The lots shall be governed by the following setbacks:

- Front Yard – 15'
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 10'

BUCHHOLZ
PROPERTIES

Underlying Zoning Regulations: Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows:

- Apartment & Townhome – RM 30
- Condo – R10
- SFA/SFD – R10

HOA: An HOA will be formed for the purpose of maintaining and to facilitate the exterior landscape, grounds maintenance, snow removal,and care of the SFD/SFA/Condo properties in Meadow Village.

The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

Parking and Traffic Rules and Regulation: Parking and enforcement on public streets will be handled by the City of Bismarck. Parking and enforcement on private drives will be handled by the HOA (SFD/SFA/Condo) or the Property Manager (Townhome/Apartment).

Snow Removal: Snow removal on public streets will be by the City of Bismarck. Individual residence driveway and apron snow removal, as well as private drives, shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner. Snow removal for the Townhome and Apartment site to be by Property Manager.

Garbage Collection: Garbage collection shall be performed by the City of Bismarck to the condo, single family, and twin home residential parcels. The Townhome and Apartment areas shall arrange for their own garbage collection services.

Fencing: 6 ft wrought iron or pvc privacy fencing along the north boundary of the Condo site will be provided and installed by the developer to ensure separation from Condo and Single Family sites.

Internal Nocturnal Illumination: Internal downward nocturnal illumination shall be provided and installed in public right of ways to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Bismarck Ordinance.

Special Assessments: Existing and future special assessments will be assessed per the City of Bismarck Ordinance. The storm sewer, street lighting, curb/gutter/paving, road base prep, and any Park Improvements (per the Bismarck Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Bismarckand assessed in a Special Assessment District per the City of Bismarck Ordinance.

Easements: Any and all easements shall be shown on the plat.

BUCHHOLZ
PROPERTIES

Grantor/Grantee of Easements: The Developer shall be the Grantor of the easements. The City of Bismarck, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

Street Design: The street design shall follow the City of Bismarck Municipal Code for Freiburg Lane & Boston Drive and shall be submitted by a qualified Engineer.

Overall Density: Overall density upon buildout for the project shall be no greater than 15 dwelling units per gross acre.

Building Height: The apartments shall allow up to 48' of building height.

Flood Resilient Basement Design: Flood resilient engineered basement design standards per the City of Fargo, and as designed/modified by a structural engineer (and approved by the City of Bismarck Building Inspections Dept), are required for all 8' basement foundations. Superior Walls Precast Xi foundations, as designed/modified to local hydrostatic potential lateral pressures, and approved by the IRC, are allowed. A universal standard basement design, by a structural engineer and approved by the City of Bismarck Building Inspections, shall be developed for the project, which is to be followed and adhered to for all homes in the project that have an 8' basement.

Finished Floor Elevations: Building foundation height shall be set at a minimum of 2' higher than the curb/drive and shall conform to the City of Bismarck Code.

Capital Improvement & Maintenance Fund: A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the private infrastructure, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of $250 per home sold/closed to 3rd parties (home buyers), with subsequent transfer fees of $500 per home re-sold and closed.

CBU for Postal Service: Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development by the USPS.

PROPERTY INFORMATION

MEADOW VILLAGE - BISMARCK, ND
OWNER - BUCHHOLZ CONSTRUCTION

SITE DATA

ZONING	MULTI FAMILY	= RM30
	DUPLEX	= R10
TOTAL LOT AREA (21.96 ACRES)		= 956,648 SF
RM 30 LOT AREA (17.38 ACRES)		= 756,122 SF
RM 30 MAX DENSITY		= 520 UNITS
R10 LOT AREA (4.58 ACRES)		= 200,526 SF
R10 MAX DENSITY		= 45 UNITS
OCCUPANCY		= R-2

R30 ZONING CRITERIA

GROSS DENSITY	10-25 DU/ACRE
FRONT SETBACK	25'
CORNER SIDE SETBACK	25'
INTERIOR SIDE SETBACK	10'
REAR SETBACK	20'
MAX HEIGHT	60'

APARTMENT UNITS PROVIDED

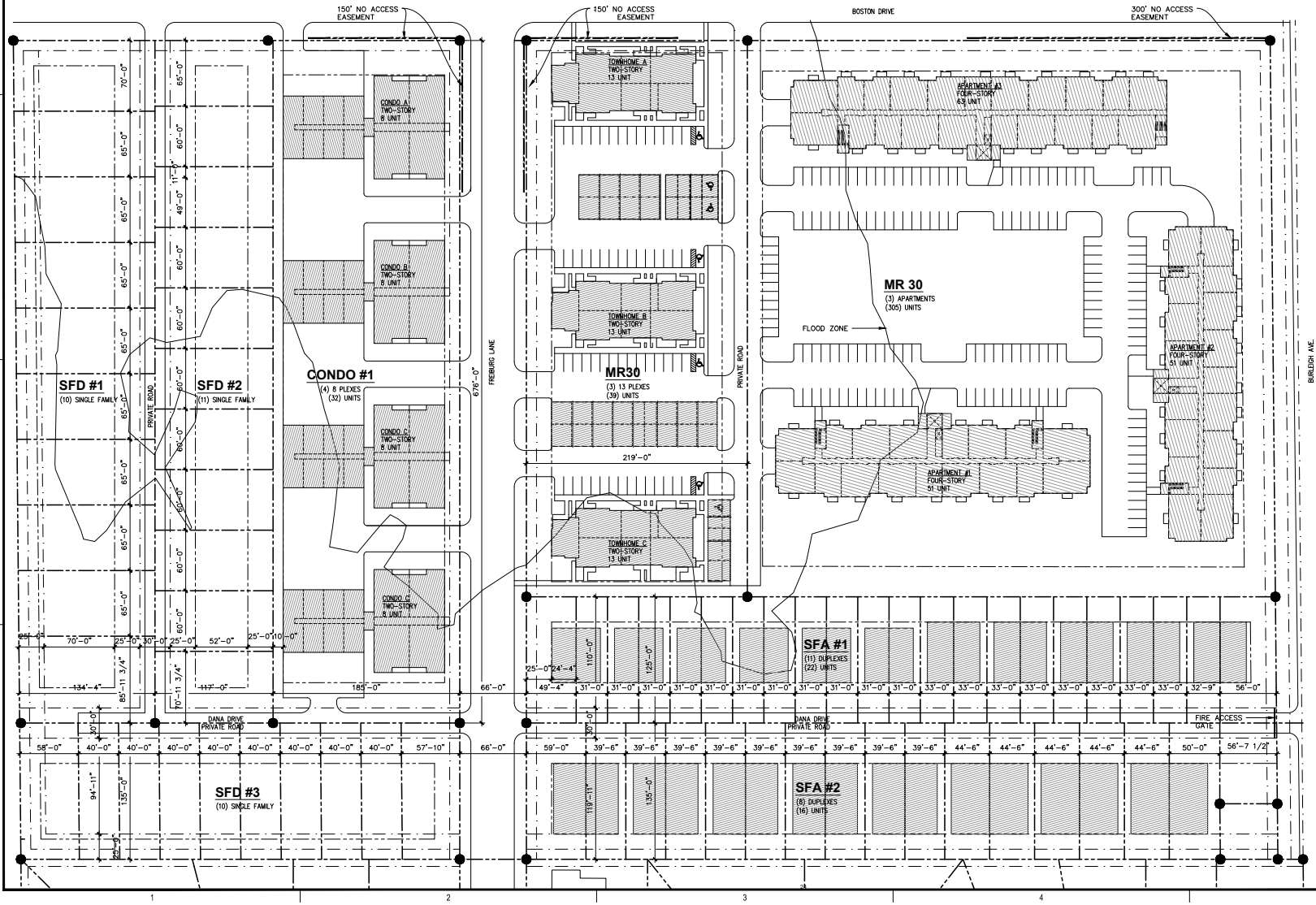
	1 BD RM	2 BD RM	3 BD RM	TOTAL
BUILDING #1	18	27	6	51
BUILDING #2	18	27	6	51
BUILDING #3	24	33	6	63
TOTAL	60	87	18	165
TOWNHOME A	5	8		13
TOWNHOME B	5	8		13
TOWNHOME C	5	8		13
TOTAL	15	24		39
GRAND TOTAL	75	111	18	204

VERIFY UNITS PROVIDED

	DUPLEX (E)	DUPLEX (L)	SINGLE FAMILY (N)	SINGLE FAMILY (S)	SINGLE FAMILY (C)	CONDOS	TOTAL
SFA #1	2x11						
SFA #2		2x8					
SFD #1			10				
SFD #2				11			
SFD #3					10		
SFD #4							
CONDOS #1						8x4	
TOTAL UNITS	22	16	10	11	10	32	101

PARKING SUMMARY

	OFF-STREET STALL	GARAGE PARKING	TOTAL
BUILDING #1	40	55	95
BUILDING #2	40	55	95
BUILDING #3	50	65	115
TOTAL	130	170	305



1 A001 SITE PLAN
SCALE: 1" = 50'-0"

RHET ARCHITECTURE, LLC
ATTN: RHET FISKNESS, AIA
27 11th ST. S. FARGO, ND 58102
OFFICE PHONE: 701.715.8232
CELL PHONE: 701.388.2867
EMAIL: RHET@RHET-ARCH.COM
WEB: WWW.RHET-ARCH.COM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Signature: _____

Date: 11/02/2021 REG. NO. : 1811

NOT FOR CONSTRUCTION

PROJECT:
MEADOW VILLAGE APARTMENTS & TOWNHOMES

BISMARCK, ND

GENERAL CONTRACTOR:
BUCHHOLZ CONSTRUCTION
ATTN: **MARK BUCHHOLZ**
PHONE: 701.371.1646
EMAIL: mdbuchholz@gmail.com

MARK	DESCRIPTION	DATE
CD	CONSTRUCTION DOCUMENTS	12/21/2021

All plans, specifications, computer files, field data, notes and other documents and instruments prepared by RHET ARCHITECTURE, as instruments of service shall remain the property of RHET ARCHITECTURE. RHET ARCHITECTURE shall retain all common law, statutory and other reserved rights, including the copyright thereto.

PROJECT NO:	18-100606
DRAWN BY:	RF
CHECKED BY:	RF

DRAWING TITLE:
DEVELOPMENT PLAN

A006

File Location:W:\PROJECTS\21-100606-Buchholz-Bismarck Meadow Village Apts\DWG\21-100606-A001.dwg
Plot Date:21-Dec-21

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

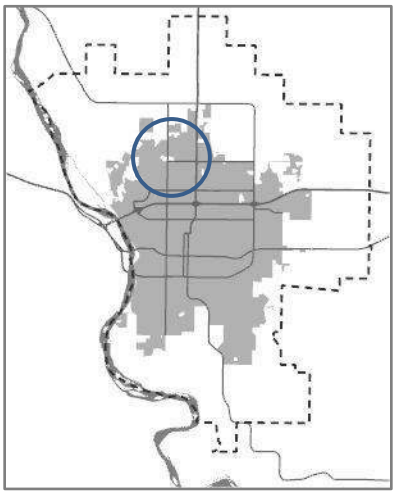
Agenda Item # 3
March 23, 2022

Application for: **Zoning Change**
Preliminary Plat

Project ID: ZC2022-002
PPLT2022-002

Project Summary

Title:	Boden Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Ron and Ruth Knutson
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In north Bismarck, on the west side of North Washington Street and the south side of East Lasalle Drive
Project Size:	20.0 Acres
Request:	Plat and rezone for development of small-scale office buildings and single and two-family residential



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	5 parcels	*Number of Lots:*	52 Lots in 1 Block
Land Use:	Undeveloped	*Land Use:*	Small-scale offices, two-family residential and single-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:	A – Agricultural R5 – Residential	*Zoning:*	R5 – Residential R10 – Residential Conditional RT – Residential
Uses Allowed:	A – Agriculture R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential R10 – Single and two-family residential Conditional RT – Offices and multi-family residential
Max Density:	A – 1 unit / 40 acres R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre R10 – Single and two-family residential Conditional RT – 30 units / acre

(continued)

Property History

Zoned:	*10/2012* *R5 - Residential*	*Platted:*	*04/2013* *Boulder Ridge 5th*	Annexed:	04/2013

Staff Analysis

Ron and Ruth Knutson are requesting approval of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts and a major subdivision preliminary plat for Boden Addition.

Review History

A plat for this area, also titled Boden Addition, was considered by the Planning and Zoning Commission in the Fall of 2021, and a public hearing on the final plat was held on June 23, 2021 then continued to August 25, 2021, at which point the request was further continued to allow time for the developer to work with neighbors to address concerns raised at the hearing.

Because the current version of Boden Addition has been substantially altered, the previous consideration and tentative approval of Boden Addition is no longer valid, and a revised preliminary plat and zoning change are being presented to the Planning and Zoning Commission for consideration.

The primary difference in the new version of Boden Addition is the introduction of residential uses to the east side of the subdivision, which was previously all proposed for office uses. The number of lots available for office use has been reduced from 44 to 23, and an additional 25 residential lots are now included.

Surrounding Context

Adjacent uses include an elementary school to the north across East Lasalle Drive, single-family residential and stormwater detention to the east, single-family residential to the south, and a developing assisted living and skilled care facility to the west across North Washington Street.

The area includes three lots within Boulder Ridge 5th Addition, and unplatted land to the east of this subdivision. Portions of the area were also included on a preliminary plat for Boulder Ridge 8th Addition, which has been withdrawn by the applicant.

Land Uses

The proposed development includes two distinct parts. The western portion of the subdivision, near North Washington Street consists of small-scale offices and the eastern portion of residential uses, specifically single-family and two-family residential.

The office buildings on the western portion would be individually sited on one of 23 lots zoned Conditional RT – Residential, in a scale and arrangement similar to a residential development. The zoning district would include conditions to align with this design concept, in order to limit the impact to the surrounding neighborhood.

A draft conditional zoning ordinance is attached, including some of the following:

- Minimum and maximum building sizes and heights, and prohibition of accessory structures
- Basic design standards to resemble residential construction
- Limit on the height of garage doors

(continued)

- A landscaped buffer on the periphery and internal landscaping on each lot
- Lighting standards to limit light trespass
- Limits on number and size of commercial signs

The underlying zoning district of RT – Residential would allow general office or medical office uses. Commercial retail and service uses, as well as industrial uses, would not be allowed.

Access and Transportation

All access to the development would be made by private driveway loops connected to East LaSalle Drive to the north at two points. The internal roadway network and underlying utilities would be owned and managed by an association for the development. A small segment of Onyx Drive has already been dedicated and improved, and this revert to a private road to be managed by the association.

Each lot would include enough parking to meet the minimum requirements in the zoning ordinance. A cross-parking agreement within the association would potentially alleviate any possible strain on the parking. Parking on the private drives would be limited due to width needed for fire access and direct-access parking areas.

A multiuse trail with enhanced paving would be installed to connect the private roadways within Boden Addition to Basalt Drive. This is necessary to provide a secondary emergency access to Boden Addition. This was not required for the initial version reviewed in 2021 but is now required because of the addition of residential uses into the subdivision. The trail may be used by bicycles and pedestrian but will be restricted for motor vehicles. Gates would be opened, as needed, to allow emergency access.

Other Issues

Stormwater for the development would be collected in Lot 51 to the east, which would be owned and maintained by the City. Engineering is still reviewing potential impacts to the stormwater detention caused by the multiuse trail.

Boden Addition includes one lot zoned R5 – Residential for development of a single-family home. This lot would be disconnected from the remainder of the subdivision and would be accessed directly from Basalt Drive. Two substandard lots, Lots 49-50, would be dedicated within this plat and then transferred for combination with the adjacent residential properties to the north. They will be labeled unbuildable on the final plat.

Required Findings of Fact (relating to land use)

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;

(continued)

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

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

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is within an area already under agreement for a neighborhood park.
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The 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.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts, as outlined in the attached draft ordinance, and tentative approval of the major subdivision preliminary plat for Boden Addition.

Attachments

1. Draft Conditional Zoning Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Major Subdivision Preliminary Plat

(continued)

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

Lots 49-50 and 52, Block 1, Boden Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the R10 – Residential zoning district:

Lots 24-48, Block 1, Boden Addition

Section 3. 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 R5 – Residential and A – Agricultural zoning districts and included in the P – Public zoning district:

DRAFT

Lots 51, Block 1, Boden Addition

Section 4. 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 R5 – Residential and A – Agricultural zoning districts and included in the Conditional RT – Residential zoning district:

Lots 1 - 23, Block 1, Boden Addition

This Conditional RT – Residential zoning district is subject to the following additional standards:

1. *Use Restrictions*. All residential uses are prohibited, including but not limited to single-family, multifamily, rowhouses, and group homes. Additionally, drive-throughs are prohibited.

2. *Building Height*. Building heights shall be limited to two (2) stories and thirty (35) feet.

3. *Building Area*. Each lot is limited to one (1) principal structure with a footprint of no less than one-thousand two hundred (1,200) square feet and no greater than four thousand five hundred (4,500) square feet. Attached garages are permitted, and up to one thousand (1,000) square feet of parking area in an attached garage to a principal structure will not count towards the maximum square footage of the building area. No accessory structures are permitted, although decks, porches, patios, and other building features are permitted.

4. *Building Design*. All buildings shall be designed in a general residential character, including a pitched roof, a front entry visible from the private street shown on the plat, and windows on the front building façade. Garage doors may be no greater than nine (9) feet in height.

5. *Parking*. Off-street parking shall be provided according to the office building classification in Section 14-03-10 (Off-Street Parking and Loading). Area within attached garages shall not be included in calculations of the required minimum off-street parking spaces, and up to three (3) spaces provided within said garages may be counted toward the required minimum off-street parking.

6. *Landscaped Buffer*. A landscaped buffer of at least twenty (20) feet in width shall be installed at the time of initial site development in compliance with all requirements of Section 14-03-11(10) as a visual screen for Lot 23, Block 1, Boden Addition.

7. *Interior Landscaping*. Each lot shall include a landscaped area of not less than fifteen (15) percent of the total lot area, excluding the area reserved as an access easement, to be planted with trees, shrubs, grass, or other cultivated vegetation at the time of lot development. Said landscaped area must include at least one shade tree on each lot.

8. *Lighting*. All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky. Private access roads may include streetlights in a matching style of up to twenty (20) feet in height.

9. *Signs*. Each lot is limited to one (1) wall sign or one (1) monument sign oriented toward a private street of Boden Addition, and one (1) wall sign oriented toward a public right-of-way. The total allowable area of signs on a lot is sixty (60) square feet. Said signs may not be internally illuminated. Additionally, one (1) sign may be permitted within each platted sign and landscape easement in compliance with all requirements of Chapter 14-03.1 (Signs) that apply to the RT – Residential zoning district.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

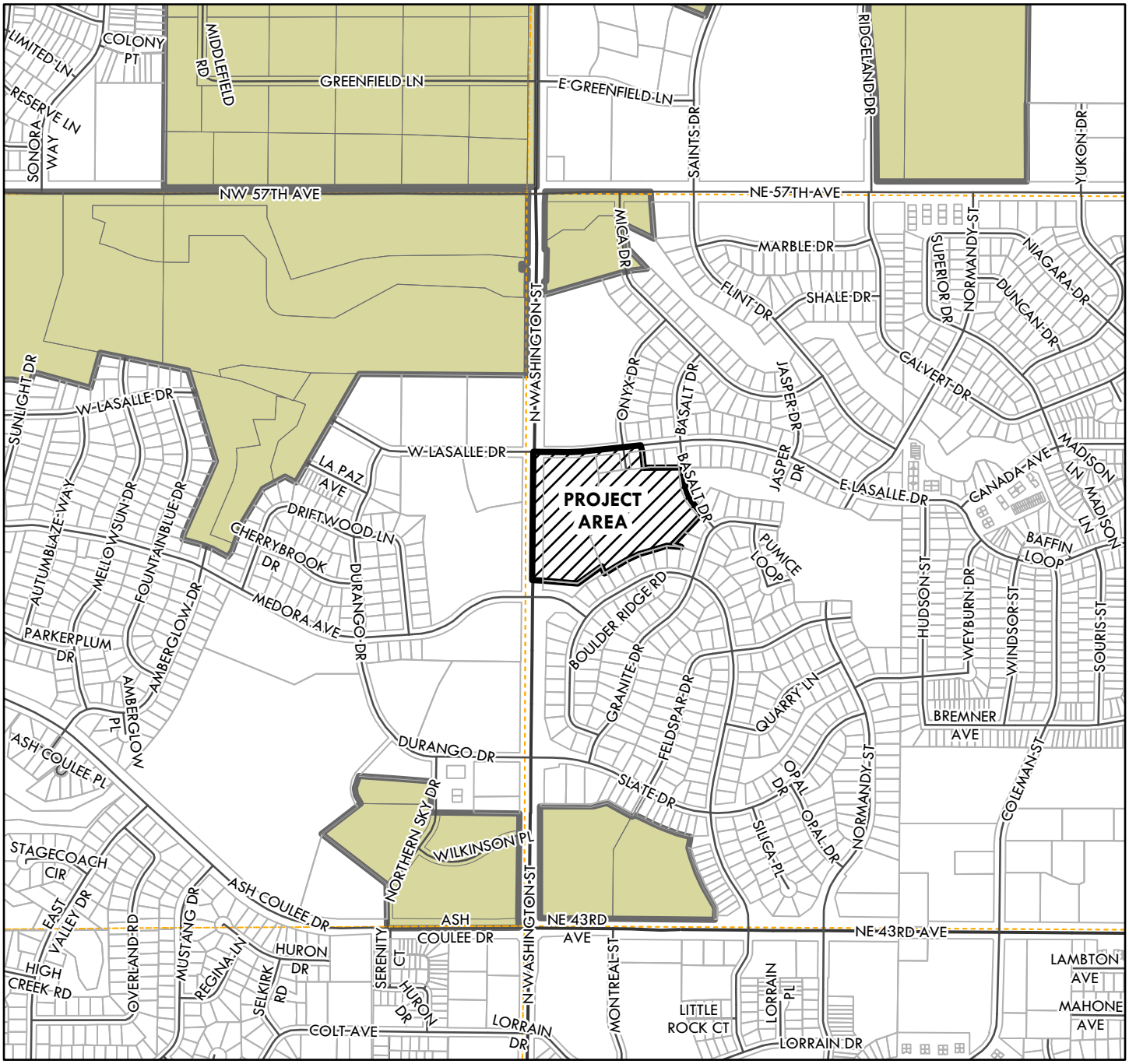
Section 6. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

BODEN ADDITION V2

PPLT2022-002
ZC2022-002



0 0.23 0.45 0.9 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

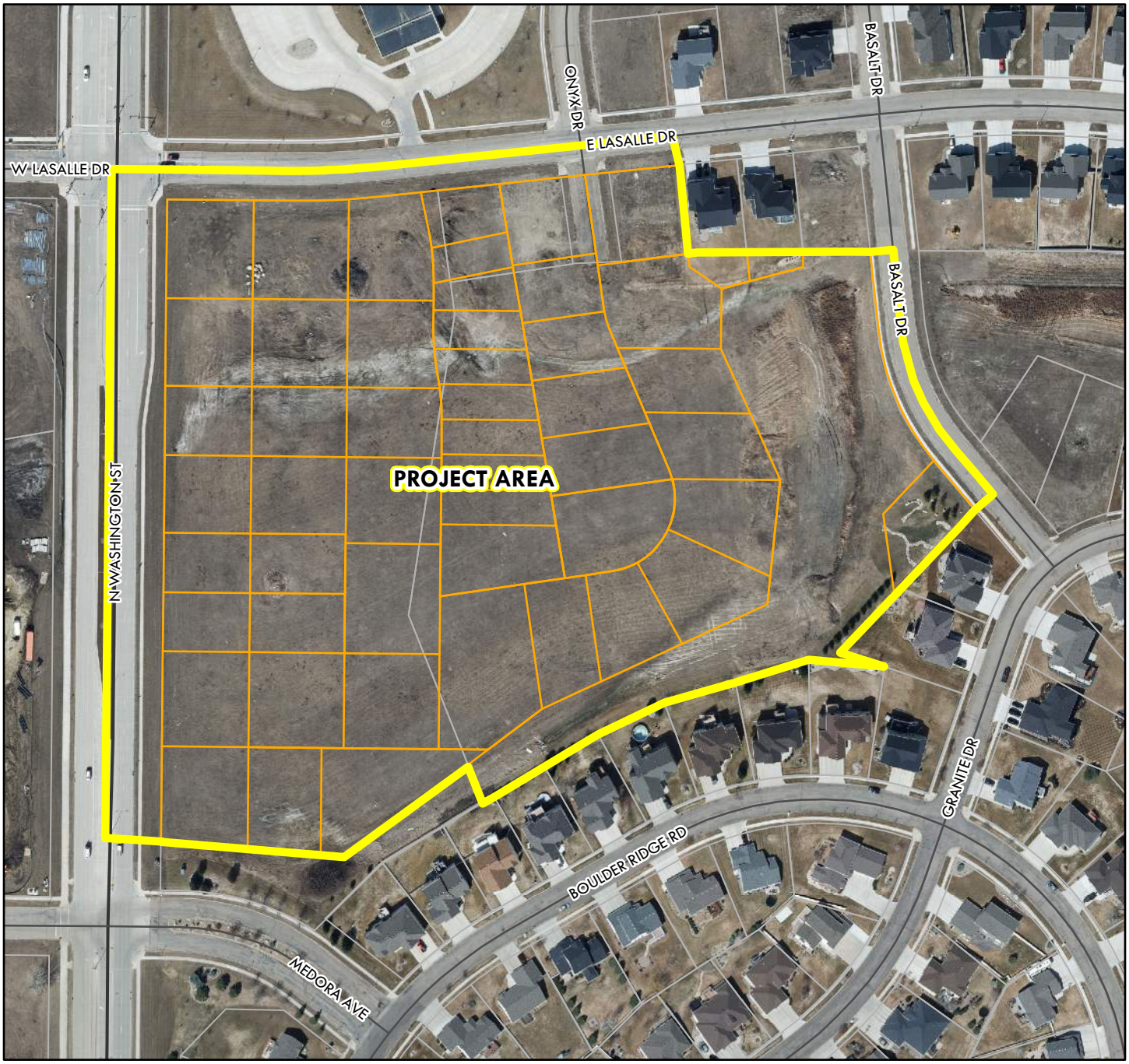
City of Bismarck
Community Development Department
Planning Division
March 14, 2022 (HLB)

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

BODEN ADDITION V2

PPLT2022-002
ZC2022-002



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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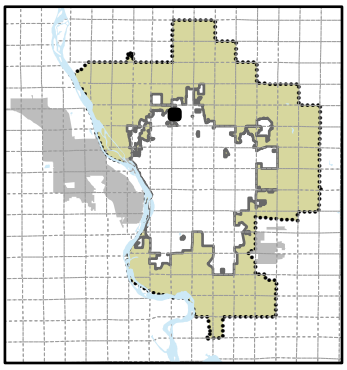


City of Bismarck
Finance Department
IT/GIS Division
March 11, 2022

Zoning and Plan Reference Map

BODEN ADDITION V2

PPLT2022-002
ZC2022-002

Zoning Districts

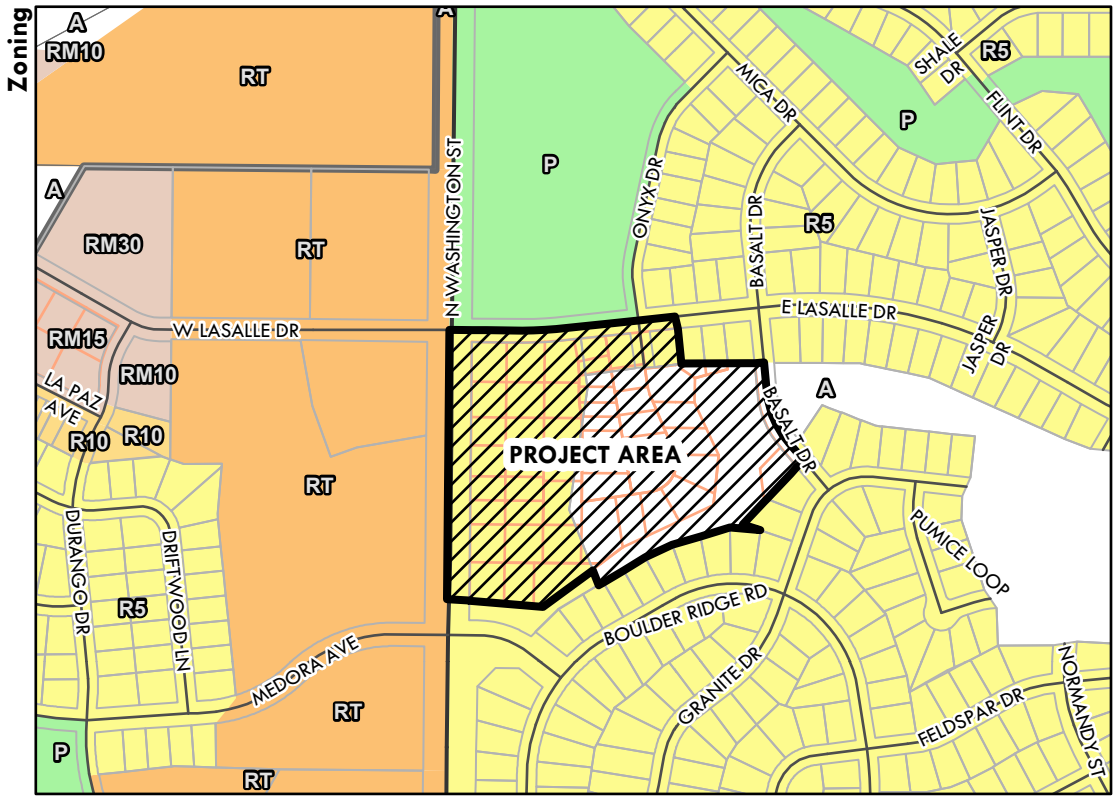
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

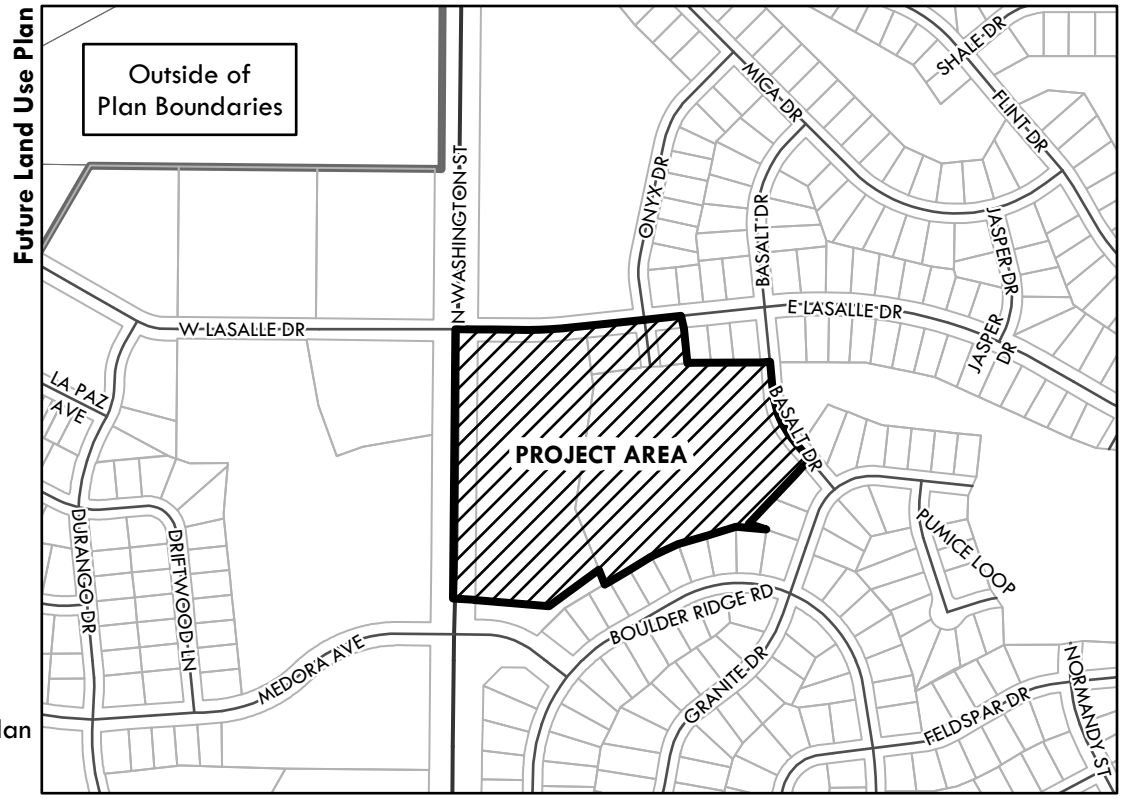
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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N

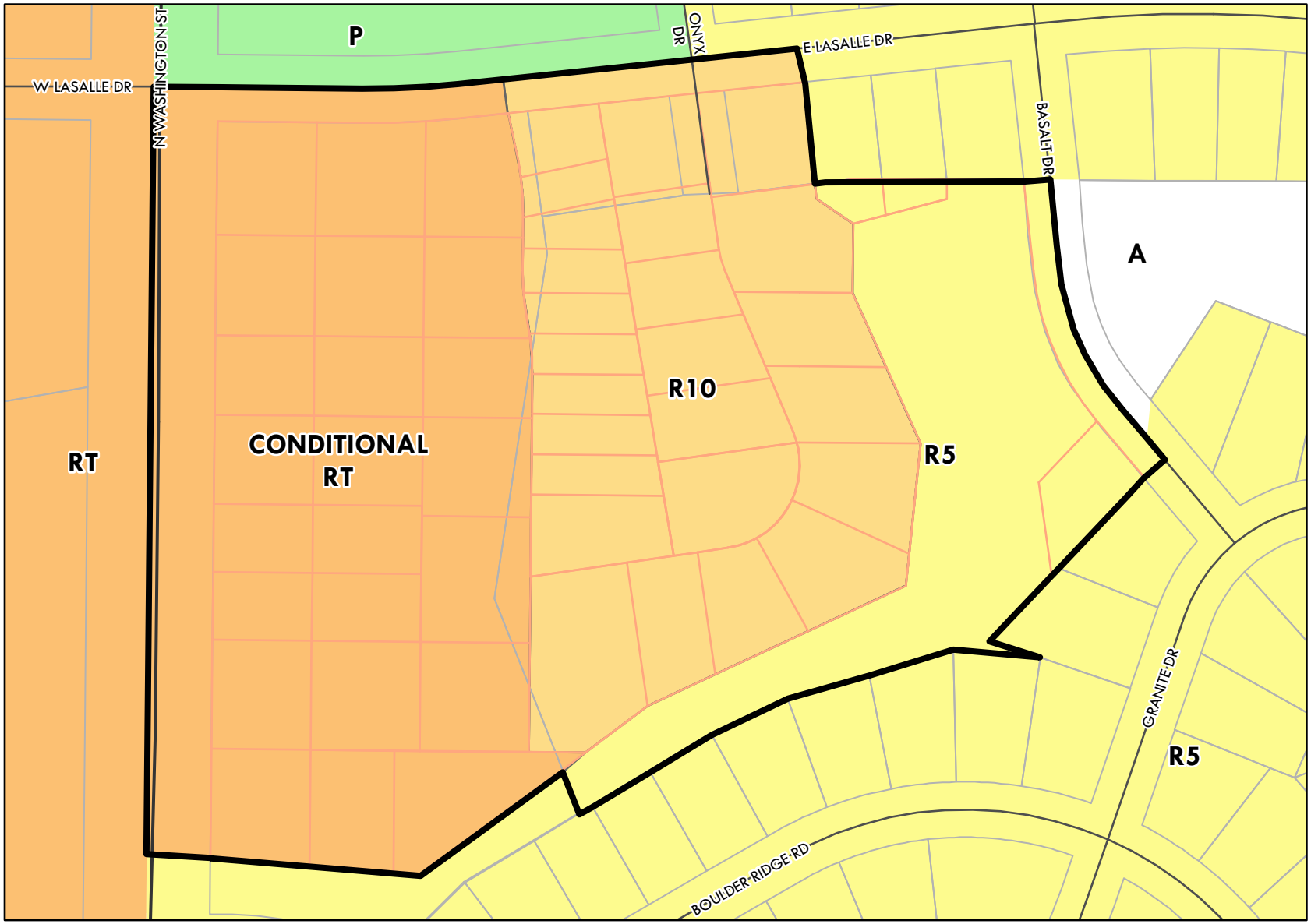
City of Bismarck
Community Development Dept.
Planning Division
March 11, 2022

Proposed Zoning Change

BODEN ADDITION V2

PPLT2022-002
ZC2022-002

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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R10	Residential
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MB	Industrial
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A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.05 0.1 0.2 Miles

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City of Bismarck
Community Development Dept.
Planning Division
March 18, 2022

BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2
BOULDER RIDGE FIFTH ADDITION &
PART OF THE WEST 1/2 OF
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP

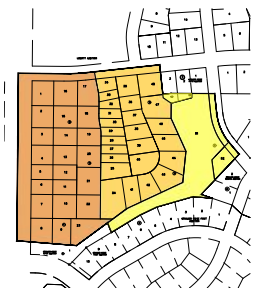
20.0 ACRES
EXISTING ZONING: R5/A
PROPOSED ZONING: CONDITIONAL RT, R10, R5, P
52 LOTS

OWNER: RON &RUTH KNUTSON
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503

OWNER: BOULDER RIDGE DEVELOPMENT, INC
101 SLATE DR.
BISMARCK, ND 58503

OWNER: FIVE GUYS INVESTMENT, LLP
101 SLATE DR.
BISMARCK, ND 58503

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	144.64'	350.00'	23°40'50"	74.78'
C2	173.84'	400.00'	24°54'02"	87.38'
C3	48.95'	400.00'	07°00'50"	35.00'
C4	53.39'	350.00'	08°44'50"	26.73'
C5	103.17'	80.00'	73°53'58"	113.01'
C6	53.17'	350.00'	8°42'02"	26.66'
C7	143.84'	350.00'	23°32'58"	130.13'
C8	54.92'	80.00'	4°53'51"	43.30'
C9	144.04'	1350.00'	6°06'50"	276.32'
C10	48.84'	400.00'	6°59'32"	24.45'
C11	69.24'	400.00'	9°54'41"	220.12'
C12	265.75'	400.00'	38°03'50"	259.84'
C13	219.17'	350.00'	35°52'50"	116.88'
C14	174.83'	350.00'	28°37'02"	89.28'
C15	143.32'	400.00'	20°31'50"	181.32'
C16	204.38'	400.00'	29°16'18"	105.16'
C17	139.24'	400.00'	19°56'32"	70.19'
C18	165.37'	400.00'	23°41'42"	83.82'



CONDITIONAL RT: LOTS 1–23
R10: LOTS 24–48
R5: LOTS 49–51

SCALE – 1" = 60'
VERTICAL DATUM: NAVD 88

MARCH 8, 2022

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcap@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2696

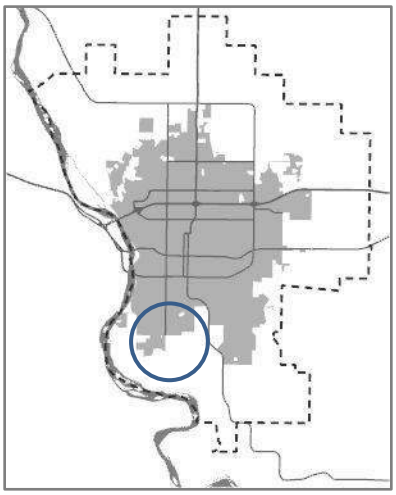
STAFF REPORT

Agenda Item # 4
March 23, 2022

Application for: **Major Subdivision Preliminary Plat** Project ID: **PPLT2022-001**
Zoning Change **ZC2022-001**
Fringe Area Road Master Plan Amendment **FRMP2022-001**

Project Summary

Title:	Paradise Valley Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Jolyn Moses and Ski Haven, L.L.P.
Project Contact:	Jon Lowry, PE and Hanna Peterson, EIT, Lowry Engineering
Location:	South of Bismarck along the south side of East Burleigh Avenue and the east side of South Washington Street
Project Size:	164.88 acres
Request:	Plat, zone, and annex land with associated plan amendments for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 unplatted parcels	*Number of Lots:*	276 lots in 13 blocks
Land Use:	Undeveloped	*Land Use:*	Single-, two- and multi-family residential, commercial, commercial business condos, park and stormwater
Future Land Use:	Conventional Rural Residential Medium Density Residential Commercial/Mixed Use	*Future Land Use:*	Medium Density Residential Commercial/Mixed Use
Zoning:	RR – Residential	*Zoning:*	R5 – Residential R10 – Residential RM15 – Residential Conditional CG – Commercial P – Public Use

(continued)

Site Information (continued)

Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	R5 – Single-family residential R10 – Single and two-family residential RM15 – Multi-family residential Conditional CG – General commercial, multi-family residential, and offices P – Parks, open space, stormwater facilities, and other public uses
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	R5 – 5 units / acre R10 – 10 units / acre RM15 – 15 units / acre Conditional CG – 42 units / acre P – N/A

Property History

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

Staff Analysis

Jolyn Moses and Ski Haven, L.L.P. are requesting approval of a zoning change from the RR – Rural Residential to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts, a Fringe Area Road Master Plan amendment and a major subdivision preliminary plat for Paradise Valley Addition.

