PLANNING AND ZONING COMMISSION

MEETING AGENDA
December 21, 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 & 602 HD, Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org.

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the November 16, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Lots 9, 10 and the South 25.4 feet of 11, Block 7, Replat of Homan Acres** (JW)……..6

   Zoning Change (RT to R10) | ZC2022-021 | *Consideration*

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

3. **Lots 1 & 2, Block 1, Kilber North Addition First Replat** (DN)……....14

Zoning Change (RT to Conditional CA) | ZC2022-023 | *Consideration*

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

4. **Pt NW1/4 of Section 21, T138N-R80W/Lincoln Twp (being platted as L1, B2, Paradise Valley Addition)** (Klee)……..……....21

Zoning Change (RM15 to RM30) | ZC2022-024 | *Consideration*

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

5. **Lot 1, Block 3, Cottonwood Parkview Addition First Replat** (JW)…….....29

Zoning Change (RM15 to RM20) | ZC2022-025 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION

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

6. **Part of Clear Sky Addition** (JW)……36

Annexation | ANNX2022-006 | *Final Consideration*

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

PUBLIC HEARINGS

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

7. **Boulder Ridge First Addition First Replat** (JW)……....42

Annexation | ANNX2022-007 | *Final Consideration*

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

Major Subdivision Final Plat | FPLT2022-013 | *Public Hearing*

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

8. **TNK Ranch Subdivision** (DN) ……..51

Gibbs Township

Zoning Change (A to RR5) | ZC2022-019 | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2022-015 | *Public Hearing*

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

9. **Technology Hill Addition** (JW)…….....62

Major Subdivision Final Plat | FPLT2022-011 | *Public Hearing*

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

10. **Norbs Subdivision** (JW)…….....70

Apple Creek Township

Major Subdivision Final Plat | FPLT2022-012 | *Public Hearing*

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

11. **Lot 2, Block 1, Capital Electric Addition** (DN)……79

Special Use Permit | SUP2022-022 (Child Care Center) | *Public Hearing*

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

OTHER BUSINESS

12. **Recognition of Service for Commissioners Laning and Martin**

13. **Other**

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for January 25, 2023.

Enclosures: Meeting Minutes of November 16, 2022
Building Permit Activity Month to Date Report for November 2022
Building Permit Activity Year to Date Report for November 2022

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

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

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

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

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

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

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

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

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

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

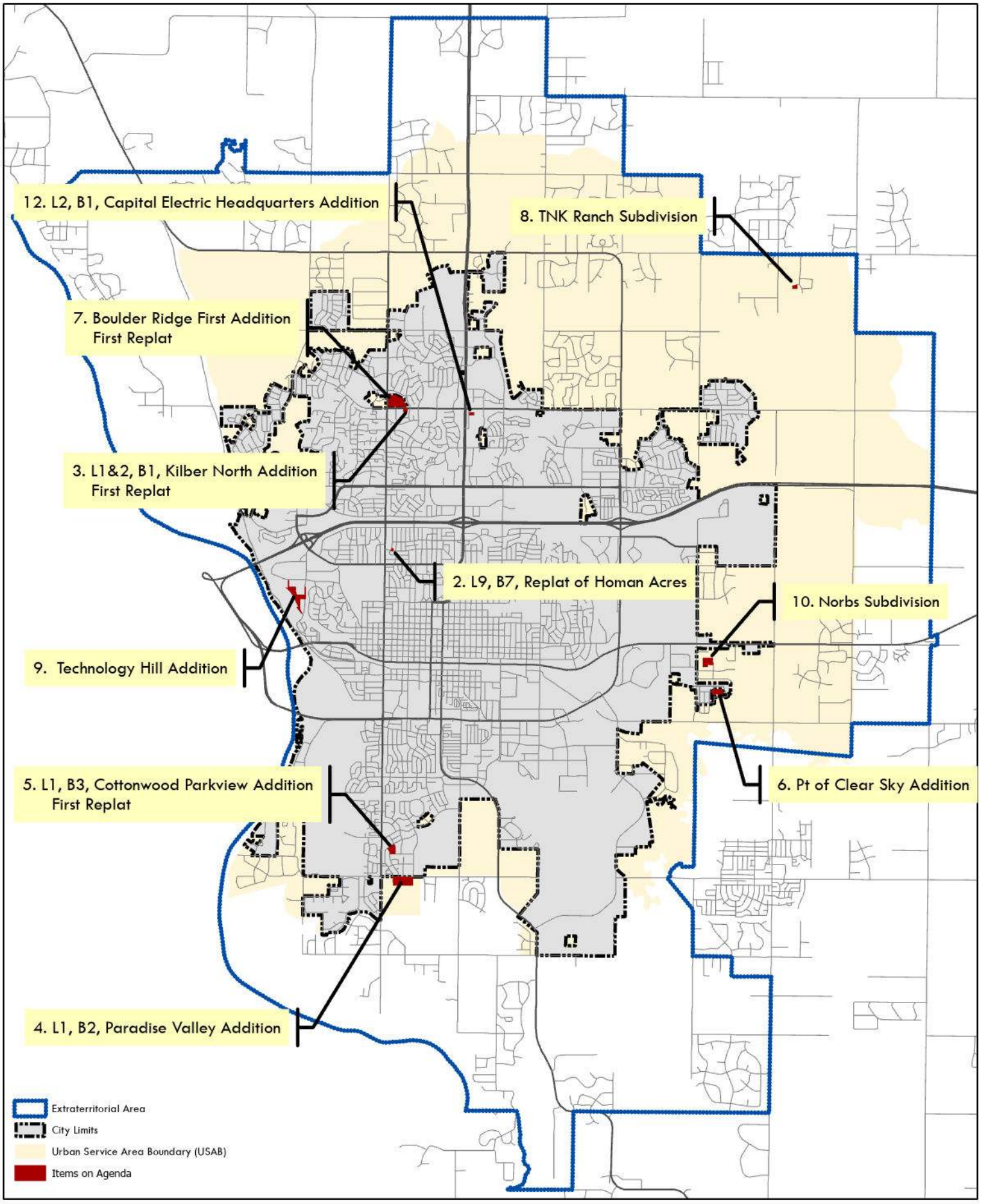
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions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

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

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

General Location Map

Bismarck Planning and Zoning Commission - December 21, 2022



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

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STAFF REPORT

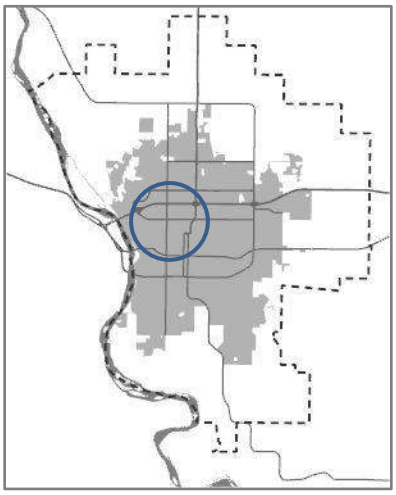
Agenda Item # 2
December 21, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-021**

Project Summary

Title:	Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Gwen and Timothy Beckler (Lot 9) John and Angela Glaser (Lot 10 and the South 25.4 feet of Lot 11)
Project Contact:	Jenny Wollmuth, AICP, CFM, Senior Planner
Location:	In central Bismarck, in the northeast quadrant of the intersection of West Central Avenue and North Kavaney Drive
Project Size:	23,613 square feet
Request:	Rezone non-conforming property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels in 1 block	*Number of Lots:*	2 parcels in 1 block
Land Use:	Single and two-family residential	*Land Use:*	Single and two-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:*	R10 – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density:	RT – 30 units / acre	*Max Density:*	R10 – 10 units / acre

Property History

Zoned:	N/A	*Platted:*	1961	*Annexed:*	Pre-1980

(continued)

Staff Analysis

The Community Development Department is initiating a zoning change from the RT – Residential zoning district to the R10 – Residential zoning district for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres.

The proposed zoning change is being requested in order to bring the properties into conformance with the City's zoning code.

Adjacent uses include commercial uses (Northbrook Mall) to the west across North Kavaney Drive, office and multifamily uses to the north, single-family residential to the east and south across West Central Avenue and Single and two-family residential to the southwest across West Central Avenue / North Kavaney Drive.

Background information

The Homan Acres area was developed in the early 1960's and both properties were constructed in 1964. Lot 9 was constructed as a single-family dwelling and Lot 10 and the South 25.4 feet of Lot 11 was constructed as a two-family dwelling. At the time of construction, both properties were zoned for single and two-family dwellings. It appears that the property was zoned RT – Residential in the 1980s likely to encourage redevelopment of the area for office uses. Rezoning portions of the community to encourage redevelopment were a common practice during this time. Unfortunately, this created non-conforming properties. Single and two-family dwellings are not permitted within the current RT – Residential zoning district.

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

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential zoning district to the R10 – Residential zoning district for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres.

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

CITY OF BISMARCK
ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the RT – Residential zoning district and included in the R10 – Residential zoning district:

Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres.

