PLANNING AND ZONING COMMISSION

MEETING AGENDA
June 22, 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 May 25, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Country West XXXI Addition** (DN)…… ……..…...8

Major Subdivision Preliminary Plat | PPLT2022-006 | *Consideration*

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

3. **Brunskill Subdivision** (JW)……...15

Apple Creek Township

Zoning Change (A to RR) | ZC2022-012 | *Consideration*

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

Major Subdivision Preliminary Plat | PPLT2022-005 | *Consideration*

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

4**.** **George Subdivision** (Klee)……...23

Gibbs Township

Major Subdivision Preliminary Plat | PPLT2022-007 | *Consideration*

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

5**.** **Part Block 10, Part Block 18 and All Block 19, Coffin's Addition** (Klee)……...30

Zoning Change (CG and RM30 to RMH) | ZC2022-013 | *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**.** **Tyler Parkway & Ash Coulee Drive** (Klee)……...37

Annexation | ANNX2022-004 | *Final Consideration*

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

7. **Meadow Village Addition First Replat** (JW)……...45

Zoning Change (R10 & RM30 to PUD) | ZC2022-004 | *Public Hearing*

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

Minor Subdivision Final Plat | MPLT2022-004 | *Public Hearing*

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

8. **Paradise Valley Addition** (Klee)……....60

Annexation (ANNX2022-001) | *Final Consideration*

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

Future Land Use Plan Amendment (Expand C/MU land use designation) (FLUP2022-001) | *Public Hearing*

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

Zoning Change (RR to R5, R10, RM15, CG & P) (ZC2022-001) | *Public Hearing*

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

Fringe Area Road Master Plan Amendment (Realign Boston Drive, the north-south collector for this section) (FRMP2022-001) | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2022-003 | *Consideration*

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

9. **Municipal Fourth Addition First Replat** (Klee)……....92

Zoning Change (P to PUD & P) | ZC2022-006 | *Public Hearing*

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

Minor Subdivision Final Plat | MPLT2022-006 | *Public Hearing*

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

10. **Hamburg Industrial Park 1st Addition 1st Replat** (DN)……....108

Minor Subdivision Final Plat | MPLT2022-007 | *Public Hearing*

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

11. **Airport Industrial Park Third Addition First Replat** (JW)……...115

Minor Subdivision Final Plat | MPLT2022-008 | *Public Hearing*

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

12. **Block 49 and Part Block 56, Governor Pierce Addition** *(*Klee)..……..**121**

Zoning Change (CG to RMH) | ZC2022-008 | *Public Hearing*

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

13. **Block 45, Governor Pierce Addition** *(*Klee)..……..**129**

Zoning Change (CG to RMH) | ZC2022-009 | *Public Hearing*

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

14. **Lots 1 and 2, Block 1, Kilber North Addition First Replat** *(*JW)..……..**137**

Zoning Change (RT to CA) | ZC2022-010 | *Public Hearing*

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

15. **Lot 7, Block 41, Northern Pacific 2nd Addition** *(*DN)……..…**144**

Zoning Change (RT to DF) | ZC2022-011 | *Public Hearing*

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

16. **Lot 14, Block 1, Brookfield Estates** (JW)…..……152

Special Use Permit | SUP 2022-006 (Oversized Accessory Building) | *Public Hearing*

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

17. **Part of Lot 2, Block 1, Wachters North Addition** (JW)……..……..…**159**

Special Use Permit | SUP 2022-007 (Drive-up Window) | *Public Hearing*

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

18. **Agency Foster Home for Adults** *(*Klee)……..……..**168**

Zoning Ordinance Text Amendment | ZOTA2022-002 | *Public Hearing*

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

19. **Front Yard Setback in CG and MA Zoning Districts** *(*Klee)……..……..**174**

Zoning Ordinance Text Amendment | ZOTA2022-003 | *Public Hearing*

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

OTHER BUSINESS

20. **Other**

ADJOURNMENT

21. **Adjourn.** The next regular meeting date is scheduled for July 27, 2022.

Enclosures: Meeting Minutes of May 25, 2022
Building Permit Activity Month to Date Report for May 2022
Building Permit Activity Year to Date Report for May 2022

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

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

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

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

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

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

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

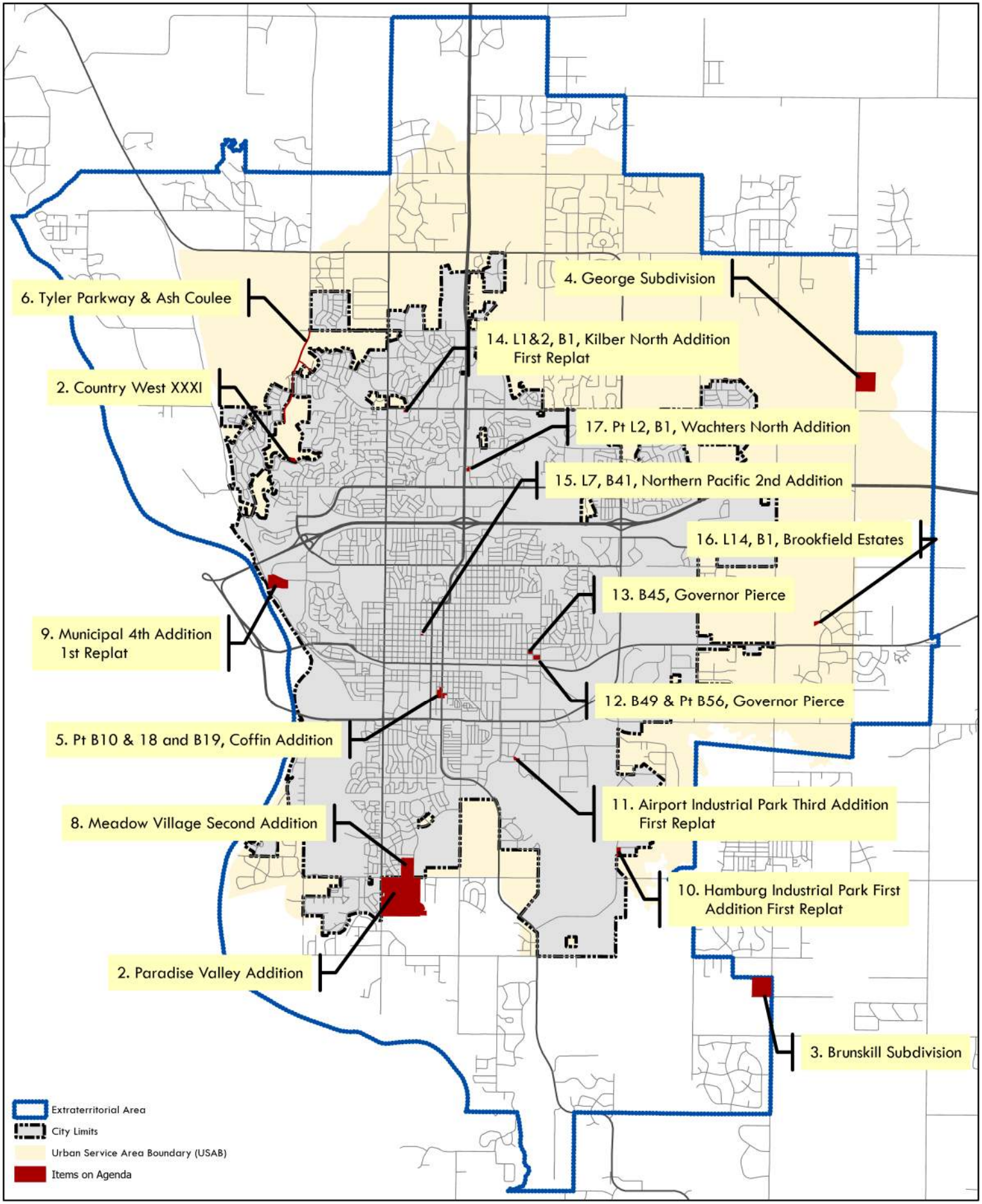
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking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

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

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

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

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



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

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N

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

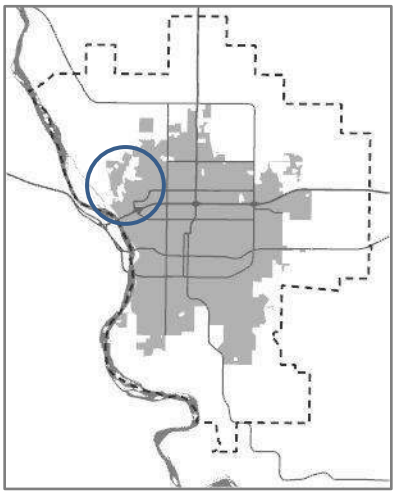
Agenda Item # 2
June 22, 2022

Application for: **Preliminary Plat**

Project ID: **PPLT2022-006**

Project Summary

Title:	Country West XXXI Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Darren Schmidt, Scott Bina, and Shannon Schlinger
Project Contact:	Mark Isaacs, PLS, ILSE, Inc.
Location:	In northwest Bismarck, northwest of the intersection of Valley Drive and Tyler Parkway (Part of the SE ¼ of Section 19, T139N-R80W/Hay Creek Township)
Project Size:	3.70 Acres
Request:	Plat and annex nine lots for the purpose of combination with existing adjacent residential lots



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	9 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Residential Lot Extensions
Future Land Use:	Conservation	*Future Land Use:*	Conservation
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

Zoned:	04/1994	*Platted:*	N/A	*Annexed:*	N/A

Staff Analysis

Darren Schmidt, Scott Bina, and Shannon Schlinger are requesting approval of the major subdivision preliminary plat for Country West XXXI Addition. The applicants have also petitioned for annexation into the city limits, which would be reviewed during the public hearing for this request. The owners of the land proposed for subdivision also own adjacent residential lots within Country West XXII Addition.

(continued)

Adjacent uses include open space to the north, east, and west, and single-family residential to the south.

The intent of this action is to create separate lots that would be immediately combined with existing single-family residential lots to the south. This would effectively extend the backyards of the existing residential lots. Any inaccessible lots created through this subdivision would be immediately remedied upon recordation through these lot combinations.

The area is designated as Conservation in the Future Land Use Plan of the 2014 Growth Management Plan, as amended. The proposed use is consistent with this plan, because development will be limited. No new primary structures may be built, and accessory structures will be limited by a slope protection easement.

Additional right-of-way for Tyler Parkway is dedicated on the east of the plat, including and adjacent temporary construction easement for use during the extension of Tyler Parkway. Slope protection easements are also shown. Because of the limited development expected on these lots, a full geotechnical study has not been performed, and the exact line of the slope protection easement may change prior to the submittal of the final plat.

Because this subdivision will not create the potential for any additional residences, Planning and Bismarck Parks and Recreation staff agree that the Neighborhood Parks and Open Space policy does not apply to this request.

Required Findings of Fact (relating to land use)

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 not an urban subdivision with residential zoning districts that would have any potential to increase the number of residences;
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 located within an area that is topographically unsuited for development. However, the subdivision would include easements to protect any sensitive lands.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends tentative approval for of preliminary plat for Country West XXXI Addition.

Attachments

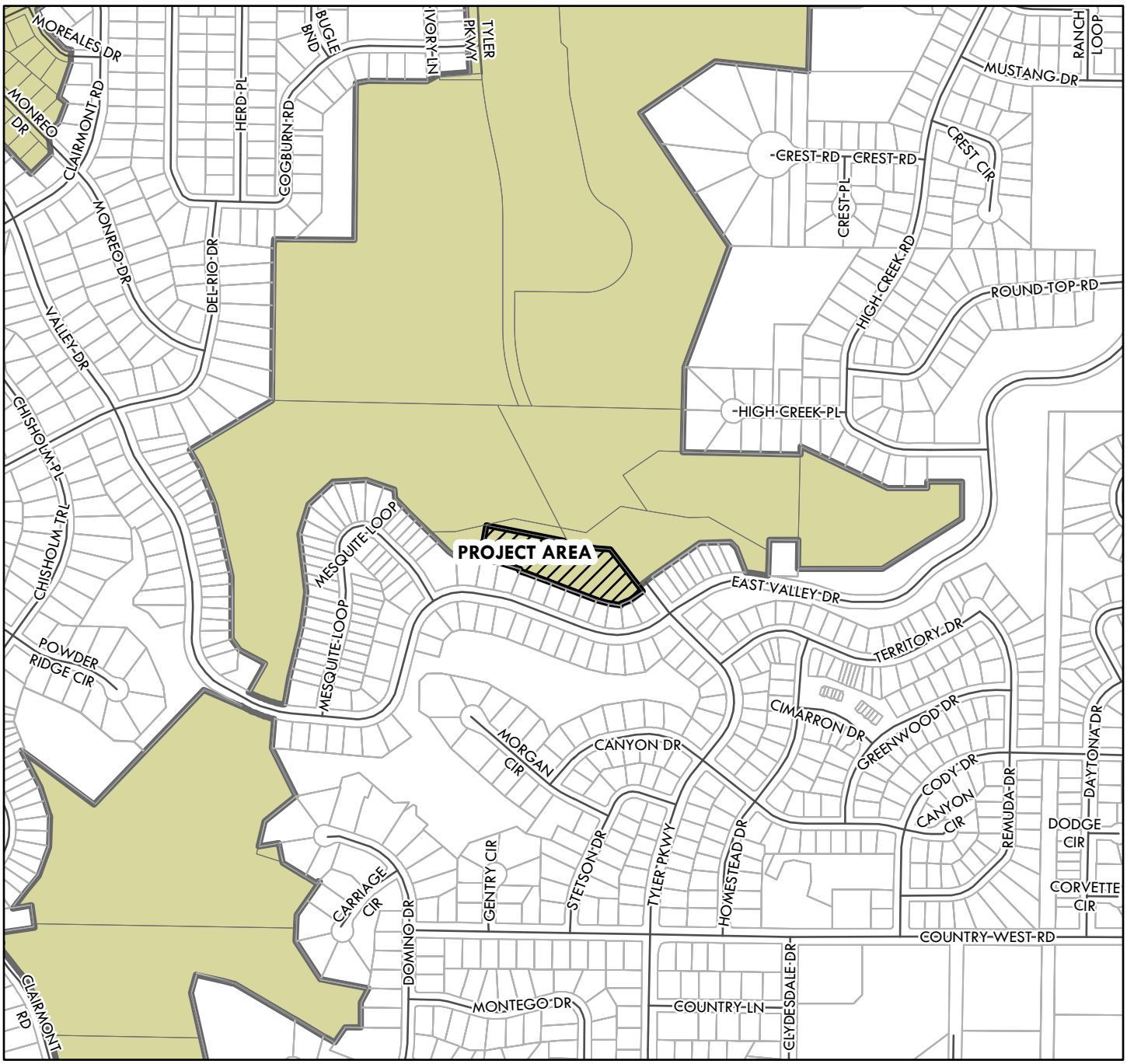
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Preliminary Plat

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

Location Map

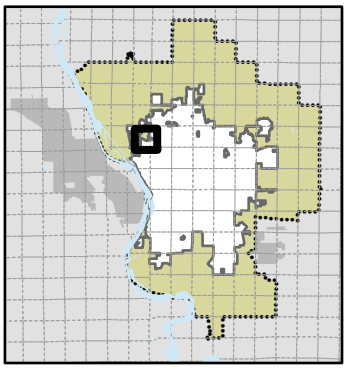
COUNTRY WEST XXXI ADDITION

PPLT2022-006



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City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

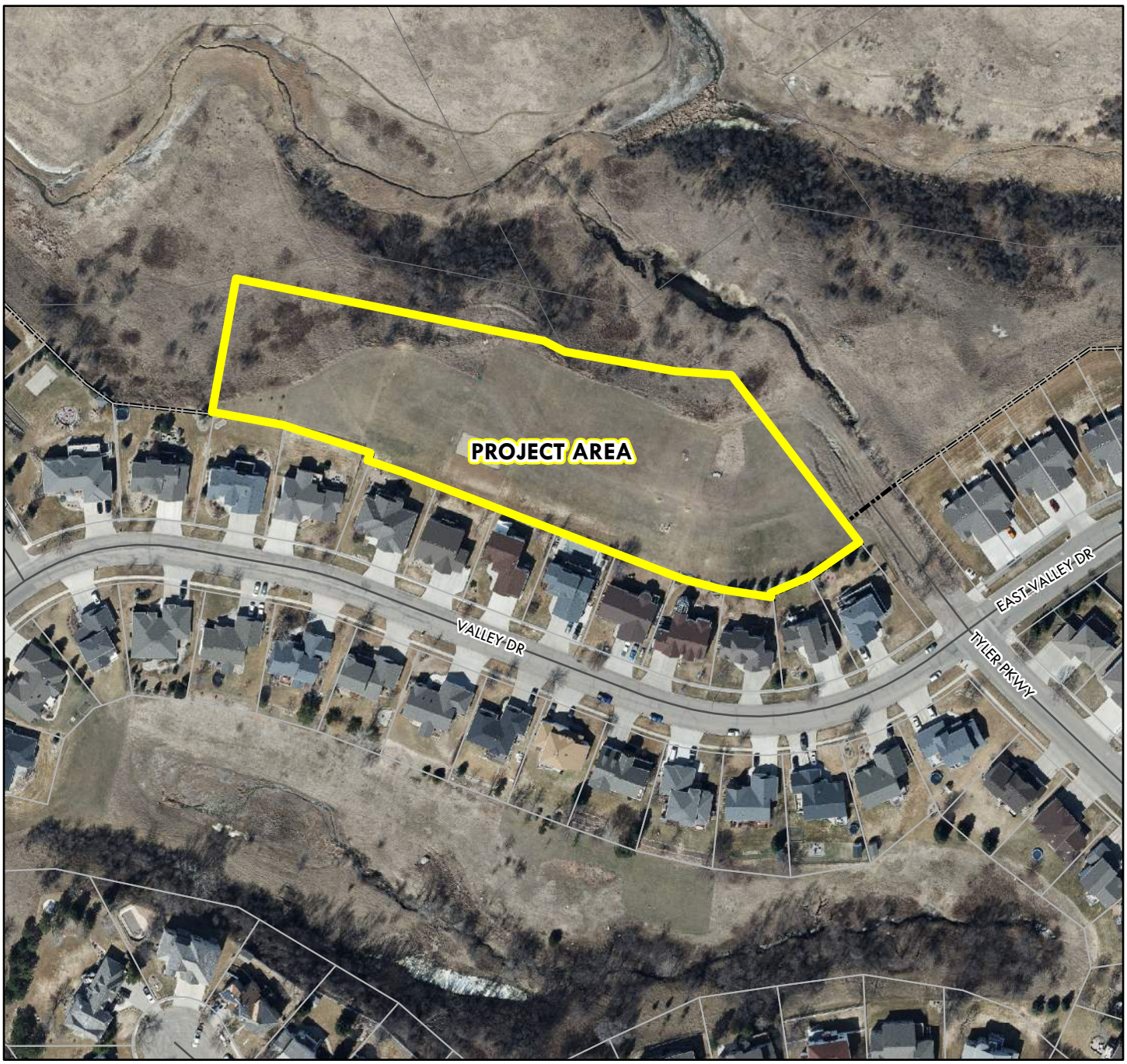
City of Bismarck
Community Development Department
Planning Division
June 15, 2022 (HLB)

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

COUNTRY WEST XXXI ADDITION

PPLT2022-006

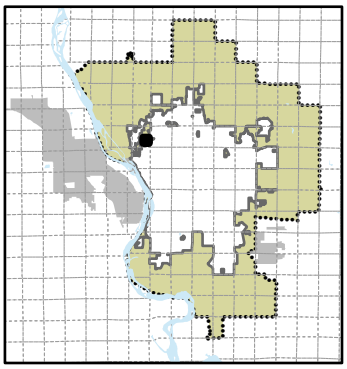


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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

Zoning and Plan Reference Map

COUNTRY WEST XXXI ADDITION

PPLT2022-006

Zoning Districts

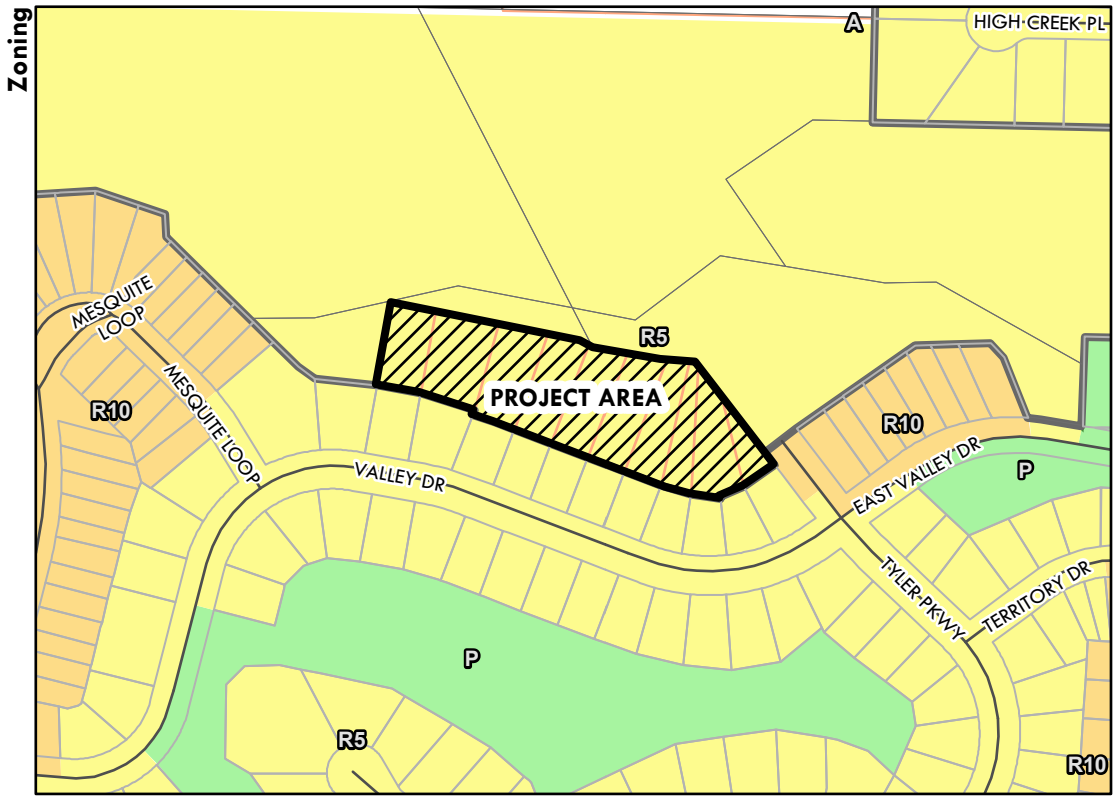
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

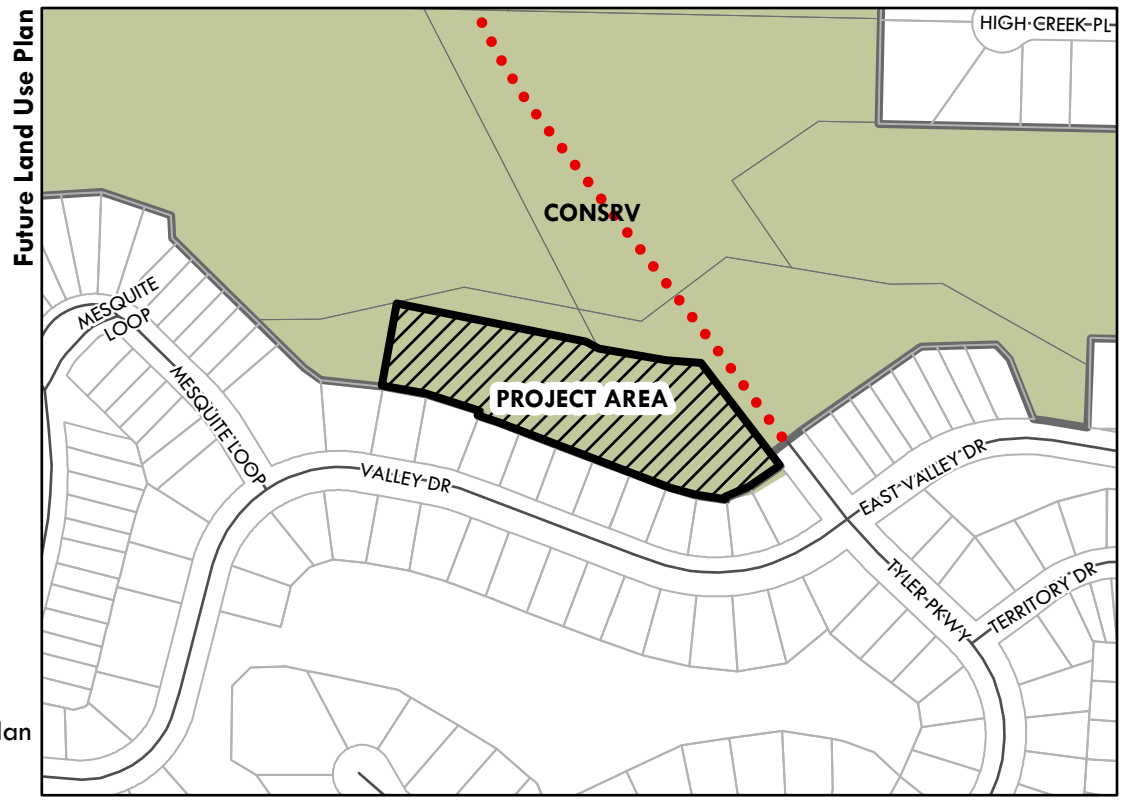
Future Land Use Plan

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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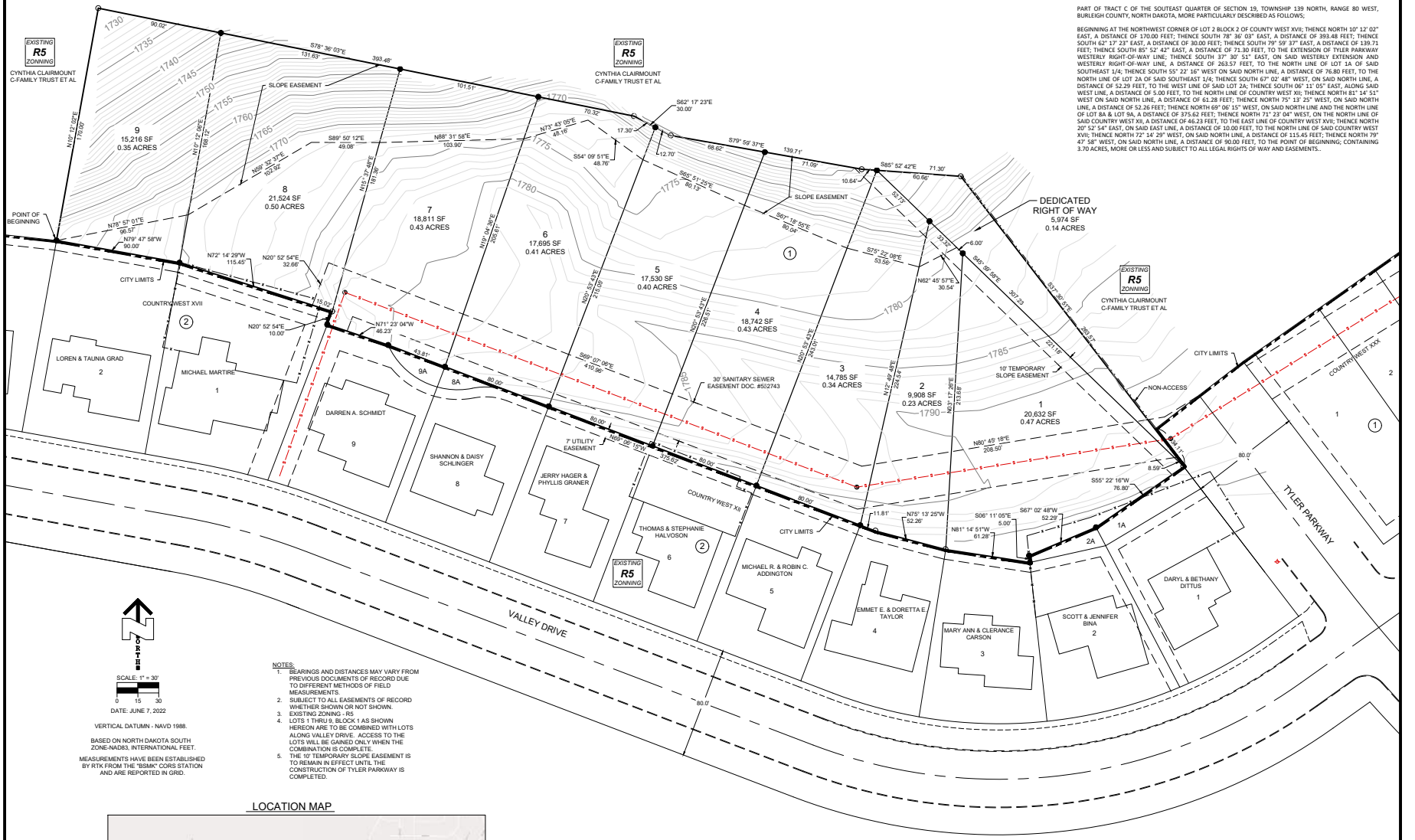
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City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

PRELIMINARY PLAT

COUNTRY WEST XXXI ADDITION

PART OF TRACT C OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

PART OF TRACT C OF THE SOUTEAST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 BLOCK 2 OF COUNTY WEST XVII; THENCE NORTH 10° 12' 02" EAST, A DISTANCE OF 170.00 FEET; THENCE SOUTH 78° 36' 03" EAST, A DISTANCE OF 393.48 FEET; THENCE SOUTH 62° 17' 23" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 79° 59' 37" EAST, A DISTANCE OF 139.71 FEET; THENCE SOUTH 85° 52' 42" EAST, A DISTANCE OF 71.30 FEET, TO THE EXTENSION OF TYLER PARKWAY WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 37° 30' 51" EAST, ON SAID WESTERLY EXTENSION AND WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 263.57 FEET, TO THE NORTH LINE OF LOT 1A OF SAID SOUTHEAST 1/4; THENCE SOUTH 55° 22' 16" WEST ON SAID NORTH LINE, A DISTANCE OF 76.80 FEET, TO THE NORTH LINE OF LOT 2A OF SAID SOUTHEAST 1/4; THENCE SOUTH 67° 02' 48" WEST, ON SAID NORTH LINE, A DISTANCE OF 52.29 FEET, TO THE WEST LINE OF SAID LOT 2A; THENCE SOUTH 06° 11' 05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET, TO THE NORTH LINE OF COUNTRY WEST XII; THENCE NORTH 81° 14' 51" WEST ON SAID NORTH LINE, A DISTANCE OF 61.28 FEET; THENCE NORTH 75° 13' 25" WEST, ON SAID NORTH LINE, A DISTANCE OF 52.26 FEET; THENCE NORTH 69° 06' 15" WEST, ON SAID NORTH LINE AND THE NORTH LINE OF LOT 8A & LOT 9A, A DISTANCE OF 375.62 FEET; THENCE NORTH 71° 23' 04" WEST, ON THE NORTH LINE OF SAID COUNTRY WEST XII, A DISTANCE OF 46.23 FEET, TO THE EAST LINE OF COUNTRY WEST XVII; THENCE NORTH 20° 52' 54" EAST, ON SAID EAST LINE, A DISTANCE OF 10.00 FEET, TO THE NORTH LINE OF SAID COUNTRY WEST XVII; THENCE NORTH 72° 14' 29" WEST, ON SAID NORTH LINE, A DISTANCE OF 115.45 FEET; THENCE NORTH 79° 47' 58" WEST, ON SAID NORTH LINE, A DISTANCE OF 90.00 FEET, TO THE POINT OF BEGINNING; CONTAINING 3.70 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS..

NORTH

SCALE: 1" = 30'

0 15 30

DATE: JUNE 7, 2022

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING - R5
4. LOTS 1 THRU 9, BLOCK 1 AS SHOWN HEREON ARE TO BE COMBINED WITH LOTS ALONG VALLEY DRIVE. ACCESS TO THE LOTS WILL BE GAINED ONLY WHEN THE COMBINATION IS COMPLETE.
5. THE 10' TEMPORARY SLOPE EASEMENT IS TO REMAIN IN EFFECT UNTIL THE CONSTRUCTION OF TYLER PARKWAY IS COMPLETED.

LOCATION MAP



ACREAGE TABLE

LOT 1	20,632 SF	0.47 ACRES
LOT 2	9,908 SF	0.23 ACRES
LOT 3	14,785 SF	0.34 ACRES
LOT 4	18,742 SF	0.43 ACRES
LOT 5	17,530 SF	0.40 ACRES
LOT 6	17,695 SF	0.41 ACRES
LOT 7	18,811 SF	0.43 ACRES
LOT 8	21,525 SF	0.50 ACRES
LOT 9	15,216 SF	0.35 ACRES
DEDICATED ROW	5,974 SF	0.14 ACRES
TOTAL		3.70 ACRES

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- EXISTING UTILITY EASEMENT
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- EXISTING SANITARY SEWER
- EXISTING CURB AND GUTTER
- EXISTING SANITARY SEWER MANHOLE
- CITY LIMIT

OWNERS:

DARREN SCHMIDT
1832 VALLEY DRIVE
BISMARCK, ND 58503

SCOTT BINA
1712 VALLEY DRIVE
BISMARCK, ND 58503

SHANNON SCHLINGER
1824 VALLEY DRIVE
BISMARCK, ND 58503

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

Independent Land Surveying & Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

COUNTRY WEST XXXI ADDITION	
PART OF SOUTHEAST QUARTER	
SECTION 19, T-139-N, R-80-W	
BISMARCK, NORTH DAKOTA	
SHEET: 1 OF 1	JOB NUMBER: 22012
SCALE: 1"= 30'	DWG REVISION DATES
DRAWN BY: MR	6/7/22 -
DWG DATE: 5/18/22	- -
DWG NAME:22012 Survey.dwg	

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

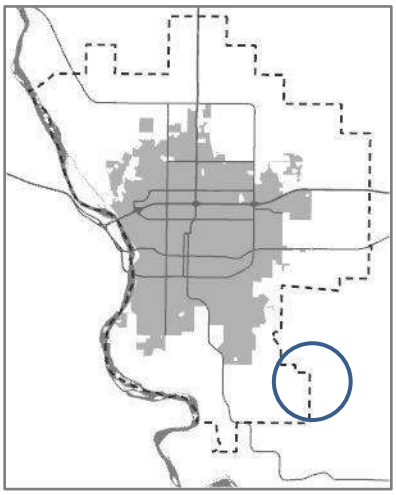
Agenda Item # 3
June 22, 2022

Application for: **Zoning Change**
Preliminary Plat

Project ID: **ZC2022-012**
PPLT2022-005

Project Summary

Title:	Brunskill Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Daniel Brunskill
Project Contact:	Cole Neset, RLS, Neset Land Surveys Inc.
Location:	Southeast of Bismarck, in the Northwest quadrant of the intersection of 66th Street SE and 55th Avenue SE (The SE¼ of the NE¼ Section 30, T138N-R80W/Apple Creek Township)
Project Size:	39.95 acres
Request:	Plat and zone property to allow for rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	5 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Single-family residential
Future Land Use:	Conventional Rural Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	A – Agricultural	*Zoning:*	RR – Residential
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density:	A – 1 unit / 40 acres	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

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

(continued)

Staff Analysis

Daniel Brunskill is requesting approval of a zoning change from the A – Agricultural zoning district to the RR - Residential zoning district and a major subdivision preliminary plat for Brunskill Subdivision.

Adjacent uses include undeveloped agriculture land to the north, large lot rural residential to the east across 66th Street SE and to the south across 55th Avenue SE, and to the west.

The Future Land Use Plan in the 2014 Growth Management Plan; as amended, identifies the area included in the proposed plat as Rural Residential (RR).

The proposed plat includes five large rural residential lots ranging from 3 acres to 8.3 acres. To minimize access to 66th Street SE and 55th Avenue SE, the County Engineer has indicated that access between lots will be shared.

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

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 Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. 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 plat is not an urban subdivision;
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 Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed preliminary plat;

(continued)

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 within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat.
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. 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 the zoning change from the A -Agricultural zoning district to the RR – Residential zoning district and tentative approval the preliminary plat for Brunskill Subdivision.

Attachments

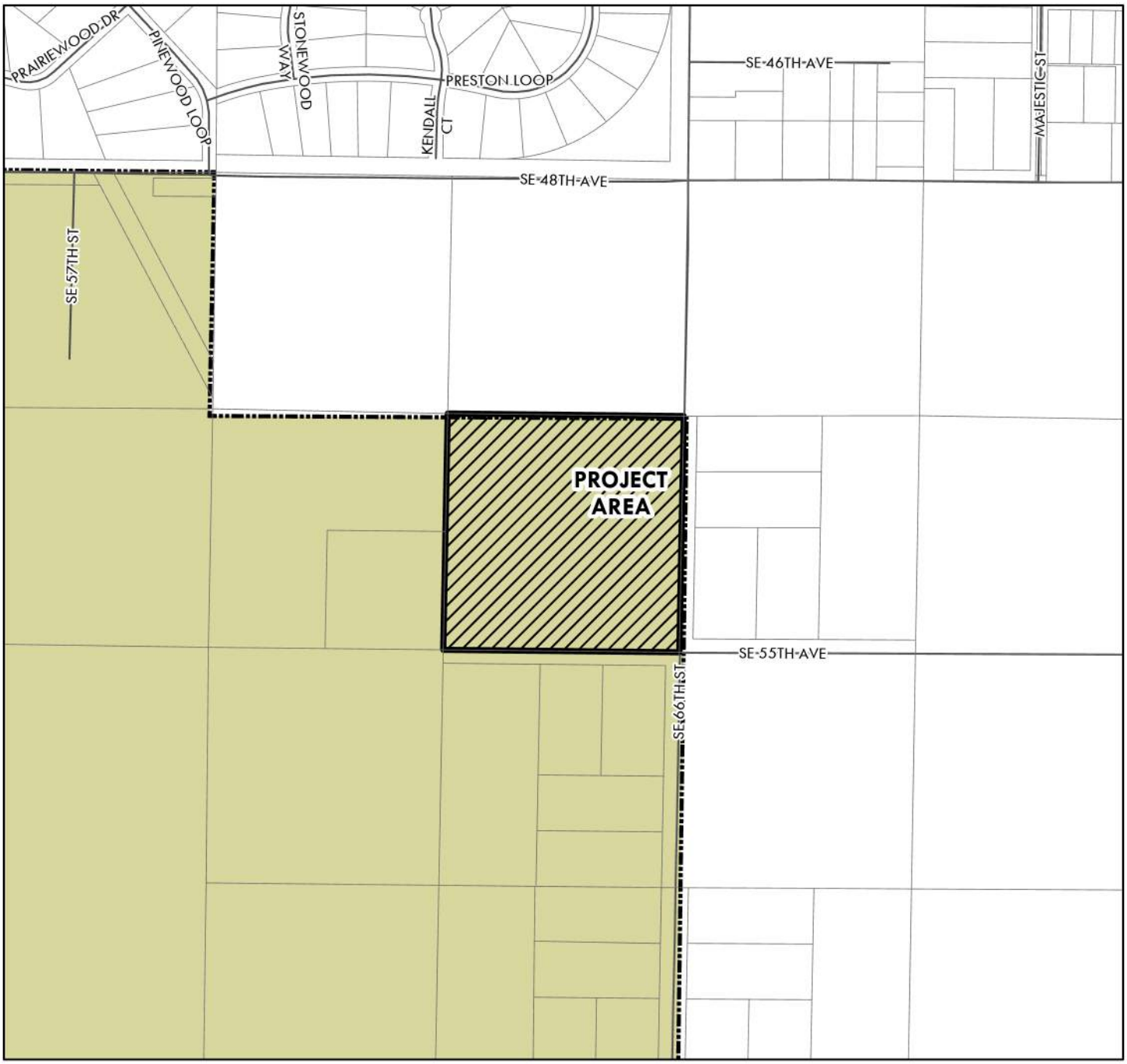
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map
5. Preliminary Plat

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

Location Map

BRUNSKILL SUBDIVISION

PPLT2022-005
ZC2022-012



0 0.17 0.35 0.7 Miles

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

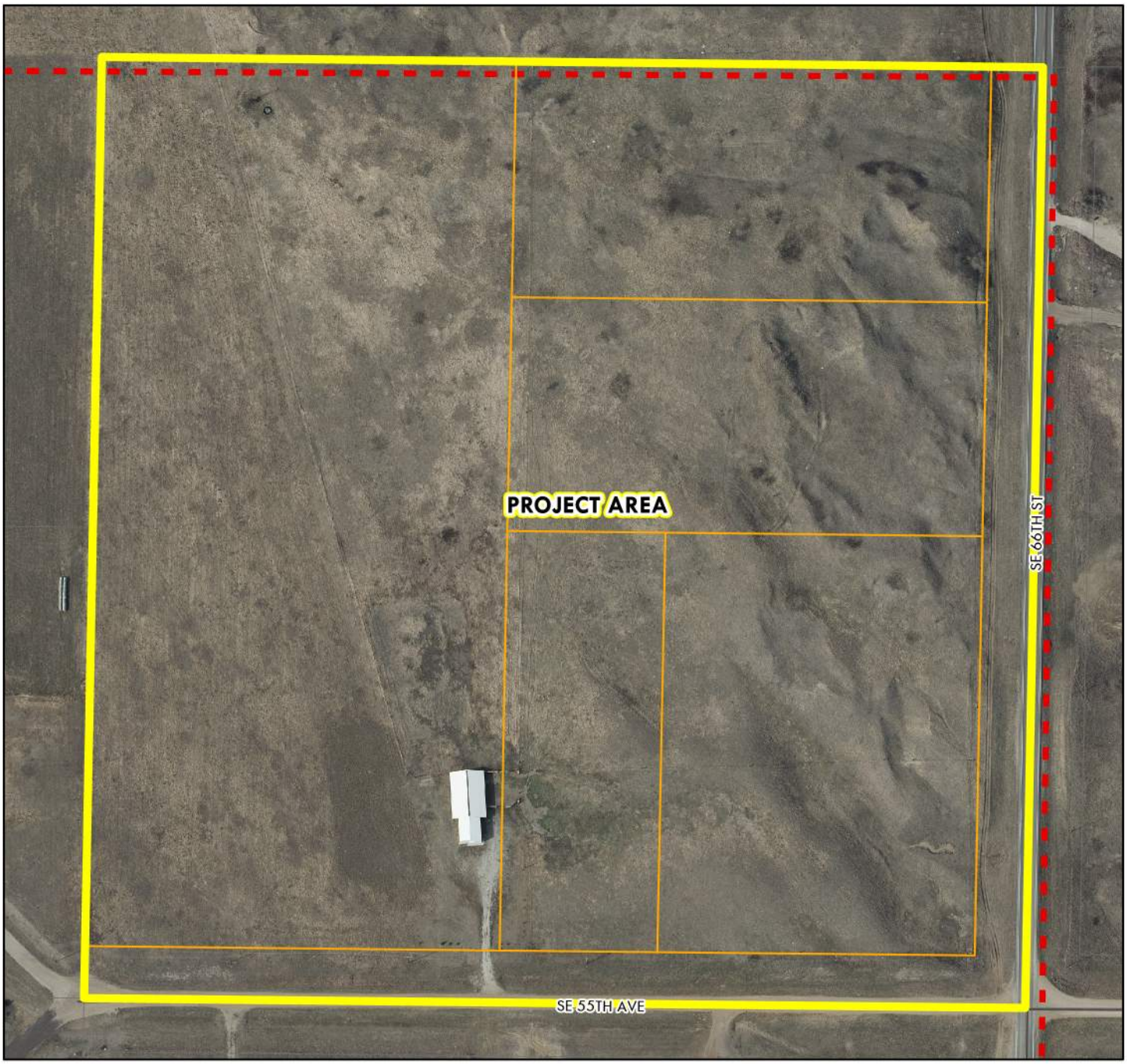
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Bismarck

Aerial Map

BRUNSKILL SUBDIVISION

ZC2022-012
PPLT2022-005



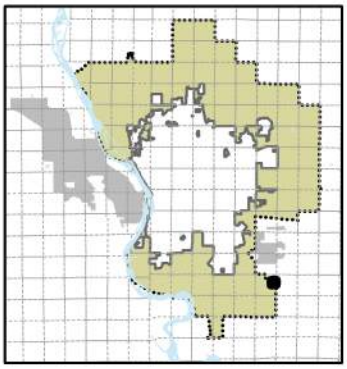
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Bismarck ETA Jurisdiction

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.

N



City of Bismarck
Finance Department
IT/GIS Division
June 13, 2022

Zoning and Plan Reference Map

BRUNSKILL SUBDIVISION

ZC2022-012
PPLT2022-005

Zoning Districts

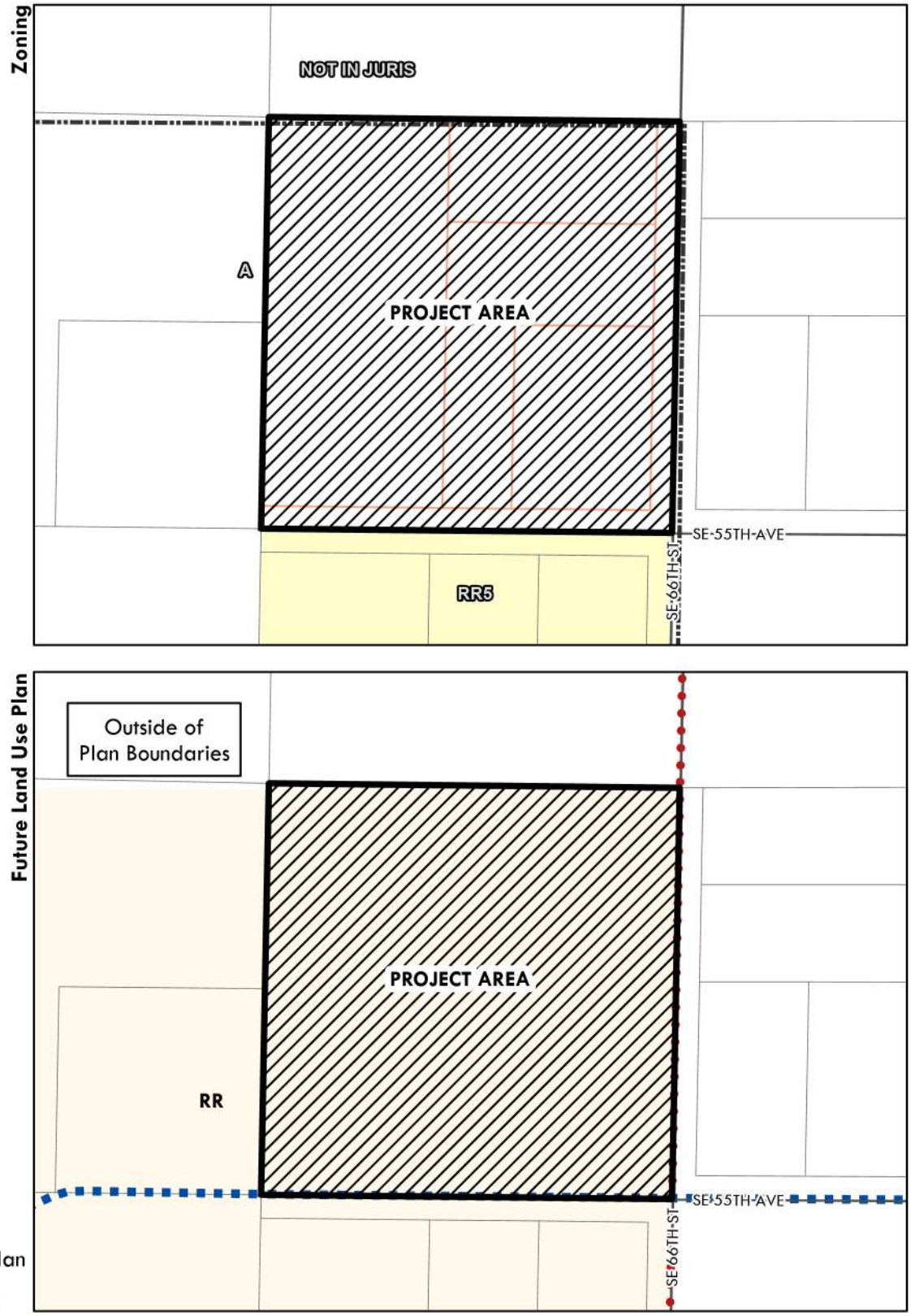
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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



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

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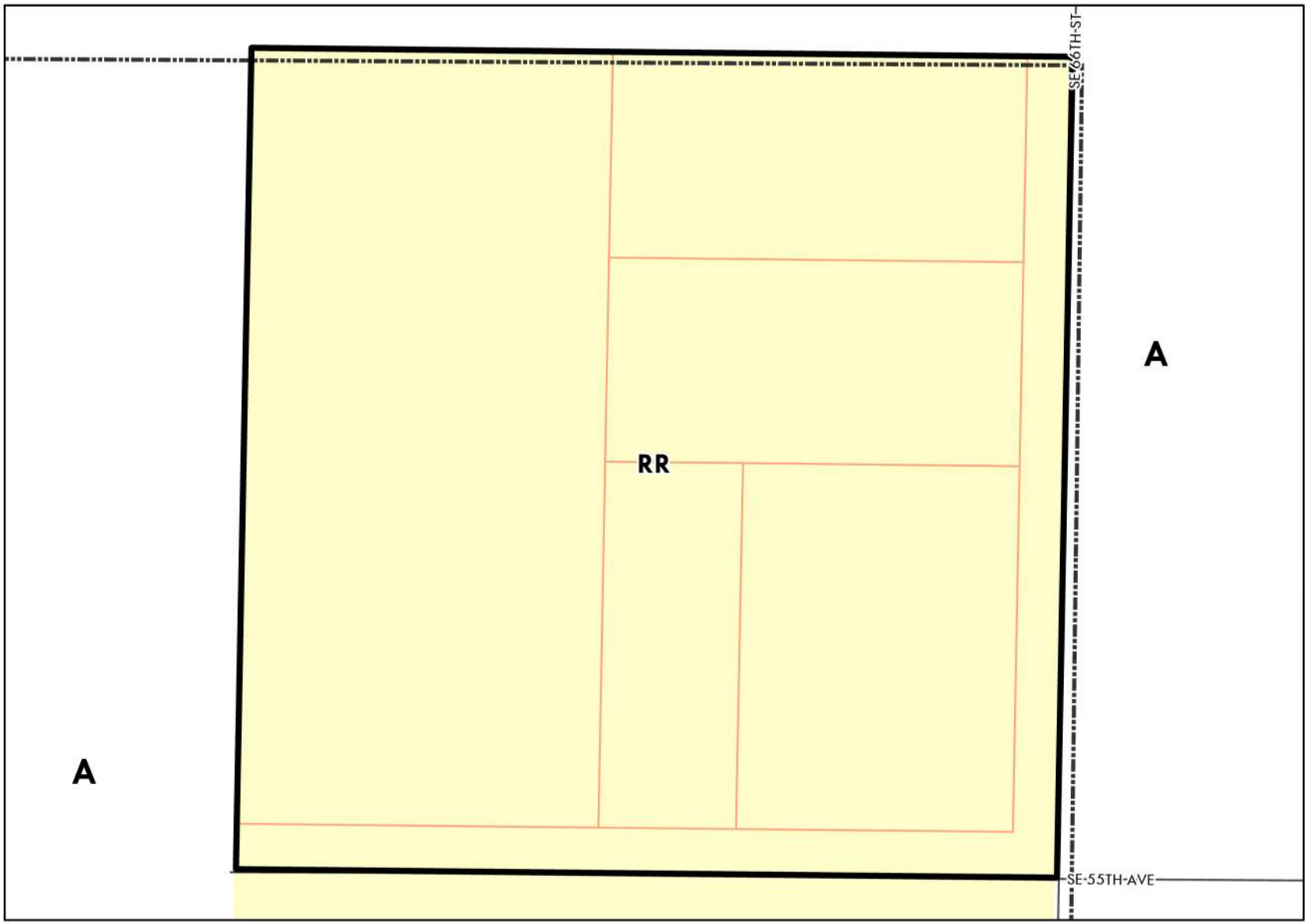
N

City of Bismarck
Community Development Dept.
Planning Division
June 13, 2022

Proposed Zoning Change
BRUNSKILL SUBDIVISION

ZC2022-012

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

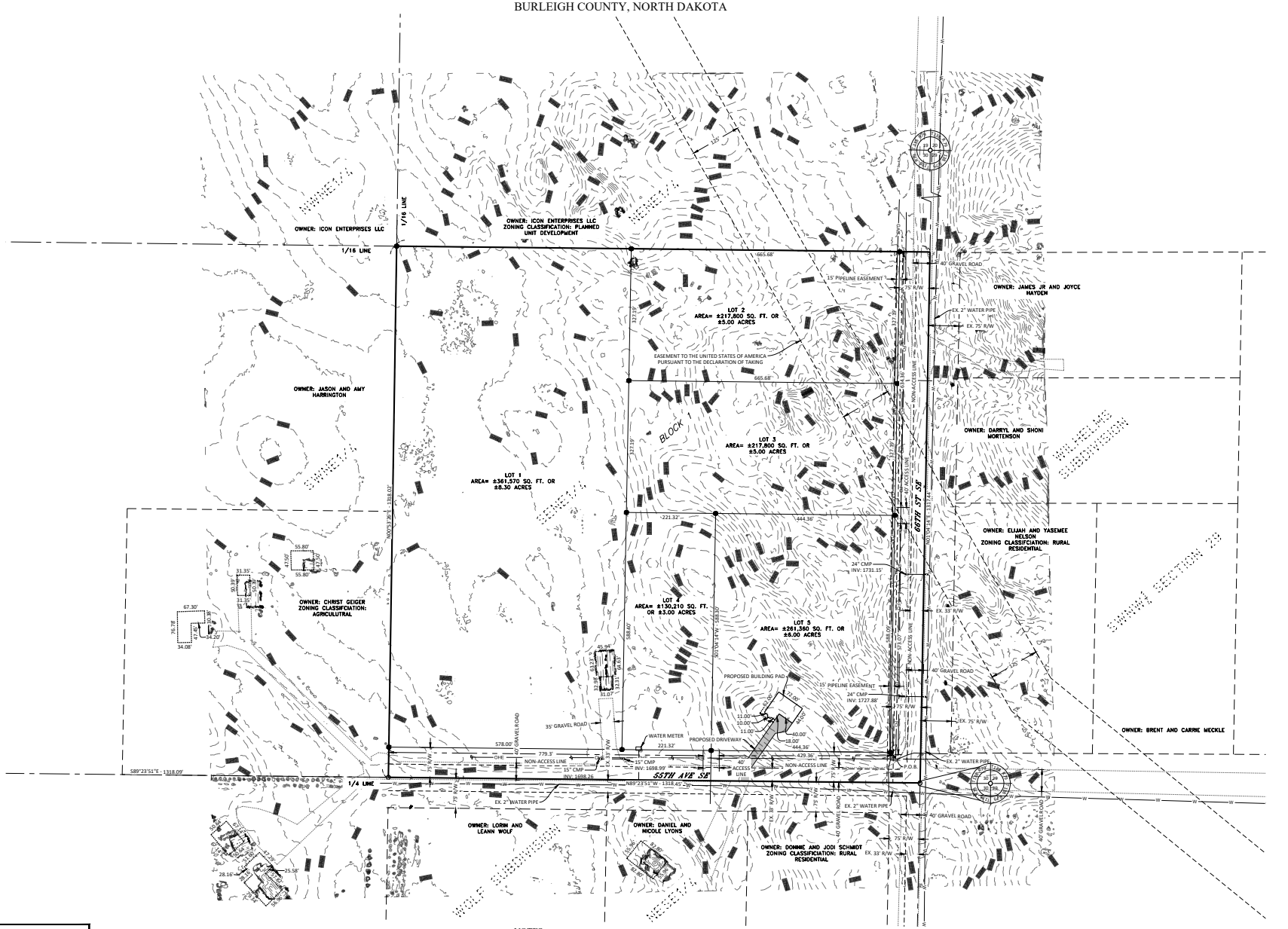
0 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2022

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BRUNSKILL SUBDIVISION

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, T138N, R79W,
BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



N.T.S.

CURRENT OWNER'S INFORMATION
DAN BRUNSKILL
12000 CREEKS EDGE ROAD, MENOKEN
ND, 58558

SURVEY INFORMATION

DATE OF SURVEY: 05/02/2022
BASIS OF BEARING: NAD83 - NORTH DAKOTA STATE PLANE SOUTH ZONE INTERNATIONAL FEET
DATUM: NAVD88

NOTES

1. EXISTING SITE ZONED AS AGRICULTURAL.
2. FEMA MAP #38015C0980D- SUBJECT PROPERTY IS LOCATED IN ZONE "X".
3. GRAVEL ROAD AND NEIGHBORING BUILDINGS DRAWN IN OFF OF AERIAL IMAGE. SURVEYOR DOES NOT MAKE ANY GUARANTEE THAT SAID DIMENSIONS ARE CORRECT.
4. BURLEIGH WATER USERS COOPERATIVE MAINTAINS A 66' EASEMENT ON ALL PUBLIC TOWNSHIP ROADS WITHIN T138N, R79W TO CONSTRUCT, MAINTAIN AND OPERATE ITS WATER MAINS.
5. CAPITAL ELECTRIC COOPERATIVE, INC. MAINTAINS A BLANKET EASEMENT ACROSS THE NORTHEAST 1/4 OF SEC. 30, T138N, R79W FOR PURPOSE OF ELECTRIC TRANSMISSION OR DISTRIBUTION LINE OR SYSTEMS.
6. A CIRCULAR AREA HAVING A 15' RADIAL DISTANCE WITH THE CENTER BEING THE CURBSTOP VALVE WHICH IS LOCATED ON OR AS NEAR AS POSSINLE TO THE LOT LINE PARALLEL TO THE ROAD RIGHT-OF-WAY ON A FORTY ACRE TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, T138N, R79W.