Background Information

The Planning and Zoning Commission, at their regularly scheduled meeting on January 26, 2022, considered a request for a future land use plan amendment. That amendment was requested to increase the amount of Commercial/Mixed Use (CMU)land use designations within this areas and designate areas identified as Conventional Rural Residential as Low Density Residential. The applicant has since indicated that the current proposed zoning change for commercial will align with the existing Future Land Use Plan and the previous amendment is no longer needed. The applicant has also reduced the size of this subdivision and zoning change request and generally does not include the portion that is identified as Conventional Rural Residential. The applicant has withdrawn the previously considered amendment.

Site Conditions

Adjacent land uses include developed and developing mixed-density residential uses to the north across East Burleigh Avenue, agriculture and rural residential uses to the east, rural residential uses to the south, and two-family and multi-family residential and public uses to the west.

The current site is undeveloped land, zoned rural residential and used for agricultural purposes. In the past, staff has indicated that development within this area may be difficult due to the low

(continued)

lying elevations, utility servicing and other development constraints.

Overview

The proposed plat contains 276 lots in 13 blocks intended for single, two- and multi-family residential, commercial and public uses.

The applicant has provided a concept plan for the proposed plat and adjacent areas under common ownership of the applicant. Concept plans are requested for adjacent areas under common ownership to help staff understand future roadway alignments and utility servicing needs. Concept plans are not approved by the city. Staff have not formally evaluated those portions outside the proposed plat and future platting may deviate from the concepts to ensure conformance with City of Bismarck development requirements.

Conformance to Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies portions of this area as Commercial/Mixed Use (C/MU), Medium-Density Residential (MDR) and minimal portions as Conventional Rural Residential (RR). The proposed plat includes single, two- and multi-family residences in the MDR portion for a gross density of 8.15 units per acre. Staff affirms the proposed preliminary plat and requested zoning conforms to the Future Land Use Plan and future land use density targets.

The Growth Phasing Plan identifies this entire plat as a Future Urban Growth Area. The area of this plat cannot currently be served with city utilities until a sanitary sewer lift station is constructed. A stormwater lift station is also necessary to support the proposed development. The City would not be responsible for any costs of infrastructure in the Future Urban Growth Area, per the Growth Phasing Plan.

The 2014 Fringe Area Road Master Plan, as amended, includes a proposed north-south collector roadway adjacent to this this plat. The current alignment of this roadway matches the alignment of High Plains Road in the adjacent High Plains Country Estates subdivision. This alignment previously corresponded with an alignment for Boston Drive to the north across East Burleigh Avenue. The alignment of Boston Drive was relocated further to the west, in conjunction with the approval of Meadow Village Addition in 2019. The proposed plat and requested Fringe Area Road Master Plan amendment would realign the north-south collector roadway alignment within this section and ensure a direct alignment with Boston Drive to the south in this section as a collector roadway for this development.

The applicant has provided a concept plan for the future development of vacant land they own located to the east of the proposed plat. The Fringe Area Road Master Plan indicates an east west collector named Meridian Drive that generally aligns with the proposed plat. In the vacant, future development area in the concept plan, the applicant is proposing to re-align the collector to deviate from the gradual curve indicated within the existing plan and propose a new alignment that turns and bends into a short north-south alignment and then bends back to an east-west alignment that connects to South 12th Street where originally proposed. This alignment is favored by the applicant due to the location of the Special Flood Hazard Area and the amount of fill that would be required.

Staff is supportive of the Fringe Area Road Master Plan amendment for realignment of the collector roadways located within the North Half of Section 21, Township 138N-R80W.

Zoning

The applicant has requested CG – Commercial zoning for two blocks within the northwest area of

(continued)

the plat, RM-15 – Residential for two blocks east of the proposed commercial zoning, R5 – and R10 – Residential for single and two family residential uses plus a private stormwater pond facility, and P – Public for dedicated park space.

Commercial uses in this area are proposed to provide neighborhood commercial for nearby residential uses. A Conditional CG – Commercial zoning district for the two requested commercial blocks is supported by staff with the understanding that conditional requirements for design and development standards are in place to ensure compatibility with adjacent residential zoning districts.

The applicant has indicated that Block 4, of then proposed plat, will consist of 'Business Condos.' Initial design concepts provided to staff labeled these buildings as 'shop-condos.' 'Shop-condos' are not an allowable use in the CG – Commercial zoning district. The applicant is aware that industrial, manufacturing, storage and heavy service uses are not permitted. The proposed Conditional CG – Commercial zoning district for Block 4 will prohibit drive-throughs and other special uses that are not compatible with nearby residential uses.

Annexation

The applicant has applied for the annexation of the entire area within the proposed subdivision which would be presented for final consideration during the public hearing for the items that are being considered at this time.

Traffic Considerations

Staff have indicated a concern for potential traffic impacts for the proposed development, considering South Washington Street and West Burleigh Avenue are rural section arterial roadways. A traffic impact study has been provided and is currently under review. Staff analysis of the study will evaluate access points and trip generation from the proposed land uses.

A future roadway connection to adjacent undeveloped land to the south has been provided in the proposed plat and indicated within the concept plan.

Adequate right-of-way width for streets and the installation of adjacent multi-use paths and widened sidewalks to, near and around the proposed park. The multi-use paths will be owned and maintained by Bismarck Parks and Recreation District as part of the official trail networks. Maintenance of the widened sidewalks will be responsibility of the adjacent property owners.

The proposed plat contains one cul-de-sac for Rutland Circle and private roadways for internal circulation needs for the proposed two-family residential lots in Block 3. Written justifications for the use of the cul-de-sac and private roadways have been provided and are attached to this staff report.

Special Flood Hazard Area

Portions of the proposed plat are located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. Development within this area must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District). A floodplain development application and supporting documentation must be submitted to the Building Inspections Division for review and must be approved prior to any land disturbing activity taking place within the special flood hazard area. The applicant has indicated that they intend to place fill to raise elevations for those lots and roadways with the SFHA and submit a Letter of Map Revision (LOMR) to remove those areas from the SFHA.

Hazardous Wildlife Opinion

Portions of the proposed plat are located within the operations area of the Bismarck Airport and maybe subject to the provisions of the FAA Advisory Circular 150/5200-33B Hazardous

(continued)

Wildlife Attractants On or Near Airports. A Hazardous Wildlife Opinion for the proposed plat maybe required for the proposed stormwater pond as well as any other potential hazardous wildlife attractants.

Stormwater Facilities

The proposed plat includes a 11.2-acre stormwater pond. This pond has been identified in area of the plat that is located outside of the airport operations area. A stormwater management plan has not been submitted for review at this time. To avoid conflicts with the airport operations area, this pond must be designed and adequately sized to support the proposed plat and the future development areas outlined in the provided concept plan. A stormwater lift station is necessary to support this facility.

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park in any urban residential subdivision, unless waived by the Bismarck Parks and Recreation District. The applicant has provided a Statement of Intent to provide neighborhood parks and open space. The proposed plat indicates Lot 10, Block 8 for park dedication. The proposed zoning for the proposed park is P – Public.

The proposed plat also includes an area consisting of two-family dwelling units within Block 3 on the eastern side of the plat. The applicant has indicated that Lot 42, Block 3 will be a common greenspace lot that will be owned and maintained by a homeowner's association and will benefit of the owners of all the owners within Block 3. This lot must be identified as a common ownership lot on the final plat.

Required Findings of Fact (relating to land use)

Major Subdivision Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. A statement of intent for the provision of neighborhood parks and open space has been submitted;
4. The proposed subdivision would likely generate a significant number of vehicle trips that would affect the circulation and safety of public roadways in the vicinity, and therefore a traffic impact study has been required and will be reviewed prior to submittal of the final plat;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
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 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. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands;

(continued)

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.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The 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.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR – Rural Residential to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts, a Fringe Area Road Master Plan amendment and a major subdivision preliminary plat for Paradise Valley Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning
5. Proposed Changes to FARMP
6. Written Justification for FARMP Amendment

(continued)

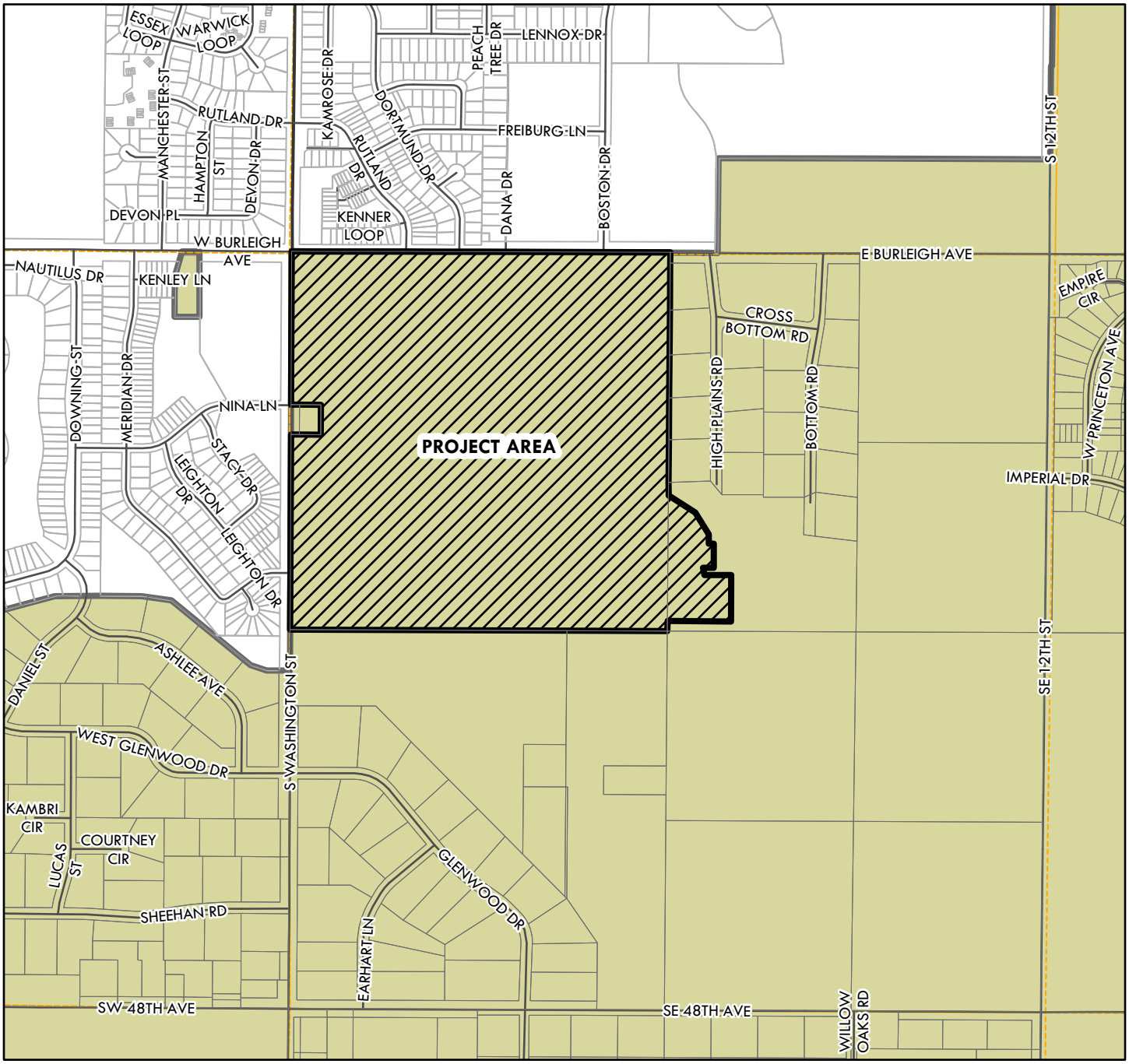
7. Preliminary Plat
8. Concept Plan
9. Neighborhood Park Statement of Intent
10. Private Road Justification
11. Waiver Request Cul-de-Sacs

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

Location Map

PARADISE VALLEY

PPLT2022-001
ZC2022-001
ANNX2022-001
FRMP2022-001



0 0.23 0.45 0.9 Miles

N

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City of Bismarck
Community Development Department
Planning Division
March 16, 2022 (HLB)

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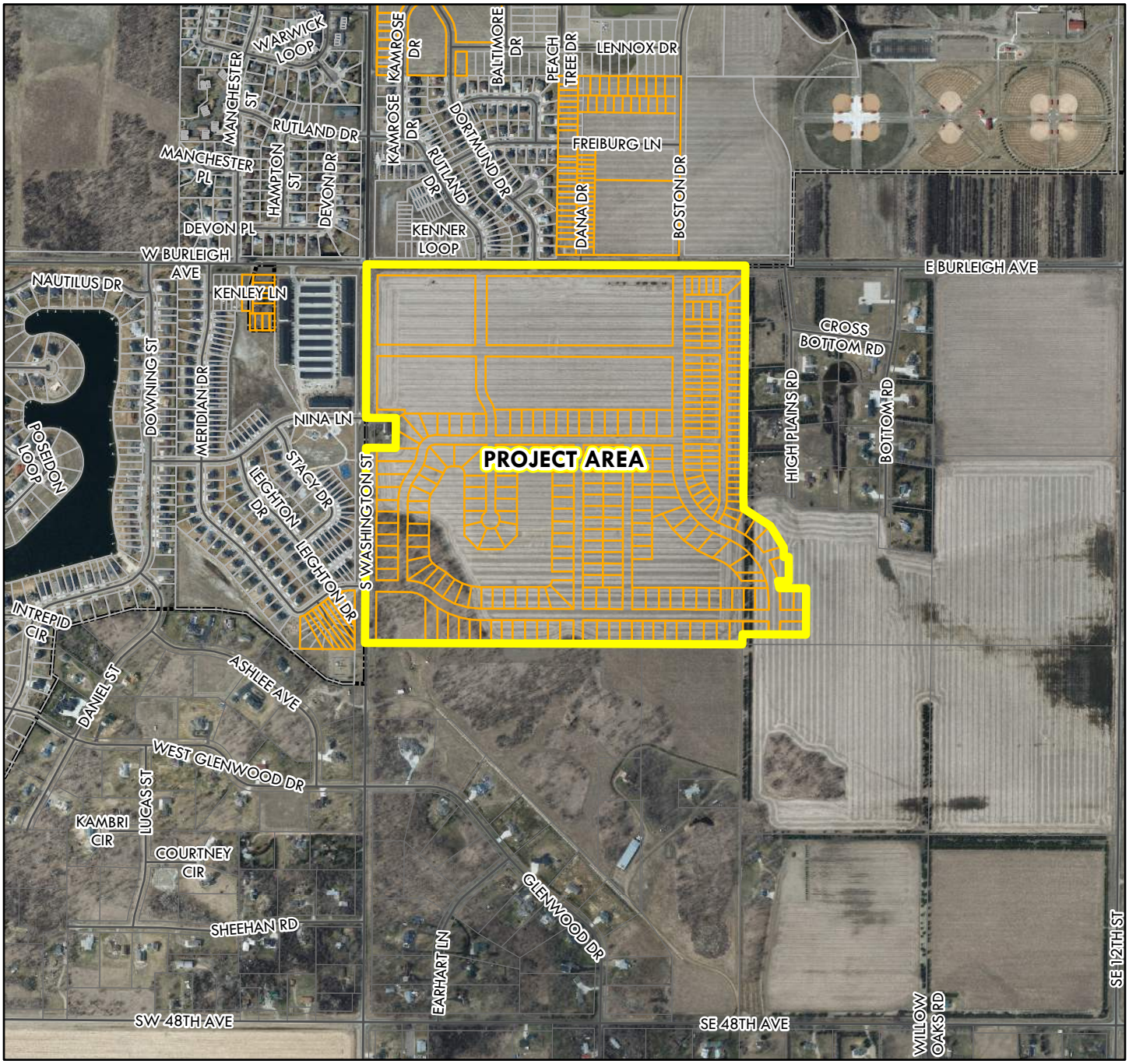

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
March 16, 2022

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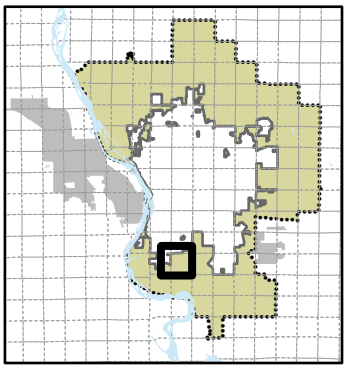

Zoning and Plan Reference Map

PARADISE VALLEY

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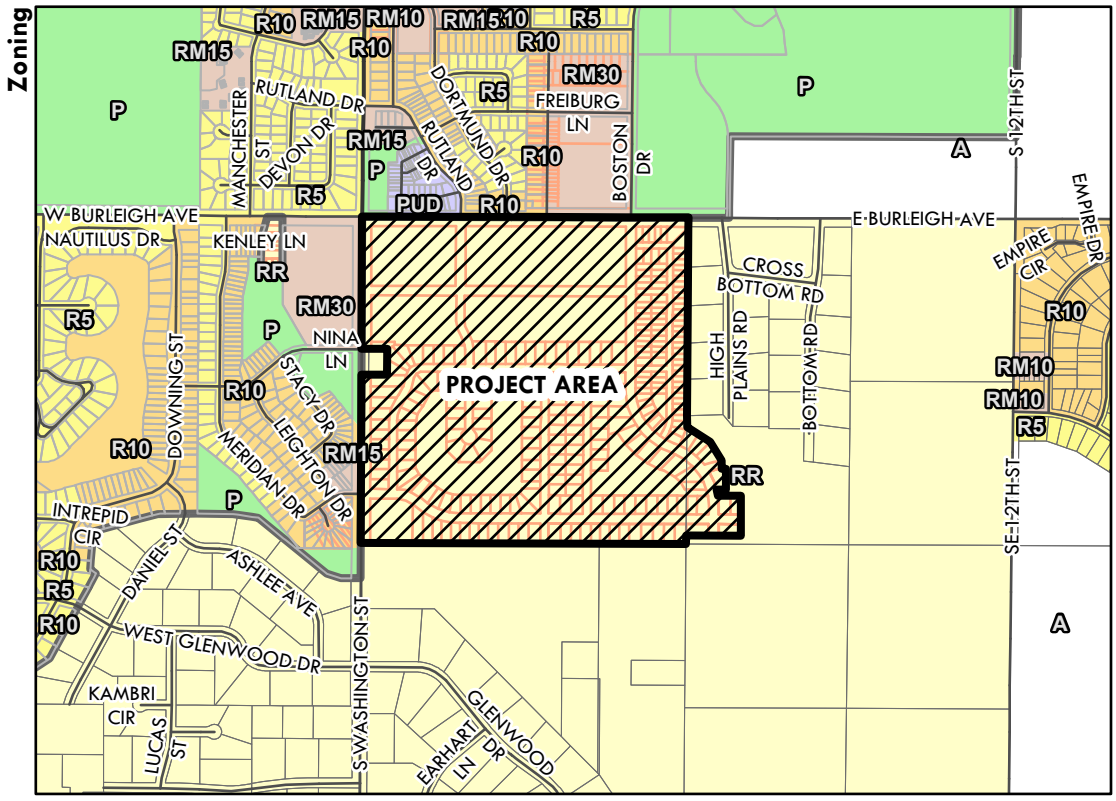

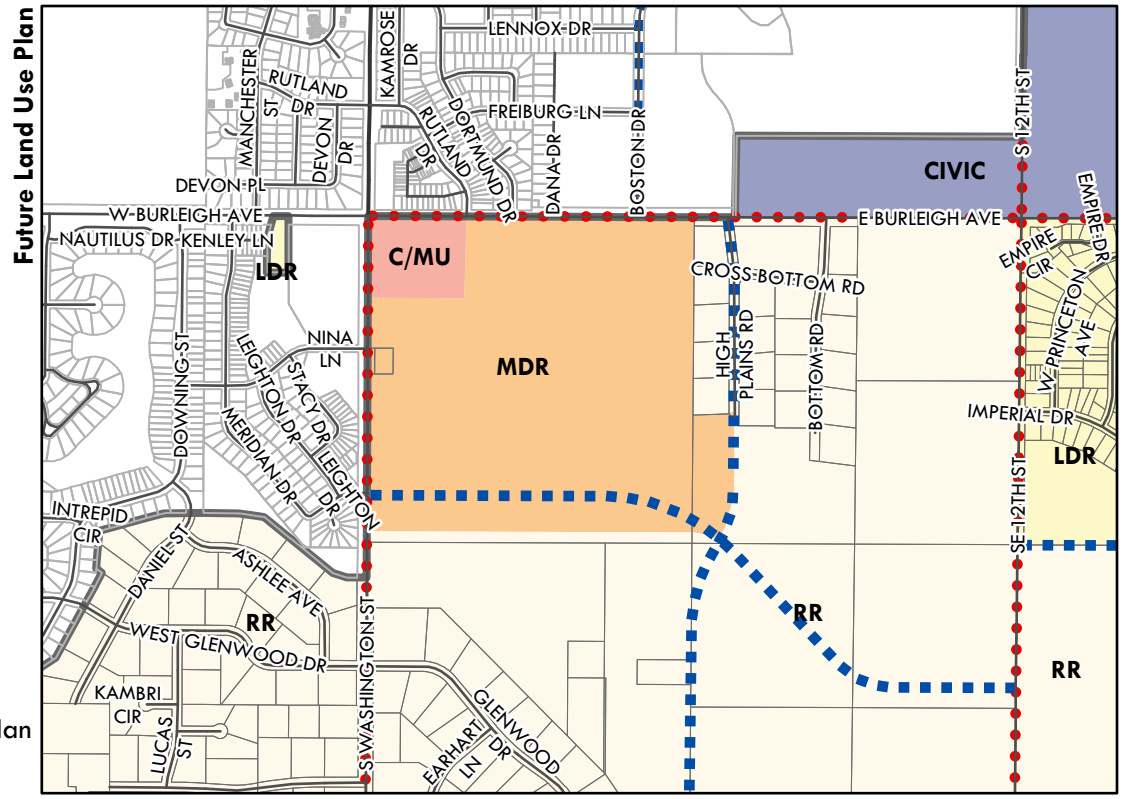

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0 0.17 0.35 0.7 Miles

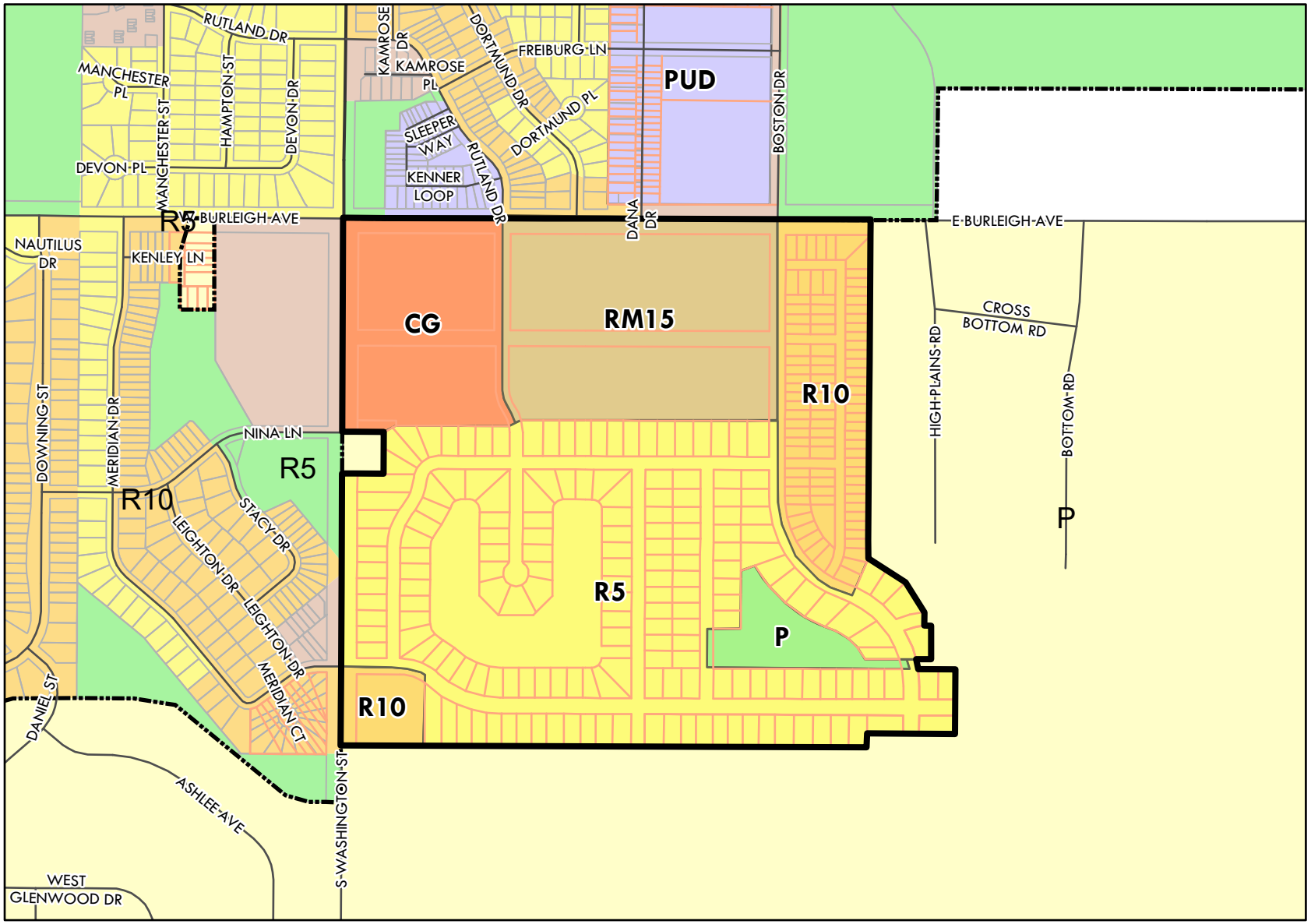
City of Bismarck
Community Development Dept.
Planning Division
March 16, 2022

Proposed Zoning Change

PARADISE VALLEY

PPLT2022-001
ZC2022-001
ANNX2022001
FRMP2022-001

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 0.25 0.5 1 Miles

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.

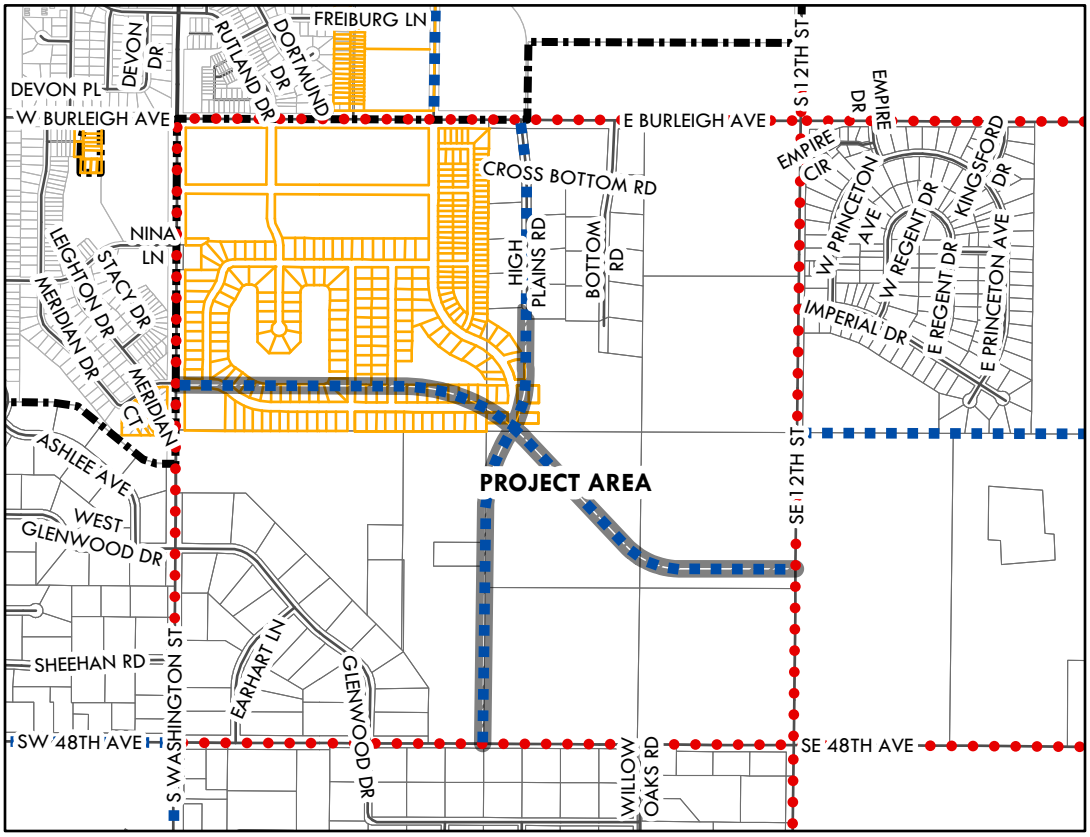
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

Fringe Area Road Master Plan Reference Map

PARADISE VALLEY

FRMP2022-001

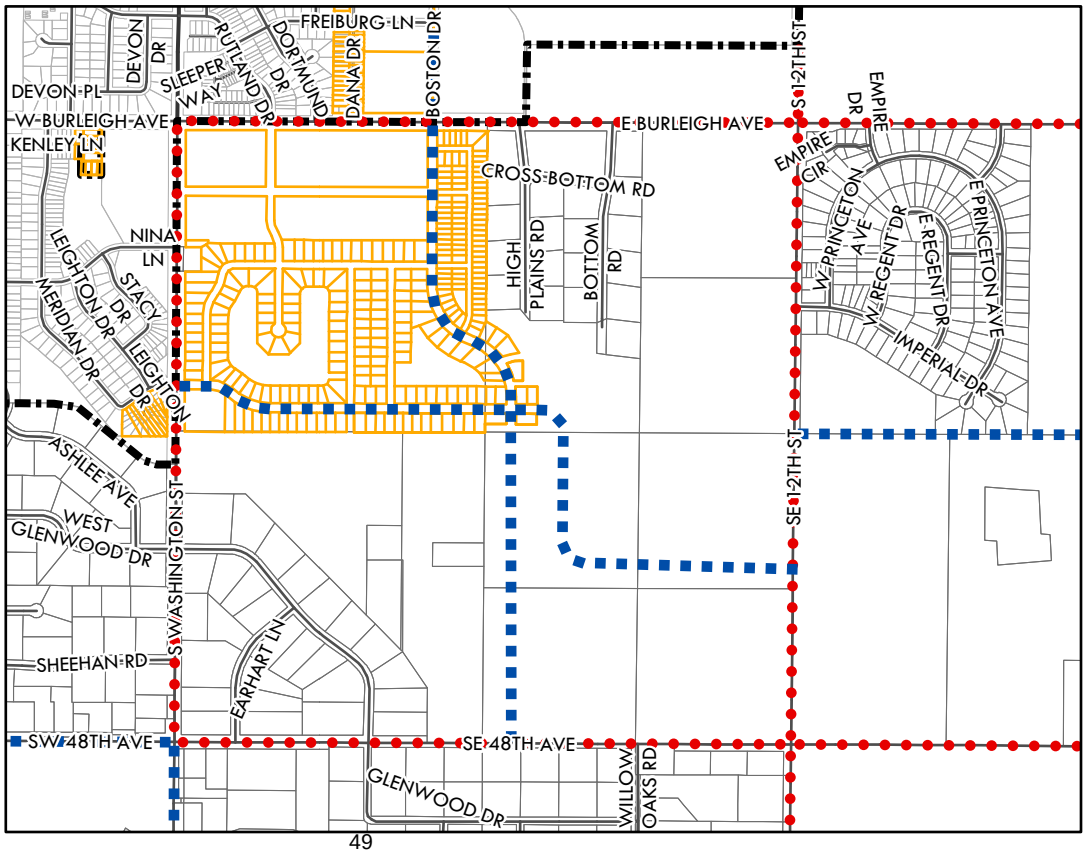
Existing Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector
- Associated Project Area
- City Limits

Proposed Plan



Miles

0 0.1 0.2 0.4

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City of Bismarck
Community Development Department
Planning Division
March 17, 2022

Lowry ENGINEERING

Civil Engineering • Construction Engineering • Land Survey

February 10, 2022

City of Bismarck Community
Development Department
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

RE: Fringe Area Road Master Plan Amendment
Paradise Valley Development
Part of Section 21,
Township 138 N, Range 80 West
Bismarck, ND
LE Project Number: 21054

To Whom It May Concern,

The purpose of this letter is to provide justification for the revision to Bismarck's Fringe Area Road Master Plan. Meridian and Boston Drive are intended to be collector streets for the Paradise Valley Development. The remainder of the roads will act as local streets. As shown in the attached exhibit, the existing Fringe Area Road Master Plan shows Meridian Drive and High Plains Drive as collectors for this development.

The alignment of Boston Drive to the north of Burleigh Ave was modified while platting the Meadow Village Addition. The proposed right-of-way for Boston Drive within Paradise Valley would line up with Boston Drive in the Meadow Village Addition. Modifying the FARMP would provide these subdivisions with one mid-section collector that met at one intersection, instead of two offset intersections at Burleigh Ave.

Meridian Drive was intended to be the east/west collector per the FARMP and we intend to leave it as such. However, our proposed layout modifies the alignment of Meridian Drive. Development is difficult to the east of Paradise Valley due to the floodplain and the amount of fill that would be needed to make the land buildable. The proposed alignment of Meridian Drive works around limitations caused by these low areas and makes the most efficient use of land that is developable.