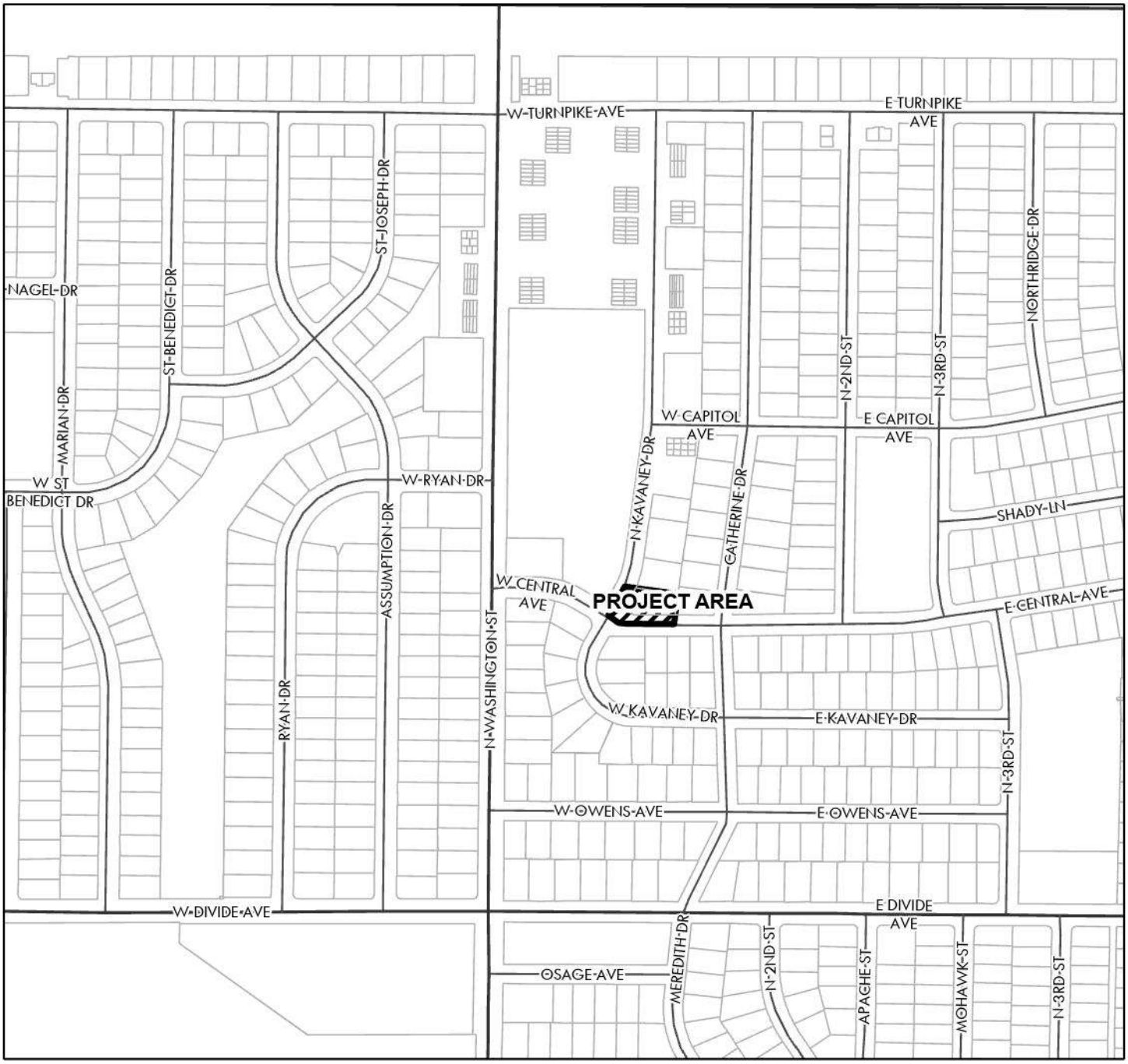
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

REPLAT OF HOMAN ACRES, LOT 9, BLOCK 7

ZC2022-021



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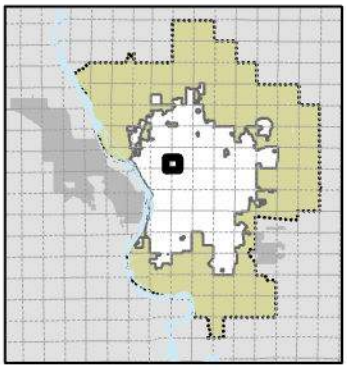
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



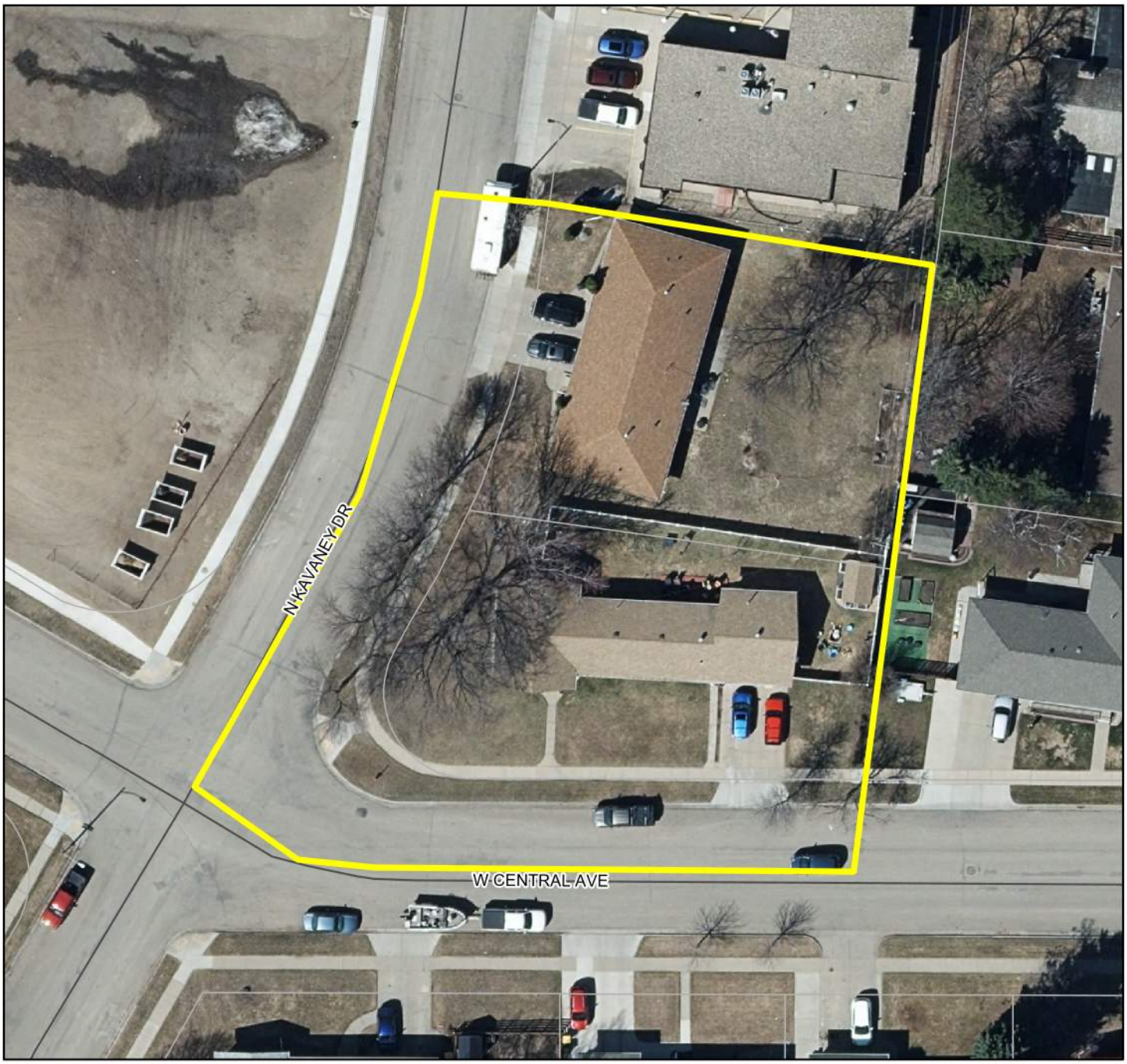
City of Bismarck
Community Development Department
Planning Division
November 21, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

REPLAT OF HOMAN ACRES, LOT 9, BLOCK 7

ZC2022-021



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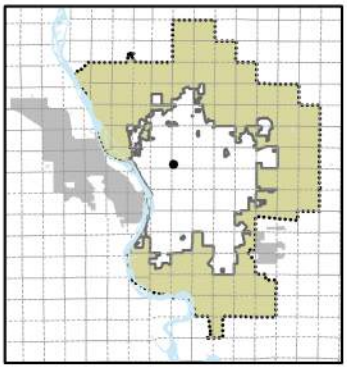
City Limits

Bismarck ETA Jurisdiction



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

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.

Zoning and Plan Reference Map

REPLAT OF HOMAN ACRES, LOT 9, BLOCK 7

ZC2022-021

Zoning Districts

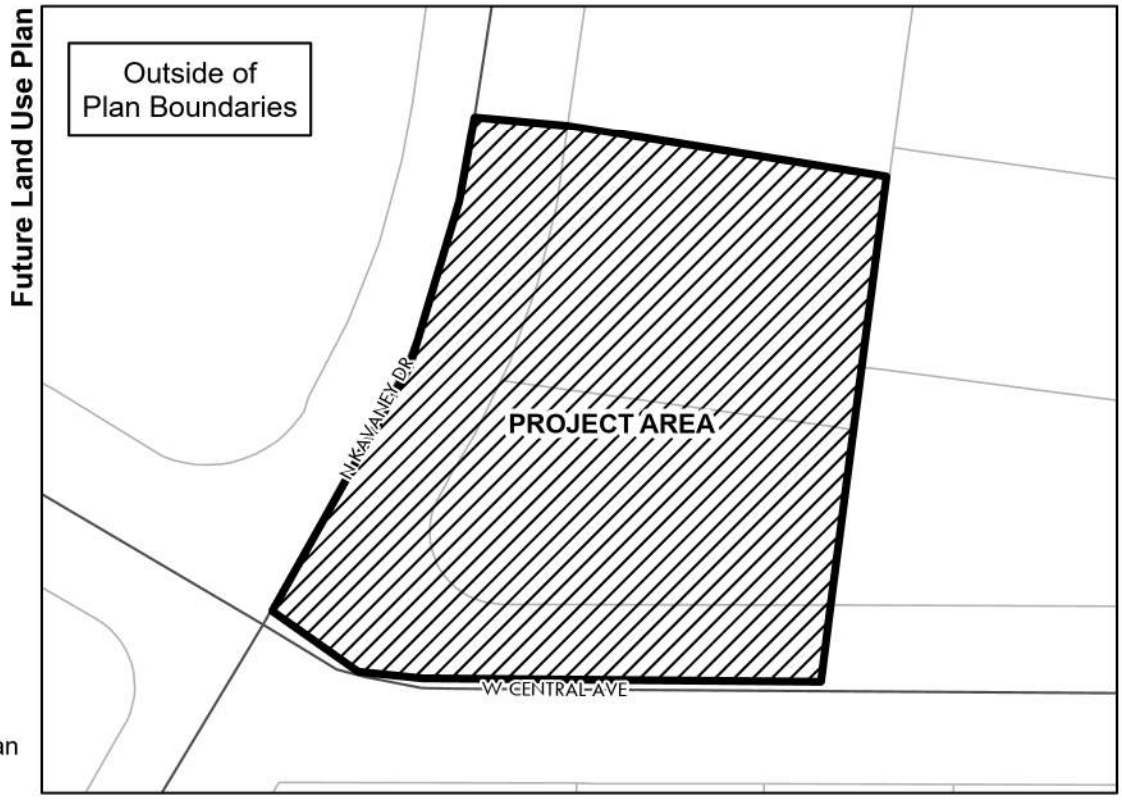
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road