AREA		
LOTS	1,547,969 SF	35.54 ACRES
RIGHT-OF-WAY	192,076 SF	4.41 ACRES
TOTAL	1,451,763 SF	39.95 ACRES

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

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- GRAVEL EDGE
- EXISTING BUILDING LINE
- NEW BUILDING LINE
- WATER LINE
- STORM SEWER LINE
- FIBER OPTIC LINE
- GAS LINE
- OVERHEAD ELECTRIC LINE
- STORM FLARED END SECTION
- OVERHEAD ELECTRIC POLE
- UTILITY PEDESTAL

0 100 200

SHEET 1 OF 2

PROJECT ID: 22004.36
DATE: 05-19-2022
DRAWN BY: GCB
CHECKED BY: CAN

Neset LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
EMAIL: CNESET@NESETSURVEYS.COM

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

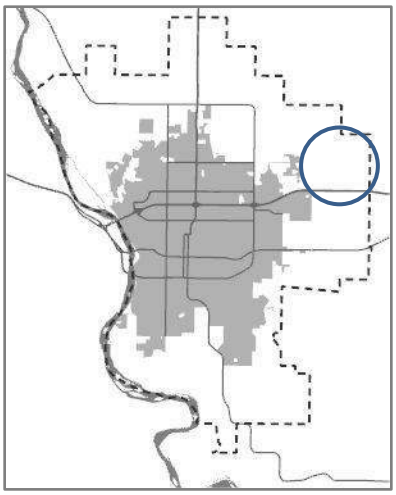
Agenda Item # 4
June 22, 2022

Application for: **Preliminary Plat**

Project ID: **PPLT2022-007**

Project Summary

Title:	George Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Jess George
Project Contact:	Mark Isaacs, PLS, ILSE, Inc.
Location:	Northeast of Bismarck, north of 43rd Avenue NE along the east side of 80th Street NE (NW¼ of the SW¼ of Section 16, T139-R79W/Gibbs Township)
Project Size:	40.17 acres
Request:	Plat property to allow for disposition of property and future reuse



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Livestock sales pavillion	*Land Use:*	Undetermined
Future Land Use:	Low Density Residential Medium Density Residential	*Future Land Use:*	Low Density Residential Medium Density Residential
Zoning:	A – Agricultural	*Zoning:*	A – Agricultural
Uses Allowed:	A – Agriculture	*Uses Allowed:*	A – Agriculture
Max Density:	A – 1 unit / 40 acres	*Max Density:*	A – 1 unit / 40 acres

Property History

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

(continued)

Staff Analysis

Jess George is requesting approval of a major subdivision preliminary plat for George Subdivision.

Adjacent uses include agricultural land to the north, east and west and the Burleigh County Highway shop facility to the south.

The property has been used as a livestock sales pavilion and ancillary uses since 2019. With the proposed platting of the property into two lots, the livestock sales pavilion use would cease unless both lots were purchased and recombined for that purpose. A livestock sales pavilion could not operate solely on the north lot, where the building is located, because the stormwater and manure management facilities on the property cross the proposed lot line between Lots 1 and 2. New uses for the property have not been identified, but any use would have to comply with the requirements of the current A – Agricultural zoning district. If there were a desire to construct a rural residence on either of the resulting lots, a zoning change to RR – Residential would be required.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the area as Low Density Residential (LDR) and Medium Density Residential (MDR). The proposed platting of the property to allow reuse of the property for agricultural purposes would not preclude the future use of the property for urban residential development.

The south half of an east-west collector has been included along the northern edge of the lots in accordance with the Fringe Area Road Master Plan. This roadway would not need to be constructed at this time as it is not needed for access to either lot in the proposed plat; however, it would preserve this half of the right-of-way for when the north half of the right-of-way is dedicated in conjunction with platting of the quarter-section to the north. A waiver from the standard roadway improvement process would be required in conjunction with approval of a final plat.

Required Findings of Fact (relating to land use)

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 not an urban subdivision with residential zoning districts;
4. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
5. The Gibbs Township Board of Supervisors has recommended approval of the proposed preliminary plat;
6. 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;
7. 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;
8. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat.

(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.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for George Subdivision.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Preliminary Plat

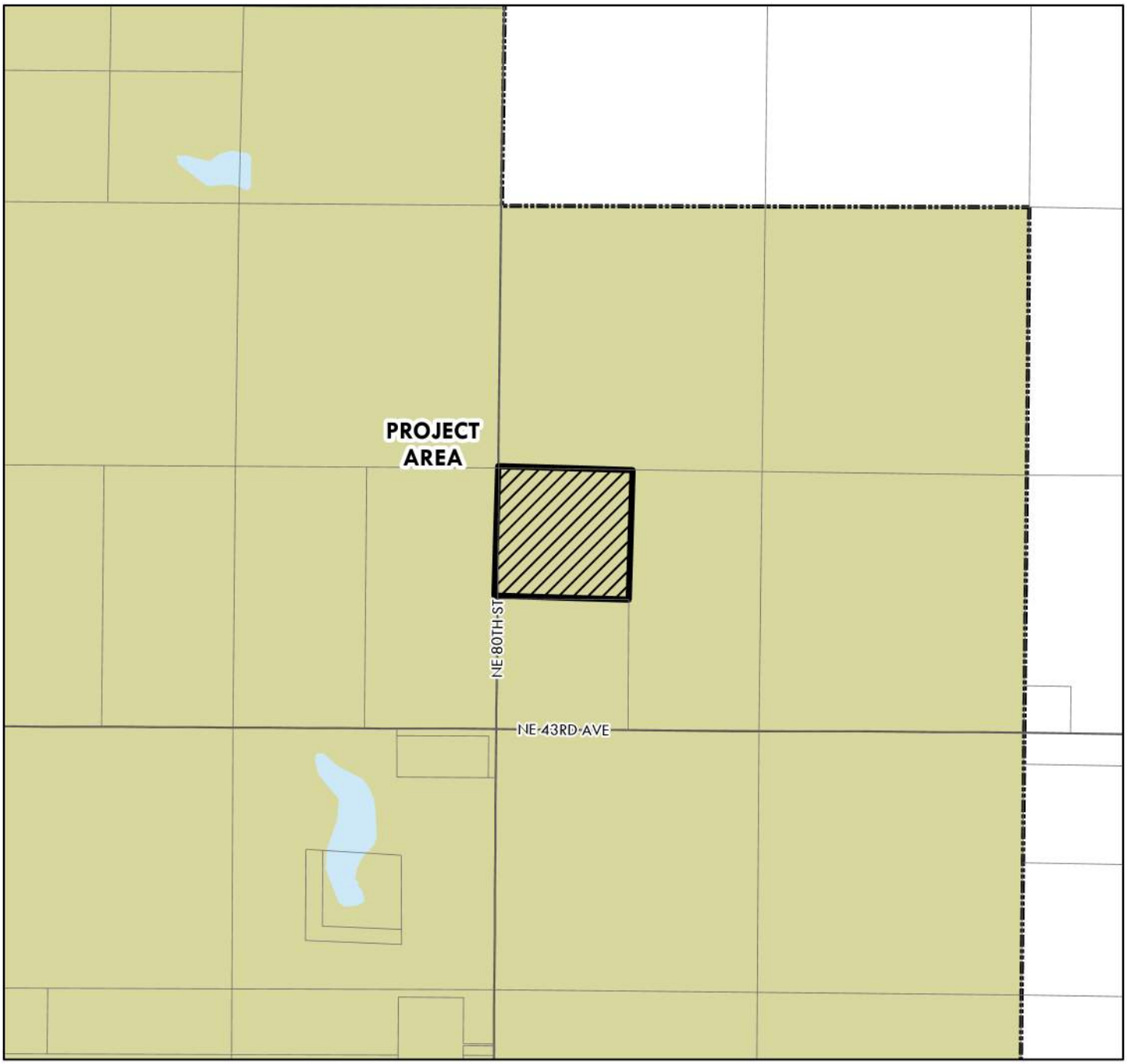
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Bismarck

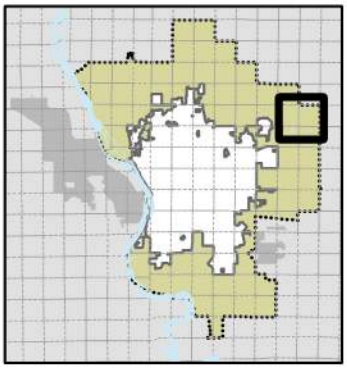
Location Map

GEORGE SUBDIVISION

PPLT2022-007



0 0.33 0.65 1.3 Miles



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

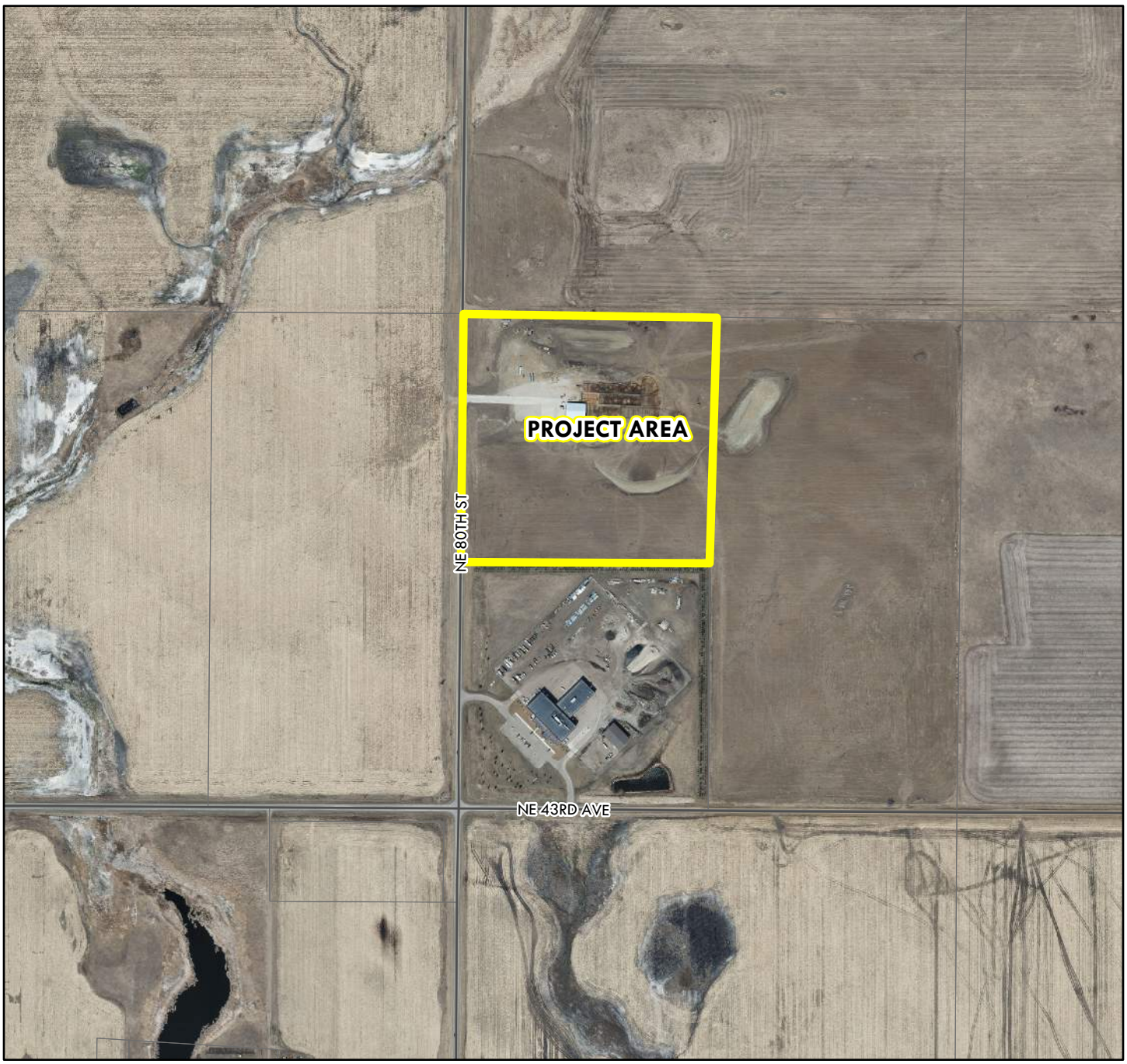
City of Bismarck
Community Development Department
Planning Division
May 24, 2022 (HLB)

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

GEORGE SUBDIVISION

PPLT2022-007



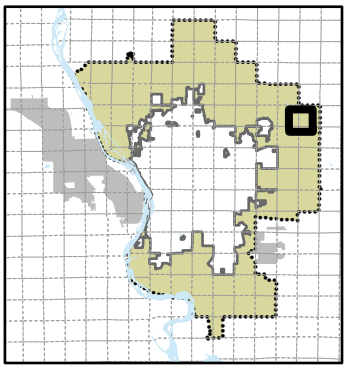
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

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Zoning and Plan Reference Map

GEORGE SUBDIVISION

PPLT2022-007

Zoning Districts

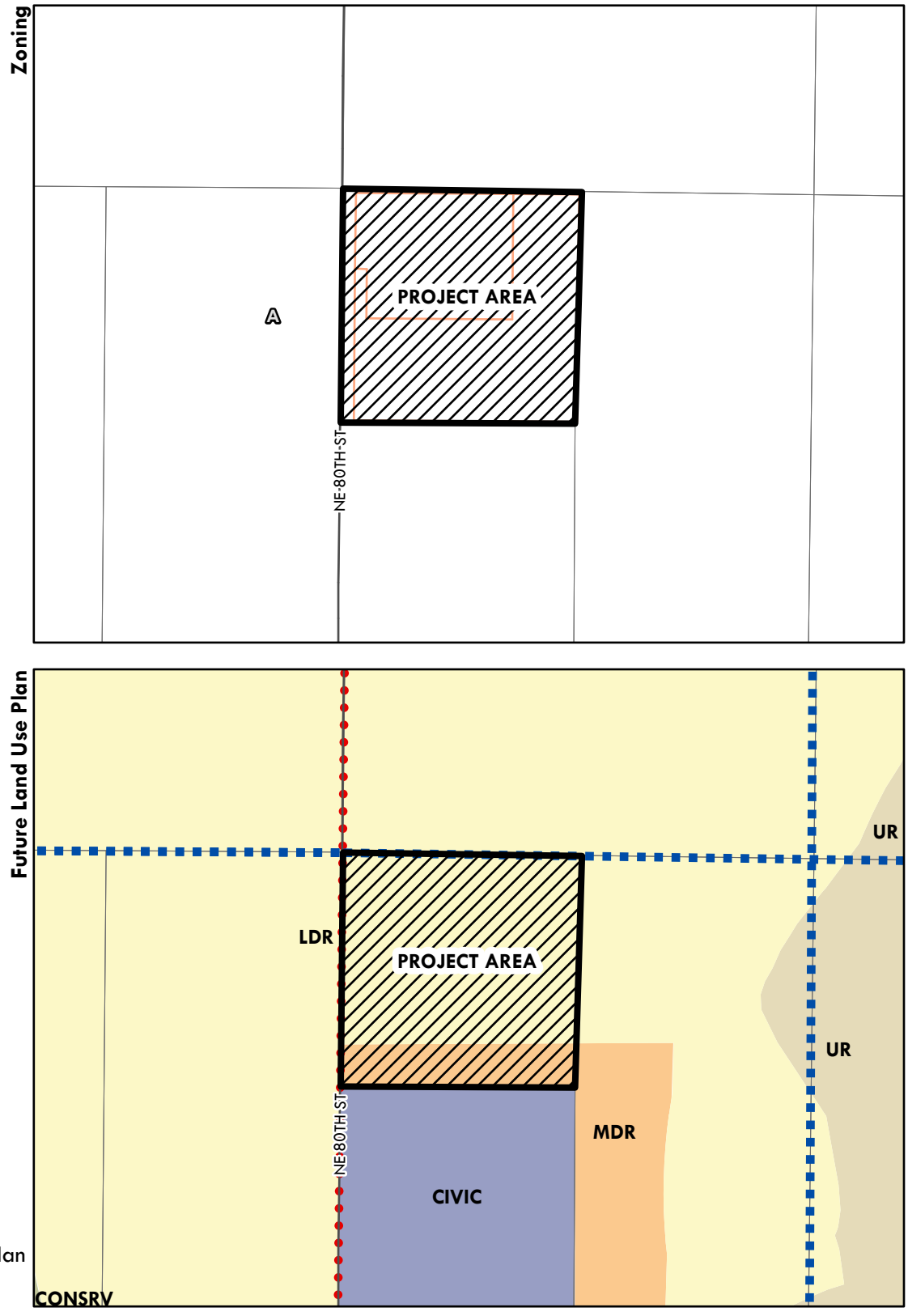
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
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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



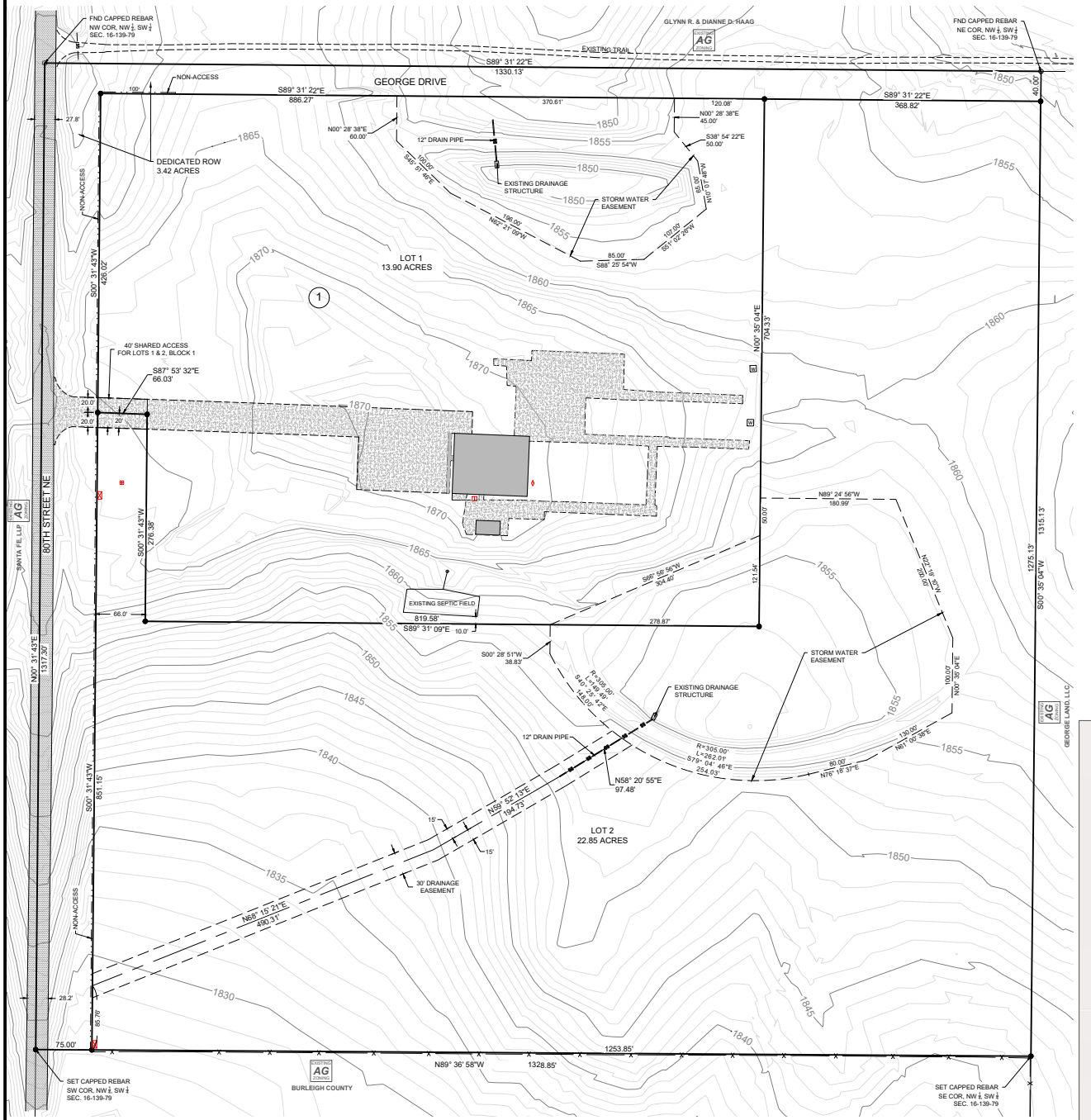
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0 0.1 0.2 0.4 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

PRELIMINARY PLAT
GEORGE SUBDIVISION
CITY OF BISMARCK, NORTH DAKOTA
THE NW 1/4, SW 1/4, OF SECTION 16, T139N, R79W
IN BURLEIGH COUNTY, NORTH DAKOTA



NORTH

SCALE: 1" = 60'

0 30 60

DATE: JUNE 7, 2022

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMC" CORS STATION AND ARE REPORTED IN GRID.

LAND DESCRIPTION

A TRACT OF LAND BEING THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, CONTAINING 40.17 ACRES, MORE OF LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING FENCE
- EXISTING BUILDING
- EXISTING AUTOMATIC WATERER
- EXISTING WATER METER
- EXISTING ELECTRIC BOX
- EXISTING TRANSFORMER
- EXISTING CURB STOP
- EXISTING STORM SEWER

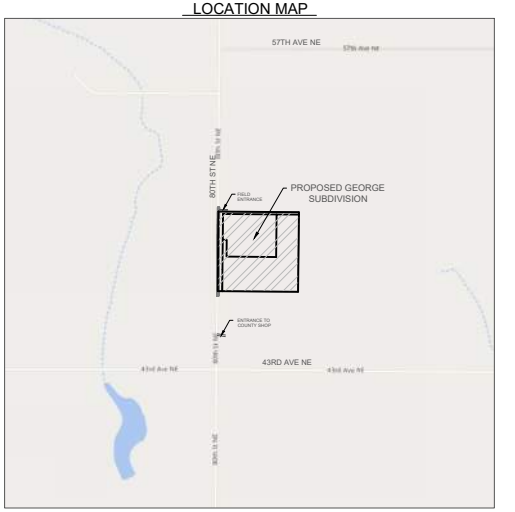
ACREAGE TABLE

LOT 1	13.90 ACRES
LOT 2	22.85 ACRES
DEDICATED ROW	3.42 ACRES
TOTAL	40.17 ACRES

OWNER:
GEORGE LAND, LLC
5674 CENTENNIAL ROAD
BISMARCK, ND 58503

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING - AGRICULTURAL.
4. THE 40' SHARED ACCESS SHOWN HEREON IS TO BE MAINTAINED AND USED EQUALLY BY THE OWNERS OF LOTS 1 AND 2, BLOCK 1.

LOCATION MAP



PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

GEORGE SUBDIVISION
PART OF SOUTHWEST QUARTER
SECTION 16, T-139-N, R-79-W
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 22024	
SCALE: 1"= 60'	DWG REVISION DATES	
DRAWN BY: MR	6/7/22	-
DWG DATE: 5/19/22	-	-
DWG NAME:22024 Survey.dwg		

Independent Land Surveying & Engineering

4215 Old Red Trail NW
Wanden, ND 58554
Phone: 701-563-3184
Cell: 701-595-2079
mark@laurwynd.com

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

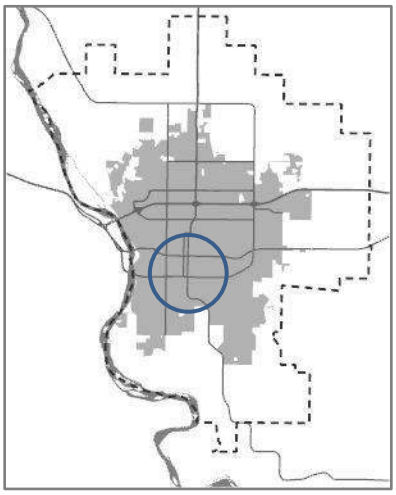
Agenda Item # 5
June 22, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-013**

Project Summary

Title:	Part of Blocks 10 and 18 and all of Block 19, Coffin Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Holiday Estates of Bismarck LLC
Project Contact:	Robbie Pratt, Havenpark Communities
Location:	In south-central Bismarck, on both sides of South 9th Street between East Ingals Avenue and the vacated East Michigan Avenue
Project Size:	7.78 acres, more or less
Request:	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	*Number of Lots:*	2 parcels
Land Use:	Manufactured home park	*Land Use:*	Manufactured home park
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	RMH – Residential
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	RMH – Manufactured home parks
Max Density:	CG – 42 units / acre	*Max Density:*	RMH – 7 units / acre

Property History

Zoned:	Pre-1960	*Platted:*	12/1882	*Annexed:*	Pre-1960

(continued)

Staff Analysis

Holiday Estates of Bismarck LLC is requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for part of Blocks 10 and 18 and all of Block 19, Coffin Addition.

Adjacent uses include a manufactured home park and mixed density residential to the north and east, the City's Police Department and Bismarck Public Schools Facilities and Transportation building to the south, and commercial uses to the west.

Holiday Estates of Bismarck was established as a mobile home park in the 1960, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH – Residential; however, this park was not and became a legal non-conforming use within the CG – Commercial zoning district.

Rezoning this property to RMH – Residential will bring the zoning of the property more in line with the actual use of the property, although there will still be some non-conforming aspects. In addition, with the rezoning to RMH – Residential, new homes within the park could be placed in accordance with the recently-adopted contextual front yard setback provisions. This, in turn, would allow older outdated mobile homes on the property to be replaced with newer manufactured homes with a similar front yard setback to the adjacent homes. As newer homes are longer than older homes, this option allows homes to be replaced when needed and preserves an affordable housing option within the community.

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 on the zoning

(continued)

change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-18, Block 10 and the S½ of the vacated Ingals Avenue adjacent to Lot 1, Block 10; Lots 1-24, Block 19; all of the vacated Indiana Avenue adjacent to Blocks 10 and 19; and Lots 1-5 and 13-24, Block 1, and the N½ of the vacated Michigan Avenue adjacent to Block 18.

Attachments

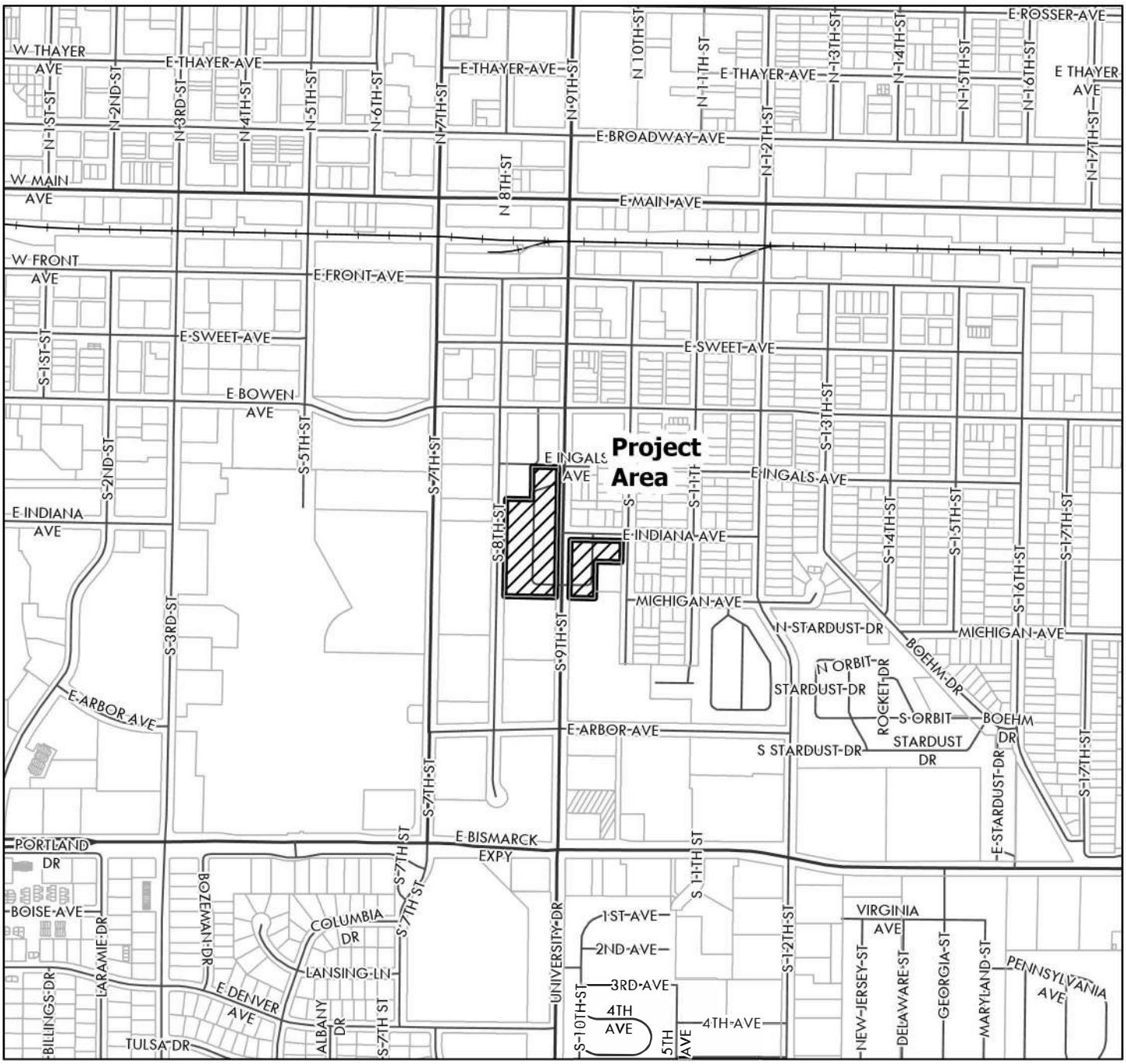
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Location Map

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013

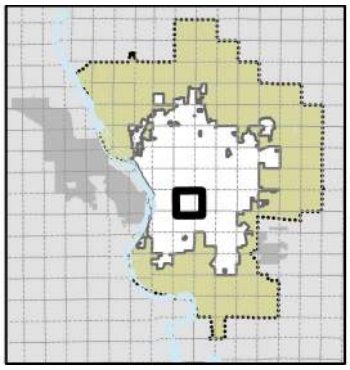


0 0.17 0.35 0.7 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



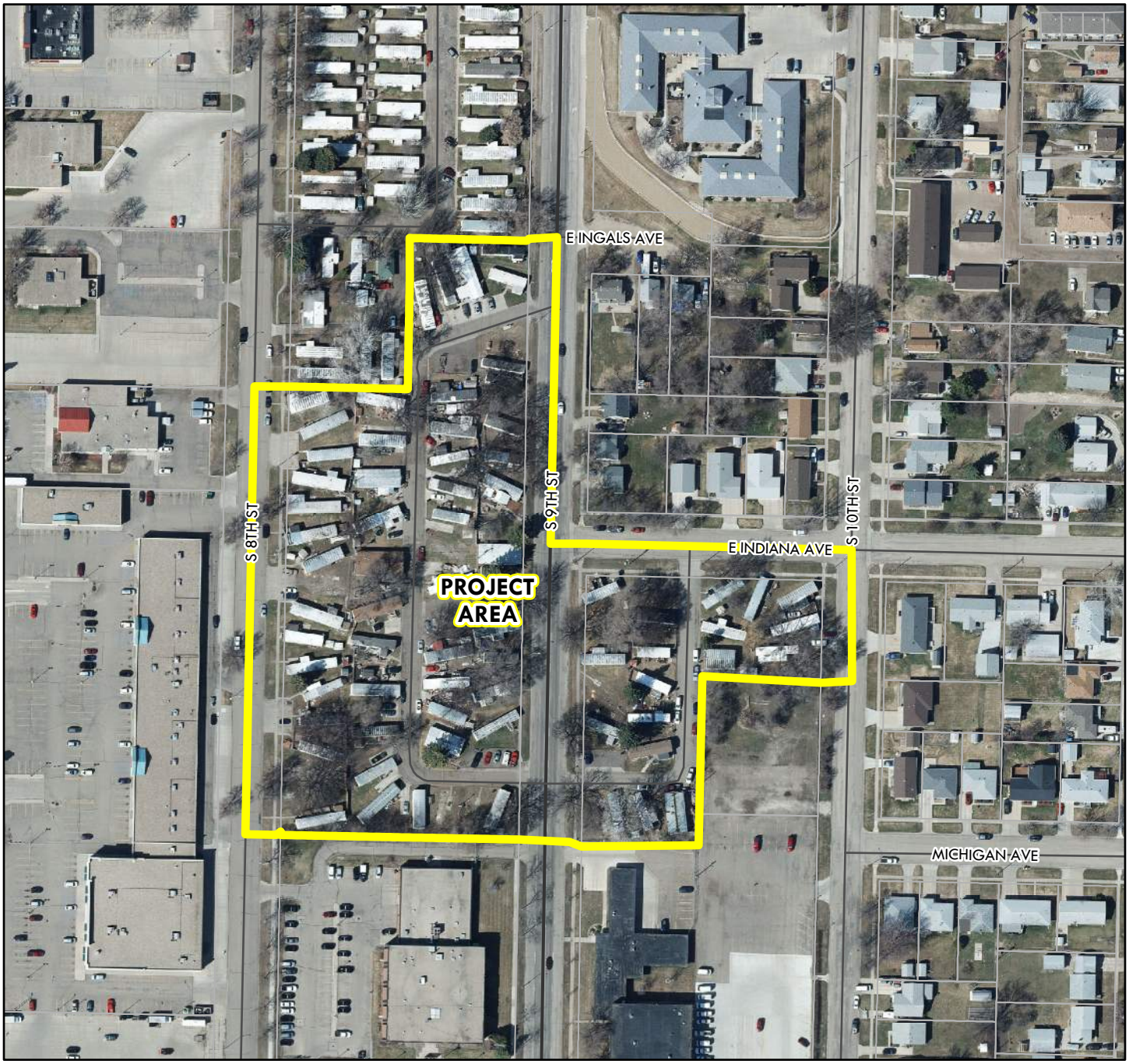
City of Bismarck
Community Development Department
Planning Division
June 10, 2022 (HLB)

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

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013

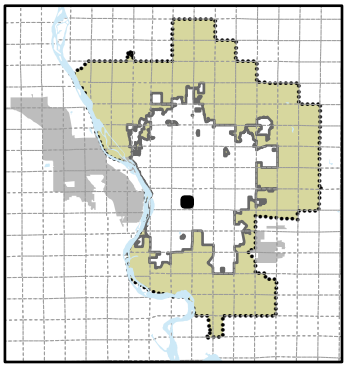


0 0.04 0.09 0.18 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

Zoning and Plan Reference Map

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013

Zoning Districts

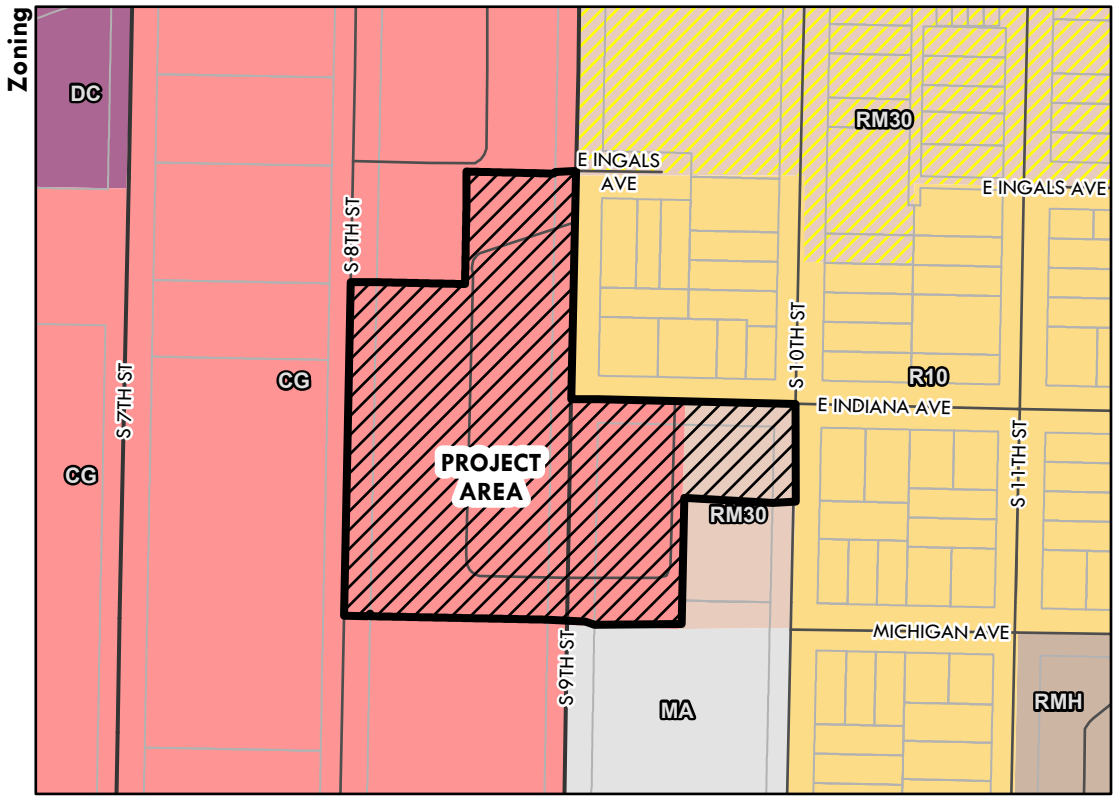
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

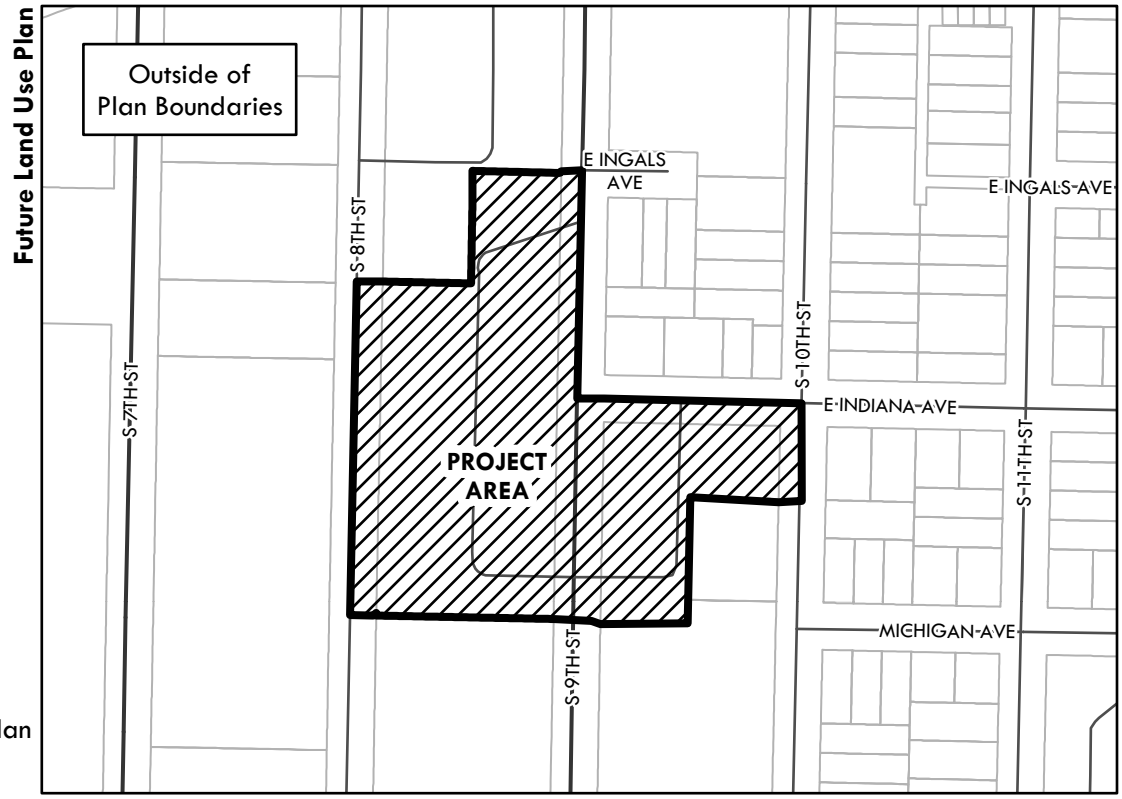
Future Land Use Plan

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 0.08 0.16 Miles

N

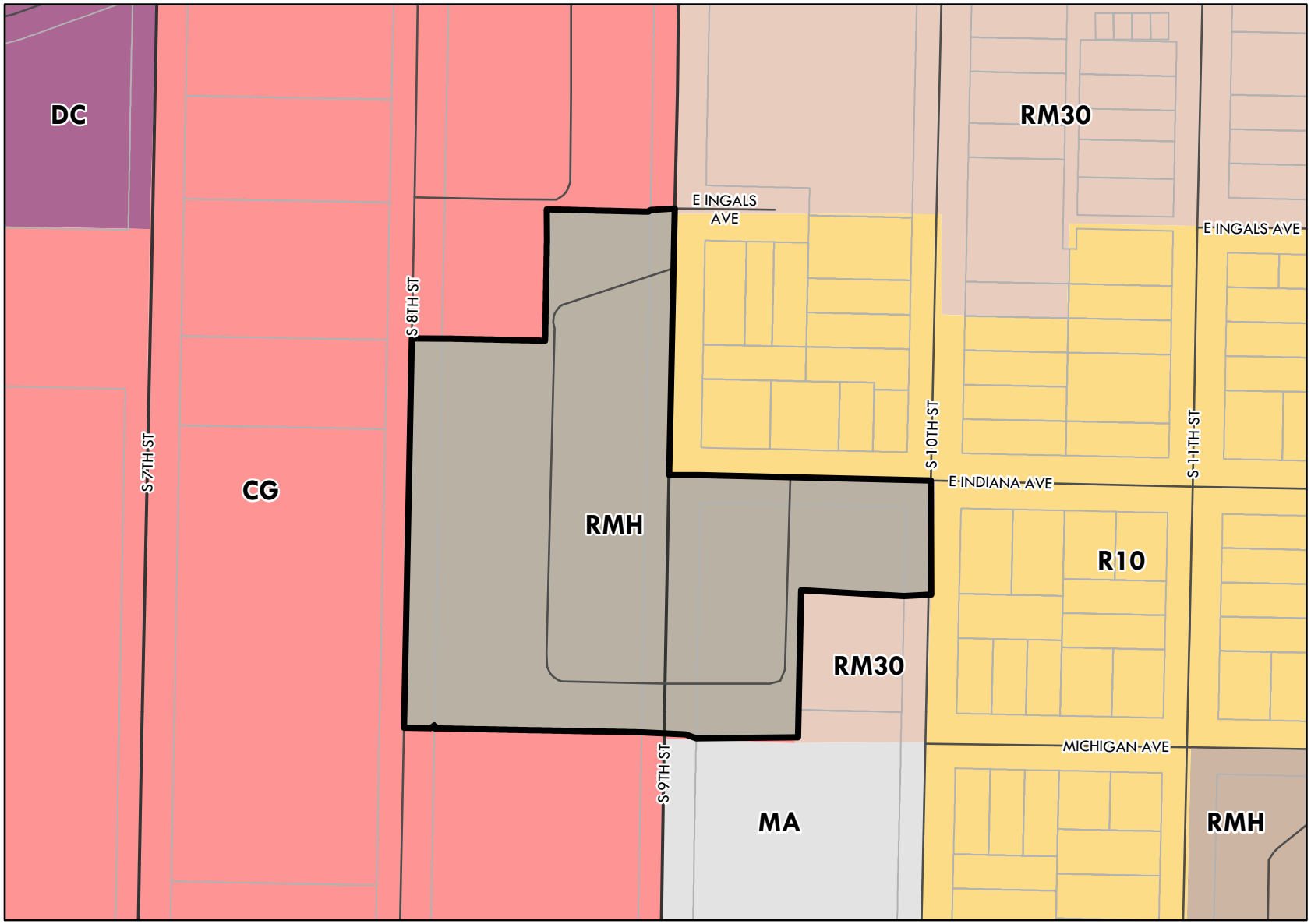
City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

Proposed Zoning Change

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.05 0.1 0.2 Miles

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

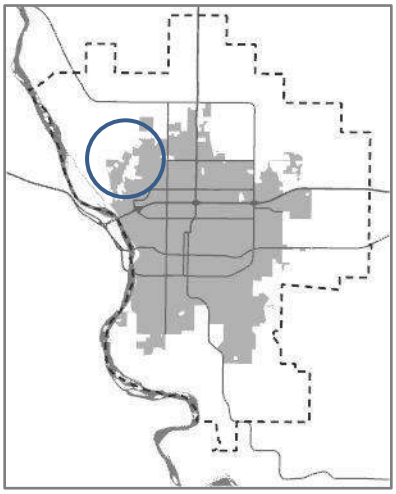
Agenda Item # 6
June 22, 2022

Application for: **Annexation**

Project ID: **ANNX2022-004**

Project Summary

Title:	Tyler Parkway/Ash Coulee Drive Annexation
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	City of Bismarck Ron Knutson
Project Contact:	Gabe Schell, PE, City Engineer
Location:	Northwest of Bismarck, from the southern edge of Elk Ridge Second Addition north the 57th Avenue NW right-of-way (part of the W½ of Section 17, the E½ of Section 18 and the NE¼ of Section 19, T139N-R80W/Hay Creek Township)
Project Size:	18.57 acres, more or less
Request:	Annex the unannexed portion of Tyler Parkway right-of-way south of 57th Avenue NE and the unannexed portion of the Ash Coulee Drive right-of-way east of the Tyler Parkway



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	N/A	*Number of Lots:*	N/A
Land Use:	Roadway	*Land Use:*	Roadway
Future Land Use:	Low Density Residential	*Future Land Use:*	Low Density Residential
Zoning:	R5 – Residential R10 – Residential RR – Residential A – Agricultural	*Zoning:*	R5 – Residential R10 – Residential RR – Residential R5 – Residential

Property History

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

(continued)

Staff Analysis

The City of Bismarck and Ron Knutson are requesting approval of the annexation of the unannexed portion of the Tyler Parkway right-of-way south of 57th Avenue NE and the unannexed portion of Ash Coulee Drive right-of-way east of the Tyler Parkway right-of-way.

Adjacent uses include a mix of urban density residential development, rural residential development and undeveloped A – Agricultural zoned land to the north, east, south and west.

These roadway segments provide connections between areas that are located within the corporate limits. The annexation of these rights-of-way would allow the future improvements to the roadways by the City of Bismarck.

Utility Capital Charges

As no property other than platted right-of-way or roadway easements is being annexed, no utility capital charges would be due.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the unannexed portion of Tyler Parkway south of 57th Avenue NE and the unannexed portion of Ash Coulee Drive east of the Tyler Parkway.

Attachments

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

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

A parcel of land lying in the Northeast 1/4 of Section 18, T139N, R80W of the Fifth Principal Meridian, Burleigh County, North Dakota, more particularly described as follows:

Beginning at the Northeast corner of said Northeast 1/4, said point being the point of beginning; thence S 00 degrees 15 minutes 06 seconds W, on the east line of said Northeast 1/4, a distance of 456.73 feet; thence 295.49 feet on a non-tangent curve to the right having a radius of 1380.00 feet, a chord bearing of S 23 degrees 20 minutes 37 seconds W; thence S 29 degrees 28 minutes 40 seconds W a distance of 397.00 feet; thence 444.60 feet on a curve to the left, having a radius of 2240.00 feet; thence S 18 degrees 06 minutes 20 seconds W, a distance of 576.18 feet; thence S 71 degrees 58 minutes 24 seconds E, a distance of 11.22 feet; thence 260.60 feet on a curve to the right, having a radius of 589.15 feet; thence S 46 degrees 37 minutes 47 seconds E, a distance of 195.62 feet to the westerly right-of-way line of Kites Lane; thence S 43 degrees 36 minutes 31 seconds W, on the westerly right-of-way line of Kites Lane, a distance of 100.00 feet; thence N 46 degrees 37 minutes 47 seconds W, a distance of 195.21 feet; thence 216.37 feet on a curve to the left, having a radius of 489.15 feet; thence N 71 degrees 58 minutes 24 seconds W, a distance of 11.35 feet; thence S 18 degrees 06 minutes 20 seconds W, a distance of 91.99 feet; thence 323.47 feet on a curve to the right, having a radius of 1660.00 feet; thence S 29 degrees 16 minutes 13 seconds W, a distance of 128.49 feet to the south line of said Northeast 1/4; thence N 88 degrees 31 minutes 11 seconds W, on the south line of said Northeast 1/4, a distance of 135.65 feet; thence N 29 degrees 16 minutes 13 seconds E, a distance of 191.74

feet; thence 300.09 feet on a curve to the left, having a radius of 1540.00 feet; thence N 18 degrees 06 minutes 20 seconds E, a distance of 768.17 feet; thence 468.42 feet on a curve to the right, having a radius of 2360.00 feet; thence N 29 degrees 28 minutes 40 seconds E, a distance of 397.00 feet; thence 642.72 feet on a curve to the left, having a radius of 1260.00 feet; thence N 00 degrees 15 minutes 06 seconds E, a distance of 55.53 feet to the north line of said Northeast 1/4; thence S 88 degrees 30 minutes 16 seconds E, on the north line of said Northeast 1/4, a distance of 60.01 feet to the point of beginning.

and

A parcel of land lying in the Southeast 1/4 of Section 18, T139N, R80W of the Fifth Principal Meridian, Burleigh County, North Dakota, more particularly described as follows:

Beginning at the Northeast corner of Lot 7, Block 8, Eagle Crest Sixth Addition, said point being the point of beginning; thence 34.20 feet on a non-tangent curve to the right, having a radius of 1260.00 feet, a chord bearing of N 15 degrees 11 minutes 14 seconds E; thence 153.41 feet on a non-tangent curve to the right, having a radius of 660.00 feet, a chord bearing of N 22 degrees 36 minutes 41 seconds E; thence N 29 degrees 16 minutes 13 seconds E, a distance of 42.59 feet to the north line of the Southeast 1/4 of section 18; thence S 88 degrees 31 minutes 11 seconds E, on said section line, a distance of 135.65 feet; thence S 29 degrees 16 minutes 13 seconds W, a distance of 105.83 feet; thence 125.55 feet on a curve to the left, having a radius of 540.00 feet to the north line of Eagle Crest Sixth Addition; thence N 90 degrees 00 minutes 00 seconds W, on the said line of Eagle Crest Sixth Addition, a distance of 124.33 feet to the point of beginning.

and

The western half of the dedicated Tyler Parkway right-of-way adjacent to Lot 7, Block 8, and Lots 2-13, Block 10, Eagle Crest Sixth Addition.

and

The western half of the dedicated Tyler Parkway right-of-way adjacent to Lot 1, Block 4, Lots 1-2, Block 5, Lots 1-10, Block 6 and Lot 1, Block 7, Elk Ridge Second Addition.

and

The eastern half of the dedicated Tyler Parkway right-of-way adjacent to Lots 1-25, Block 1 and Lots 1-2, Block 2, Elk Ridge Third Addition (pending).

and

That portion of the dedicated Ash Coulee Drive right-of-way adjacent to Lot 1, Block 1, Horizon Substation Addition.

and

That portion of the dedicated Ash Coulee Drive right-of-way lying southeasterly of Kites Lane in Eagle Crest Sixth Addition.

and

That northern half of the dedicated Ash Coulee Drive right-of-way adjacent to Lots 7 and 10, Block 5, Western Hills.

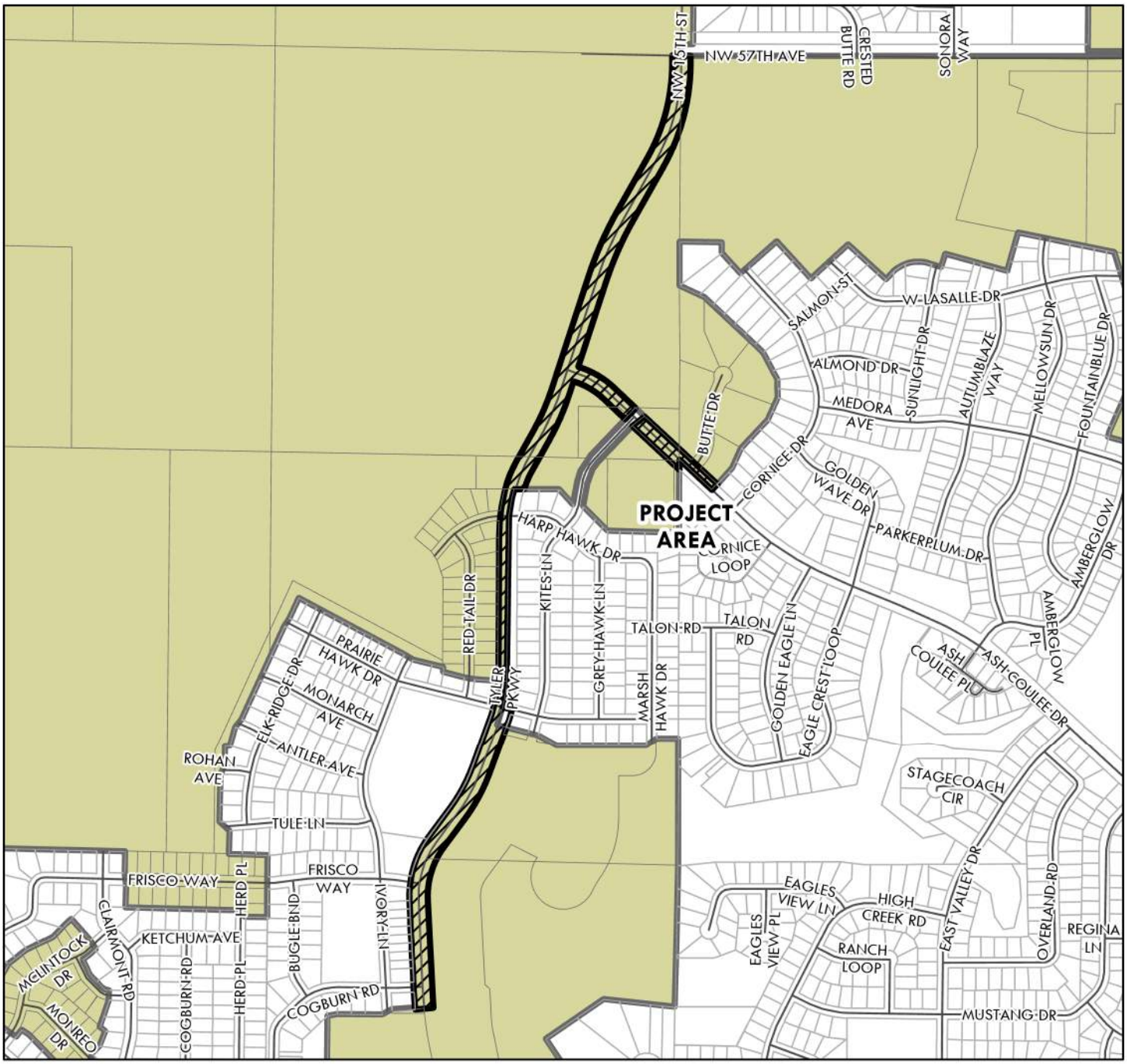
The above described tracts of land contain 18.57 acres, more or less.