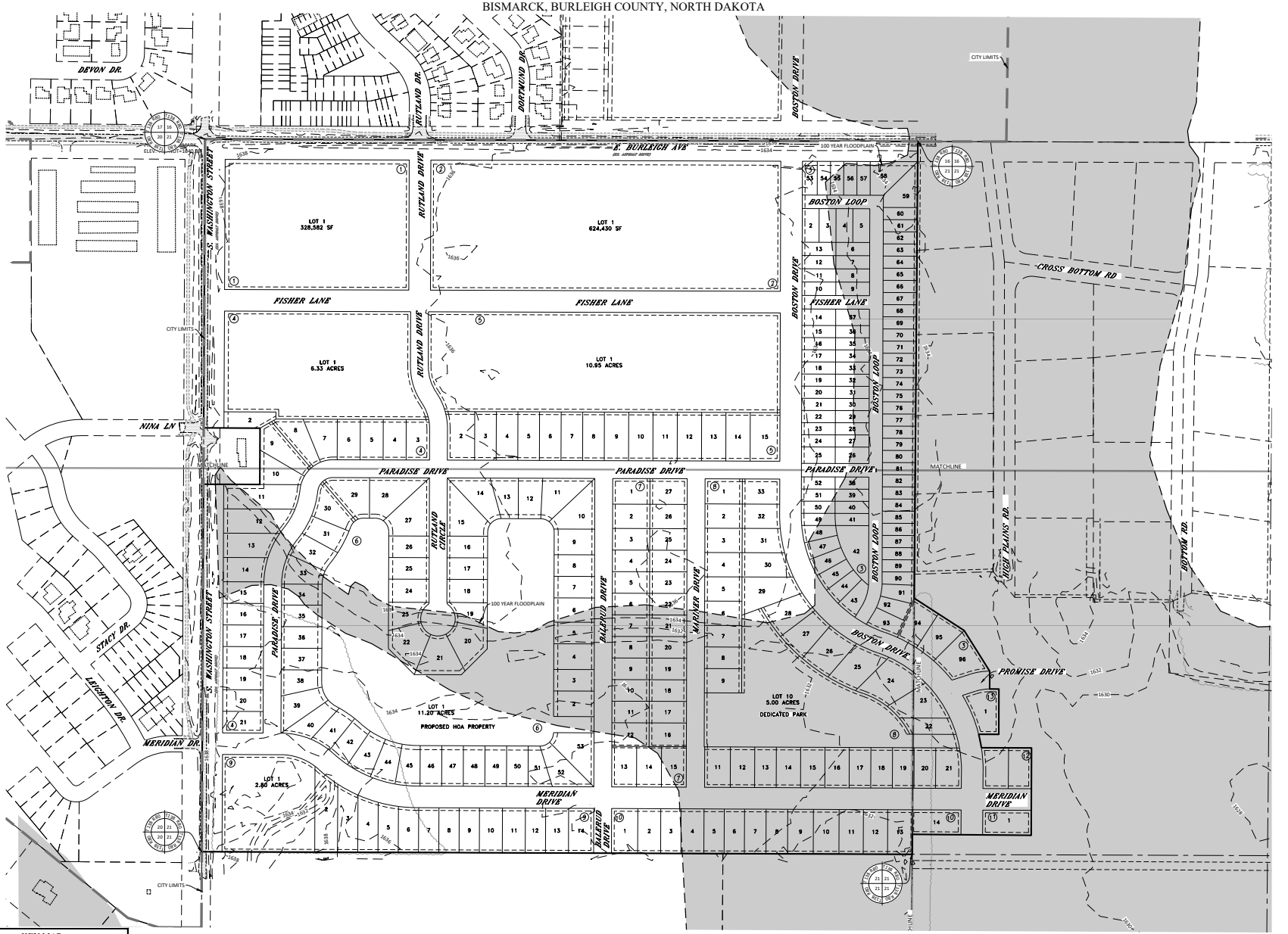
Sincerely,

Hanna Peterson

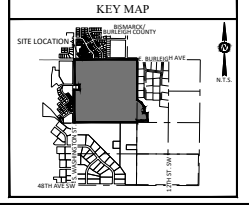
Hanna Peterson, E.I.T.
Project Engineer
Lowry Engineering

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



CURRENT OWNER'S INFORMATION
RANDY RHONE
P.O. BOX 1272
BISMARCK, ND 58502

JOLYN MOSES
704 IVANHOE ST.
DENVER, CO 80220-5340

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 03/15/22

SHEET 1 OF 6

SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: NAD83 - NORTH DAKOTA STATE PLANE SOUTH ZONE INTERNATIONAL FEET
DATUM: NAVD 88
BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 21 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH WASHINGTON STREET AND W. BURLEIGH AVE HAS AN ELEV=1640.98'

NOTES

1. EXISTING SITE ZONED AS RR RURAL SINGLE FAMILY RESIDENTIAL.
2. FEMA MAP #38015C0795D BASE FLOOD ELEVATION IS 1634.00'.

AREA		
LOTS	5,729,228 SF	131.53 ACRES
RIGHT-OF-WAY	1,452,790 SF	33.35 ACRES
TOTAL	7,182,018 SF	164.88 ACRES

SURVEYORS INFORMATION
COLE A. NESET
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
5306 51ST AVE S. STE A.
FARGO, ND 58104

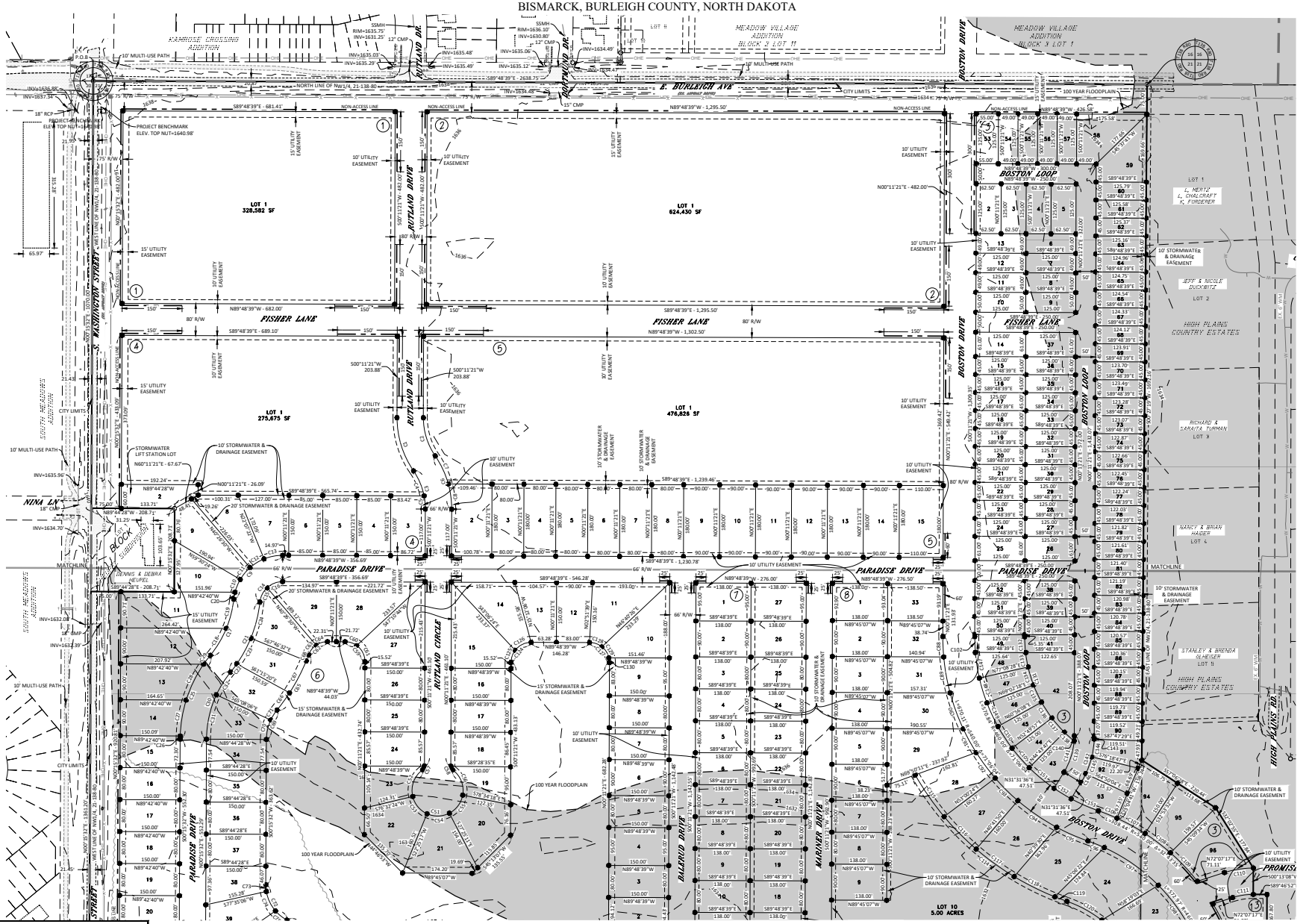
LEGEND

- (6) BLOCK #
- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- CITY LIMITS
- TRACT/PARCEL AREA
- 100 YEAR FLOODPLAIN AREA

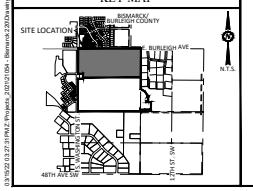
0 150 300

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



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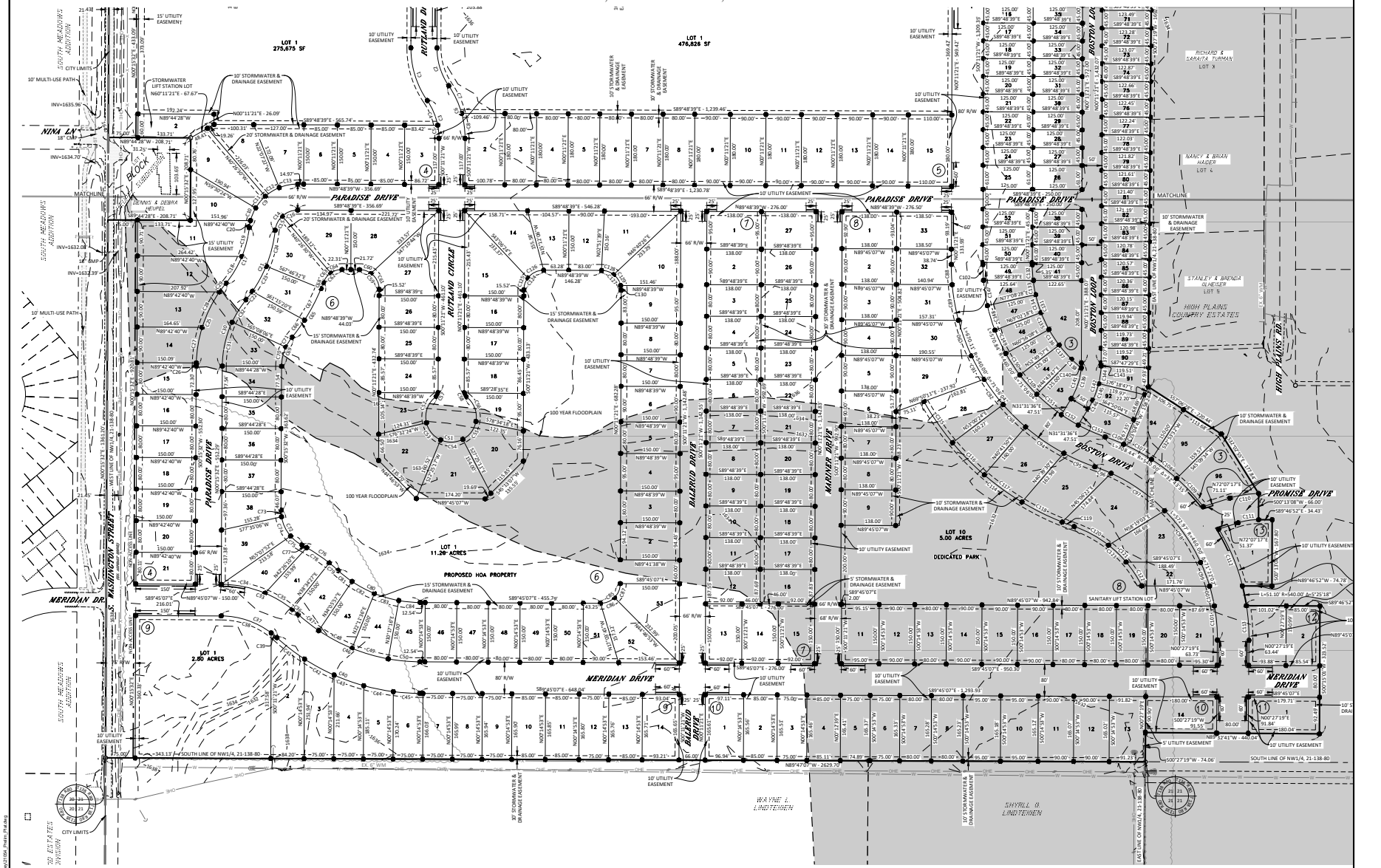
0 100 200

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

DATE: 03/15/22

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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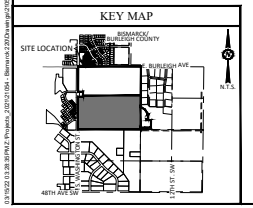

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 03/15/22

SHEET 3 OF 6

SURVEY INFORMATION

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INTERNATIONAL FEET
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- NEW EASEMENT LINE
- CITY LIMITS
- TRACT/PARCEL AREA
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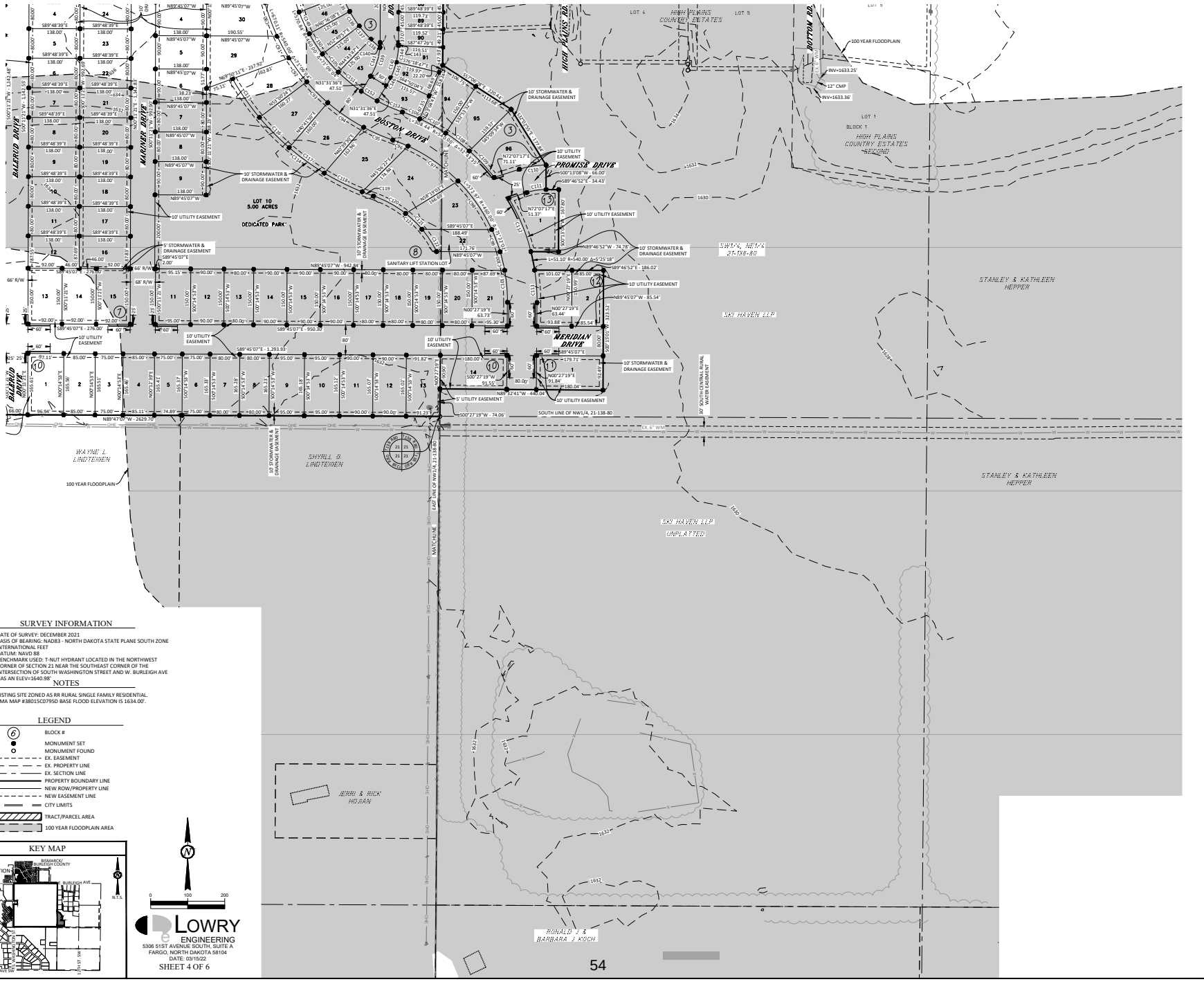
0 100 200

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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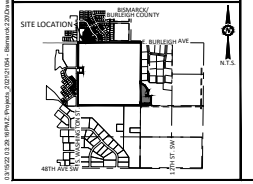
KEY MAP



0 100 200

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 03/15/22

SHEET 4 OF 6

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

BLOCK 3 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	116,971	2.69
2	7,813	0.18
3	7,812	0.18
4	7,812	0.18
5	7,812	0.18
6	6,125	0.14
7	6,125	0.14
8	6,125	0.14
9	6,250	0.14
10	6,250	0.14
11	6,125	0.14
12	6,125	0.14
13	6,125	0.14
14	7,625	0.18
15	5,625	0.13
16	5,625	0.13
17	5,625	0.13
18	5,625	0.13
19	5,625	0.13
20	5,625	0.13
21	5,625	0.13
22	5,625	0.13
23	5,625	0.13
24	5,625	0.13
25	7,625	0.18
26	7,625	0.18
27	5,625	0.13
28	5,625	0.13
29	5,625	0.13
30	5,625	0.13
31	5,625	0.13
32	5,625	0.13

BLOCK 3 AREA TABLE

LOT #	SQUARE FEET	ACRES
33	5,625	0.13
34	5,625	0.13
35	5,625	0.13
36	5,625	0.13
37	7,625	0.18
38	5,625	0.13
39	5,625	0.13
40	5,625	0.13
41	5,594	0.13
42	17,790	0.41
43	7,844	0.18
44	7,027	0.16
45	7,027	0.16
46	7,027	0.16
47	7,027	0.16
48	6,350	0.15
49	5,633	0.13
50	5,625	0.13
51	5,625	0.13
52	5,625	0.13
53	6,875	0.16
54	6,125	0.14
55	6,125	0.14
56	6,125	0.14
57	6,125	0.14
58	14,058	0.32
59	13,519	0.31
60	5,656	0.13
61	5,647	0.13
62	5,637	0.13
63	5,628	0.13
64	5,618	0.13

BLOCK 3 AREA TABLE

LOT #	SQUARE FEET	ACRES
65	5,609	0.13
66	5,600	0.13
67	5,590	0.13
68	5,581	0.13
69	5,571	0.13
70	5,562	0.13
71	5,552	0.13
72	5,543	0.13
73	5,534	0.13
74	5,524	0.13
75	5,515	0.13
76	5,505	0.13
77	5,496	0.13
78	5,487	0.13
79	5,477	0.13
80	5,468	0.13
81	5,458	0.13
82	5,449	0.13
83	5,440	0.12
84	5,430	0.12
85	5,421	0.12
86	5,411	0.12
87	5,402	0.12
88	5,393	0.12
89	5,383	0.12
90	5,626	0.13
91	6,958	0.16
92	6,619	0.15
93	8,454	0.19
94	14,227	0.33
95	14,768	0.34
96	19,248	0.44

BLOCK 4 AREA TABLE

LOT #	SQUARE FEET	ACRES
3	12,971	0.30
4	12,750	0.29
5	12,750	0.29
6	12,750	0.29
7	14,592	0.33
8	14,691	0.34
9	16,609	0.38
10	12,950	0.30
11	25,140	0.58
12	21,520	0.49
13	16,515	0.38
14	13,973	0.32
15	12,000	0.28
16	12,000	0.28
17	12,000	0.28
18	12,000	0.28
19	12,000	0.28
20	12,000	0.28
21	12,008	0.28

BLOCK 5 AREA TABLE

LOT #	SQUARE FEET	ACRES
2	18,322	0.42
3	14,400	0.33
4	14,400	0.33
5	14,400	0.33
6	14,400	0.33
7	14,400	0.33
8	14,400	0.33
9	16,200	0.37
10	16,200	0.37
11	16,200	0.37
12	16,200	0.37
13	16,200	0.37
14	16,200	0.37
15	19,800	0.45

BLOCK 6 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	487,902	11.20
2	14,142	0.32
3	12,000	0.28
4	14,250	0.33
5	12,000	0.28
6	13,500	0.31
7	12,000	0.28
8	12,000	0.28
9	14,256	0.33
10	17,916	0.41
11	17,790	0.41
12	12,975	0.30
13	12,589	0.29
14	16,744	0.38
15	20,524	0.47
16	12,000	0.28
17	12,000	0.28
18	12,902	0.30
19	10,615	0.24
20	17,227	0.40
21	18,410	0.42
22	18,141	0.42
23	11,477	0.26
24	12,836	0.29
25	12,000	0.28
26	12,000	0.28
27	22,275	0.51

BLOCK 6 AREA TABLE

LOT #	SQUARE FEET	ACRES
28	21,348	0.49
29	18,211	0.42
30	14,309	0.33
31	12,285	0.28
32	13,202	0.30
33	12,368	0.28
34	11,632	0.27
35	12,000	0.28
36	12,000	0.28
37	12,000	0.28
38	12,083	0.28
39	15,939	0.37
40	12,125	0.28
41	11,177	0.26
42	12,000	0.28
43	12,000	0.28
44	12,000	0.28
45	12,000	0.28
46	12,000	0.28
47	12,000	0.28
48	12,000	0.28
49	12,000	0.28
50	12,000	0.28
51	9,994	0.23
52	15,532	0.36
53	19,027	0.44

BLOCK 7 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	13,110	0.30
2	12,420	0.29
3	11,040	0.25
4	11,040	0.25
5	11,040	0.25
6	11,040	0.25
7	11,040	0.25
8	11,040	0.25
9	11,040	0.25
10	11,040	0.25
11	11,040	0.25
12	12,092	0.28
13	13,800	0.32
14	13,800	0.32

BLOCK 7 AREA TABLE

LOT #	SQUARE FEET	ACRES
15	13,800	0.32
16	12,111	0.28
17	11,040	0.25
18	11,040	0.25
19	11,040	0.25
20	11,040	0.25
21	11,040	0.25
22	11,040	0.25
23	11,040	0.25
24	11,040	0.25
25	11,040	0.25
26	12,420	0.29
27	13,110	0.30

BLOCK 8 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	12,830	0.29
2	12,420	0.29
3	12,420	0.29
4	12,420	0.29
5	12,420	0.29
6	12,420	0.29
7	11,040	0.25
8	11,040	0.25
9	12,420	0.29
10	14,262	0.33
11	13,500	0.31
12	12,000	0.28
13	13,500	0.31
14	13,500	0.31
15	13,500	0.31
16	13,500	0.31
17	12,000	0.28

BLOCK 8 AREA TABLE

LOT #	SQUARE FEET	ACRES
18	12,000	0.28
19	12,000	0.28
20	12,000	0.28
21	14,102	0.32
22	10,752	0.25
23	17,958	0.41
24	23,807	0.55
25	19,538	0.45
26	18,831	0.43
27	15,563	0.36
28	16,602	0.38
29	21,367	0.49
30	15,517	0.36
31	13,303	0.31
32	12,507	0.29
33	12,896	0.30

BLOCK 9 AREA TABLE

LOT #	SQUARE FEET	ACRES
2	23,881	0.55
3	17,290	0.40
4	14,801	0.34
5	13,257	0.30
6	12,547	0.29
7	12,451	0.29
8	12,447	0.29
9	12,444	0.29
10	14,099	0.32
11	14,095	0.32
13	14,087	0.32

BLOCK 10 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	16,065	0.37
2	14,070	0.32
3	12,411	0.28
4	14,071	0.32
5	12,395	0.28
6	12,401	0.28
7	13,224	0.30
8	13,220	0.30
9	15,694	0.36
10	15,689	0.36
11	14,859	0.34
12	14,854	0.34
13	15,100	0.35
14	16,421	0.38

BLOCK 11 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	16,578	0.38

BLOCK 12 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	14,380	0.33
2	12,877	0.30

BLOCK 13 AREA TABLE

LOT #	SQUARE FEET	ACRES
1	16,783	0.39

AREA

LOTS	5,729,228 SF	131.53 ACRES
RIGHT-OF-WAY	1,452,790 SF	33.35 ACRES
TOTAL	7,182,018 SF	164.88 ACRES

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C1	141.70'	233.00'	34°50'39"
C2	101.56'	167.00'	34°50'39"
C3	101.56'	167.00'	34°50'39"
C4	68.34'	167.00'	23°26'50"
C5	33.22'	167.00'	11°23'49"
C6	141.70'	233.00'	34°50'39"
C7	77.90'	233.00'	19°09'25"
C8	63.79'	233.00'	15°41'14"
C9	180.57'	123.00'	84°06'47"
C10	34.55'	123.00'	16°05'42"
C11	38.63'	123.00'	17°59'32"
C12	41.63'	123.00'	19°23'29"
C13	47.90'	123.00'	22°18'43"
C14	83.68'	57.00'	84°06'47"
C15	40.95'	57.00'	41°10'01"
C16	42.72'	57.00'	42°56'46"
C17	154.80'	267.00'	33°13'10"
C18	79.14'	267.00'	16°59'02"
C19	75.66'	267.00'	16°14'08"
C20	17.87'	123.00'	8°19'20"
C21	193.07'	333.00'	33°13'10"
C22	25.83'	333.00'	4°26'37"
C23	73.39'	333.00'	12°37'38"
C24	93.85'	333.00'	16°08'54"
C25	226.88'	333.00'	39°02'11"
C26	7.70'	333.00'	1°19'30"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C27	91.45'	333.00'	15°44'06"
C28	100.22'	333.00'	17°14'36"
C29	27.51'	333.00'	4°43'59"
C30	181.91'	267.00'	39°02'11"
C31	114.66'	267.00'	24°36'22"
C32	67.25'	267.00'	14°25'49"
C33	213.28'	290.00'	42°08'20"
C34	113.72'	290.00'	22°28'06"
C35	80.26'	290.00'	15°51'23"
C36	19.31'	290.00'	3°48'51"
C37	154.45'	210.00'	42°08'26"
C38	136.04'	210.00'	37°07'04"
C39	18.41'	210.00'	5°01'22"
C40	397.16'	540.00'	42°08'26"
C41	88.70'	540.00'	9°24'40"
C42	85.20'	540.00'	9°02'23"
C43	79.62'	540.00'	8°26'52"
C44	76.52'	540.00'	8°07'07"
C45	67.14'	540.00'	7°07'24"
C46	338.33'	460.00'	42°08'26"
C47	66.55'	460.00'	8°17'22"
C48	95.58'	460.00'	11°54'20"
C49	95.58'	460.00'	11°54'20"
C50	80.60'	460.00'	10°02'23"
C51	321.88'	64.00'	288°09'30"
C52	75.62'	64.00'	67°41'59"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C53	58.15'	64.00'	52°03'28"
C54	58.02'	64.00'	51°56'23"
C55	58.33'	64.00'	52°13'11"
C56	71.76'	64.00'	64°14'29"
C57	10.38'	11.00'	54°04'45"
C58	10.38'	11.00'	54°04'45"
C59	78.54'	50.00'	90°00'00"
C60	31.19'	50.00'	35°44'26"
C61	47.35'	50.00'	54°15'34"
C62	30.89'	50.00'	35°23'42"
C63	30.89'	50.00'	35°23'42"
C64	30.13'	50.00'	34°31'28"
C65	160.39'	483.00'	19°01'33"
C66	53.48'	483.00'	6°20'40"
C67	90.42'	483.00'	10°43'35"
C68	16.48'	483.00'	1°57'17"
C69	79.71'	117.00'	39°02'11"
C70	50.25'	117.00'	24°36'22"
C71	29.47'	117.00'	14°25'49"
C72	108.96'	100.00'	62°25'38"
C73	17.31'	100.00'	9°54'58"
C74	54.48'	100.00'	31°12'49"
C75	37.17'	100.00'	21°17'51"
C76	111.79'	440.00'	14°33'25"
C77	13.48'	440.00'	1°45'22"
C78	69.01'	440.00'	8°59'12"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C79	29.29'	440.00'	3°48'51"
C80	228.00'	310.00'	42°08'26"
C81	44.85'	310.00'	8°17'22"
C82	64.42'	310.00'	11°54'20"
C83	64.42'	310.00'	11°54'20"
C84	54.32'	310.00'	10°02'23"
C85	78.59'	50.00'	90°03'32"
C86	39.30'	50.00'	45°01'46"
C87	39.30'	50.00'	45°01'46"
C88	51.34'	540.00'	5°26'50"
C89	91.60'	540.00'	9°43'10"
C90	96.10'	540.00'	10°11'48"
C91	67.26'	540.00'	7°08'11"
C92	80.07'	540.00'	8°29'46"
C93	80.07'	540.00'	8°29'46"
C94	117.85'	540.00'	12°30'16"
C95	85.81'	540.00'	9°06'18"
C96	44.20'	460.00'	5°30'19"
C97	165.84'	460.00'	20°39'22"
C98	160.33'	460.00'	19°58'13"
C99	64.33'	460.00'	8°00'46"
C100	51.51'	460.00'	6°24'59"
C101	86.76'	460.00'	10°48'23"
C102	39.70'	460.00'	4°56'42"
C105	65.05'	460.00'	8°06'10"
C106	50.03'	540.00'	5°18'30"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C107	80.07'	540.00'	8°29'46"
C108	80.07'	540.00'	8°29'46"
C109	98.26'	540.00'	10°25'33"
C110	73.60'	233.00'	18°05'51"
C111	52.75'	167.00'	18°05'51"
C112	156.36'	506.84'	17°40'35"
C113	87.86'	540.00'	9°19'20"
C114	505.88'	700.00'	41°24'24"
C115	127.41'	700.00'	10°25'43"
C116	114.46'	700.00'	9°22'07"
C117	117.58'	700.00'	9°37'27"
C118	113.85'	700.00'	9°19'08"
C119	32.58'	700.00'	2°39'59"
C120	99.19'	300.00'	18°56'38"
C121	61.64'	300.00'	11°46'20"
C122	72.17'	300.00'	13°47'00"
C123	233.00'	300.00'	44°29'58"
C124	46.30'	50.00'	53°03'13"
C125	32.24'	50.00'	36°56'47"
C126	46.30'	50.00'	53°03'13"
C127	78.54'	50.00'	90°00'00"
C128	33.21'	50.00'	38°03'24"
C129	33.21'	50.00'	38°03'24"
C130	12.12'	50.00'	13°53'12"
C131	258.89'	335.00'	44°16'43"
C132	39.74'	335.00'	6°47'51"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C133	36.54'	335.00'	6°15'01"
C134	47.38'	335.00'	8°06'10"
C135	47.38'	335.00'	8°06'10"
C136	47.38'	335.00'	8°06'10"
C137	47.38'	335.00'	8°06'10"
C138	32.84'	335.00'	5°37'00"
C139	95.72'	175.00'	31°20'15"
C140	12.91'	175.00'	4°13'40"
C141	82.80'	175.00'	27°06'35"
C142	123.06'	225.00'	31°20'15"
C143	7.93'	225.00'	2°01'11"
C144	45.08'	225.00'	11°28'42"
C145	45.08'	225.00'	11°28'42"
C146	24.98'	225.00'	6°21'41"
C147	65.05'	460.00'	8°06'10"
C148	65.05'	460.00'	8°06'10"
C149	65.05'	460.00'	8°06'10"
C150	65.05'	460.00'	8°06'10"
C151	80.99'	460.00'	10°05'15"
C152	50.02'	460.00'	6°13'51"
C153	74.85'	460.00'	9°19'24"

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 03/15/22

SHEET 5 OF 6

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PARADISE VALLEY ADDITION

PART OF THE NORTH HALF & SOUTHEAST QUARTER OF SECTION 21, T138N, R80W
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST TO THE CITY OF BISMARCK, BURLEIGH COUNTY NORTH DAKOTA; THENCE S89°48'39"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2638.75 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE S00°27'19"W ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1692.16 FEET; THENCE S57°06'28"E A DISTANCE OF 220.44 FEET; THENCE S32°02'55"E A DISTANCE OF 177.84 FEET; THENCE S00°13'08"W A DISTANCE OF 66.00 FEET; THENCE S89°46'52"E A DISTANCE OF 34.43 FEET; THENCE S00°13'08"W A DISTANCE OF 167.80 FEET; THENCE N89°46'52"W A DISTANCE OF 74.78 FEET; THENCE SOUTHERLY 51.10 FEET ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 5°25'18"; THENCE S89°46'52"E A DISTANCE OF 186.02 FEET; THENCE S00°15'01"W A DISTANCE OF 323.52 FEET; THENCE N89°32'41"W A DISTANCE OF 440.04 FEET; THENCE S00°27'19"W ALONG SAID EAST LINE A DISTANCE OF 74.06 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N89°47'07"W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2629.70 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N00°15'32"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1361.20 FEET TO THE SOUTHWEST CORNER OF HEUPEL ADDITION AS RECORDED IN THE BURLEIGH COUNTY RECORDERS OFFICE; THENCE S89°44'28"E ALONG THE SOUTH LINE OF SAID HEUPEL ADDITION A DISTANCE OF 208.71 FEET TO THE SOUTHEAST CORNER OF SAID HEUPEL ADDITION; THENCE N00°15'32"E ALONG THE EAST LINE OF SAID HEUPEL ADDITION A DISTANCE OF 208.71 FEET TO THE NORTHEAST CORNER OF SAID HEUPEL ADDITION; THENCE N89°44'28"W ALONG THE NORTH LINE OF SAID HEUPEL ADDITION A DISTANCE OF 208.71 FEET TO THE NORTHWEST CORNER OF SAID HEUPEL ADDITION; THENCE N00°15'32"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1070.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±164.92 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYORS CERTIFICATE

I, COLE A. NESET, A LICENSED SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

_____ _____

COLE A. NESET, DATE
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
5306 51ST AVE S. STE A.
FARGO, ND 58104

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____DAY OF _____, 20__, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

OWNERS' CERTIFICATE & DEDICATION

WE, BRAD BALERUD, RANDY RHONE, STEVE MARINER AND GREG MARINER, BEING ALL OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED PARADISE VALLEY SUBDIVISION, AND DEDICATE 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.

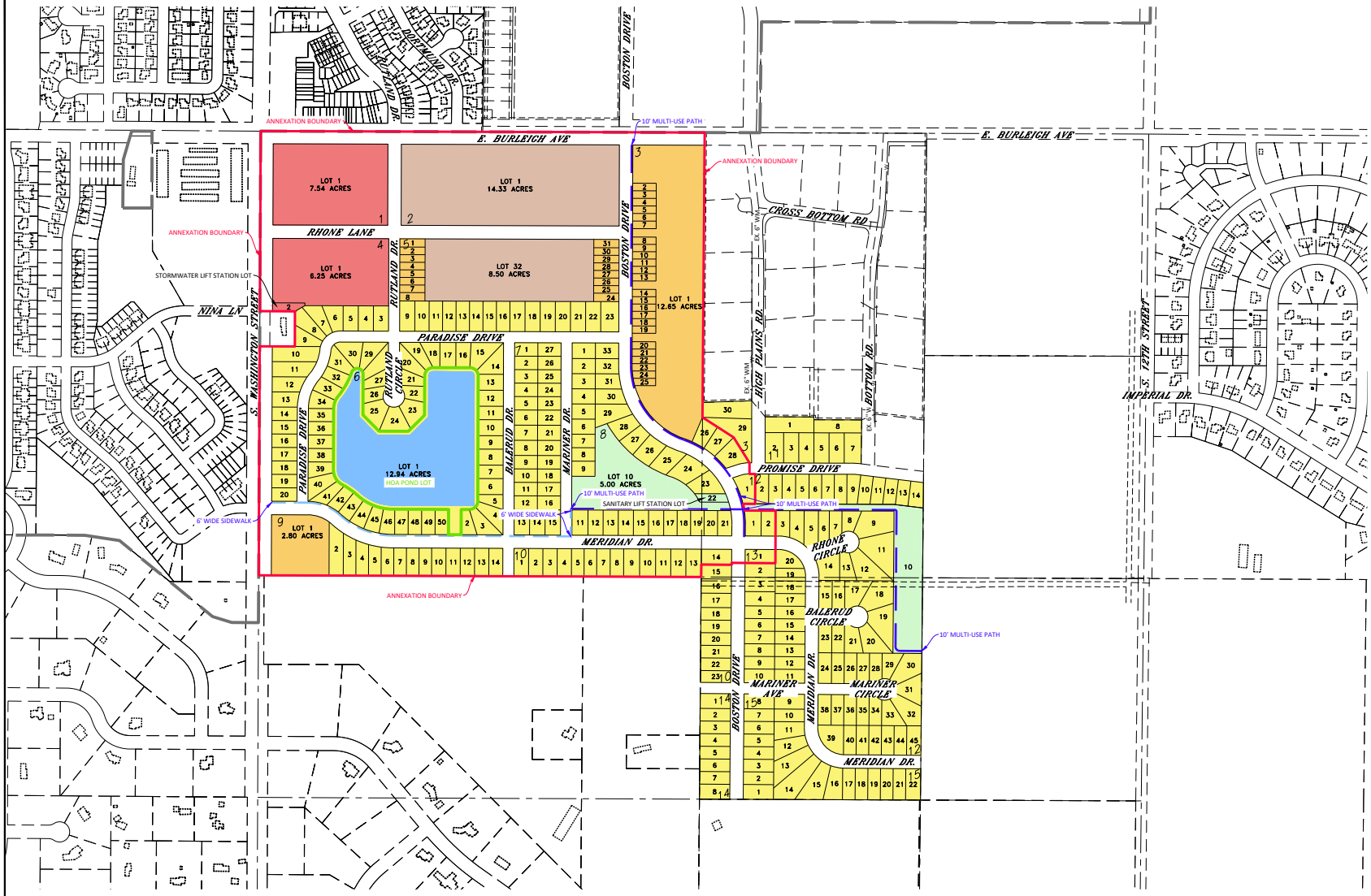
WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

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

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, IT'S OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 03/15/22

03/15/22 13:31 \\FMZ Projects_2021\21904 - Bismarck\230\Aaron\pdf\21904_ProjectSheet_21904_Plats.dwg



MASTER AREA SUMMARY TABLE	
COLOR	ZONING DISTRICT
	PARK/ PUBLIC
	HOA POND LOT
	R5 - RESIDENTIAL (14,000 SF)
	R10 - RESIDENTIAL (TWIN HOMES)
	RM15 - RESIDENTIAL (MULTI-FAMILY)
	CG - HEAVY COMMERCIAL
	DEDICATED RIGHT-OF-WAY

0 300 600

LOWRY ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103
CONCEPT #3A
L.E.# 21054

Lowry ENGINEERING

Civil Engineering • Construction Engineering • Land Survey

March 15, 2022

City of Bismarck Community
Development Department
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

RE: Justification for Private Roads
Paradise Valley Development
Part of Section 21,
Township 138 N, Range 80 West
Bismarck, ND
LE Project Number: 21054

To Whom It May Concern,

The purpose of this letter is to provide justification for platting Fisher Lane, Paradise Drive, and Boston Loop, private roads within Block 3 of the Paradise Valley Development. The northeast corner of the plat is bound by the existing residential lots to the east and the alignment of Boston Drive to the west and north. Due to these constraints, we are unable to efficiently plat typical single-family lots. Platting private roads within this parcel is the most efficient use of the space available.

Sincerely,

Hanna Peterson, E.I.T.
Project Engineer
Lowry Engineering

Lowry ENGINEERING

Civil Engineering • Construction Engineering • Land Survey

February 10, 2022

City of Bismarck Community
Development Department
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

RE: Justification for Cul-De-Sacs
Paradise Valley Development
Part of Section 21,
Township 138 N, Range 80 West
Bismarck, ND
LE Project Number: 21054

To Whom It May Concern,

The purpose of this letter is to provide justification for platting Rutland Circle, a cul-de-sac on the west side of the Paradise Valley development. This piece of land presents many complexities related to stormwater that heavily impact the layout of the right-of-way. Due to this development's proximity to the airport, the pond cannot extend any further to the east. The pond cannot extend to the south because Meridian Drive is acting as a mid-section collector and needs to align with the existing Meridian Drive on the west side of South Washington Street. As a result, the pond creates a natural barrier that must be worked around and the only direction the pond can expand is north. By platting Rutland Circle, the area set aside for the pond is sufficient to meet stormwater requirements set by the engineering department while also making the most efficient use of developable land.

Sincerely,

Hanna Peterson

Hanna Peterson, E.I.T.
Project Engineer
Lowry Engineering

STAFF REPORT

Agenda Item # 5
March 23, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-001**

Project Summary

Title:	Data Center Zoning Ordinance
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Senior Planner
Section(s) Amended:	Chapters 14-02-03, 14-03-08, 14-04-14, and 14-04-15
Request:	Amend zoning ordinance to allow data centers as a special use

Staff Analysis

City of Bismarck Community Development Department is requesting approval of a zoning ordinance text amendment to allow data centers as a special use in the MA – Industrial zoning district and an administrative special use in the MB – Industrial zoning district. The ordinance establishes a set of standards that would apply in both zoning districts.

A data center would be defined as:

> *"Any facility that primarily contains electronic equipment used to process, store, and transmit digital information. Uses that include data processing as ancillary to the principal use on the property shall not be considered a Data Center."*

For example, a building or site that has computer servers, even with very high capacity, would not be considered a data center if the computing supports a principal commercial or office use on the site. Private residences that use computers for a home occupation would, likewise, not be considered a data center. Data centers are uses in which the principal function of site is the computing function itself, or when the computing use has no functional connection to the principal use on the site.

Background on Data Centers

Data center is a broad term that can apply to the physical facilities for a range of computing operations, such as but not limited to:

- Big data, machine learning, cloud computing, and artificial intelligence
- High-volume e-commerce transactions
- Powering online gaming communities
- Cryptocurrency mining operations

Traditional data centers are often very large facilities typically sited in industrial or rural areas. However, there has been considerable recent interest in smaller-scale and more portable operations. This is especially driven by demand for cryptocurrency mining, which is very power intensive but requires less network connectivity. These small-scale data centers tend to be unstaffed, housed in prefabricated structures, and implemented with lower costs and limited climate controls.

Because all data centers tend to consume high amounts of energy, they will typically be in proximity to transmission lines or substations. Traditional data centers also require significant

(continued)

water resources for cooling, and often have back-up power generation facilities to avoid interruptions. Portable operations are often willing to accept interrupted power.

Impact of Data Centers

In terms of land use and zoning, the primary impacts of data centers are noise and fire. The computer processing, especially fans necessary for cooling, can emit a steady high-frequency noise, characterized in a recent Wall Street Journal article as a “giant dentist drill.”

The City of Bismarck already has a noise ordinance. The following is a summary of City Code of Ordinances Section 8-10-04:

	Zoning		
	Residential	Commercial	Industrial
Daytime (decibels)	55	65	80
Nighttime (decibels)	50	60	75

The proposed data center ordinance would not alter required noise levels but would require upfront verification that the noise levels will be met during all times of operation. Furthermore, data centers must be housed within a structure, which creates a noise barrier.

The other concern typically raised for data centers is fire protection. Fires can be caused by faulty wiring, overheating of computing equipment, or short circuit from overloading the electrical network. Traditional data centers are typically equipped with fire suppression systems, although smaller-scale and more portable operations often employ limited protection. A stand-alone data center in one of our peer communities in North Dakota actually started on fire and was destroyed.