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

Proposed Zoning Change

REPLAT OF HOMAN ACRES, LOT 9, BLOCK 7

ZC2022-021

Proposed New Zoning Map

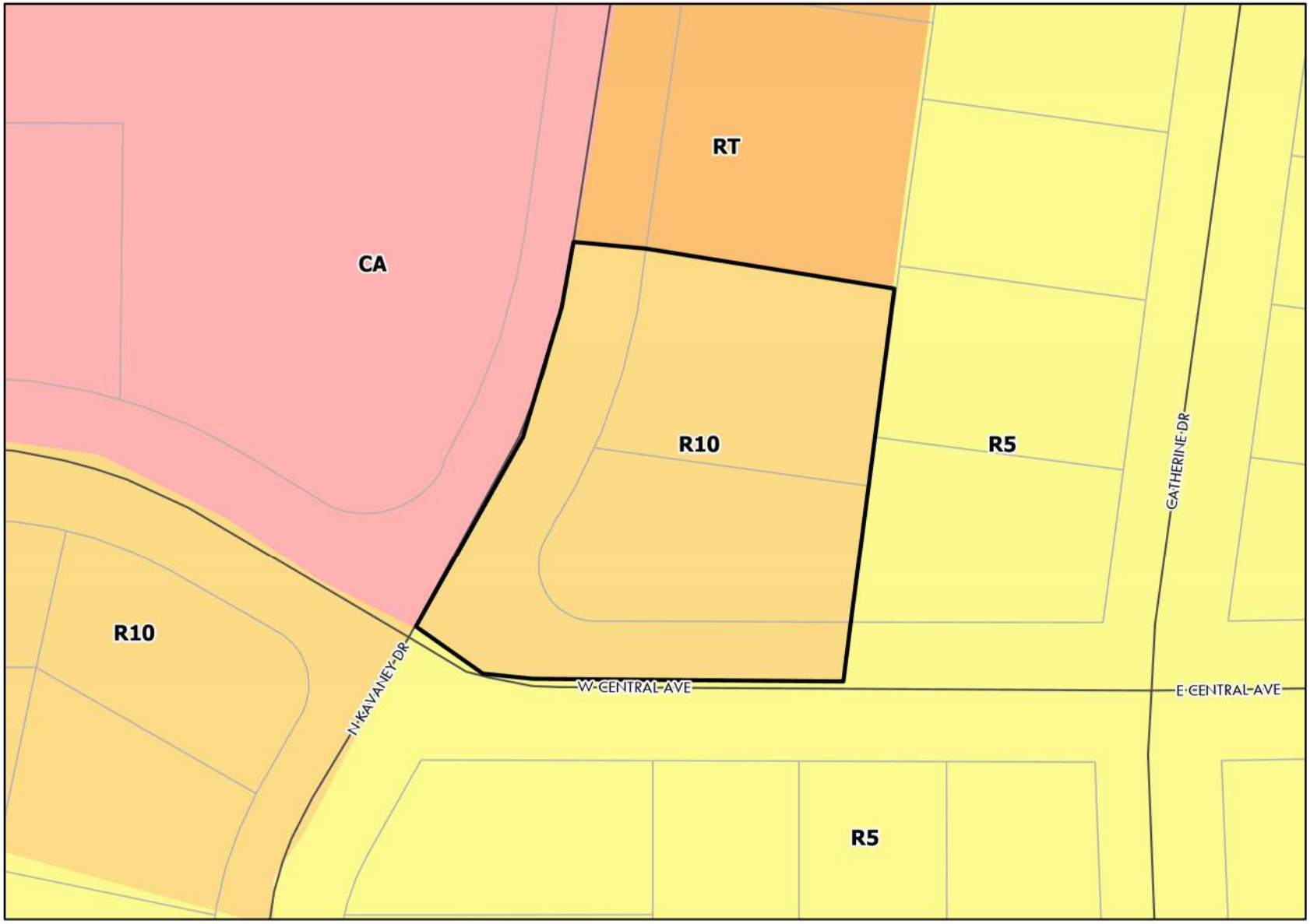
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

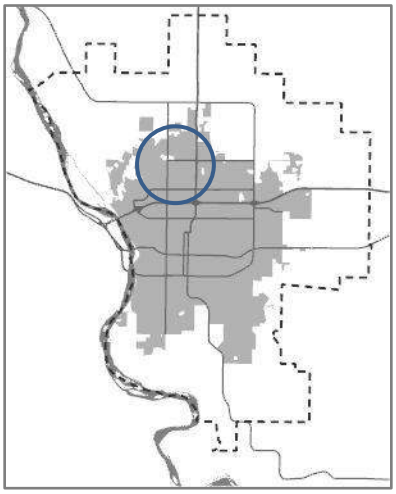
Agenda Item # 3
December 21, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-023**

Project Summary

Title:	Lots 1 and 2, Block 1, Kilber North Addition First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	The Ridge, LLC
Project Contact:	Daniel Keith
Location:	In North Bismarck, east of North Washington Street on the south side of 43rd Avenue NE (4228 Boulder Ridge Road)
Project Size:	1.24 Acres
Request:	Rezoning to allow limited commercial uses



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 strip center
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	*Zoning:*	Condition 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:*	05/2012	*Annexed:*	05/2012

Staff Analysis

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

Background Information

The applicant requested a change of zoning to CA – Commercial without any conditions, and the Planning and Zoning Commission denied this

(continued)

request on June 22, 2022. The City Commission denied an appeal of the Planning and Zoning Commission decision on July 12, 2022.

Planning staff have subsequently met with the property owner to discuss potential conditions to alleviate any concerns about impact of any development on nearby properties. Both parties have agreed to support the following conditions on a CA – Commercial zoning district:

1. No individual use within the Retail Group A, Service Group A, or Commercial Recreation use groups may exceed two thousand and five hundred (2,500) square feet in floor area.
2. No drive-through may be installed for any use

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 multifamily uses to the west.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for zoning change from the RT – Residential zoning district to the Conditional CA – Commercial zoning district for Lots 1 and 2, Block 1, Kilber North Addition First Replat.

Attachments

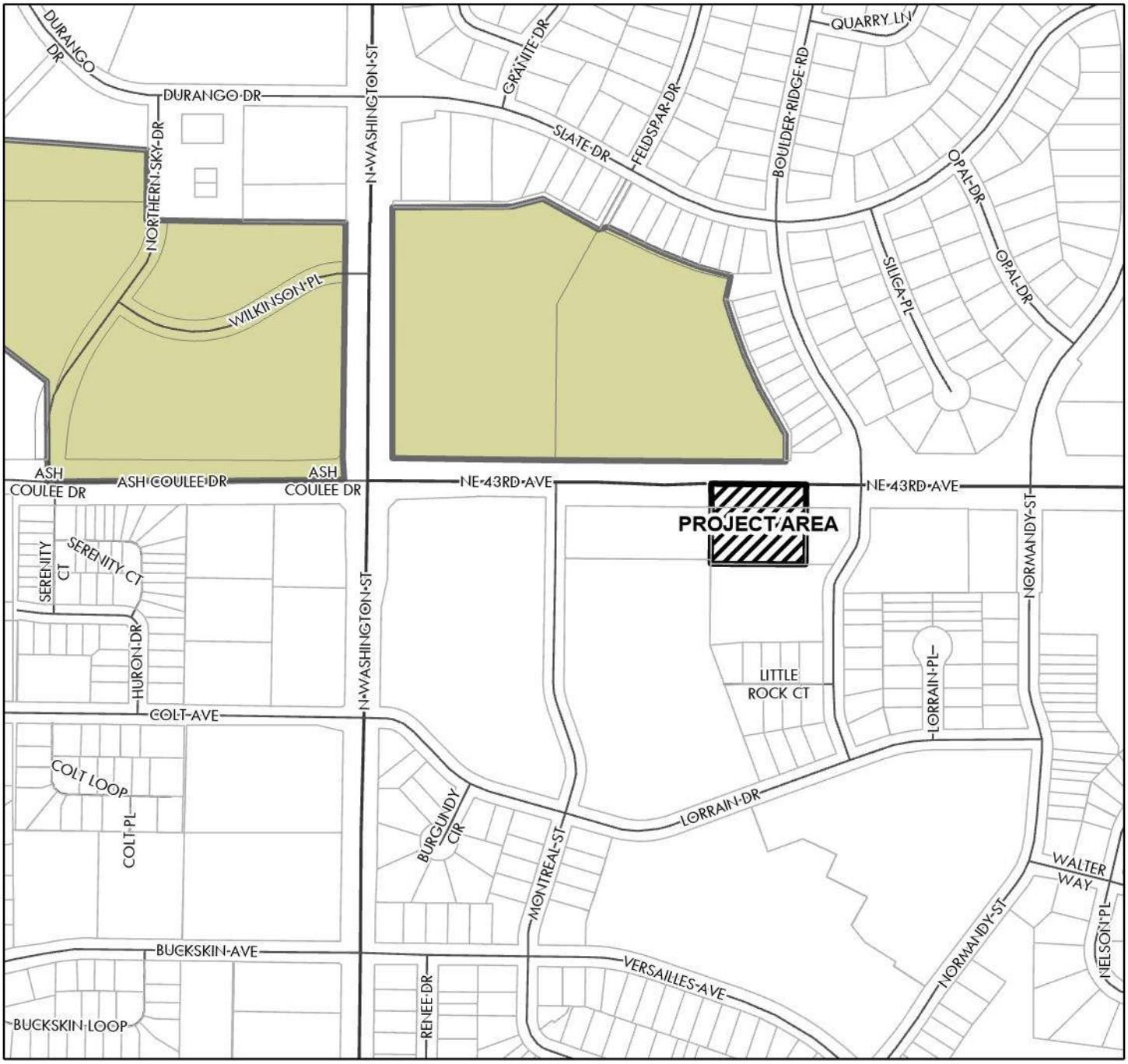
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map
5. Draft Zoning Ordinance