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

Location Map

TYLER PARKWAY RIGHT-OF-WAY

ANNX2022-004



0 0.2 0.4 0.8 Miles

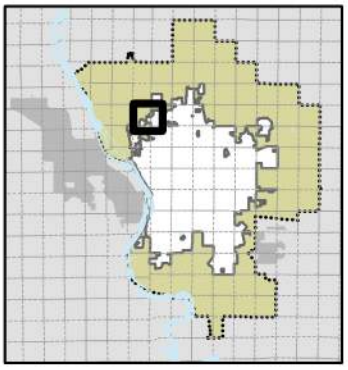
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2022 (HLB)

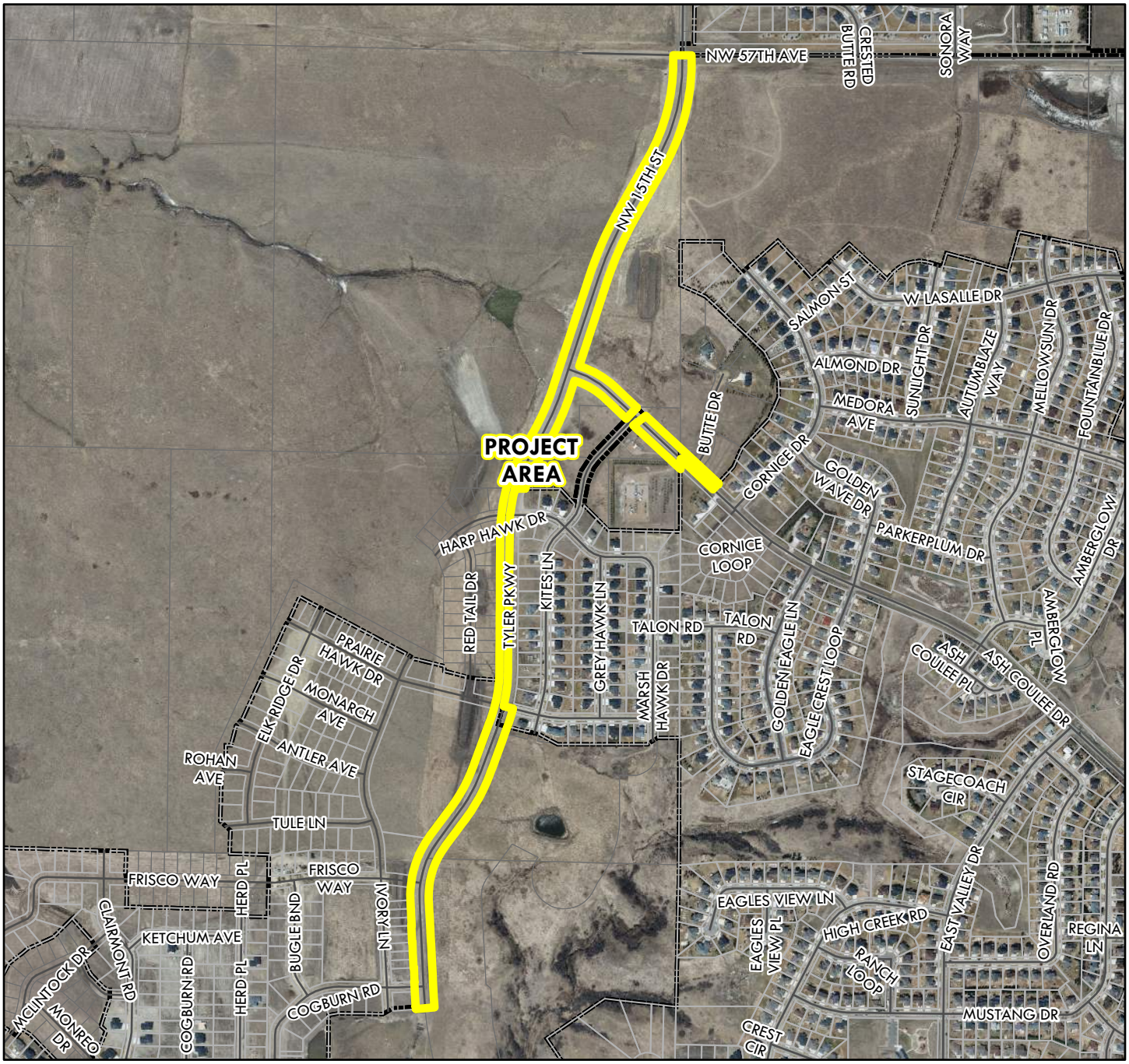
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

TYLER PARKWAY RIGHT-OF-WAY

ANNX2022-004



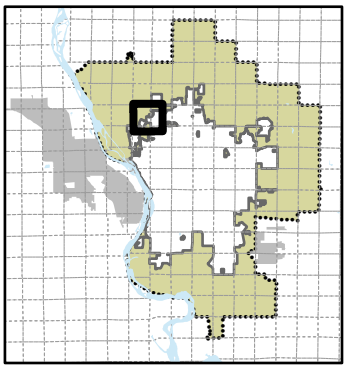
0 0.23 0.45 0.9 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
June 15, 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

TYLER PARKWAY RIGHT-OF-WAY

ANNX2022-004

Zoning Districts

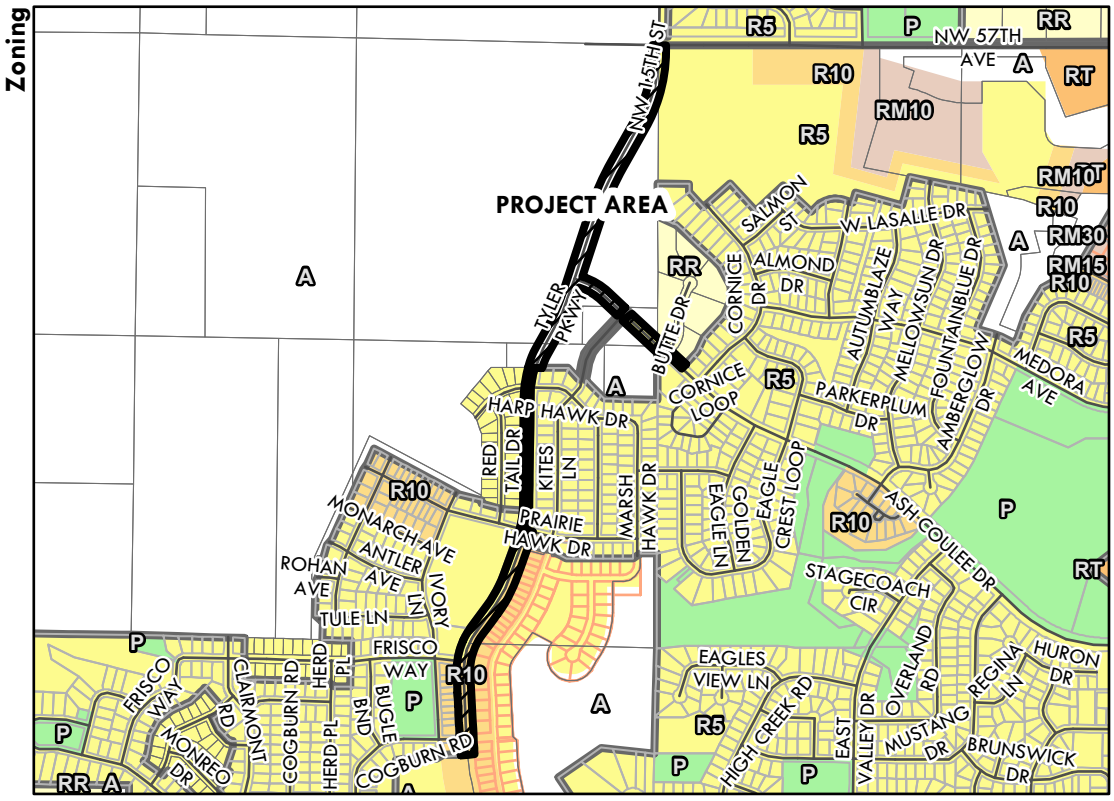
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
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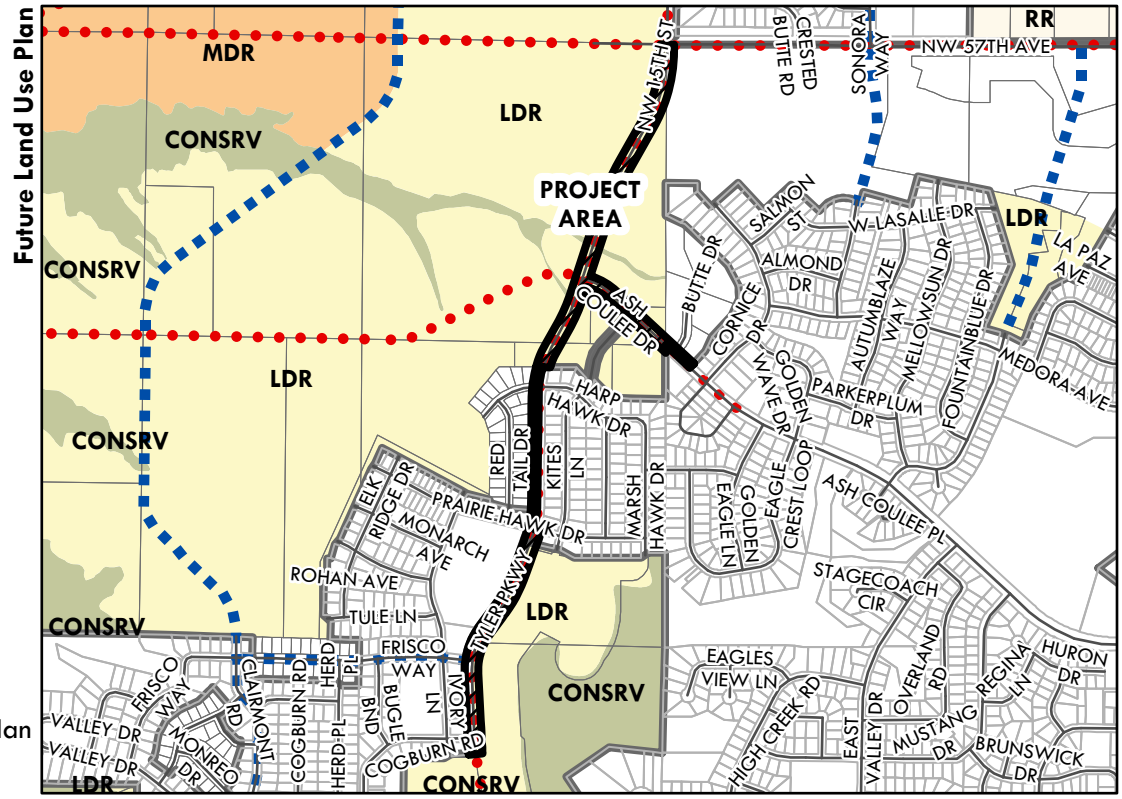
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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Miles
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City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

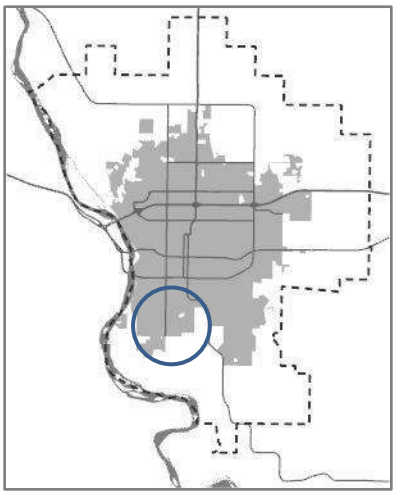
Agenda Item # 7
June 22, 2022

Application for: **Zoning Change**
Minor Plat

Project ID: **ZC2022-004**
MPLT2022-004

Project Summary

Title:	Meadow Village Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
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 and replat property for future mixed density residential 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 and minor subdivision final plat titled Meadow Village Addition First Replat.

Background Information

The Planning and Zoning Commission considered the zoning change request at their meeting of March 23, 2022 and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and 17th and 59 letters were mailed to the owners of nearby properties on June 10th.

The proposed development would allow a combination of single-family, two-family, 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.

Access and Transportation

The proposed plat includes private roadways. A private drive and utility agreement is required to be signed by the developer prior to the final plat being recorded.

The proposed plat also includes a gated emergency access along the south side of Dana Drive, adjacent to East Burleigh Avenue. City staff including Engineering, Fire and Police have indicated that this access is acceptable.

Utility Capital Charges

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement. Since this property is already annexed, the required capital utility charges would be due prior to recordation of the 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;
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.

(continued)

Minor Plat

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

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat and the zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district, as outlined in the attached draft ordinance, for Meadow Village Addition First Replat, with the following conditions:

1. A private drive and utility agreement is signed by developer prior to the final plat being recorded; and

Staff further recommends that if approved, these related items not be forwarded to the Board of City Commissioners for final action until a development agreement for any off-site improvements is prepared and agreed to by the developer(s)

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Minor Subdivision Final Plat
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 1st Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the site plan submitted in conjunction with the application for the Planned Unit Development. 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) on the site plan.* Lots 1-31, Block 1, Meadow Village 1st Replat

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

        i. *Principal Use*. Single-family dwelling

DRAFT

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the SFD 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 to 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) on the site plan.* Lots 1-39, Block 2, Meadow Village 1st Replat Addition.

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

i. *Principal Use*. Two-family dwelling (Lots 2-39, Block 2).

ii. Principal Use. Single-family dwelling (Lot 1, Block 2).

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

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 to 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 Condos.* Lot 32, Block 1, Meadow Village 1st Replat.

a. *Uses Permitted.* The uses within the Condos area 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 the Condos area:

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 to 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 ten (10) 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 Townhomes.* Lot 41, Block 2, Meadow Village 1St Replat

   a. *Uses Permitted.* The uses within the Townhomes area 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 the Townhomes area:

      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 to 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 1st Replat.

a. *Uses Permitted.* The uses within the Apartment area 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 the Apartment area:

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 to 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 principal building shall exceed sixty (60) feet in height. No accessory building shall exceed twenty-five (25) feet in height. For buildings in excess of two stories in height, the required side yard and rear yard setbacks shall be increased by ten (10) feet for each additional story over two (2).

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

8. *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).

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

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

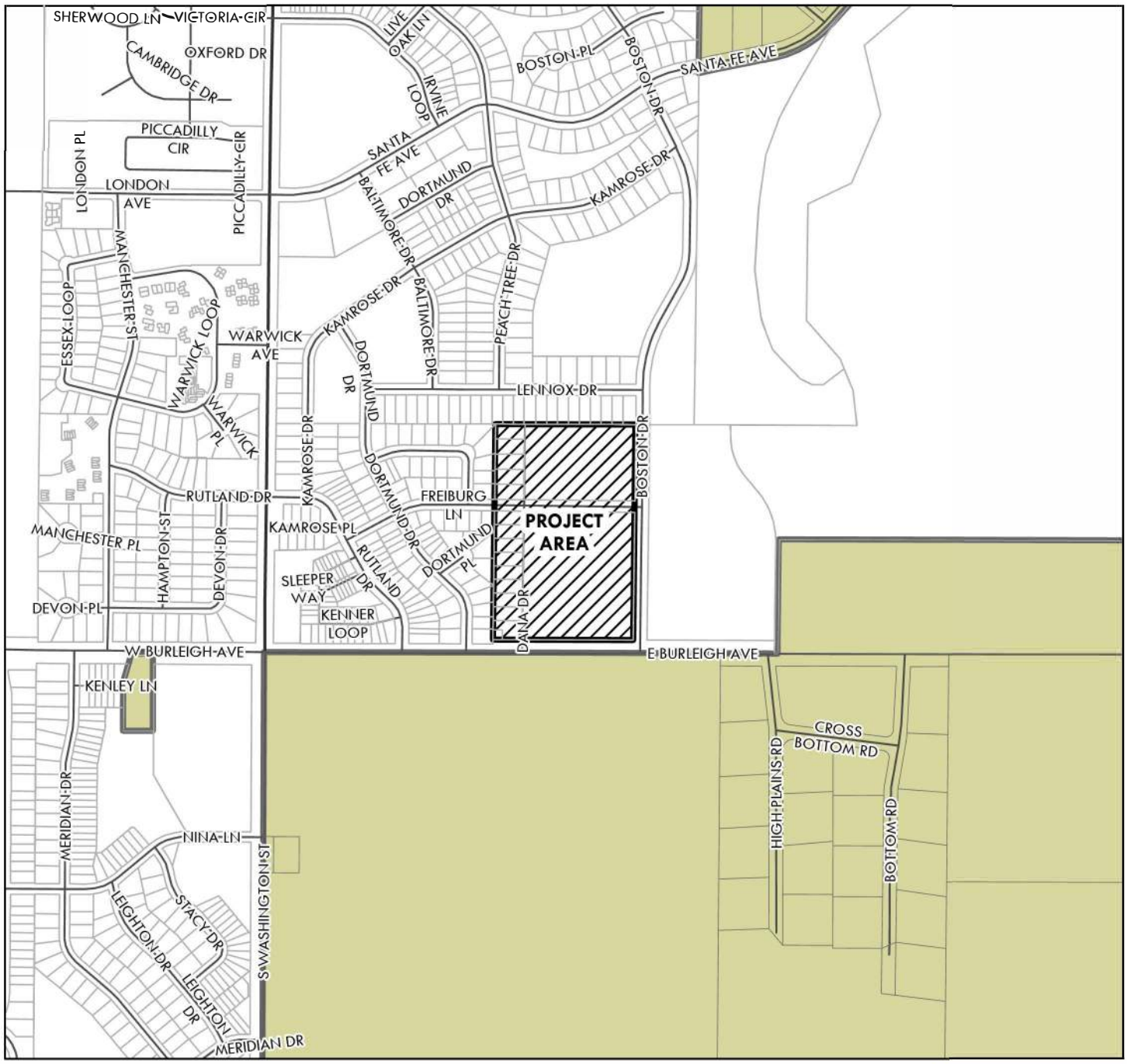
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption, and publication.

DRAFT

Location Map

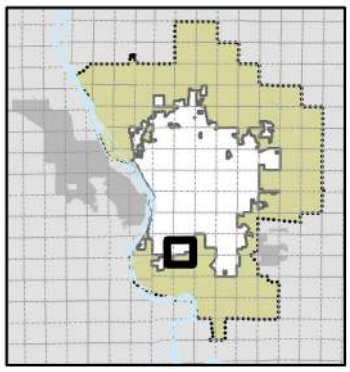
MEADOW VILLAGE ADDITION IST REPLAT

MPLT2022-004
ZC2022-004



0 0.17 0.35 0.7 Miles





City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

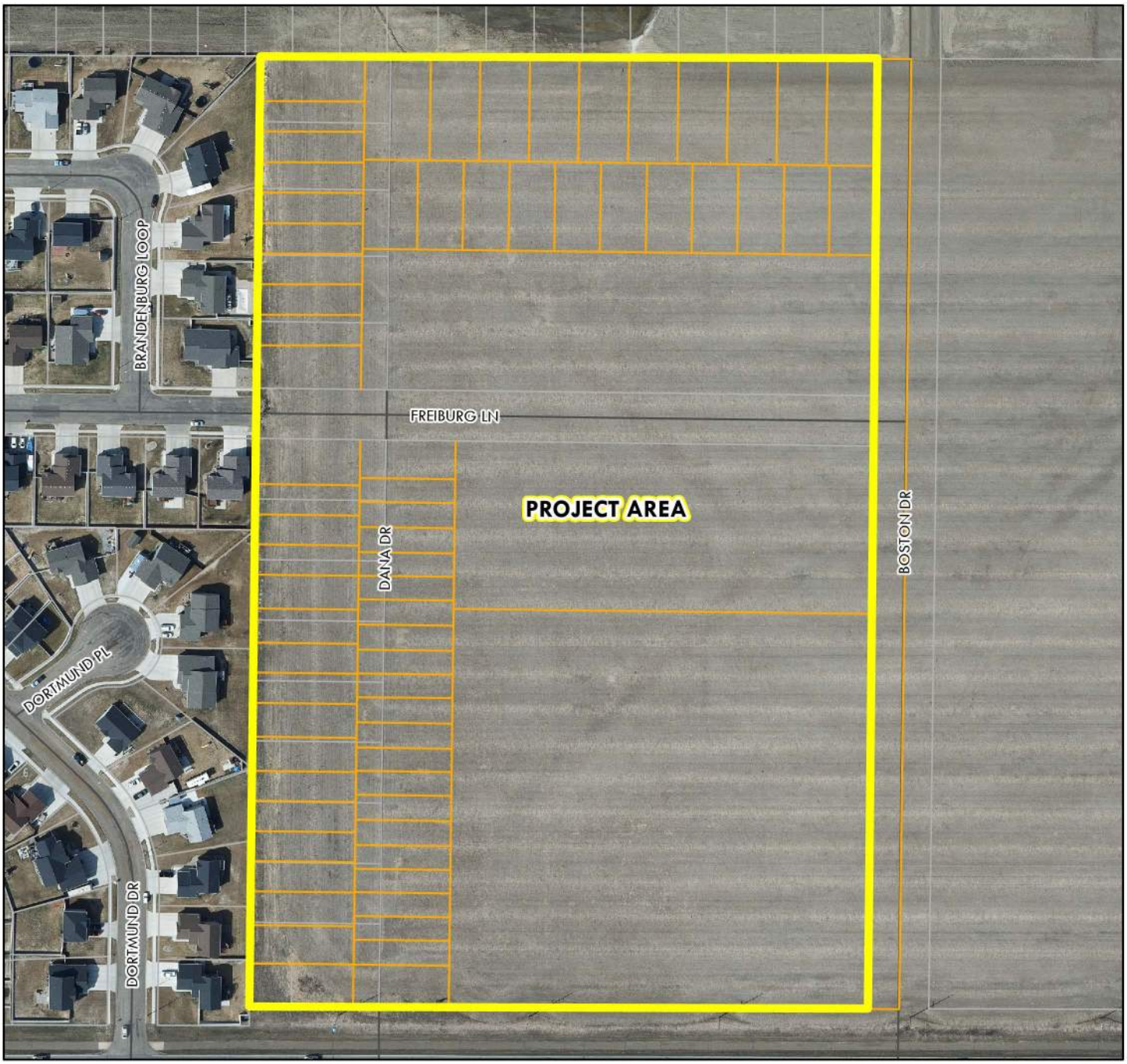
City of Bismarck
Community Development Department
Planning Division
February 23, 2022 (HLB)

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

MEADOW VILLAGE ADDITION IST REPLAT

MPLT2022-004



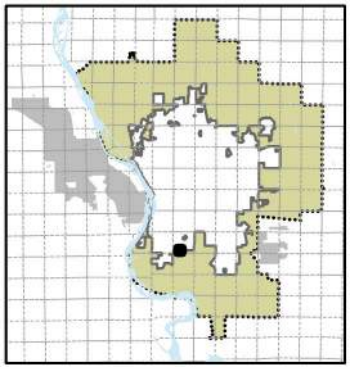
0 0.05 0.1 0.19 Miles

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

MEADOW VILLAGE ADDITION IST REPLAT

MPLT2022-004

Zoning Districts

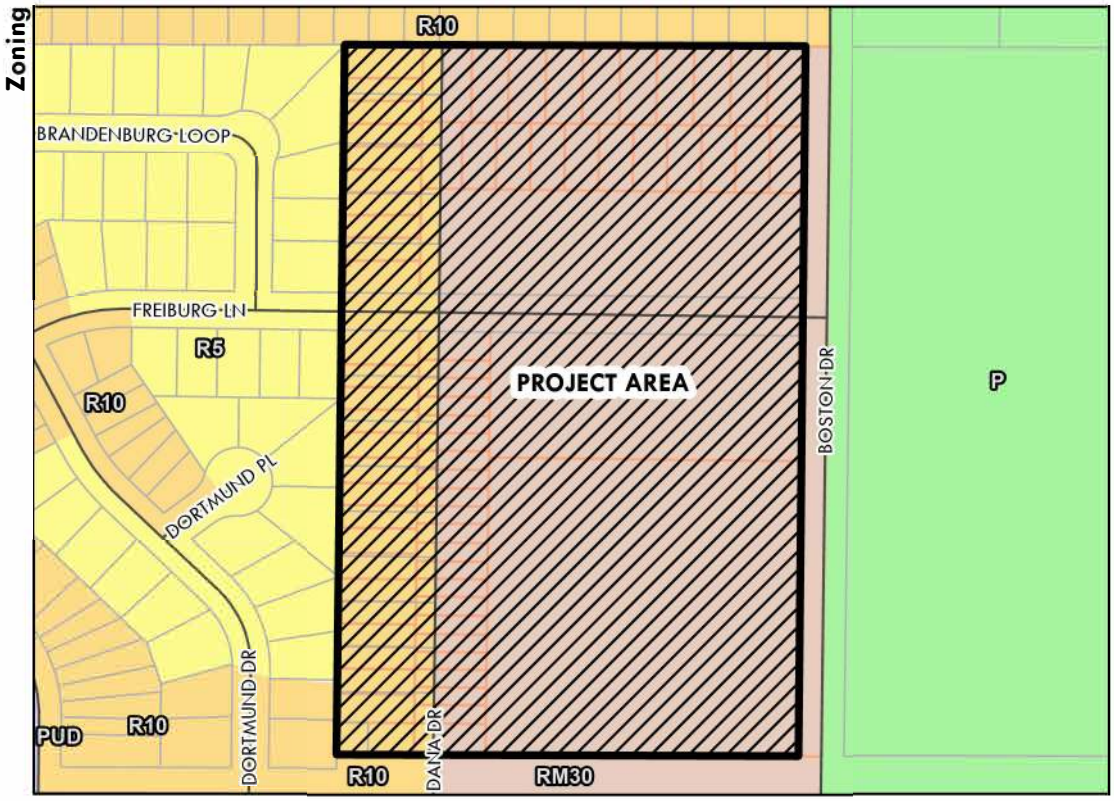
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

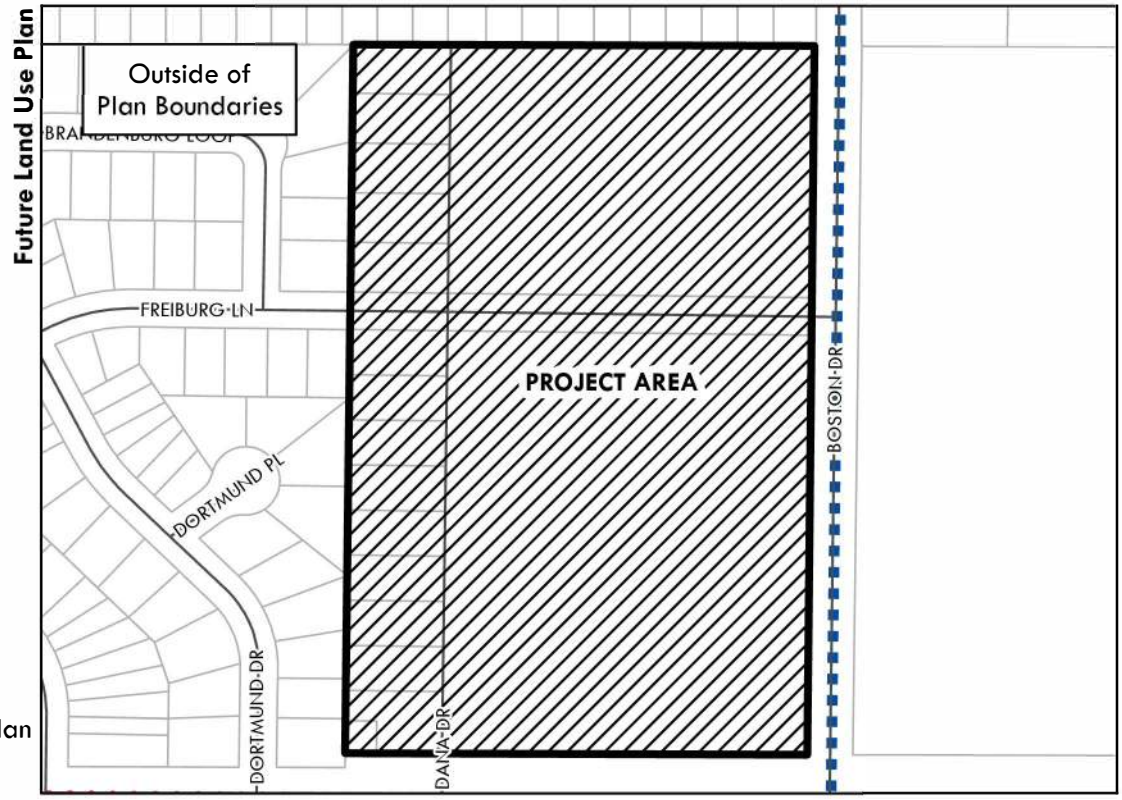
Future Land Use Plan

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





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

Miles

0 0.04 0.08 0.16

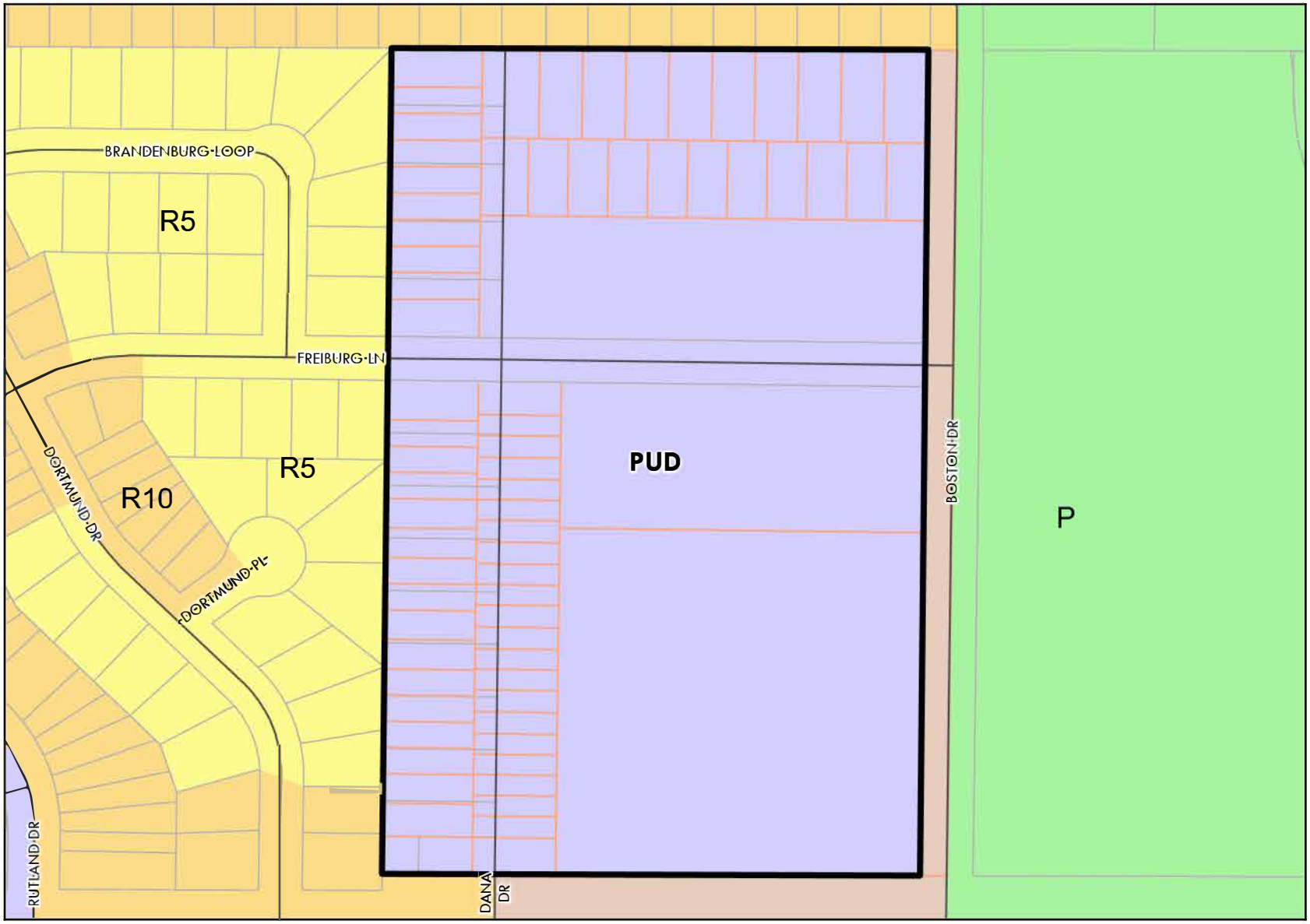
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

Proposed Zoning Change

MEADOW VILLAGE ADDITION 1ST REPLAT

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

0 0.07 0.15 0.3 Miles

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

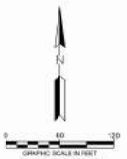
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

MEADOW VILLAGE ADDITION 1ST REPLAT

TO THE CITY OF BISMARCK

A REPLAT OF LOTS 1-6, BLOCK 1 AND LOTS 1-11, BLOCK 2 OF MEADOW VILLAGE ADDITION IN THE SW1/4 OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA





HORIZ DATUM: NAD83 (AD J98)
VERT. DATUM: NAVD88

BASIS OF BEARINGS: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (ADJ. 1998), INTERNATIONAL FEET, GRID DISTANCES

KEYNOTES

- (A) 30' WATER, SANITARY SEWER, STORM WATER & DRAINAGE, AND ACCESS EASEMENT
- (B) 15' BUFFER YARD
- (C) 10' UTILITY EASEMENT
- (D) 25' WATER AND SANITARY SEWER EASEMENT
- (E) 20' SANITARY SEWER EASEMENT
- (F) 5'X5' MAIL DELIVERY EASEMENT
- (G) 7' WATER EASEMENT
- (H) 7' STORM SEWER EASEMENT
- (I) 10' WATER EASEMENT

LEGEND

- FOUND MONUMENT
- SET #5 REBAR W/PC "TARNOW540 15-27506"
- PLAT BOUNDARY
- PROPOSED LOT LINE
- SECTION LINE
- PROPOSED EASEMENT
- EXISTING LOT LINE
- EXISTING EASEMENT
- "100-YEAR FLOODPLAIN EL. 1634.4 (NAVD88)

AREA DATA

LOTS	954,920 SF	21.99 AC
STREETS	344,925 SF	3.83 AC
TOTAL	1,323,428 SF	25.79 AC

OWNER:
MARK BUCHHOLZ PRESIDENT
BD HOLDINGS, LLC
4376 33RD AVE S #121
FARGO, ND 58104

SURVEYOR:
MICHAEL J. TARNOWSKI, PLS-27506
MOUNTAIN PLAINS, LLC
1300 "ACOMA AVE. SUITE A
BISMARCK, ND. 58504
(701) 857-3368

PLAT NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. FIELD SURVEY COMPLETED 2/9/2022.
3. NGS MONUMENT DESIGNATION - BAS 1RP/PID KC7958 (NAVD88).
4. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
5. PROPOSED ZONING: RESIDENTIAL
6. 100 YEAR FLOOD PLAIN: FEMA ZONE AE, DOCUMENT #38015C0715D, EFFECTIVE DATE: 6/4/2014

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF _____, 2022, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ, CHAIRMAN

BEN EHRETH, SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, WAS APPROVED ON THE ____ DAY OF _____, 2022.

MICHAEL J. SCHWARTZ, CHAIRMAN

BEN EHRETH, SECRETARY

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THE PLAT ON THIS ____ DAY OF _____, 2022.

GABRIEL J. SCHELL, CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

WE OF RE HOLDINGS, LLC BEING SOLE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT AND DO DEDICATE ALL RIGHTS OF WAY SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

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

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR SANITARY SEWER ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS SANITARY SEWER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENT" 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, UNDUNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

MARK BUCHHOLZ, PRESIDENT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2022.

_____ NOTARY PUBLIC
_____ COUNTY
MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

A REPLAT OF LOTS 1-6, BLOCK 1 AND LOTS 1-11, BLOCK 2 OF MEADOW VILLAGE ADDITION IN THE SW1/4 OF SECTION 16, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE S89°49'44"E ON AND ALONG THE SOUTH LINE OF SAID SECTION 16 A DISTANCE OF 1319.46 FEET TO THE POINT OF BEGINNING; THENCE N00°43'37"E ON AND ALONG THE EAST LINE OF HUBER REAL ESTATE TRUST FIRST ADDITION, RECORDED AT THE BURLEIGH COUNTY COURTHOUSE, A DISTANCE OF 1320.06 FEET TO THE NORTHEAST CORNER OF SAID HUBER REAL ESTATE TRUST FIRST ADDITION AND THE SOUTH LINE OF COTTONWOOD PARKVIEW ADDITION, RECORDED AT THE BURLEIGH COUNTY COURTHOUSE; THENCE S89°47'56"E ON AND ALONG THE SOUTH LINE OF SAID COTTONWOOD PARKVIEW ADDITION A DISTANCE OF 859.91 FEET TO A POINT ON THE CENTERLINE OF BOSTON DRIVE RIGHT-OF-WAY; THENCE S00°43'37"W ON AND ALONG THE CENTERLINE OF SAID BOSTON DRIVE RIGHT-OF-WAY A DISTANCE OF 1320.36 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 16; THENCE N89°49'44"W ON AND ALONG THE SOUTH LINE OF SAID SECTION 16 A DISTANCE OF 850.82 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 25.79 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. TARNOWSKI, A REGISTERED LAND SURVEYOR, NORTH DAKOTA PLS NO. LS-27506, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECTION, AND THE INFORMATION SHOWN ON THIS MAP IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

MICHAEL J. TARNOWSKI, PLS-27506

MOUNTAIN PLAINS LLC

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

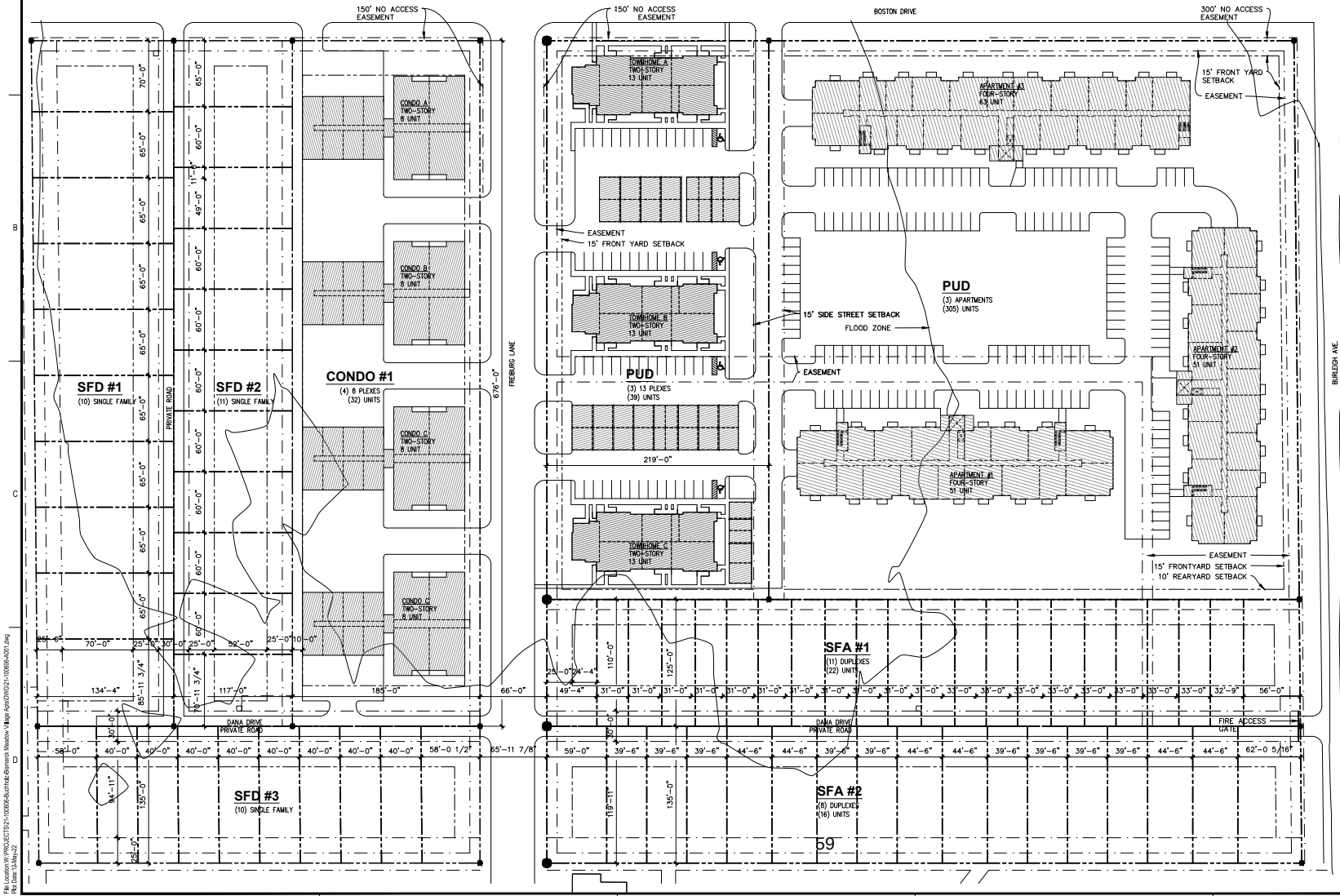
VERITY UNITS PROVIDED

	DUPLEX (B)	DUPLEX (U)	SINGLE FAMILY (A)	SINGLE FAMILY (B)	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

CITY CODE 14-03-10
1 SPACE / 1 BEDROOM
2 SPACES / 2&3 BEDROOM

	SINGLE CAR GARAGE	DOUBLE CAR GARAGE	DURAVE OFF STREET STALL	INDOOR PARKING	TOTAL	REQ'D
BUILDING #1			40	55	95	84
BUILDING #2			40	55	95	84
BUILDING #3			50	65	115	102
TOTAL			130	175	300	270
TOWNHOME A	5	8x2	16		37	21
TOWNHOME B	5	8x2	32		53	21
TOWNHOME C	5	8x2	16		37	21
TOTAL	15	24x2	64		127	63
GRAND TOTAL	15	24x2	194	175	432	333



1 SITE PLAN
A001 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
BURLEIGH AVENUE & BOSTON DRIVE
BISMARCK, ND

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

MARK	DESCRIPTION	DATE
CD	CONSTRUCTION DOCUMENTS	5/12/2022

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:	21-100606
DRAWN BY:	RF
CHECKED BY:	RF

DRAWING TITLE:
DEVELOPMENT PLAN

A001

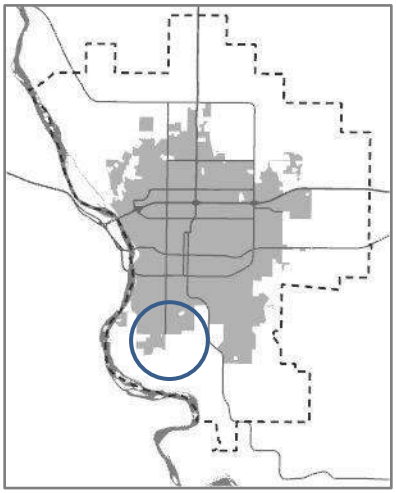
File Location:W:\PROJECTS\21-100606-Buchholz-Bismarck Meadow Village Apts\DWG\21-100606-A001.dwg
Plot Date: 13-May-22

STAFF REPORT

Agenda Item # 8
June 22, 2022

Application for: **Annexation** Project ID: **ANNX2022-001**
Future Land Use Plan Amendment **FLUP2022-001**
Zoning Change **ZC2022-001**
Fringe Area Road Master Plan Amendment **FRMP2022-001**
Final Plat **FPLT2022-003**

Project Summary



Title:	Paradise Valley Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	MBR Properties, LLC
Project Contact:	Jon Lowry, PE, Lowry Engineering 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:	164.92 acres, more or less
Request:	Annex, plat and zone property with associated plan amendments for future mixed density and commercial development

Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	*Number of Lots:*	277 lots in 13 blocks
Land Use:	Undeveloped	*Land Use:*	Single-, two- and multi-family residential, commercial uses, a public park and stormwater facilities
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

MBR Properties, LLC is requesting approval of a Future Land Use Plan amendment to increase the size of the area designated as Commercial Mixed Use (C/MU); a zoning change from the RR – Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts; a Fringe Area Road Master Plan amendment for the realignment of the north-south collector for the section (Boston Drive) and a major subdivision final plat for Paradise Valley Addition.

Background Information

The Planning and Zoning Commission considered the Future Land Use Plan amendment at their meeting of January 26, 2022 and called for a public hearing. The Planning and Zoning Commission then considered the zoning change, Fringe Area Road Master Plan amendment and the preliminary plat at their meeting of March 23, 2022, where they called for a public hearing on the zoning change and the Fringe Area Road Master Plan amendment, and tentatively approved the major subdivision preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 18th, and 91 letters were mailed to the owners of nearby properties on June 10th.

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 to the west.

The current site is undeveloped land, that is zoned rural residential and used for agricultural

(continued)

purposes. In the past, staff has indicated that development within this area may be difficult due to the low-lying elevations, utility servicing and other development constraints.

Overview

The proposed plat contains 277 lots in 13 blocks intended for single, two- and multi-family residential, commercial and public uses.

The applicant has provided a master plan for the proposed plat and adjacent areas under common ownership. Master plans are requested for adjacent areas under common ownership to help staff understand future roadway alignments and utility servicing needs, but 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 applicant has requested an amendment to the Future Land Use Plan to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres. Staff is supportive of the proposed amendment. Staff has also verified that that residential density in the proposed plat meets the density target for the Medium Density Residential (MDR) of 4-10 units per acre.

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 existing alignment on High Plains Road previously corresponded with an alignment for Boston Drive to the north across East Burleigh Avenue. The alignment of Boston Drive on the north side of East Burleigh Avenue was relocated further to the west in conjunction with the approval of Meadow Village Addition in 2019. The Fringe Area Road Master Plan amendment proposed for this development would realign the north-south collector roadway within this section to a location that would provide a direct alignment with Boston Drive to the north across East Burleigh Avenue.

Annexation

The applicant has applied for the annexation of the entire area within the proposed subdivision.

Zoning

The applicant has requested CG – Commercial zoning for two blocks within the northwest area of the plat (Lot 1, Block 1 and Lot 1, Block 4), RM15 – Residential for two blocks east of the proposed commercial zoning (Lot 1, Block 2 and Lot 1, Block 5), R5 – Residential and R10 – Residential for single and two family residential uses in Blocks 3 – 13) plus a private stormwater pond facility in Block 6 and P – Public for dedicated park space (Lot 10, Block 8).

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 additional requirements for design and development standards are in place to

(continued)

ensure compatibility with adjacent residential zoning districts.

The applicant has indicated a desire to develop business condos/suites as part of the commercial development. Initial design concepts provided to staff labeled these buildings as 'shop-condos,' which are not an allowable use in the CG – Commercial zoning district. The applicant is aware that industrial, manufacturing, storage and certain service uses are not permitted in this zoning district. In addition, the proposed Conditional CG – Commercial zoning district would limit both permitted and special uses to ensure compatibility with nearby residential uses.

Traffic Considerations

Staff does have concerns about potential traffic impacts with the proposed development, considering South Washington Street and West Burleigh Avenue are rural roadway sections that function as arterial roadways in this area. A traffic impact study for the proposed development was provided to the Engineering Department and the City Engineer has conditionally approved the report pending a few modifications. It is anticipated that the report will be approved prior to the meeting of the Planning & Zoning Commission. It is anticipated that a development agreement for off-site improvements identified in the traffic impact study will be necessary.

Future roadway connection to the south and east will provide connectivity as these adjacent areas are annexed and developed.

There are adequate right-of-way widths to allow for the installation of multi-use paths and widened sidewalks to, near and around the proposed park. The multi-use paths would be owned and maintained by Bismarck Parks and Recreation District as part of the official trail network. Maintenance of the widened sidewalks will be the 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. Staff is supportive of both requested waivers.

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), which is an overlay district. A floodplain development application and supporting documentation has been submitted to the City's Floodplain Administrator and is currently under review. The applicant has indicated that they intend to place fill to raise elevations for those lots and roadways within the SFHA and submit a Letter of Map Revision Based on Fill (LOMR-F) to remove those areas from the SFHA.

Stormwater Facilities

The proposed plat includes a private stormwater pond in Block 6. This pond has been located in an area of the plat that is beyond 10,000 feet of the operations area of the Bismarck Airport, so it is not subject to the provisions of the FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants On or Near Airports 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 submitted master 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

(continued)

waived by the Bismarck Parks and Recreation District. The applicant has entered into a park development agreement with the Bismarck Parks and Recreation District for the creation of a park on Lot 10, Block 8. The proposed public park would be zoned 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 1 would be a private roadway within this block and Lot 42 would be a common greenspace that would be owned and maintained by a homeowners' association for the benefit of all the owners within Block 3.

Required Findings of Fact (relating to land use)

Annexation

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

Future Land Use 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 future land use 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.

Zoning Change

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

(continued)

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.

Major Subdivision Final Plat

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation; the Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres; the zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts as outlined in the attached draft zoning ordinance; the Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue; and the major subdivision final plat for Paradise Valley Addition, including granting waivers to allow the use of a private roadway in Block 3 and a cul-de-sac in Block 6, and with the condition that a private drive and private utility agreement be signed prior to the plat being recorded.

Staff further recommends that if approved, these related items not be forwarded to the Board of City Commissioners for final action until the traffic impact study is approved by the City Engineer and a development agreement for any off-site improvements is prepared and agreed to by the developers.

Attachments

1. Draft annexation ordinance
2. Draft zoning ordinance
3. Location Map
4. Aerial Map
5. Zoning and Plan Reference Map
6. Proposed Zoning
7. Proposed Changes to FARMP
8. Preliminary Plat
9. Final Plat

(continued)

10. Justification for Cul-de-sac
11. Justification for Private Roads

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

All of Paradise Valley Addition, including Lot 1, Block 1; Lot 1, Block 2; Lots 1-52, Block 3; Lots 1-20, Block 4; Lots 1-15, Block 5; Lots 1-53, Block 6; Lots 1-27, Block 7; Lots 1-33, Block 8; Lots 1-14, Block 9; Lots 1-14, Block 10; Lot 1, Block 11; Lots 1-2, Block 12; and Lot 1, Block 13.

The above described tract of land contains 164.92 acres, more or less.

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

DRAFT

ORDINANCE NO. XXXX

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

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

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

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

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

Lots 2-20, Block 4; Lots1-53, Block 6; Lots 1-27, Block 7; Lots 1-9 and 11-33, Block 8; Lots 2-14, Block 9; Lot 1-14, Block 10; Lot 1, Block 11; Lots 1-2, Block 12: and Lot 1, Block 13; Paradise Valley 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 RR – Residential zoning district and included in the R10 – Residential zoning district:

Lots 1-52, Block 3 and Lot 1, Block 9, Paradise Valley 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 RR – Residential zoning district and included in the RM15 – Residential zoning district:

Lots 1, Block 2 and Lot 1, Block 5, Paradise Valley Addition.

DRAFT

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 RR – Residential zoning district and included in the P – Public zoning district:

Lot 10, Block 8, Paradise Valley Addition.

Section 5. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RR – Residential zoning district and included in the Conditional CG – Commercial zoning district:

Lot 1, Block 1 and Lot 1, Block 4, Paradise Valley Addition.

This Conditional CG – Commercial zoning district shall be subject to the following additional standards:

1. *Permitted Uses.* The following uses are permitted:

   ~~a. A single or two family dwelling when used in conjunction with a commercial use.~~

   b. Multifamily dwelling.

   c. Group dwelling.

   d. Multifamily high rise.

   e. Hotel-motel.

   f. Retail group A.

   g. Service group A.

   h. Office-bank group.

   i. Retail group B.

   j. Service group B.

   k. Commercial recreation group.

   l. Wholesale group.

   m. Health-medical group.

   n. Education group.

o. Public recreation group.

~~p. Railroad or bus passenger station.~~

q. Commercial greenhouse.

~~r. Commercial parking lot.~~

s. Religious institution.

t. Microbrew pub.

u. Domestic distillery.

2. *Special Uses*. The following uses are allowed as a special use pursuant to Section 14-03-08 of the City Code of Ordinances:

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary farm and garden produce sales.

d. Seasonal nursery and bedding stock sales.

e. Filling station.

f. Drive-in retail or service establishment <u>on Lot 1, Block 1 only</u>.

g. Child care center.

h. Small animal veterinary clinic.

~~i. Golf driving range.~~

j. Auto laundry - car wash <u>on Lot 1, Block 1 only</u>.

k. Retail liquor sales.

l. Microbrewery.

3. *Design Standards*. The following design standards shall apply to all development.

a. <u>Intent</u>. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

b. Building Materials. All building facades must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or non-corrugated prefinished metal architectural panels (including standing seam metal products). If prefinished metal architectural panels are used, no more than 70% of any elevation facing a public right-of-way may consist of the same material, although two different panel types of complementary colors could be used.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete (including poured in place, pre-cast concrete panels and concrete block).

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance

c. Design Elements. Overhead garage doors, such as those proposed for the business condos, must be oriented inward with entrances to all units from a common entrance point. Said entrance point shall be landscaped as needed to minimize the impact of the loading/unloading areas of these units on the adjacent residential uses. Garage doors may be no greater than nine (9) feet in height. Main entrances to each unit within the business condos shall face and be clearly visible from the adjacent street frontage and articulated to define the entry point for that unit.

4. *Development Standards.*

a. Building Height. No principal building shall exceed three (3) stories or 50 feet in height.

b. Lighting. All exterior/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.

c. Signage. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.

d. Lot Area, Lot Width, Lot Coverage, Setbacks and Other Requirements. All other development standards shall be as outlined in Section 14-04-12 of the City Code of Ordinances (CG Commercial District) and other applicable sections of the City Code of Ordinances.

Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

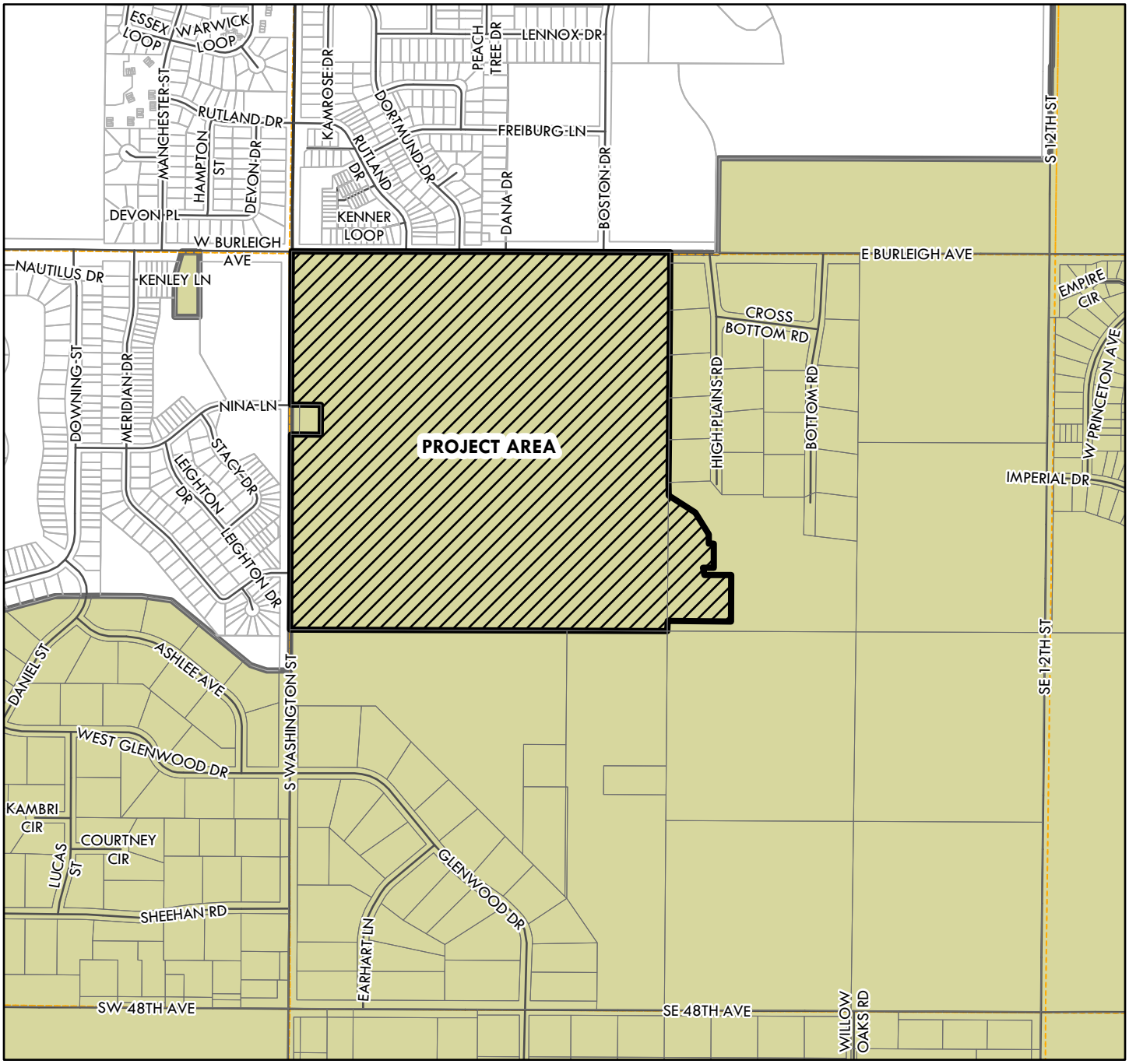
Section 7. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

PARADISE VALLEY

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



Miles
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City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

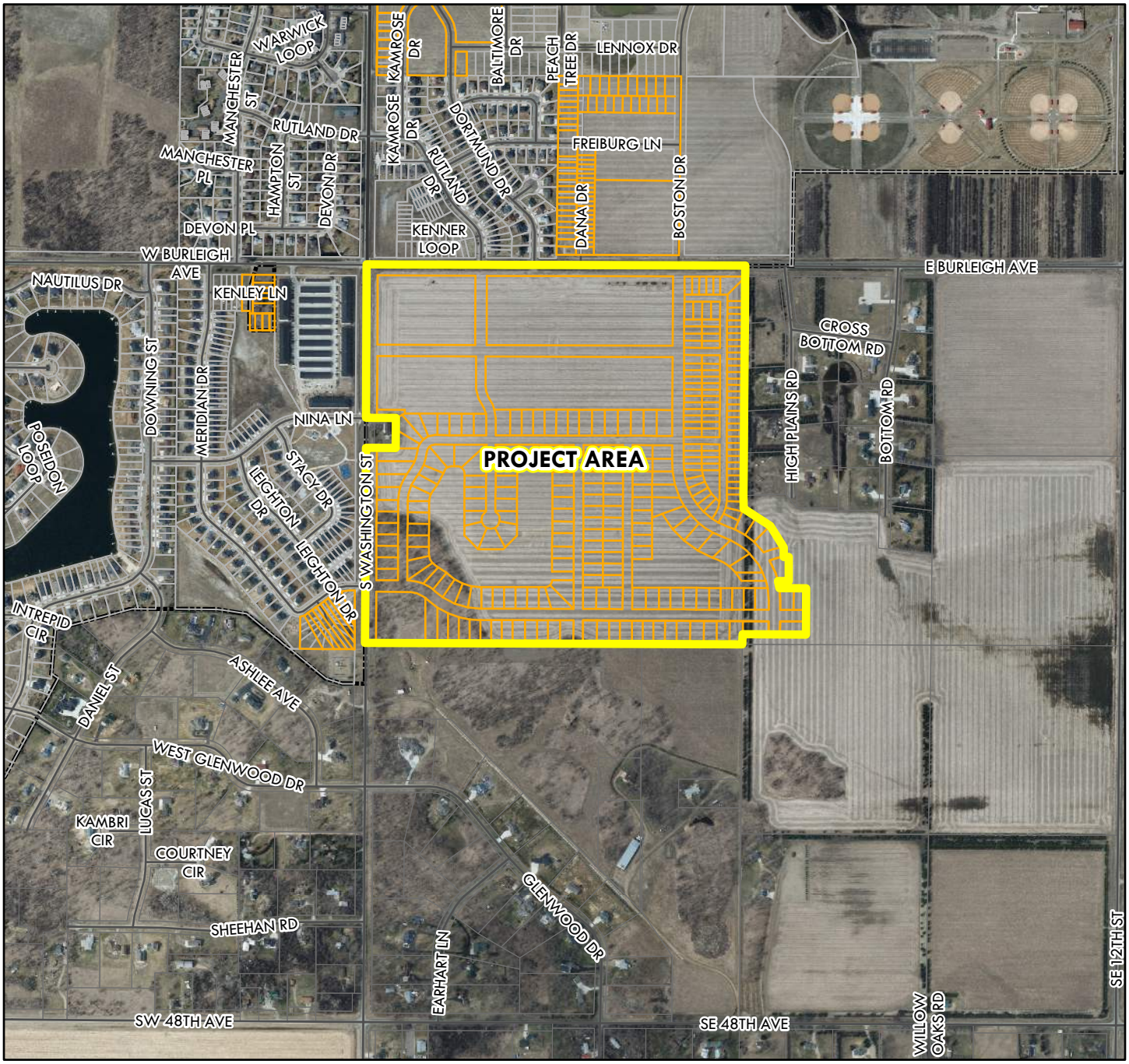
City of Bismarck
Community Development Department
Planning Division
March 16, 2022 (HLB)

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Aerial Map

PARADISE VALLEY

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



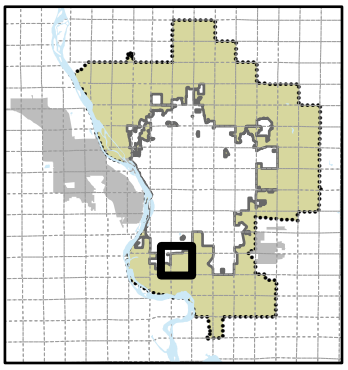
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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

Zoning and Plan Reference Map

PARADISE VALLEY

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

Zoning Districts

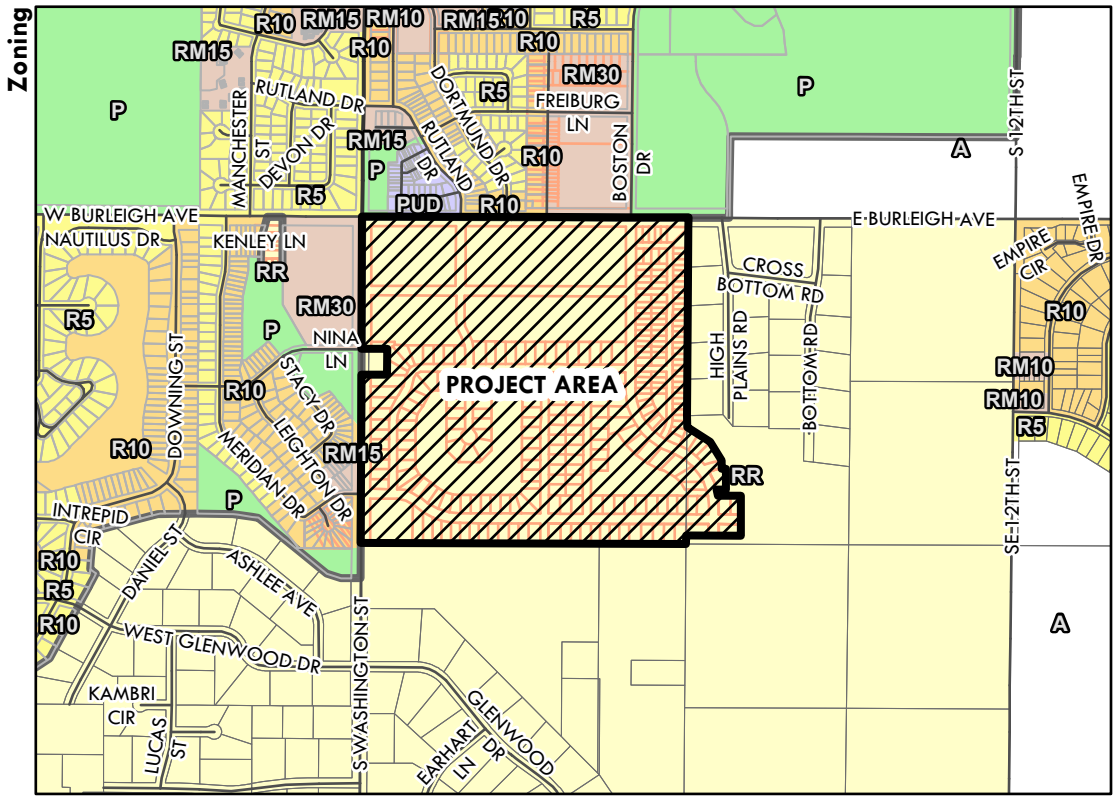
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

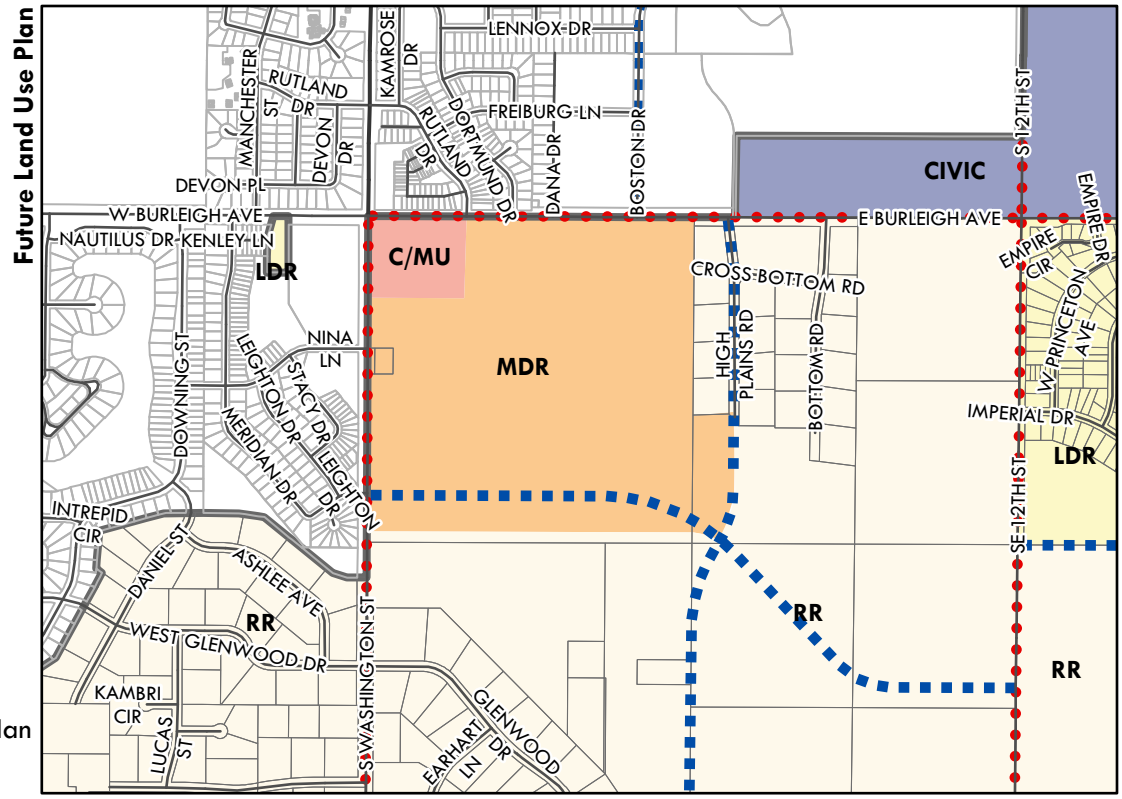
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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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

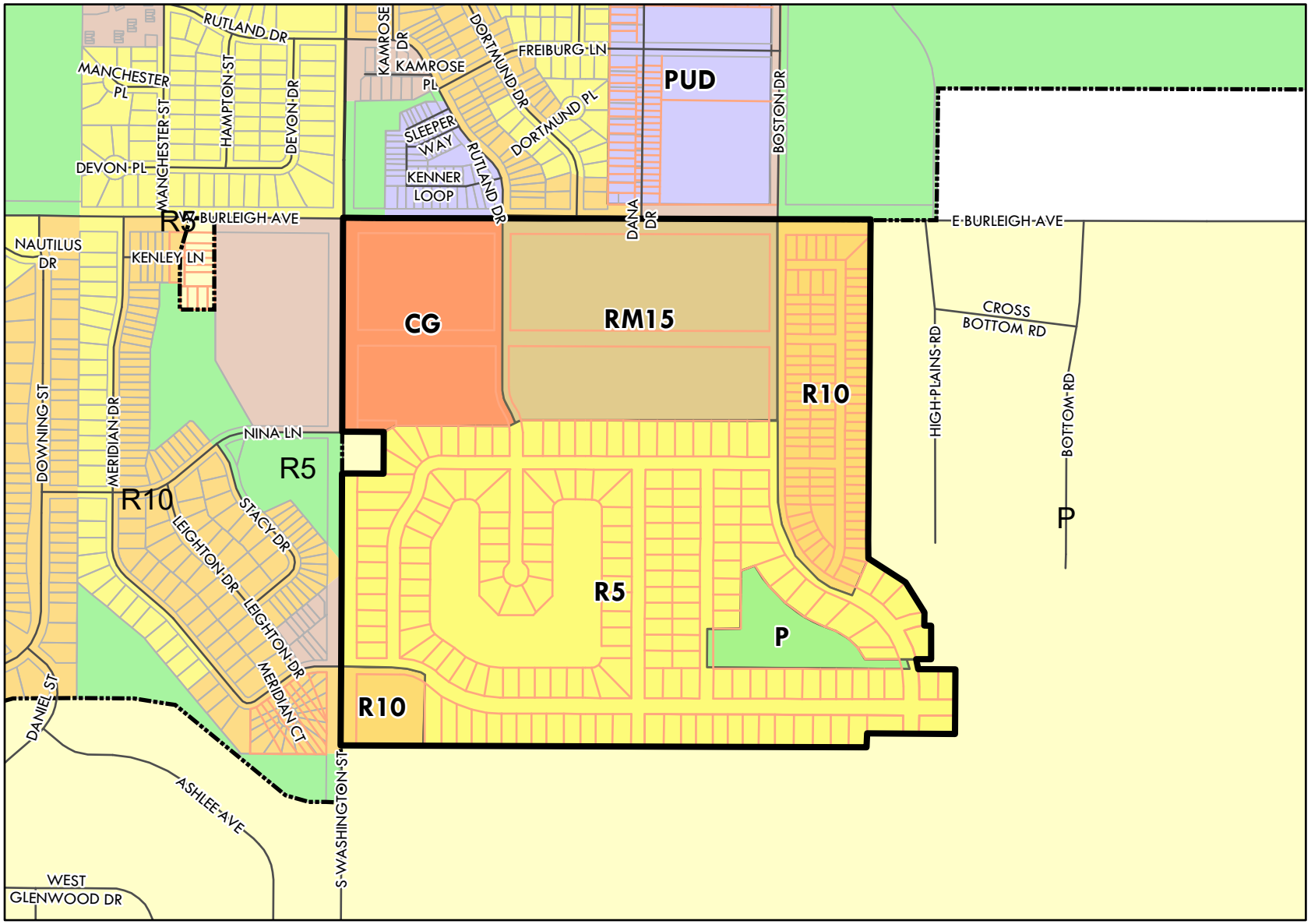
Project Area (zoning within is proposed)

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.

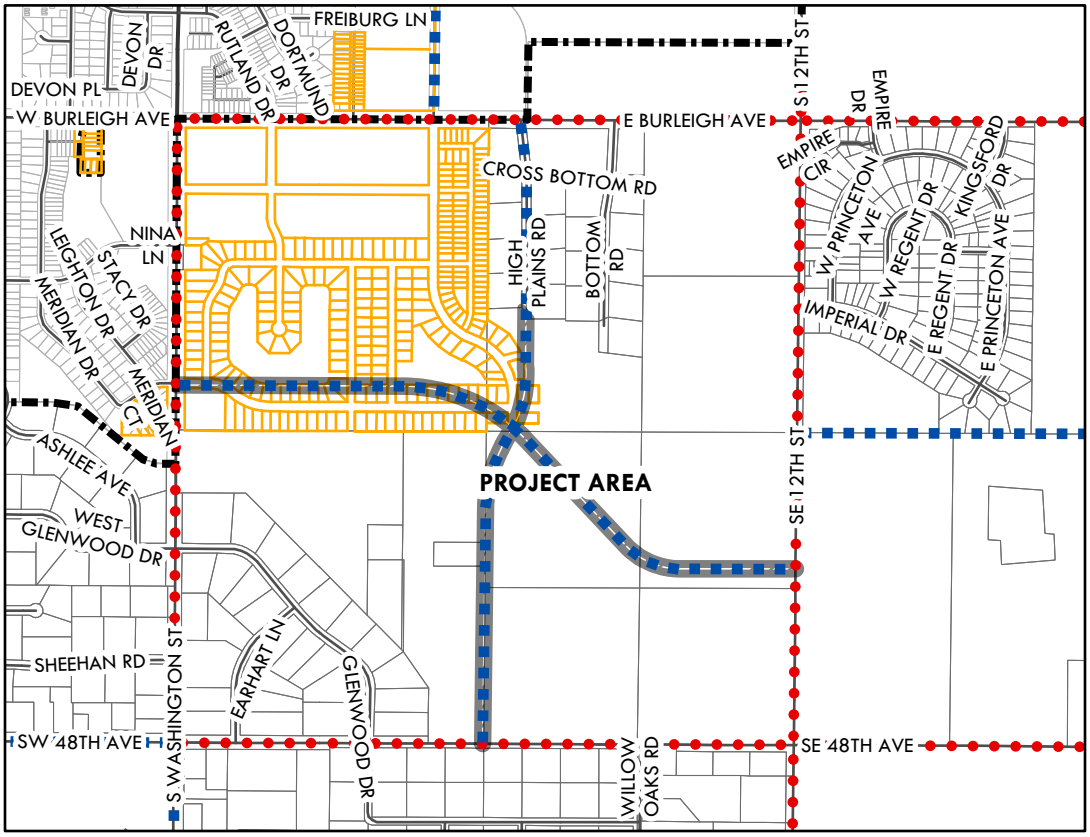
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2022

Fringe Area Road Master Plan Reference Map

PARADISE VALLEY

FRMP2022-001

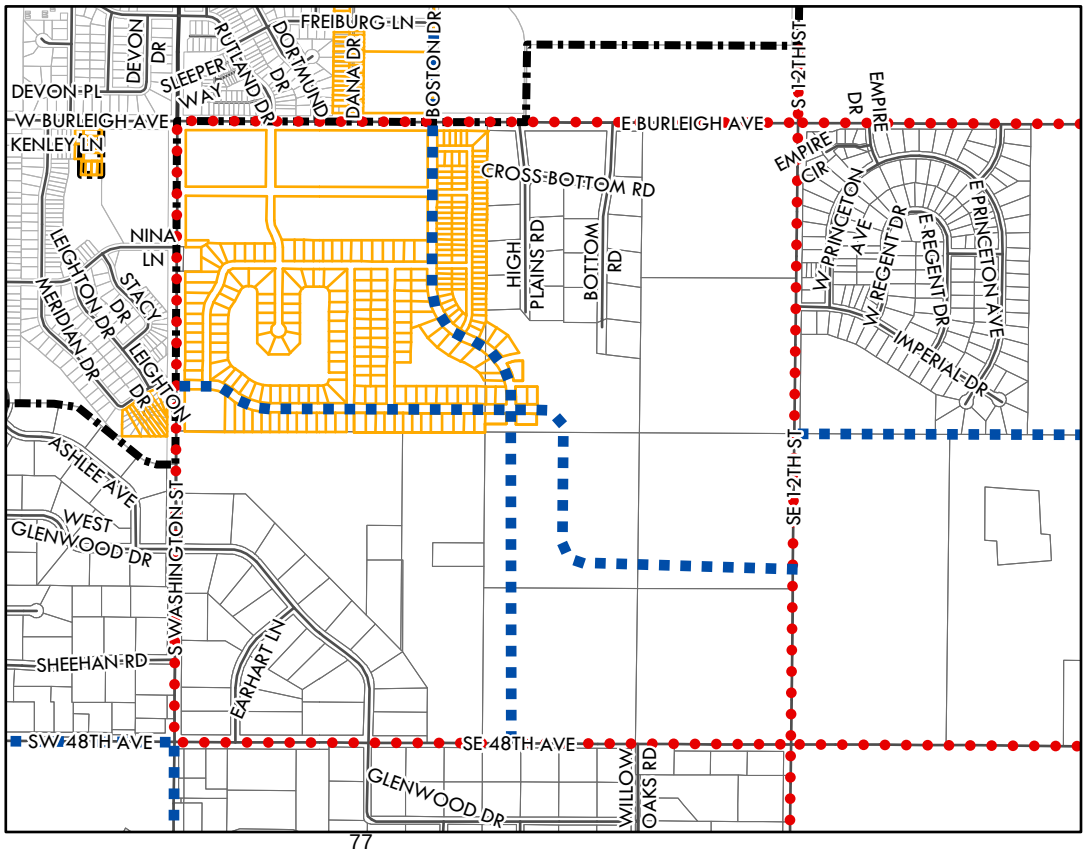
Existing Plan



Fringe Area Road Master Plan

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

Proposed Plan



Miles

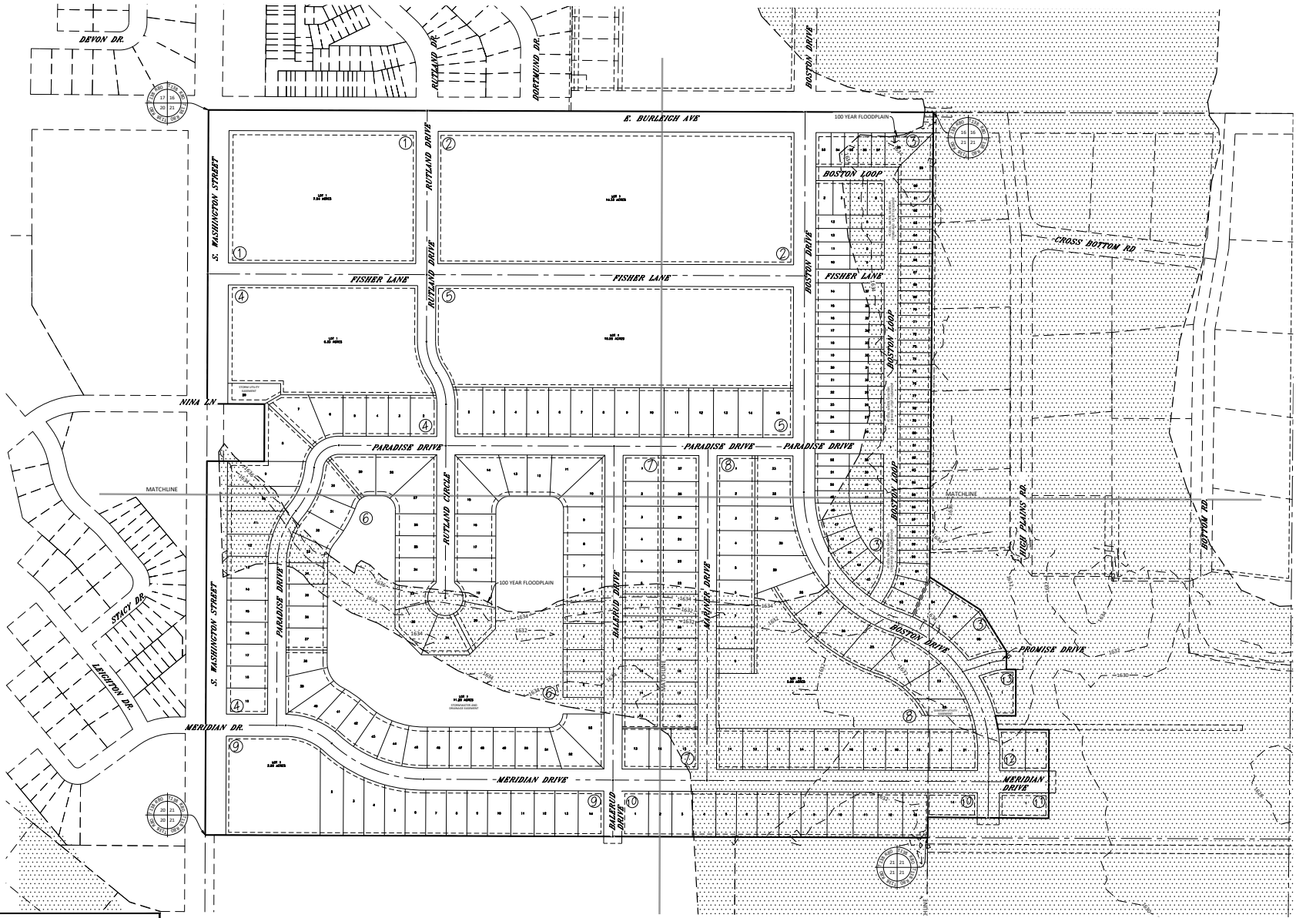
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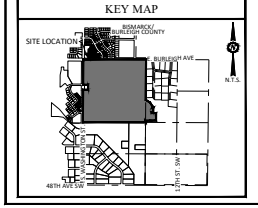
City of Bismarck
Community Development Department
Planning Division
March 17, 2022

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



CURRENT OWNER'S INFORMATION
MBR PROPERTIES LLC
2211 E MAIN AVE
BISMARCK, ND 58501

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

SHEET 1 OF 6

SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: 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 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' (NAVD 88)

NOTES

1. FEMA MAP #38015C0795D BASE FLOOD ELEVATION IS 1634.00'.
2. ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.
3. LOTS 2 -93 IN BLOCK 3 ARE SIZED FOR ONE HALF OF A TWO UNIT ROW HOUSE. THESE LOTS ARE NOT DEVELOPABLE AS SINGLE LOTS.

AREA		
LOTS	5,729,228 SF	131.53 ACRES
RIGHT-OF-WAY	1,452,790 SF	33.35 ACRES
TOTAL	7,182,018 SF	164.92 ACRES

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

LEGEND

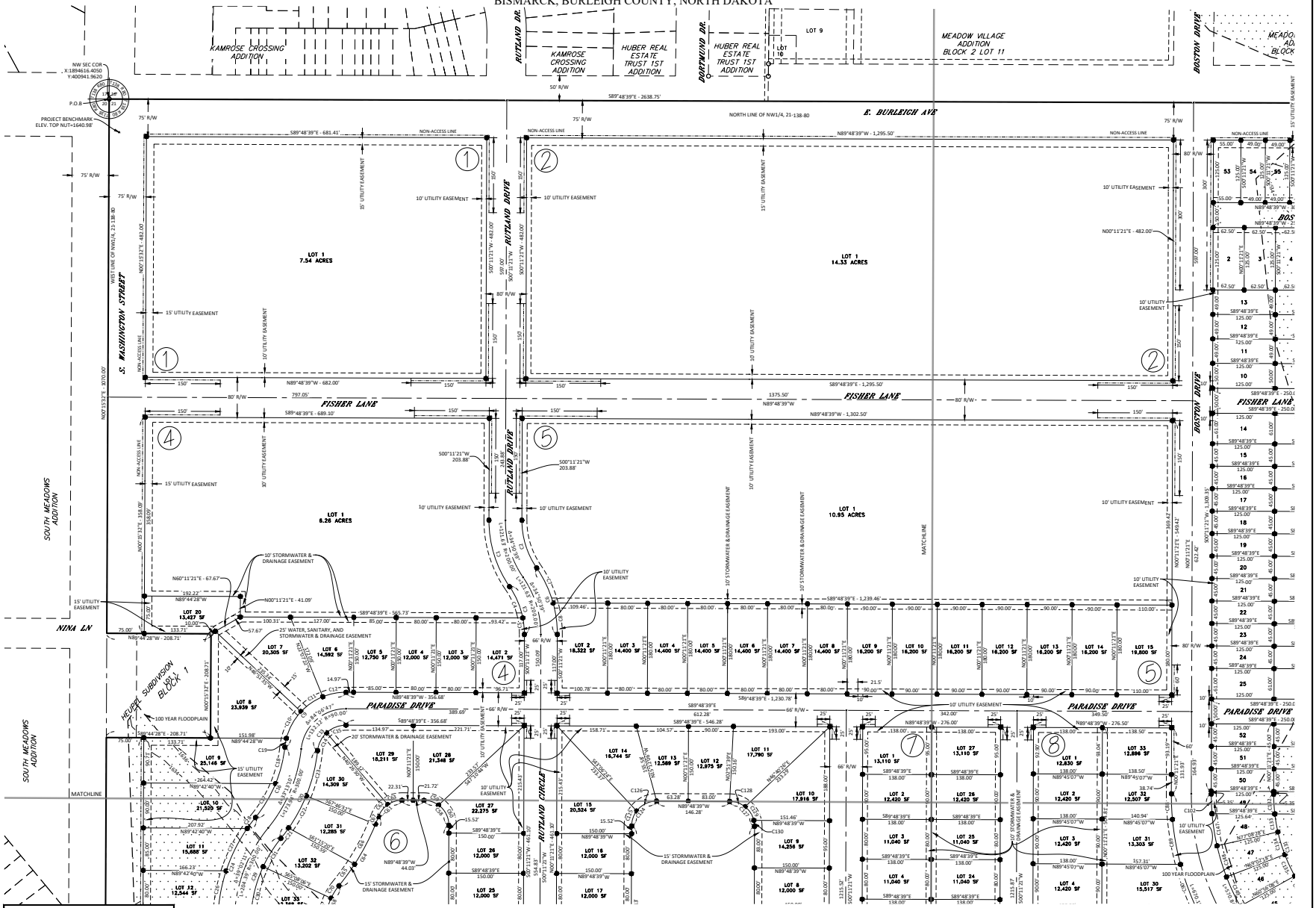
- 6 — BLOCK #
- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- CITY LIMITS
- TRACT/PARCEL AREA
- 100 YEAR FLOODPLAIN AREA

N

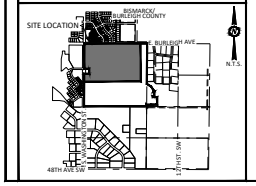
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PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

SHEET 2 OF 6

SURVEY INFORMATION

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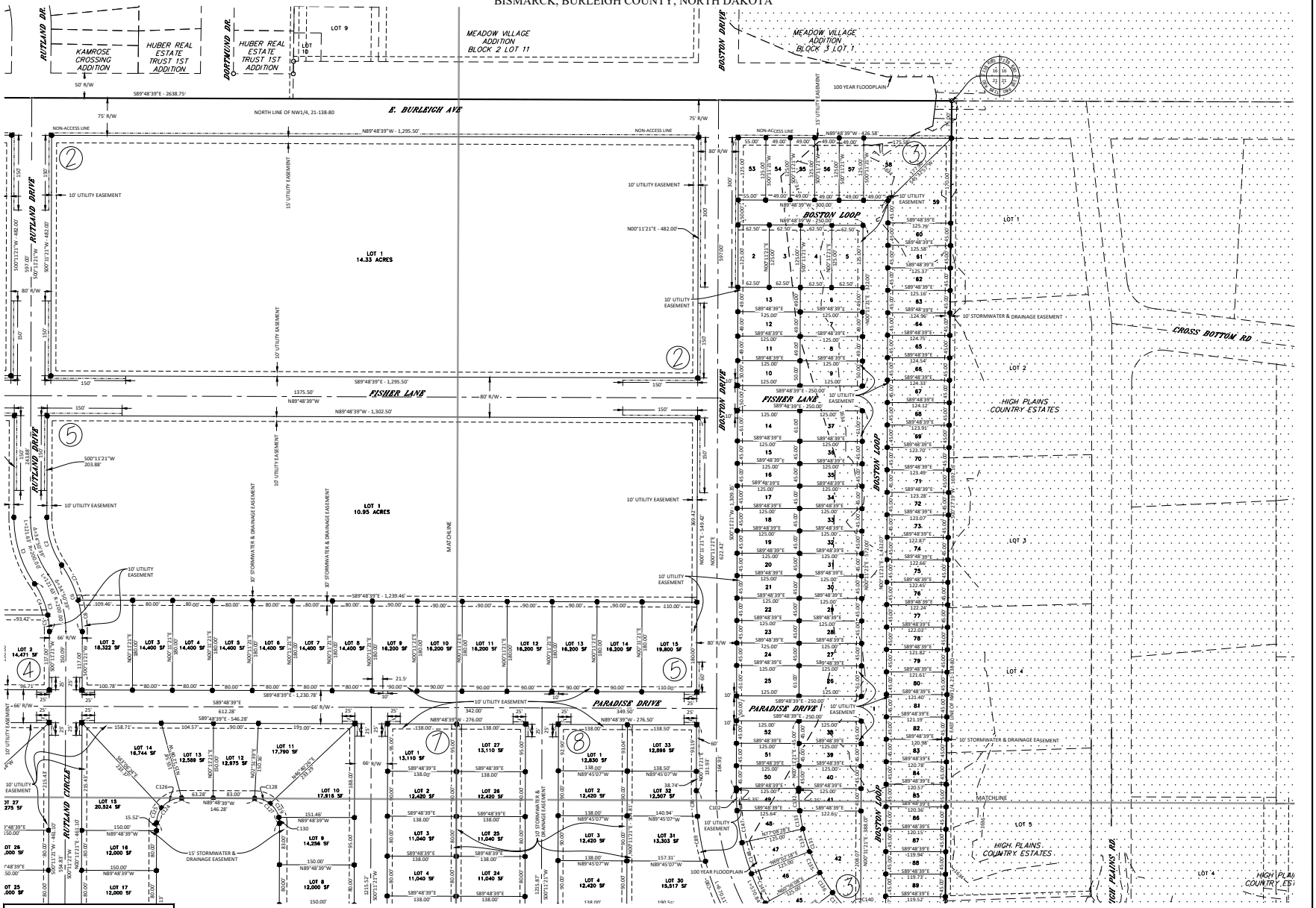
LEGEND

- (6) BLOCK #
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- EX. PROPERTY LINE
- EX. SECTION LINE
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- NON ACCESS LINE
- 100 YEAR FLOODPLAIN AREA

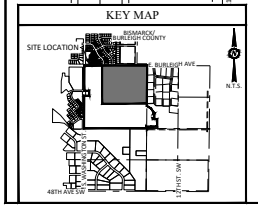
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PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

SHEET 3 OF 6

SURVEY INFORMATION

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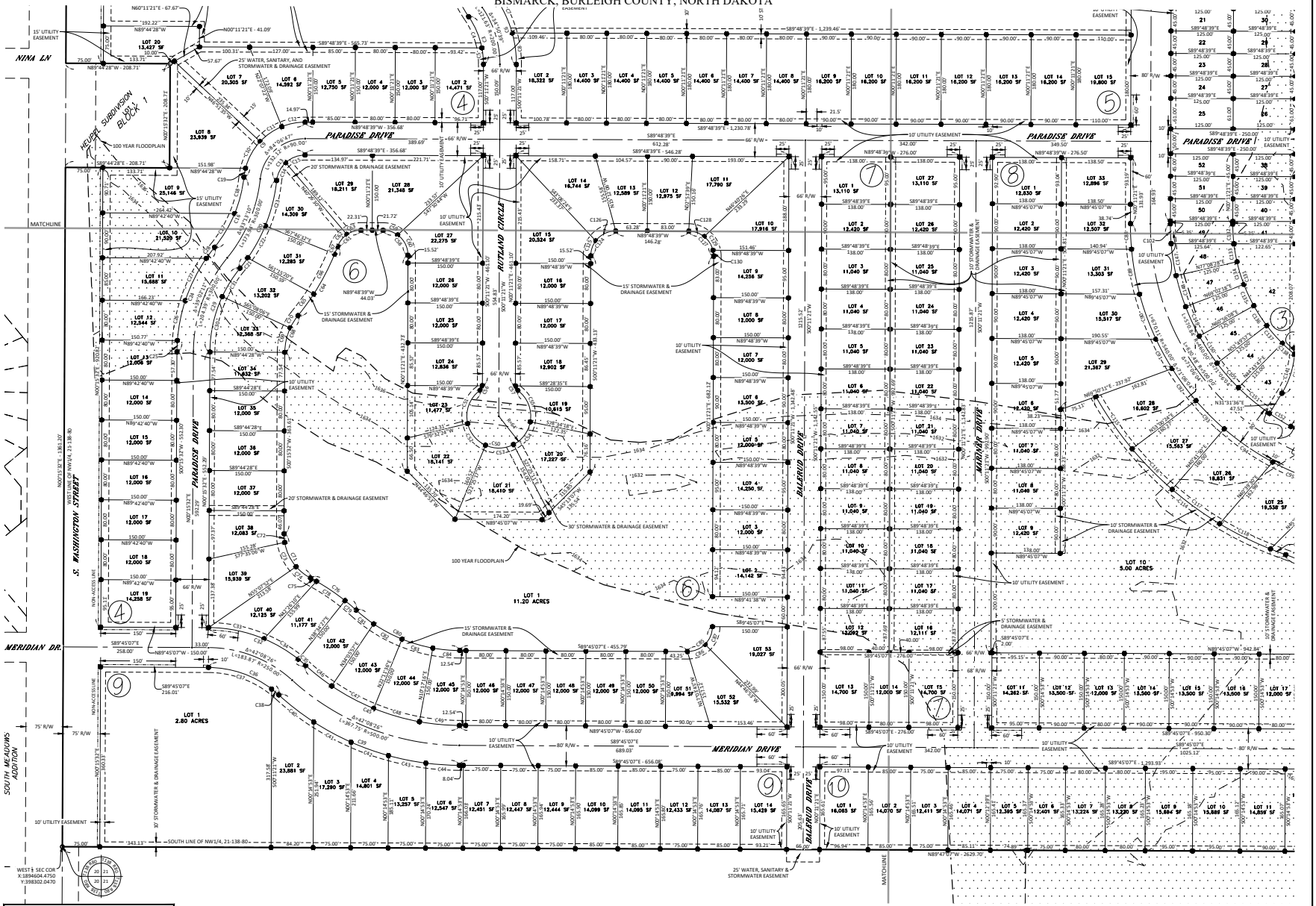
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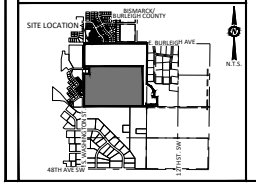
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PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



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5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

SHEET 4 OF 6

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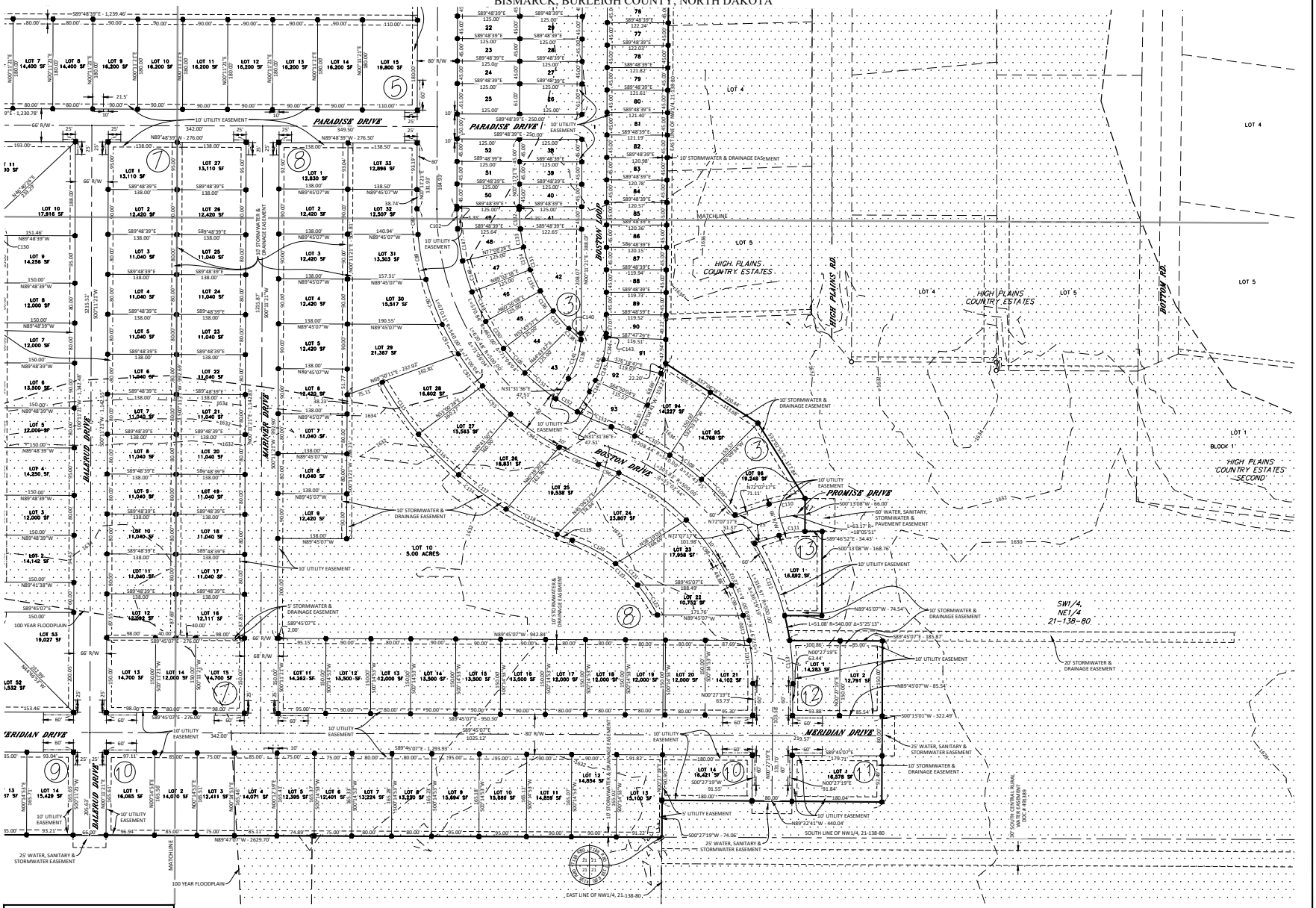
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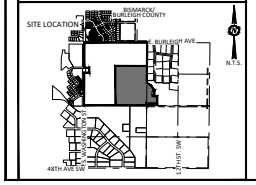
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PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

SHEET 5 OF 6

SURVEY INFORMATION

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- MONUMENT FOUND
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- EX. PROPERTY LINE
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- 100 YEAR FLOODPLAIN AREA

0 80 160

PARADISE VALLEY ADDITION

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
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 SAID SECTION 21; 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 168.76 FEET; THENCE N89°45'07"W A DISTANCE OF 74.54 FEET; THENCE SOUTHERLY 51.08 FEET ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 5°25'13"; THENCE S89°45'07"E A DISTANCE OF 185.87 FEET; THENCE S00°15'01"W A DISTANCE OF 322.49 FEET; THENCE N89°32'41"W A DISTANCE OF 440.04 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; 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 REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE PLAT IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN HEREON ARE ACCURATE, TOGETHER WITH THOSE FOUND, ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

APPROVAL OF PLANNING AND ZONING COMMISSION

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

_____ _____
MICHAEL J. SCHWARTZ - CHAIR ATTEST: BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____ 20___.

_____
ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

OWNERS' CERTIFICATE & DEDICATION

WE, MBR PROPERTIES LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY, BEING ALL OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED PARADISE VALLEY ADDITION, 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 "STORM UTILITY EASEMENTS" INCLUSIVE OF LOT 20, BLOCK 4.

WE ALSO DEDICATE "SANITARY UTILITY EASEMENTS" INCLUSIVE OF LOT 22, BLOCK 8.

WE ALSO DEDICATE "ACCESS, WATER, SANITARY, STORM, AND UTILITY EASEMENTS" INCLUSIVE OF LOT 1, BLOCK 3.

WE ALSO DEDICATE " STORMWATER AND DRAINAGE EASEMENTS" INCLUSIVE OF LOT 1, BLOCK 6.

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.

BOSTON LOOP, FISHER LANE, AND PARADISE LANE WITHIN BLOCK 3 AS SHOWN ON THIS PLAT ARE "PRIVATE 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 EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

WE ALSO DEDICATE LOT 10, BLOCK 8 TO THE CITY OF BISMARCK PARKS AND RECREATION DISTRICT.

BRAD BALERUD

BY: _____
BRAD BALERUD - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

RANDY RHONE

BY: _____
RANDY RHONE - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

STEVE MARINER

BY: _____
STEVE MARINER - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

GREG MARINER

BY: _____
GREG MARINER - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

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	14,036	0.32
59	13,540	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

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	79.57'	123.00'	37°03'52"
C10	61.62'	123.00'	28°42'14"
C11	53.10'	123.00'	24°44'12"
C12	47.90'	123.00'	22°18'43"
C13	83.68'	57.00'	84°06'47"
C14	40.95'	57.00'	41°10'01"
C15	42.72'	57.00'	42°56'46"
C16	154.80'	267.00'	33°13'10"
C17	79.14'	267.00'	16°59'02"
C18	75.66'	267.00'	16°14'08"
C19	17.95'	123.00'	8°21'38"
C20	193.07'	333.00'	33°13'10"
C21	25.83'	333.00'	4°26'37"
C22	73.39'	333.00'	12°37'38"
C23	93.85'	333.00'	16°08'54"
C24	226.88'	333.00'	39°02'11"
C25	22.72'	333.00'	3°54'32"
C26	81.68'	333.00'	14°03'11"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C27	94.98'	333.00'	16°20'29"
C28	27.51'	333.00'	4°43'59"
C29	181.91'	267.00'	39°02'11"
C30	114.66'	267.00'	24°36'22"
C31	67.25'	267.00'	14°25'49"
C32	213.28'	290.00'	42°08'20"
C33	113.72'	290.00'	22°28'06"
C34	80.26'	290.00'	15°51'23"
C35	19.31'	290.00'	3°48'51"
C36	154.45'	210.00'	42°08'26"
C37	136.04'	210.00'	37°07'04"
C38	18.41'	210.00'	5°01'22"
C39	397.16'	540.00'	42°08'26"
C40	88.70'	540.00'	9°24'40"
C41	85.20'	540.00'	9°02'23"
C42	79.62'	540.00'	8°26'52"
C43	76.52'	540.00'	8°07'07"
C44	67.14'	540.00'	7°07'24"
C45	338.33'	460.00'	42°08'26"
C46	66.55'	460.00'	8°17'22"
C47	95.58'	460.00'	11°54'20"
C48	95.58'	460.00'	11°54'20"
C49	80.60'	460.00'	10°02'23"
C50	321.88'	64.00'	288°09'30"
C51	75.62'	64.00'	67°41'59"
C52	58.15'	64.00'	52°03'28"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C53	58.02'	64.00'	51°56'23"
C54	58.33'	64.00'	52°13'11"
C55	71.76'	64.00'	64°14'29"
C56	10.38'	11.00'	54°04'45"
C57	10.38'	11.00'	54°04'45"
C58	78.54'	50.00'	90°00'00"
C59	31.19'	50.00'	35°44'26"
C60	47.35'	50.00'	54°15'34"
C61	30.89'	50.00'	35°23'42"
C62	30.89'	50.00'	35°23'42"
C63	30.13'	50.00'	34°31'28"
C64	160.39'	483.00'	19°01'33"
C65	53.48'	483.00'	6°20'40"
C66	90.42'	483.00'	10°43'35"
C67	16.48'	483.00'	1°57'17"
C68	79.71'	117.00'	39°02'11"
C69	50.25'	117.00'	24°36'22"
C70	29.47'	117.00'	14°25'49"
C71	108.96'	100.00'	62°25'38"
C72	17.31'	100.00'	9°54'58"
C73	54.48'	100.00'	31°12'49"
C74	37.17'	100.00'	21°17'51"
C75	13.48'	440.00'	1°45'22"
C76	111.79'	440.00'	14°33'25"
C78	69.01'	440.00'	8°59'12"
C79	29.29'	440.00'	3°48'51"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
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"
C107	80.07'	540.00'	8°29'46"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
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	157.25'	540.00'	16°41'05"
C113	86.91'	540.00'	9°13'19"
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"
C133	36.54'	335.00'	6°15'01"

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
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"

AREA

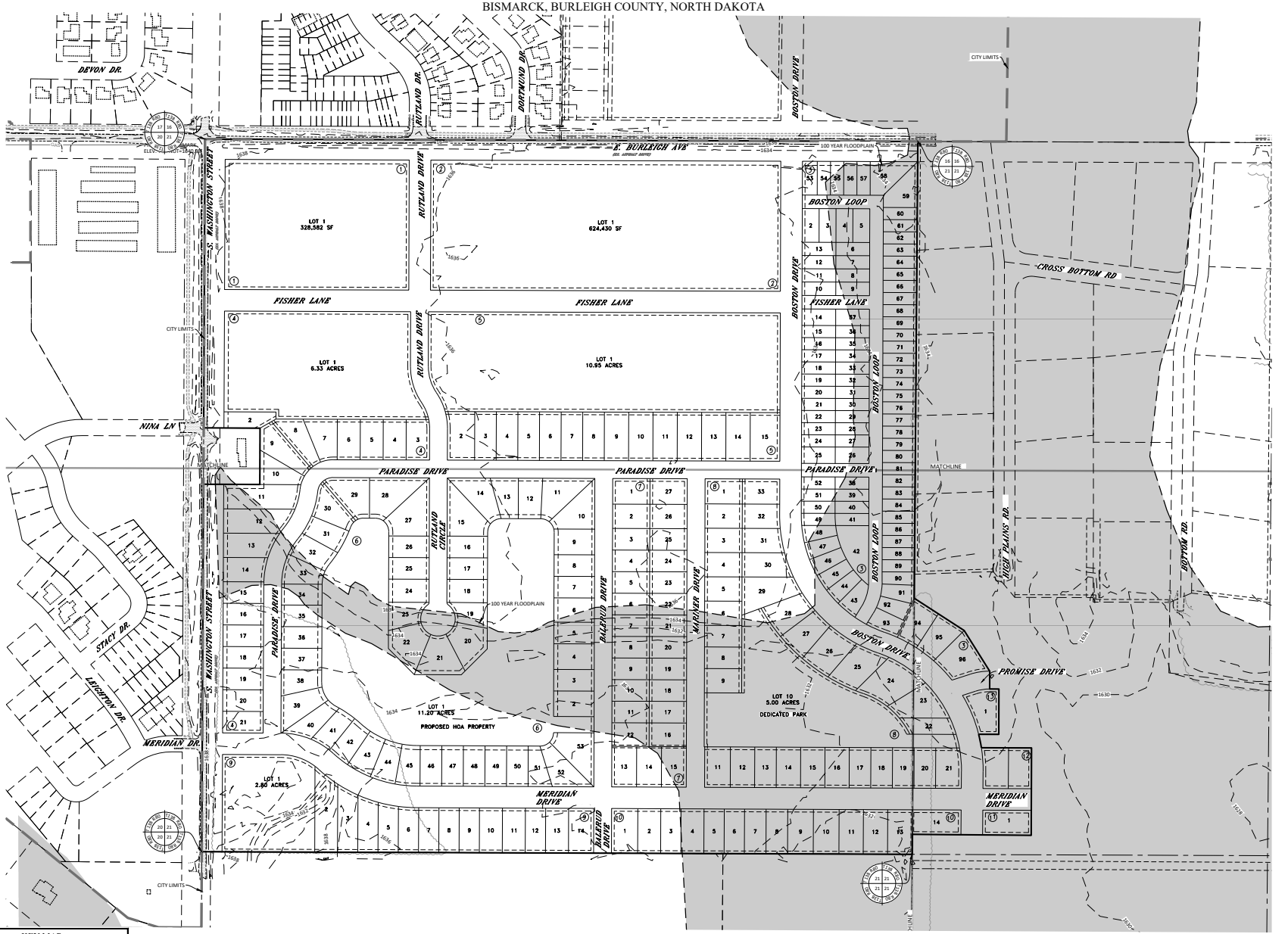
LOTS	5,729,228 SF	131.53 ACRES
RIGHT-OF-WAY	1,452,790 SF	33.35 ACRES
TOTAL	7,182,018 SF	164.92 ACRES

LOWRY ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 06/09/22

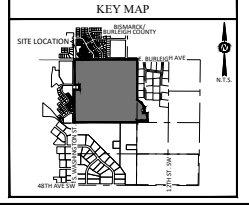
SHEET 6 OF 6

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

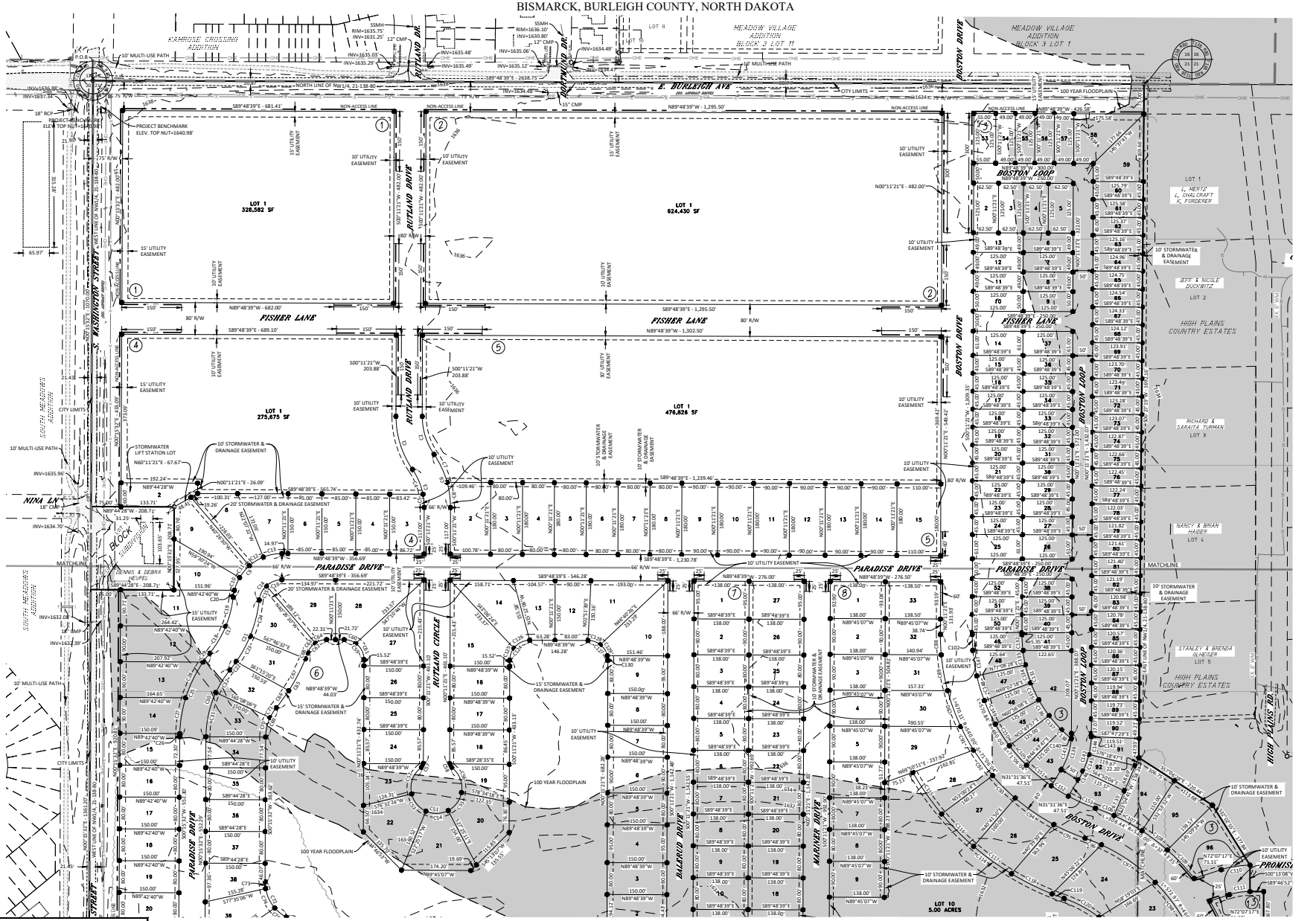
LEGEND

- (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

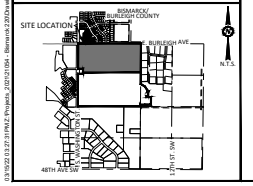
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PARADISE VALLEY ADDITION

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



KEY MAP



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

DATE: 03/15/22

SHEET 2 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'.

LEGEND

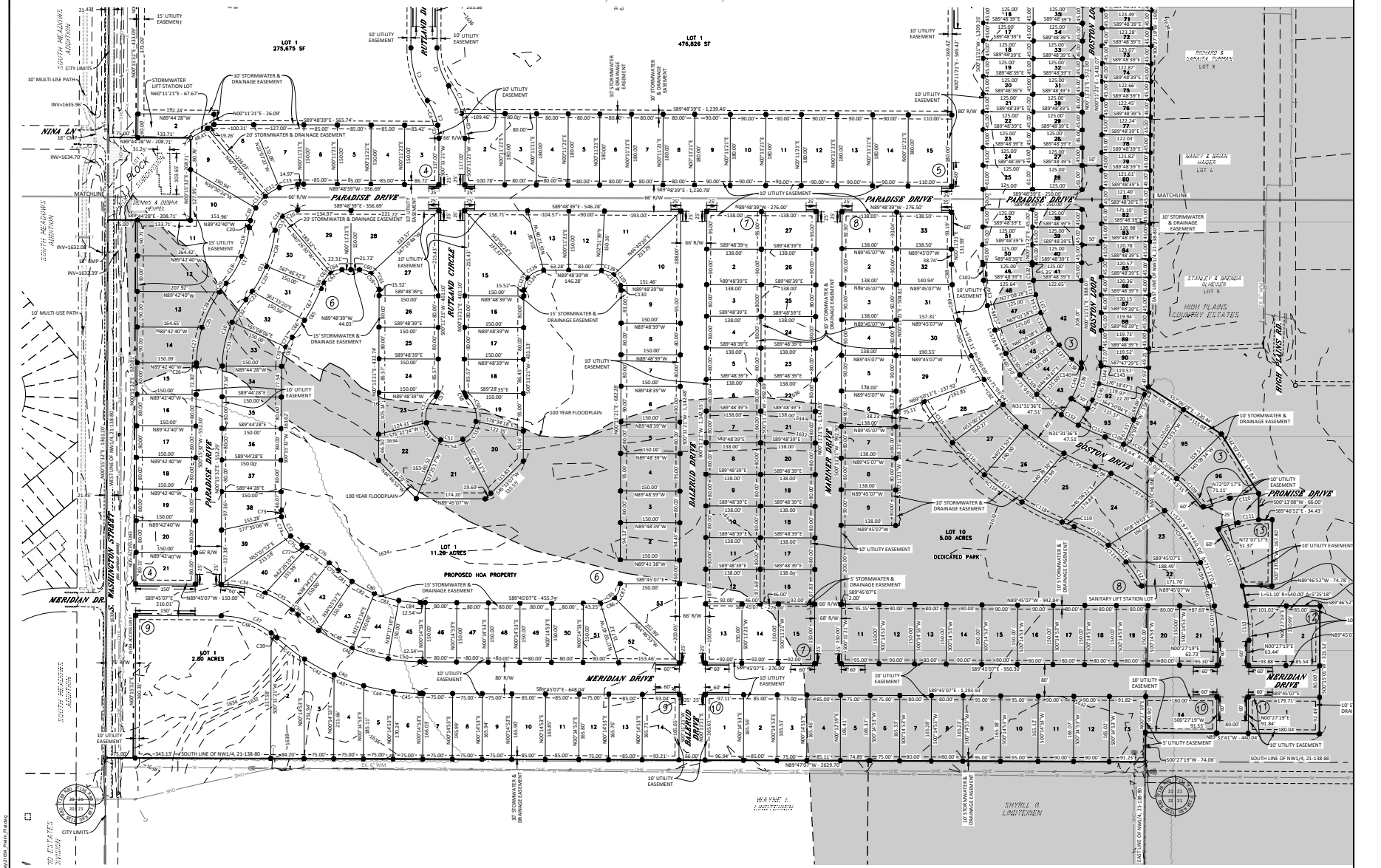
- (6) BLOCK #
- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- CITY LIMITS
- TRACT/PARCEL AREA
- 100 YEAR FLOODPLAIN AREA

N

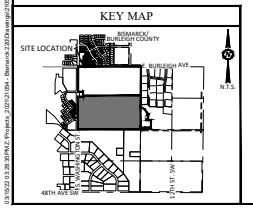
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PARADISE VALLEY ADDITION

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



KEY MAP



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

SHEET 3 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'.