Primarily for this reason, the proposed ordinance requires data centers to be within code-compliant buildings, use proper environmental controls for cooling, and verify sufficient electrical capacity from the grid. These requirements together will effectively prohibit portable data centers within the City of Bismarck and its extraterritorial areas, while providing a clear pathway for approval of traditional data centers.

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 scheduling a public hearing for zoning ordinance text amendment for Chapters 14-02-03, 14-03-08, 14-04-14, and 14-04-15 of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

(continued)

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 CHAPTERS 14-02-03, 14-03-08, 14-04-14, AND 14-04-15 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO DATA CENTERS.

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

…

Comprehensive plan: A statement in documented text setting forth explicit goals, objectives, policies and standards of the jurisdiction to guide public and private development.

Data Center: Any facility that primarily contains electronic equipment used to process, store, and transmit digital information. Uses that include data processing as ancillary to the principal use on the property shall not be considered a Data Center.

Density: The number of families residing on, or dwelling units developed on, an acre of land.

…

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence,

DRAFT

effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

…

z) Data Center. A data center may be permitted in any MA district as a special use or any MB district as an administrative special use provided:

i. All data processing and storage is contained within a building constructed in compliance with the International Building Code and International Fire Code.

ii. Written verification is submitted from the utility provider that sufficient capacity will be available to meet anticipated needs for electrical power.

iii. Facilities are equipped with environmental controls to maintain the proper conditions for the operation of electronic equipment.

iv. The applicant verifies at the time of application that all requirements of Chapter 8-10 (Noises) of the Bismarck Code of Ordinances will be met during operations, as measured from the property line of the subject parcel. Verification may be in the form of a noise study, manufacturer specifications, data from comparable facilities, or any combination thereof.

14-04-14. MA Industrial District: In any MA industrial district the following regulations shall apply:

…

2. Use permitted. The following uses are permitted.

…

DRAFT

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

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary circus/fair/carnival.

d. Temporary farm and garden produce sales.

e. Temporary fireworks sales.

f. Seasonal nursery and bedding stock sales.

g. Solid waste disposal facility.

h. Airport.

i. Recreational vehicle park.

j. Filling station.

k. Drive-in retail or service establishment.

l. Motor vehicle parts salvage yard.

m. Small animal veterinary clinic.

n. Animal hospital or kennel.

o. Golf driving range.

p. Junkyard.

q. Retail liquor sales.

r. Racetracks.

s. Child care center.

t. Asphalt production facilities, both permanent and temporary.

u. Data center.

…

14-04-15. MB Industrial District. In any MB industrial district the following regulations shall apply:

…

DRAFT

2. Use permitted. The following uses are permitted.

…

The following uses are allowed as special uses pursuant to Section 14 03 08 hereof:

a. Temporary Christmas tree sales.

b. Temporary circus/fair/carnival.

c. Temporary religious meeting.

d. Seasonal nursery and bedding stock sales.

e. Temporary fireworks sales.

f. Temporary farm and garden produce sales.

g. Airport.

h. Solid waste disposal facility.

i. Motor vehicle parts salvage yard.

j. Small animal veterinary clinic.

k. Animal hospital or kennel.

l. Junkyard.

m. Adult entertainment center.

n. Auto laundry car wash.

o. Vehicular racetrack.

p. Hazardous material bulk storage plant.

m. Data Center (administrative).

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

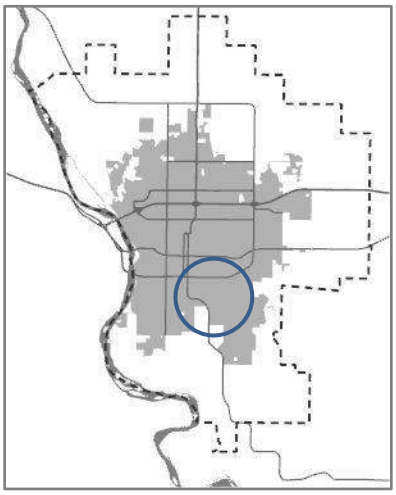
Agenda Item # 6
March 23, 2022

STAFF REPORT

Application for: **Minor Subdivision Final Plat** Project ID: **MPLT2022-002**

Project Summary

Title:	Shamrock Industrial Park First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Divide Apartments, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen and Co.
Location:	The property is located in southeast Bismarck, south of Bismarck Expressway along the west side of Airport Road (a replat of Lots 7-9, Block 5, Shamrock Industrial Park)
Project Size:	4.47 acres
Request:	Replat property to create two lots with dedicated access, utility and stormwater easements



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Under redevelopment	*Land Use:*	Mixed Use Retail and Industrial
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-19080	*Platted:*	04/1981	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Divide Apartments, LLC is requesting approval of a minor subdivision final plat titled Shamrock Industrial Park First Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 11th and March 18th, and five letters were mailed to the owners of nearby properties on March 11th.

Adjacent uses include industrial and service uses to the north and east across Airport Road, Bismarck Municipal Airport to the south across Airport Road, and vacant property zoned P – Public and owned by the Bismarck Municipal Airport to the west and slightly north.

The proposed minor subdivision final plat is requested to create two lots, and associated easements. The site is currently under development to convert existing structures for commercial uses and construct four new shop condo buildings. A site plan for the associated improvements was approved in December 2021. The proposed plat and lots meet all zoning requirements, and the approved buildings, currently under development, will continue to meet all zoning and City of Bismarck requirements with lots proposed.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact (relating to land use)

1. The City Engineer has waived the requirement for a Post-Construction Stormwater Management Permit (PCSMP);
2. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
4. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Shamrock Industrial Addition First Replat.

Attachments

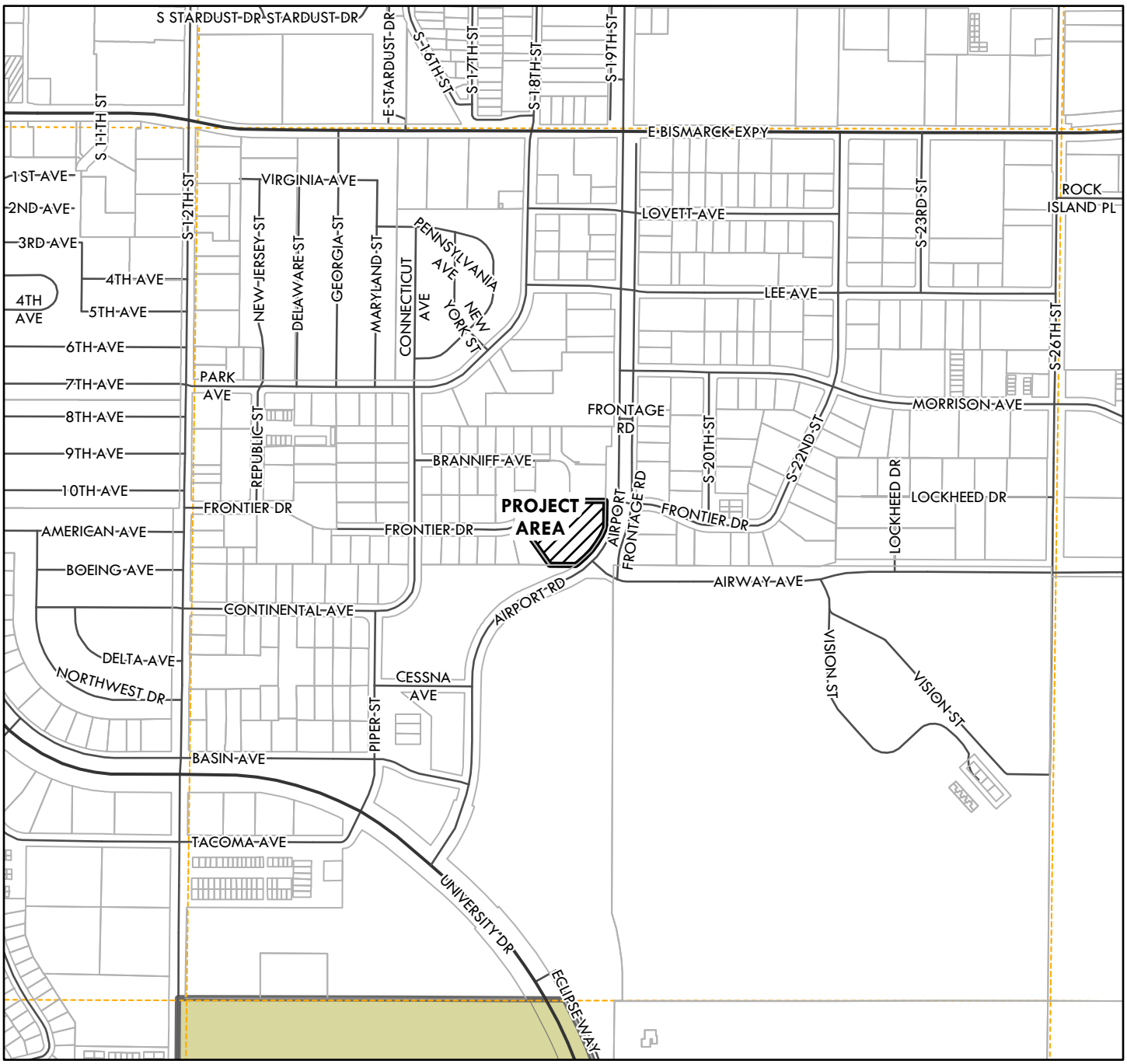
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat with Replatted Area Highlighted

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

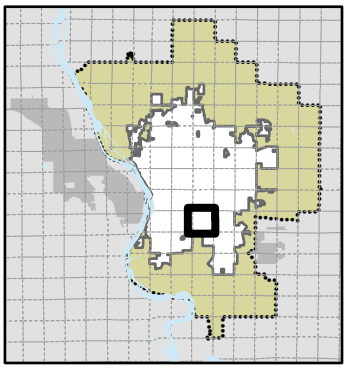
Location Map

SHAMROCK INDUSTRIAL PARK, PT L7-9, B5

MPLT2022-002



0 0.2 0.4 0.8 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
February 18, 2022 (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

SHAMROCK INDUSTRIAL PARK FIRST REPLAT

MPLT2022-002

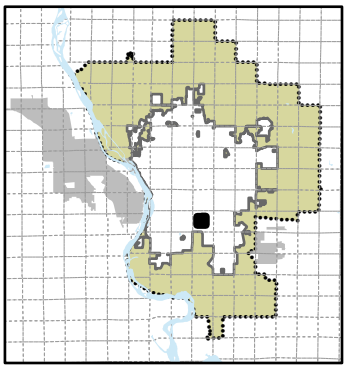
0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
March 17, 2022

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



Zoning and Plan Reference Map

SHAMROCK INDUSTRIAL PARK FIRST REPLAT

MPLT2022-002

Zoning Districts

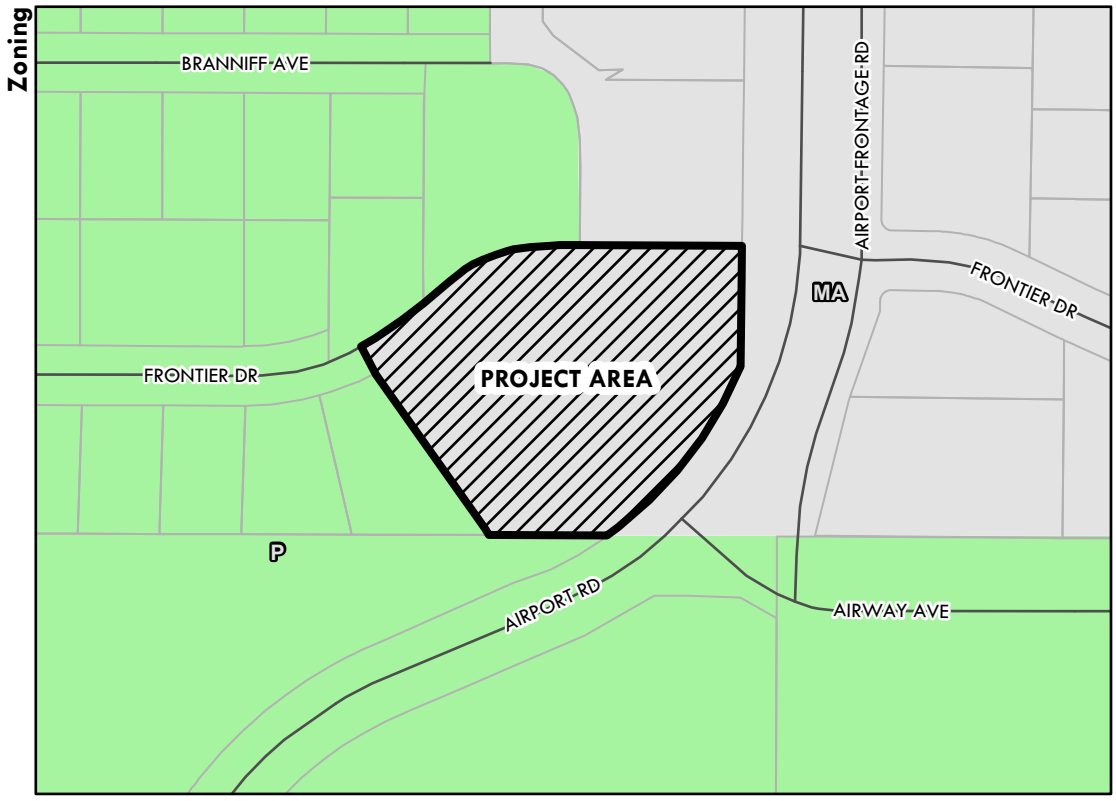
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

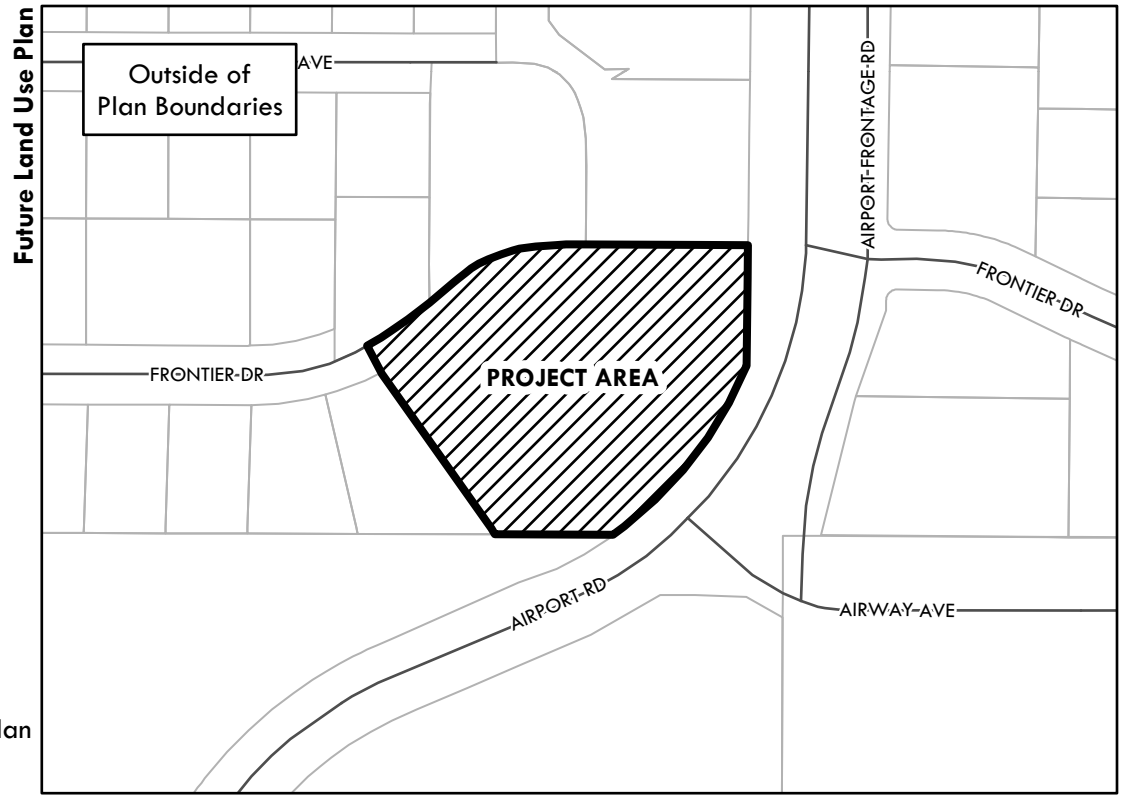
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.03 0.07 0.13 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

SHAMROCK INDUSTRIAL PARK FIRST REPLAT

BEING A REPLAT OF LOTS 7–9 BLOCK 5 SHAMROCK INDUSTRIAL PARK AND THE SOUTH 1/2 OF VACATED FRONTIER DRIVE, AND PART OF AIRPORT ROAD RIGHT-OF-WAY OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOTS 7–9 BLOCK 5 SHAMROCK INDUSTRIAL PARK AND THE SOUTH 1/2 OF VACATED FRONTIER DRIVE, AND PART OF AIRPORT ROAD RIGHT-OF-WAY OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BLOCK 5 SHAMROCK INDUSTRIAL PARK; THENCE NORTH 36 DEGREES 41 MINUTES 42 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 264.45 FEET TO THE SOUTH LINE OF VACATED FRONTIER DRIVE RIGHT-OF-WAY; THENCE NORTH 27 DEGREES 03 MINUTES 36 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTH HALF OF VACATED FRONTIER DRIVE RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF VACATED FRONTIER DRIVE RIGHT-OF-WAY; THENCE EASTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 347.25 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 27 DEGREES 03 MINUTES 36 SECONDS EAST, AN ARC LENGTH OF 90.28 FEET; THENCE NORTH 46 DEGREES 44 MINUTES 03 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 48.97 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 220.37 FOOT RADIUS CURVE THE RADIUS OF WHICH BEARS SOUTH 41 DEGREES 22 MINUTES 52 SECONDS EAST, AN ARC LENGTH OF 162.48 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 338.01 FEET TO THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 10; THENCE SOUTH 00 DEGREES 42 MINUTES 40 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 383.06 FEET OF THE CENTER OF SAID SECTION 10; THENCE NORTH 89 DEGREES 52 MINUTES 01 SECOND WEST, ALONG THE SOUTH LINE OF THE WEST 1//2 OF SAID SECTION 10, A DISTANCE OF 417.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.47 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 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 _____, 2022, 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 _____, 2022.

_____
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 "SHAMROCK INDUSTRIAL PARK FIRST REPLAT", 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 DIVIDE APARTMENTS, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SHAMROCK INDUSTRIAL PARK FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO 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 FURTHERMORE GRANT ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS TO THE LANDOWNERS OF SHAMROCK INDUSTRIAL PARK FIRST REPLAT, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS 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.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
SCOTT STOECKEL
DIVIDE APARTMENTS, LLC
1407 TACOMA AVE
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED SCOTT STOECKEL KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

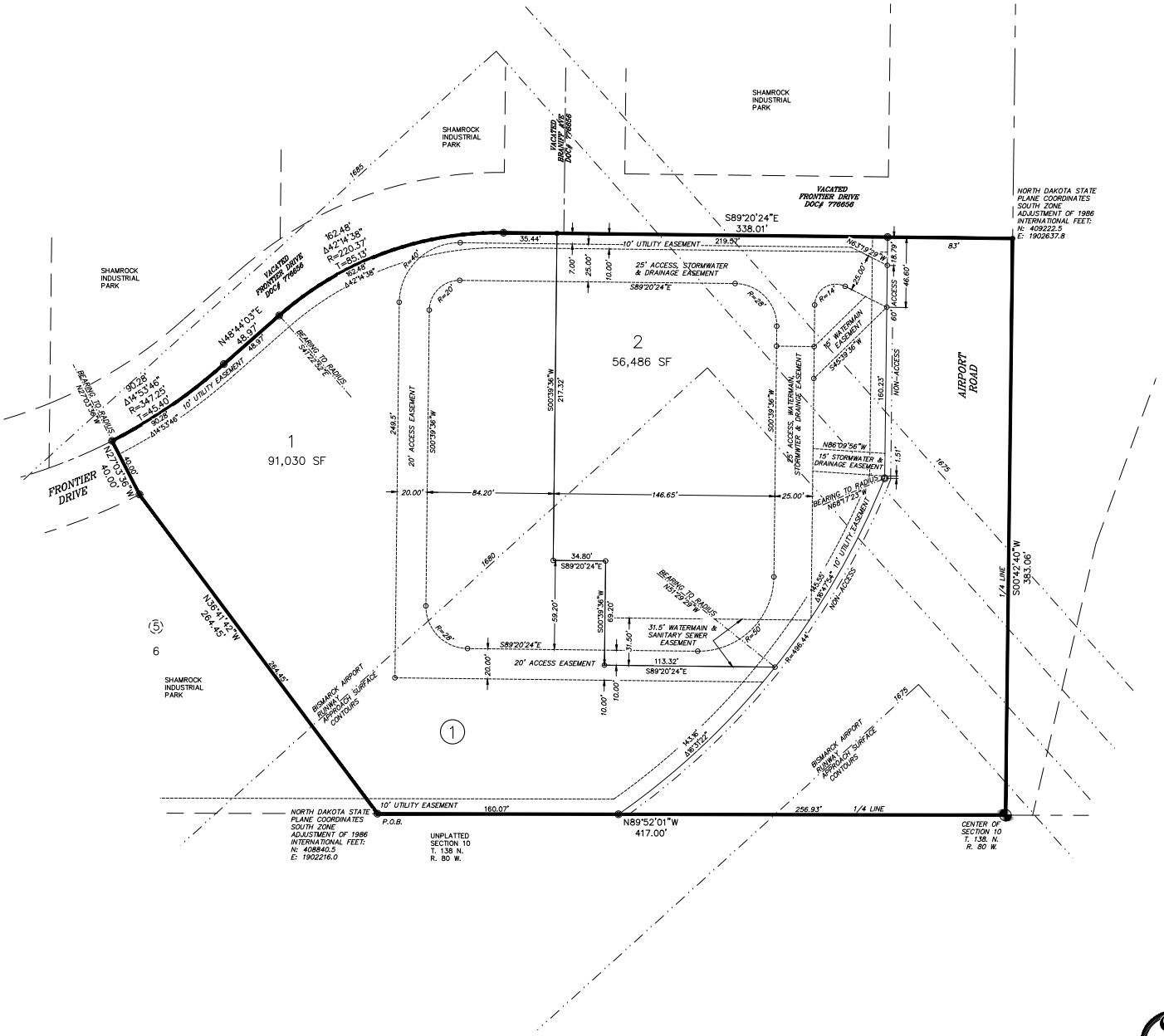
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

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

SHAMROCK INDUSTRIAL PARK FIRST REPLAT

BEING A REPLAT OF LOTS 7–9 BLOCK 5 SHAMROCK INDUSTRIAL PARK AND THE SOUTH 1/2 OF VACATED FRONTIER DRIVE, AND PART OF AIRPORT ROAD RIGHT-OF-WAY OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



N

0 30'

MARCH 8, 2022
SCALE 1" = 30'

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

NOTES

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

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

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

VERTICAL BENCHMARK:
BM # 1 HYDRANT #1732
TOP OF OPERATING NUT
1665.4 NGVD 1929

AREA DATA

LOTS	147,516 S.F.	3.39 ACRES
STREETS	47,298 S.F.	1.09 ACRES
TOTAL	194,814 S.F.	4.47 ACRES

FAA APPROACH CONTOURS
NAVD 1988

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

SHAMROCK INDUSTRIAL PARK

A PORTION OF THE W 1/2 OF SECTION 10, TOWNSHIP 138 N. - RANGE 80 W. BURLEIGH COUNTY, NORTH DAKOTA.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPLE MERIDIAN, COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT CAPPED "T" IRON AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 10 ; THENCE S00°04'00"W ON THE NORTH-SOUTH ONE-QUARTER LINE 1803.98' ; THENCE S89°32'18"W 50.00' TO A 1" IRON PIPE ON THE WEST RIGHT OF WAY LINE OF AIRPORT ROAD BEING THE POINT OF BEGINNING ; THE BASIS OF BEARING IS THE NORTH-SOUTH ONE-QUARTER LINE OF SECTION 10 RECORDED AS S00°04'00"W ON AIRPORT ROAD RIGHT-OF-WAY PLAT. THENCE S00°04'00"W ON SAID RIGHT-OF-WAY LINE 120.54' TO A CAPPED "T" IRON ; THENCE N89°56'00"W ON SAID RIGHT-OF-WAY LINE 33.00' TO A CAPPED "T" IRON ; THENCE S00°04'00"W ON SAID RIGHT-OF-WAY LINE 493.82' TO A CAPPED "T" IRON ; THENCE SOUTHWESTERLY ON SAID RIGHT-OF-WAY LINE ON THE ARC OF A NONTANGENT CURVE CONCAVE NORTHWESTERLY HAVING A CENTAL ANGLE OF 33°21'23", A RADIUS OF 496.44', AND A CHORD BEARING OF S 37°45'53" W AN ARC DISTANCE OF 289.02' TO A CAPPED "T" IRON ON THE EAST-WEST ONE-QUARTER LINE OF SAID SECTION 10. THENCE S89°31'23"W ON SAID ONE-QUARTER LINE 942.78' TO A CAPPED "T" IRON ; THENCE S00°27'42"E 95.91' TO A CAPPED "T" IRON ; THENCE SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 90°33'01" AND A RADIUS OF 227.86' A DISTANCE OF 360.10' TO A CAPPED "T" IRON ; THENCE N89°54'41"W 5.16' TO A CAPPED "T" IRON ON THE EAST RIGHT-OF-WAY LINE OF PIPER STREET ; THENCE N00°05'19"E (RECORDED AS S00°04'06"W) ON SAID EAST LINE 80.00' TO A 1" IRON PIPE ; THENCE N89°54'41"W (RECORDED AS S89°55'48"E) 29.51' TO A 1" IRON PIPE AT SOUTHEAST CORNER OF LOT 12 BLOCK 1 OF ZINDA AND WAHL ADDITION TO THE CITY OF BISMARCK ; THENCE N00°05'11"E (RECORDED AS S00°04'06"W) 243.43' TO A 3/4" IRON PIPE AT THE NORTHEAST CORNER OF SAID LOT 12 BEING ON THE EAST-WEST ONE-QUARTER LINE OF SECTION 10; THENCE S89°31'23"W (RECORDED AS N89°26'16"E) ON SAID EAST-WEST ONE-QUARTER LINE 522.01' TO A 1" IRON PIPE AT THE NORTHWEST CORNER OF LOT 8 BLOCK 1 OF ZINDA AND WAHL ADDITION TO THE CITY OF BISMARCK ; THENCE N00°00'25"E (RECORDED AS S00°00'16"W) ON THE EAST LINE OF ZINDA AND WAHL ADDITION 100.14' (RECORDED AS 100.09') TO A 1" IRON PIPE AT THE SOUTHEAST CORNER OF RUE'S SUBDIVISION TO THE CITY OF BISMARCK ; THENCE S89°28'40"W (RECORDED AS S89°29'20"W) 319.42' TO A 3/4" IRON PIPE AT THE SOUTHWEST CORNER OF LOT 9 BLOCK 3 OF SAID RUE'S SUBDIVISION ; THENCE N00°31'20" W ON THE WEST LINE OF SAID LOT 9, 202.27' TO A 1" IRON PIPE AT THE NORTHWEST CORNER OF SAID LOT 9 ; THENCE N89°28'40"E (RECORDED AS S89°29'20"W) ON THE NORTH LINE OF SAID LOT 9 A DISTANCE OF 40.91' TO A CAPPED "T" IRON ; THENCE NORTHEASTERLY ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 70°00'47" AND A RADIUS OF 100' A DISTANCE OF 137.90' TO A CAPPED "T" IRON AT THE NORTHWEST CORNER OF LOT 7 BLOCK 3 OF SAID RUE'S SUBDIVISION ; THENCE N89°59'32"E ON THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 182.95' TO A CAPPED "T" IRON ON THE EAST LINE OF RUE'S SUBDIVISION ; THENCE N00°00'25"E (RECORDED AS S00°01'05"W) ON SAID EAST LINE 458.68' TO A CAPPED "T" IRON AT THE SOUTHWEST CORNER OF RUE'S THIRD SUBDIVISION TO THE CITY OF BISMARCK ; THENCE N89°32'18"E (RECORDED AS S89°28'23"W) 696.44' TO A CAPPED "T" IRON AT THE SOUTHEAST CORNER OF LOT 4 BLOCK 2 OF SAID RUE'S THIRD SUBDIVISION ; THENCE N00°27'42"W (RECORDED AS N00°33'05"W) 201.86' TO A 3/4" IRON PIPE ON THE NORTH LINE OF SAID RUE'S THIRD ADDITION ; THENCE N89°33'41"E ON SAID NORTH LINE 80.00' TO A CAPPED "T" IRON ; THENCE S00°27'42"E 201.63' TO A CAPPED "T" IRON ; THENCE N89°32'18"E 1157.74' TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 40.28 ACRES OF LAND AND IS SUBJECT TO EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE

I, ALAN W ERICKSON, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE AND COMPLETE COPY OF NOTES OF A SURVEY MADE UNDER MY SUPERVISION, COMPLETED ON DECEMBER 29, 1980, THAT ALL DIMENSIONS AND ANGLES ARE CORRECT AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALAN W. ERICKSON, REGISTERED LAND SURVEYOR # 1202
P.O. BOX 2041, BISMARCK, NORTH DAKOTA 58501

ALAN W. ERICKSON REGISTERED LAND SURVEYOR 1202 STATE OF NORTH DAKOTA

STATE OF NORTH DAKOTA)
SS
COUNTY OF BURLEIGH)

ON THIS 27th DAY OF MARCH, 1981, BEFORE ME PERSONALLY APPEARED ALAN W. ERICKSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND ACCORD.

SCOTT E. OLSON, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES MAY 21, 1986

SCOTT E. OLSON NOTARY PUBLIC STATE OF NORTH DAKOTA

CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE 18th DAY OF March, 1981, IN ACCORDANCE WITH THE LAW 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.

W.C. WOCKEN, SECRETARY

DAVID BLACKSTEAD, CHAIRMAN

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 ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON AND HAS APPROVED THE GROUNDS AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 21st DAY OF April, 1981.

TOM BAKER, CITY AUDITOR

APPROVAL OF CITY ENGINEER

I, RAYMOND J. JUNDT, CITY ENGINEER OF BISMARCK, NORTH DAKOTA DO HEREBY APPROVE SHAMROCK INDUSTRIAL PARK AS SHOWN ON THIS PLAT.

RAYMOND J. JUNDT, CITY ENGINEER

OWNER'S CERTIFICATES AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN ON THIS PLAT HAVE CAUSED THAT PORTION DESCRIBED AND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS SHAMROCK INDUSTRIAL PARK AND DO DEDICATE STREETS AND EASEMENTS SHOWN HEREON.

1. A PORTION OF THE WEST 1/2 OF SECTION 10-T138N-R80W BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 10, THENCE S00°04'00"W ON THE NORTH-SOUTH ONE-QUARTER LINE 1803.98'; THENCE S89°32'18"W 50.00' TO THE POINT OF BEGINNING ; THENCE S00°04'00"W 495.82' ; THENCE SOUTHWESTERLY ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 33°21'23", A RADIUS OF 496.44', AND A CHORD BEARING OF S37°45'53"W, AN ARC DISTANCE OF 289.02', THENCE S89°31'23"W, 1726.09' ; THENCE N00°00'25"E 840.26' ; THENCE N89°32'18"E 1934.18' TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 36.39 ACRES OF LAND.

OWNER: LAZY S RANCH
P.O. BOX 1254
BISMARCK, NORTH DAKOTA 58501

VIRGIL HARDY, VICE PRESIDENT

STATE OF NORTH DAKOTA)
SS
COUNTY OF BURLEIGH)

ON THIS 27th DAY OF MARCH, 1981, BEFORE ME PERSONALLY APPEARED VIRGIL HARDY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND ACCORD.

SCOTT E. OLSON, NOTARY PUBLIC

2. LOTS 7, 8, & 9 OF BLOCK 3, RUE'S SUBDIVISION TO THE CITY OF BISMARCK, CONTAINING 1.87 ACRES OF LAND.

3. THE WEST 80.00' OF LOT 5 BLOCK 2 OF RUE'S THIRD SUBDIVISION TO THE CITY OF BISMARCK CONTAINING 0.37 ACRES OF LAND.

OWNER: McCORMICK PROPERTIES, INC.
P.O. BOX 1254
BISMARCK, NORTH DAKOTA 58501

VIRGIL HARDY, VICE PRESIDENT

STATE OF NORTH DAKOTA)
SS
COUNTY OF BURLEIGH)

ON THIS 27th DAY OF MARCH, 1981, BEFORE ME PERSONALLY APPEARED VIRGIL HARDY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND ACCORD.

SCOTT E. OLSON, NOTARY PUBLIC

4. A PORTION OF THE WEST ONE-HALF OF SECTION 10-T138N-R80W BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 10 ; THENCE S00°04'00"W ON THE NORTH-SOUTH ONE-QUARTER LINE 2643.96' TO THE EAST-WEST ONE-QUARTER LINE ; THENCE S89°31'23"W 1200.00' TO THE POINT OF BEGINNING ; THENCE S00°27'42"E 95.91' ; THENCE SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 90°33'01" AND A RADIUS OF 227.86' A DISTANCE OF 360.10' ; THENCE N89°54'41"W 5.16' ; THENCE N00°05'11"E 80.00' ; THENCE N89°54'41"W 29.51' ; THENCE N00°05'11"E 243.43' ; THENCE N89°31'23"E 261.24' TO THE POINT OF BEGINNING CONTAINING 1.65 ACRES OF LAND.

OWNER: CITY OF BISMARCK (AIRPORT PROPERTY)

EUGENE LEARY
PRESIDENT, BOARD OF CITY COMMISSIONERS

TOM BAKER
ATTEST: CITY AUDITOR

STATE OF NORTH DAKOTA)
SS
COUNTY OF BURLEIGH)

ON THIS 21st DAY OF April, 1981, BEFORE ME PERSONALLY APPEARED EUGENE LEARY AND TOM BAKER KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE FOHGOING OWNERS CERTIFICATE, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME OF THEIR OWN FREE WILL AND ACCORD.

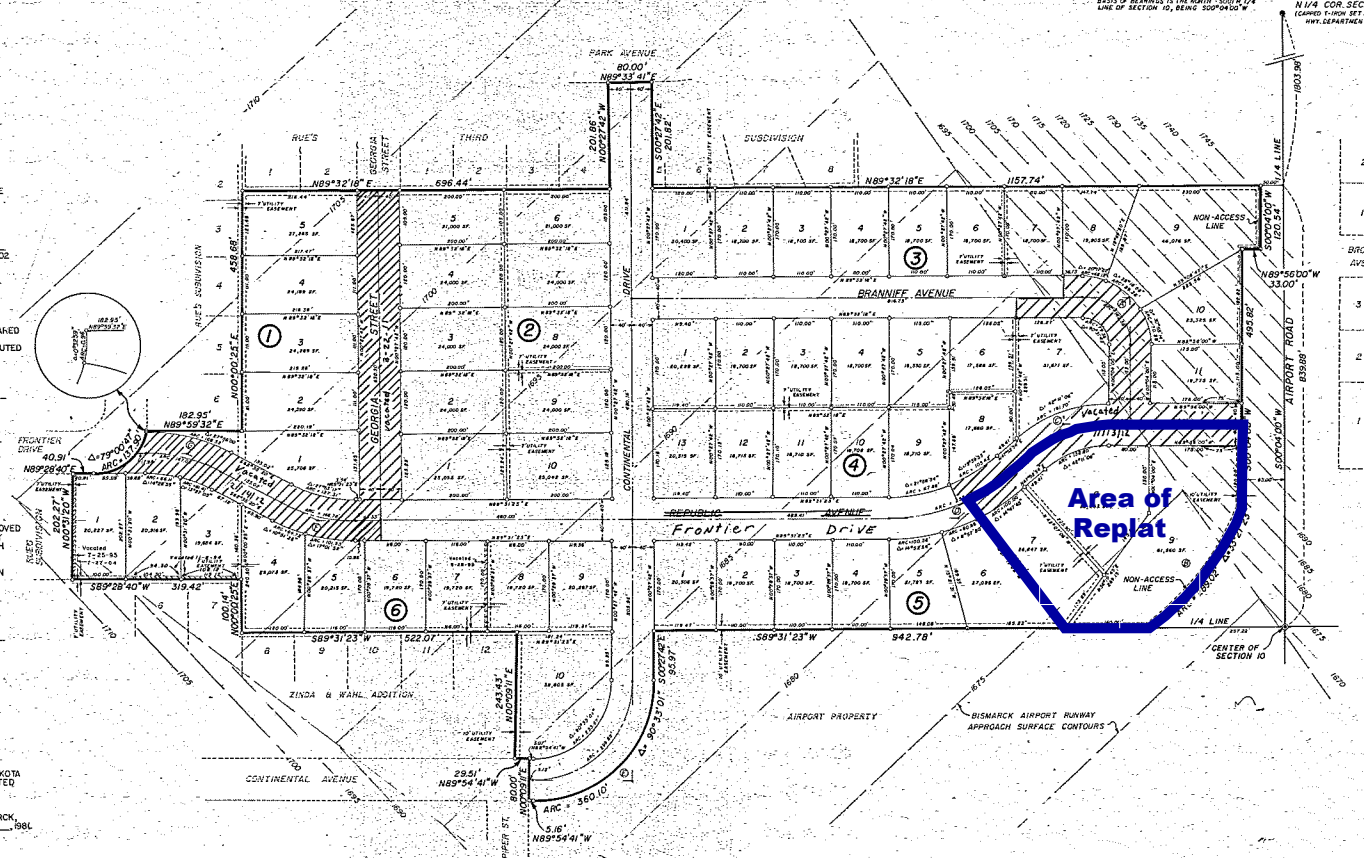
NOTARY PUBLIC

℄ CURVE DATA (ARC DEFINITION)					
CURVE	Δ	D	R	T	L
A	90°31'42"	63°30'00"	90.23'	91.07'	142.56'
B	133°21'23"	11°32'39"	496.44'	468.21'	289.02'
C	42°11'06"	26°00'00"	220.37'	85.00'	162.25'
D	41°38'29"	16°30'00"	347.25'	132.05'	252.37'
E	90°33'01"	30°00'00"	191.86'	189.87'	296.89'
F	27°53'19"	19°00'00"	301.56'	74.97'	146.78'
G	27°56'00"	19°00'00"	301.56'	75.00'	147.02'
H	79°00'47"	51°17'45"	100.00'	82.45'	137.90'

○ DENOTES PINS TO BE SET

BASIS OF BEARINGS IS THE NORTH - SOUTH 1/4 LINE OF SECTION 10, BEING S00°04'00"W

N 1/4 COR. SEC 10 (CAPPED T-IRON SET BY HWY. DEPARTMENT)



PREPARED BY ULTEIG ENGINEERS
JANUARY 19, 1981
SHAMROCK INDUSTRIAL PARK

Bismarck COMMUNITY DEVELOPMENT

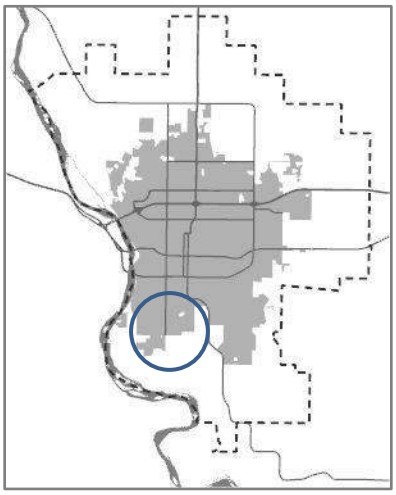
STAFF REPORT

Agenda Item # 7
March 23, 2022

Application for: **Minor Subdivision Final Plat** Project ID: **MPLT2022-003**

Project Summary

Title:	Cottonwood Parkview Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	EWR Bismarck Land South, LLC Wachter Family Revocable Trust
Project Contact:	Michael Gunsch, PE, Houston Engineering
Location:	In south Bismarck, south of Santa Fe Avenue and north of East Burleigh Avenue, between South Washington Street and Boston Drive (a replat of Lots 3-9, Block 1, Lot 1, Block 2, Lot 1, Block 3, Lot 1, Block 6, Cottonwood Parkview Addition)
Project Size:	20.17 acres
Request:	Replat property to fix roadway alignments



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	9 lots in 3 blocks	*Number of Lots:*	12 lots in 4 blocks
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional R10 – Residential RM10 – Residential RM15 – Residential RM30 – Residential	*Zoning:*	Conditional R10 – Residential RM10 – Residential RM15 – Residential RM30 – Residential
Uses Allowed:	Conditional R10 – Two-family residential RM10 – Multi-family residential RM15 – Multi-family residential RM30 – Multi-family residential	*Uses Allowed:*	Conditional R10 – Two-family residential RM10 – Multi-family residential RM15 – Multi-family residential RM30 – Multi-family residential
Max Density:	Conditional R10 – 10 units / acre RM10 – 10 units / acre RM15 – 15 units / acre RM 30 – 30 units / acre	*Max Density:*	Conditional R10 – 10 units / acre RM10 – 10 units / acre RM15 – 15 units / acre RM 30 – 30 units / acre

(continued)

Property History

Zoned:	06/2018	*Platted:*	06/2018	*Annexed:*	06/2018

Staff Analysis

EWR Bismarck Land South, LLC and Wachter Family Revocable Trust are requesting approval of a minor subdivision final plat for Cottonwood Parkview Addition First Replat.