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

Location Map

ZC2022-023

KILBER NORTH ADDITION FIRST REPLAT L1-2, B1



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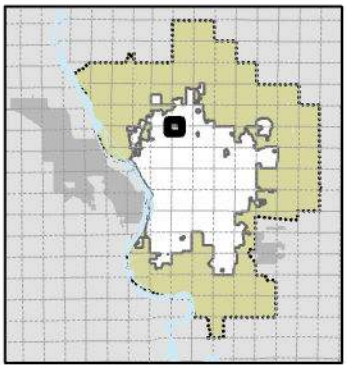


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

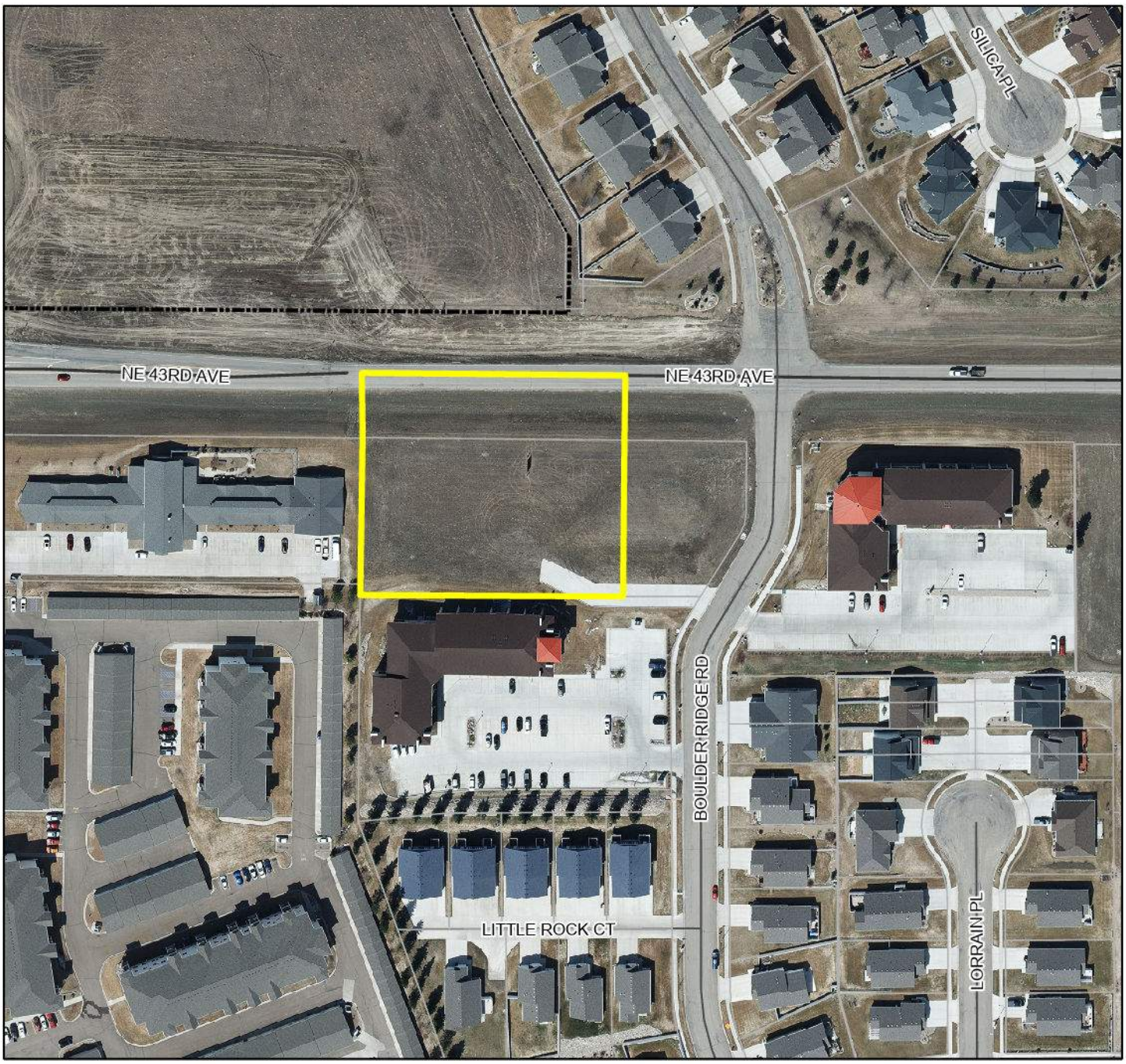
City of Bismarck
Community Development Department
Planning Division
November 28, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

KILBER NORTH ADDITION FIRST REPLAT L1-2, B1

ZC2022-023



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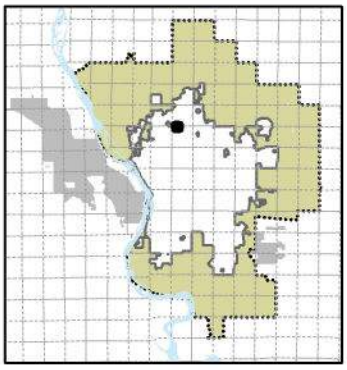
City Limits

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

KILBER NORTH ADDITION FIRST REPLAT L1-2, B1

ZC2022-023

Zoning Districts

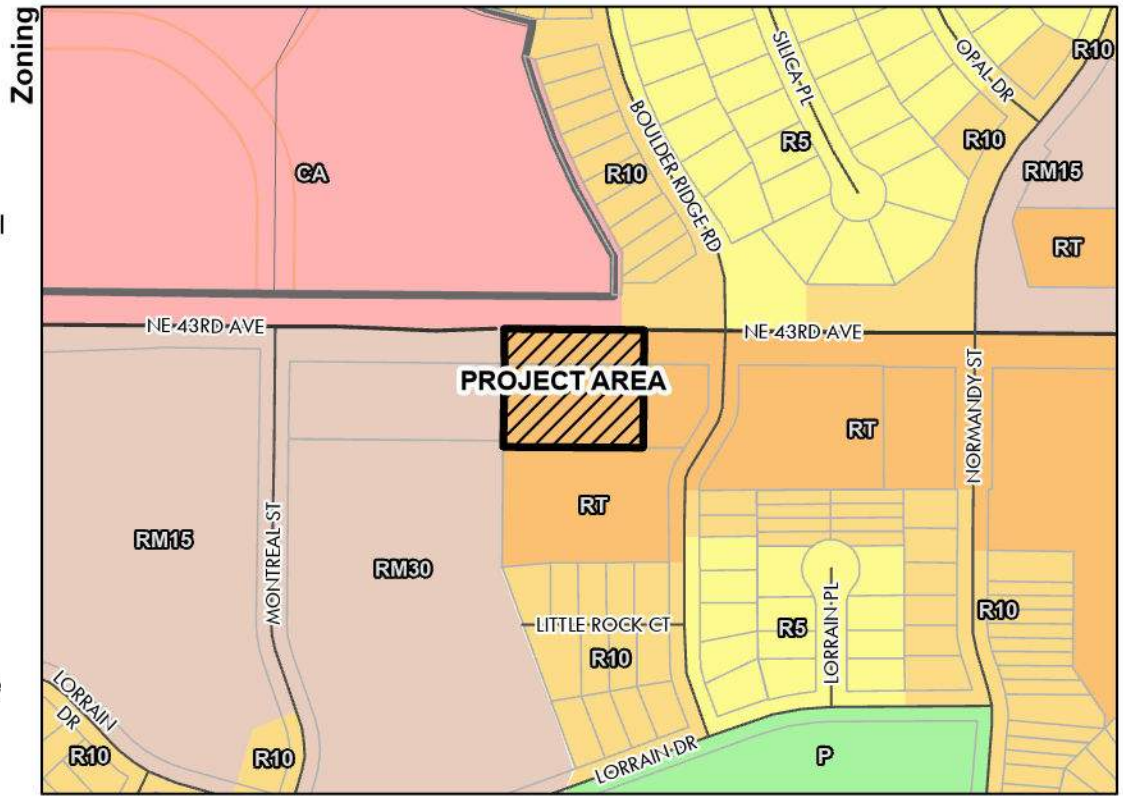
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