LEGEND

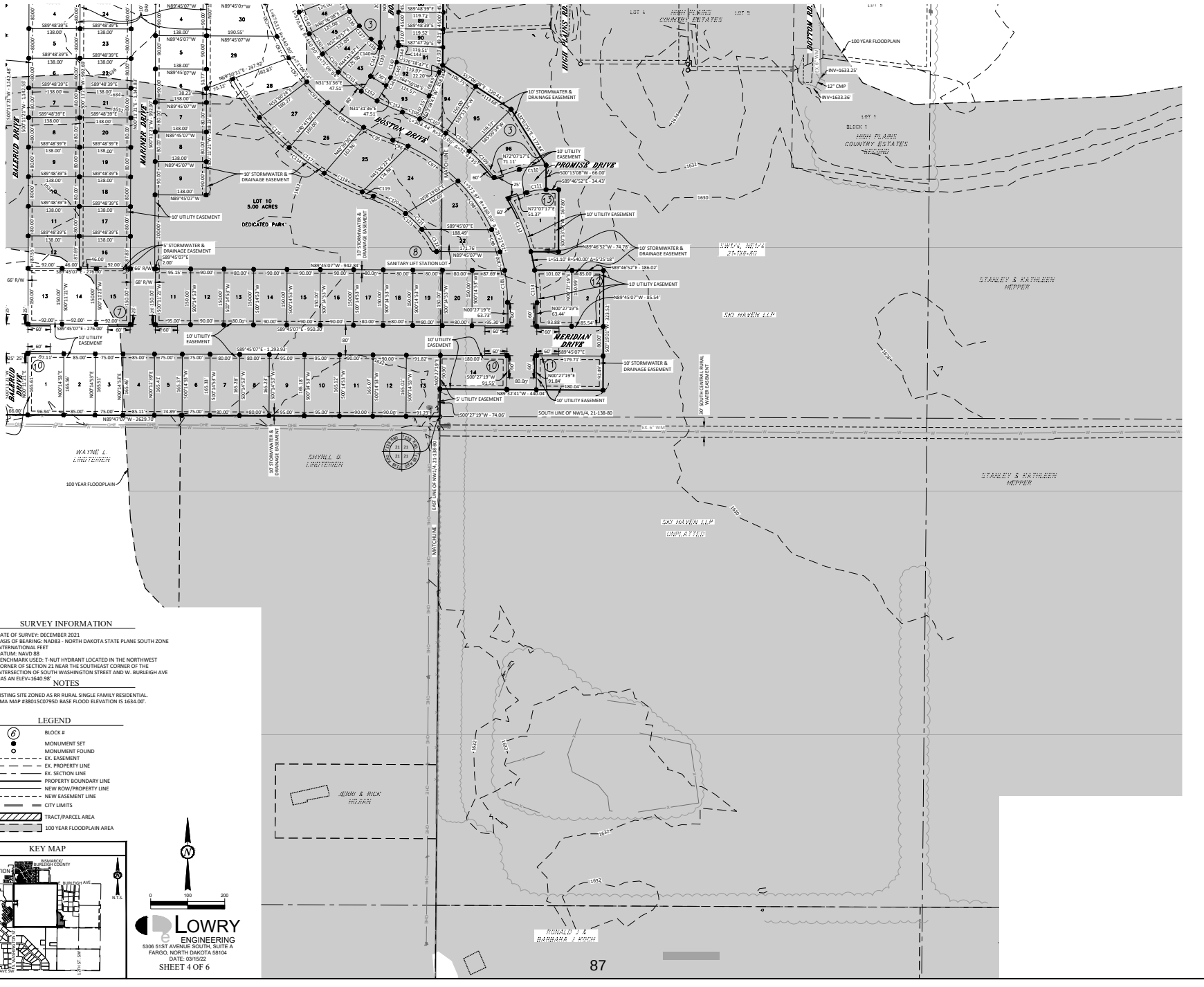
- 6 — BLOCK #
- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- CITY LIMITS
- TRACT/PARCEL AREA
- 100 YEAR FLOODPLAIN AREA

N

0 100 200

PARADISE VALLEY ADDITION

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



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'

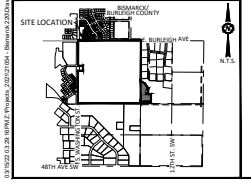
NOTES

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

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

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

03/15/22 13:31:38 P:\Projects_2021\21195 - Bismarck-139\Civil\dgn\21054_Project50ave\21054_Prelim_Plat.dwg

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\pl\21904_ProjectSheet_21904_Plats.dwg

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

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

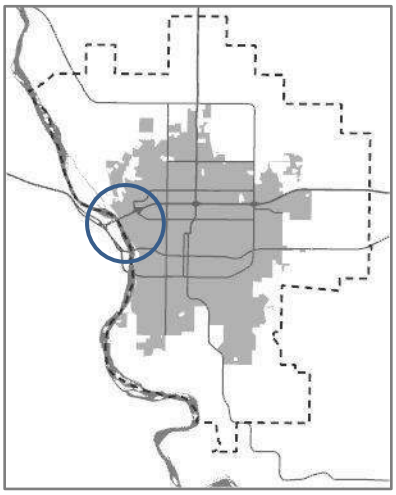
Agenda Item # 9
June 22, 2022

Application for: **Zoning Change**
Minor Plat

Project ID: **ZC2022-006**
MPLT2022-006

Project Summary

Title:	Municipal Fourth Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	City of Bismarck Denizen Properties, LLC
Project Contact:	Nic Cullen, PE, Houston Engineering
Location:	In northwest Bismarck, west of Schaffer Street, along the south side of Edwards Avenue
Project Size:	23.25 acres, more or less
Request:	Replat and rezone portion of property for a variety of commercial recreation and related complementary uses



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 lots in 2 blocks	*Number of Lots:*	4 lots in 2 blocks
Land Use:	Municipal facilities including water distribution infrastructure	*Land Use:*	Commercial recreation and related complementary uses, and municipal facilities including water distribution infrastructure
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	P – Public Use	*Zoning:*	P – Public Use PUD – Planned Unit Development
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	P – Parks, open space, stormwater facilities, and other public uses PUD – Uses specified in PUD
Max Density:	P – N/A	*Max Density:*	P – N/A PUD – Density specified in PUD

(continued)

Property History

Zoned:	Pre-1980	*Platted:*	04/2010	*Annexed:*	Pre-1980

Staff Analysis

The City of Bismarck and Denizen Properties, LLC are requesting approval of a minor subdivision final plat and a zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts for Municipal Fourth Addition First Replat.

Background

The Planning and Zoning Commission considered the zoning change request at their meeting of April 27, 2022 and called for a public hearing.

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

Adjacent uses include Gateway to Science and the Community Bowl to the north, Bismarck State College to the east, BNSF Railroad right of way to the south, and the Missouri River to the west.

Analysis

The City of Bismarck has conditionally approved the sale of portions of this property to be developed as a commercial recreation facility (climbing wall and fitness facilities) and other complementary retail sales and service uses. Lots 2 and 3, Block 1, would be rezoned to PUD – Planned Unit Development to accommodate the proposed uses. The draft ordinance has specific uses identified for Lot 2, Block 1; however, as uses have not yet been identified for Lot 3, an amendment to the PUD would be required prior to any development on that Lot. The ordinance also would require that any development of the property comply with the recommendations included in the geotechnical evaluation report(s) prepared for the property. The current P – Public zoning would remain on Lot 1, Block 1 and Lot 1, Block 2, as the City will retain ownership of those lots and continue to utilize them for public purposes.

The proposed commercial recreation and complementary uses on Lot 2, Block 1 would include a climbing wall that meets Olympic and international competition standards; fitness facilities and similar uses; complementary retail sales and service uses including a restaurant, food services, the retail sale of clothing, and the lease or sale of related sports equipment; and multi-purpose meeting rooms.

A conceptual site layout and conceptual elevation view of the building were submitted in conjunction with the PUD application and are attached. The site layout and building elevations would be finalized prior to submittal of applications for site plan review and a building permit, but will generally conform to the concepts attached.

Utility Capital Charges

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement. Since this property is already annexed, the required capital utility charges would be due prior to recordation of the plat.

(continued)

Required Findings of Fact (relating to land use)

Minor Subdivision Final Plat

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

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; 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 approval of the minor subdivision final plat and the zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts, as outlined in the attached draft ordinance, for Municipal Fourth Addition First Replat.

Attachments

1. Draft Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Minor Subdivision Final Plat
7. Conceptual Site Layout & Elevation View

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the P – Public zoning district and included within the P – Public zoning district:

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

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

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

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

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the conceptual site layout and elevation views submitted in conjunction with the application for a Planned Unit Development.

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

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

i. Commercial recreation uses, limited to climbing facilities, fitness facilities and similar uses on Lot 2.

ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to 4 hours in a 24 hour period; and multi-purpose meeting rooms on Lot 2.

iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD. In the interim, Lot 3 will remain in its undisturbed natural state until an amendment to this PUD ordinance is approved.

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

i. Accessory uses and buildings commonly associated with the principal uses, including offices, equipment storage and maintenance facilities on Lot 2.

ii. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.

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

a. Child care center on Lot 2.

b. Any special uses for Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.

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

a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.

b. *Side Yard*. Each lot shall have two side yards of not less than ten (10) feet in width.

c. *Rear Yard*. Each lot shall have a rear yard of not less than ten (10) feet in depth.

DRAFT

d. *Lot Coverage*. The lot coverage of the principal building, any accessory buildings and required parking shall not exceed fifty (50) percent of the total lot area.

e. *Building Height*. The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.

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

   a. *Design Standards*. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

      i. Site Design and Layout. The layout of the site and the principal building on Lot 2 shall generally conform to the materials information submitted in conjunction with the application for a Planned Unit Development.

      ii. Building Design and Materials. All buildings must be designed by a Professional Architect, registered in the State of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.

      iii. Slope Preservation. Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site.

      iv. Renovations and Additions. All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.

DRAFT

v. Artwork. Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.

b. *Lighting*. All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.

c. *Off-street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.

d. *Landscaping and Screening.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

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

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

6. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.

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

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

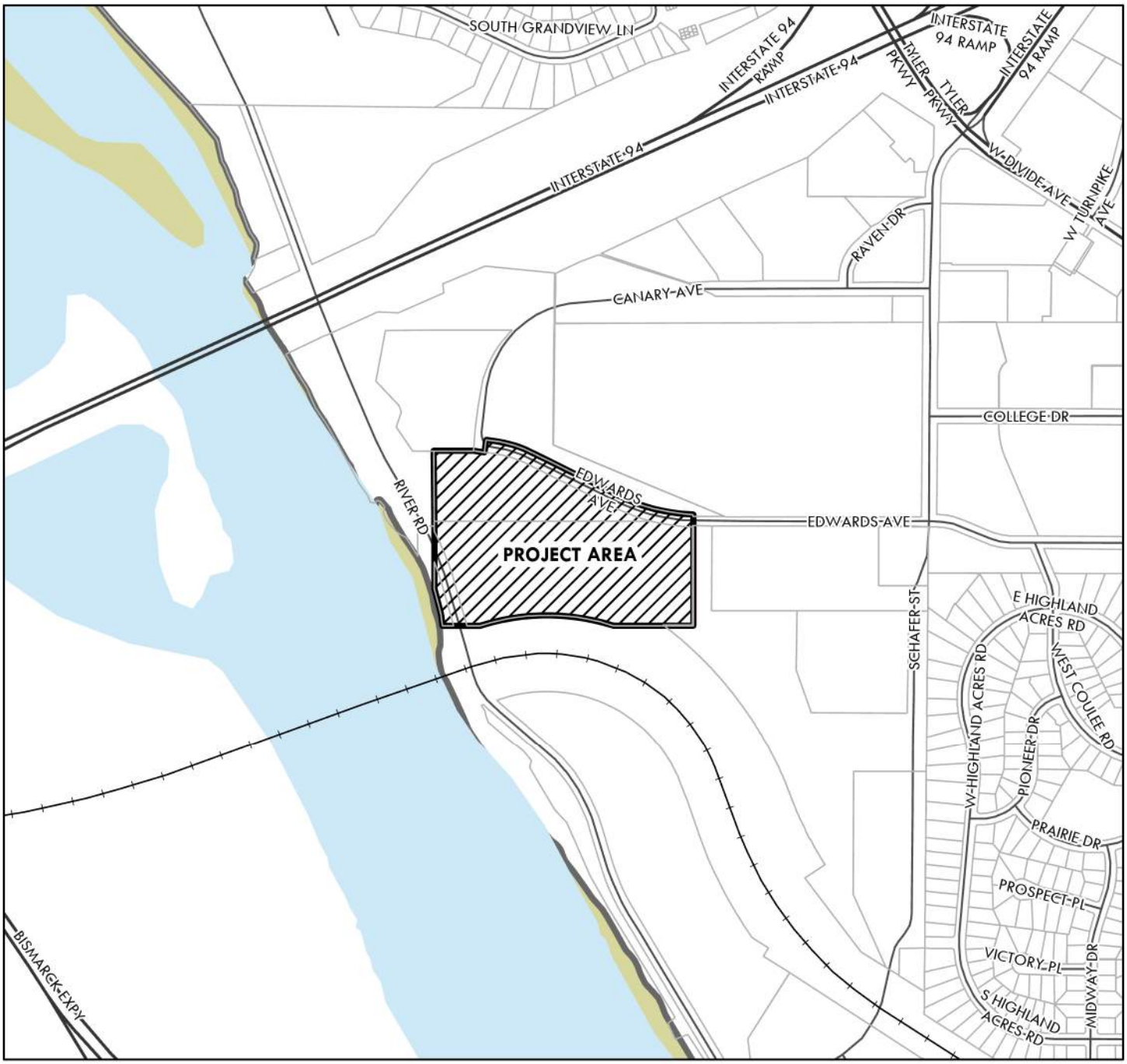
Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

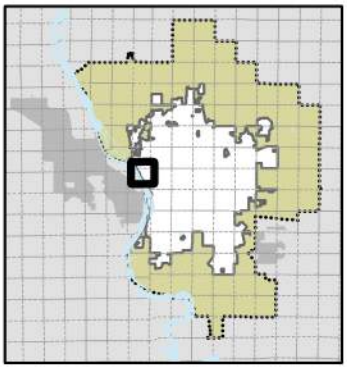
MUNICIPAL FOURTH ADDITION FIRST REPLAT

MPLT2022-006
ZC2022-006



0 0.17 0.35 0.7 Miles

N



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

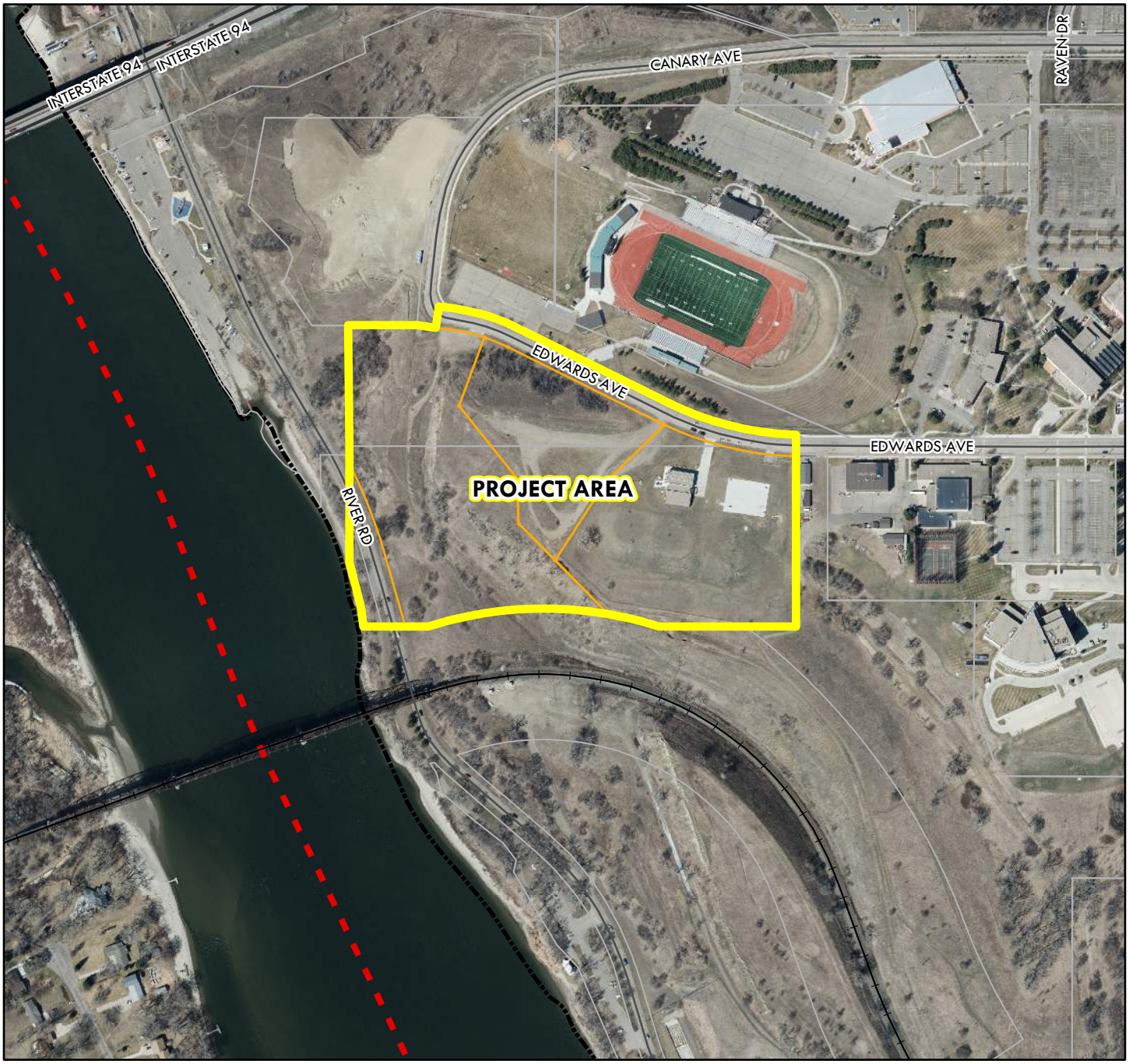
City of Bismarck
Community Development Department
Planning Division
March 31, 2022 (HLB)

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

MUNICIPAL FOURTH ADDITION FIRST REPLAT

MPLT2022-006
ZC2022-006

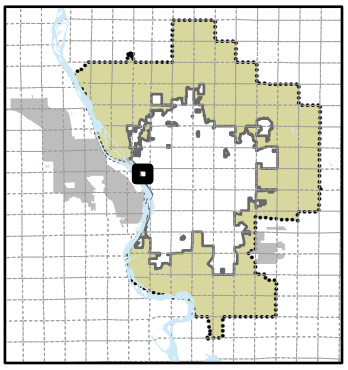


Miles
0 0.1 0.2 0.4

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
April 21, 2022

Zoning and Plan Reference Map

MUNICIPAL FOURTH ADDITION FIRST REPLAT

MPLT2022-006
ZC2022-006

Zoning Districts

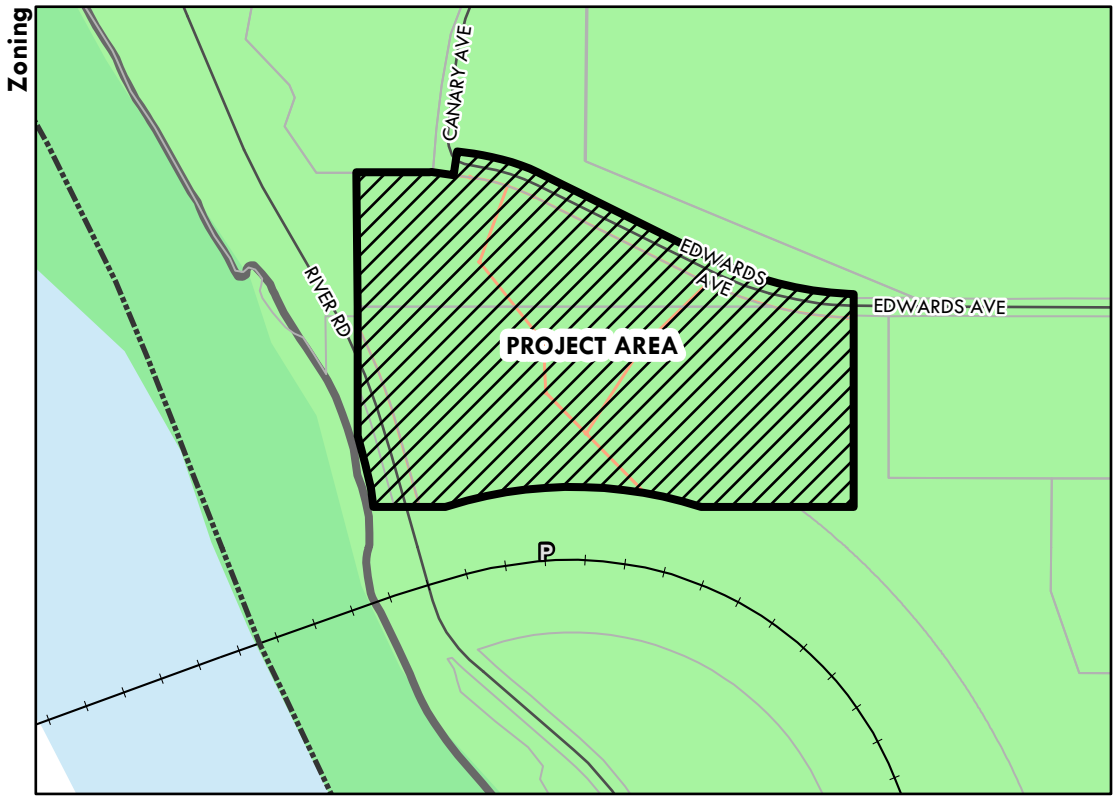
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

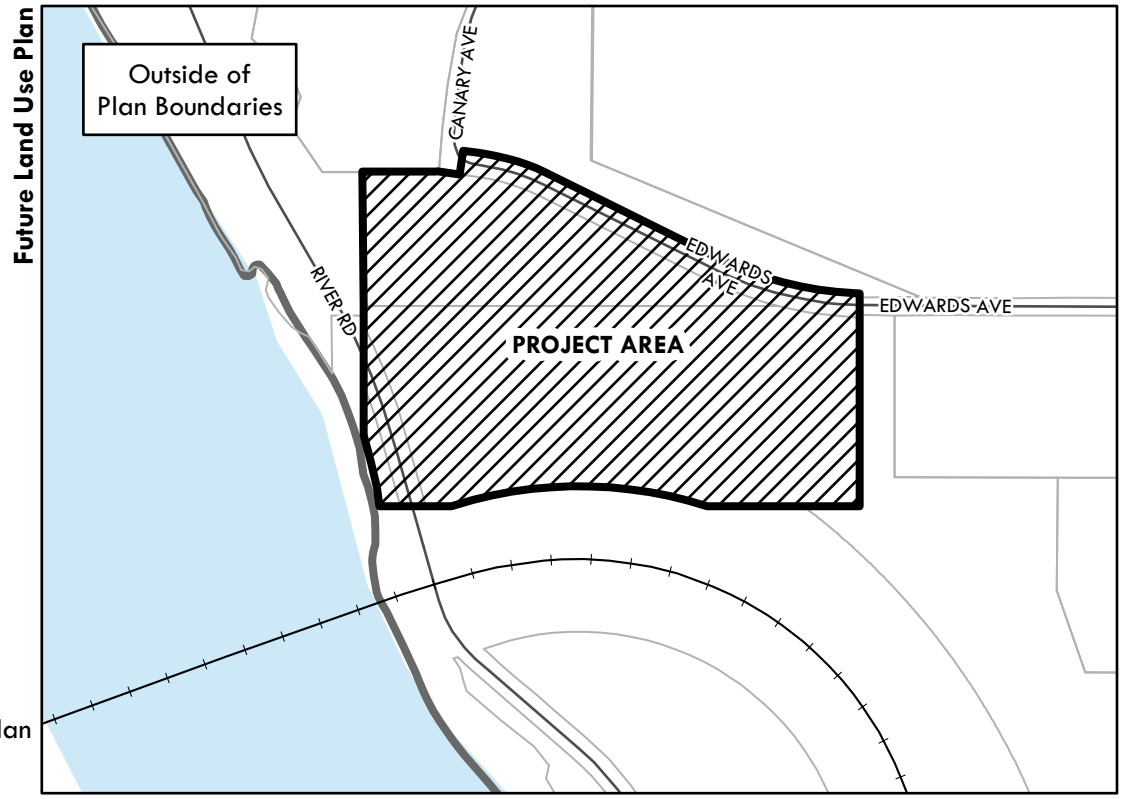
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

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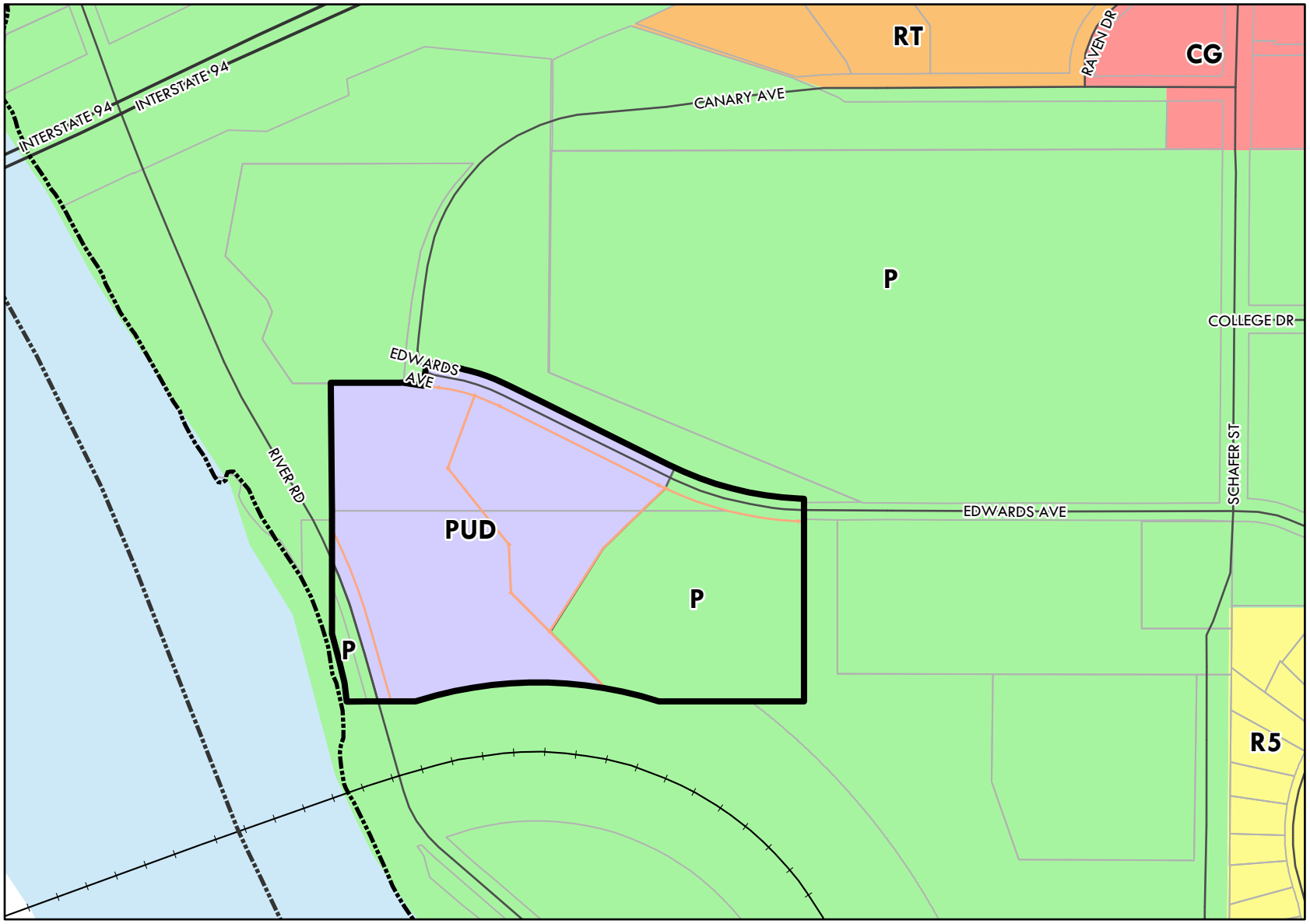
City of Bismarck
Community Development Dept.
Planning Division
April 21, 2022

Proposed Zoning Change

MUNICIPAL FOURTH ADDITION FIRST REPLAT

ZC2022-006

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

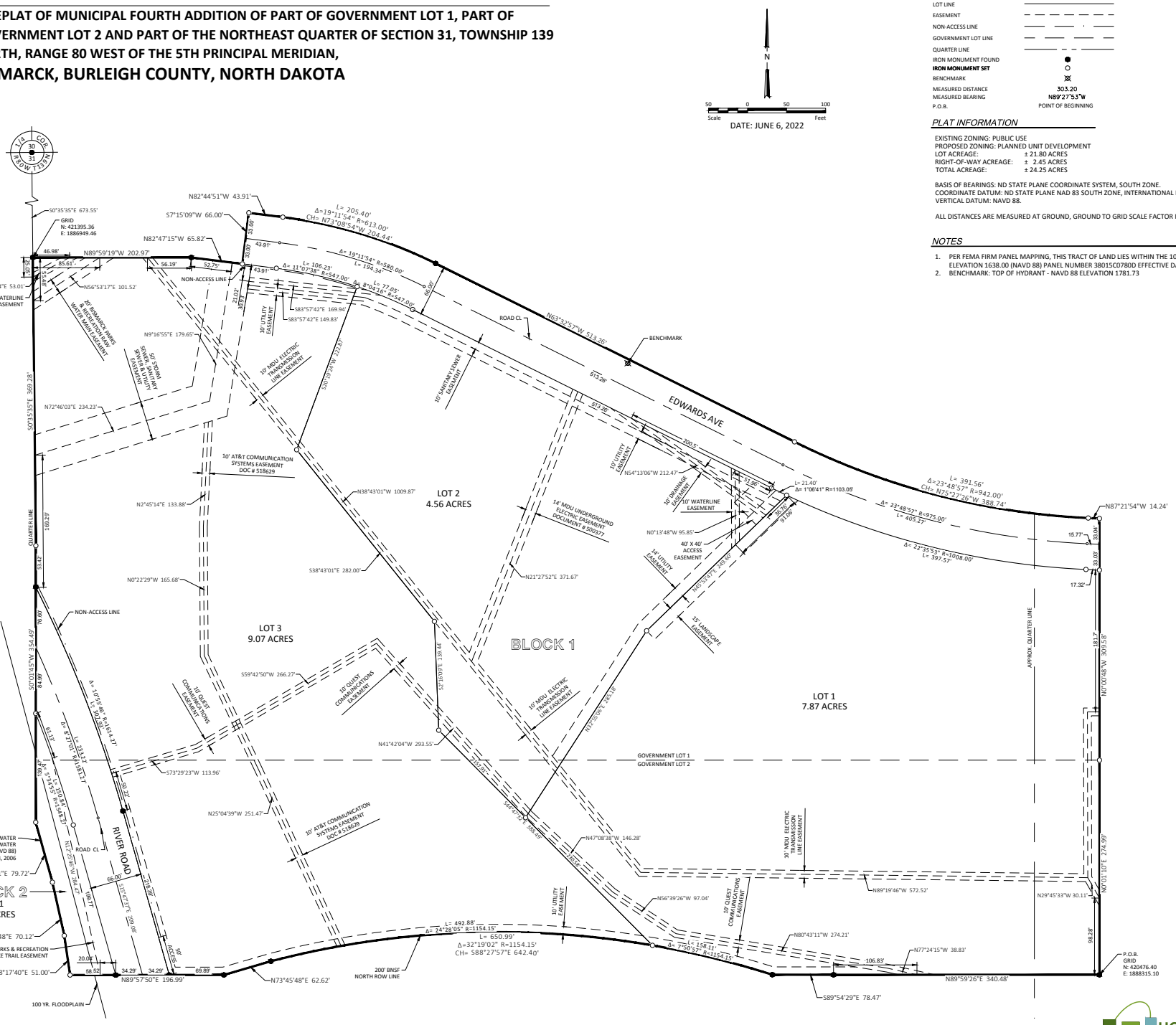
0 0.13 0.25 0.5 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 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.

MUNICIPAL FOURTH ADDITION FIRST REPLAT

A REPLAT OF MUNICIPAL FOURTH ADDITION OF PART OF GOVERNMENT LOT 1, PART OF GOVERNMENT LOT 2 AND PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN,
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



HOUSTON ENGINEERING, INC.
Sheet 1 of 2
Project No. 11086-0001

MUNICIPAL FOURTH ADDITION FIRST REPLAT

A REPLAT OF MUNICIPAL FOURTH ADDITION OF PART OF GOVERNMENT LOT 1, PART OF GOVERNMENT LOT 2 AND PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION:

A REPLAT OF MUNICIPAL FOURTH ADDITION OF PART OF GOVERNMENT LOT 1, PART OF GOVERNMENT LOT 2 AND PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 1 OF SAID MUNICIPAL FOURTH ADDITION, SAID POINT BEING A FOUND ALUMINUM CAP #1202; THENCE NORTH 00°01'10" EAST, ON AND ALONG THE EAST LINE OF SAID LOT 1 BLOCK 1, A DISTANCE OF 274.99 FEET; THENCE NORTH 00°00'48" WEST, CONTINUING ON AND ALONG THE EAST LINE OF SAID LOT 1 BLOCK 1 AND ITS EXTENSION, A DISTANCE OF 309.58 FEET TO THE NORTHEAST CORNER OF SAID MUNICIPAL FOURTH ADDITION AND THE NORTH RIGHT OF WAY LINE OF EDWARDS AVENUE; THENCE NORTH 87°21'54" WEST, ON AND ALONG THE NORTH LINE OF SAID MUNICIPAL FOURTH ADDITION AND THE NORTH RIGHT OF WAY LINE OF EDWARDS AVENUE, A DISTANCE OF 14.24 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID NORTH ADDITION LINE AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 391.56 FEET ON A 942.00 FOOT RADIUS TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 75°27'26" WEST, A DISTANCE OF 388.74 FEET; THENCE NORTH 63°32'57" WEST, CONTINUING ON AND ALONG SAID NORTH ADDITION LINE AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 513.26 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ON AND ALONG SAID NORTH ADDITION LINE AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 205.40 FEET ON A 613.00 FOOT RADIUS TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF NORTH 73°08'54" WEST, A DISTANCE OF 204.44 FEET; THENCE NORTH 82°44'51" WEST, CONTINUING ON AND ALONG SAID NORTH ADDITION LINE AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 43.91 FEET; THENCE SOUTH 07°15'09" WEST, CONTINUING ON AND ALONG SAID NORTH ADDITION LINE, A DISTANCE OF 66.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID EDWARDS AVENUE AND THE NORTH LINE OF SAID LOT 1 BLOCK 1 OF MUNICIPAL FOURTH ADDITION; THENCE NORTH 82°47'15" WEST, ON AND ALONG SAID NORTH LINE OF LOT 1 BLOCK 1, A DISTANCE OF 65.82 FEET; THENCE NORTH 89°59'19" WEST, CONTINUING ON AND ALONG SAID NORTH LINE OF LOT 1 BLOCK 1, A DISTANCE OF 202.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 BLOCK 1; THENCE SOUTH 00°35'35" EAST, ON AND ALONG THE WEST LINE OF SAID LOT 1 BLOCK 1, A DISTANCE OF 369.28 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 BLOCK 1 OF MUNICIPAL FOURTH ADDITION; THENCE SOUTH 00°01'45" WEST, ON AND ALONG THE WEST LINE OF SAID LOT 2 BLOCK 1, ITS EXTENSION AND THE WEST LINE OF LOT 1 BLOCK 2 OF SAID MUNICIPAL FOURTH ADDITION, A DISTANCE OF 354.49 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1 BLOCK 2 AND THE ORDINARY HIGH WATER MARK OF THE MISSOURI RIVER; THENCE SOUTH 15°34'31" EAST, ON AND ALONG SAID WEST LINE OF LOT 1 BLOCK 2 AND THE ORDINARY HIGH WATER MARK OF THE MISSOURI RIVER, A DISTANCE OF 79.72 FEET; THENCE SOUTH 12°31'48" EAST, CONTINUING ON AND ALONG SAID WEST LINE OF LOT 1 BLOCK 2 AND THE ORDINARY HIGH WATER MARK OF THE MISSOURI RIVER, A DISTANCE OF 70.12 FEET; THENCE SOUTH 08°17'40" EAST, CONTINUING ON AND ALONG SAID WEST LINE OF LOT 1 BLOCK 2 AND THE ORDINARY HIGH WATER MARK OF THE MISSOURI RIVER, A DISTANCE OF 51.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 BLOCK 2; THENCE NORTH 89°57'50" EAST, ON AND ALONG THE SOUTH LINE OF SAID LOT 1 BLOCK 2 AND ITS EXTENSION AND THE SOUTH LINE OF SAID LOT 2 BLOCK 1, A DISTANCE OF 196.99 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2 BLOCK 1 AND THE NORTH 200.00 FOOT RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN-SANTA FE (BNSF) RAIL LINE; THENCE NORTH 73°45'48" EAST, CONTINUING ON AND ALONG SAID SOUTH LINE OF LOT 2 BLOCK 1 AND THE NORTH LINE OF SAID BNSF RIGHT OF WAY, A DISTANCE OF 62.62 FEET; THENCE EASTERLY AND TO THE RIGHT, CONTINUING ON AND ALONG SAID SOUTH LINE OF LOT 2 BLOCK 1 AND THE NORTH LINE OF SAID BNSF RIGHT OF WAY, A DISTANCE OF 650.99 FEET ON A 1154.15 FOOT RADIUS NON-TANGENTIAL CURVE, SAID CURVE HAVING A CHORD OF SOUTH 88°27'57" EAST, A DISTANCE OF 642.40 FEET; THENCE SOUTH 89°54'29" EAST, CONTINUING ON AND ALONG THE SOUTH LINE OF SAID LOT 2 BLOCK 1, A DISTANCE OF 78.47 FEET; THENCE NORTH 89°59'26" EAST, CONTINUING ON AND ALONG THE SOUTH LINE OF SAID LOT 2 BLOCK 1, A DISTANCE OF 340.48 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.25 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF BISMARCK AND DAVID WITHAM, PRESIDENT OF DENIZEN PROPERTIES, LLC., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "MUNICIPAL FOURTH 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, STORM SEWER, SANITARY SEWER AND/OR UTILITY EASEMENTS.

STATE OF _____)
) ss
COUNTY OF _____)

_____
ATTEST KEITH J. HUNKE, CITY ADMINISTRATOR
OWNER LOT 1, LOT 2, LOT 3, BLOCK 1
LOT 1, BLOCK 2

221 N 5TH ST
BISMARCK, ND 58501

STATE OF _____)
) ss
COUNTY OF _____)

_____
STEVE BAKKEN, PRESIDENT BISMARCK CITY COMMISSION
OWNER LOT 1, LOT 2, LOT 3, BLOCK 1
LOT 1, BLOCK 2

221 N 5TH ST
BISMARCK, ND 58501

ON THIS ___ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED KEITH J. HUNKE, CITY ADMINISTRATOR OF THE CITY OF BISMARCK AND STEVE BAKKEN, PRESIDENT OF THE BISMARCK CITY COMMISSION, 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.

_____ 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 "MUNICIPAL FOURTH ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THIS PLAT.

_____
GABRIEL J. SCHELL, CITY ENGINEER

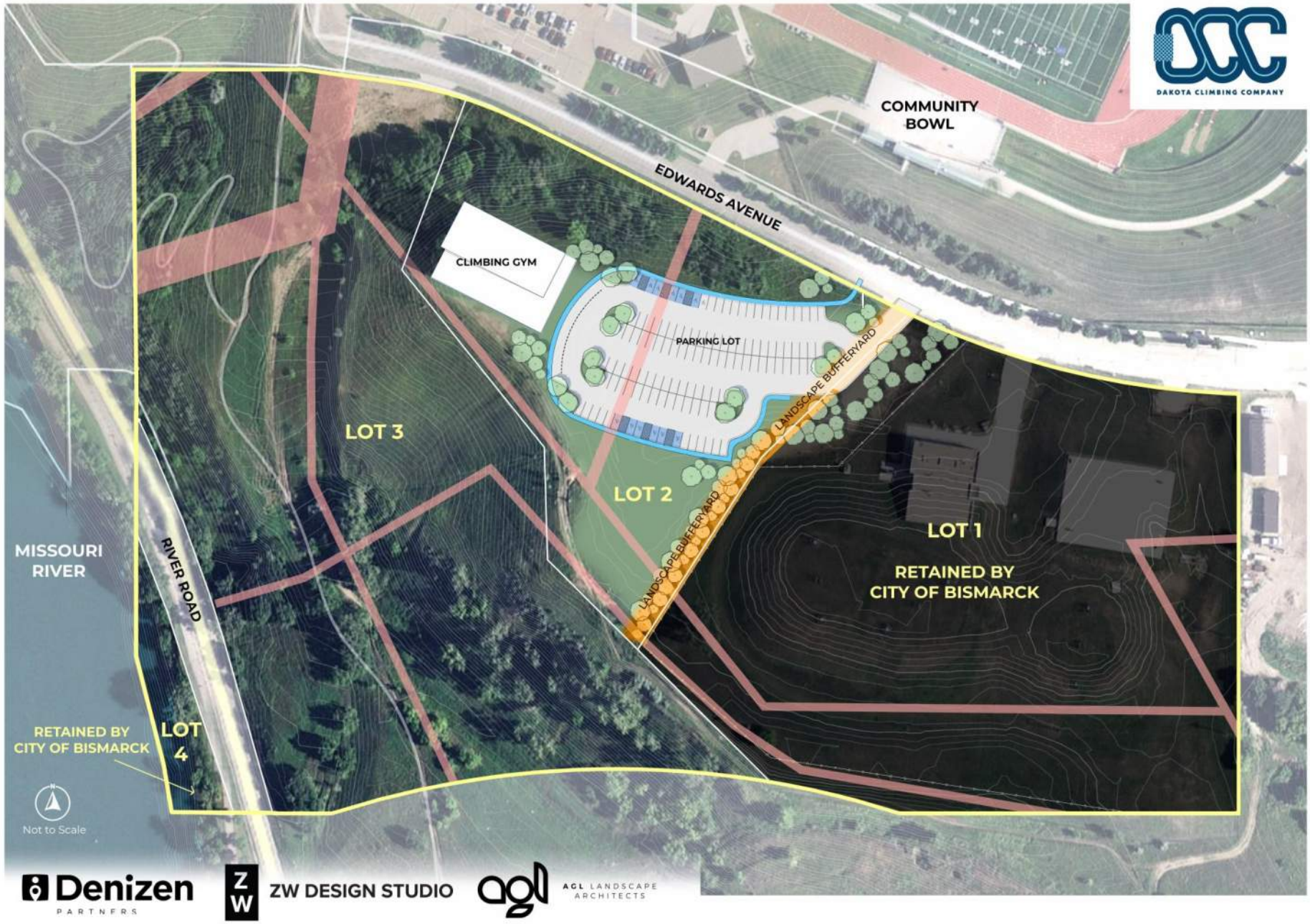
SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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 15TH DAY OF MARCH, 2022, 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

HOUSTON ENGINEERING, INC.
Sheet 2 of 2
Project No. 11086-0001


DAKOTA CLIMBING COMPANY
COMMUNITY BOWL
EDWARDS AVENUE
CLIMBING GYM
PARKING LOT
LANDSCAPE BUFFERYARD
LANDSCAPE BUFFERYARD
LOT 3
LOT 2
LOT 1
RETAINED BY CITY OF BISMARCK
MISSOURI RIVER
RIVER ROAD
RETAINED BY CITY OF BISMARCK
LOT 4
Not to Scale
Denizen PARTNERS
ZW DESIGN STUDIO
agl AGL LANDSCAPE ARCHITECTS


CONCEPT RENDERING

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

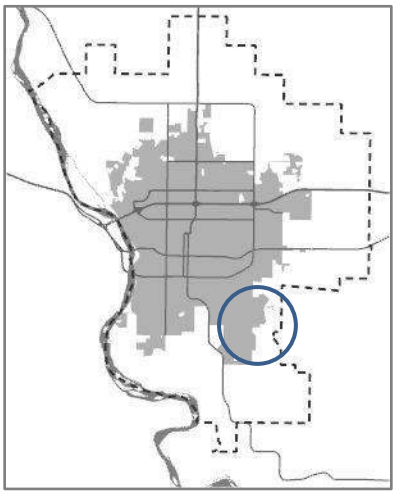
Agenda Item # 10
June 22, 2022

Application for: **Minor Plat**

Project ID: **MPLT2022-007**

Project Summary

Title:	Hamburg Industrial Park 1st Addition 1st Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	BRB Woodworking and Design, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In Southeast Bismarck, east of the Bismarck Airport on the east side of Yegen Road and the south side of Hagen Avenue (a replat of Lot 1, Block 2, Hamburg Industrial Park 1st Addition)
Project Size:	3.5 Acres
Request:	Subdivide into two lots for light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	2 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	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:	01/2013	*Platted:*	01/2013	*Annexed:*	01/2013

(continued)

Staff Analysis

BRB Woodworking and Design, LLC is requesting approval of a minor subdivision final plat for Hamburg Industrial Park 1st Addition 1st Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 17th, and 36 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include industrial uses to the north and east, undeveloped land to the south, and the Bismarck Airport to the west.

Lot 1 to the north includes a 30-foot access and watermain easement that will be utilized by Lot 2 to the south. No direct access onto Yegen Road will be permitted from either lot.

Portions of the lot are within the Special Flood Hazard Area (a.k.a. 100-year floodplain). Any development within this area would require a floodplain development permit.

Utility Capital Charges

The creation of any new lots within the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement. Since this property is already annexed, the required capital utility charges would be due prior to recordation of the plat.

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 of Hamburg Industrial Park 1st Addition 1st Replat.

Attachments

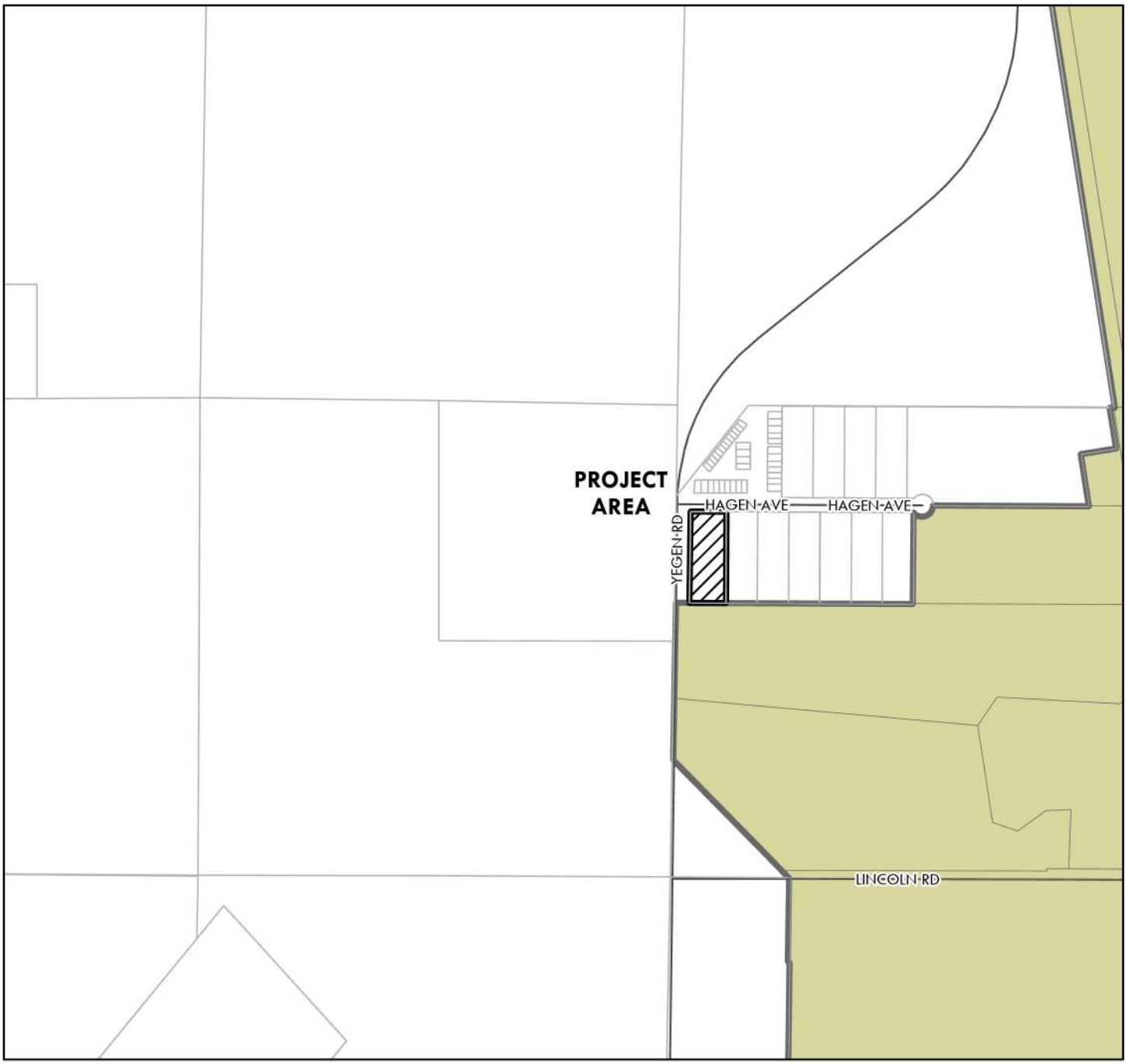
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat with Replatted Area Highlighted

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

Location Map

HAMBURG INDUSTRIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2022-007



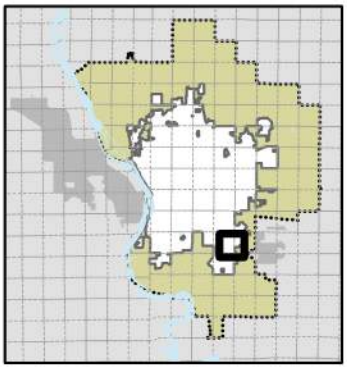
Miles

0 0.17 0.35 0.7

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



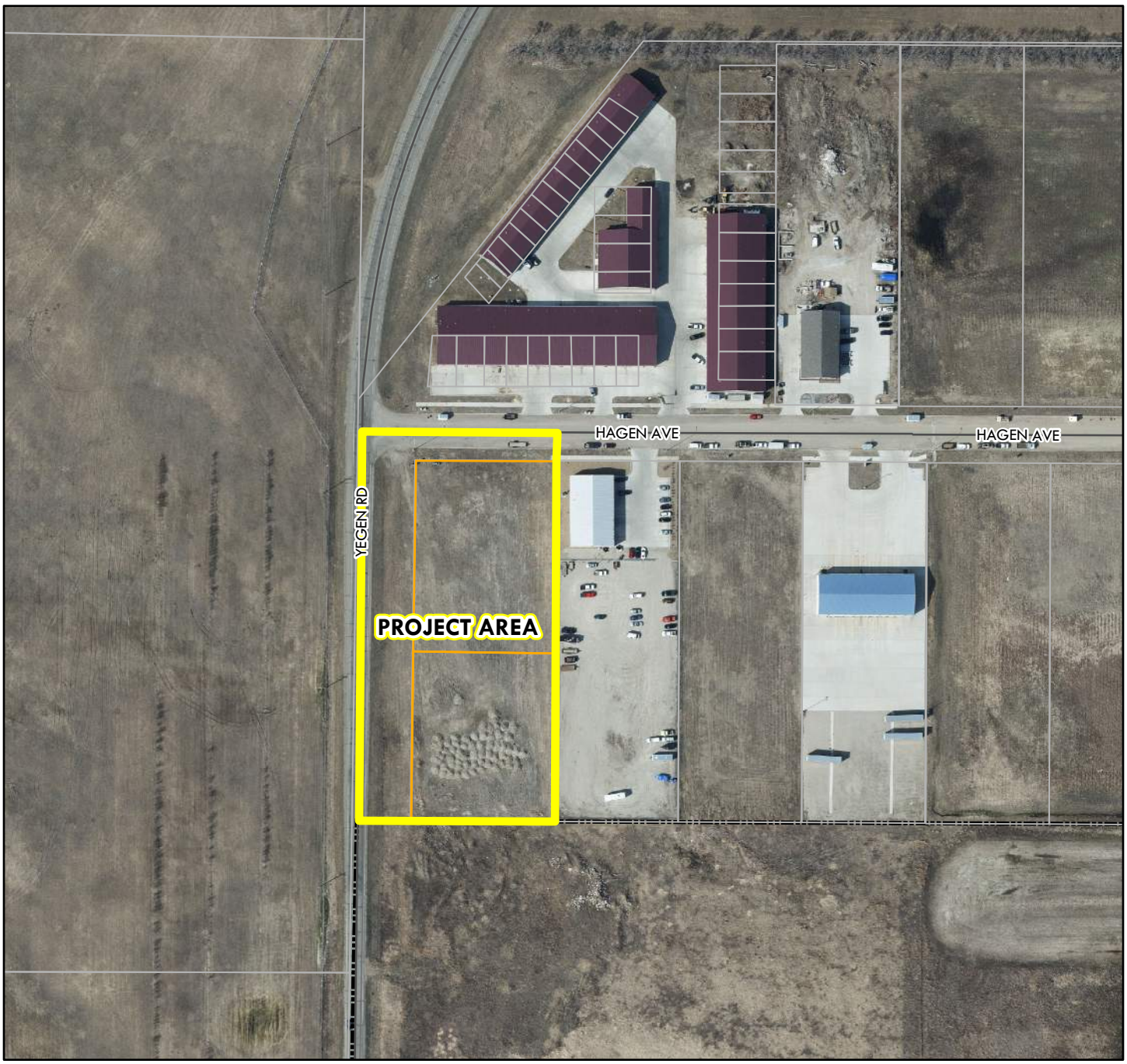
City of Bismarck
Community Development Department
Planning Division
May 23, 2022 (HLB)

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

HAMBURG INDUSTRIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2022-007

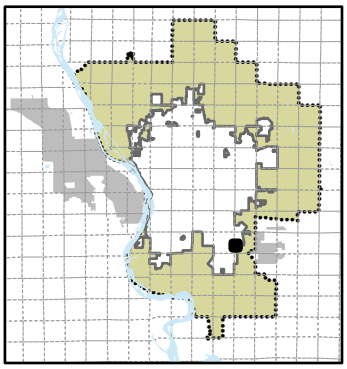


0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

Zoning and Plan Reference Map

HAMBURG INDUSTRIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2022-007

Zoning Districts

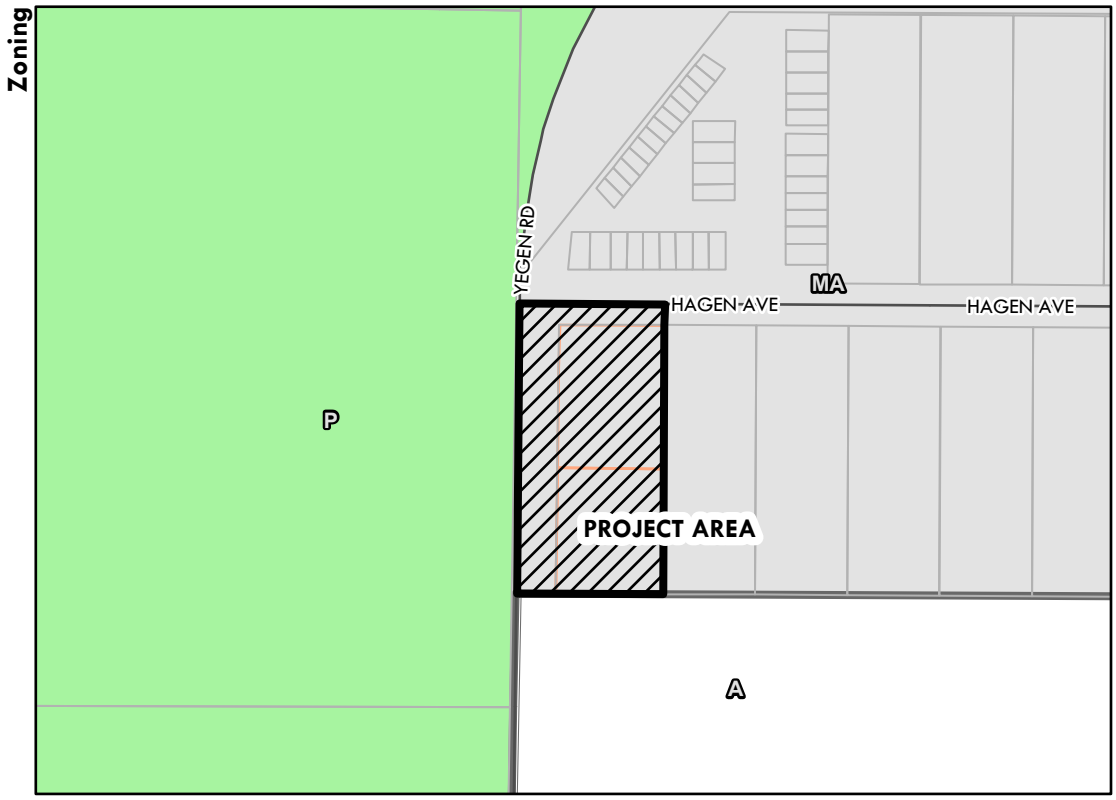
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