The proposed plat is being requested to correct existing right-of-way inaccuracies for Kamrose Drive and Dortmund Drive within the plat and create two additional lots for two-family development along the east side of South Washington Street.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 11th and March 18th, and 89 letters were mailed to the owners of nearby properties on March 11th.

Adjacent uses include developing commercial property to the north, developing two-family residential to the east across Baltimore Drive and south across Lennox Drive, single family residential to south, and single and multi-family residential to the west, across South Washington Street.

Utility Capital Charges

The proposed minor plat is subject to utility capital charges for municipal utilities as it will create two new lots for development. 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 for Cottonwood Parkview Addition First Replat.

Attachments

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

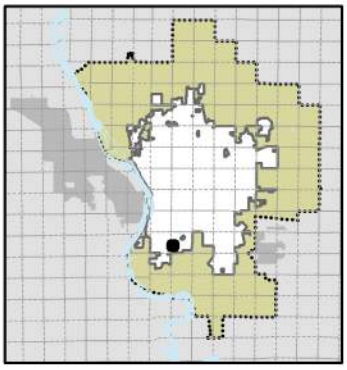
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

MPLT2022-003

0 0.04 0.08 0.16 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

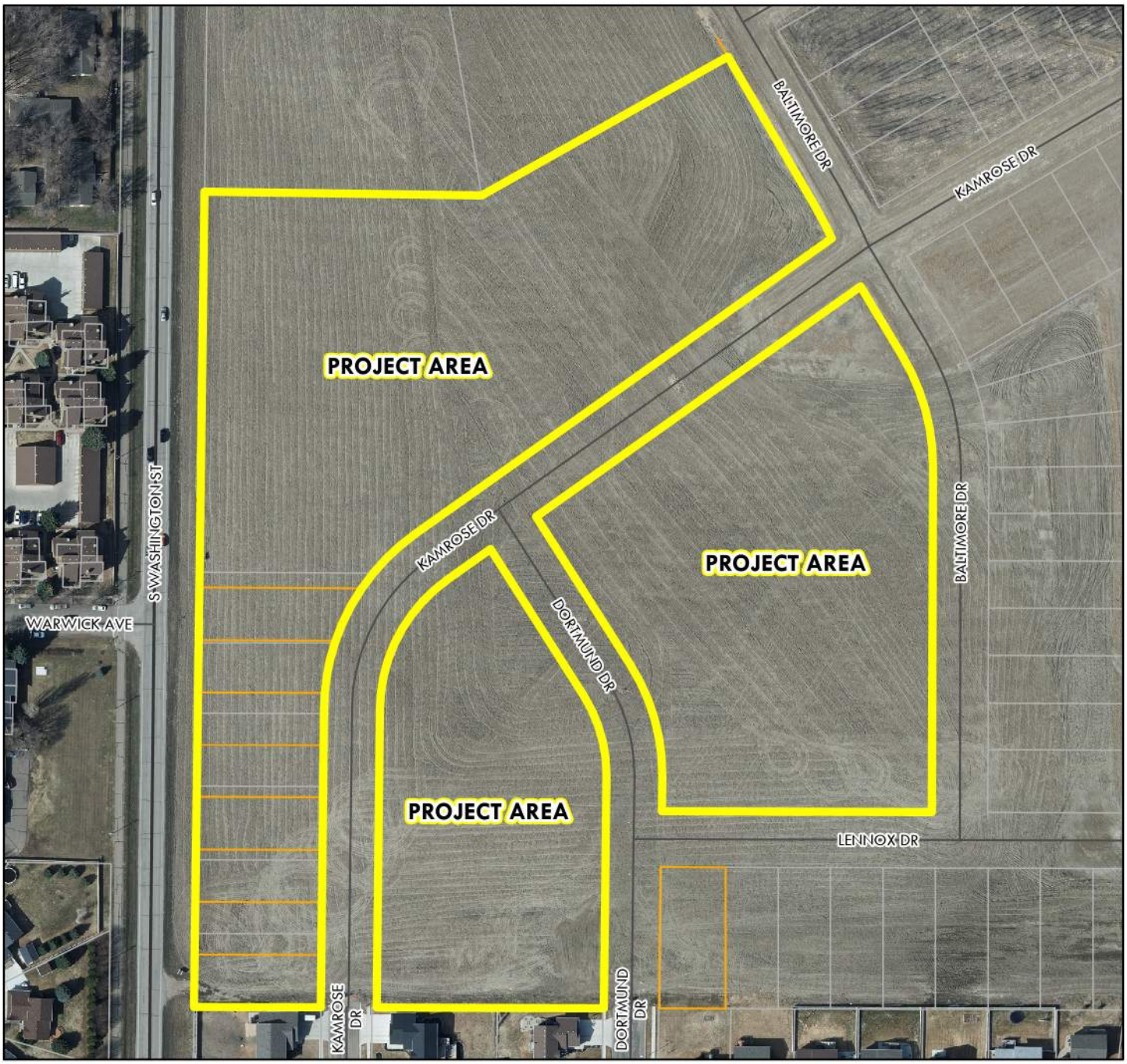
City of Bismarck
Community Development Department
Planning Division
March 17, 2022 (HLB)

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

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

MPLT2022-003



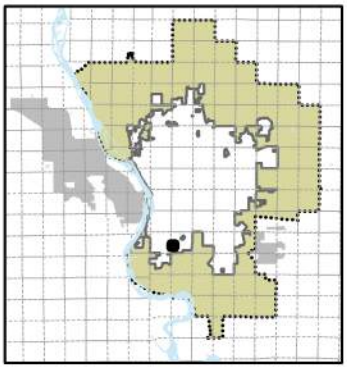
0 0.04 0.09 0.17 Miles

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
March 17, 2022



Zoning and Plan Reference Map

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

MPLT2022-003

Zoning Districts

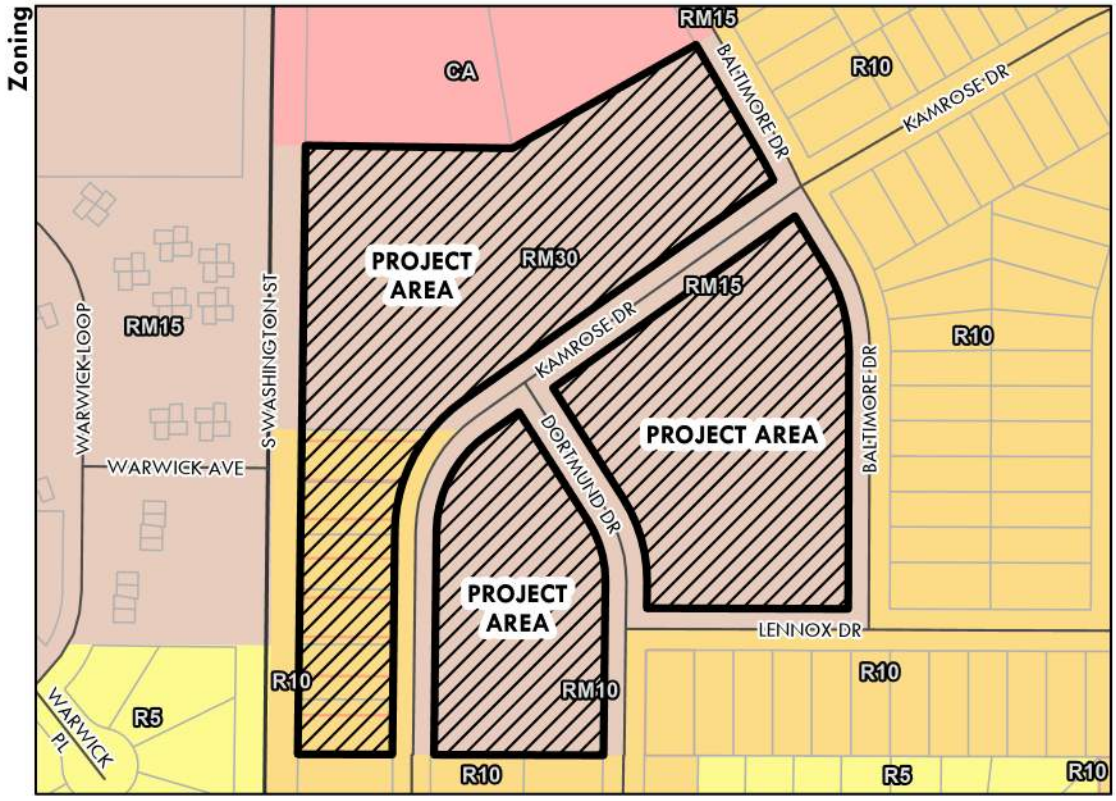
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

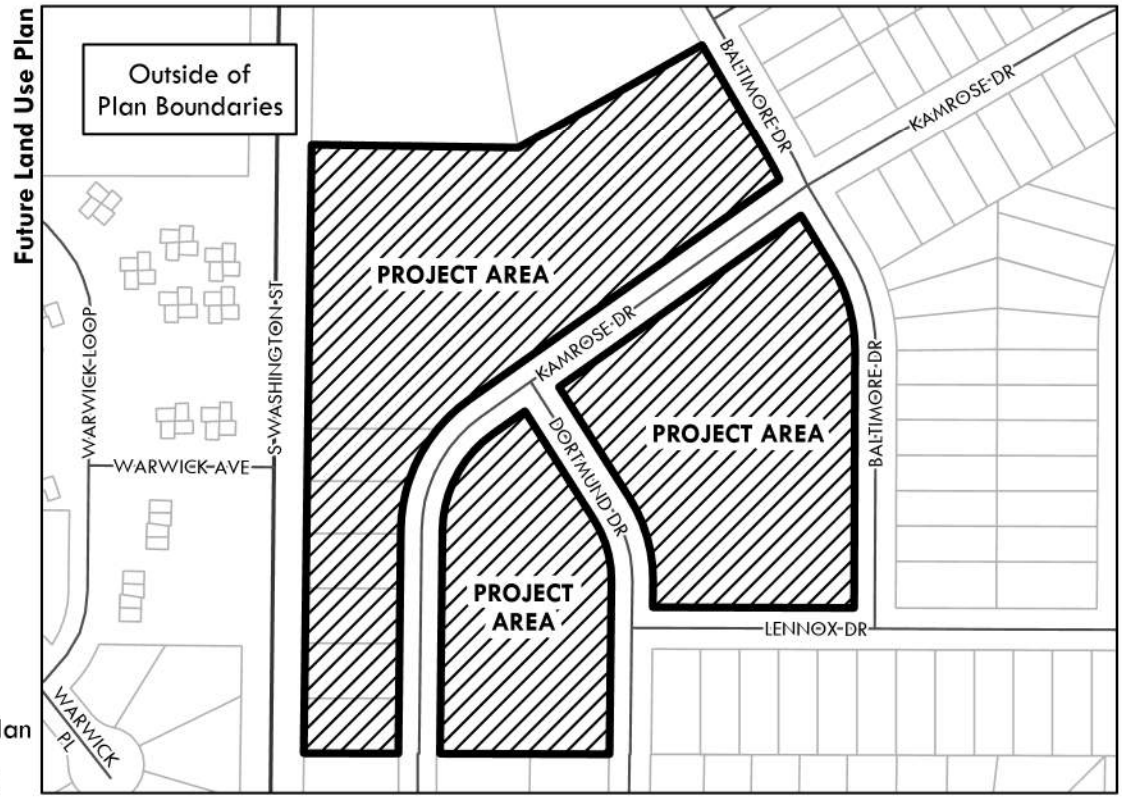
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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 0.04 0.07 0.15 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

A REPLAT OF LOTS 3-9 BLOCK 1, LOT 1 BLOCK 2, LOT 1 BLOCK 3, LOT 1 BLOCK 6 AND PART OF KAMROSE DRIVE RIGHT OF WAY, PART OF LENNOX DRIVE RIGHT OF WAY, THE WEST HALF OF BALTIMORE DRIVE RIGHT OF WAY, THE EAST HALF OF WASHINGTON STREET RIGHT OF WAY AND DORTMUND DRIVE RIGHT OF WAY OF COTTONWOOD PARKVIEW ADDITION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION:

A REPLAT OF LOTS 3-9 BLOCK 1, LOT 1 BLOCK 2, LOT 1 BLOCK 3, LOT 1 BLOCK 6 AND PART OF KAMROSE DRIVE RIGHT OF WAY, PART OF LENNOX DRIVE RIGHT OF WAY, THE WEST HALF OF BALTIMORE DRIVE RIGHT OF WAY, THE EAST HALF OF WASHINGTON STREET RIGHT OF WAY AND DORTMUND DRIVE RIGHT OF WAY OF COTTONWOOD PARKVIEW ADDITION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF COTTONWOOD PARKVIEW ADDITION TO THE CITY OF BISMARCK, N.D.; THENCE NORTH 00°44'26" EAST, ON AND ALONG THE WEST LINE OF SAID COTTONWOOD PARKVIEW ADDITION, A DISTANCE OF 963.93 FEET; THENCE SOUTH 89°13'17" EAST, ON AND ALONG THE NORTH LINE OF LOT 3 BLOCK 1 OF SAID COTTONWOOD PARKVIEW ADDITION AND ITS EXTENSION, A DISTANCE OF 377.60 FEET; THENCE NORTH 60°36'22" EAST, CONTINUING ON AND ALONG THE NORTH LINE OF SAID LOT 3 BLOCK 1, A DISTANCE OF 369.97 FEET TO THE NORTHERLY LINE OF SAID COTTONWOOD PARKVIEW ADDITION; THENCE SOUTH 30°15'34" EAST, ON AND ALONG THE NORTHERLY LINE OF SAID COTTONWOOD PARKVIEW ADDITION, A DISTANCE OF 197.80 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG THE NORTHERLY LINE OF SAID COTTONWOOD PARKVIEW ADDITION, A DISTANCE OF 79.17 FEET ON A 636.62 FOOT RADIUS, NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF SOUTH 26°41'49" EAST, A DISTANCE OF 79.12 FEET TO THE INTERSECTION OF THE CENTERLINES OF KAMROSE DRIVE AND BALTIMORE DRIVE; THENCE SOUTH 31°05'42" EAST, ON AND ALONG SAID CENTERLINE OF BALTIMORE DRIVE, A DISTANCE OF 130.93 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID CENTERLINE OF BALTIMORE DRIVE, A DISTANCE OF 156.52 FEET ON A 286.57 FOOT RADIUS TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF SOUTH 15°26'51" EAST, A DISTANCE OF 154.58 FEET; THENCE SOUTH 00°12'00" WEST, CONTINUING ON AND ALONG SAID CENTERLINE OF BALTIMORE DRIVE, A DISTANCE OF 440.90 FEET TO THE INTERSECTION OF THE CENTERLINES OF BALTIMORE DRIVE AND LENNOX DRIVE; THENCE NORTH 89°48'23" WEST, ON AND ALONG THE CENTERLINE OF SAID LENNOX DRIVE, A DISTANCE OF 276.60 FEET; THENCE SOUTH 00°00'00" EAST, ON AND ALONG THE EAST LINE OF LOT 1 BLOCK 6 OF SAID COTTONWOOD PARKVIEW ADDITION AND ITS EXTENSION, A DISTANCE OF 199.97 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 BLOCK 6 AND THE SOUTH LINE OF SAID COTTONWOOD PARKVIEW ADDITION; THENCE NORTH 89°48'26" WEST, ON AND ALONG THE SOUTH LINE OF SAID COTTONWOOD PARKVIEW ADDITION, A DISTANCE OF 678.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 20.17 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT JON STRINDEN, PRESIDENT OF EWR BISMARCK SOUTH LLC. AND PAUL C. WACHTER AND VALERIE S. WACHTER, TRUSTEES OF WACHTER FAMILY REVOCABLE TRUST, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "COTTONWOOD PARKVIEW ADDITION FIRST REPLAT", TO THE CITY OF BISMARCK NORTH DAKOTA AND DOES SO DEDICATE AND REDEDICATE TO THE CITY OF BISMARCK STREETS AS SHOWN HEREON INCLUDING ALL SANITARY SEWER, WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

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

STATE OF _____)
) ss
COUNTY OF _____)

_____
JON STRINDEN, PRESIDENT
EWR BISMARCK SOUTH LLC
OWNER, LOTS 1-9 BLOCK 1, BLOCK 2, & BLOCK 3

ON THIS ____DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED JON STRINDEN, PRESIDENT OF EWR BISMARCK SOUTH LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
_____ COUNTY, _____

STATE OF _____)
) ss
COUNTY OF _____)

_____
PAUL C. WACHTER - TRUSTEE
WACHTER FAMILY REVOCABLE TRUST
OWNER, LOT 1 BLOCK 4

_____
VALERIE S. WACHTER - TRUSTEE
WACHTER FAMILY REVOCABLE TRUST
OWNER, LOT 1 BLOCK 4

ON THIS ____DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED TRUSTEES PAUL C. WACHTER AND VALERIE S. WACHTER, 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 ON BEHALF OF THE CORPORATION.

_____ NOTARY PUBLIC
_____ COUNTY, _____

APPROVAL OF PLANNING AND ZONING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK ON THE _____DAY OF _____, 2022, 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.

_____
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 SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE 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 COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ___DAY OF _____, 2022.

_____
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 "COTTONWOOD PARKVIEW ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THIS PLAT.

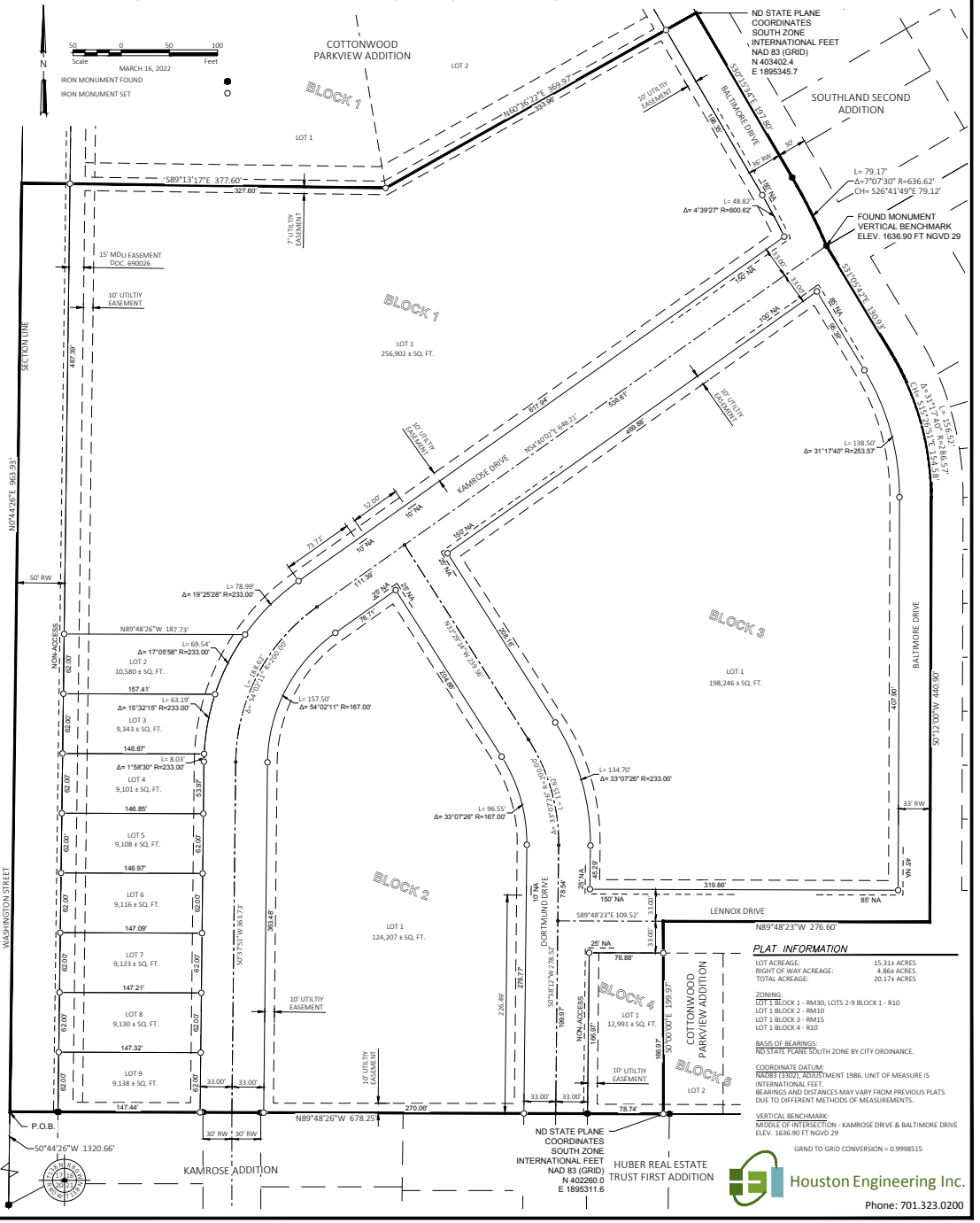
_____
GABRIEL J. SCHELL, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, TODD MARSCHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 13TH DAY OF JULY, 2021, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET PRIOR TO PLAT RECORDATION.

_____
TODD MARSCHALL, LAND SURVEYOR
LICENSE NO. 4431

HOUSTON ENGINEERING, INC
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58501



PLAT INFORMATION

LOT ACREAGE:	15.31± ACRES
RIGHT OF WAY ACREAGE:	4.86± ACRES
TOTAL ACREAGE:	20.17± ACRES

ZONING:
LOT 1 BLOCK 1 - RM30, LOTS 2-9 BLOCK 1 - R10
LOT 1 BLOCK 2 - RM10
LOT 1 BLOCK 3 - RM15
LOT 1 BLOCK 4 - R10

BASIS OF BEARINGS:
ND STATE PLANE SOUTH ZONE BY CITY ORDINANCE.

COORDINATE DATUM:
NAD83 (1302), ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

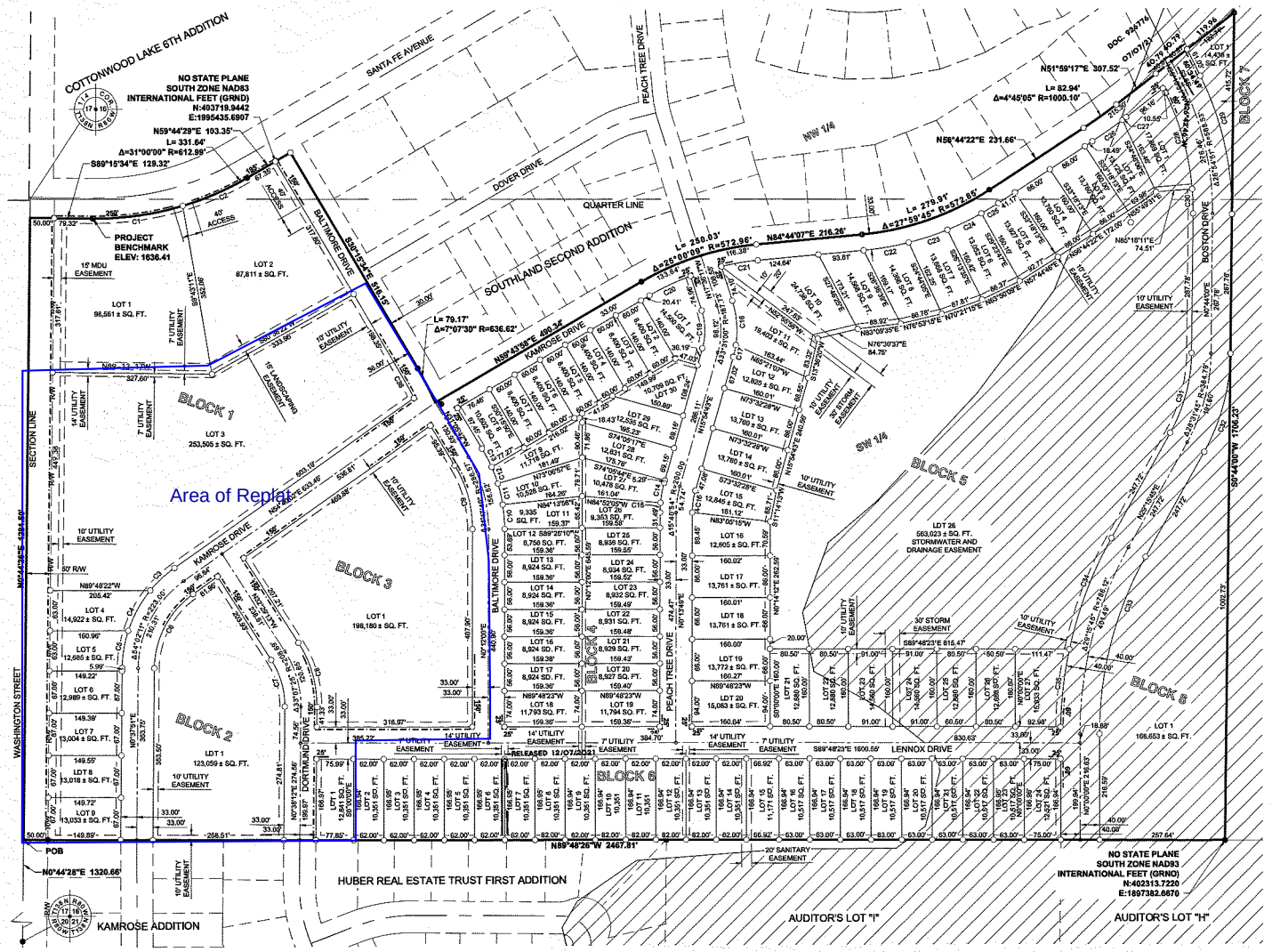
VERTICAL BENCHMARK:
MIDDLE OF INTERSECTION - KAMROSE DRIVE & BALTIMORE DRIVE
ELEV. 1636.90 FT NGVD 29

GRND TO GRID CONVERSION = 0.9998515

Houston Engineering Inc.
Phone: 701.323.0200

COTTONWOOD PARKVIEW ADDITION

A REPLAT OF AUDITOR'S LOT J OF THE NW 1/4 AND SW 1/4 AND AUDITOR'S LOT K OF THE SW 1/4 AND PART OF KAMROSE DRIVE RIGHT OF WAY AND PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



PLAT INFORMATION

LOT ACREAGE:	57.9± ACRES
RIGHT OF WAY ACREAGE:	13.8± ACRES
TOTAL ACREAGE:	71.7± ACRES
NW1/4 ACREAGE:	2.2± ACRES
SW1/4 ACREAGE:	69.5± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY

BENCHMARK

N CORNER OF LOT1 BLOCK 1
ELEV. 1636.41' NAVD 88

UNBUILDABLE LOTS

LOT 28 BLOCK 5 - STORMWATER AND DRAINAGE EASEMENT
LOT 1 BLOCK 7
LOT 1 BLOCK 8

SURVEYOR'S NOTES

1. SANITARY SEWER EASEMENT DOCUMENT #688478 TO BE ELIMINATED BY THIS DOCUMENT.
2. MDU EASEMENT TO BE ELIMINATED DOCUMENT #690026 BY CREATION OF A UTILITY EASEMENT.

LEGEND

PLAT BOUNDARY	
LOT LINE	
EASEMENT	
NON ACCESS LINE	
IRON MONUMENT FOUND	●
IRON MONUMENT SET	○
MEASURED DISTANCE	303.20'
MEASURED BEARING	N89°27'53"W
FLOODPLAIN	

FLOODPLAIN - 100YR 1634 (WEST) TO 1632 (EAST)

FEMA MAP NO. 38015C0795D REVISED AUGUST 4, 2014

Curve Table			
Curve #	Length	Radius	Delta
C1	167.28'	612.96'	17°30'15"
C2	144.38'	612.96'	13°29'46"
C3	68.04'	256.00'	15°13'37"
C4	95.03'	256.00'	21°16'09"
C5	78.37'	256.00'	17°32'25"
C6	179.19'	190.00'	54°02'11"
C7	101.57'	175.69'	33°07'25"
C8	139.72'	241.69'	33°07'25"
C9	136.50'	253.17'	31°20'43"
C10	50.66'	319.57'	9°05'10"

Curve Table			
Curve #	Length	Radius	Delta
C11	44.87'	319.57'	8°00'30"
C12	36.55'	319.57'	6°33'12"
C13	42.65'	319.57'	7°38'48"
C14	41.71'	228.82'	10°26'37"
C15	20.14'	251.07'	4°35'47"
C16	45.71'	187.00'	15°40'54"
C17	24.89'	200.73'	7°06'14"
C18	92.54'	200.73'	26°24'47"
C19	78.81'	134.73'	33°31'00"
C20	93.34'	539.96'	9°54'16"

Curve Table			
Curve #	Length	Radius	Delta
C21	76.24'	539.96'	8°05'23"
C22	93.84'	590.64'	9°06'13"
C23	83.92'	578.32'	8°18'51"
C24	77.58'	564.79'	7°52'14"
C25	40.70'	865.85'	3°50'57"
C26	75.81'	1274.16'	3°24'32"
C27	9.86'	1033.10'	0°32'48"
~~C28~~	~~299.69'~~	~~549.50'~~	~~31°50'04"~~
~~C29~~	~~295.25'~~	~~660.50'~~	~~25°36'54"~~
~~C30~~	~~257.67'~~	~~548.63'~~	~~26°54'53"~~
C28	218.36'	577.26'	21°40'25"
C29	314.85'	657.26'	27°26'47"
C30	50.98'	577.26'	05°03'37"

Curve Table			
Curve #	Length	Radius	Delta
C31	171.88'	344.79'	28°31'45"
C32	211.51'	424.79'	28°31'45"
C33	381.07'	746.12'	29°15'45"
C34	246.21'	826.12'	17°04'33"
C35	161.26'	828.12'	11°11'03"
C38	48.82'	600.62'	4°39'27"

Houston Engineering Inc.
Phone: 701.323.0200

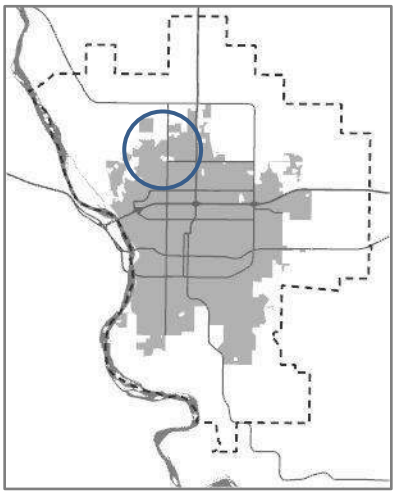
Agenda Item # 8
March 23, 2022

STAFF REPORT

Application for: **Minor Subdivision Final Plat** Project ID: **MPLT2022-005**

Project Summary

Title:	Northern Sky 2nd Addition First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Wilment Development, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	The property is located in northwest Bismarck, along the west side of North Washington Street and the north side of Ash Coulee Drive (a replat of Northern Sky Second Addition)
Project Size:	23.38 acres
Request:	Replat property to adjust alignment and width of Northern Sky Drive



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 lots in 3 blocks	*Number of Lots:*	3 lots in 3 blocks
Land Use:	Undeveloped	*Land Use:*	Residential/Office and Light Commercial
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 CA – Commercial	*Zoning:*	RT – Residential CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential CA – Neighborhood commercial	*Uses Allowed:*	RT – Offices and multi-family residential CA – Neighborhood commercial
Max Density:	RT – 30 units / acre CA – 30 units / acre	*Max Density:*	RT – 30 units / acre CA – 30 units / acre

Property History

Zoned:	7/2021	*Platted:*	7/2021	*Annexed:*	N/A

(continued)

Staff Analysis

Wilment Development LLC is requesting approval of a minor subdivision final plat titled Northern Sky Second Addition First Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 11th and Mach 18th, and 28 letters were mailed to the owners of nearby properties on March 11th.

Adjacent uses include offices and a convenience store with a filling station to the north, undeveloped property to the east across North Washington Street, developing neighborhood commercial and residential uses to the south across Ash Coulee Drive, and a City-owned water tower and Horizon Middle School to the west.

The proposed minor subdivision final plat is being requested to reduce the right-of- way width for Northern Sky Drive. This replat would provide a dedicated easement area for a private utility that had existing facilities in the area that was platted in 2021 as right-of-way.

The reduction in right-of-way will return a portion of land to the City of Bismarck who owns the property along the west side of the roadway. This creates a non-conforming lot on the plat, but the lot will be combined with the adjacent City-owned lot using the lot modification process after the proposed plat is recorded.

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 Northern Sky Second Addition First Replat.