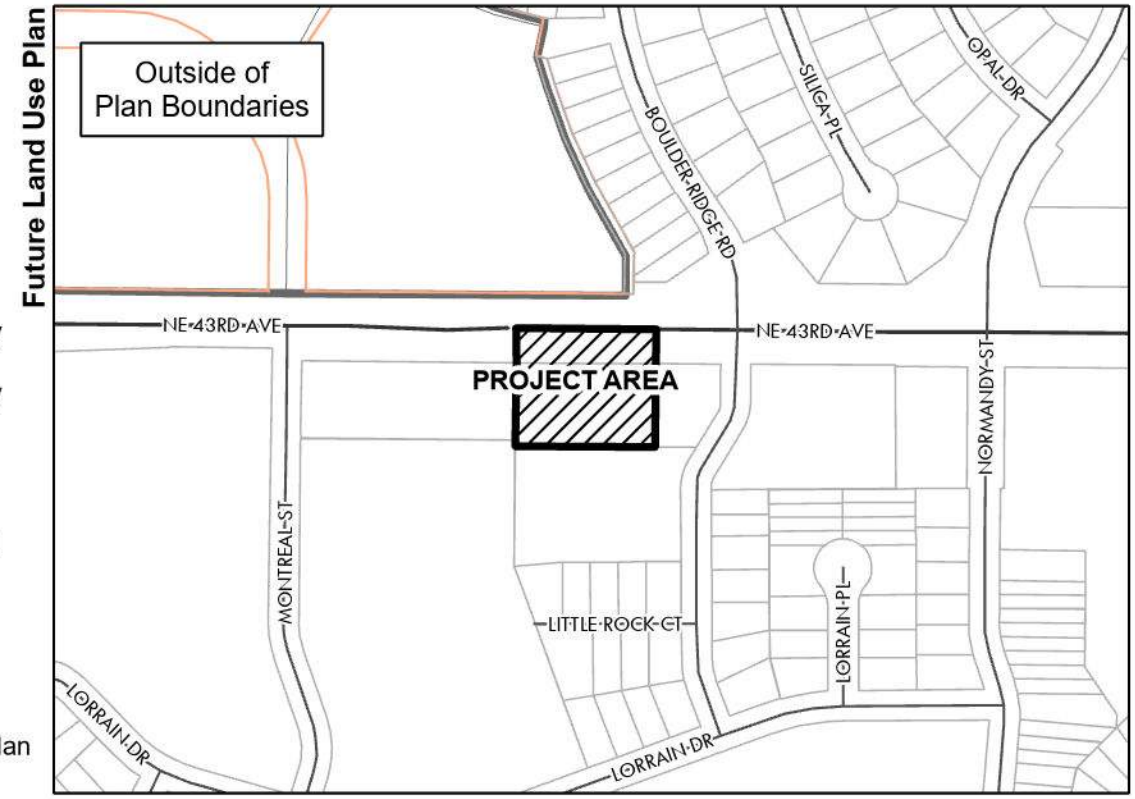
Future Land Use Plan

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
November 30, 2022

Proposed Zoning Change

KILBER NORTH ADDITION FIRST REPLAT L1-2, B1

ZC2022-023

Proposed New Zoning Map

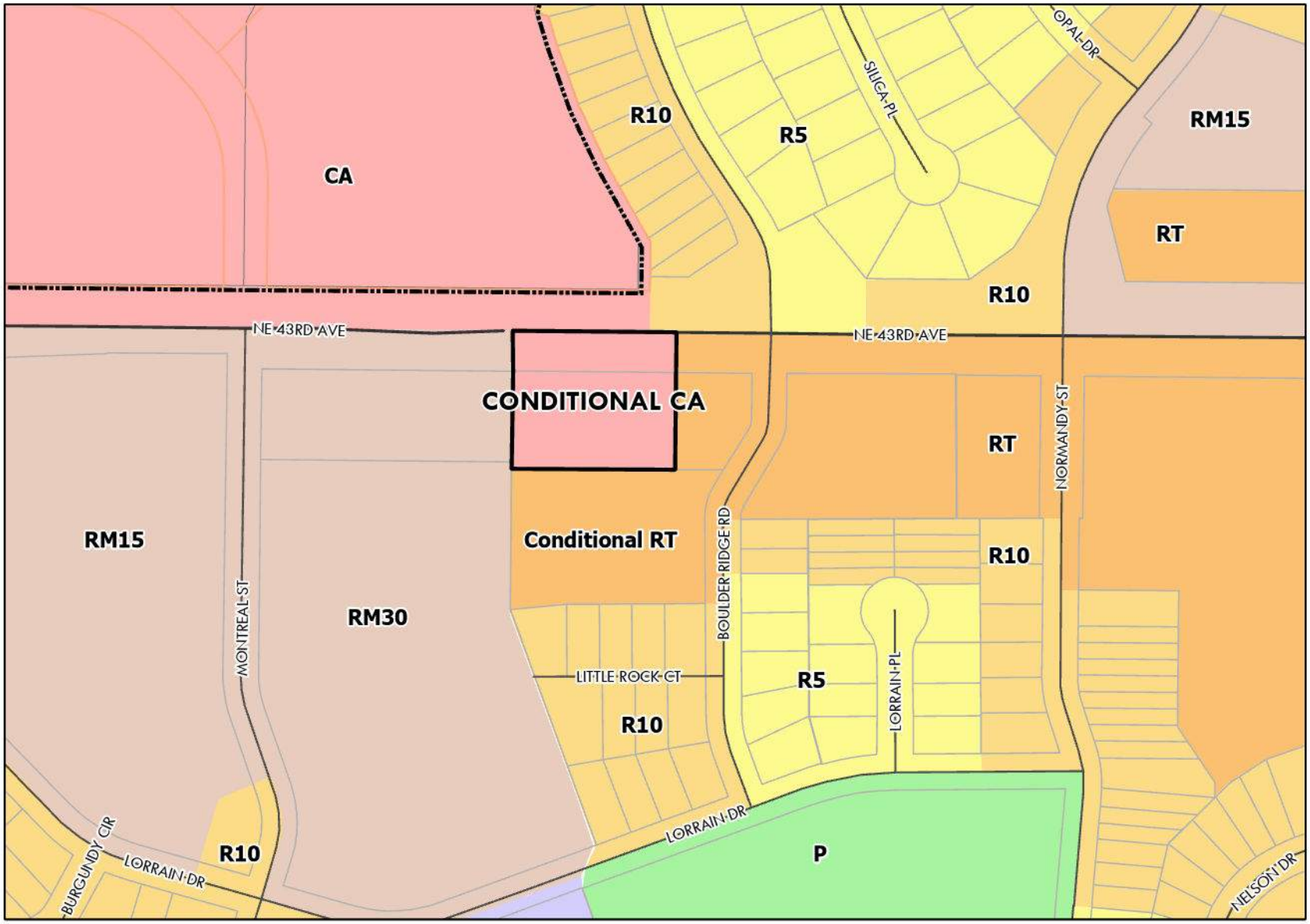
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development Dept.
Planning Division
November 30, 2022

CITY OF BISMARCK
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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

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

Lots 1-2, Block 1, Kilber North Addition First Replat

This Conditional CA – Commercial zoning district is subject to the following additional standards:

1. No individual use within the Retail Group A, Service Group A, or Commercial Recreation use groups may exceed two thousand and five hundred (2,500) square feet in floor area.

2. No drive-through may be installed for any use.

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.

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

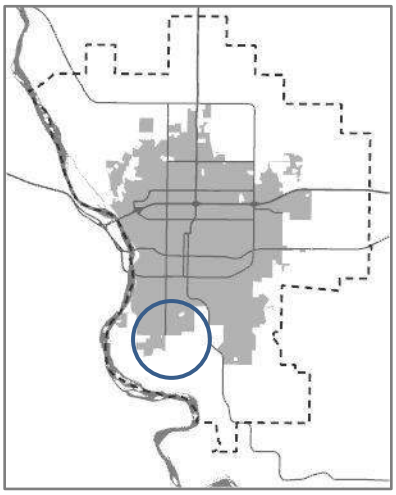
Agenda Item # 4
December 21, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-024**

Project Summary

Title:	Part of the NW¼ of Section 21, T138N-R80W (tbka Lot 1, Block 2, Paradise Valley Addition)
Status:	Planning & Zoning Commission – Consideration
Owner(s):	MBR Properties, LLC
Project Contact:	Hanna Peterson, EIT, Lowry Engineering
Location:	South central Bismarck, along the south side of East Burleigh Avenue east of South Washington Street
Project Size:	14.33 acres
Request:	Rezone recently platted lot to increase the number of units that can be constructed on this lot



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Multi-family residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential	*Zoning:*	RM30 – Residential
Uses Allowed:	RM15 – Multi-family residential	*Uses Allowed:*	RM30 – Multi-family residential
Max Density:	RM15 – 15 units / acre	*Max Density:*	RM30 – 30 units / acre

Property History

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

Staff Analysis

MBR Properties, LLC is requesting approval of a zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for part of the NW¼ of Section 21, T138N-R80W/Lincoln Township on a lot that will be known as Lot 1, Block 2, Paradise Valley Addition.

(continued)

A plat and zoning change for this property has been approved by both the Planning & Zoning Commission and the City Commission; however, as the plat has not yet been recorded the plat, neither the new legal description or zoning exist. Staff agreed to take this zoning change to the Planning & Zoning Commission for consideration without the plat being recorded, with the understanding that a public hearing on the request would not be scheduled until the plat for Paradise Valley Addition has been recorded.

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 across South Washington Street.

The proposed increase in density from 15 units per acre to 30 units per acre would increase the total number of units on this 14.33 acre tract from 215 units to 430 units. This increased density could be accommodated with the municipal infrastructure anticipated to be installed in conjunction with development of the project.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for the property being platted as Lot 1, Block 2, Paradise Valley Addition, with the understanding that a public hearing on the proposed zoning change would not be scheduled until the plat of Paradise Valley Addition is recorded.

Attachments

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

(continued)

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

CITY OF BISMARCK
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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the RM15 – Residential zoning district and included in the RM30 – Residential zoning district:

Lot 1, Block 2, Paradise Valley Addition

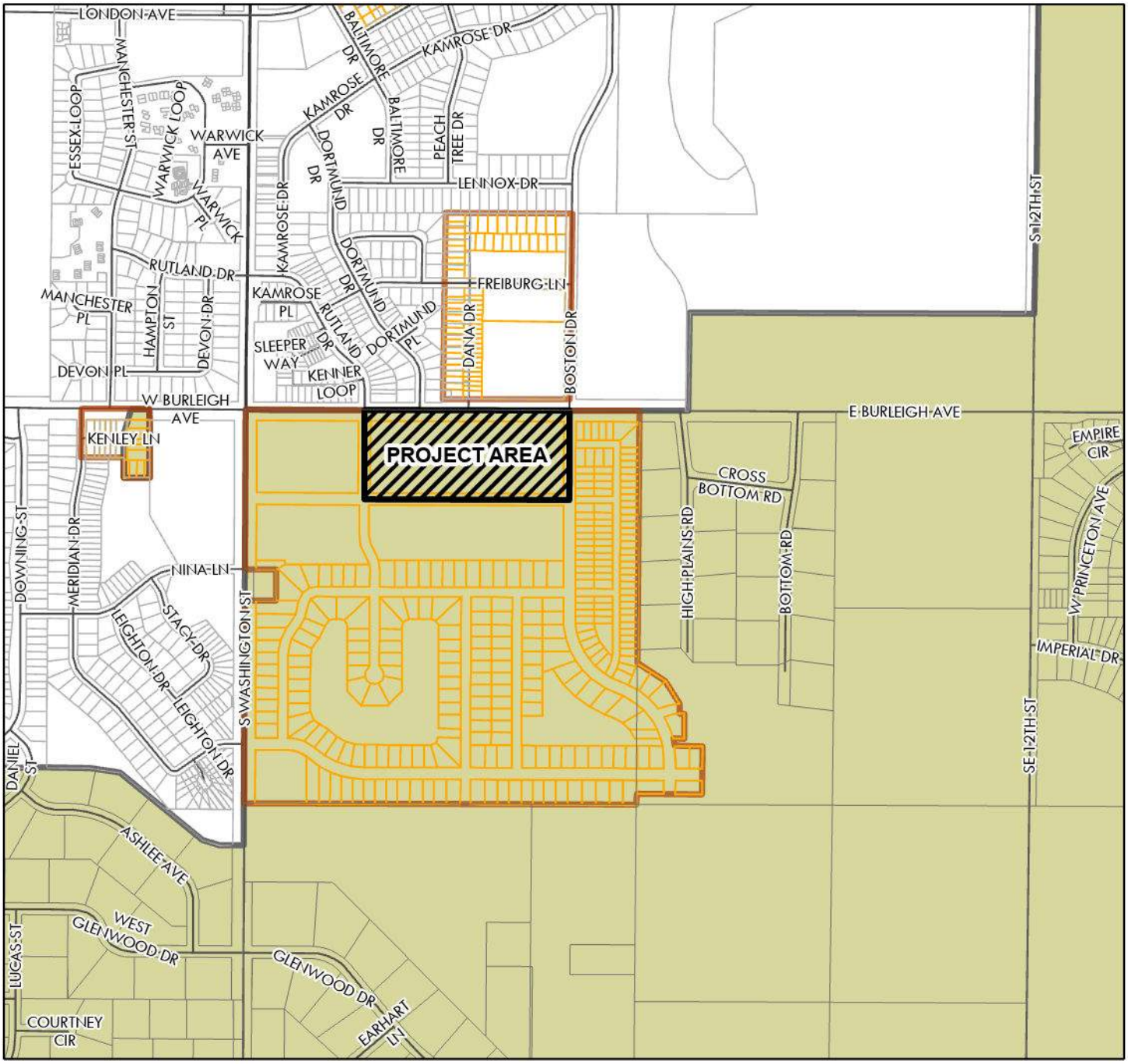
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