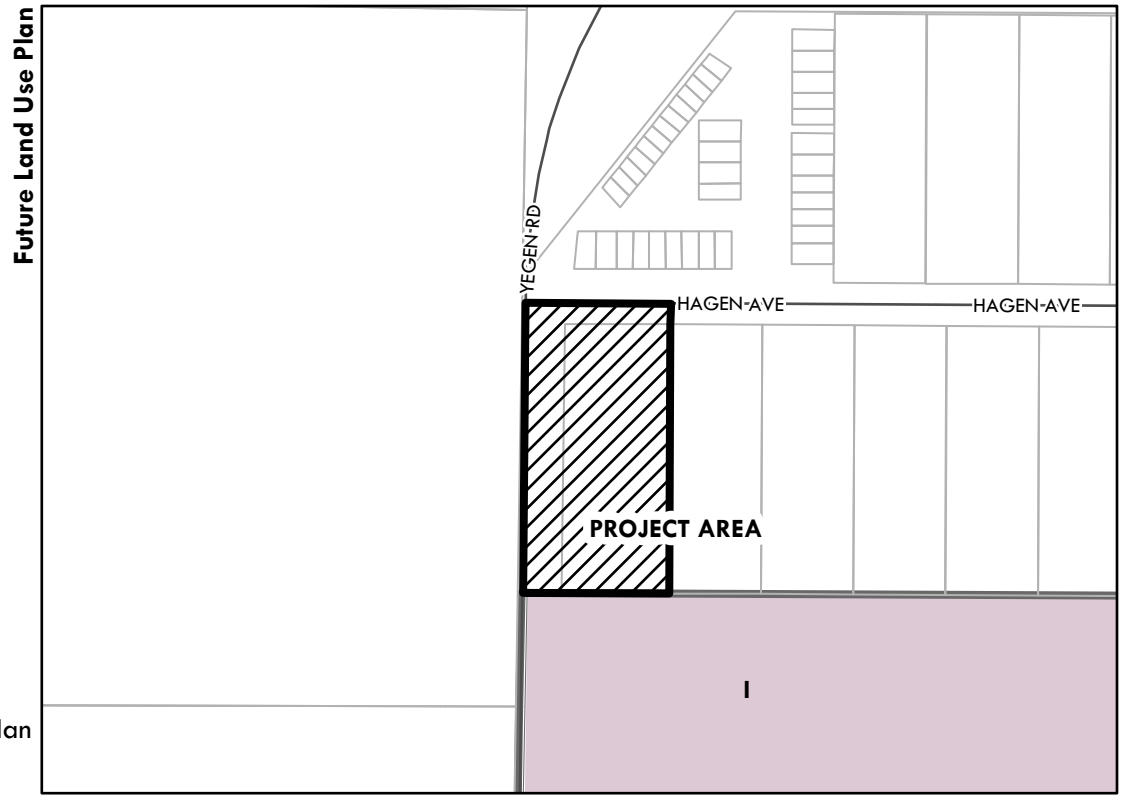
Future Land Use Plan

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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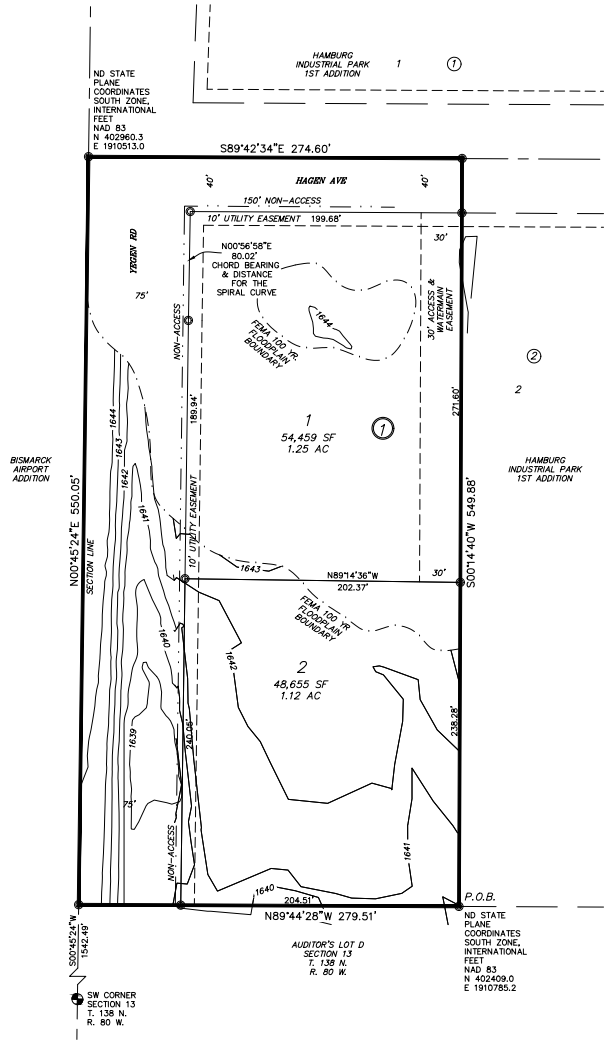
0 0.04 0.09 0.18 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022

HAMBURG INDUSTRIAL PARK 1ST ADDITION
1ST REPLAT

BEING A REPLAT OF LOT 1 BLOCK 2, PART OF THE SOUTH HALF OF HAGEN AVE AND PART OF THE EAST HALF OF YEGEN RD RIGHTS-OF-WAY OF HAMBURG INDUSTRIAL PARK 1ST ADDITION OF THE SW 1/4 OF SECTION 13, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 2, PART OF THE SOUTH HALF OF HAGEN AVE AND PART OF THE EAST HALF OF YEGEN RD RIGHTS-OF-WAY OF HAMBURG INDUSTRIAL PARK 1ST ADDITION OF THE SW 1/4 OF SECTION 13, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 BLOCK 2 HAMBURG INDUSTRIAL PARK 1ST ADDITION; THENCE NORTH 89 DEGREES 44 MINUTES 28 SECONDS WEST, ALONG THE NORTH LINE OF AUDITOR'S LOT D OF SAID SECTION 13, A DISTANCE OF 279.51 FEET TO THE WEST LINE OF SAID SECTION 13; THENCE NORTH 00 DEGREES 45 MINUTES 24 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 550.05 FEET TO THE CENTERLINE OF HAGEN AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 42 MINUTES 34 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 274.60 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 2 BLOCK 2 HAMBURG INDUSTRIAL PARK 1ST ADDITION; THENCE SOUTH 00 DEGREES 14 MINUTES 40 SECONDS WEST, ALONG SAID EXTENSION AND WEST LINE, A DISTANCE OF 549.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 152,368 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ 202__. 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 "HAMBURG INDUSTRIAL PARK 1ST ADDITION 1ST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BRB WOODWORKING & DESIGN, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAMBURG INDUSTRIAL PARK 1ST ADDITION 1ST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

THEY FURTHERMORE GRANT ACCESS & WATERMAIN EASEMENTS TO ALL THE ADJOINING LAND OWNERS OF HAMBURG INDUSTRIAL PARK 1ST ADDITION 1ST REPLAT, 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 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)

_____
JORDAN ANDERSON
BRB WOODWORKING & DESIGN, LLC
PO BOX 7447
BISMARCK, ND 58507

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED JORDAN ANDERSON OF BRB WOODWORKING & DESIGN, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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



SCALE: 1"=40'

JUNE 6, 2022

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

AREA DATA

LOTS	103,119 S.F.	2.37 ACRES
STREETS	49,249 S.F.	1.13 ACRES
TOTAL	152,368 S.F.	3.50 ACRES

NOTES

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

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

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

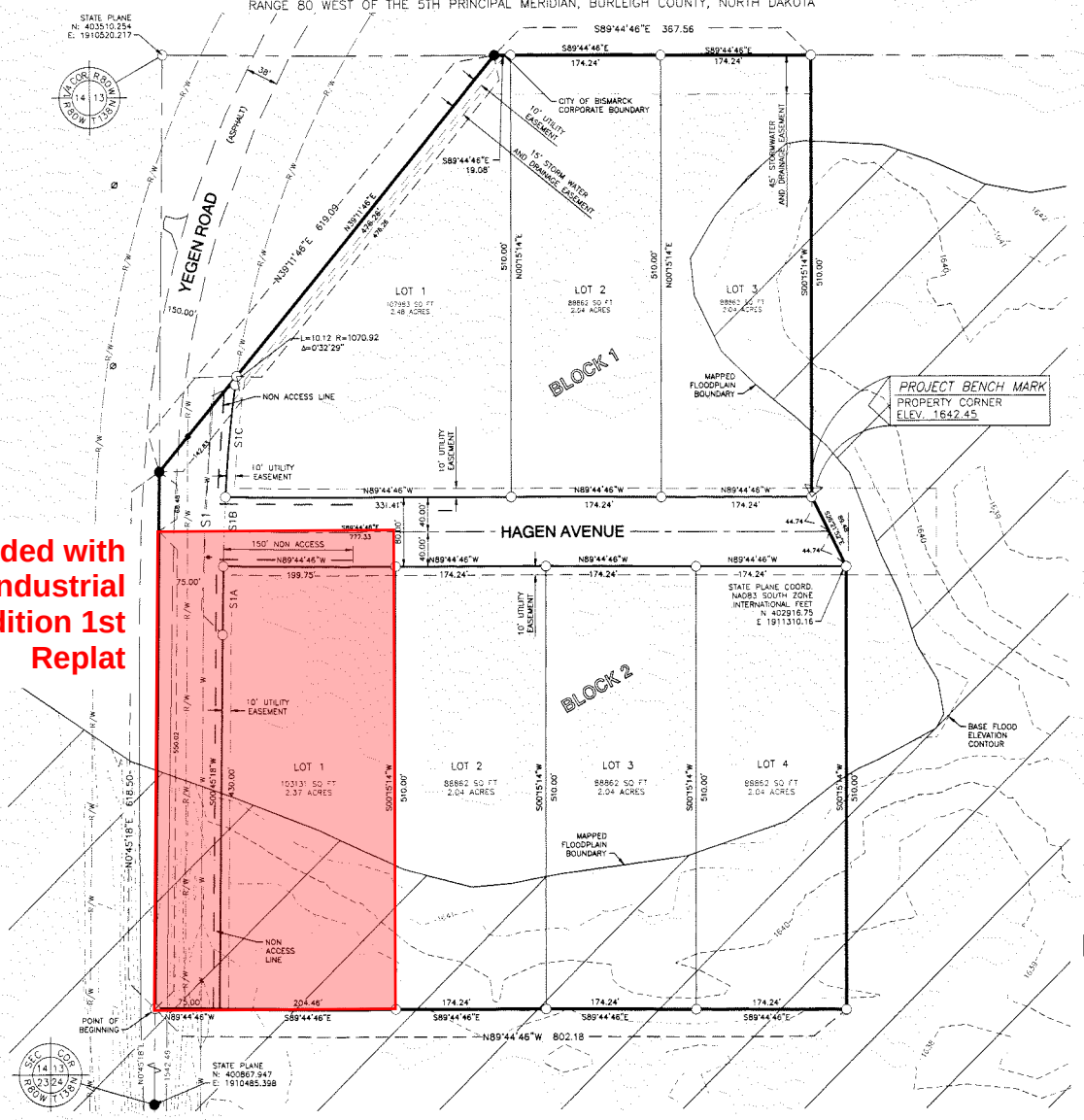
VERTICAL BENCHMARK:
NE CORNER LOT 1 BLOCK 1
HAMBURG INDUSTRIAL PARK 1ST ADDITION 1ST REPLAT
ELEV. 1644.80 (NAVD 88)

FLOOD PLAIN:
FIRM MAP NUMBER 38015C0815D
100 YEAR FLOOD PLAIN ELEVATION: 1641.7 (NAVD 88)

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

HAMBURG INDUSTRIAL PARK 1ST ADDITION

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA



Area included with Hamburg Industrial Park 1st Addition 1st Replat

LEGEND

- PLAT BOUNDARY
- LOT LINE
- UTILITY EASEMENT
- NON ACCESS LINE
- BUILDING SETBACK
- WATER MAIN
- SANITARY SEWER MAIN
- BASE FLOOD ELEVATION
- IRON MONUMENT FOUND
- IRON MONUMENT SET
- MEASURED DISTANCE 303.39
- MEASURED BEARING N89°27'51"W
- 100 YEAR FLOODPLAIN (1642)

PLAT INFORMATION

LOT ACREAGE:	15.05 ACRES
RIGHT OF WAY ACREAGE:	2.45 ACRES
TOTAL ACREAGE:	17.50 ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY DATA

OWNER

HAMBURG DEVELOPMENT, LLC
6420 COPPER RIDGE LANE
LINCOLN, ND 58504

ENGINEER/SURVEYOR

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE 701.323.0200

SPIRAL CURVE TABLE

NO.	DELTA ANGLE	LENGTH	R	LT	ST
S1	0°30'00"	280.18	557.46	193.17	107.16

S1A
SPIRAL L=80.02 CRD BRG=N0°56'13"E CRD DIST=79.98

S1B
SPIRAL L=80.05 CRD BRG=N2°02'02"E CRD DIST=80.04

S1C
SPIRAL L=130.11 CRD BRG=N5°20'15"E CRD DIST=130.06

DESCRIPTION:

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER; THENCE NORTH 0°45'18" EAST ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 1542.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID SECTION 13, NORTH 0°45'18" EAST A DISTANCE OF 618.50 FEET TO THE CORNER OF BISMARCK AIRPORT ADDITION; THENCE NORTH 39°11'46" EAST ALONG BISMARCK AIRPORT ADDITION EAST A DISTANCE OF 619.09 FEET TO THE CORNER OF BISMARCK AIRPORT ADDITION; THENCE SOUTH 89°44'46" EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 13 FOR A DISTANCE OF 367.56 FEET; THENCE SOUTH 0°15'14" WEST FOR A DISTANCE OF 510.00 FEET; THENCE SOUTH 26°21'52" EAST FOR A DISTANCE OF 89.48 FEET; THENCE SOUTH 0°15'14" WEST FOR A DISTANCE OF 510.00 FEET; THENCE NORTH 89°44'46" WEST FOR A DISTANCE OF 802.18 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 17.50 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT LINCOLN LAND DEVELOPMENT, LLP BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON, HAVE CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS HAMBURG INDUSTRIAL PARK 1ST ADDITION, TO THE CITY OF BISMARCK, NORTH DAKOTA AND DO SO DEDICATE 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 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 STORMWATER, WATERMAIN, AND/OR UTILITY EASEMENTS.

Lance Hagen
LANCE HAGEN
PRESIDENT OF LINCOLN LAND DEVELOPMENT, LLP
6420 COPPER RIDGE LANE
LINCOLN, ND 58504

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

ON THIS 1st DAY OF November, 2012 BEFORE ME PERSONALLY APPEARED Lance Hagen 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.

Steven M Langlie
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

Steven M Langlie
Notary Public
State of North Dakota
My Commission Expires
July 27, 2016

APPROVAL OF CITY PLANNING 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 23rd DAY OF May, 2012, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER, CHAIRMAN

CARL D. HOKENSTAD, SECRETARY

APPROVAL OF CITY COMMISSION

THE CITY COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA, WAS TAKEN ON THE 26th DAY OF June, 2012.

ATTEST:
W.C. WOCKEN, CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THE HAMBURG INDUSTRIAL PARK 1ST ADDITION, BISMARCK, NORTH DAKOTA AS SHOWN ON THE PLAT.

MELVIN J. BULLINGER, CITY ENGINEER

1-25-2013

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, STEVEN M. LANGLIE, 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 _____ 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.

STEVEN M. LANGLIE, LAND SURVEYOR
LICENSE NO. 5476

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

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

Lindsey Docken
Notary Public
State of North Dakota
My Commission Expires
Sept. 22, 2015

STEVEN M. LANGLIE
REGISTERED LAND SURVEYOR
LS - 5476
NORTH DAKOTA

ON THIS 26th DAY OF September, 2012 BEFORE ME PERSONALLY APPEARED STEVEN M. LANGLIE, 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.

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

HEI PROJECT NO: 5156-000

Houston Engineering Inc.
BISMARCK
P: 701.323.0200
F: 701.323.0300

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

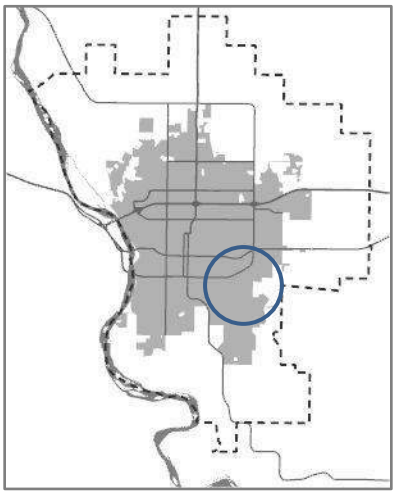
Agenda Item # 11
June 22, 2022

Application for: **Minor Plat**

Project ID: **MPLT2022-008**

Project Summary

Title:	Airport Industrial Park Third Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Lawrence LaBere, Airway Storage LLP
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In southeast Bismarck, east of Airport Road along the north side of Airway Avenue (a replat of Lot 7, less the North 25 feet, Lot 8 less Lot 8A and all of Lot 9, Block 4, Airport Industrial Park Third Addition)
Project Size:	84,343 square feet or 1.94 acres, more or less
Request:	Replat property for future light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Industrial	*Land Use:*	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-1980	*Platted:*	Pre-1980	*Annexed:*	Pre-1980

Staff Analysis

(continued)

Airway Storage LLP is requesting approval of a minor subdivision final plat for Airport Industrial Park Third Addition First Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and 17th and 14 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include light industrial uses to the north across Frontier Drive, east and west, and the Bismarck Municipal Airport to the south.

Utility Capital Charges

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement. Since this property is already annexed, the required capital utility charges would be due prior to recordation of the plat.

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 Airport Industrial Park Third 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

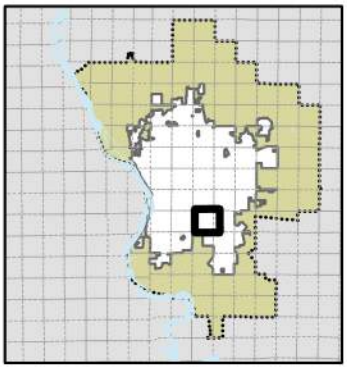
AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT

MPLT2022-008



0 0.17 0.35 0.7 Miles





City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

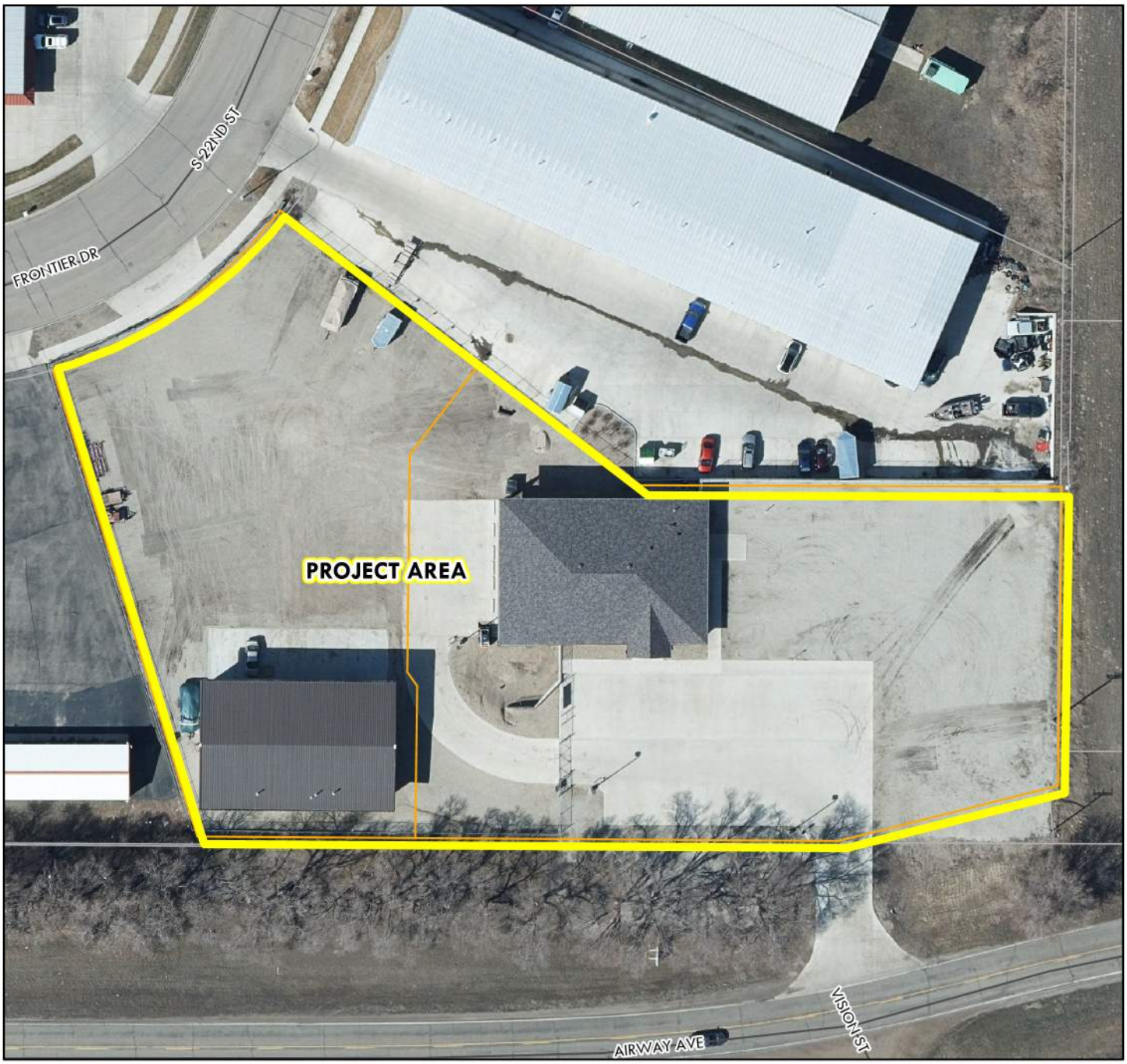
City of Bismarck
Community Development Department
Planning Division
May 23, 2022 (HLB)

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

AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT

MPLT2022-008

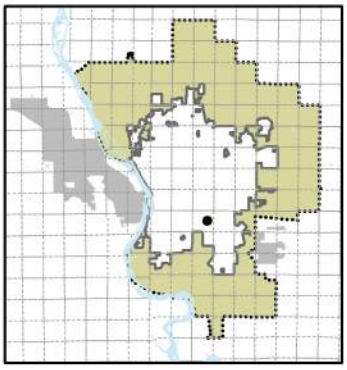


0 0.01 0.03 0.06 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Finance Department
IT/GIS Division
June 14, 2022

Zoning and Plan Reference Map

AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT

MPLT2022-008

Zoning Districts

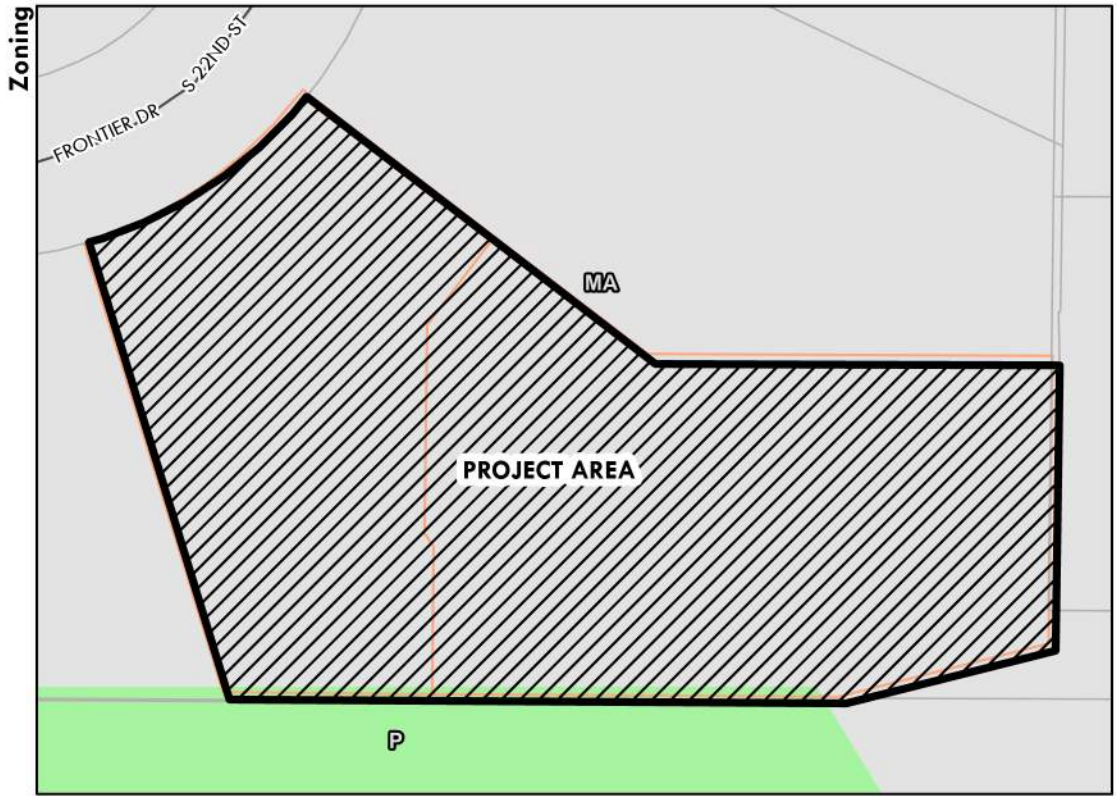
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

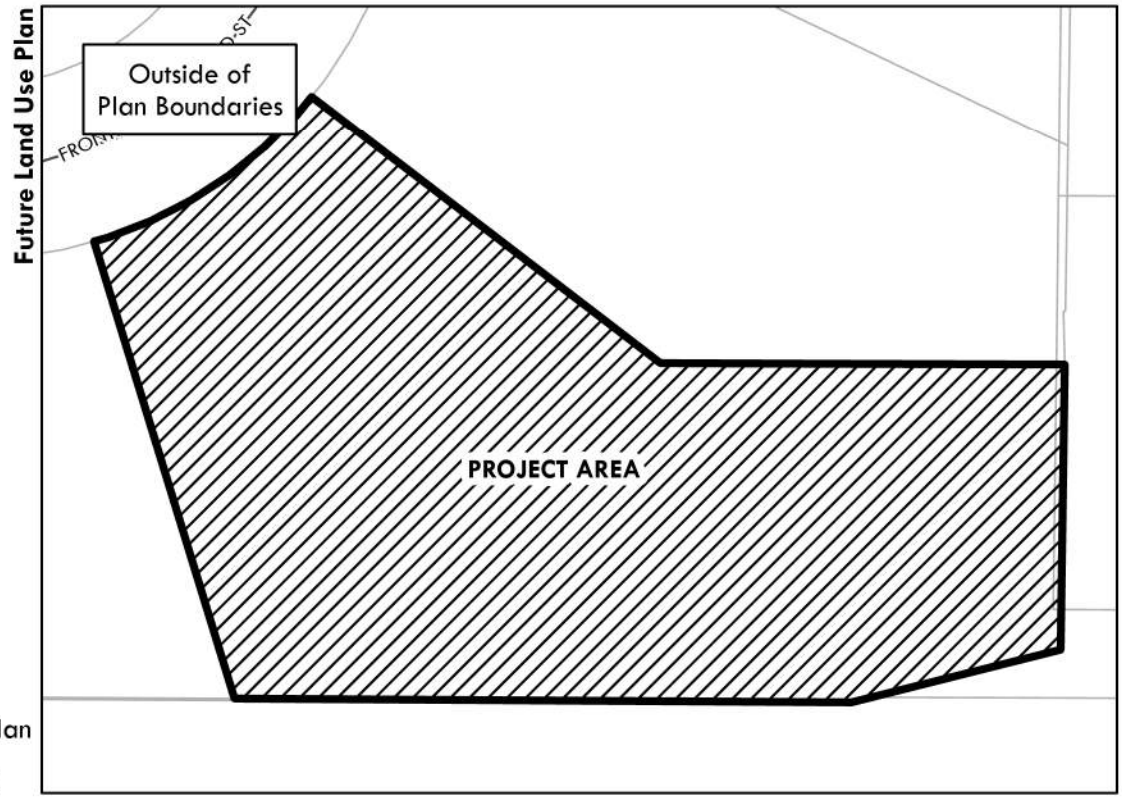
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

Miles
0 0.01 0.02 0.04

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2022

AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT

BEING A REPLAT OF LOT 7 LESS THE NORTH 25', LOT 8 LESS LOT 8A, AND ALL OF LOT 9 BLOCK 4, AND PART OF THE SOUTHEASTERLY HALF OF FRONTIER DRIVE RIGHT-OF-WAY AIRPORT INDUSTRIAL PARK THIRD ADDITION

OF THE NE 1/4 OF SECTION 10, T 138 N., R 80 W. OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 7 LESS THE NORTH 25', LOT 8 LESS LOT 8A, AND ALL OF LOT 9 BLOCK 4, AND PART OF THE SOUTHEASTERLY HALF OF FRONTIER DRIVE RIGHT-OF-WAY AIRPORT INDUSTRIAL PARK THIRD ADDITION OF THE NORTHWEST 1/4 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 LOT 10 BLOCK 4 AIRPORT INDUSTRIAL PARK THIRD ADDITION; THENCE NORTH 17 DEGREES 09 MINUTES 11 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID LOT 10 AND ITS NORTHWESTERLY EXTENSION, A DISTANCE OF 257.62 FEET TO THE CENTERLINE OF FRONTIER DRIVE RIGHT-OF-WAY; THENCE NORTHEASTERLY AND TO THE LEFT, ON A 161.80 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 17 DEGREES 16 MINUTES 21 SECONDS WEST, AN ARC LENGTH OF 100.25 FEET TO THE NORTHWESTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 BLOCK 4 AIRPORT INDUSTRIAL PARK THIRD ADDITION; THENCE SOUTH 52 DEGREES 38 MINUTES 46 SECONDS EAST, ALONG SAID NORTHWESTERLY EXTENSION AND SOUTH LINE AND THE SOUTHWEST LINE OF LOT 8A OF LOT 8 BLOCK 4 AIRPORT INDUSTRIAL PARK THIRD ADDITION A DISTANCE OF 240.48 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 01 SECOND EAST, ALONG THE SOUTH LINE OF SAID LOT 8A AND THE SOUTH LINE OF THE NORTH 25' OF LOT 7 BLOCK 4 AIRPORT INDUSTRIAL PARK THIRD ADDITION, A DISTANCE OF 186.61 FEET TO THE WEST LINE OF AIRWAY AVENUE ADDITION; THENCE SOUTH 00 DEGREES 46 MINUTES 23 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 132.62 FEET TO THE NORTH LINE OF AIRWAY AVENUE RIGHT-OF-WAY; THENCE SOUTH 75 DEGREES 46 MINUTES 34 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 99.99 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 283.86 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 84,343 SQUARE FEET, 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 PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 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 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 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 _____, 202_.

_____
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 "AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE APPROVED PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT AIRWAY STORAGE, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT", BISMARCK, 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.

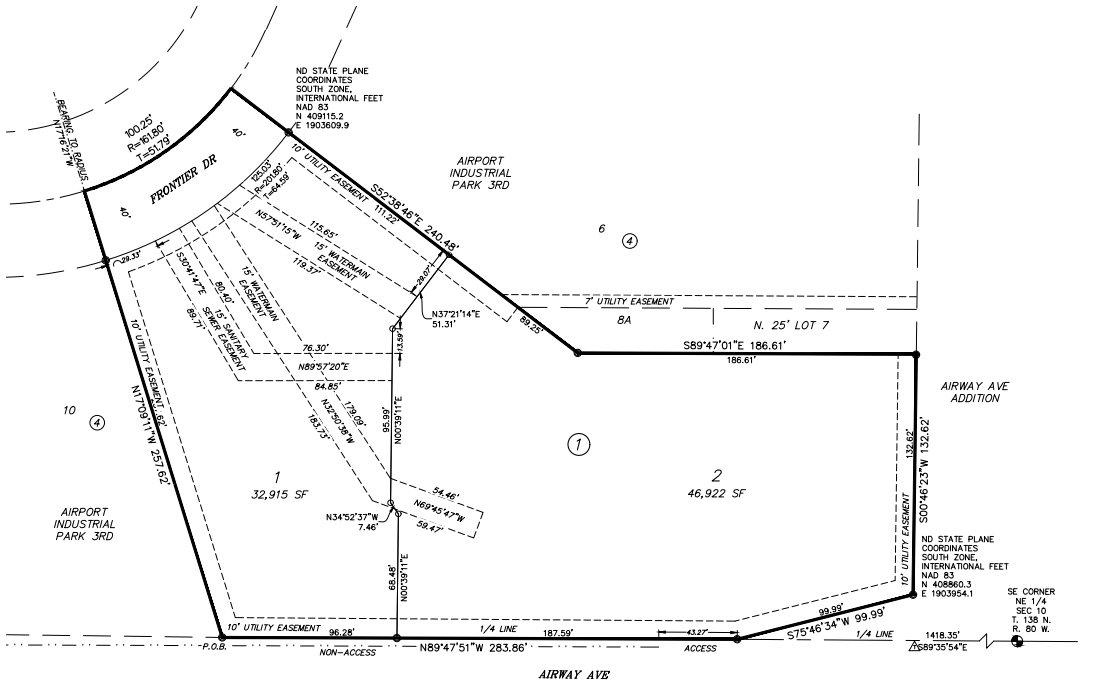
THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY ALSO DEDICATE WATERMAIN & SANITARY SEWER EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPSOE OF CONSTRUCTING, OPERATING, AND MAINTAINING WATERMAIN & SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

_____
AIRWAY STORAGE, LLP
2200 AIRWAY AVE
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED _____ OF AIRWAY STORAGE, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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



NOTES

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

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

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



SCALE: 1"=30'

JUNE 7, 2022

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

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

8970

AIRPORT INDUSTRIAL PARK THIRD ADDITION

Part Of NE. 1/4 Section 10, T. 138 N., R. 80 W.
Bismarck, North Dakota

DESCRIPTION

SURVEYOR'S CERTIFICATE

SWENSON, HAGEN & COMPANY
CONSULTING ENGINEERS & SURVEYORS
909 BASIN AVENUE
BISMARCK, NO. DAK.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

PLANNING COMMISSION APPROVAL

CITY ENGINEER'S APPROVAL

OWNER'S CERTIFICATE & DEDICATION

APPROVAL OF BOARD OF CITY COMMISSIONERS

N

W E

S

SCALE: 1" = 100'
JANUARY 15, 1979

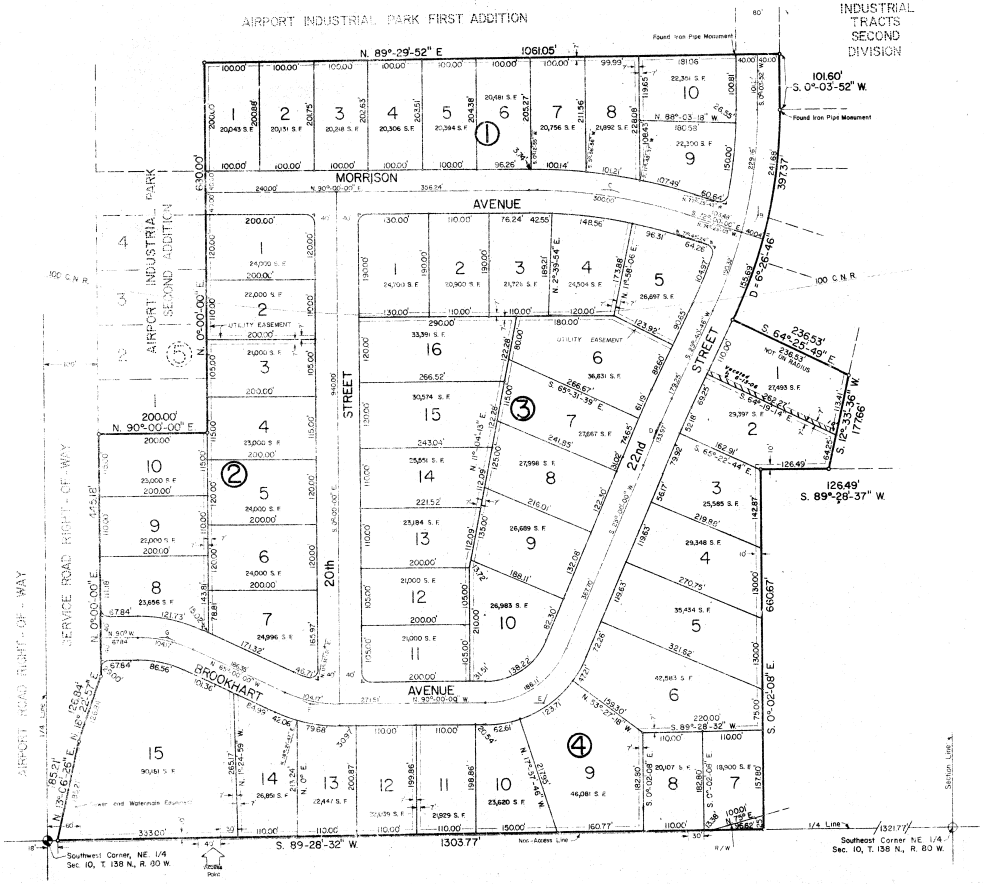
NOTES

● Denotes Iron Pipe Monument To Be Set.

All Lot Corners at Street Intersections Are Rounded To A 15' Radius

All Curve Data Is By Chord Definition.

Curve	Δ	D	T	L	R	Ext
B	25°-36'-54"	6°-45'-00"	193.08'	379.48'	849.32'	21.67'
C	18°-00'-00"	6°-00'-00"	151.32'	300.00'	955.37'	11.91'
D	2°-40'-46"	2°-00'-00"	67.00'	133.97'	2864.93'	0.78'
E	67°-00'-00"	36°-00'-00"	107.0'	188.1'	161.80'	32.23'
F	25°-00'-00"	24°00'-00"	53.32'	104.17'	240.49'	5.84'
G	155°-00'-00"	24°-00'-00"	53.32'	104.17'	240.49'	5.84'



STAFF REPORT

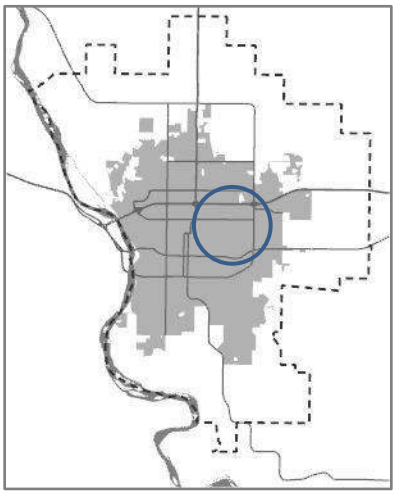
Agenda Item # 12
June 22, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-008**

Project Summary

Title:	Block 49 and part of Block 56, Governor Pierce Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bismarck Rental Properties, LLC
Project Contact:	Dan Frank
Location:	In east-central Bismarck, the block bounded by East Broadway Avenue, North 25th Street, East Thayer Avenue and North 26th Street
Project Size:	139,600 square feet / 3.20 acres
Request:	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Manufactured home park	*Land Use:*	Manufactured home park
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	RMH – Residential
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	RMH – Manufactured home parks
Max Density:	CG – 42 units / acre	*Max Density:*	RMH – 7 units / acre

Property History

Zoned:	Pre-1960	*Platted:*	08/1887	*Annexed:*	Pre-1960

(continued)

Staff Analysis

Bismarck Rental Properties LLC is requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition.

The Planning and Zoning Commission considered this request at their meeting of May 25, 2022 and called for a public hearing on the zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 17th, and 60 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include commercial uses to the north across East Thayer Avenue and to the west across North 25th Street, and light industrial uses to the south across East Broadway Avenue and to the east across North 26th Street.

Dakota Mobile Home was established as a mobile home park in the 1956, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH – Residential; however, this park was not and became a legal non-conforming use within the CG – Commercial zoning district.

Rezoning this property to RMH – Residential will bring the zoning of the property more in line with the actual use of the property, although there will still be some non-conforming aspects. In addition, with the rezoning to RMH – Residential, new homes within the park could be placed in accordance with the recently-adopted contextual front yard setback provisions. This, in turn, would allow older outdated mobile homes on the property to be replaced with newer manufactured homes with a similar front yard setback to the adjacent homes. As newer homes are longer than older homes, this option allows homes to be replaced when needed and preserves an affordable housing option within the community.

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,

(continued)

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 approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-24 and the W½ of closed 26th Street adjacent, Block 49, and Lots 1-12 and the E½ of the closed 26th Street adjacent, less the East 33 feet, Block 56, Governor Pierce Addition.

Attachments

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

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the CG – Commercial zoning district and included in the RMH – Residential zoning district:

Lots 1-24 and the W½ of closed 26th Street adjacent, Block 49, and Lots 1-12 and the E½ of the closed 26th Street adjacent, less the East 33 feet, Block 56, Governor Pierce Addition

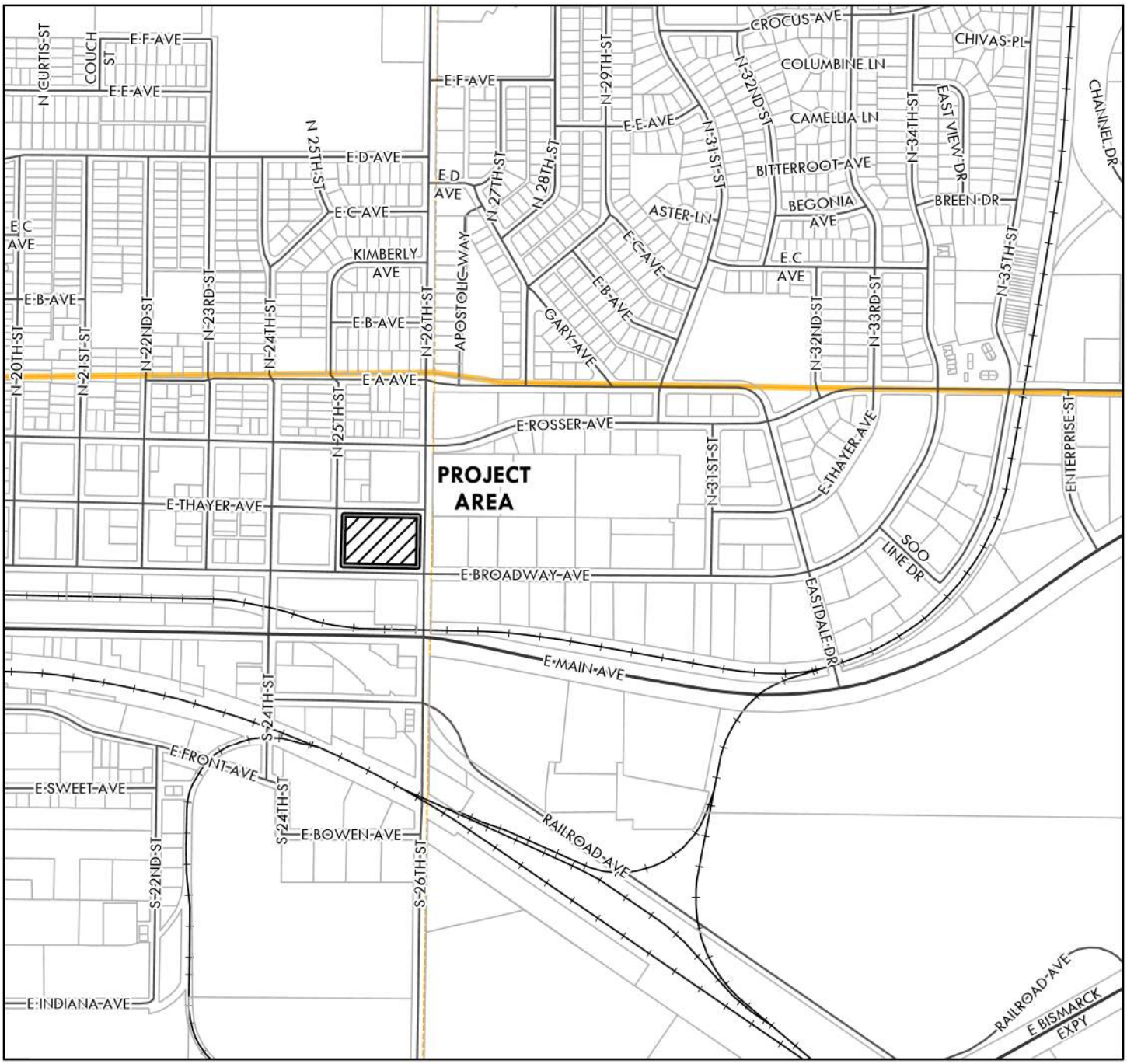
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

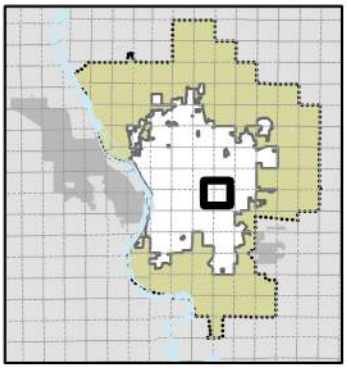
Location Map

GOVERNOR PIERCE ADDITION, B49 AND PT B56

ZC2022-008



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
April 26, 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

GOVERNOR PIERCE ADDITION, B49 AND PT B56

ZC2022-008

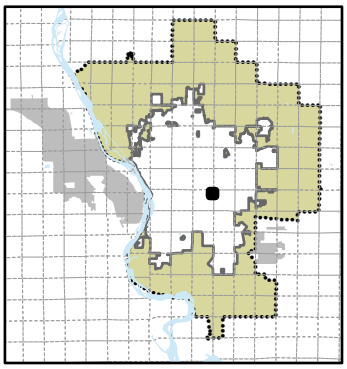


0 0.05 0.1 0.19 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Finance Department
IT/GIS Division
May 20, 2022

Zoning and Plan Reference Map

GOVERNOR PIERCE ADDITION, B49 AND PT B56

ZC2022-008

Zoning Districts

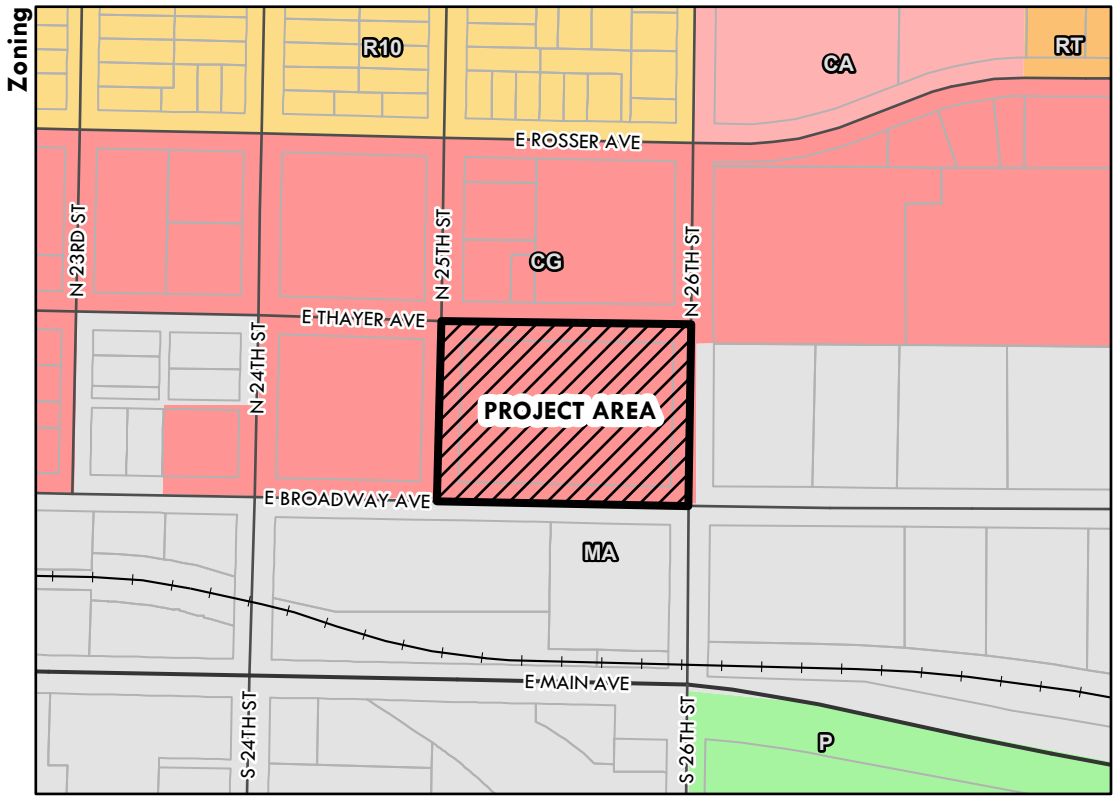
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

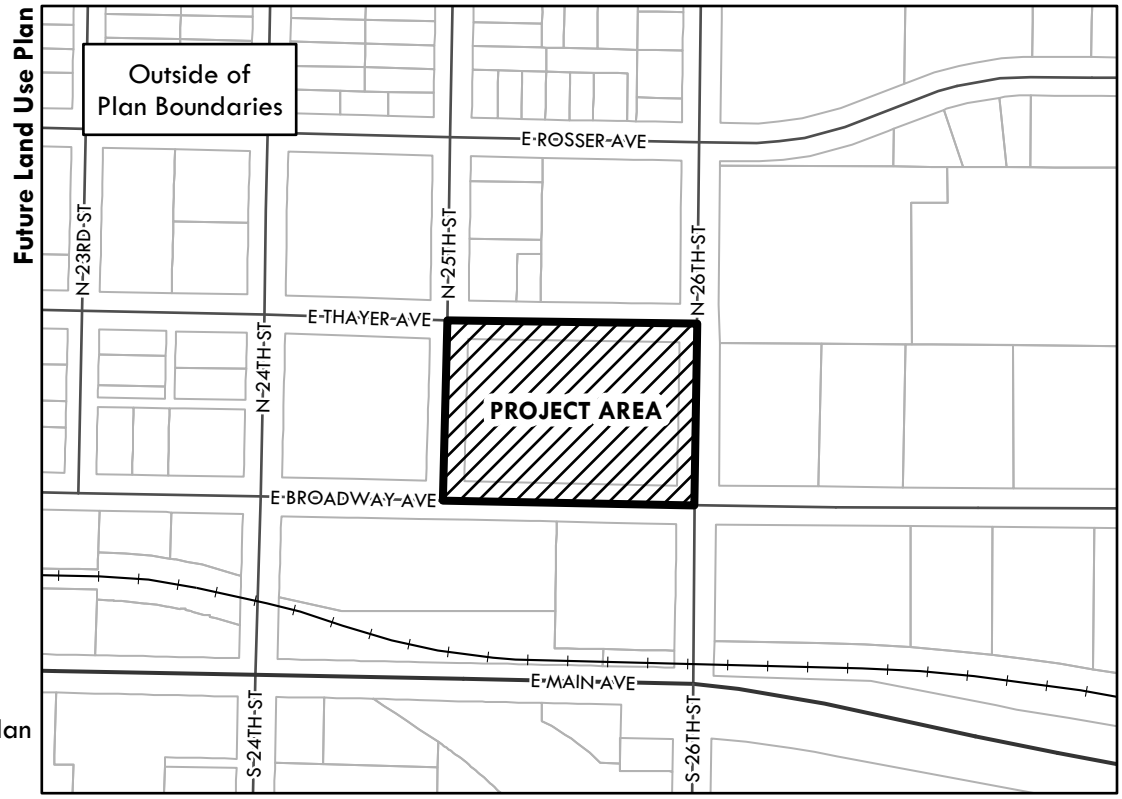
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.05 0.1 0.2 Miles

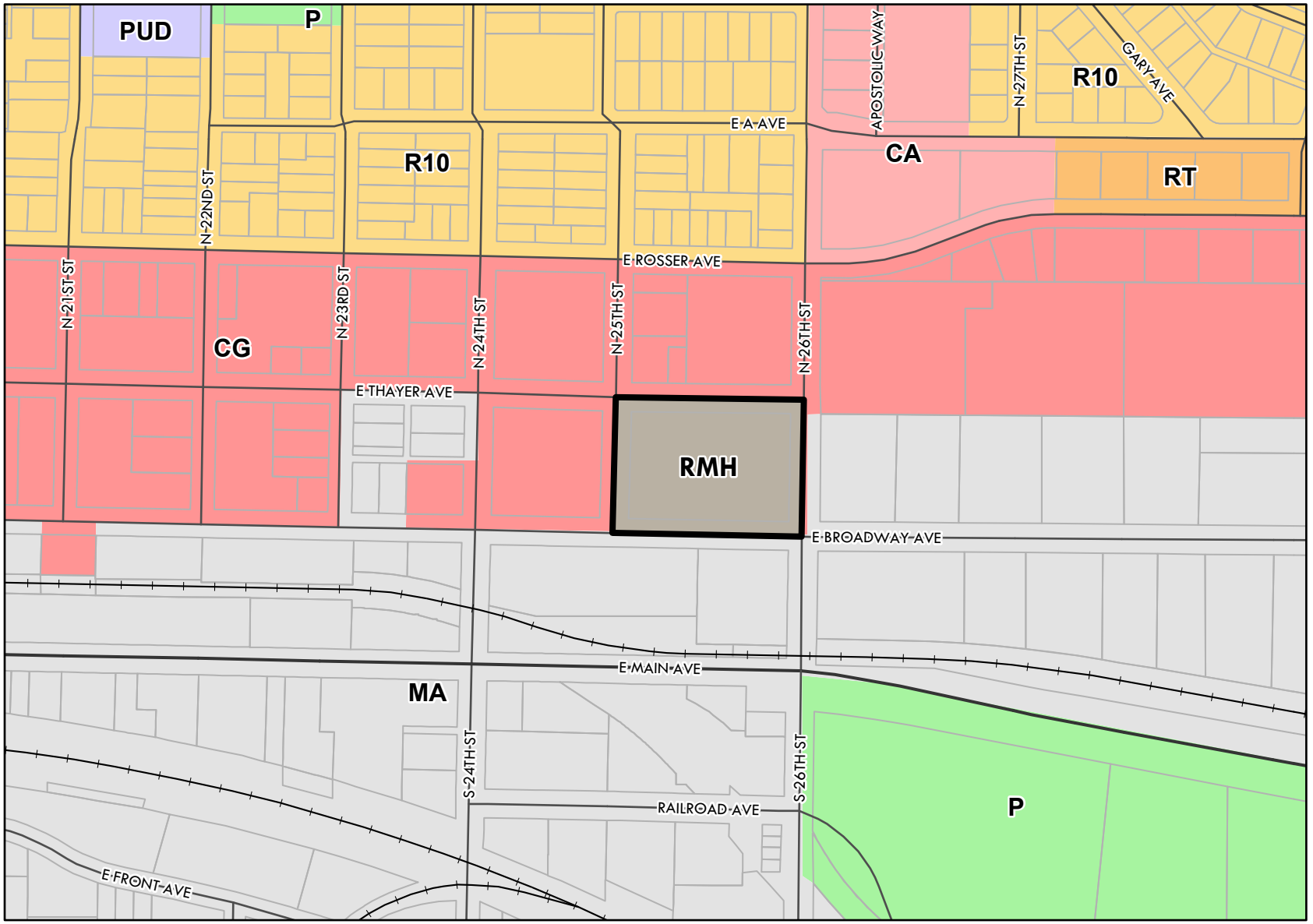
City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022

Proposed Zoning Change

GOVERNOR PIERCE ADDITION, B49 AND PT B56

ZC2022-008

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 0.13 0.25 0.5 Miles

City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

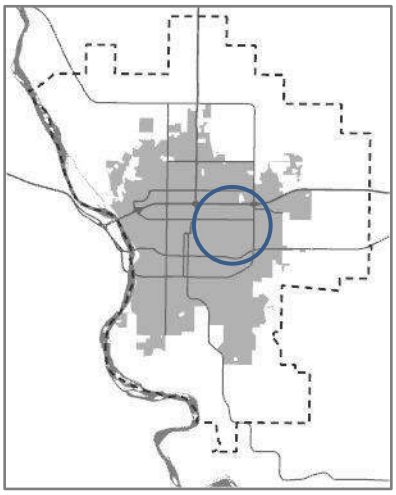
Agenda Item # 13
June 22, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-009**

Project Summary

Title:	Block 45, Governor Pierce Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bismarck Rental Properties, LLC
Project Contact:	Dan Frank
Location:	In east-central Bismarck, the block bounded by East Thayer Avenue, North 24th Street, East Rosser Avenue and North 25th Street
Project Size:	90,000 square feet / 2.07 acres
Request:	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Manufactured home park	*Land Use:*	Manufactured home park
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	RMH – Residential
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	RMH – Manufactured home parks
Max Density:	CG – 42 units / acre	*Max Density:*	RMH – 7 units / acre

Property History

Zoned:	Pre-1960	*Platted:*	08/1887	*Annexed:*	Pre-1960

(continued)

Staff Analysis

Bismarck Rental Properties LLC is requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Block 45, Governor Pierce Addition.

The Planning and Zoning Commission considered this request at their meeting of May 25, 2022 and called for a public hearing on the zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 17th, and 60 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include low density residential uses to the north across East Rosser Avenue and a mix of commercial uses across adjacent roadways to the east, south and west.

Bismarck Mobile Home Park was established as a mobile home park in the 1953, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH – Residential; however, this park was not and became a legal non-conforming use within the CG – Commercial zoning district.

Rezoning this property to RMH – Residential will bring the zoning of the property more in line with the actual use of the property, although there will still be some non-conforming aspects. In addition, with the rezoning to RMH – Residential, new homes within the park could be placed in accordance with the recently-adopted contextual front yard setback provisions. This, in turn, would allow older outdated mobile homes on the property to be replaced with newer manufactured homes with a similar front yard setback to the adjacent homes. As newer homes are longer than older homes, this option allows homes to be replaced when needed and preserves an affordable housing option within the community.

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,

(continued)

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 approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-24, Block 45, Governor Pierce Addition.