Attachments

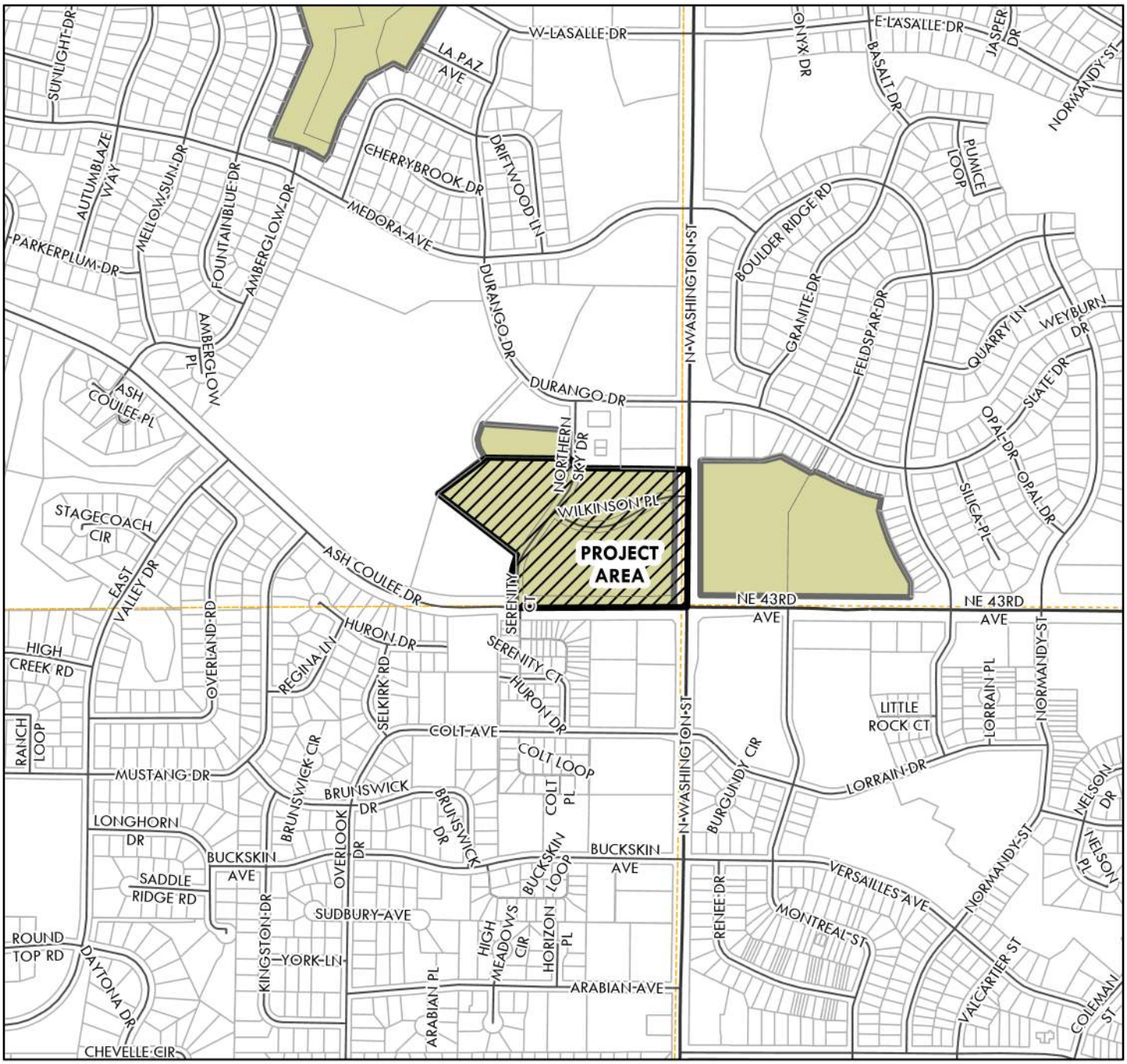
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat

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

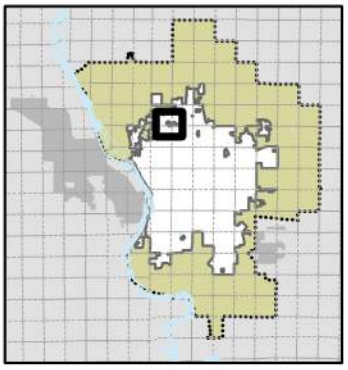
Location Map

NORTHERN SKY SECOND ADDITION FIRST REPLAT

MPLT2022-005



0 0.2 0.4 0.8 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

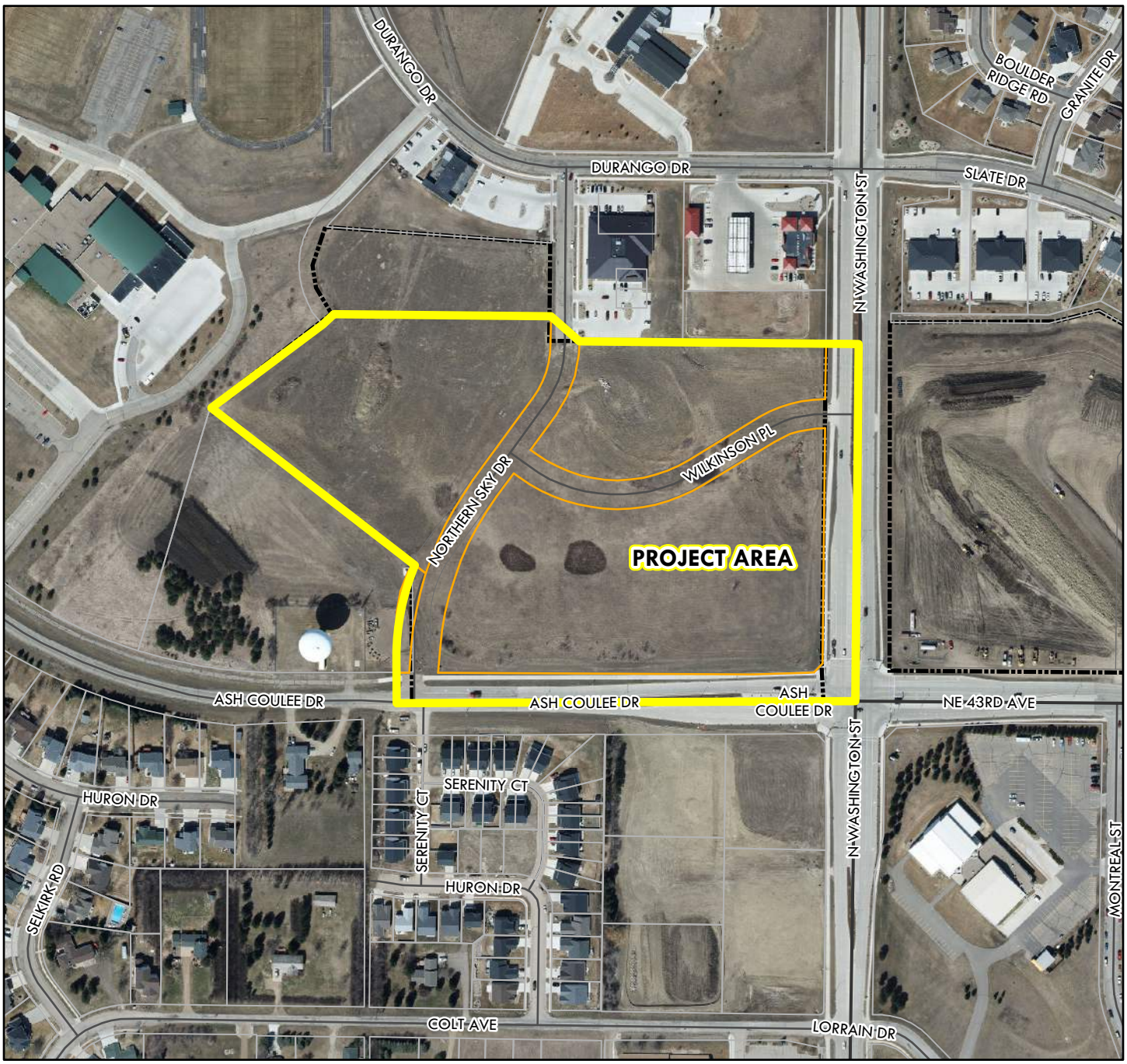
City of Bismarck
Community Development Department
Planning Division
February 24, 2022 (HLB)

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 SKY SECOND ADDITION FIRST REPLAT

MPLT2022-005



Miles

0 0.07 0.15 0.3

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
March 17, 2022

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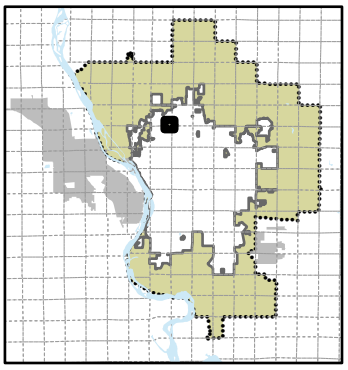


Zoning and Plan Reference Map

NORTHERN SKY SECOND ADDITION FIRST REPLAT

MPLT2022-005

Zoning Districts

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

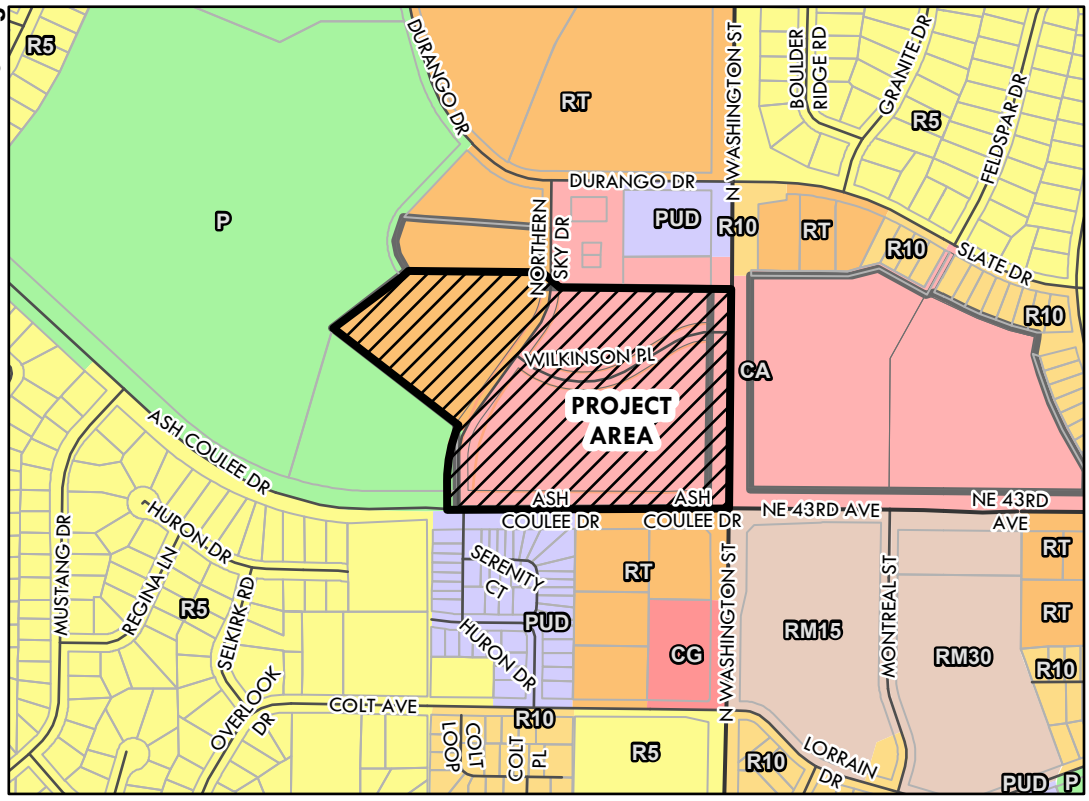
Future Land Use Plan

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

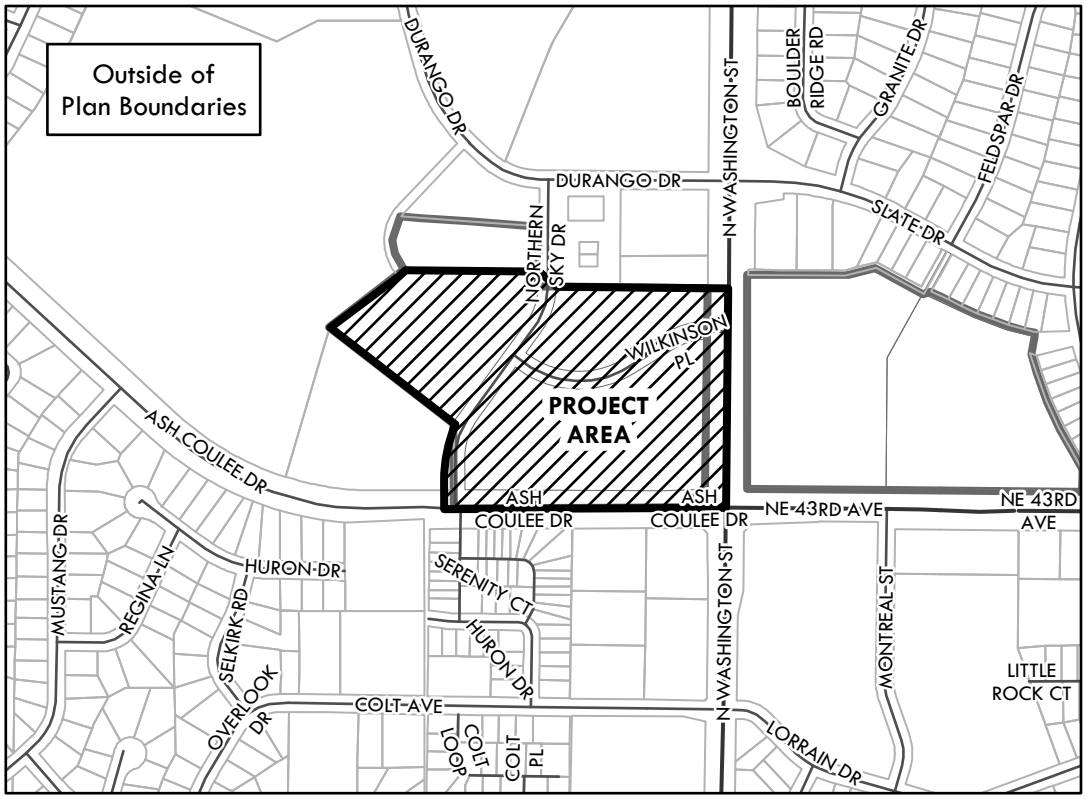
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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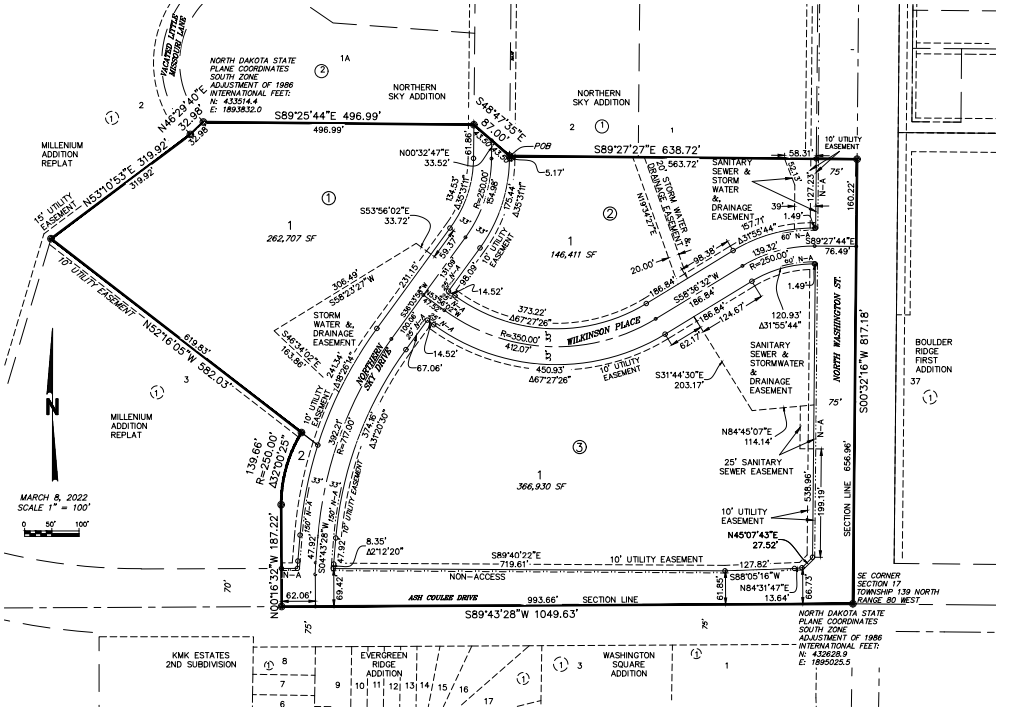
0 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

NORTHERN SKY SECOND ADDITION
FIRST REPLAT

BEING A REPLAT OF NORTHERN SKY SECOND ADDITION
OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF NORTHERN SKY SECOND ADDITION OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 BLOCK 1 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF NORTHERN SKY ADDITION, A DISTANCE OF 638.72 FEET TO THE EAST LINE OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE SOUTH 00 DEGREES 32 MINUTES 16 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 817.18 FEET TO THE SOUTH LINE OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 43 MINUTES 28 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1049.63 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 32 SECONDS WEST, A DISTANCE OF 187.22 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 139.66 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 52 DEGREES 18 MINUTES 05 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 582.03 FEET TO THE EASTERLY LINE OF LOT 2 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 53 DEGREES 10 MINUTES 53 SECONDS EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 319.92 FEET; THENCE NORTH 46 DEGREES 29 MINUTES 40 SECONDS EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 32.98 FEET TO THE SOUTH LINE OF LOT 1A OF LOT 1 BLOCK 2 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 25 MINUTES 44 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 496.99 FEET; THENCE SOUTH 48 DEGREES 47 MINUTES 35 SECONDS EAST, A DISTANCE OF 87.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.38 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ 2022, 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 APPROVED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK 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 AND RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING AND PREVIOUS PUBLIC EASEMENTS WITHIN THE BOUNDARY OF THE APPROVED PLAT.

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

_____ 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 "NORTHERN SKY SECOND ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE APPROVED PLAT.

_____ GABRIEL J. SCHELL
CITY ENGINEER

NOTES

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

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

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

VERTICAL BENCHMARK
HYD 3678 WASHINGTON STREET 1ST SOUTH OF DURANGO DRIVE (WEST)
ELEV 1916.66
NGVD 29

AREA DATA

LOTS	785,485 S.F.	18.03 ACRES
STREETS	232,944 S.F.	5.35 ACRES
TOTAL	1,018,429 S.F.	23.38 ACRES

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WILMENT DEVELOPMENT, LLC, AND THE CITY OF BISMARCK, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORTHERN SKY SECOND ADDITION FIRST REPLAT", 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 FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES 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)
)
COUNTY OF _____)

_____
DON CLEMENT
WILMENT DEVELOPMENT, LLC
3250 ROCK ISLAND PLACE, STE. 4
BISMARCK, ND 58504
OWNER, ALL LOTS EXCEPT LOT 2 BLOCK 1

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED DON CLEMENT OF WILMENT DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

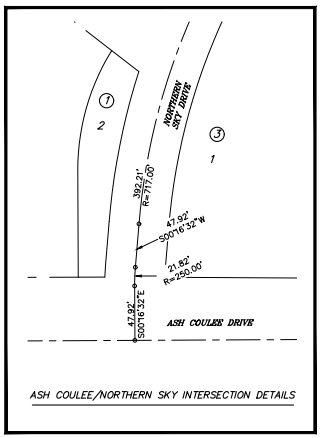
_____
NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
)
COUNTY OF _____)

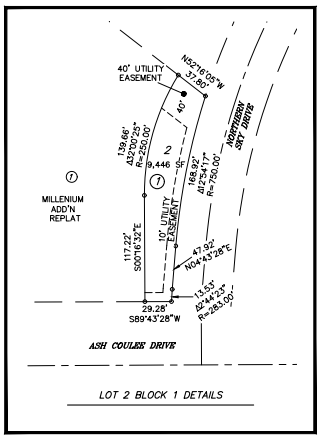
_____
CITY OF BISMARCK
221 N 5TH ST
BISMARCK, ND 58503
OWNER, LOT 2 BLOCK 1

IN THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED MAYOR STEVE BAKKEN, 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
_____ COUNTY, _____
MY COMMISSION EXPIRES _____



ASH COULEE/NORTHERN SKY INTERSECTION DETAILS



LOT 2 BLOCK 1 DETAILS

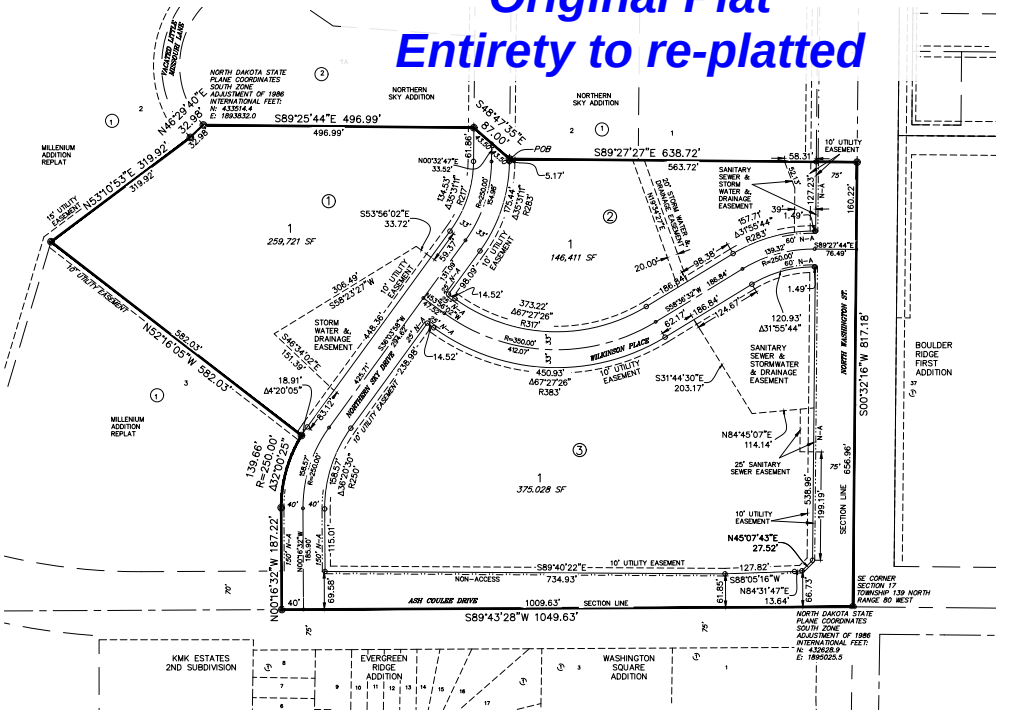
SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shesg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

NORTHERN SKY SECOND ADDITION

BEING A REPLAT OF LOT 2 BLOCK 2 NORTHERN SKY ADDITION AND PART OF LOT 3 BLOCK 1 REPLAT OF MILLENNIUM ADDITION AND THE WEST HALF OF NORTH WASHINGTON STREET AND THE NORTH HALF OF ASH COULEE DRIVE RIGHTS-OF-WAY, AND AUDITOR'S LOT C-3 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

Original Plat
Entirety to re-platted



DESCRIPTION

BEING A REPLAT OF LOT 2 BLOCK 2 NORTHERN SKY ADDITION AND PART OF LOT 3 BLOCK 1 REPLAT OF MILLENNIUM ADDITION AND PART OF THE WEST HALF OF NORTH WASHINGTON STREET AND THE NORTH HALF OF ASH COULEE DRIVE RIGHTS-OF-WAY AND AUDITOR'S LOT C-3 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST.

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 BLOCK 1 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF NORTHERN SKY ADDITION, A DISTANCE OF 638.72 FEET TO THE EAST LINE OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE SOUTH 00 DEGREES 32 MINUTES 16 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 817.18 FEET TO THE SOUTH LINE OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 43 MINUTES 28 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1049.63 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 32 SECONDS WEST, A DISTANCE OF 187.22 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 139.66 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 52 DEGREES 16 MINUTES 05 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 582.03 FEET TO THE EASTERLY LINE OF LOT 2 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 53 DEGREES 10 MINUTES 53 SECONDS EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 319.92 FEET; THENCE NORTH 46 DEGREES 29 MINUTES 40 SECONDS EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 32.98 FEET TO THE SOUTH LINE OF LOT 1A OF LOT 1 BLOCK 2 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 25 MINUTES 44 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 496.99 FEET; THENCE SOUTH 48 DEGREES 47 MINUTES 35 SECONDS EAST, A DISTANCE OF 87.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.38 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

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

APPROVAL OF CITY PLANNING COMMISSION

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

MICHAEL J. SCHWARTZ – CHAIRMAN

ATTEST
BEN EHRETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION AND RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING AND PREVIOUS PUBLIC EASEMENTS 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 _____, 2020.

ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "NORTHERN SKY SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE APPROVED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WILMENT DEVELOPMENT, LLC, AND THE CITY OF BISMARCK, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORTHERN SKY SECOND 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 FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES 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)
COUNTY OF _____)

DON CLEMENT
WILMENT DEVELOPMENT, LLC
3250 ROCK ISLAND PLACE, STE. 4
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED DON CLEMENT OF WILMENT DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF _____)

CITY OF BISMARCK
221 N 5TH ST
BISMARCK, ND 58503

IN THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED MAYOR STEVE BAKKEN, 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
_____ COUNTY, _____
MY COMMISSION EXPIRES _____

NOTES

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

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

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

VERTICAL BENCHMARK
HYD 3678 WASHINGTON STREET 1ST SOUTH OF DURANGO DRIVE (WEST)
ELEV 1916.66
NGVD 29

NORTH DAKOTA STATE PLANE COORDINATES SOUTH ZONE ADJUSTMENT OF 1986 INTERNATIONAL FEET:
N: 43526.9
E: 1895025.5

AREA DATA

LOTS	781,160 S.F.	17.93 ACRES
STREETS	237,269 S.F.	5.45 ACRES
TOTAL	1,018,429 S.F.	23.38 ACRES

N

SEPTEMBER 2, 2020
SCALE 1" = 100'

0 50' 100'

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

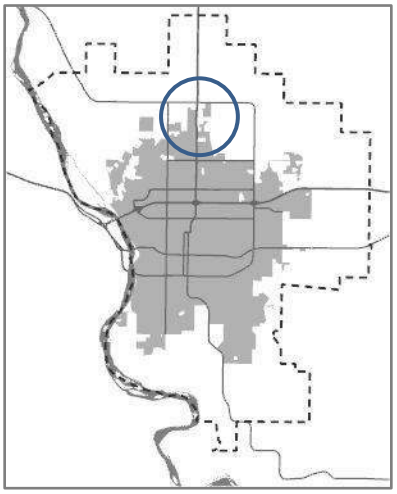
Agenda Item # 9
March 23, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-002**

Project Summary

Title:	Lot 1, Block 1, Daybreak Medical Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	57 North Investors, LLP (owner) Bismarck Surgical Associates (applicant)
Project Contact:	Scott Bina, Mann Signs
Location:	In north Bismarck, north of 57th Avenue NE and on the east side of North Washington Street
Project Size:	30 square feet
Request:	Approve an EMC sign adjacent to a residential area



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Medical facility	*Land Use:*	Medical facility
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional RT – Residential	*Zoning:*	Conditional 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:	11/2017	*Platted:*	06/2020	*Annexed:*	11/2017

Staff Analysis

Bismarck Surgical Associates and 57 North Investors, LLP are requesting approval of a special use permit to allow an electronic message center (EMC) sign on Lot 1, Block 1, Daybreak Medical Addition First Replat.

This property is in the RT – residential zoning district, which follows commercial sign standards. However, any electronic message center placed withing 150 feet of a residential zoning district must follow residential sign standards, which

(continued)

require a special use permit and additional restrictions to protect nearby residences.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 11th and 18th, and 25 letters were mailed to the owners of nearby properties on March 11th.

Adjacent uses include undeveloped land to the north, a medical use and developing mixed-use buildings to the east, undeveloped land to the south, and rural residential properties to the west.

The EMC would be included on pole sign located near the intersection of North Washington Street and East Greenfield Lane in the Southwest corner of the lot. The sign would be oriented to face north and south, the EMC would not be pointed directly at the residences to the west.

The following criteria from Section 14-03.1-07(5)(d) of the City Code of Ordinances (Signs/ Residential Zoning District Standards apply for electronic message centers in residential areas:

1. *"Special Use Permit. A special use permit shall be required, subject to all procedures of Section 14-03-08 (Special Uses) of the City Code of Ordinances."*

   A special use permit has been requested.

2. *"Sign Type. Electronic message center signs may only be incorporated into on-premise pole signs, monument signs, or wall signs. Electronic message center signs shall not be located on projecting signs, portable signs, or any other temporary signs, with the exception of demonstrations allowed by No off-premise advertising may occur on electronic message center signs."*

   This EMC would be located on a pole sign that complies with all requirements of the commercial zoning districts. The maximum sign height is 30 feet, measured from the nearest street curb. The sign would be 27' in height to account for a grade differential from the curb.

3. *"Number of Signs. Only one (1) electronic message center sign shall be allowed per parcel."*

   One EMC is proposed for this property

4. *"Area of Signs. the electronic message center portion of a sign shall not exceed thirty-two (32) square feet in area."*

   The proposed EMC is 30 square feet in area.

5. *"Proportion of Sign. Electronic message centers may only be included on pole signs that also contain static content. The electronic portion of the sign may not exceed fifty (50) percent 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."*

   The EMC is less than fifty percent of the total sign area and the static portion of the sign extends above the EMC.

6. *"Operational Requirements. Electronic message center signs shall be subject to the following operational requirements:*

   a. *Brightness. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.*

   b. *Frame Hold Time. The sign shall have a frame hold time of no less than three (3) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.*

   c. *Effects. The sign shall be limited to instantaneous or continuous fading transitions from one static frame to*

(continued)

another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.

d. *Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited."*

The applicant is aware of the operational requirements.

7. *"Sign Features. Electronic message center signs shall be equipped with the following features:*

   a. *A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and*

   b. *A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell"*

   The sign would be equipped with the required sign features.

Additionally, this Conditional RT - Residential zoning district includes the following special condition related to signs:

> *"Any illuminated signs shall be designed and installed in a manner attended to limit the amount of off-site impacts to the adjacent residential uses"*

This condition was adopted prior to adoption of the new sign ordinance, which applies more defined illumination standards and stricter operational requirements for EMCs in residential areas. Therefore, this condition 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;
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 an electronic message center sign on Lot 1, Block 1, Daybreak Medical Addition First Replat.

Attachments

1. Location Map

(continued)

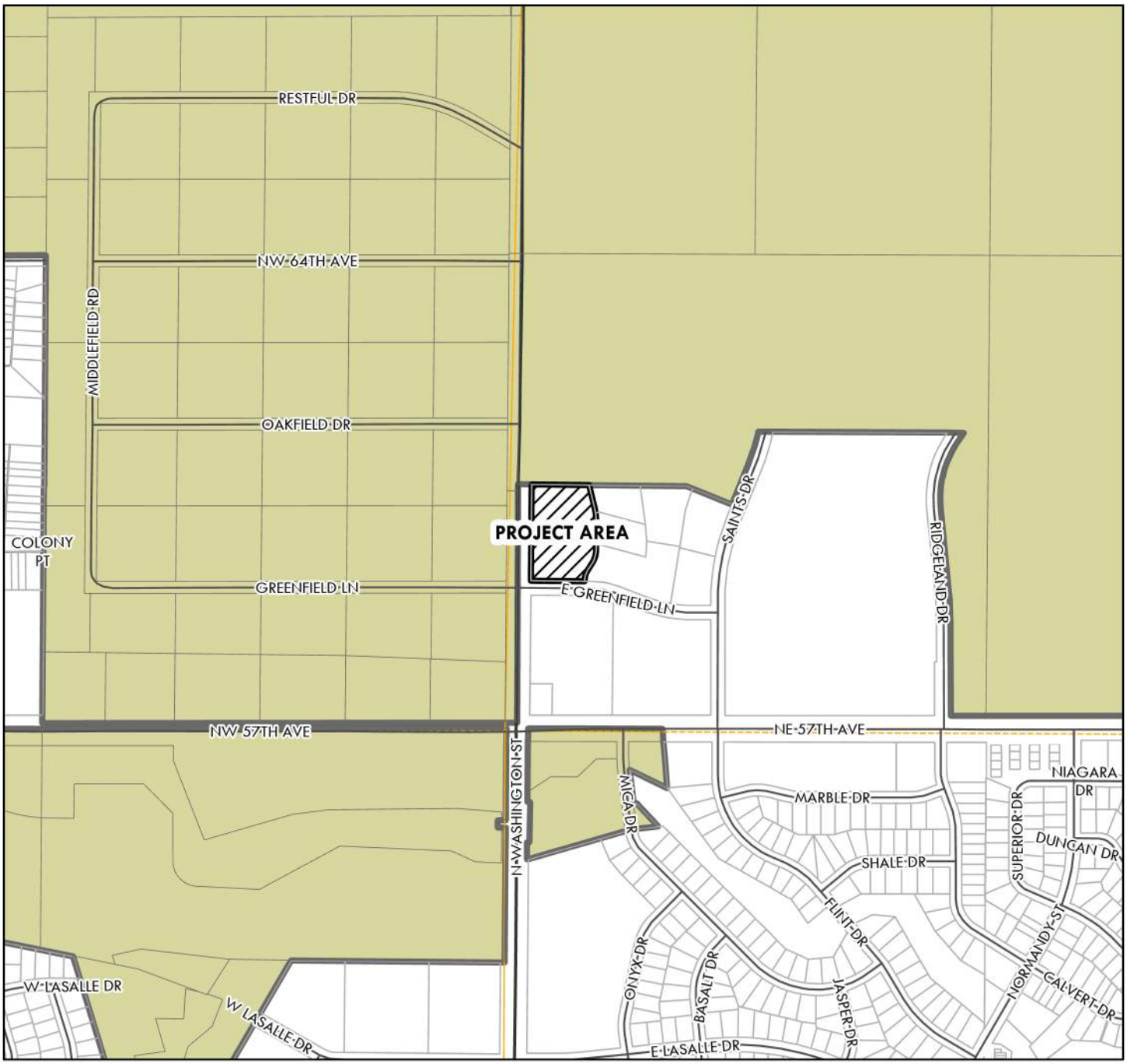
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Design Exhibits for Sign

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

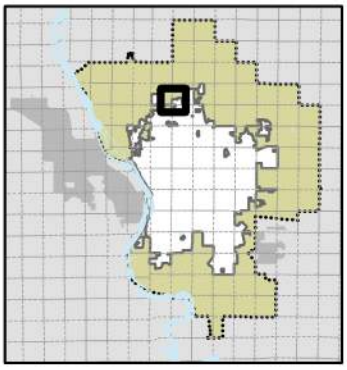
Location Map

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L1, B1

SUP2022-002



0 0.17 0.35 0.7 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

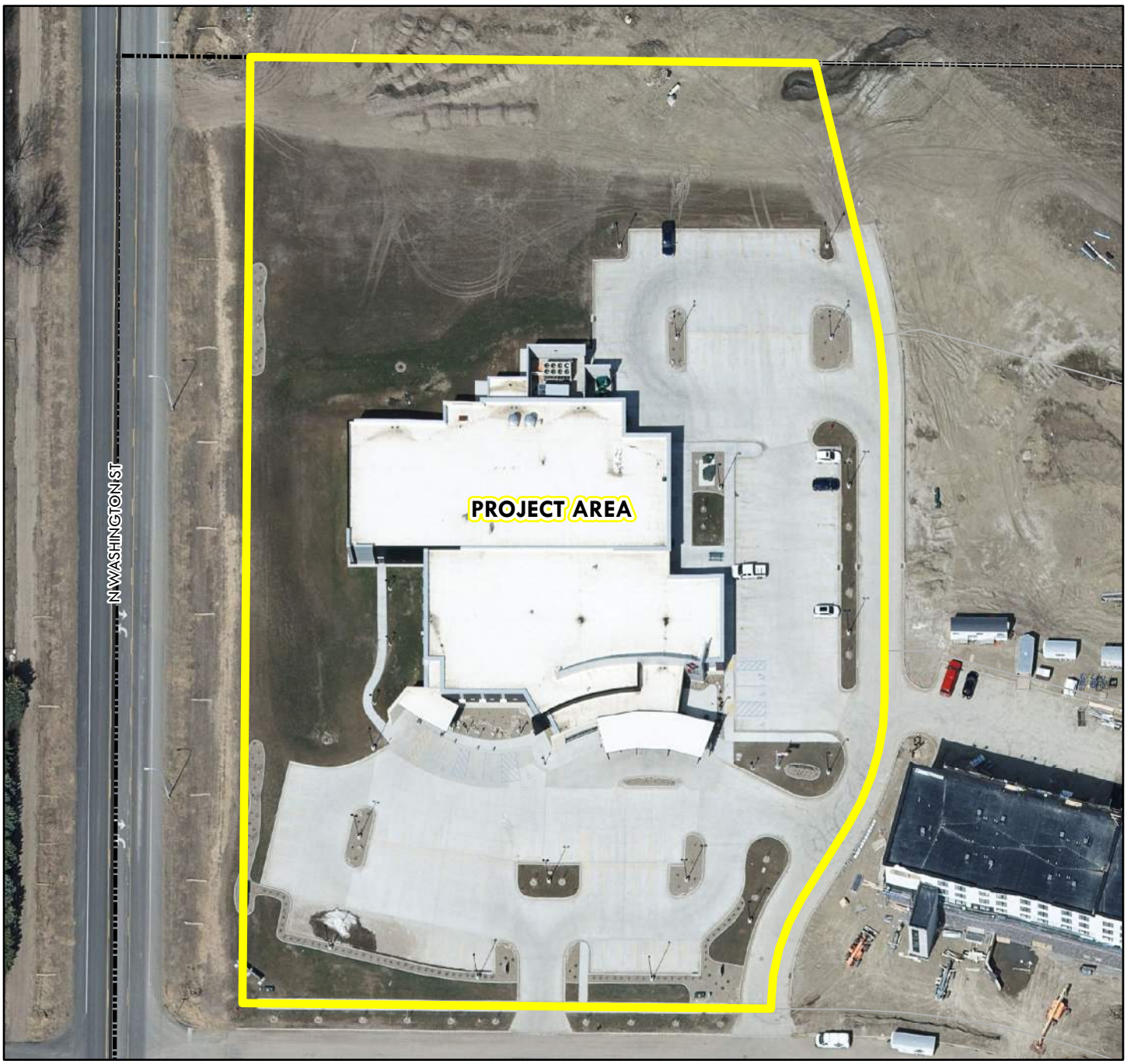
City of Bismarck
Community Development Department
Planning Division
February 23, 2022 (HLB)

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

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L1, B1

SUP2022-002



0 0.02 0.04 0.08 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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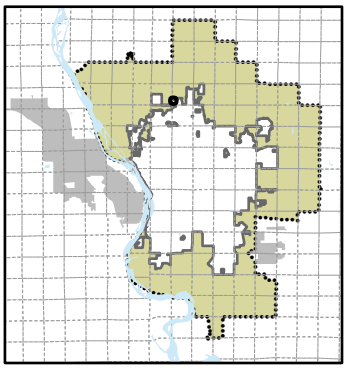


City of Bismarck
Finance Department
IT/GIS Division
March 11, 2022

Zoning and Plan Reference Map

DAYBREAK MEDICAL ADDITION FIRST REPLAT, L1, B1

SUP2022-002

Zoning Districts

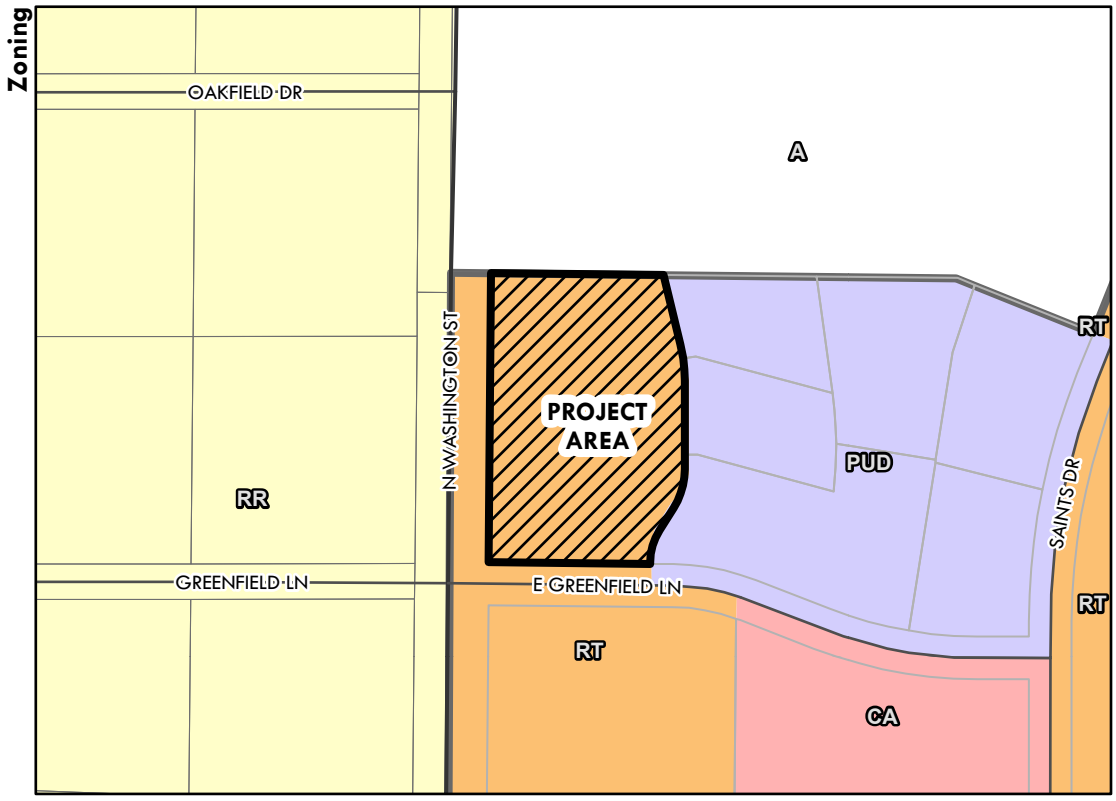
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

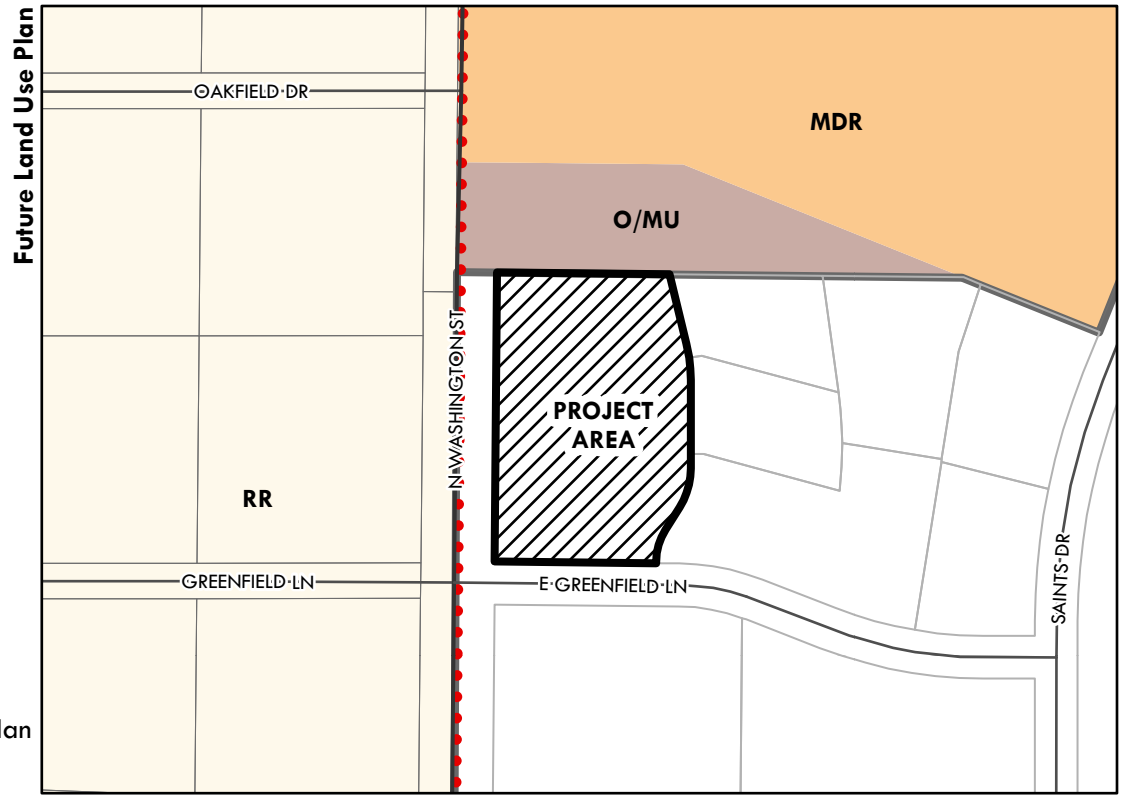
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.04 0.09 0.18 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 11, 2022