PARADISE VALLEY, L1, B2

ZC2022-024



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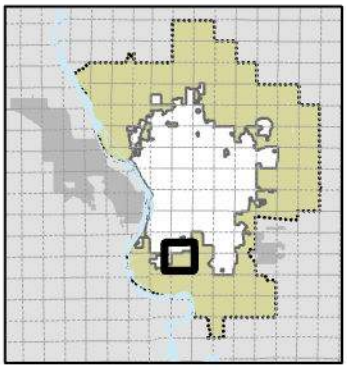
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



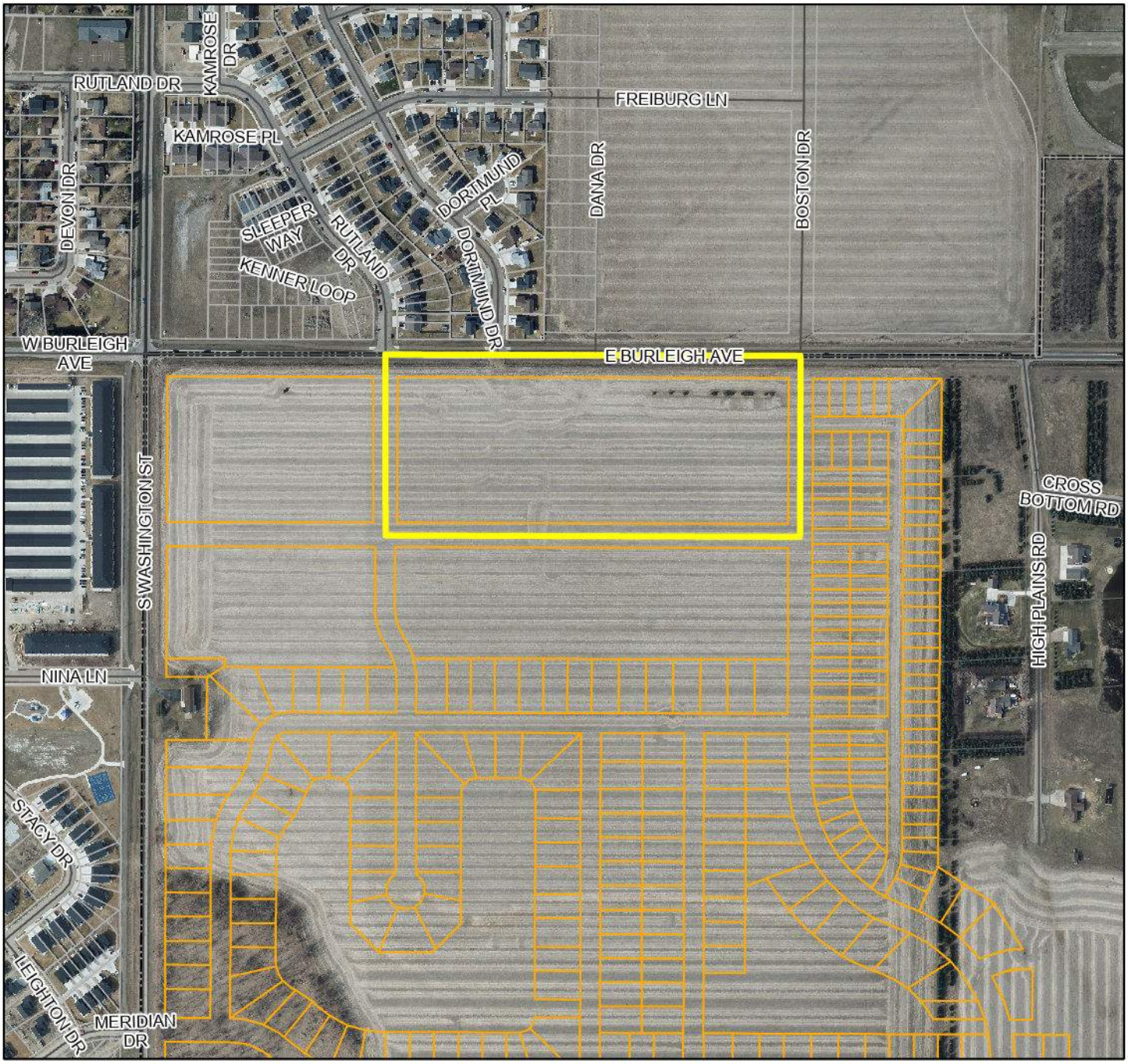
City of Bismarck
Community Development Department
Planning Division
November 28, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

PARADISE VALLEY, L1, B2

ZC2022-024



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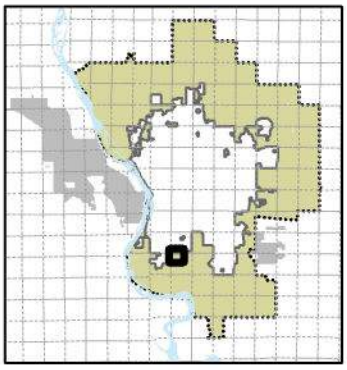
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
December 6, 2022

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

PARADISE VALLEY, L1, B2

ZC2022-024

Zoning Districts

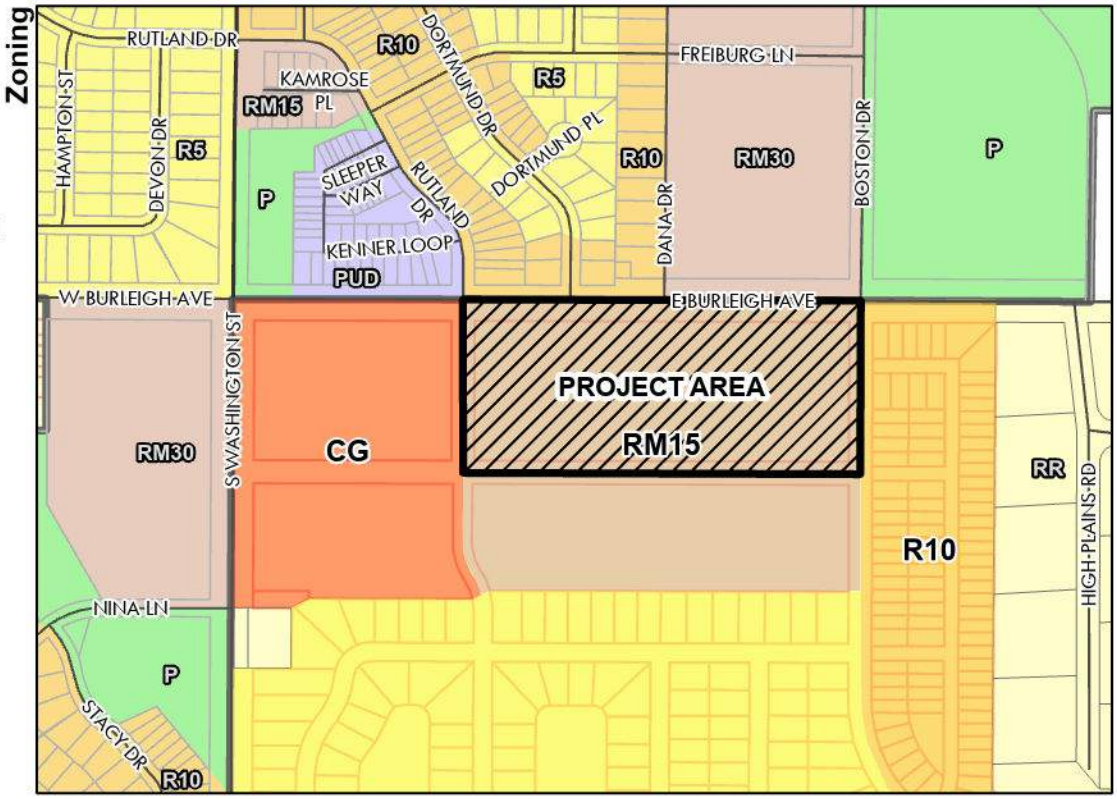
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