Attachments

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

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the CG – Commercial zoning district and included in the RMH – Residential zoning district:

Lots 1-24, Block 45, Governor Pierce Addition

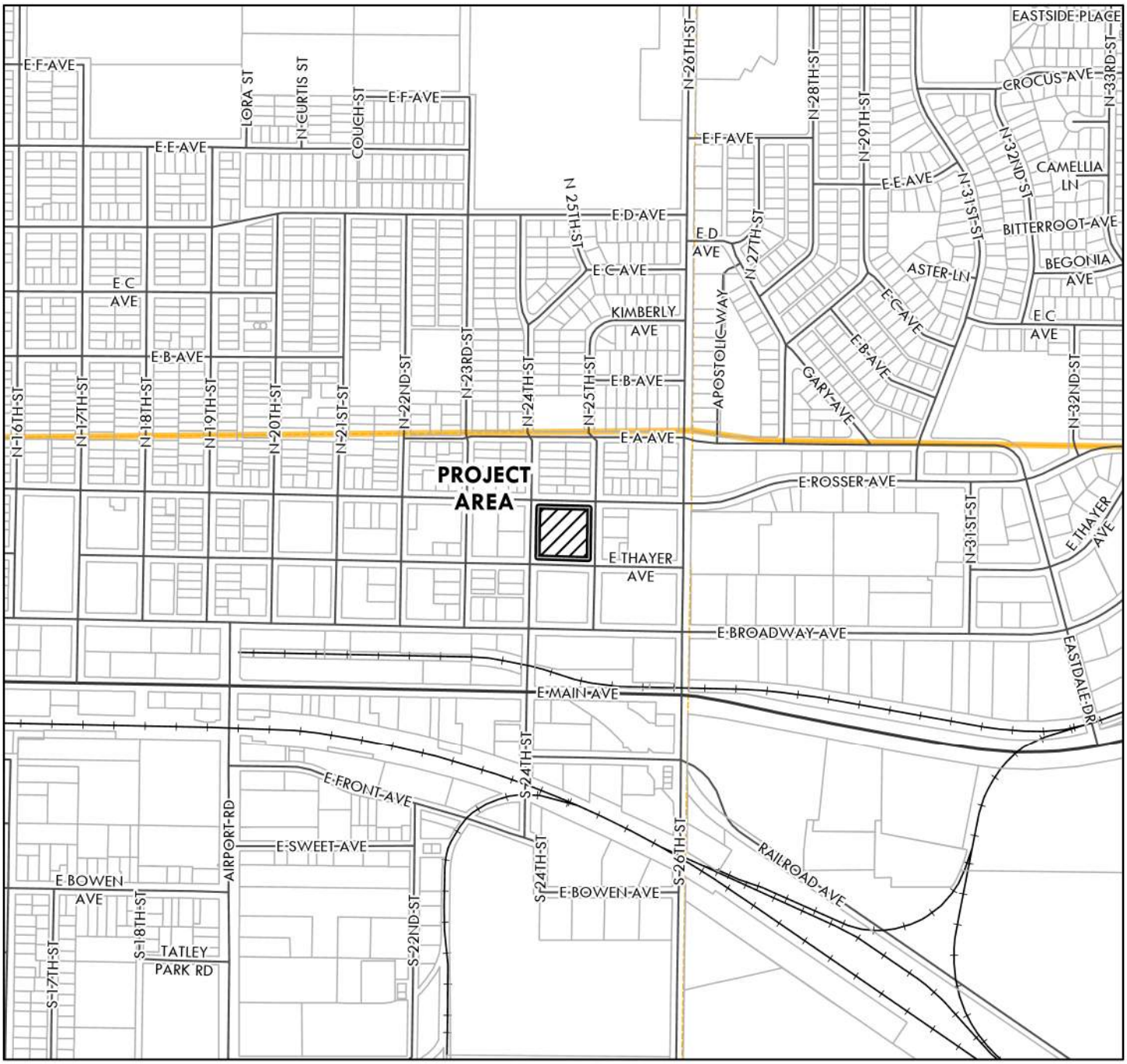
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

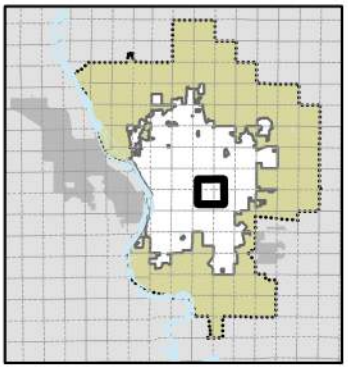
Location Map

GOVERNOR PIERCE ADDITION, B45

ZC2022-009



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
April 26, 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

GOVERNOR PIERCE ADDITION, B45

ZC2022-009

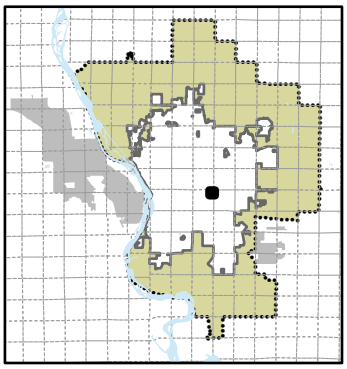


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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Finance Department
IT/GIS Division
May 20, 2022

Zoning and Plan Reference Map

GOVERNOR PIERCE ADDITION, B45

ZC2022-009

Zoning Districts

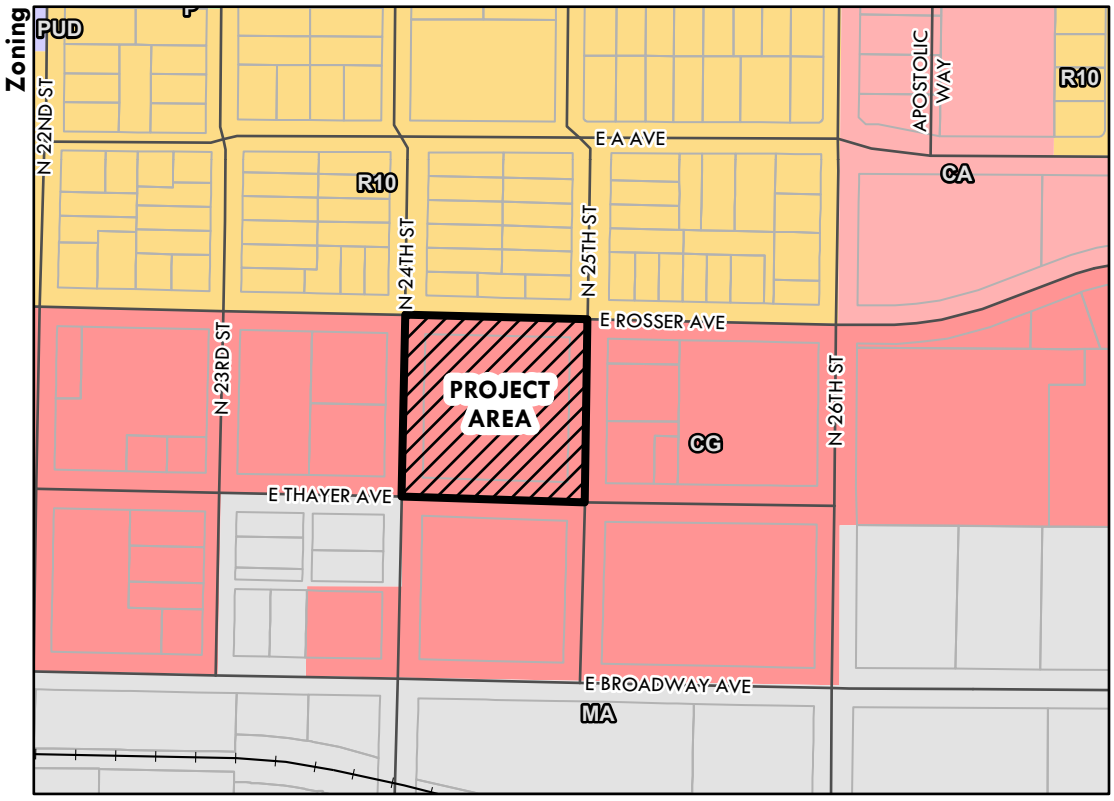
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

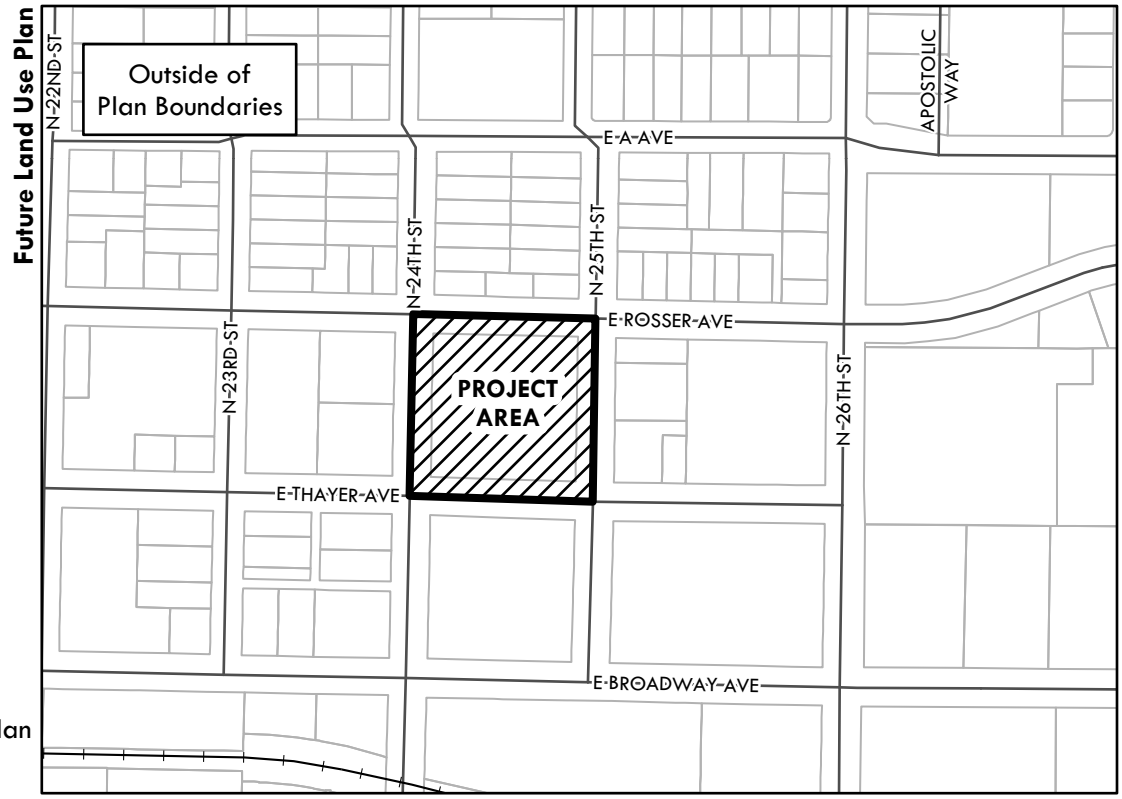
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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Miles
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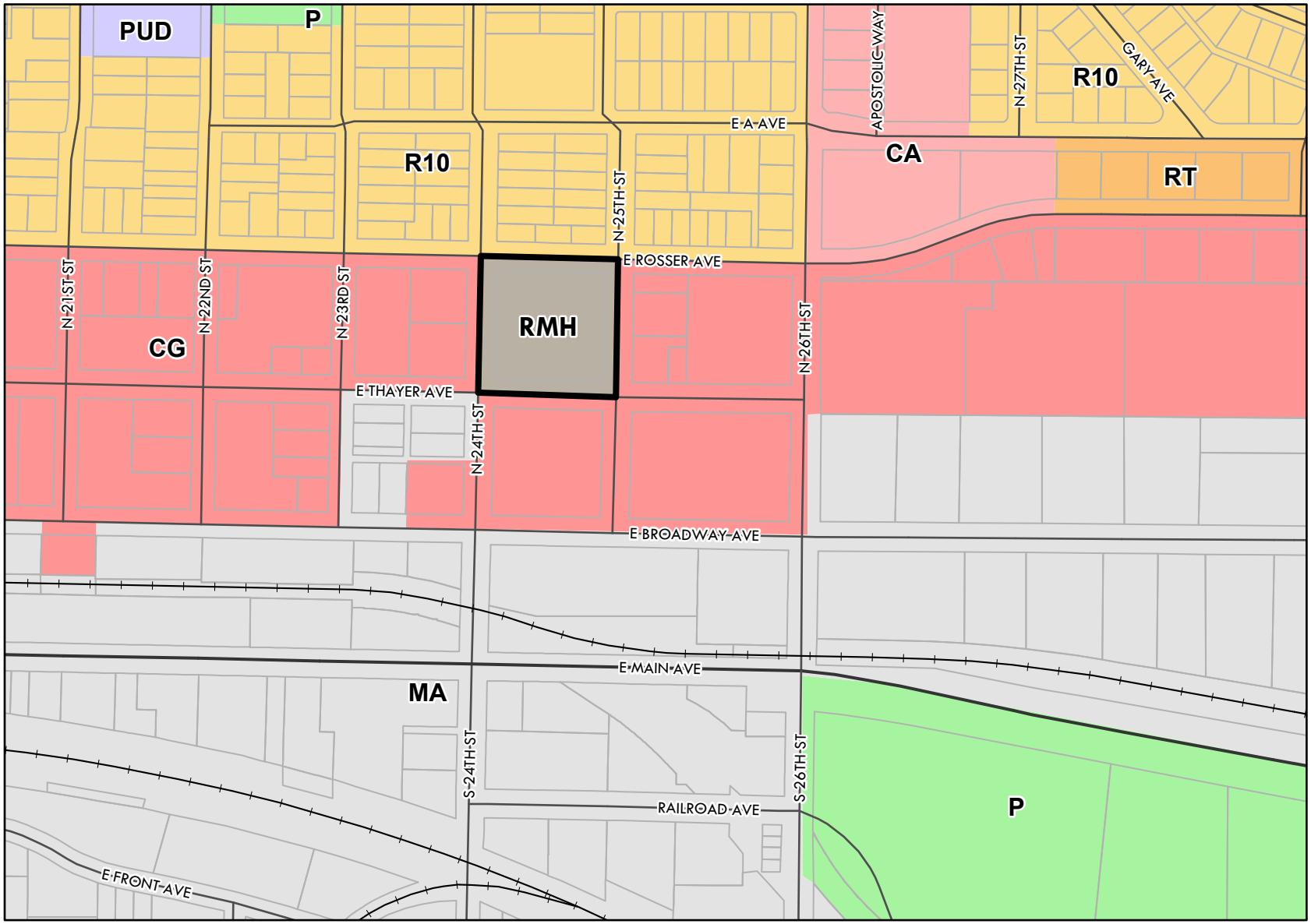
City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022

Proposed Zoning Change

GOVERNOR PIERCE ADDITION, B45

ZC2022-009

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.13 0.25 0.5 Miles

City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022

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STAFF REPORT

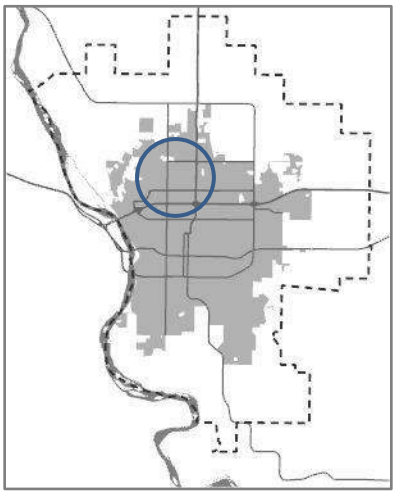
Agenda Item # 14
June 22, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-010**

Project Summary

Title:	Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	DPH Investments LLC
Project Contact:	Abe Ulmer, PE, ILSE, Inc.
Location:	In north Bismarck, along the south side of 43rd Avenue NE west of Boulder Ridge Road
Project Size:	53,972 square feet
Request:	Rezone property for future neighborhood commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 1 block	*Number of Lots:*	2 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	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	*Zoning:*	CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	CA – Neighborhood commercial
Max Density:	RT – 30 units / acre	*Max Density:*	CA – 30 units / acre

Property History

Zoned:	04/2014 (RT)	*Platted:*	5/2012	*Annexed:*	05/2012

(continued)

Staff Analysis

DPH Investments LLC is requesting approval of a zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat.

The Planning and Zoning Commission considered this request at their meeting of May 25, 2022, and called for a public hearing on the zoning change.

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

Adjacent uses include single and two-family residential and vacant property zoned CA – Commercial to the north across 43rd Avenue NE, office uses to the east across Boulder Ridge Road and to the south, and institutional and multi-family uses to the west.

Lots 1 and 2 are undeveloped. They were zoned RM30 – Residential in 2012 and re-zoned to RT – Residential in 2014. The applicant intends to develop a multi-tenant building on the property and has requested CA – Commercial zoning to increase the variety of uses allowed and improve the ability to market the property.

Staff does not support the proposed rezoning for the reasons outlined below.

First, the proposed CA – Commercial zoning district would be isolated as a single parcel. This is sometimes referred to as a spot zoning, a practice that is discouraged and sometimes deemed “arbitrary and capricious” by courts on the grounds that it grants preferential treatment to a single landowner not available to nearby properties. Additionally, there are commercially zoned areas to the north, across 43rd Avenue NE at the intersection of two major arterial roadways (North Washington St and 43rd Avenue NE). Staff does not believe this general area lacks sites for commercial uses to serve the needs of the neighborhood.

Second, commercial uses may generate high numbers of vehicle trips. Although most traffic may enter the site from 43rd Avenue to the north via Boulder Ridge Road and a private access easement, additional trips would likely be generated from the south through an existing residential neighborhood.

Third, the stormwater management plan for this area assumed an impervious surface coverage consistent with the RT – Residential zoning district. A zoning change could result in a need for additional on-site stormwater detention, which would have to be further re-evaluated during future site development if the zoning change were approved as proposed.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends denial of the zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 2 and Lot 3, Block 1, Kilber North Addition First Replat.

Attachments

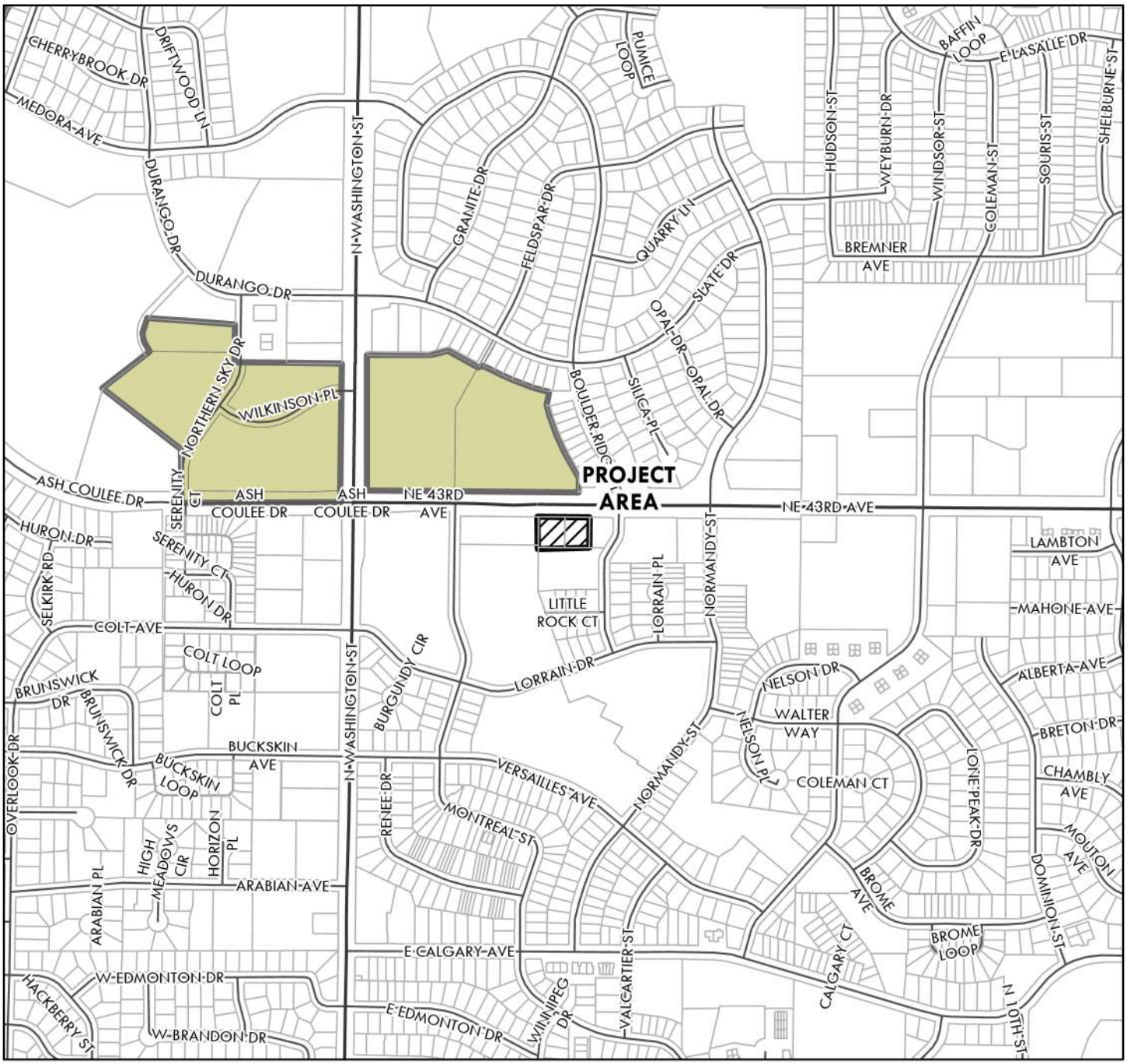
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

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

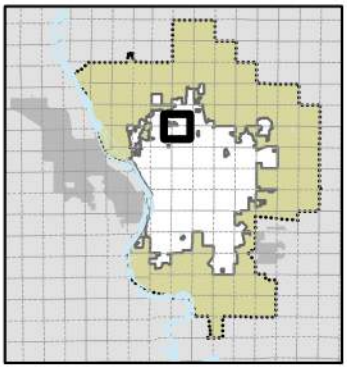
Location Map

KILBER NORTH ADDITION FIRST REPLAT, L1 AND 2, B1

ZC2022-010



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
April 27, 2022 (HLB)

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Aerial Map

KILBER NORTH ADDITION FIRST REPLAT, L1-2, B1

ZC2022-010

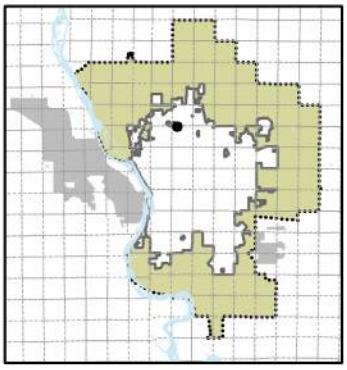


0 0.02 0.04 0.08 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

Zoning and Plan Reference Map

KILBER NORTH ADDITION FIRST REPLAT, L1-2, B1

ZC2022-010

Zoning Districts

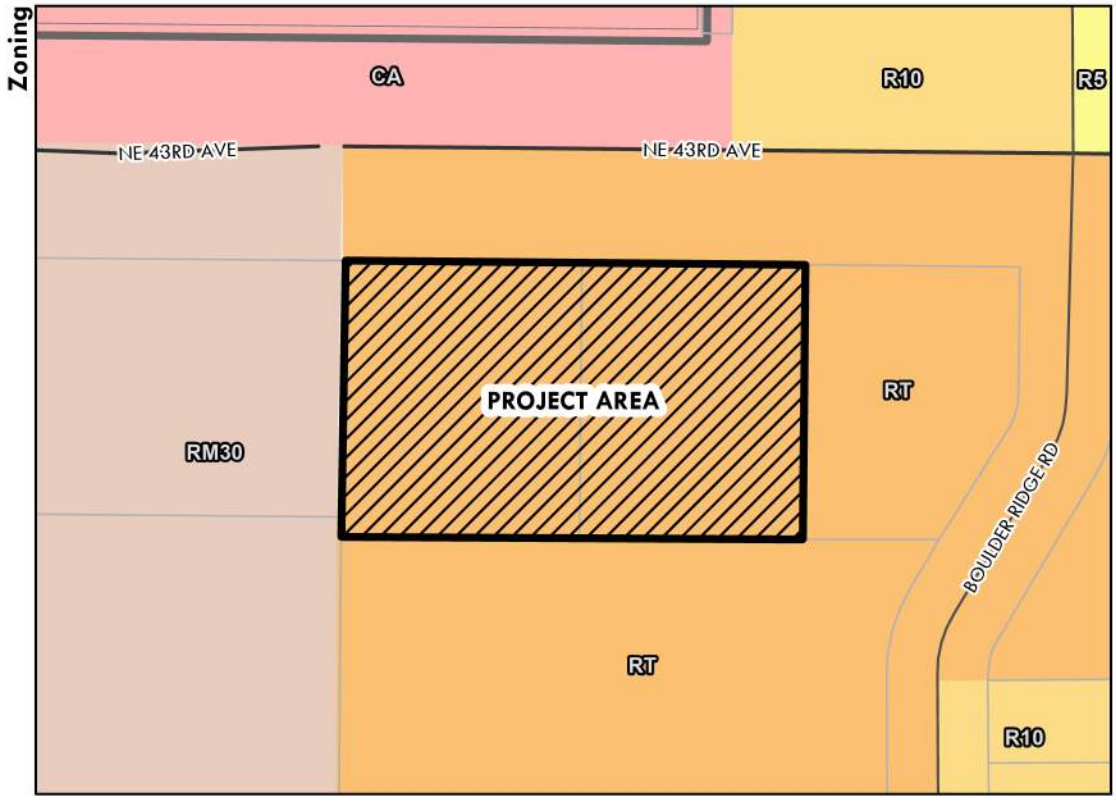
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R5	Residential
RMH	Manufactured Home Residential
R10	Residential
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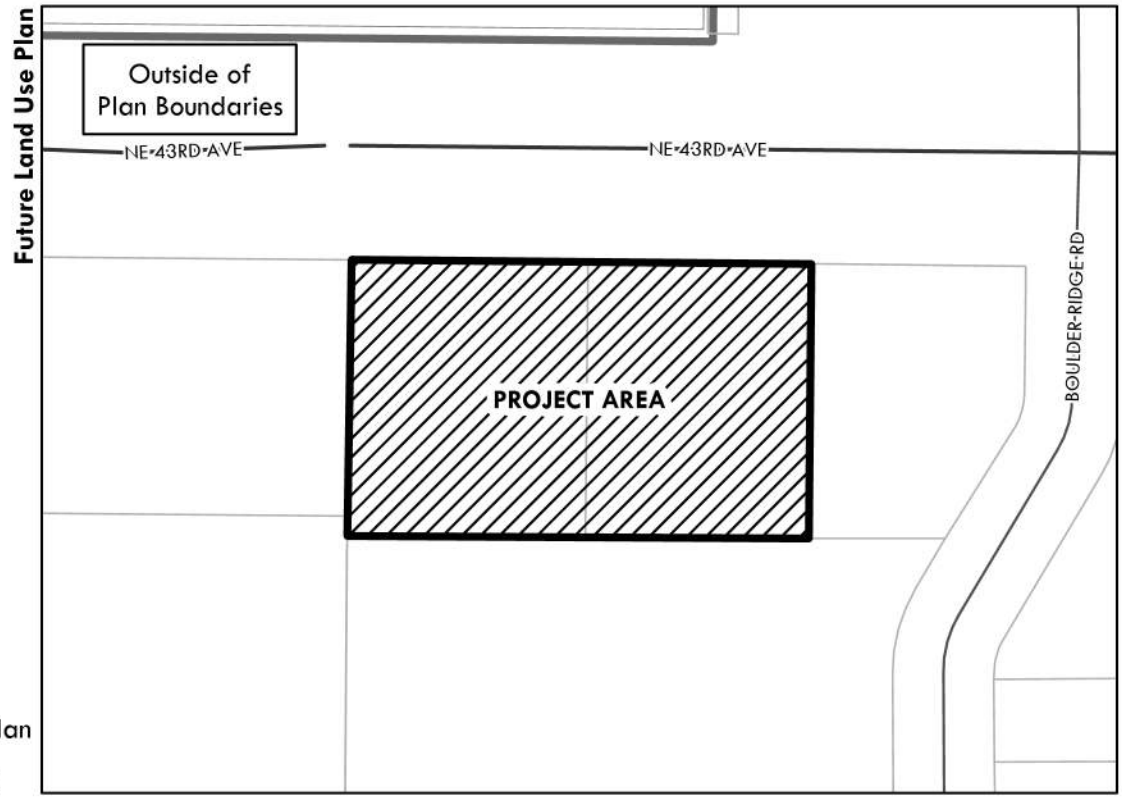
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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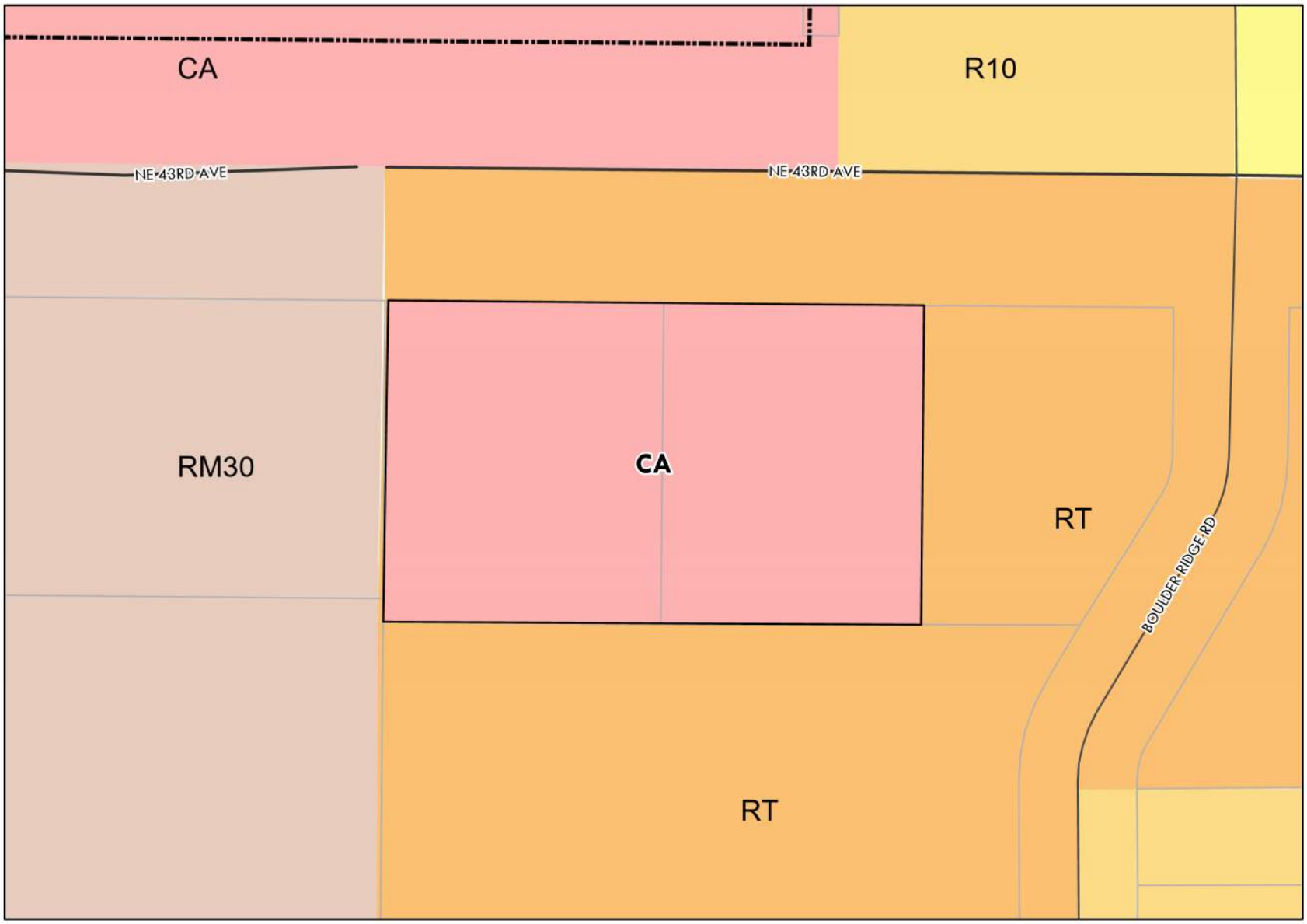
City of Bismarck
Community Development Dept.
Planning Division
May 16, 2022

Proposed Zoning Change

KILBER NORTH ADDITION FIRST REPLAT, L1-2, B1

ZC2022-010

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.03 0.06 0.11 Miles

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

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Agenda Item # 15
June 22, 2022

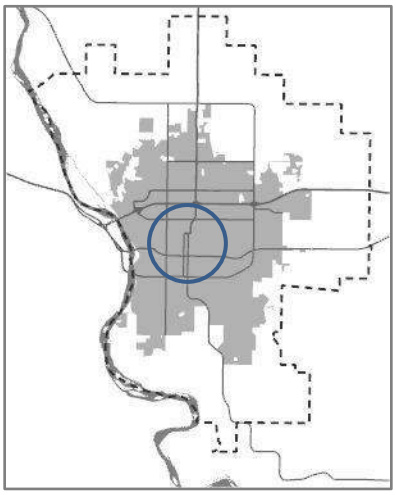
STAFF REPORT

Application for: **Zoning Change**

Project ID: **ZC2022-011**

Project Summary

Title:	Lot 7, Block 41, Northern Pacific 2nd Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Venture Property Management, LLP
Project Contact:	Mike Bohrer, Venture Property Management
Location:	In central Bismarck, between East Avenue B and East Avenue C and North 5th Street and North 6th Street
Project Size:	7,500 square foot parcel
Request:	Rezone property to allow potential change of use



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Office	*Land Use:*	Office, commercial, or 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:	RT – Residential	*Zoning:*	DF – Downtown Fringe
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	DF – Mixed-use development including retail, multi-family residential, single-family residential, and office uses
Max Density:	RT – 30 units / acre	*Max Density:*	DF – 42 units / acre

Property History

Zoned:	02/2014	*Platted:*	Pre-1980	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Venture Property Management LLP is requesting approval of a zoning change from the RT – Residential zoning district to the DF – Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition.

The Planning and Zoning Commission considered this request at their meeting of May 25, 2022 and called for a public hearing on the requested rezoning.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and 17th and 32 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include multi-family residential to the north, a medical office to the east, The Bismarck Veterans Public Library to the south, and a commercial use to the west.

This lot is the last remaining vestige of an RT – Residential zoning district in this area, and it is adjacent to the existing DF – Downtown Fringe zoning district on two sides. The building on the lot was historically a single-family home that was converted to an office. Conversion back to either a single-family residential or commercial use is not permitted under existing zoning but would be permittable in the DF – Downtown Fringe district.

The DF – Downtown Fringe zoning district allows a broader range of uses, as well as more compact development standards and no off-street parking requirements. However, the requirements of Downtown Design Review would apply, and all development would be subject to review by the Downtown Design Review Committee in accordance with the 2015 Design Guidelines.

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 approval of the zoning change from the RT – Residential zoning district to the DF – Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition.

Attachments

1. Draft Zoning Ordinance
2. Location Map
3. Aerial Map

(continued)

4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map

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

ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the RT - Residential zoning district and included in the DF – Downtown Fringe zoning district:

Lot 7, Block 41, Northern Pacific 2nd Addition.

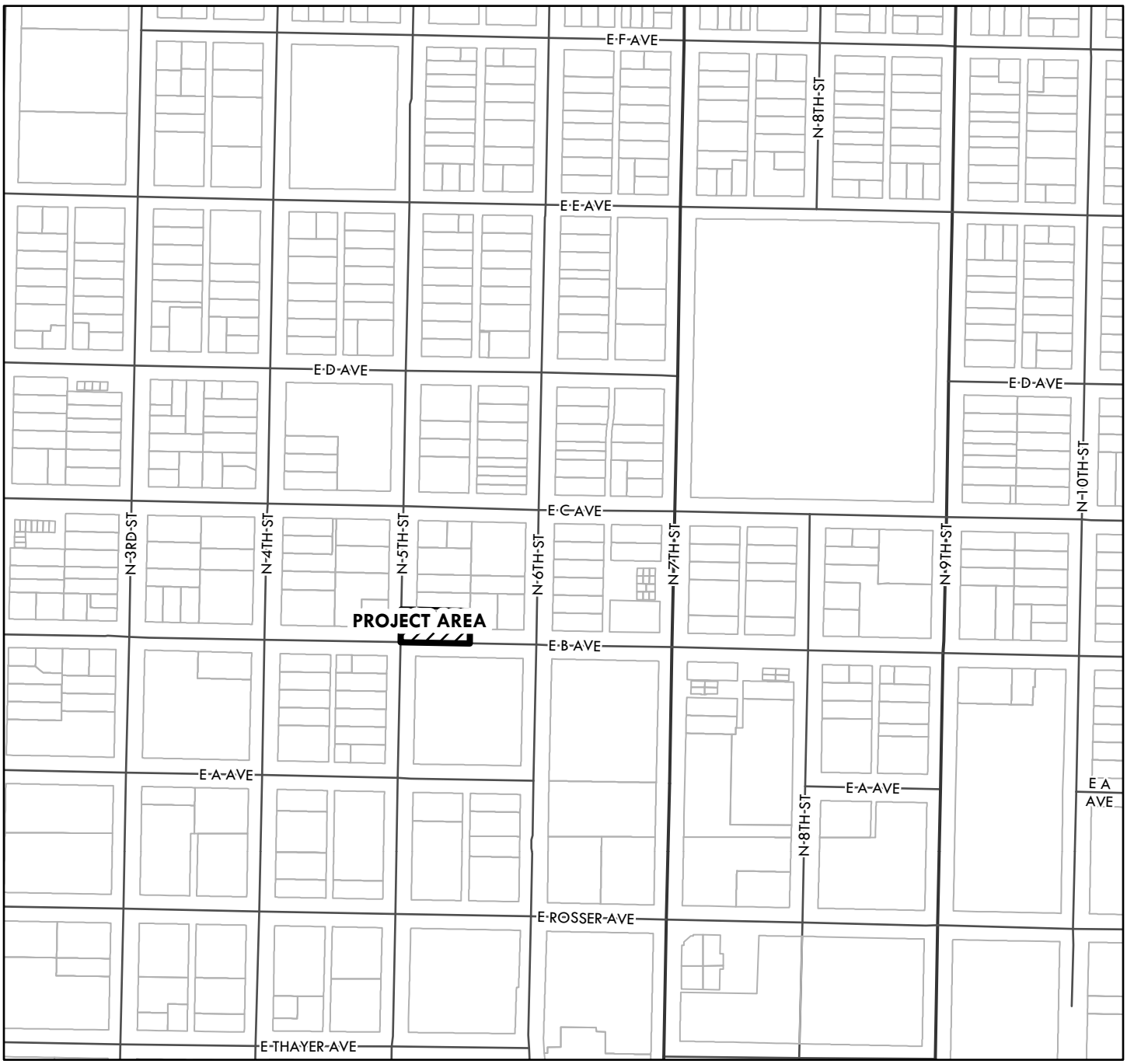
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

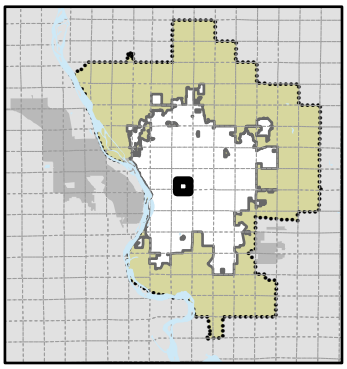
NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011



0 0.07 0.15 0.3 Miles





City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

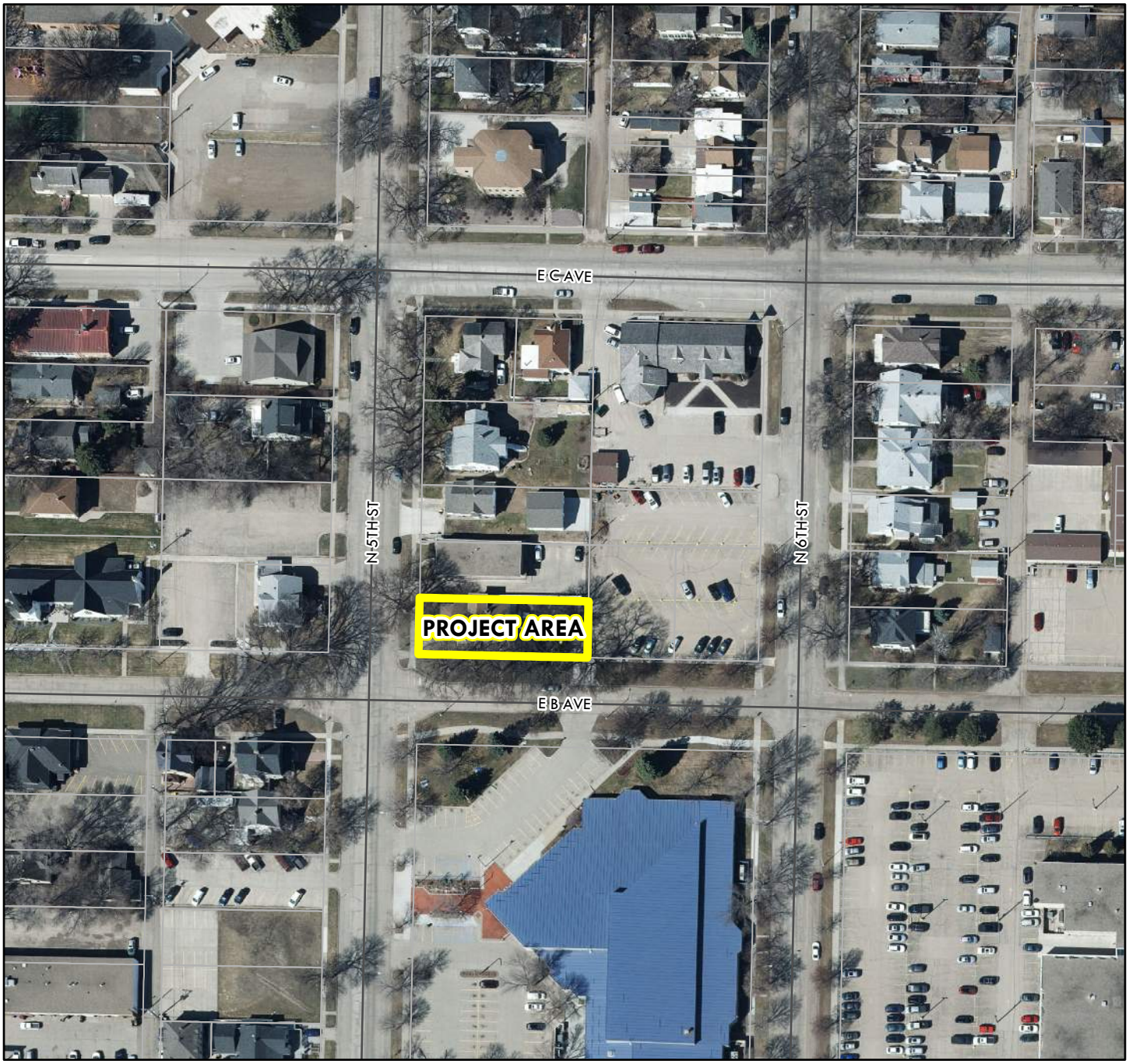
City of Bismarck
Community Development Department
Planning Division
May 20, 2022 (HLB)

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 PACIFIC 2ND ADDITION, L7, B41

ZC2022-011



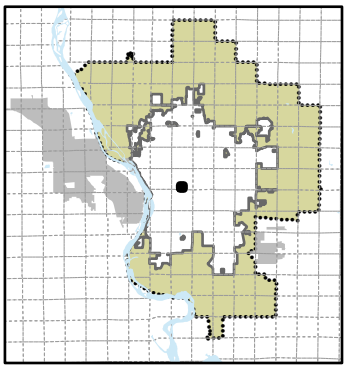
0 0.03 0.07 0.13 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Finance Department
IT/GIS Division
May 12, 2022

Zoning and Plan Reference Map

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011

Zoning Districts

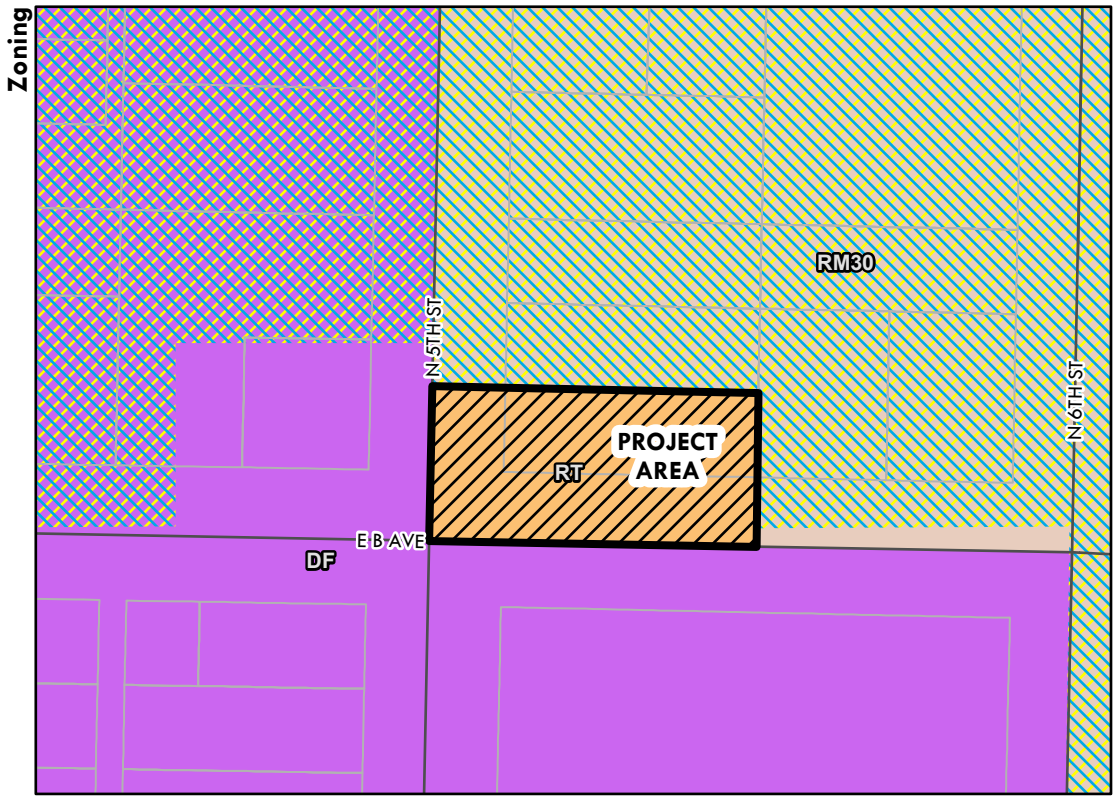
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

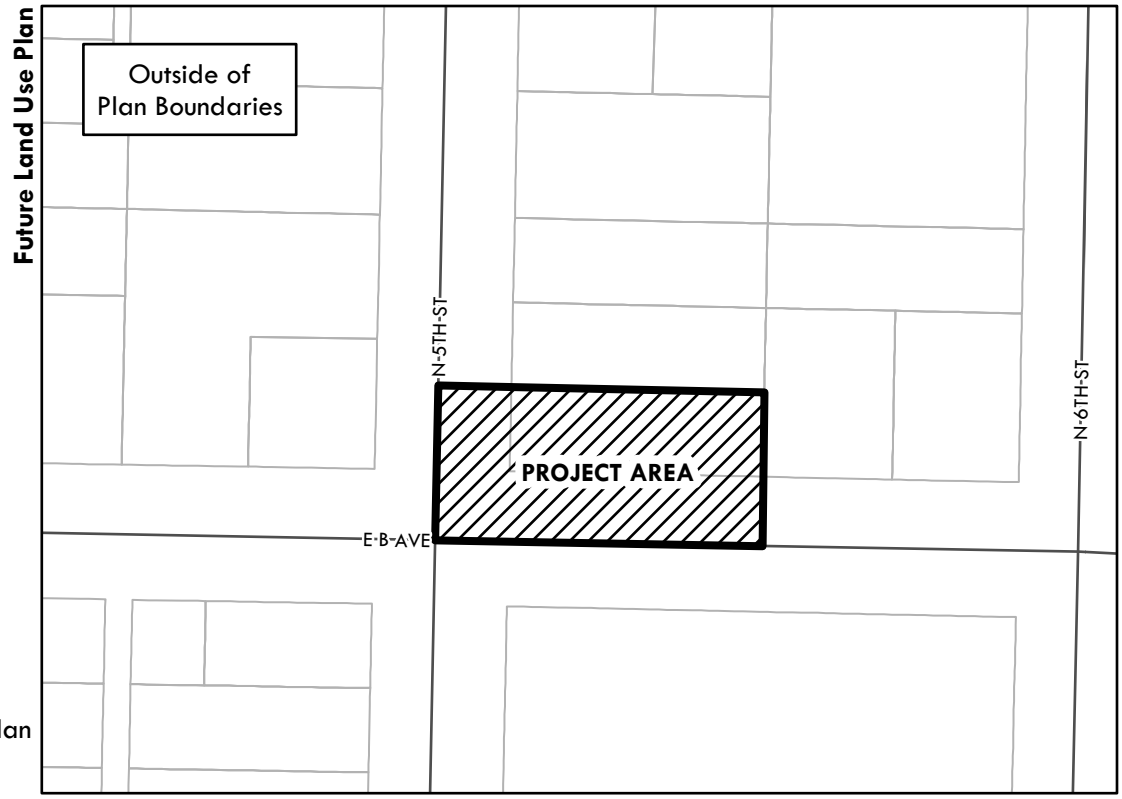
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

Miles
0 0.01 0.03 0.05

City of Bismarck
Community Development Dept.
Planning Division
May 12, 2022

Proposed Zoning Change

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011

Proposed New Zoning Map

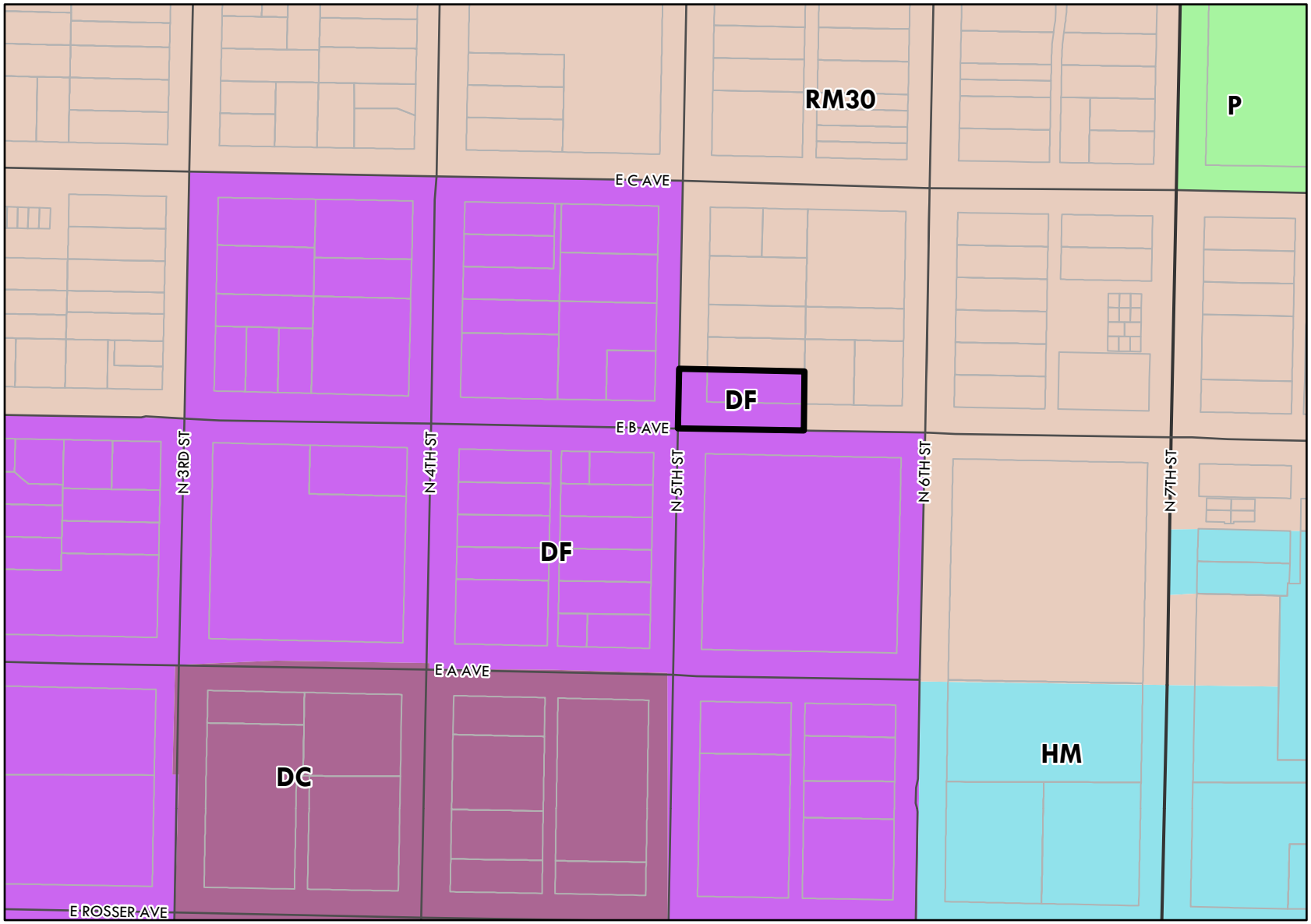
Project Area (zoning within is proposed)

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 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
May 12, 2022

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

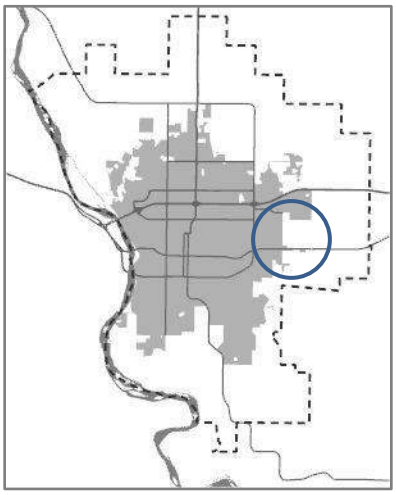
Agenda Item # 16
June 22, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-006**

Project Summary

Title:	Lot 14, Block 1, Brookfield Estates
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Richard Williams Sr
Project Contact:	Richard Williams Sr
Location:	East of Bismarck, north of County Highway 10 and east of 66th Street NE, along the west side of West Bristol Drive (828 West Bristol Drive)
Project Size:	2.44 acres
Request:	Increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of an 1,350 square foot accessory building



Site Information

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

Property History

Zoned:	05/1975	*Platted:*	05/1975	*Annexed:*	N/A

(continued)

Staff Analysis

Richard Williams Sr is requesting approval of a special use permit to increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of a 1,350 square foot accessory building on Lot 14, Block 1, Brookfield Estates.

The property includes three existing accessory buildings totaling 1,804 square feet. The applicant has indicated that an existing 460 square foot accessory building will be moved to a different location on the property and a new 1,350 square foot accessory building will be constructed in its old location.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and 17th, and 43 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include rural residential uses to the north, south, and east across West Bristol Drive, and undeveloped agriculture uses to the west.

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

The parcel size for the proposed special use is 2.44 acres or 106,286 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

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

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

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of a 1,350 square foot accessory building on Lot 14, Block 1, Brookfield Estates.