25'
Site Triangle
25'
Property Corner
10' Utility Easement
18'
Property Line to edge of sign
Sign Location
21'2"
10'
Utility Easement
22'
Property Line
to edge of Sign

SOUTH EAST ELEVATION

SOUTH WEST ELEVATION

LANDMARK
Architectural Signs

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P.O. BOX 1234 17576 HEMLOCK AVENUE LAKEVILLE, MN 55044 763.639.7766

PROJECT

BISMARK SURGICAL ASSOCIATES
106 EAST GREENFIELS LANE
BISMARK, ND

SALES: JC DESIGN: BJ

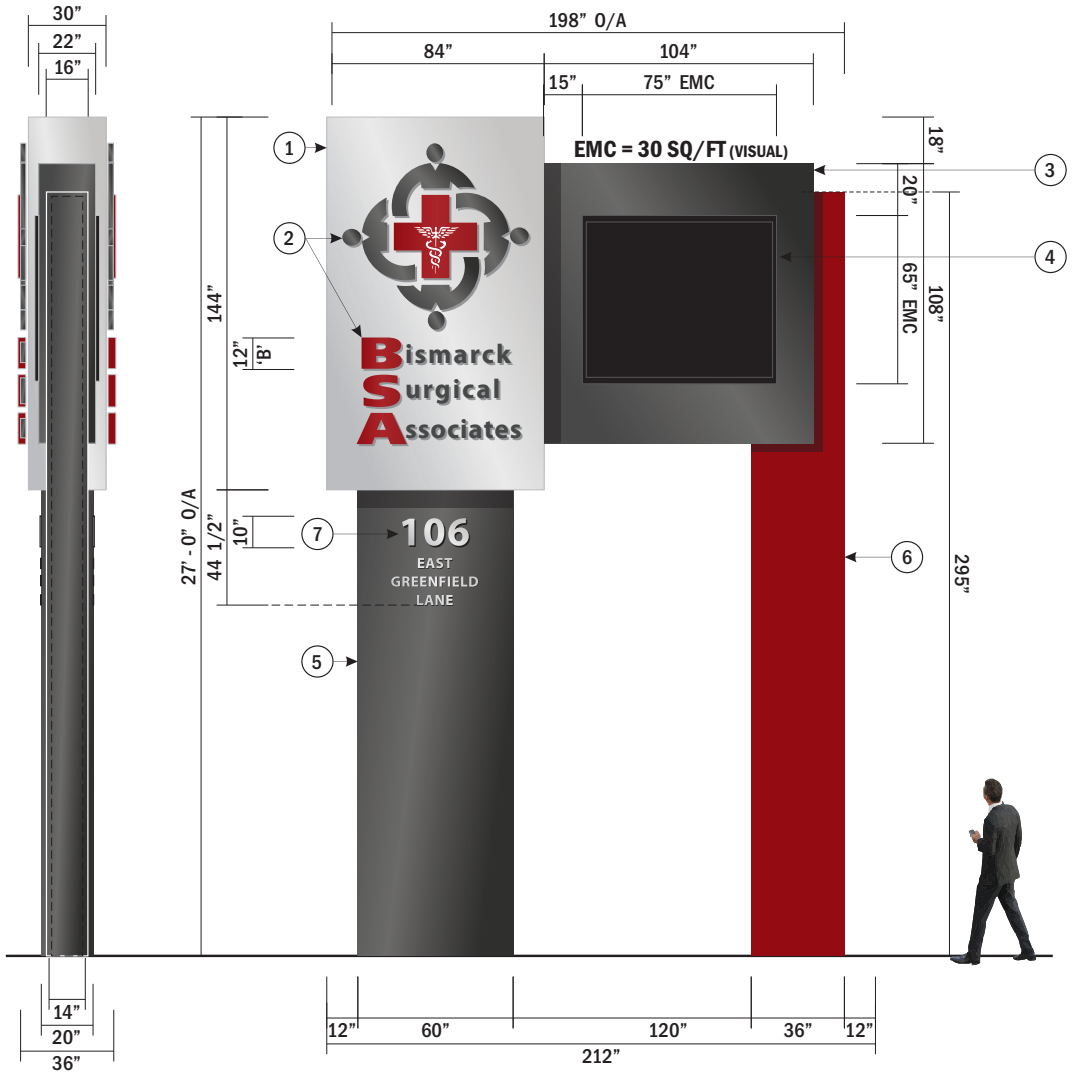
DATE: 08.16.19

REV: 06.29.21
REV: 01.17.22
REV: 03.04.22

SIGN TYPE

EXTERIOR
SIGNAGE PROGRAM

PAGE: 0.1



2 / 2.1 SIDE VIEW

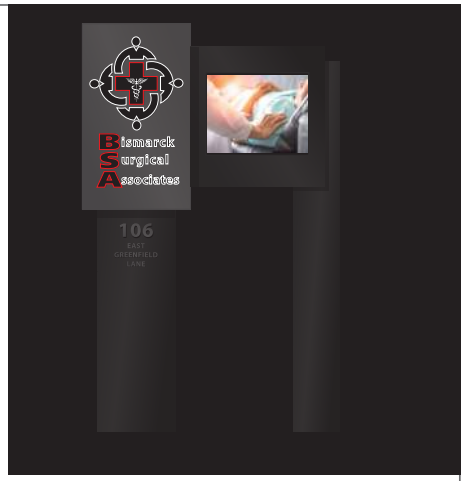
1 / 2.1 DETAIL: LAYOUT **PYLON = 445 SQ/FT TOTAL AREA - 106 SQ/FT SIGN AREA**

SCALE: 1/4” = 1’ - 0”

ELECTRONIC MESSAGE CENTER ORDINANCE
BISMARCK, ND - RT ZONING
- MAXIMUM 32 SQ/FT
- DF SIGNS ARE CONSIDERED ONE SIGN
- MAXIMUM 30 FEET HIGH FROM NEAREST CURB TO TOP OF OVERALL SIGN
- MESSAGE CENTER MINIMUM 10 FEET FROM TOP TO STREET GRADE

EXTERIOR
DF ILLUMINATED PYLON
WITH MESSAGE CENTERS
- ALUMINUM FABRICATION
- WHITE LED ILLUMINATION
- DIRECT EMBED INSTALLATION
- TWO SCHEDULE 40 POLES - 12” TBD

ALL LANDSCAPING BY OTHERS



4 / 2.1 NIGHT APPEARANCE

SCALE: NTS

3 / 2.1 TOP VIEW

SCALE: 1/4” = 1’ - 0”

1. **ALUMINUM CABINET**
   CLEAR ANODIZED OR PAINTED BRUSHED ALUMINUM
2. **GRAPHICS**
   3” DEEP REVERSE CHANNEL LETTERS
   PAINTED MP 22341 ARAPAHO RED METALLIC
   TRANSPARENT RED VINYL ON CLEAR BACK
   FOR RED HALO
   2” DEEP REVERSE CHANNEL LETTERS
   PAINTED MP 19844 DAUPHIN GREY METALLIC
   WHITE HALO
3. **ALUMINUM CABINET**
   PAINTED MP 19844 DAUPHIN GREY METALLIC
4. **ELECTRONIC MESSAGE CENTERS**
   FULL COLOR LED DISPLAY
   WATCHFIRE PRODUCT
   STOCK (65”x75”x8”/60”x72” VISUAL)
5. **ALUMINUM POLE COVER**
   PAINTED MP 19844 DAUPHIN GREY METALLIC
6. **ALUMINUM POLE COVER**
   PAINTED MP 22341 ARAPAHO RED METALLIC
7. **ALUMINUM FCO ADDRESS**
   1/4” NUMERALS AND 1/8” LETTERS
   PAINTED BRUSHED ALUMINUM

LANDMARK
Architectural Signs

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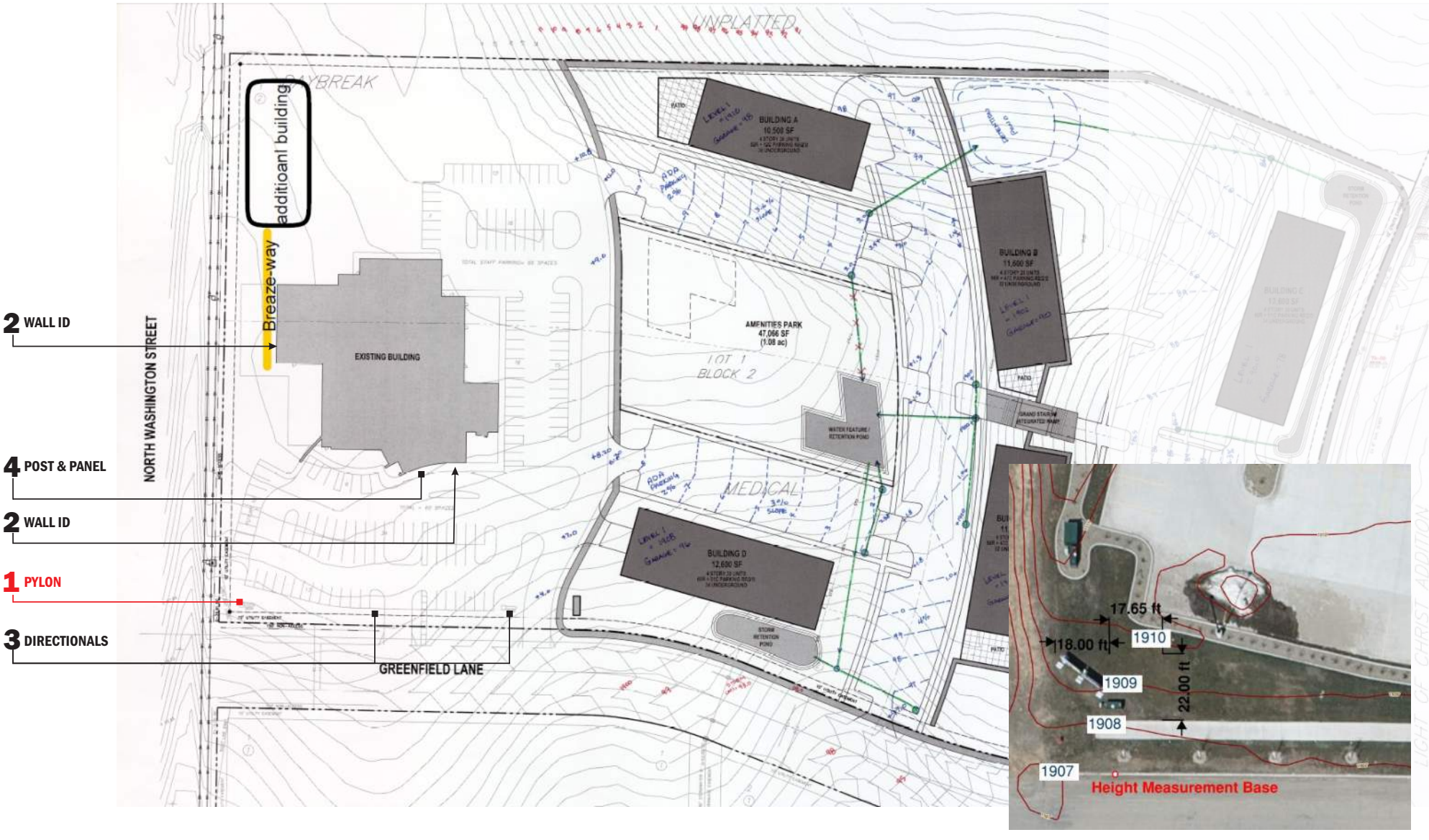
PROJECT
BISMARK SURGICAL ASSOCIATES
106 EAST GREENFIELS LANE
BISMARK, ND

SALES: JC DESIGN: BJ
DATE: 10.27.20 REV: 06.29.21
REV: 05.17.21 REV: 01.17.22
REV: 06.16.21 REV: 03.04.22

SIGN TYPE
EXTERIOR
ILLUMINATED PYLON
WITH EMC UNITS



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LANDMARK
Architectural Signs
P.O. BOX 1234 17576 HEMLOCK AVENUE LAKEVILLE, MN 55044 763.639.7766

PROJECT
BISMARK SURGICAL ASSOCIATES
106 EAST GREENFIELS LANE
BISMARK, ND

SALES: JC DESIGN: BJ
DATE: 10.23.20
REV: 05.17.21
REV:

SIGN TYPE
EXTERIOR
INSTALL SITE PLAN

PAGE: 0.2

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2022

	*******************City*******************				*******************ETA*******************			
	2/2022		**2/2021**		**2/2022**		**2/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	4	$892,692.03	2	$668,386.35	0	$0.00	2	$665,182.50
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	$0.00	15	$2,669,659.35	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$0.00	1	$73,319.40	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	0	$0.00	0	$0.00	3	$122,400.00
RESIDENTIAL ALTERATION/OTHER	3	$32,000.00	14	$464,324.00	2	$305,675.48	1	$38,000.00
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	6	$147,963.00	15	$385,994.50	1	$31,648.00	2	$36,722.00
NEW SIGN PERMITS	12	$138,935.00	6	$20,800.00	1	$37,866.00	0	$0.00
SIGN ALTERATION	0	$0.00	2	$61,217.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	1	$180,000.00	0	$0.00	4	$1,200,000.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	1	$611,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	12	$757,045.32	11	$8,363,430.00	0	$0.00	0	$0.00
Total	**40**	**$2,148,635.35**	**68**	**$13,318,130.60**	**8**	**$1,575,189.48**	**8**	**$862,304.50**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2022

	*******************City*******************				*******************ETA*******************			
	2/2022		**2/2021**		**2/2022**		**2/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	40	$10,000.00	52	$26,500.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	119	$2,194,707.55	116	$702,283.18	5	$15,392.50	14	$81,530.00
BUILDING PLUMBING	11	$609,261.25	12	$208,060.00	0	$0.00	0	$0.00
Total	**170**	**$2,813,968.80**	**180**	**$936,843.18**	**5**	**$15,392.50**	**14**	**$81,530.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2022

	*******************City*******************		*******************ETA*******************	
	2/2022	**2/2021**	**2/2022**	**2/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
BASEMENT FINISH	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	15	0	0
SINGLE FAMILY DETACHED	4	2	0	2
Total	**4**	**17**	**0**	**2**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2022

	**********City**********				**********ETA**********			
	2/2022		**2/2021**		**2/2022**		**2/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	4	$892,692.03	6	$1,561,678.77	0	$0.00	2	$665,182.50
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	$0.00	16	$2,899,453.75	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$0.00	2	$131,610.60	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	1	$12,000.00	0	$0.00	3	$122,400.00
DECKS\PORCHES & COVERED PORCHES	2	$5,481.00	1	$3,024.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	6	$40,000.00	20	$574,524.00	2	$305,675.48	1	$38,000.00
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	1	$0.00
STORAGE SHED	0	$0.00	1	$6,480.00	0	$0.00	0	$0.00
BASEMENT FINISH	14	$357,811.00	27	$677,077.50	2	$36,148.00	3	$69,660.00
RESIDENTIAL	0	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	19	$173,835.00	9	$38,851.44	2	$38,866.00	0	$0.00
SIGN ALTERATION	0	$0.00	2	$61,217.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	3	$552,000.00	1	$109,000.00	4	$1,200,000.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	1	$611,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	20	$5,545,943.32	18	$9,202,977.00	2	$3,715,000.00	0	$0.00
Total	**70**	**$7,567,762.35**	**110**	**$15,888,894.06**	**12**	**$5,295,689.48**	**10**	**$895,242.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2022

	*******************City*******************				*******************ETA*******************			
	2/2022		**2/2021**		**2/2022**		**2/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	85	$10,000.00	127	$34,500.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	241	$4,236,901.03	213	$2,946,426.43	34	$205,088.50	38	$319,110.50
BUILDING PLUMBING	22	$1,045,146.25	26	$1,940,608.00	0	$0.00	2	$16,000.00
Total	**348**	**$5,292,047.28**	**366**	**$4,921,534.43**	**34**	**$205,088.50**	**40**	**$335,110.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2022

	*******************City*******************		*******************ETA*******************	
	2/2022	**2/2021**	**2/2022**	**2/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	16	0	0
SINGLE FAMILY DETACHED	4	6	0	2
Total	**4**	**22**	**0**	**2**

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 23, 2022

The Bismarck Planning & Zoning Commission met on February 23, 2022, 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, Brian Bitner, Cole Johnson, Vernon Laning, Paul Levchak, Gabe Schell, Wendy Van Duyne, Paul Zent and Mike Schwartz.

Commissioners Kevin Martin and Trent Wangen were 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 January 26, 2022 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the January 26, 2022 meeting, as presented. Commissioner Bakken seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

CONSIDERATION

2. DAYBREAK SECOND ADDITION – ZONING CHANGE AND PRELIMINARY PLAT

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

PUBLIC HEARING – ZONING CHANGE
LOT 1, BLOCK 1, COTTONWOOD PARKVIEW ADDITION

Chair Schwartz called for the public hearing on the zoning change from the Conditional CA – Commercial zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition. The property is located in southwest Bismarck, south of East Wachter Avenue and north of East Burleigh Avenue, in the southeast quadrant of the intersection of Santa Fe Avenue and South Washington Street.

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

1. The proposed zoning change does not conform to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

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

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

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

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

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

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

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

Ms. Wollmuth said, based on the above findings, staff recommends denial of the zoning change from the Conditional CA – Commercial zoning district to the Conditional CA – Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition.

Commissioner Bakken said a gas station or strip mall is allowed and now along with a drive-through or carwash asked if these will draw traffic to the area in the opinion of staff shows access at the east end of the property on Santa Fe between the proposed Lot 1 and Lot 2 to simplify access for both lots and that would be the only access.

Commissioner Levchak said there is a letter from SLK, LLC regarding the intended development of Lot 2 and asked what the intent is.

Mr. Weekes said the owner would be the one to identify that, and he cannot speak to it at this time.

Commissioner Schell asked how petitions were presented to the adjacent owners. Mr. Weekes said it was prepared by the project contractor.

Chair Schwartz asked if the concerns regarding noise have been explored at all.

Mr. Weekes said not specifically to mitigate the noise but they did discuss possible noise reduction options with structural buffers to the south.

Tim Miller, Missouri River Contracting, said multiple people circulated petitions door to door throughout the community on behalf of the owner.

Commissioner Schell said he is concerned about how the proposal was presented.

A general discussion regarding the allowed uses was had at this time.

Commissioner Levchak asked what the intended development of Lot 2 is.

Mr. Miller said they are unsure at this time.

Commissioner Bakken asked if there is a plan for additional access. Mr. Miller said the properties have the same owner so the access would be shared and could possibly use Baltimore Drive in the future as well.

Commissioner Bitner asked if the request could be approved without the inclusion of Lot 2. Ms. Wollmuth said that is correct as the request is only for Lot 1 at this time.

Commissioner Levchak asked if noise mitigation efforts could be added to the approval now or if they would have to reapply once those modifications are made.

Ms. Wollmuth said if the request is approved now it would still have to be approved by City Commission, which would likely occur in late March, and the special use permits for the proposed filling station, carwash and drive-through would still have to be approved by the Planning and Zoning Commission. She said during the public hearing for the special uses, the Planning and Zoning Commission could add additional conditions pertaining to the requests.

Chair Schwartz asked if any negative feedback was received when the petition was circulated.

Mr. Miller said none was shared at that time.

David Massey, 3501 Downing Street, said he feels this could be beneficial for the neighborhood with 320 homes in the area and he supports it.

Karen Bonnet, 6110 62nd Street NE, said this area has flooded in the past and asked how the fuel tanks would be protected.

Commissioner Schell said they are designed in a way to protect adjacent owners and there are additional health and safety regulations that must be followed as well.

Commissioner Bakken said South Washington Street is seeing growth and asked if there are roadway or traffic pattern concerns for the future.

Commissioner Schell said this area is listed for future improvements and in the interim they would evaluate changes in the area at the time a site plan is reviewed and potentially request off-site improvements to support new development.

Mr. Ehreth said if the request is approved there currently would not be any conditions on the change. He said the request could be continued and give the concerning items time to be revisited.

Commissioner Bitner said the future carwash is an issue and he can understand why there would be interest in adding mitigation factors to an approval recommendation.

Commissioner Bakken asked how some conditions might be added in order to approve this request.

Ms. Wollmuth said it that the existing design and aesthetic conditions could remain and if the Board was inclined to approve the request for the specific uses associated with the zoning change, approval of a Conditional CG – Commercial zoning district could be approved, limiting the permitted uses to those in the CA – Commercial district, but with the addition a carwash and drive through as special uses.

Additional written comments in support of the request are attached as Exhibit A.

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

MOTION: Commissioner Bitner made a motion to recommend approval of the zoning change from the Conditional CA-Commercial zoning district to the Conditional CG-Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition with the uses of the CA-Commercial zoning district being the only allowable uses and to allow the proposed carwash and drive-through upon approval of a special use permit request. Commissioner Bakken seconded the motion and the motion was approved with Commissioners Bakken, Bitner, Johnson, Laning, Schwartz, Van Duyne and Zent voting in favor of the motion. Commissioners Levchak and Schell opposed the motion.

PUBLIC HEARING – FRINGE AREA ROAD MASTER PLAN AMENDMENT N1/2 OF SECTION 7, T139N-R79W/GIBBS TOWNSHIP

Chair Schwartz called for the public hearing on a Fringe Area Road Master Plan amendment within the N½ of Section 7, T139N-R79W/Gibbs Township to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, T139N-R79W/Gibbs Township, to the adjacent arterial roadways (66th Street NE and 71st Avenue NE. The property is located in northeast of Bismarck along the south side of 71st Avenue NE and the west side of 66th Street NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the Fringe Area Road Master Plan Amendment.

1. The proposed amendment is compatible with adjacent land uses.

2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended.

3. The Gibbs Township Board of Supervisors has not yet commented the proposed amendment.

4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.

5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice.

6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings said based on the above findings, staff recommends approval of an amendment to the Fringe Area Road Master Plan within the N½ of Section 7, T139N-R79W/Gibbs Township to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, T139N-R79W/Gibbs Township, to the adjacent arterial roadways (66th Street NE and 71st Avenue NE).

Commissioner Zent asked what the speed limit of the roadways might be in the future. Mr. Hutchings said those have not been identified yet but the design of the road could impact the speed limit so until the design is known it is hard to say.

Commissioner Levchak asked what the difference is between a beltway versus a bypass. Mr. Hutchings said it depends on how a road is functionally classified.

Commissioner Schell said this would actually be neither a beltway nor a bypass, as it is a section line roadway so close attention is still given to it.

Commissioner Levchak said he favors this change.

Tim Staloch, 6650 66th Street NE, said the road plan was placed almost thirteen years ago and continues to devalue his property and he feels it is best to change the future plan.

Commissioner Schell said there are a lot of plans for the future and generally they are planned that far in advance.

Ms. Bonnet said she agrees with Mr. Staloch's points and while there are trees and livestock here it is not a feasible development plan. She said the road would be so close to the existing homes such as how Centennial Road is developed now. She gave various examples and highlighted other factors that should be considered for the development of this area. Ms. Bonnet's written comments in support of the request are attached as Exhibit B.

DeEtta Gibbons, 6707 66th Street NE, said they have waited for 15 years for the owner to decide what to do with the proposed bypass in a residential area. She said she would love a paved road, but speed and traffic in addition to the new Silver Ranch development will impact things also. She said growth needs to be considered and Mr. Staloch needs to have his property given back.

Robert Gibbons, 6707 66th Street NE, said even if the road was 150 feet away from adjacent properties it would still be noisy and potentially dangerous and just does not make sense. He said it would even be better to extend the road to Menoken and then connect there.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the amendment to the Fringe Area Road Master Plan within the N½ of Section 7, T139N-R79W/Gibbs Township to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, T139N-R79W/Gibbs Township, to the adjacent arterial roadways (66th Street NE and 71st Avenue NE). Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGH)
EAST 45 FEET OF LOT 5 AND WEST 40 FEET OF LOT 6, BLOCK 2, MEADOW VALLEY ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow a drive-in/drive-through in conjunction with a coffee-shop on the property described as the East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition. The property is located in south Bismarck, along the south side of Bozeman Avenue between South 3rd Street and South 7th Street (433 East Bismarck Expressway).

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

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

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

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

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

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

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

Mr. Hutchings said, based on these findings, staff recommends staff recommends approval of the special use permit to allow a drive-in/drive-through in conjunction with a coffee-shop on the property described as the East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition, including the waiver request from 14-03-08(3)(g)(4) of the City Code of Ordinances.

Commissioner Bakken asked if with the redevelopment of the site and the access alignment at Bismarck Expressway, would the setback further.

Mr. Hutchings said as proposed the building and drive through would be setback further than what is required and that staff supports the access as proposed.

Commissioner Bitner asked if there would be a stop signed placed for exiting traffic.

Commissioner Schell said there would be a stop sign required at the Bozeman entrance.

Commissioner Levchak said he sees traffic concerns here such as it being an odd corner and traffic stacks up and he sees this making that worse. He asked if the site could be flipped and accessed on the other side.

Commissioner Schell said he had that same thought but supports the access configuration as presented. He said they will have a work order for extra signs for the cross traffic and that is a need regardless of any new use.

A general discussion regarding access and traffic control options was had at this time.

Chair Schwartz opened the public hearing.

Commissioner Schell said the site could support ten vehicles stacked, but twenty could become a problem.

Krisandra Lippert, Scooter's Coffee, said their mission is customer service and quick visits with the average stop being less than three minutes. She said sixteen vehicles could be stacked comfortably but realistically there would likely only be up to ten at a time.

Commissioner Bakken asked what the use entails. Ms. Lippert said since the late 90s they have provided drive-through coffee services and have a great system in place. She said they are internally and externally vibrant and environmentally friendly as well. She said only employee parking would be needed on site.

Commissioner Van Duyne said they only need three employee parking spaces, but are offering eight. She asked if there would be an option to use extra employee parking spaces as parking and waiting for orders areas.

Ms. Lippert said seven spaces is typically the need and they have not explored using them as an overflow waiting area but does not see why that could not work. She said they can discuss that further and that their peak hours are from 6AM-9AM.

Commissioner Zent asked how many people would be hired to work here. Ms. Lippert said around 10-15 employees are needed to run the location and while they understand the current labor issues, they do pay well and should not have a problem with staffing.

Commissioner Bakken asked if they ever double stack their drive-throughs. Ms. Lippert said they have at some locations but with this being one of their smaller sites that could be challenging to achieve.

Commissioner Levchak said he shares the concerns mentioned and asked what makes this coffee shop different than other coffee drive-throughs.

Ms. Lippert said the site design is a large part and they also have an app to schedule order pickups and with all of those combined they have created a very smooth process.

Commissioner Johnson said the special use permit applies to the site so if the business changes or there are issues what are the options.

Mr. Hutchings said if the use changes or lapses the special use permit would become invalid and if there are issues they would refer those to the zoning administrator or the City Attorney.

Ms. Combs said they work through issues like those in question with the Police Department and do work to try and resolve them.

Commissioner Levchak used the Big Boy restaurant as an example of significant stacking issues with an extensive line of cars quite often.

Ms. Combs said if there was a report made it would be worked through with the Police Department as those concerns are generally complaint based by members of the public.

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 to allow a drive-in/drive-through in conjunction with a coffee-shop on the property described as the East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition, including the waiver request from 14-03-08(3)(g)(4) of the City Code of Ordinances. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:33 p.m. to meet again on March 23, 2022.

Respectfully submitted,

_____

Hilary Balzum
Recording Secretary

DRAFT

Mike Schwartz
Chair

DRAFT

MISSOURI RIVER
CONTRACTING, INC.

January 21, 2022

Bismarck Planning & Zoning Commission
City County Office Building
221 N. 5th Street
Bismarck, ND 58501

RE: Zoning Change Request Lot 1, Block 1, Cottonwood Park Addition

Dear Planning & Zoning Commission Members,

We are requesting a zoning change from CA to conditional CG to allow for a carwash and drive-up window along with the proposed convenience store to be located on the corner of S. Washington & Santa Fe Drive, Lot 1 Block 1, Cottonwood Park Addition. It was brought to our attention that while a convenience store is allowed with the present CA zoning a carwash or drive-up window is not. We feel a convenience store along with a carwash and drive-up window is needed and would be a great addition to the newly developing area. We do not feel that by an addition of a carwash and drive-up along with the convenience store would bring any additional traffic to the area but instead would greatly enhance services for those living in the area. We also feel that by not having a carwash and drive-up window to service the local neighborhoods, would force those residents to drive greater distances for such amenities.

Listed below are three existing convenience stores that presently have car washes and are adjacent to residential areas:

Pony Express, 1020 South Washington is zoned CG and has a carwash. The area directly to the South, East, and West are zoned RT & RM30

Northbrook On The Run, 1905 N. Washington is zoned CA and has a carwash. The area directly South is zoned R10 and the area across the street is zoned RM30

Holiday Station Store, 3815 Trenton Dr. is zoned CG and has a carwash. The area directly West is zoned RMH

Additionally, all vehicle stacking will remain on the property because of the size of the lot and the site plan design, there should be no obstructing traffic.

With the overwhelming support from the neighboring landowners and the petition signatures from the local neighborhoods; along with similar existing stores in the city of Bismarck we encourage you to approve our request.

Items included with this letter:

Zoning maps & aerial views of existing stores
Support letter from adjoining landowner SLK,LLC, Andrew Knudsen
Support letter from adjoining landowner Edgewood Real Estate Investment Trust, Roger Domres
Support e-mail from project developer Wachter Family Revocable Trust, Kristofer Wachter
Petition signatures from area residents
Property map and preliminary site plan

Sincerely,

Tim Miller
Project Manager

2390 Vermont Avenue PO Box 59 Bismarck, ND 58502 p: 701.258.9140 f: 701.258.0271 missouririvercontracting.com

Zoning Districts

Legend | Details

City Limits

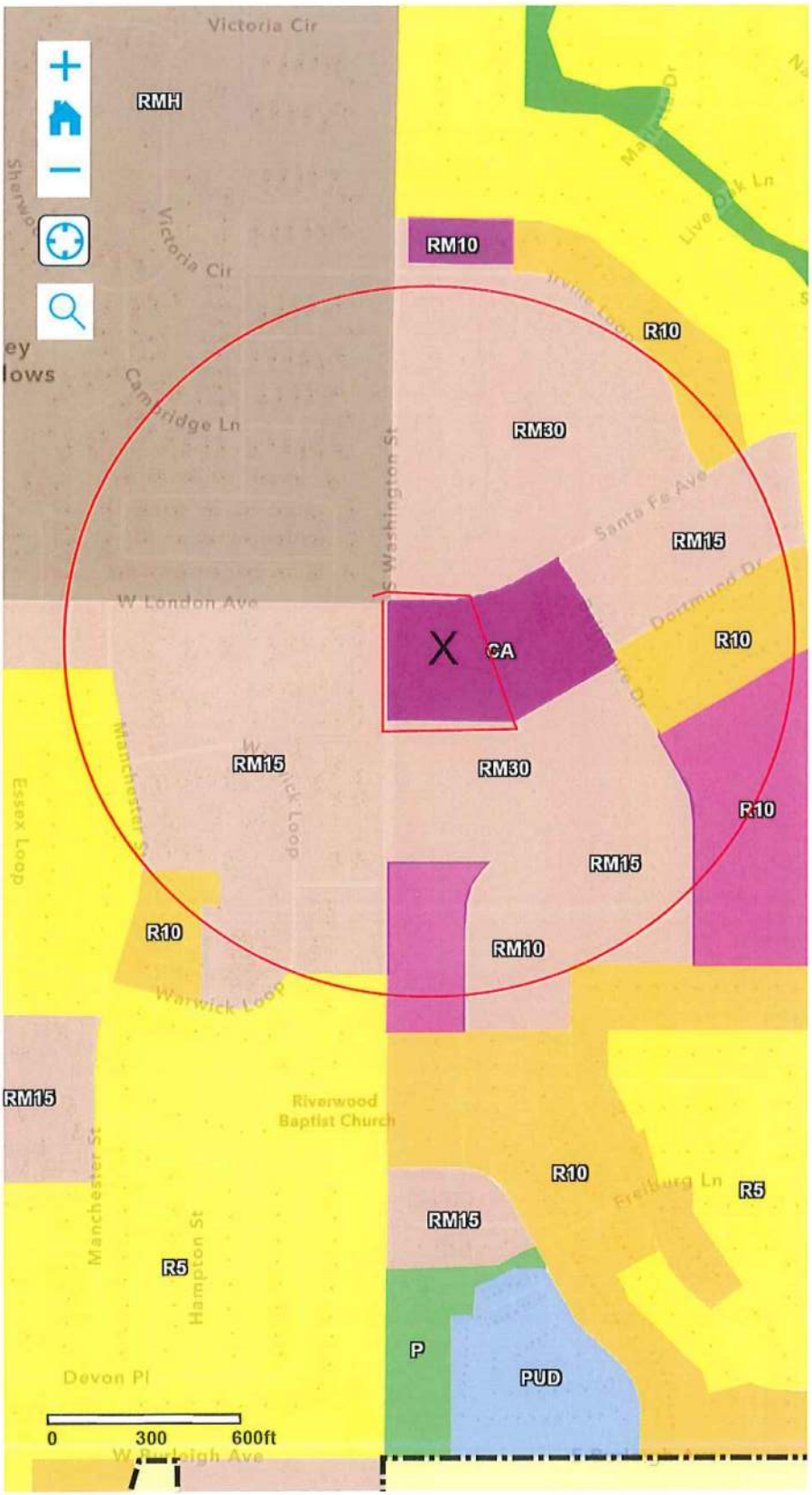
Conditional Zoning

Y

Zoning Districts

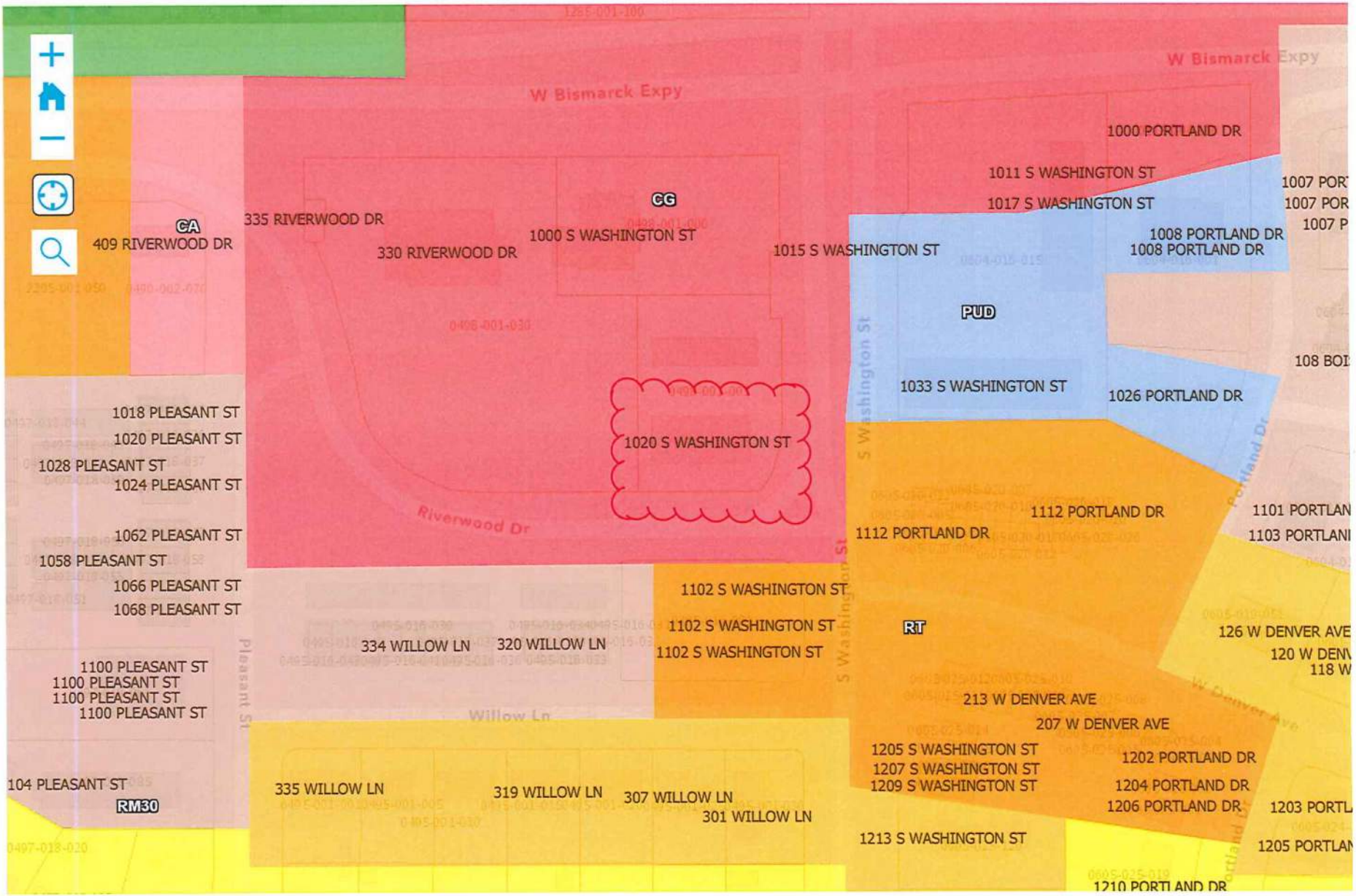
- A AGRICULTURAL
- CA NEIGHBORHOOD COMMERCIAL
- CG HEAVY COMMERCIAL
- DC DOWNTOWN CORE
- DF DOWNTOWN FRINGE
- HM HEALTH-MEDICAL
- MA LIGHT INDUSTRIAL
- MB HEAVY INDUSTRIAL
- P PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R10 TWO FAMILY RESIDENTIAL
- R5 SINGLE FAMILY RESIDENTIAL
- RM MULTI-FAMILY RESIDENTIAL
- RMH MANUFACTURED HOME PARK
- RR RURAL SINGLE FAMILY RESIDENTIAL
- RT OFFICE-MULTI-FAMILY RESIDENTIAL

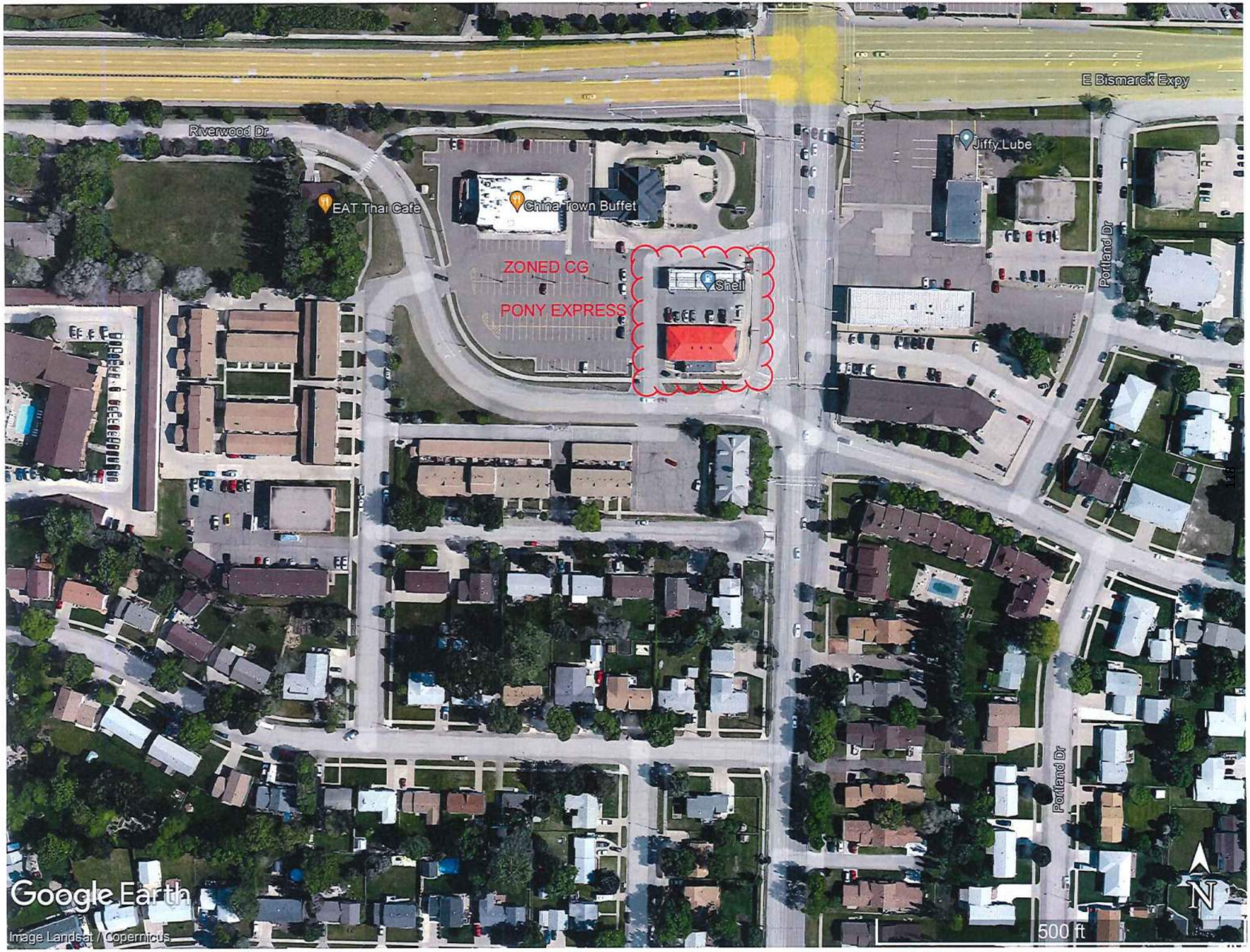
proposed site X



Zoning Districts

Legend Details




E Bismarck Expy
Riverwood Dr
EAT Thai Cafe
China Town Buffet
Jiffy Lube
ZONED CG
PONY EXPRESS
Shell
Portland Dr
Portland Dr
Google Earth
Image Landsat / Copernicus
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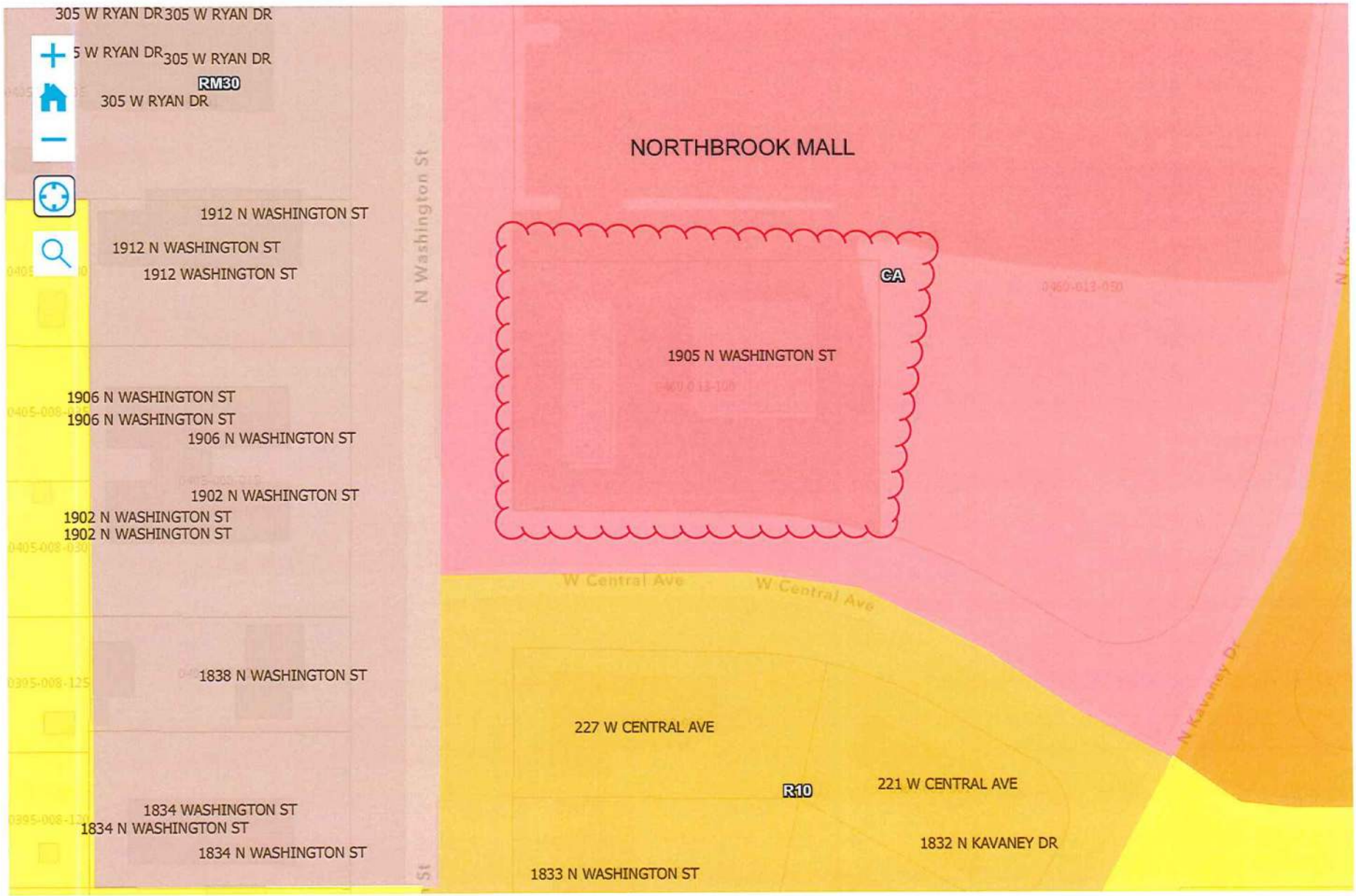
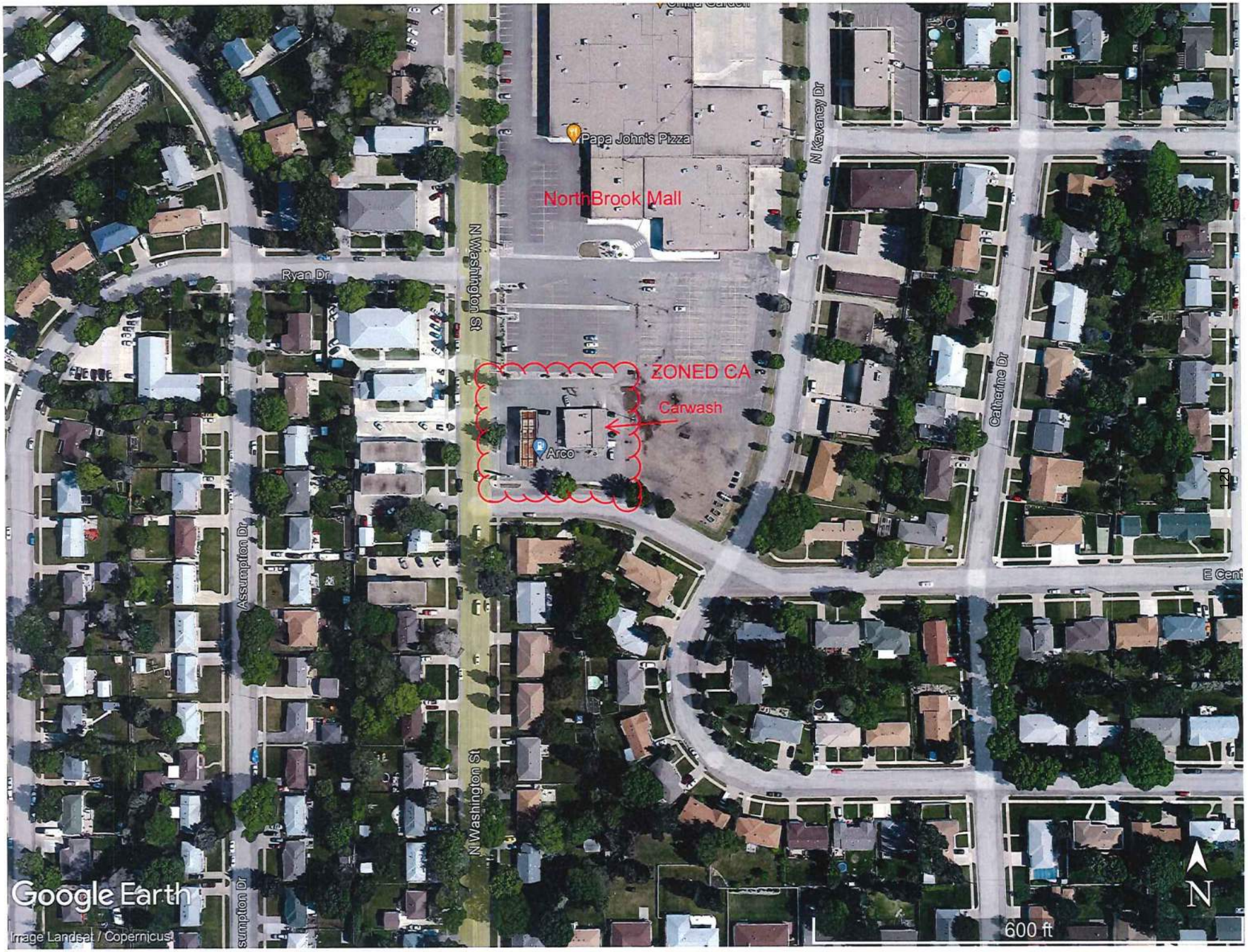
Zoning Districts

Legend Details




Papa John's Pizza
NorthBrook Mall
N Kavaney Dr
Ryan Dr
N Washington St
ZONED CA
Carwash
Arco
Catherine Dr
Assumption Dr
N Washington St
Google Earth
Image Landsat / Copernicus
600 ft
N

Zoning Districts

Legend | Details

Zoning is displayed by zoning code types. The following is a list of the various zoning codes:

RR Residential (rural single-family)

RR5 Residential (rural single-family - 5 acres)

R5 Residential (single-family)

RMH Residential (manufactured home park)

R10 Residential (two-family)

RM Residential (multifamily)

RT Residential (office - multifamily)

HM Health-Medical

CA Commercial (neighborhood)

CB Commercial (downtown)

CG Commercial (heavy commercial)

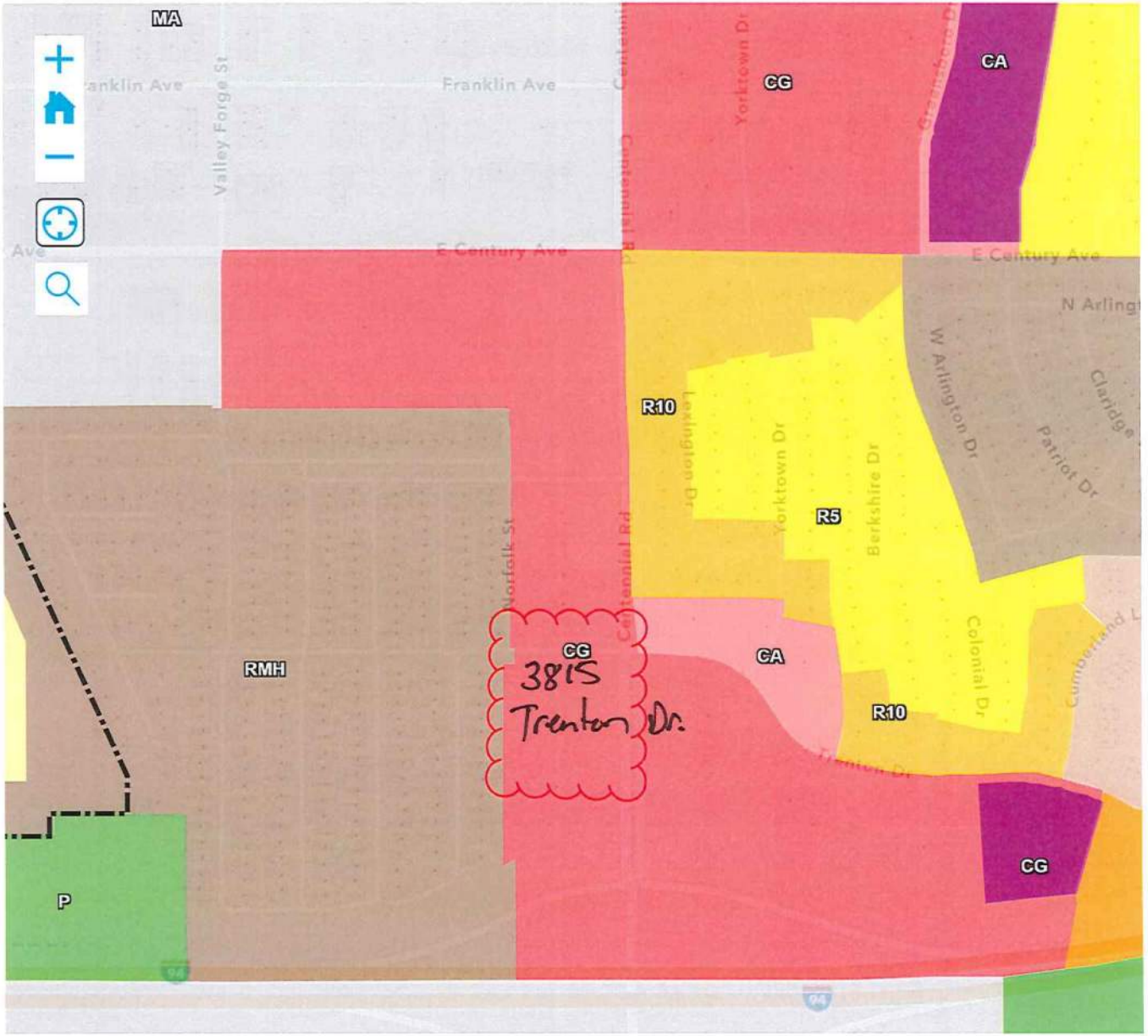
MA Industrial (light industrial)

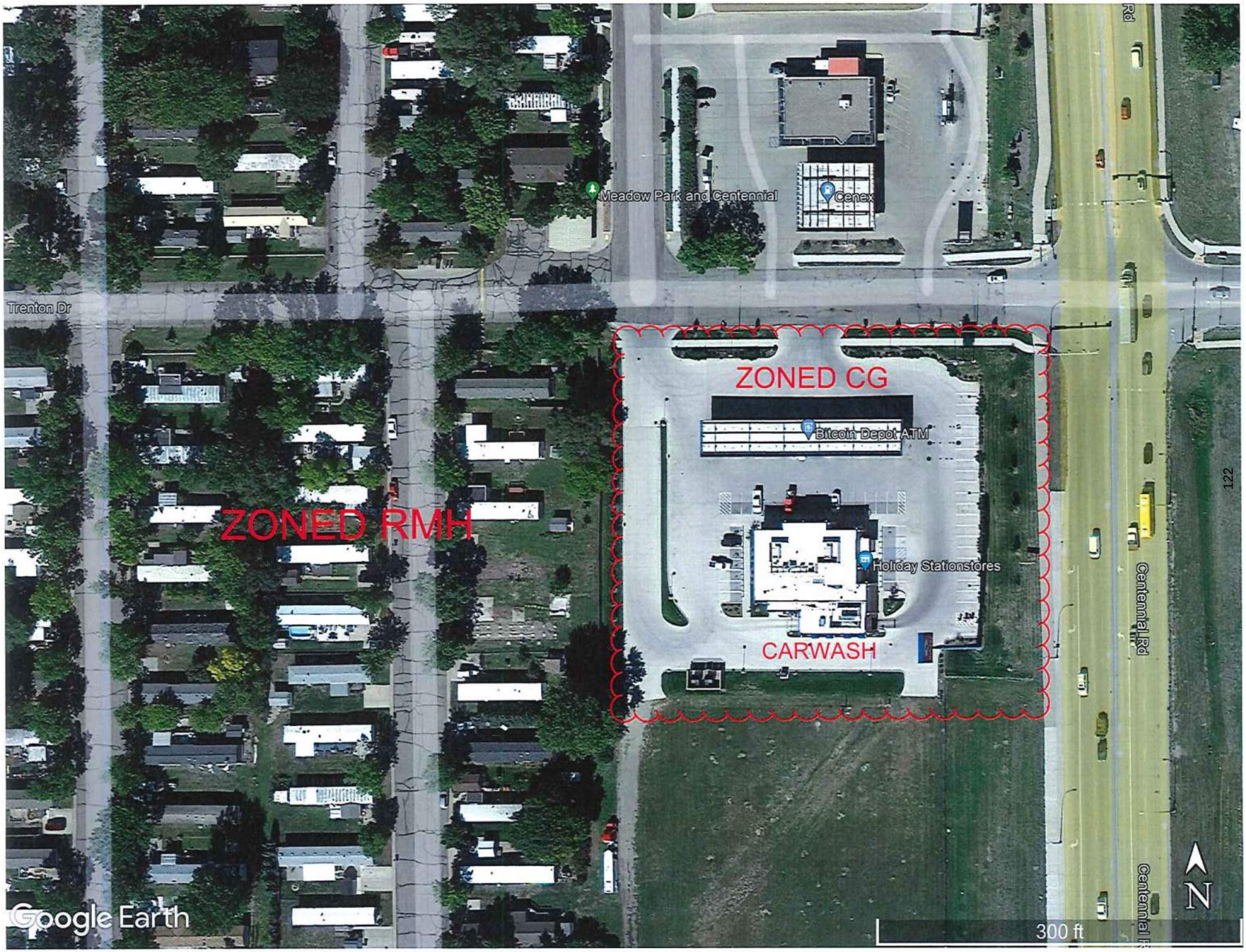
MB Industrial (heavy industrial)

P Public

A Agricultural

PUD Planned Unit Development




Meadow Park and Centennial
Cenex
Trenton Dr
ZONED CG
Bitcoin Depot ATM
ZONED RMH
Holiday Stationstores
CARWASH
Centennial Rd
122
Google Earth
300 ft
N

SLK, LLC

835 STAGECOACH CIRCLE

BISMARCK, ND 58503

December 29, 2021

Bismarck Planning & Zoning Commission
City County Office Building
221 N. 5th St.
Bismarck, ND 58501

Re: Lot 1, Block 1, Cottonwood Park Addition – Application for Variance

Dear Bismarck Planning & Zoning Commission Members:

SLK, LLC, a local company, recently acquired Lot 2, Block 1, Cottonwood Park Addition which property is directly east of and borders Lot 1.

SLK, LLC fully supports the planned construction by Western Partners, LLP of a convenience store having a car wash and drive-thru beverage service on Lot 1. The area is certainly in need of such a convenience store as there are currently no easily accessible convenience stores in the area to fill up with gas, quickly grab groceries, get a car wash or purchase a coffee. Furthermore, a convenience store with a car wash and drive-thru beverage service will be in complete harmony with SLK, LLC's intended development of Lot 2.

For these reasons, we urge you to approve any requested variance so as to allow the construction of the convenience store, car wash and drive-thru beverage service to proceed.

Sincerely,
SLK, LLC

By
Andrew Knudsen

Edgewood

December 27, 2021

Bismarck Planning & Zoning Commission
City County Office Building
221 N. 5th St.
Bismarck, ND 58501

Re: Lot 1, Block 1, Cottonwood Park Addition – Application for Variance

Dear Bismarck Planning & Zoning Commission Members:

The Edgewood Real Estate Investment Trust ("Edgewood"), through one of its subsidiary companies, recently acquired Lot 3, Block 1, Cottonwood Park Addition which property is directly south of and borders Lot 1.

Edgewood fully supports the planned construction by Western Partners, LLP of a convenience store having a car wash and drive-thru beverage service on Lot 1. The area is certainly in need of such a convenience store as there are currently no easily accessible convenience stores in the area to fill up with gas, quickly grab groceries, get a car wash or purchase a coffee. Furthermore, a convenience store with a car wash and drive-thru beverage service will be in complete harmony with Edgewood's intended development of Lot 3.

For these reasons, we urge you to approve any requested variance so as to allow the construction of the convenience store, car wash and drive-thru beverage service to proceed.

Sincerely,
Edgewood Real Estate Investment Trust

By Roger Domres
Roger Domres

51 Broadway N, Suite 600
Fargo, ND 58102

T: 701.212.4800
F: 701.566.5270

edgewoodreit.com

Jenny,

Hope this email finds you well.

Spoke today with Mr. Danny Hanson at Edgewood Real Estate Investment Trust regarding the proposed car wash on Lot 1 Block 1. Danny told me that Edgewood supports the car wash use. According to Danny, the convenience store with gasoline service, drive through, and a car wash will be a fantastic amenity for the contiguous 15-acre Edgewood village soon consisting of apartment homes, twin-home rentals, and row home rentals.

Based on the input from Danny today, the Wachter Family Revocable Trust now supports the car wash use, along with the convenience store, gasoline service, and a drive through.

Thank you in advance for your consideration of support for the proposed uses.

My best,

Kristofer Wachter, MRED
Project Manager
Cottonwood Parkview Addition
California R.E. Broker Lic.# 01100894
T: 949-433-9280
E: pkw@wachterres.com
http://cottonwoodparkviewaddition.com/

PETITION FOR CONVENIENCE STORE/CAR WASH/COFFEE DRIVE-THRU

We the undersigned residents of the area near South Washington Street and Santa Fe Drive in Bismarck, support the construction of a convenience store having a car wash and drive-thru beverage service at the corner of South Washington Street and Santa Fe Drive. We are in need of such a convenience store as there are currently no easily accessible convenience stores in the area to fill up with gas, quickly grab groceries, get a car wash or purchase a coffee. For these reasons, we urge you to approve the construction of the convenience store, car wash and drive-thru beverage service as proposed.

Name (printed)	Address (printed)	Signature
Della Rae Granrud	346 Piccadilly	Della Rae Granrud
Kathy Watson	407 Piccadilly Circle	Kathy Watson
Brenda Henke	436 Piccadilly Cir	Brenda Henke
Sherry Anderson	432 Piccadilly Cir	Sherry Anderson
Ryan Preadt	444 Piccadilly Cir	
Alice Janke	312 Piccadilly Cir	Alice Janke
David Anderson	2829 Peach Tree Dr	
Amy Jorgenson	2915 Peach Tree Dr	Amy Jorgenson
	2925 Peach Tree Dr	
Kevin Schmitke	2710 Peachtree Dr.	
melvin Webster	218 Irvine Dr	Melvin Webster
Lorraine Ferderer	235 Irvine Loop	Lorraine Ferderer
Bernie Utter	2806 Manchester St	Bernie Utter
Wade Fitterer	2913 Manchester St	
Patti Head	2900 Manchester	Patti Head

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Name (printed)	Address (printed)	Signature
David G Hartz	340 Piccadilly Circle	David G Hartz
LARRY EHLI	408 PICCADILLY	Larry Ehli
WAYNE BECKER	443 PICCADILLY CIR	Wayne Becker
Tammy Burghart	449 Piccadilly Circle	Tammy Burghart
Gayle Olson	454 Piccadilly Cir.	Gayle Olson
JAMES MURRAY	2703 PEACH TREE	James F Murray
DAVID KELLER	2711 PEACHTREE	David Keller
D SUKAUSKAS	3107 HAMPTON	D Sukauskas
Keaton B	324 N 31st street	Keaton Blacke
Lorraine B	324 N 31st Street	Lorraine Blacke
Robert J. Erlandson	1301 Sorrento Circle	Robert J Erlandson
Joshua Herrera	1118 N. 13th St.	Joshua Herrera
Emily Halleen	2737 Stacey Dr	Emily J Halleen
Alison Goodfellow	2737 Stacey Dr	Alison Goodfellow
Jamie Roller	3436 Chivas Pl	Jamie Roller

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Name (printed)	Address (printed)	Signature
Chase Geller	213 9th Ave NE Mandan	
Thomas Maher	110 West Cedar Ave New Salem	
Bruce Hallen	1812 E Rosser	
Melanie Massen	2847 Woodland Dr.	
Carla Welch	3924 England	
Cam Coates	3009 Manchester St	

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Name (printed)	Address (printed)	Signature
Travis Welle	4072 Intrepid Circle	
Heather Welle	4072 Intrepid Circle	
Joshua Rader	3607 Mayflower Cir	
Aaron Schantz	3617 Calypso Dr	
Neal Leier	4088 Intrepid Cir.	
Heather Leier	4088 Intrepid Cir	
Shari Wetzel	4082 Intrepid Cl	
Courtney Hoffman	521 Munich Dr	
Brandon Hoffman	521 Munich Dr	
Tiffany Perrin	3900 Drayton St.	
Sherman Perrin	3900 Drayton St.	
Sera Rader	3607 Mayflower Circle	
DeAnn Schantz	3617 Calypso Dr.	
Kelli Gabel	3825 Bounty Crd.	
Kristi Anderson-Schmidt	4068 Intrepid Circle	
Michael Wetzel	4082 Intrepid Circle	
Jamie Schmidt	4068 Intrepid Circle	

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Name (printed)	Address (printed)	Signature
Al Kunick	1548 Oakland Dr	
Linda Kunick	1548 Oakland Dr	Linda Kunick
Candice Wilson	2130 S 12th St #136	

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Name (printed)	Address (printed)	Signature
CHRISTA KIEDROWSKI	Bismarck ND 58504 217 W Burleigh Ave #306	
Elizabeth Klindworth	324 Boston Pl. Bismarck, ND 58504	

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Name (printed)	Address (printed)	Signature
Brooke Tanous	121 W Burleigh Ave	Brooke Tanous
Carey Tanous	121 W Burleigh Ave	Carey Tanous
Ethan Tanous	121 W Burleigh Ave	
Caitlin Throndgold	121 W Burleigh Ave	
Zachary Miller	121 W Burleigh Ave	

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Name (printed)	Address (printed)	Signature
GREG LARSON	2525 LARSON RD	Greg Larson
Shawn Oban	3815 Neptune Ci	Shawn Oban
Kristin Oban	3815 Neptune Circle	Kristi Oban
Dave Weiler	1617 S. Kiowa Dr.	Dave Weiler
Savannah Voller	121 Burleigh Ave	Savannah Voller
Ryan Schultz	3202 Dortmund Dr	Ryan Schultz
Cooper Hill	3202 Dortmund Dr	Cooper Hill
Robert Tanos	121 W Burleigh Ave	Robert Tanos
Julie Tanos	121 W Burleigh Ave	Julie Tanos
Kaine Schwirtz	3202 Dortmund Dr	Kaine Schwirtz
Travis L	121 W Burleigh	Travis L
Macey Beer	121 Burleigh	Macey Beer
Jacob B	121 W Burleigh	Jacob Beaver

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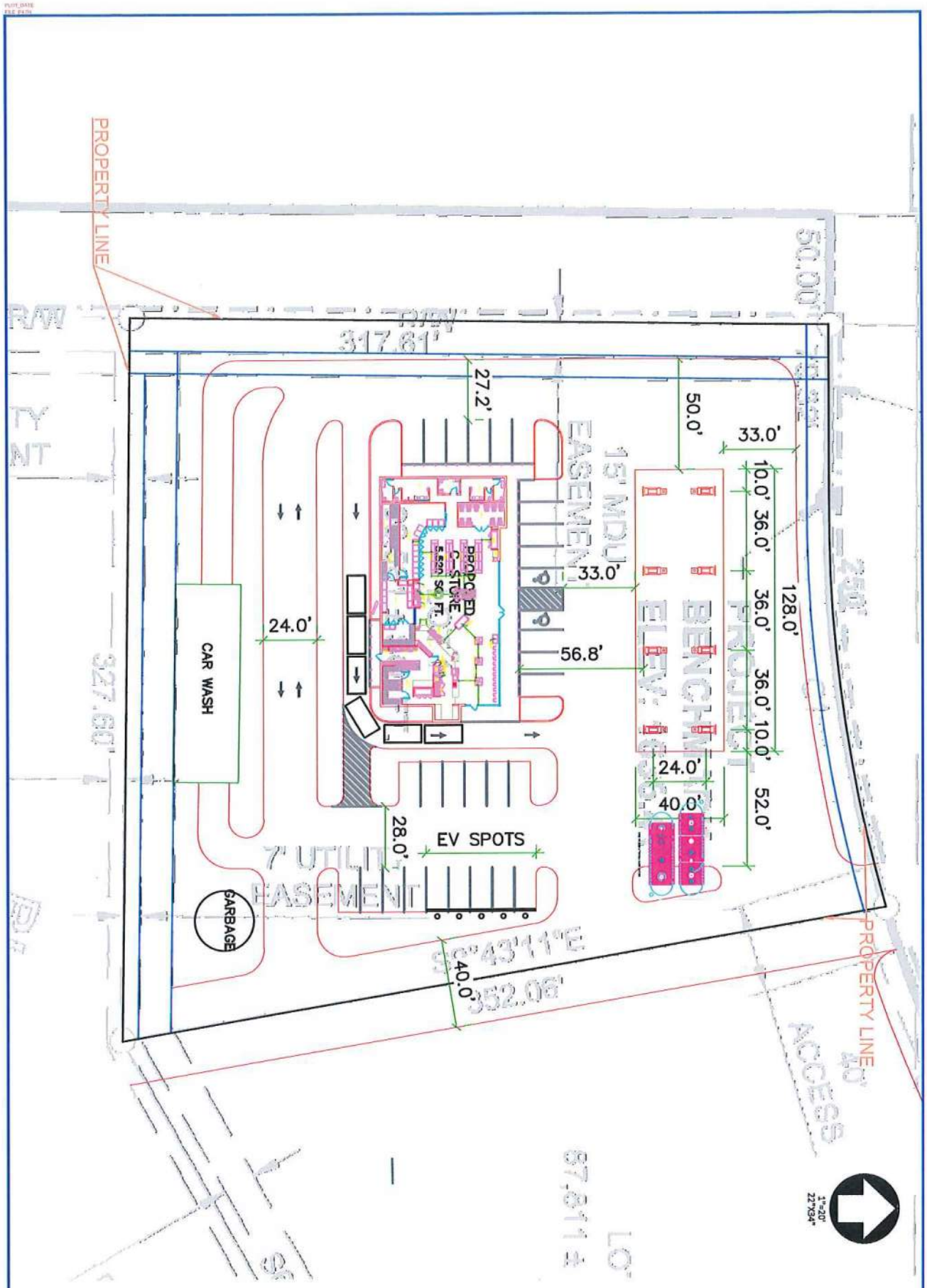
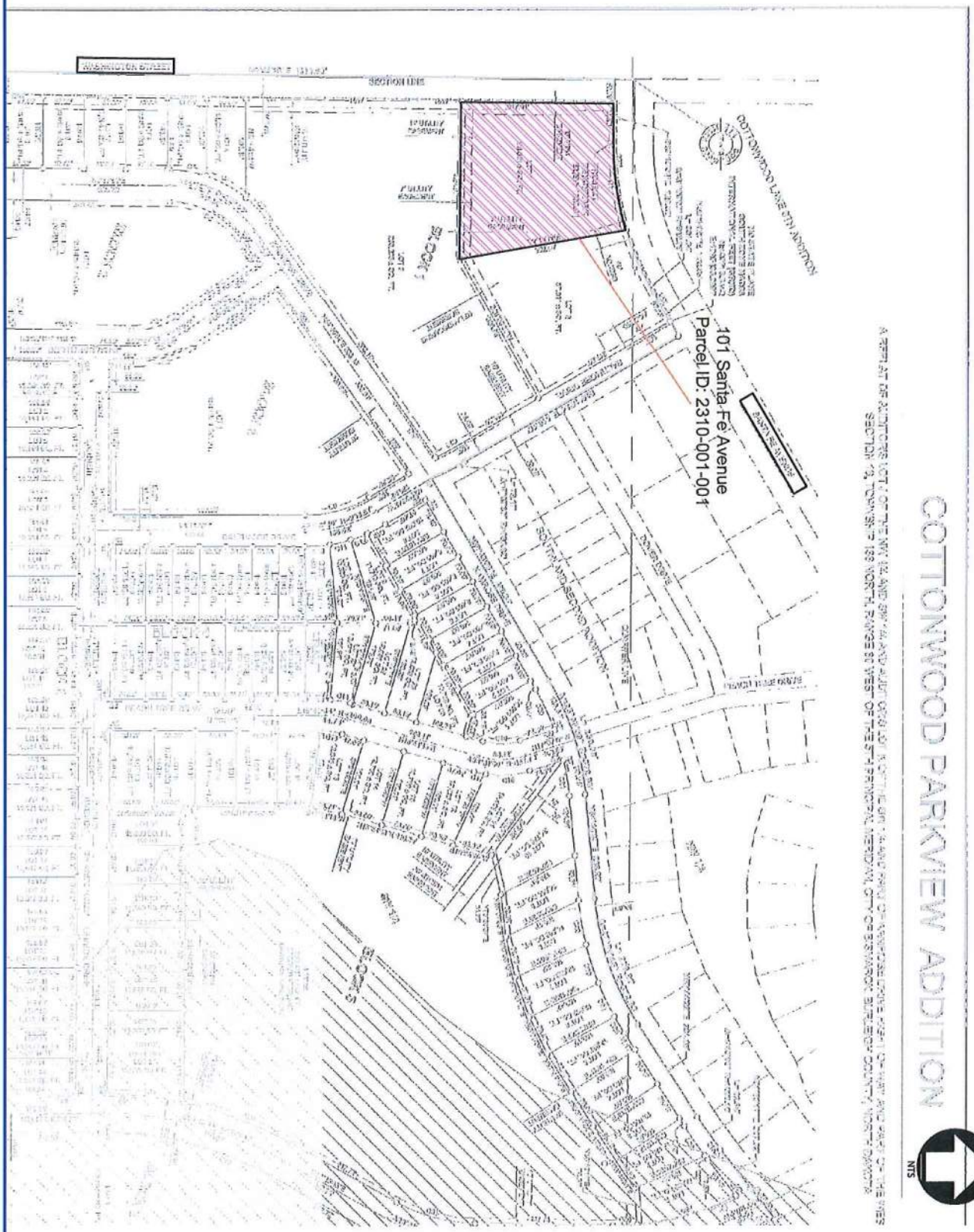
Name (printed)	Address (printed)	Signature
CHRISTA KIEDROWSKI	217 W Burleigh Ave #306 Bismarck ND 58504	Christa Kiedrowski
Elizabeth Klindworth	324 Boston Pl. Bismarck, ND 58504	



PARKLAND NTI C-STORE
WASHINGTON & SANTA FE
BISMARCK, ND
SITE_PLAN

C1

ACKERMAN ESTVOLD
1907 17th St SE · Minot, ND 58701
701.837.8737 · www.ackerman-estvold.com



MAP

PARKLAND NTI C-STORE
WASHINGTON & SANTA FE
BISMARCK, ND
PROPERTY_MAP

SCALE (H): 1"=30'
SCALE(V): NTS
DRAWN BY:
DESIGNED BY:
CHECKED BY: A-E
DATE: 12/15/21

ACKERMAN ESTVOLD
1907 17th St SE · Minot, ND 58701
701.837.8737 · www.ackerman-estvold.com
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: beltway alignment
Date: Tuesday, February 22, 2022 10:15:31 AM

From: Mike Szymanski <[redacted]>
Sent: Saturday, February 19, 2022 2:25 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: beltway alignment

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

Hello,
I cannot attend the scheduled meeting on 23 Feb 2022 and am submitting my comments in writing: I support the proposed change to move the beltway alignment from being a curve to the proposed alignment to the adjacent arterial roadways. This area is becoming too urbanized and filled in by residential properties to facilitate a high-volume, high speed beltway.
Thank you,
Mike Szymanski
6011 62nd St NE
Bismarck, ND

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Proposal on 71st-Bypass Meeting 2/23
Date: Tuesday, February 22, 2022 10:22:12 AM

From: John Devney [redacted]
Sent: Sunday, February 20, 2022 2:04 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Proposal on 71st-Bypass Meeting 2/23

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

Good afternoon,

I received the letter of notification in regards to the meeting February 23. I will be out of town and unable to attend the meeting so I would like to record my input via email.

First, I would like to be on the record as supporting the change in the new proposed alignment with a square intersection to 71st via 66th. I think this makes far greater sense than the original proposal and should result in considerably less disruption to existing homes and neighborhoods.

Additionally, and consistent with prior comments we have made on the 71st bypass, we still believe this is the wrong location for a major bypass. The city and county should once again consider alternate routes. After attending a number of the meetings when the bypass was proposed, I can't recall any support from the public yet somehow the proposal was advanced.

The bypass proposal will create a high level of traffic and disturb well established homes and neighborhoods something the families in the affected areas did not consider when building homes and relocating their families to a rural area. An "improved" 71st would have to significantly expand its footprint and put a new major thoroughfare incredibly close to existing homes and cause significant challenges for those people directly along 71st. While we certainly support significant improvements to 71st (it's in very poor condition) we believe the bypass should avoid the well developed residential areas and track further east and north.

Thank you for your consideration of our perspective.

John and Carmen Devney
5575 71st Ave NE
Bismarck, ND 58503

John Devney
Chief Policy Officer

o: 701-222-8857, ext. 5218 **c:** [redacted]
a: 1412 Basin Ave, Bismarck, ND 58504

Delta Waterfowl
The Duck Hunters Organization™
DeltaWaterfowl.org

February 22, 2022

Bismarck Community Development Department
Planning and Zoning Division

Re: Fringe Area Road Master Plan – Gibbs Township

This letter is in support of an amendment to the Fringe Area Road Master Plan to relocate the future beltway curve through N1/2 of section 7, T139N-R79W/Gibbs Township to the adjacent existing roadway of 66th Street NE and 71st Avenue NE.

It is of particular importance to us as landowners of 6104 Flickertail Drive to utilize existing roadways rather than create a curve that affects many more personal properties while disrupting livestock and wildlife. As property owners of private land at the end of a cul de sac, we accept the traffic on the primary roadways of 71st Avenue and 66th Street but are strongly opposed to creating an additional roadway behind our property that will bring increased traffic through the backyards of private landowners of this area. It is unacceptable to disrupt livestock and wildlife in such a way to tear up land and fields for the sake of creating a beltway that may utilize the roads already in place.

Simply put, creation of infrastructure for the city of Bismarck should not come at the expense of rural landowners, livestock, and wildlife. It makes sense to utilize the existing roadway to support a growing city and its needs. For these reasons, we support the amendment brought forth by Tim and Deb Staloch to relocate the future beltway curve through N1/2 of section 7, T139N-R79W/Gibbs Township to the adjacent existing roadway of 66th Street NE and 71st Avenue NE.

Respectfully Submitted,

Paul Gjellstad
Matia Gjellstad

Paul and Matia Gjellstad
6104 Flickertail Drive
Bismarck, ND 58503

Phone: [redacted]
Email: [redacted]