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Attachments

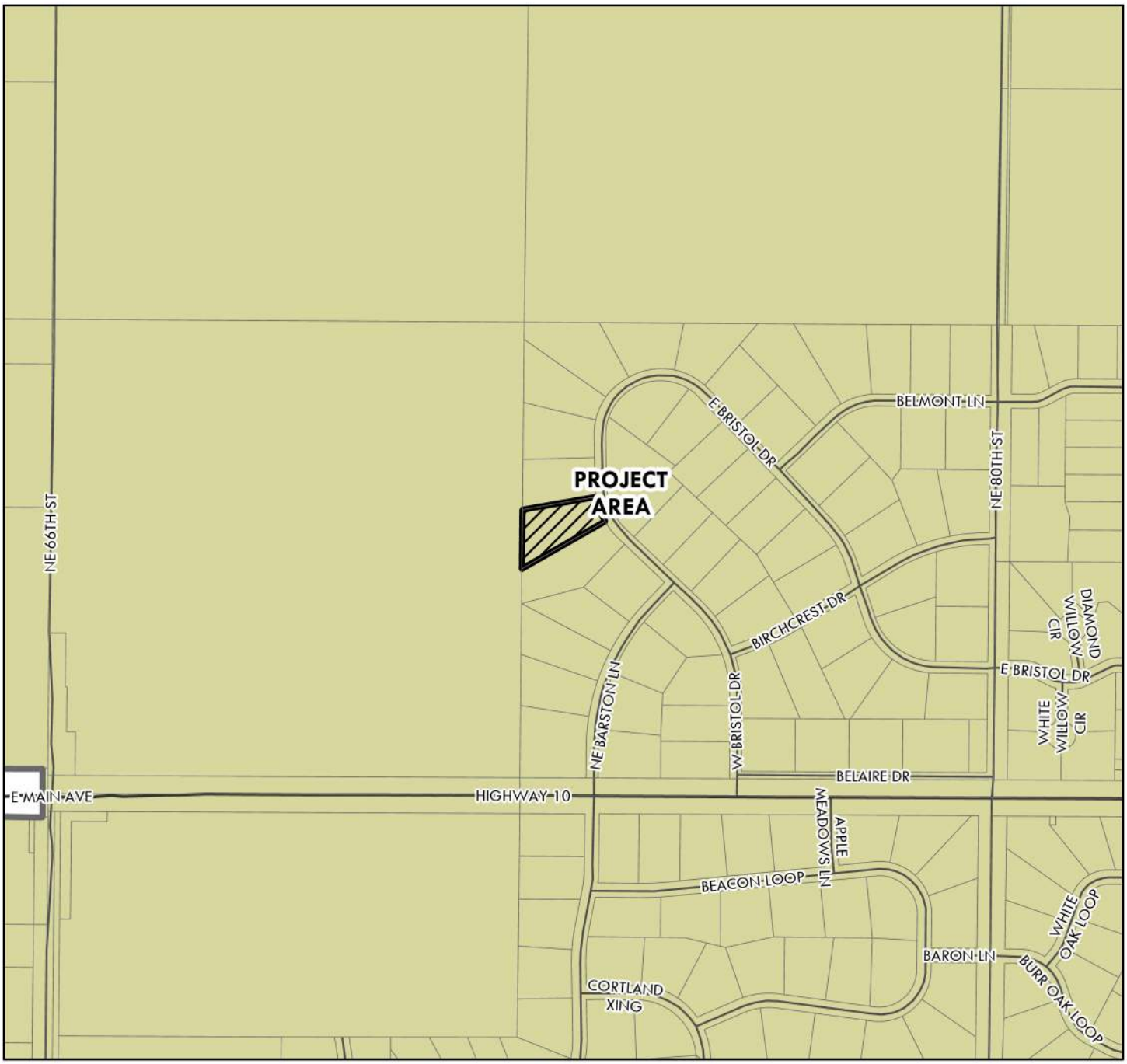
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan

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

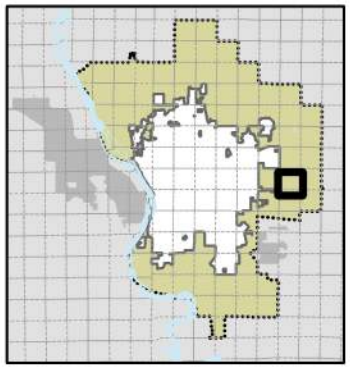
Location Map

BROOKFIELD ESTATES, L14, B1

SUP2022-006



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
May 23, 2022 (HLB)

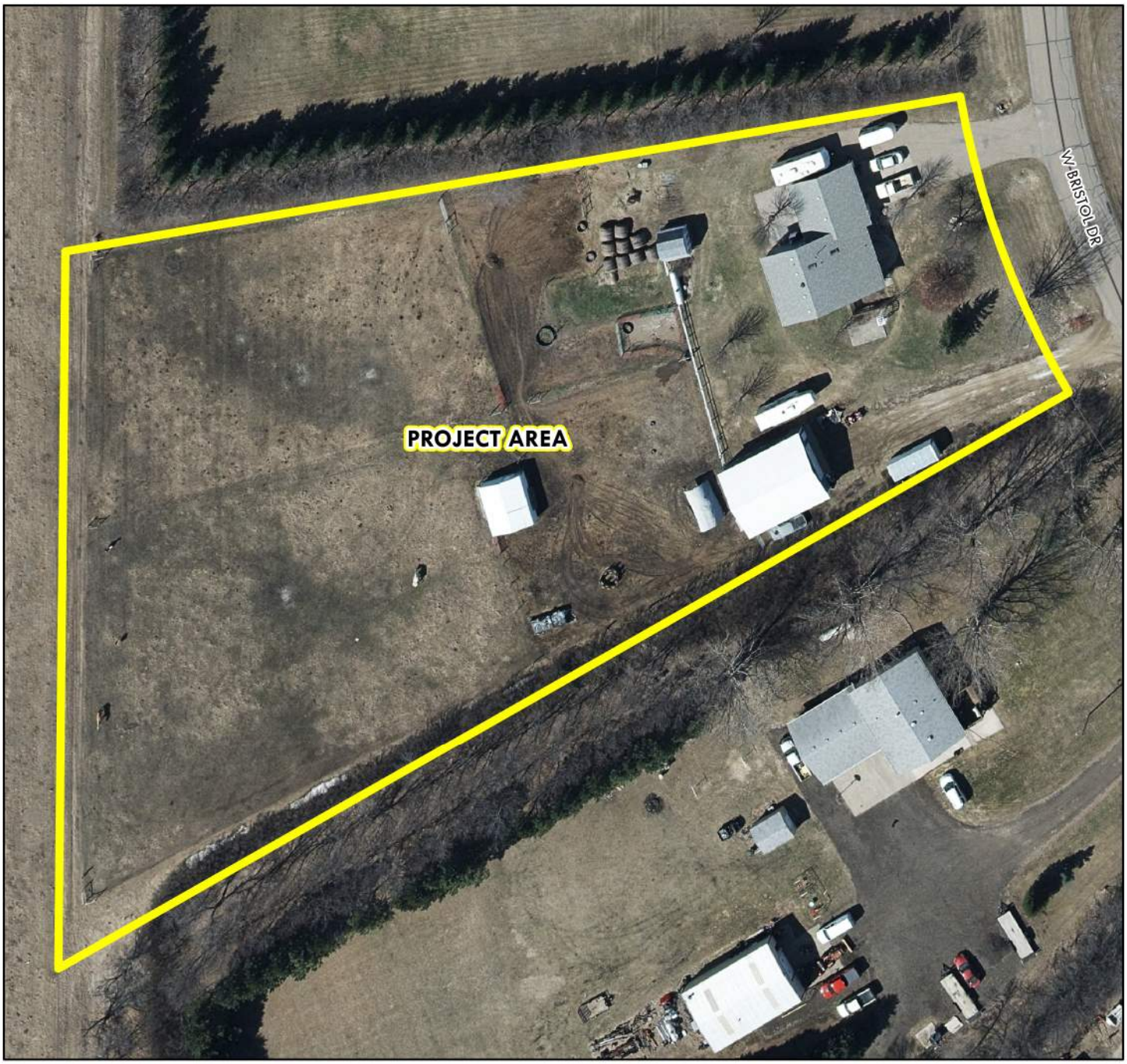
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Bismarck

Aerial Map

BROOKFIELD ESTATES, L14, B1

SUP2022-006



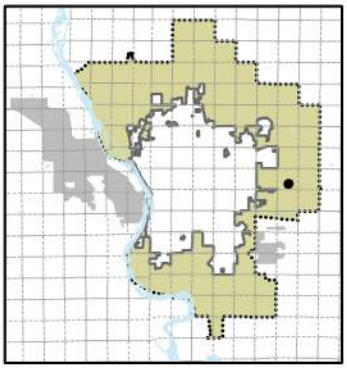
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
June 14, 2022

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Zoning and Plan Reference Map

BROOKFIELD ESTATES, L14, B1

SUP2022-006

Zoning Districts

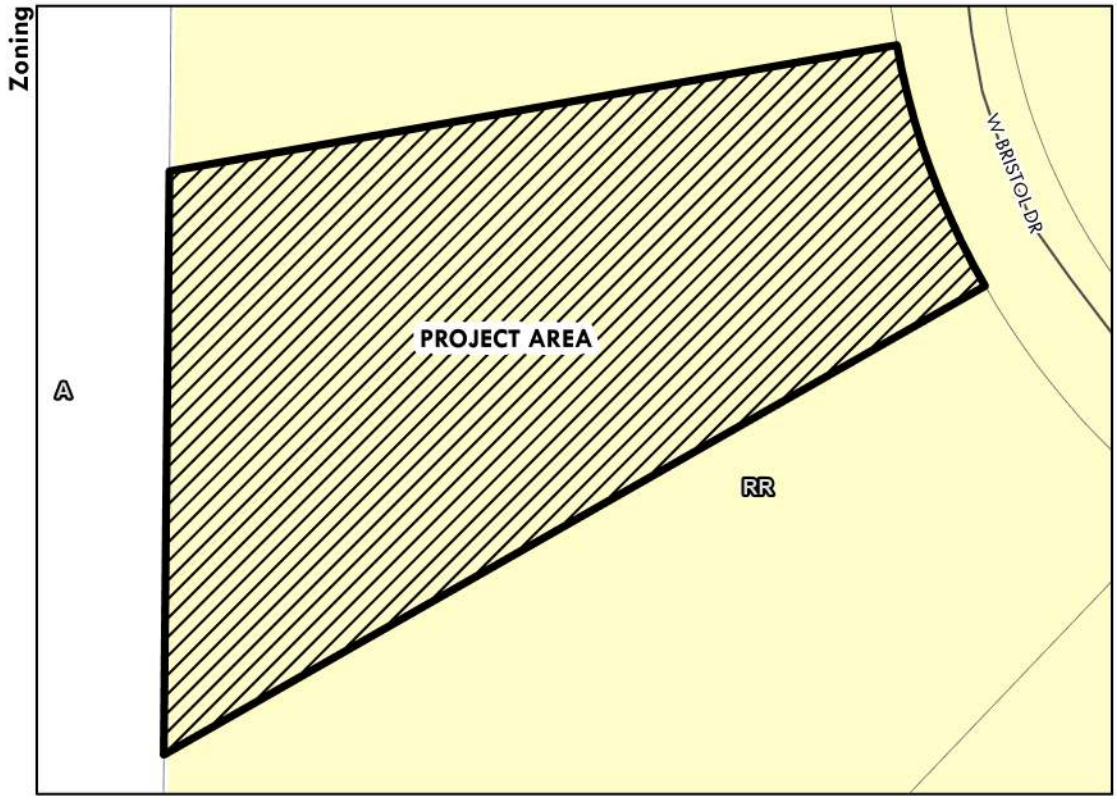
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
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PUD	Planned Unit Development
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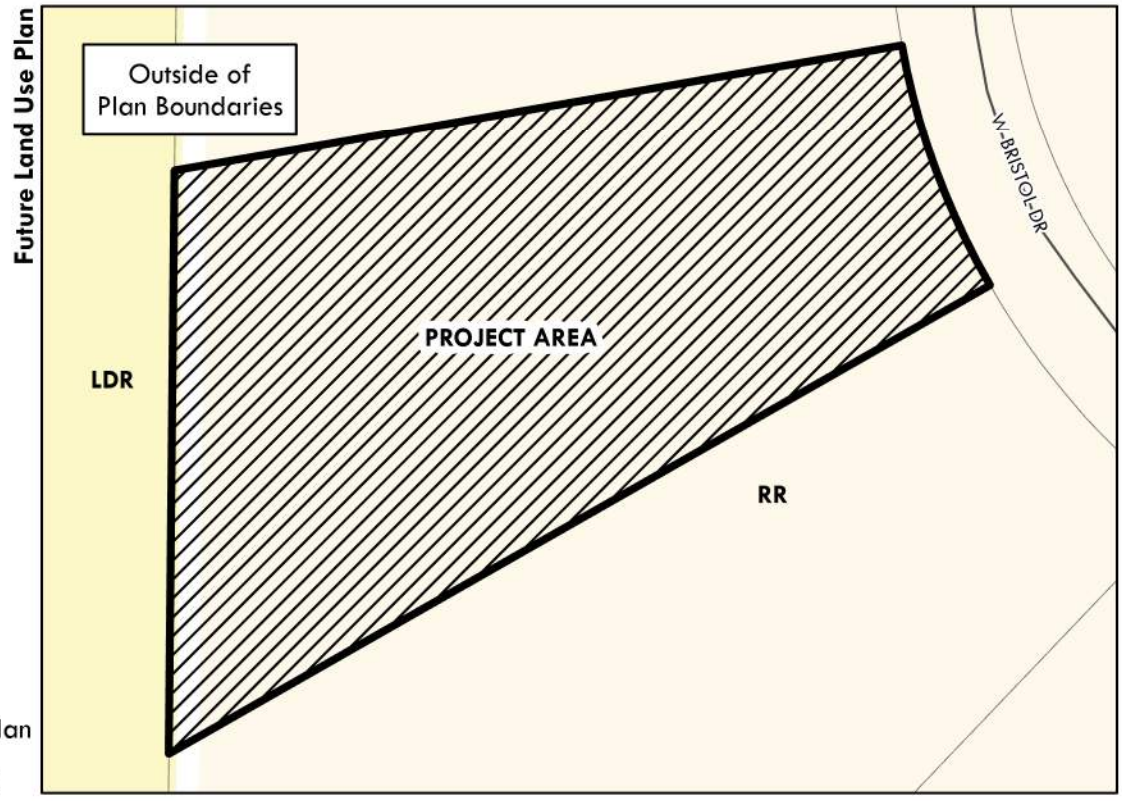
Future Land Use Plan

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 0.01 0.03 0.05 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2022

828 West Bristol Drive RR Zoning Block 1, Lot 14, BROOKFIELD ESTATES



A – 20X23sf = 460sf - to be moved
B – 30x40sf = 1200sf
C – 12x12sf = 144sf / Currently covering 1804sf
D – 30x45sf = 1350sf - new build, approximate location
3154sf TOTAL accessory building sf after new build.

- Buildings will be 10 feet from each other eave to eave and more-restrictive neighborhood covenants supersede any information stated here.

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

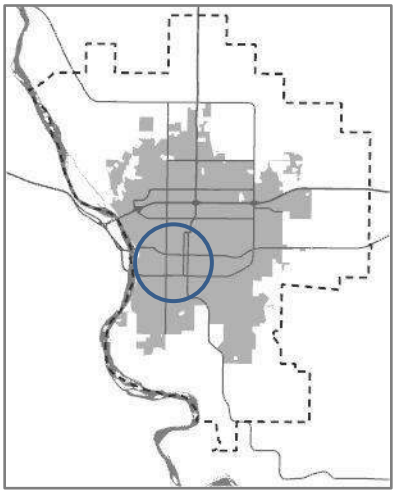
Agenda Item # 17
June 22, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-007**

Project Summary

Title:	Part of Lot 2, Block 1, Wachters North Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Dakota Apple Partnership
Project Contact:	Kevin Martin, Bartlett and West
Location:	In north-central Bismarck, along the east side of State Street/US Highway 83 in the southwest quadrant of Harvest Lane and North 14th Street (3200 North 14th Street)
Project Size:	55,000 square feet
Request:	Install a drive-up window in conjunction with a full-service restaurant



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Retail service establishment	*Land Use:*	Retail service establishment
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices
Max Density:	CG – 42 units / acre	*Max Density:*	CG – 42 units / acre

Property History

Zoned:	11/1979	*Platted:*	06/1988	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Dakota Apple Partnership is requesting approval of a special use permit to allow a drive-up window in conjunction with a full-service restaurant (Applebee's) on Part of Lot 2, Block 1, Wachters North Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and 17th, and 13 letters were mailed to the owners of nearby properties on June 10th.

Adjacent uses include a hotels to the north across Harvest Lane and to the east across North 14th Street, a full-service restaurant to the south and commercial uses to the west across US Highway 83/State Street.

The proposed facility would function as a call-ahead "to-go" order pickup window, as such the applicant is requesting a waiver to reduce the number of required stacking spaces from 12 to three spaces. The applicant has noted that there will also be four parking spaces within the existing parking lot devoted to "to-go" or orders.

The property is located in the CG - Commercial zoning district. A drive-in/drive-through retail or service establishment may be permitted as a special use in the CG - Commercial zoning district provided certain criteria are met.

The following criteria from Section 14-03-08(3)(g) of the City Code of Ordinances (Special Uses/Drive-in/drive-through retail or service establishments) apply:

1. *"The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located."*

   A site plan for this special use permit was submitted with the application as well as a copy of the site plan currently under administrative review. Staff have confirmed these criteria would be met.

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

   As designed with three stacking spaces and four designated "to-go" or pick up stalls compared to the ordinance requirements for 12 stacking spaces for this type of facility, this requirement would be met.

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

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

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

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

5. *"All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered*

(continued)

section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer."

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

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

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

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 staff recommends approval of the special use permit to allow a drive-up window in conjunction with a full-service restaurant (Applebee's) on part of Lot 2, Block 1, Wachters North Addition, including the waiver request to reduce the number of required stacking spaces from 12 to 3 with the following conditions:

1. Any future changes to operations that expand the drive-through from a call-ahead order pickup window will need to be re-evaluated; and

2. Site Development must generally be consistent with the site plan submitted.

Attachments

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

(continued)

5. Applicant Justification for Stacking Space Reduction Waiver Request

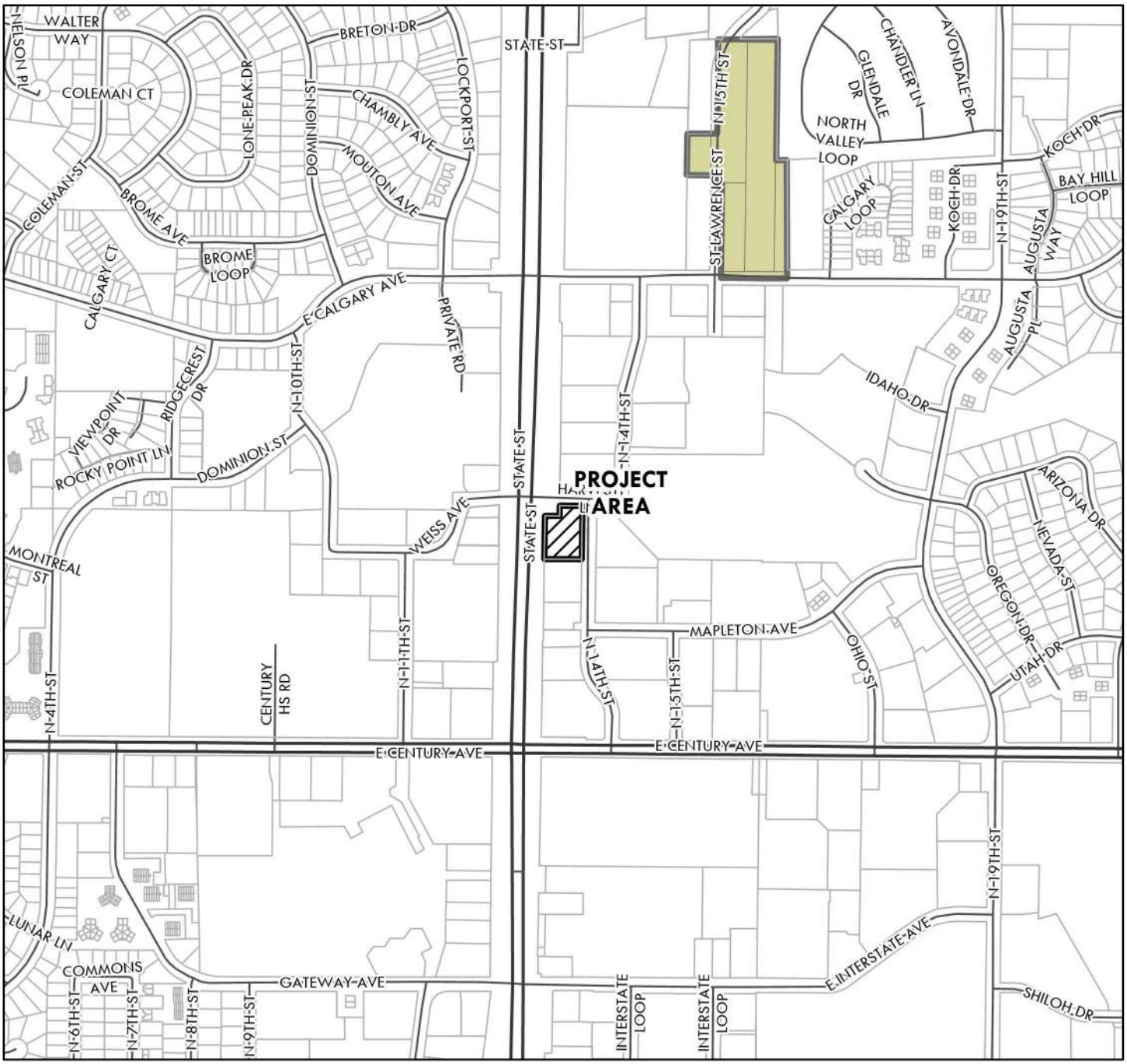
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Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

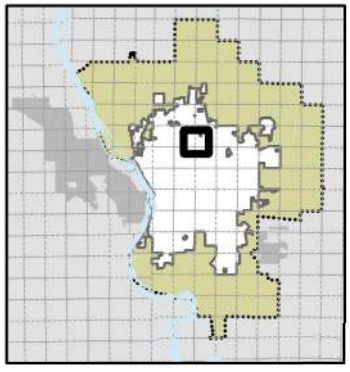
Location Map

WACHTERS NORTH ADDITION, PT L2, BI

SUP2022-007



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
May 23, 2022 (HLB)

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Bismarck

Aerial Map

WACHTERS NORTH ADDITION, PT L2, B1

SUP2022-007



0 0.01 0.02 0.04 Miles

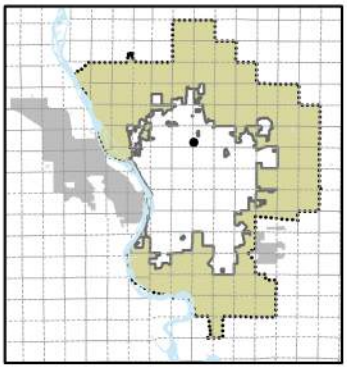
City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Finance Department
IT/GIS Division
June 14, 2022



Zoning and Plan Reference Map

WACHTERS NORTH ADDITION, PT L2, B1

SUP2022-007

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
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RT	Residential (Offices)
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PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

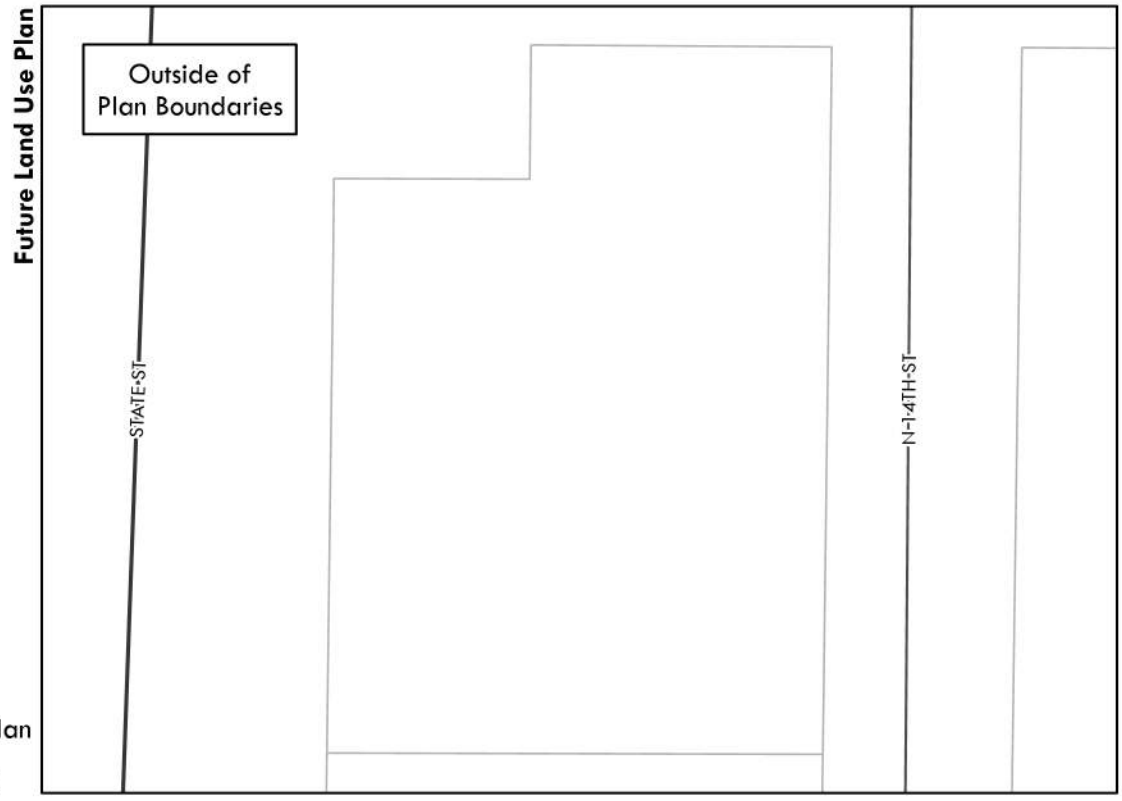
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road



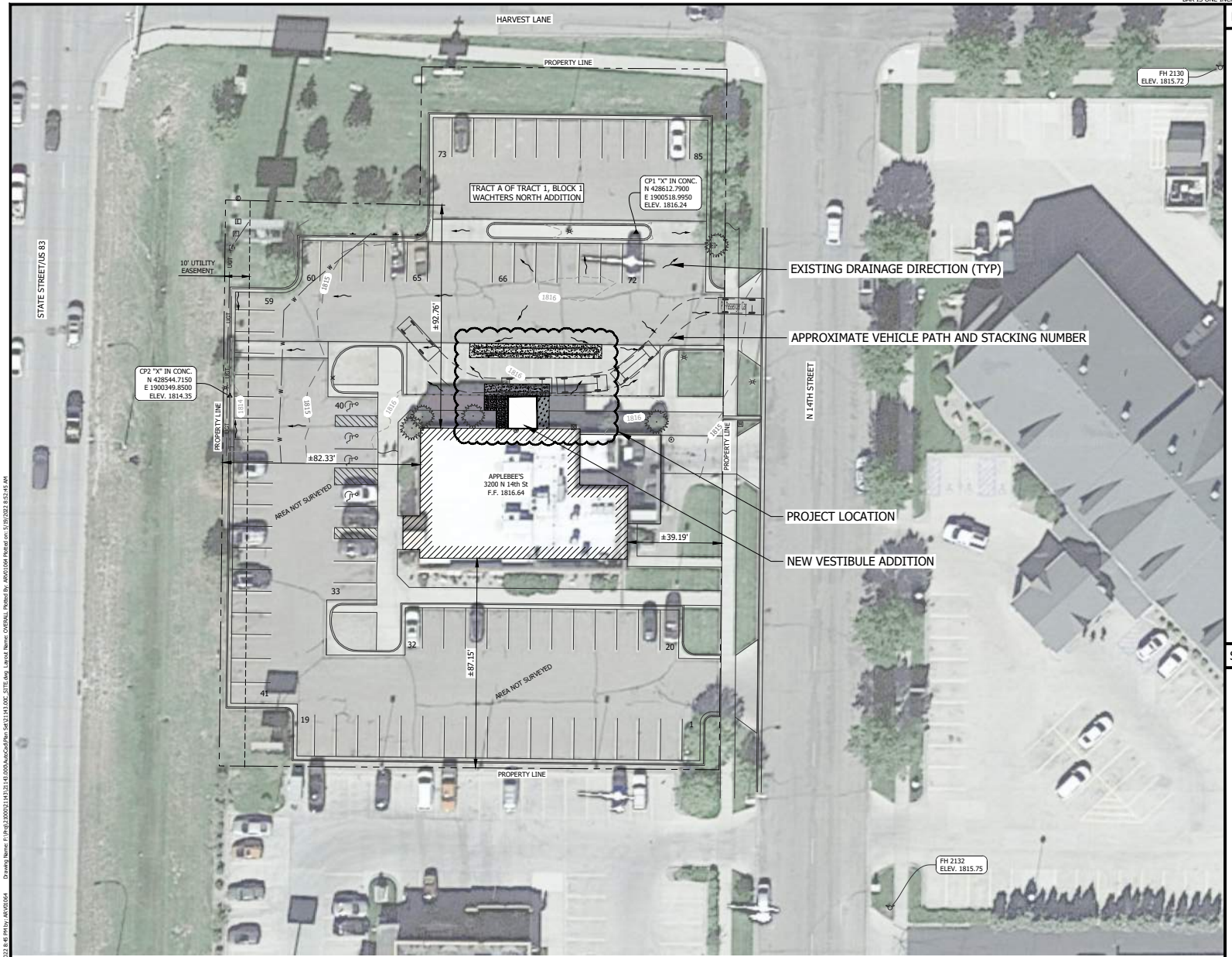


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.01 0.02 0.04 Miles

City of Bismarck
Community Development Dept.
Planning Division
June 14, 2022

BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY



OVERALL SITE LAYOUT
SCALE: 1"=20'

0 20' 40'

166

PROJECT INFORMATION

1. PROJECT NAME:
   APPLEBEE'S PICK UP VESTIBULE ADDITION
2. PROJECT ADDRESS:
   3200 N 14TH ST, BISMARK, ND
3. LEGAL DESCRIPTION:
   TRACT A OF TRACT 1, BLOCK 1 OF WACHTERS NORTH ADDITION
4. APPLICANT / DEVELOPER:
   ROERS CONSTRUCTION
   1260 W VILLARD
   DICKINSON, ND 58601
   SHANE@ROERS.COM
   701-483-1686
5. OWNER:
   DAKOTA APPLE PARTNERSHIP
   PO BOX 969
   MINOT, ND 58702
6. SURVEYOR:
   BARTLETT & WEST
   3456 E CENTURY AVENUE
   BISMARCK, ND 58503
   DAYNE.SOLEM@BARTWEST.COM
   701-221-8414
7. ARCHITECT:
   BARTLETT & WEST
   3456 E CENTURY AVENUE
   BISMARCK, ND 58503
   JOE.LARRIVEE@BARTWEST.COM
   701-221-8369
8. ENGINEER:
   BARTLETT & WEST
   3456 E CENTURY AVENUE
   BISMARCK, ND 58503
   AUSTIN.HOELLIEN@BARTWEST.COM
   605-373-5908
   KEVIN.MARTIN@BARTWEST.COM
   701-221-8348
9. BUILDING SETBACKS:
   FRONT YARD, NOT LESS THAN 15'
   SIDE YARDS, (NO SIDE YARD REQUIREMENT FOR 1 STORY BUILDINGS)
   REAR YARD, NOT LESS THAN 10'
10. THIS PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER CITY OF BISMARCK GIS MAPPING
11. PARKING:
    EXISTING = 93 STALLS + 4 ADA = 97 TOTAL
    PROVIDED = 81 STALLS + 4 ADA = 85 TOTAL
    (LISTED UNDER COMMERCIAL USE, 1 SPACE FOR EACH 75 SQ FT FOR FULL SERVICE RESTURANT)
    REQUIRED, 4,846 SQ FT / 75 = 65 STALLS
    ALLOWANCE OF UP TO 20 EMPLOYEES
12. ZONING: CG HEAVY COMMERCIAL

SURVEY INFO

HORIZONTAL & VERTICAL DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD83 SOUTH ZONE
ADJUSTMENT OF 1986
INTERNATIONAL FEET
GEOID12A
NGVD29

- BENCHMARKS FIRE HYDRANT "FH" 2130 & 2132 IS TOP NUT OF HYDRANT. ELEVATION AS SHOWN.
- CONTROL POINTS "CP" 1 & 2 IS A CHISELED "X" IN THE CONCRETE. COORDINATES AND ELEVATION AS SHOWN.

#	DATE	DESCRIPTION	BY

Bartlett & West
3456 E CENTURY AVENUE - BISMARCK, ND 58503
PHONE 701-258-1161 - FAX 701-258-1611
www.bartletwest.com

OVERALL SITE LAYOUT

APPLEBEE'S
PICK UP VESTIBULE
BISMARCK, NORTH DAKOTA

REGISTERED PROFESSIONAL ENGINEER
KEVIN J. MARTIN
PE-8112
DATE 5/19/22
NORTH DAKOTA

DESIGNED BY:	ARV
DRAWN BY:	ARV
APPROVED BY:	KM
DESIGN PROJ:	21143.000
CONST PROJ:	
SCALE:	AS NOTED
DATE:	MAY 2022
DRAWING NO:	C-101

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Last edit on: 5/18/2022 8:45 PM by: ARV01064 Drawing Name: P:\Proj\21000\21143\21143.000\Acad\Civil\Plan Set\21143.00C_SITE.dwg Layout Name: OVERALL Plotted By: ARV01064 Plotted on: 5/19/2022 8:52:45 AM

Bartlett & West

3456 E Century Avenue
Bismarck, ND 58503
ph (701) 258-1110
www.bartlettwest.com

May 20, 2022

Will Hutchings
Community Development Planner
221 N. 5th Street
Bismarck, ND 58501

Re: Applebee's Pick-Up Vestibule

Dear Mr. Hutchings:

Our office is working with Roers Construction (Shane Roers) on a proposed addition of a drive through pick up vestibule to the existing Applebee's (Dakota Apple Partnership) building at 3200 N 14th Street, Bismarck, ND 58501. Legal description as Wachters North, Tract A of Tract 1, Lot 2. The proposed project would consist of a 1 story, 160 sq. ft. building addition to the north. The new space would be used primarily as a space for restaurant employees to deliver food orders to drive up customers. The project construction would begin in the summer of 2022 and be completed by the fall of 2022.

The site is currently zoned CG heavy commercial district and the proposed project will continue to align with the permitted uses and not exceed the allowable setbacks. The building addition will however affect the existing parking lot reducing the current lot from 97 parking stalls to 85 parking stalls which still exceeds the required 65 park stalls; see plan sheet C-101 - Overall Site Layout for a detailed calculation. This slight adjustment to the parking lot will maintain the existing site lighting and have no effect on the perimeter landscaping. All proposed landscaping will be at the building addition for cosmetic purposes.

The proposed pick-up vestibule will be used for customers who have ordered ahead of pick-up to receive their food. The required stacking space for a drive-through restaurant is 12 spaces at a pick-up window. This site would function differently than a traditional drive-through with ordering kiosk. In particular, all orders would be called in ahead of pick-up and there will not be an ordering kiosk on site. Based on anticipated traffic and peer sites in similar communities, we anticipate 3 stacking spaces are needed; see plan sheet C-101 – Overall Site Layout for vehicle stacking. In the need of overflow to-go order parking, 4 existing designated to-go parking spaces are provided on the north side of the building.

Thanks for your review and please don't hesitate to contact us with any questions.

Sincerely,

Kevin Martin, PE

Agenda Item # 18
June 22, 2022

STAFF REPORT

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2022-002**

Project Summary

Title:	Agency Foster Home for Adults
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Section(s) Amended:	Section 14-02-03 (Definitions), Section 14-04-03 (R5 Residential District) and Section 14-04-06 (R10 Residential District) of the City Code of Ordinances
Request:	Add provisions to allow agency foster care for adults as a permitted use in the R5 – Residential and R10 – Residential zoning districts as requested by the North Dakota Department of Human Services

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to include provisions to allow agency foster care for adults as a permitted use in the R5 – Residential and R10 – Residential zoning districts.

The Bismarck Planning & Zoning Commission considered this zoning ordinance text amendment at the May 25, 2022 meeting and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 17th.

Background

The North Dakota Century Code and North Dakota Administrative Code were recently modified to add agency foster care for adults as a licensing class under the North Dakota Department of Human Services. As our current definition of family foster home for adults specifically states the care would be provided by the owner or lessee of the private residence, rather than by professional staff, an ordinance amendment to add this new category is required. The definition of foster care for adults will also be amended to mirror the current language used in Chapter 50-11 of the North Dakota Century Code.

Agency foster home for adults would be defined as:

> *"A residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota."*

This category would complement the City's current definition for family foster home for adults:

> *"An occupied private residence in which foster care for adults is regularly provided by the owner or lessee thereof, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota."*

(continued)

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Section 14-02-03 (Definitions), Section 14-04-03 (R5 Residential District) and Section 14-04-06 (R10 Residential District) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment
2. Letter from ND Department of Human Services

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

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

AN ORDINANCE TO AMEND SECTIONS 14-02-03, 14-04-03 AND 14-04-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO FOSTER CARE FOR ADULTS.

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

Section 1. Amend. Section 14-02-03 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:
>
> …
>
> Agency Foster Home for Adults: A a residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.
>
> …
>
> Family Foster Home For Adults: An occupied private residence in which foster care for adults is regularly provided by the owner or lessee ~~thereof~~ of the residence, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.
>
> …

DRAFT

Foster Care For Adults: The provision of food, shelter, security and safety, guidance, and comfort on a twenty-four hour per day basis, in the residential home of a caregiver or agency, to ~~a person~~ an individual age eighteen or older, who is unable, neglects, or refuses to provide for the ~~person's~~ individual's own care.

…

Section 2. Amend. Section 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R5 Residential zoning district, is hereby amended to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

…

2. Uses permitted. The following uses are permitted:

a. Single family dwelling.

b. Education group.

c. Public recreation group.

d. Family foster home for adults.

e. Agency foster home for adults.

~~e~~f. Family child care.

…

Section 2. Amend. Section 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R10 Residential zoning district, is hereby amended to read as follows:

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

DRAFT

…

2. Uses permitted. The following uses are permitted:

a. Single-family dwelling.

b. Two-family dwelling.

c. Education group.

d. Public recreation group.

e. Row house.

…

f. Family foster home for adults.

g. Agency foster home for adults.

~~g~~h. Family child care, when located in a detached single family dwelling.

…

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 5. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

NORTH Dakota | Human Services
Be Legendary.™

April 13th, 2022

Kim Lee, Planning Manager
221 N. 5th St.
Bismarck, ND 58501

To Whom it May Concern:

I am writing on behalf of the North Dakota Department of Human Services Aging Services Division to respectfully request an amendment to the definition of family foster home for adults to include agency foster home for adults in the Bismarck R5 and R10 zoning districts. A group home and an Agency Foster Home for Adults (AFHA) are similar models. The AFHA is licensed by the Department of Human Services Aging Services Division, and the law was updated in 2019 to include this model. Please refer to the citations listed below.

N.D. Century Code 50-11-00.1 Definitions.

1. Agency foster home for adults means a residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

N.D. Administrative Code 75-03-21.1-01 Definitions.

3. Agency foster home for adults means a residential home in which foster care for adults is regularly provided exclusively to Medicaid waiver recipients by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

Sincerely,

Erica Reiner

Erica Reiner
AFHA Program Administrator
Aging Services Division

Agenda Item # 19
June 22, 2022

STAFF REPORT

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2022-003**

Project Summary

Title:	Front Yard Setbacks in CG and MA Zoning Districts
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Section(s) Amended:	Section 14-04-12 (CG Commercial District) and 14-04-14 (MA Industrial District) of the City Code of Ordinances
Request:	Modify the front yard setback provisions in the CG and MA zoning district relating to an increased setback along specified roadways

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to modify the front yard setback provisions in the CG and MA zoning districts relating to an increased setback along specified major roadways.

The Bismarck Planning & Zoning Commission considered this zoning ordinance text amendment at the May 25, 2022 meeting and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 10th and June 17th.

Background

When the zoning ordinance was rewritten in 1982, language was added to the front yard setback provisions of the CG – Commercial and MA – Industrial zoning districts to require a 50-foot front yard setback along principal arterials. The provisions also exempted various roadways, mostly within the portions of the community that were built out at that time. We believe this provision was added to preserve areas that may be needed for future roadway widening projects and/or to provide an increased setback on roadways with higher speeds.

Over the years, variances from the 50-foot front yard setback have been granted on a case-by-case basis primarily based on site conditions. In addition, staff have also discussed the pros and cons of this requirement and have tried to identify ways to balance the desire to preserve the City's ability to widen major roadways with the desire to maximize buildable area in the developed portions of the community. The City's Infill and Redevelopment Plan, adopted in 2017, also supports modifications to this ordinance provision.

As proposed, the draft zoning ordinance text amendment would eliminate the application to all principal arterials (except those specifically exempted) and instead apply it to specific major roadway segments.

The proposed amendment has been discussed at length with staff from the Engineering Department and the Metropolitan Planning Organization, and

(continued)

represents concurrence on which major roadway segments the greater setback should apply.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Section 14-04-12 (CG Commercial District) and Section 14-04-14 (MA Industrial District) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

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

AN ORDINANCE TO AMEND SECTIONS 14-02-03, 14-04-03 AND 14-04-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO FOSTER CARE FOR ADULTS.

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

Section 1. Amend. Section 14-04-12 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the CG Commercial zoning district, is hereby amended to read as follows:

14-04-12. CG Commercial District. In any CG commercial district, the following regulations shall apply:

…

6. Front yard. A fifteen (15) foot front yard shall be required of any building in a CG commercial district except that all structures located on ~~principal arterials~~ specified major roadways shall have a fifty (50) foot front yard. Buildings located on the following ~~principal arterials~~ major roadway segments shall be ~~exempt from~~ subject to the fifty (50) foot front yard requirement: ~~Main Avenue west of 26th Street; State Street between Divide Avenue and Interstate 94; and 7th and 9th Streets between Bismarck Expressway and Boulevard Avenue.~~ US Highway 83/State Street north of East Century Avenue; East Main Avenue/County Highway 10 east 26th Street; ND Highway 1804 west of US Highway 83/State Street; Bismarck Expressway between the Missouri River and I-94; Centennial Road between I-94 and 71st Avenue NE; and 71st Avenue NE between Centennial Road and US Highway 83/State Street; and ND 1804/University Drive south of East Burleigh Avenue.

…

DRAFT

Section 2. Amend. Section 14-04-14 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the MA Industrial zoning district, is hereby amended to read as follows:

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

…

6. Front yard. A fifteen (15) foot front yard shall be required of any building in an MA industrial district except that all structures located on ~~principal arterials~~ specified major roadways shall have a fifty (50) foot front yard. Buildings located on the following ~~principal arterials~~ major roadway segments shall be ~~exempt from~~ subject to the fifty (50) foot front yard requirement: ~~Main Avenue west of 26th Street; State Street between Divide Avenue and Interstate 94; and 7th and 9th Streets between Bismarck Expressway and Boulevard Avenue.~~ US Highway 83/State Street north of East Century Avenue; East Main Avenue/County Highway 10 east 26th Street; ND Highway 1804 west of US Highway 83/State Street; Bismarck Expressway between the Missouri River and I-94; Centennial Road between I-94 and 71st Avenue NE; and 71st Avenue NE between Centennial Road and US Highway 83/State Street; and ND 1804/University Drive south of East Burleigh Avenue.

…

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

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

DRAFT

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 25, 2022

The Bismarck Planning & Zoning Commission met on May 25, 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, Mike Schwartz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioner Kevin Martin was absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the April 27, 2022 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the April 27, 2022 meeting, as presented. Commissioner Bitner seconded the motion, and it was unanimously approved with Commissioners Bakken, Bitner, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

CONSIDERATION

2. **FRANK ADDITION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**
3. **BLOCK 49 AND PART BLOCK 56, GOVERNOR PIERCE ADDITION – ZONING CHANGE**
4. **BLOCK 45, GOVERNOR PIERCE ADDITION – ZONING CHANGE**
5. **LOTS 1 AND 2, BLOCK 1, KILBER NORTH ADDITION FIRST REPLAT – ZONING CHANGE**
6. **LOT 7, BLOCK 41, NORTHERN PACIFIC 2ND ADDITION – ZONING CHANGE**
7. **AGENCY FOSTER HOMES FOR ADULTS – ZONING ORDINANCE TEXT AMENDMENT**
8. **FRONT YARD SETBACK IN CG AND MA ZONING DISTRICTS – ZONING ORDINANCE TEXT AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items 2-8, granting tentative approval or calling for a public hearing on 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, Wangen 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 A – Agricultural zoning district to the R10 – Residential zoning district for Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township. The property is located northwest of Bismarck, west of Tyler Parkway at the western terminus of Del Rio Drive.

Mr. Nairn said the applicant has requested to modify their request and change the zoning to R5-Residential rather than R10-Residential, and because this is a reduction in density, they do not need to go back to the consideration stage of the approval process.

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

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

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

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

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

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

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

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

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

Mr. Nairn said, based on the above findings, staff recommends approval for the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.

Commissioner Levchak said one portion of a map shows the adjacent property as being zoned RR-Residential and another indicates it as conservation for the Future Land Use and asked why those are different.

Mr. Nairn said it is somewhat confusing in black and white and explained that the conservation area is west of the proposed project area, which itself is classified as Low Density Residential. The proposed zoning map references the rural residential zoning district while the Future Land Use Plan map identifies the future land use as conservation.

Commissioner Bakken asked if there is any reason given for why the applicant asked to reduce the density. Mr. Nairn said a petition and letter from the neighbors was obtained and submitted to be the Planning and Zoning Commission and he understand the developer has since met with the adjacent neighbors to discuss some of the concerns raised. He said after those discussions it was decided to reduce it to R5-Residential.

Chair Schwartz opened the public hearing at this time.

Landon Niemiller, Swenson Hagen & Co., said the original request was to change the zoning to R10-Residential with the intent of planning for a single-family subdivision, but with the function of more building coverage allowed on the lots with the R10 zoning. He said the R10-Residential does open up the uses to twin homes. When he met with the developer/owner and the neighbors there was more comfort with changing it to the R5-Residential zoning district instead and that would be sufficient. He said there is not a prepared subdivision at this time as they are continuing to work through a slope stability study before the plat is presented publicly.

Commissioner Laning asked how many lots or homes would be developed. Mr. Niemiller said with being limited by slope stability issues there would likely not be more than 20 lots. He said it is a tight space to work with and the number is dependent on the results of the slope stability study.

Commissioner Zent said the area is landlocked with Del Rio Drive being the only access and asked if other access points would be added. Mr. Niemiller said it is possible a lot on the north side of the property that belongs to the same owner would be used as another access point if needed.

Aaron Hummel, 3804 Powder Ridge Drive, said on behalf of the neighborhood he wanted to share some concerns and the names on the petition are of those along Powder Ridge Drive with the same concerns. He said he appreciates the meeting that was held with the developer and the neighborhood and their request to reduce the density from what was originally proposed. He said other than some potential geological and watershed concerns they hope due diligence is done here.

Written comments and a copy of the petition opposed to the change to the R10-Residential zoning district are attached as Exhibit A.

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

Commissioner Laning said he has often wondered, when there are issues with visibility, if the various property owners could not collectively purchase the property and leave it open to avoid blocking a view when that is a concern.

Commissioner Schell said the project will come before them when a plat and annexation are requested, so there would be another opportunity for discussion on the development.

MOTION: Commissioner Bakken made a motion to recommend approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner,

Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMITS (OVERSIZED ACCESSORY BUILDING) LOT 3, BLOCK 2, GRANDE PRAIRIE ESTATES

Chair Schwartz called for the public hearing on a special use permit to increase the area of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building on Lot 3, Block 2, Grande Prairie Estates. The property is located north of Bismarck, along the north side of 43rd Avenue NE and the south side of East Roundup Road (4355 Hillsboro Drive).

Ms. Wollmuth 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 Hay Creek Township Board of Supervisors has not provided a recommendation for the proposed special use.

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

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

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

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to increase the area of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building on Lot 3, Block 2, Grande Prairie Estates, with the condition that a secondary access approach permit from East Roundup Road is granted by Burleigh County.

Commissioner Bakken asked if the building would be located on the east side of the property and outside of the shelter belt. Ms. Wollmuth said that is correct.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the special use permit to increase the area of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building on Lot 3, Block 2, Grande Prairie Estates, with the condition that a secondary access approach permit from East Roundup Road is granted by Burleigh County. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bakken, Bitner, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

UPDATE ON TOGETHER 2045

Mr. Nairn said staff has worked on the Plan through winter and spring and are almost ready for the presentation of the first draft. He said they will bring it to the Advisory Committee tomorrow to review section by section and then they can release it publicly throughout the summer and fall. He said they plan on bringing it to the Planning and Zoning Commission around October for approval by the end of the year, adding there is plenty of time left to make any desired changes. Mr. Nairn said the structure of the Plan will include five elements of Shape, Connect, Inhabit, Thrive and Grow and he gave a brief overview of each. He added that they are working through the neighborhood names and did offer a survey on how to refer to the neighborhoods or their preferred nicknames so staff could continue to work through the City of Neighborhoods portion. He closed by saying staff is also trying to tie the Plan into the City's 150th celebration with looking forward toward the future to promote looking ahead to what is next.

Commissioner Laning asked if this Plan includes the various highway configurations and options as well. Mr. Nairn said they do envision part of this plan to tentatively be called the Major Street Plan which would show corridors envisioned as arterials or collectors and would not differ much from the Fringe Area Road Master Plan (FARMP). He said they do not get into a great deal of detail on transportation planning because there is already the Metropolitan Transportation Plan (MTP) through the Metropolitan Planning Organization (MPO).

Commissioner Van Duyne thanked staff for the work they have put into this project as it has been years and a tremendous job of working and sharing. She said if the MPO is in the process of updating the Metropolitan Transportation Plan (MTP) would that possibly impact the information in this Plan.

Mr. Ehreth said they try to have all of the Planning documents work together. These are offset a little bit but with this Plan they used growth projections from the previous MTP and as that gets updated every five years, this Plan likely will as well so as to stay in line with those growth projections. He added that multiple items are keying off of each other for the future of the community.

OTHER BUSINESS

Commissioner Zent said, as it relates to agenda item #5, the request for a zoning change for Lots 1 and 2, Block 1, Kilber North Addition First Replat, it appears that there is some groundbreaking being done and footings already being poured. He asked if construction for development has already started and if that is permissible while the zoning change is not approved yet.

Ms. Wollmuth said there are three lots being developed in that area at this time and explained that the one adjacent to Boulder Ridge Road did have a project approved through the City's site plan process already and that lot is not included in the current zoning change request.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:28 p.m. to meet again on June 22, 2022.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

May 23, 2022

Bismarck Planning and Zoning Commission
221 North 5th Street
P.O. Box 5503
Bismarck, North Dakota 58506-5503

Subject: Rezoning of Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township

Dear Members of the Committee,

We write to you today in opposition to the proposal to rezone the referenced tract of land from Agricultural (A) to Single and two-family residential (R10). We are landowners and homeowners adjacent to the tract which is being proposed for rezoning. We have made a significant investment in the building of our homes and one of the most valuable things about our homes has been the beautiful view of the Missouri River Valley, a view that would be destroyed by the proposed development. Many of us made the decision to purchase or build in this area due to the zoning that was in place at the time of purchase and, right or wrong, based on the commentary provided by selling agents. Thus, many of us decided to build our "forever home" here and are devastated to learn of this news. However, our concerns about this development go way beyond just the loss of the view.

The proposed use of this land (R10) is a denser zoning classification than all the adjacent properties, for which we see no good reason and only disadvantages for the existing neighborhood property owners, as well as significant downsides for the geology and watershed of the area. We believe there are several challenges that would come with development of the proposed project site, which we have outlined in this letter.

Inappropriate zoning classification

The future land use map shows the area to the west adjacent to the project area as "Conservation," an acknowledgement of the unique characteristics of the site on the bluffs of the Missouri River Valley. It makes no sense, then, that a buffer zone of R10 designation is needed between the existing R5 zoning area and this conservation zone. Typically, from a city planning perspective, more dense zoning types are used as a buffer as you move toward more major collector and arterial roads or denser development, not as a transition from low density to no density zones.

According to the definitions in the 2014 Bismarck Growth Management Plan, "Low Density Residential" (which this area is identified as) corresponds to "R5 zoning district" (page 21). Why the Community Development Department Staff Report shows that the proposed use of R10 "conforms to this land use designation" of low density residential, then, is not understood. According to the Growth Management Plan, R10 use would be listed as "Medium Density Residential." Needless to say, this proposed zoning of R10 comes as a big shock, and could not have been disclosed prior, even if selling agents had been more upfront with us about the potential development plans for this area.

Impact to existing property values

It's hard to quantify what the financial impact will be, but we think it's pretty safe to say there will be a significant negative impact. We have seen sale prices for homes on the street hundreds of thousands of dollars higher than the initial building cost, despite being less than 10 years old. We attribute that to the views, something which people have been willing to pay a premium for. That view will now be lost, and with it, a substantial value.

Further economic impact to adjacent property owners

We would expect that the covenant restrictions that currently apply to the Promontory Point developments would also apply in this area. These restrictions prohibit the use of fences except when used in conjunction with a pool for safety purposes. So, there will also be a loss of privacy that will need to be dealt with through additional window coverings, plantings, etc. Noise and dust mitigation is also a concern and will need to be dealt with.

In summary, there are many reasons why R10 zoning of this land is problematic, and therefore we humbly request that the committee reject the proposal for R10 zoning of this land. We ask that you consider changing the designation on the future land use map to "Conservation" in line with the adjacent area to the west and for the geologic and watershed reasons that may exist. We believe this is a more appropriate zoning classification for this space. If development cannot be avoided altogether, we ask that a less dense classification of R5, with larger lots that would preserve the bulk of the vegetation, together with height restrictions limiting development to structures no more than a single story in height be implemented. There are further geologic and watershed issues of concern that will need to be adequately addressed in future phases of development. We ask that the city do its due diligence to represent the best interest of the city, residents of the affected neighborhood, the resident living below the developed area, and future generations. We sincerely hope that the desires of the existing residents be considered on this matter.

Sincerely,

Jamison (Jamie) and Kristin Eckroth
3702 Powder Ridge Drive
Bismarck, ND 58503

Kristopher and Nicole Ahmann
3714 Powder Ridge Drive
Bismarck, ND 58503

Lance and Darcy Schmidt
3720 Powder Ridge Drive
Bismarck, ND 58503

Christopher and Rachel Marohl
3726 Powder Ridge Drive
Bismarck, ND 58503

Cody and Julia Carter
3812 Powder Ridge Drive
Bismarck, ND 58503

Aaron and Leah Hummel
3804 Powder Ridge Drive
Bismarck, ND 58503

Nick & Jessalyn Thompson
3715 Powder Ridge Dr.
Bismarck, ND 58503

Rodhan and Lina Khthir
3811 Powder Ridge Drive
Bismarck, ND 58503

Jason and Camille Meyhoff
3900 Powder Ridge Drive
Bismarck, ND 58503

Bruce and Laura Fuerstenberg
3727 Powder Ridge Drive
Bismarck, ND 58503

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2022

	*******************City*******************				*******************ETA*******************			
	5/2022		**5/2021**		**5/2022**		**5/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	28	$9,227,934.00	12	$3,410,852.30	6	$1,387,764.54	10	$3,545,677.91
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	$2,003,398.26	0	$0.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	1	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	2	$28,000.00	1	$46,450.80	0	$0.00
DETACHED GARAGE	11	$228,640.00	6	$60,050.00	5	$129,951.00	10	$339,700.00
DECKS\PORCHES & COVERED PORCHES	15	$50,001.00	25	$91,806.75	1	$2,079.00	2	$8,316.00
SWIMMING POOLS	1	$75,000.00	0	$0.00	2	$176,701.00	1	$93,000.00
RESIDENTIAL ALTERATION/OTHER	10	$432,497.94	5	$24,700.00	2	$10,500.00	0	$0.00
HOME OCCUPATION	0	$0.00	1	$0.00	0	$0.00	0	$0.00
STORAGE SHED	1	$8,800.00	3	$10,780.00	0	$0.00	1	$2,880.00
BASEMENT FINISH	3	$95,137.50	7	$180,755.00	2	$47,472.00	2	$52,546.00
COMMERCIAL	1	$0.00	0	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	0	$0.00	1	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	2	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	4	$26,000.00	16	$533,946.72	0	$0.00	0	$0.00
SIGN ALTERATION	0	$0.00	2	$61,750.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	15	$12,143,359.00	26	$32,659,681.21	0	$0.00	0	$0.00
COMMERCIAL ADDITION	1	$300,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	7	$226,575.37	8	$2,108,692.00	0	$0.00	0	$0.00
Total	**109**	**$24,817,343.07**	**115**	**$39,171,013.98**	**19**	**$1,800,918.34**	**26**	**$4,042,119.91**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2022

	*******************City*******************				*******************ETA*******************			
	5/2022		**5/2021**		**5/2022**		**5/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	111	$134,000.00	82	$3,500.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	112	$2,751,668.57	162	$1,399,022.21	6	$93,182.25	15	$151,745.00
BUILDING PLUMBING	64	$952,418.93	47	$798,587.04	3	$41,500.00	11	$179,785.00
BUILDING SEPTIC	0	$0.00	0	$0.00	3	$0.00	0	$0.00
Total	**287**	**$3,838,087.50**	**291**	**$2,201,109.25**	**12**	**$134,682.25**	**26**	**$331,530.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2022

	*******************City*******************		*******************ETA*******************	
	5/2022	**5/2021**	**5/2022**	**5/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	0	0	0
SINGLE FAMILY DETACHED	28	12	4	8
SWIMMING POOLS	0	0	0	0
Total	**38**	**13**	**4**	**8**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2022

	**********City**********				**********ETA**********			
	5/2022		5/2021		5/2022		5/2021	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	73	$22,330,290.32	71	$20,315,362.89	12	$3,456,145.96	27	$9,897,307.98
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	$4,737,532.28	31	$6,287,172.24	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	1	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	3	$47,988.00	9	$251,471.57	1	$46,450.80	3	$334,046.80
DETACHED GARAGE	11	$131,190.00	14	$181,550.00	17	$675,936.50	28	$1,136,940.00
DECKS\PORCHES & COVERED PORCHES	31	$105,786.00	49	$182,862.95	3	$12,033.00	7	$37,674.00
SWIMMING POOLS	1	$75,000.00	3	$313,000.00	2	$176,701.00	2	$149,221.00
RESIDENTIAL ALTERATION/OTHER	24	$640,284.67	33	$952,751.25	8	$407,627.49	1	$38,000.00
HOME OCCUPATION	1	$0.00	3	$0.00	0	$0.00	1	$0.00
STORAGE SHED	7	$25,480.00	10	$33,760.00	0	$0.00	1	$2,880.00
BASEMENT FINISH	30	$801,657.00	53	$1,297,744.00	7	$177,403.00	7	$151,059.00
RESIDENTIAL	1	$0.00	4	$0.00	0	$0.00	0	$0.00
COMMERCIAL	1	$0.00	0	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	4	$0.00	5	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	2	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	42	$358,343.00	37	$730,457.16	2	$38,866.00	0	$0.00
SIGN ALTERATION	1	$35,000.00	5	$126,167.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	26	$41,018,588.00	28	$35,514,171.21	10	$2,400,000.00	14	$13,841,923.00
COMMERCIAL ADDITION	3	$11,600,387.00	2	$1,688,150.00	1	$2,937,630.00	0	$0.00
COMMERCIAL ALTERATION	43	$11,481,572.88	41	$14,450,091.00	2	$3,715,000.00	0	$0.00
Total	**326**	**$93,389,099.15**	**399**	**$82,324,711.27**	**65**	**$14,043,793.75**	**91**	**$25,589,051.78**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2022

	*******************City*******************				*******************ETA*******************			
	5/2022		**5/2021**		**5/2022**		**5/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	360	$169,500.00	388	$39,800.00	1	$0.00	1	$0.00
BUILDING MECHANICAL	542	$9,906,347.01	565	$6,188,115.13	78	$515,640.64	92	$810,115.50
BUILDING PLUMBING	148	$4,004,567.77	164	$5,010,197.04	22	$180,355.00	33	$518,906.00
BUILDING SEPTIC	0	$0.00	0	$0.00	4	$0.00	10	$24,000.00
Total	**1050**	**$14,080,414.78**	**1117**	**$11,238,112.17**	**105**	**$695,995.64**	**136**	**$1,353,021.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2022

	*******************City*******************		*******************ETA*******************	
	5/2022	**5/2021**	**5/2022**	**5/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	1
RESIDENTIAL ADDITION	0	1	0	0
RESIDENTIAL ALTERATION/OTHER	0	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	29	0	0
SINGLE FAMILY DETACHED	73	61	10	25
SWIMMING POOLS	0	0	0	0
Total	**95**	**93**	**10**	**26**