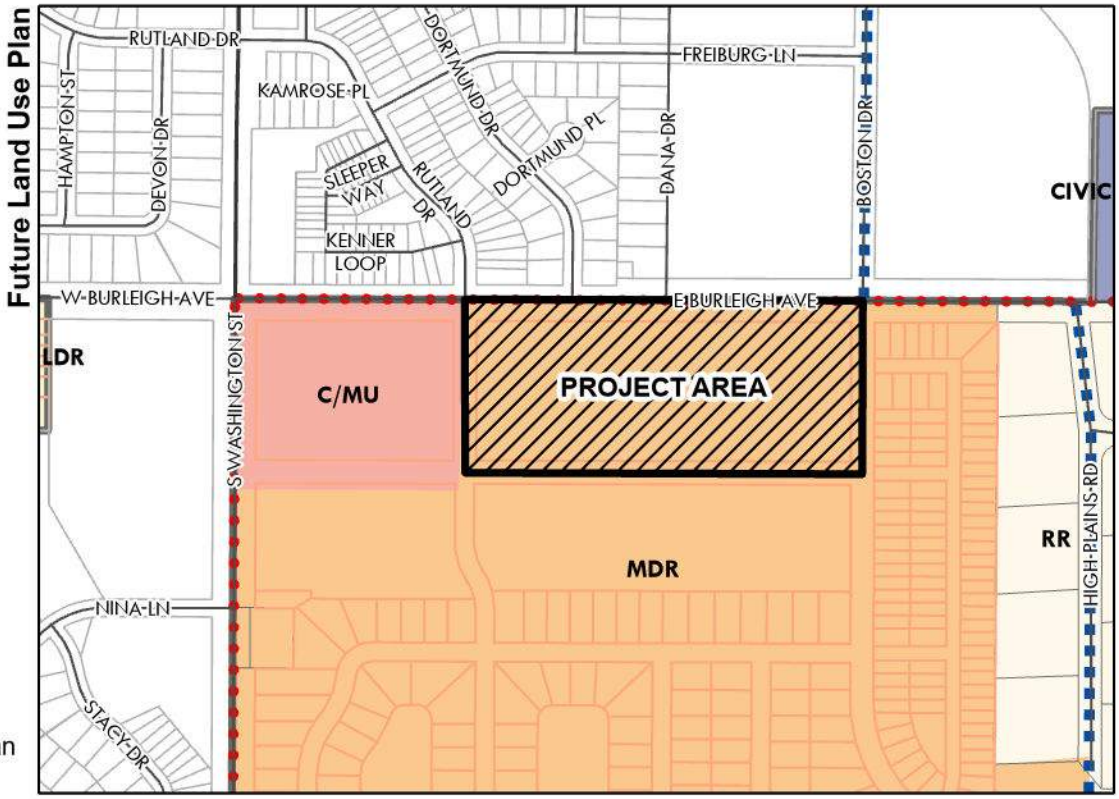
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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City of Bismarck
Community Development Dept.
Planning Division
December 6, 2022

Proposed Zoning Change

PARADISE VALLEY, L1, B2

ZC2022-024

Proposed New Zoning Map

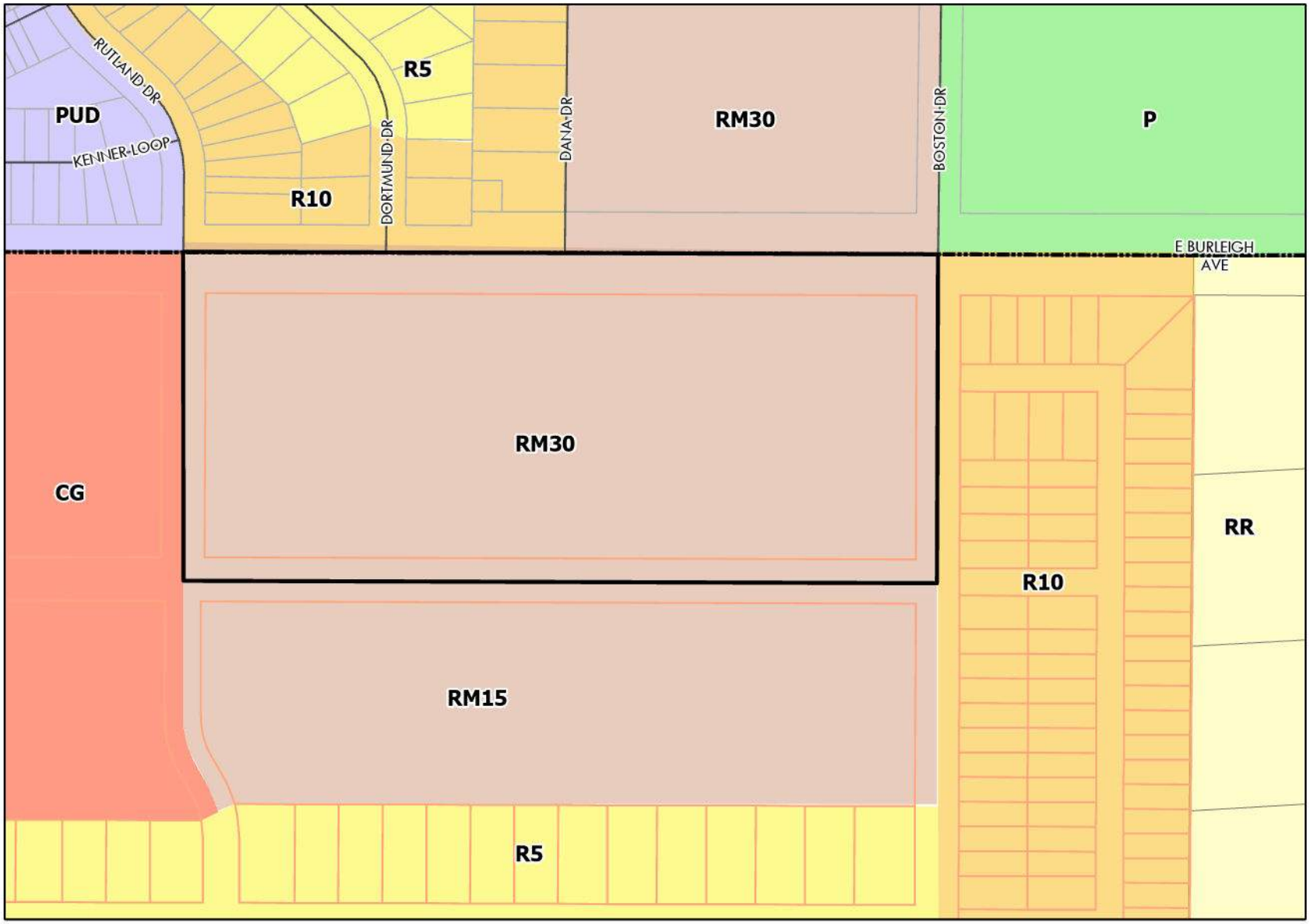
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development Dept.
Planning Division
December 6, 2022

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

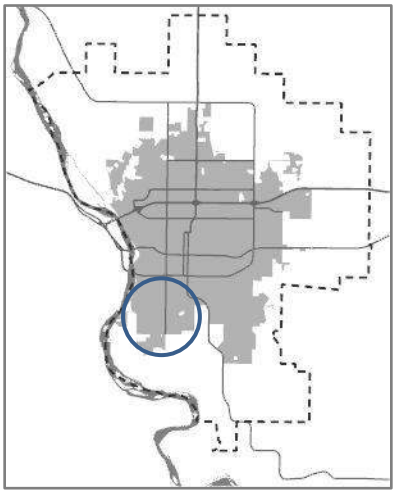
Agenda Item # 5
December 21, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-025**

Project Summary

Title:	Lot 1, Block 3, Cottonwood Parkview Addition First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	EWR Bismarck Land South, LLC
Project Contact:	Danny Hanson
Location:	In south Bismarck, south of Santa Fe Avenue east of South Washington, along the south side of Kamrose Drive and east side of Dortmund Drive
Project Size:	4.55 acres
Request:	Rezone property for future multifamily development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Multifamily residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential	*Zoning:*	RM20 – Residential
Uses Allowed:	RM15 – Multi-family residential	*Uses Allowed:*	RM20 – Multi-family residential
Max Density:	RM15 – 15 units / acre	*Max Density:*	RM20 – 20 units / acre

Property History

Zoned:	06/2018	*Platted:*	06/2018 (Cottonwood Parkview Addition) 08/2022 (Cottonwood Parkview Addition First Replat)	*Annexed:*	06/2018

(continued)

Staff Analysis

EWR Bismarck Land South, LLC is requesting approval of a zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat.

The proposed zoning change is being requested to increase the allowable density of the property from 68 units to 90 units to allow for the construction of a multifamily housing development.

Adjacent uses include undeveloped multifamily residential zoned property to the north across Kamrose Drive and to the west across Dortmund Drive and developing single and two-family residential zoned property to the south across Lennox Drive and to the east across Baltimore Drive.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat.

Attachments

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

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

CITY OF BISMARCK
ORDINANCE NO. XXXX

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

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

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

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

The following described property shall be excluded from the RM15 – Residential zoning district and included in the RM20 – Residential zoning district:

Lot 1, Block 3, Cottonwood Parkview Addition First Replat

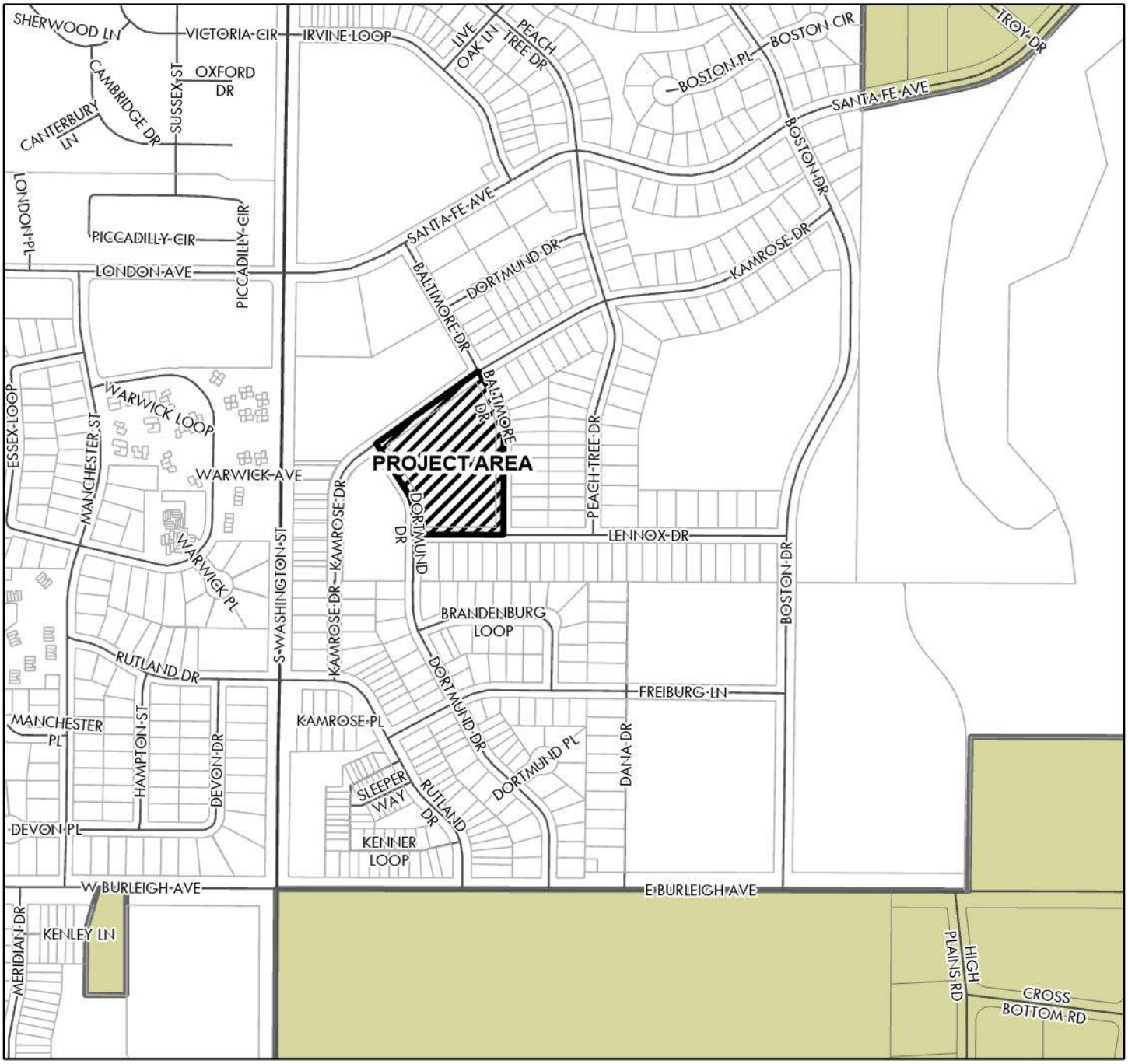
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

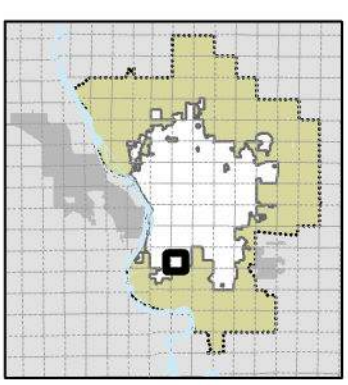
Location Map

ZC2022-025

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT, L1, B3



0 0.13 0.25 0.5 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
November 28, 2022 (SF)

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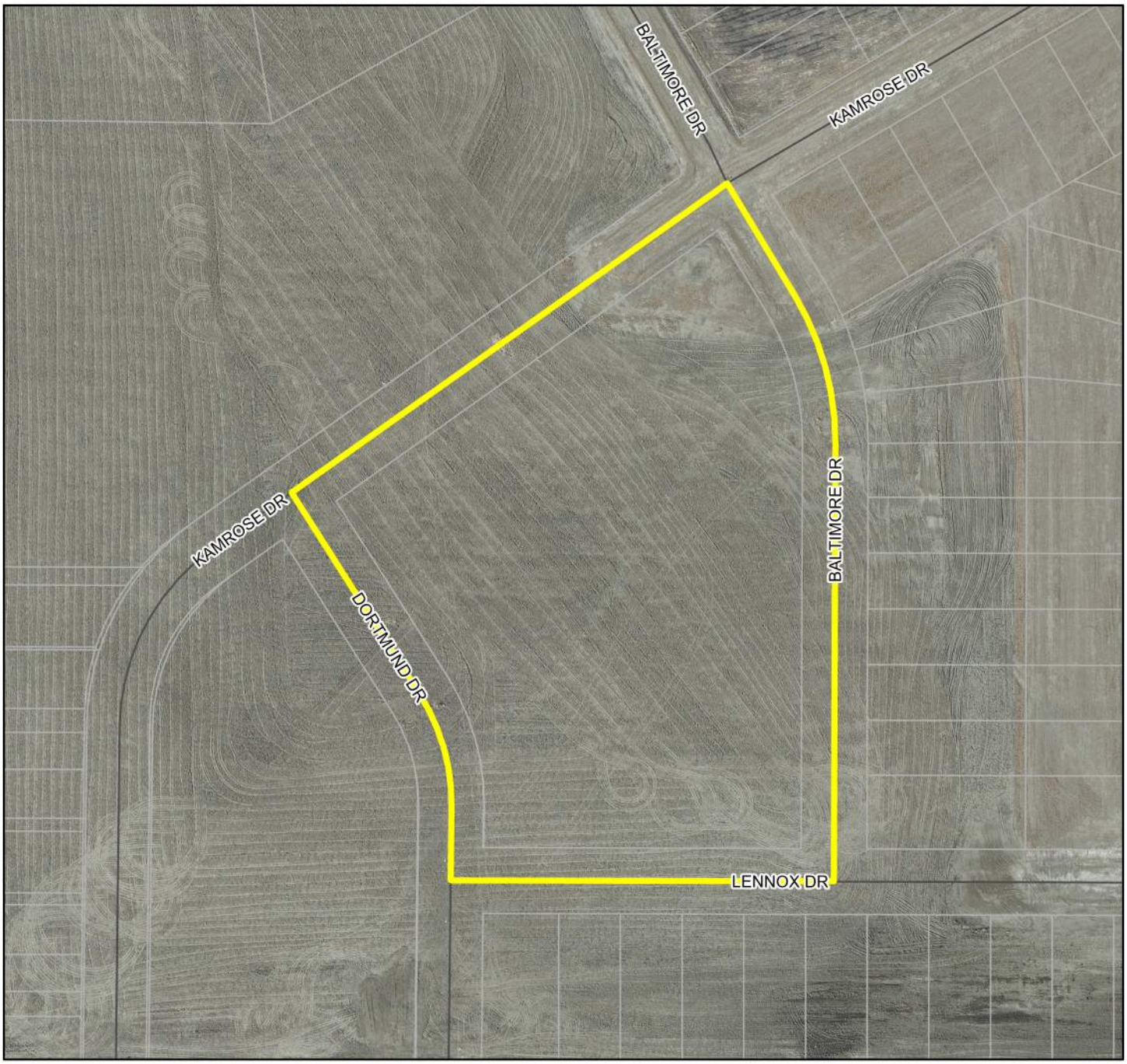
Aerial Map

ZC2022-025

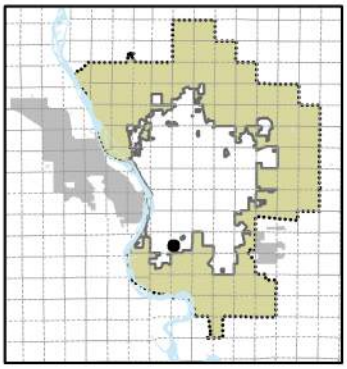
COTTONWOOD PARKVIEW ADDITION FIRST REPLAT, L1, B3



0 0.04 0.07 0.14 Miles

City Limits

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

ZC2022-025

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT, L1, B3

Zoning Districts

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

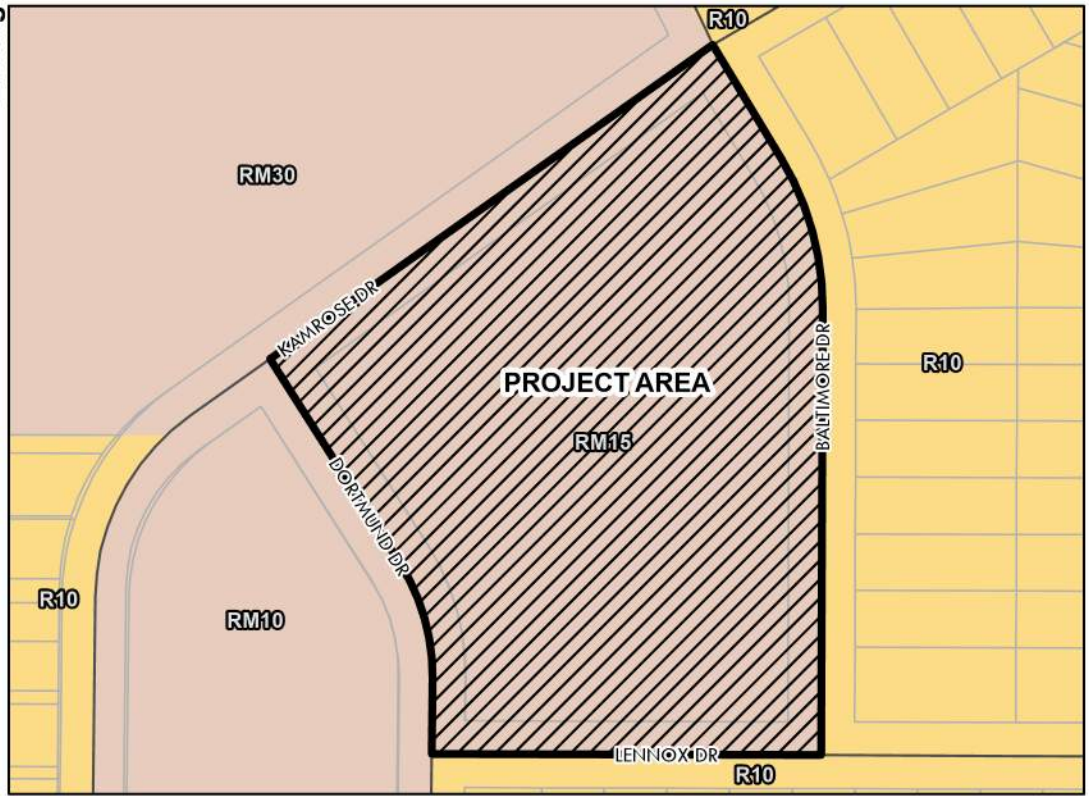
Future Land Use Plan

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

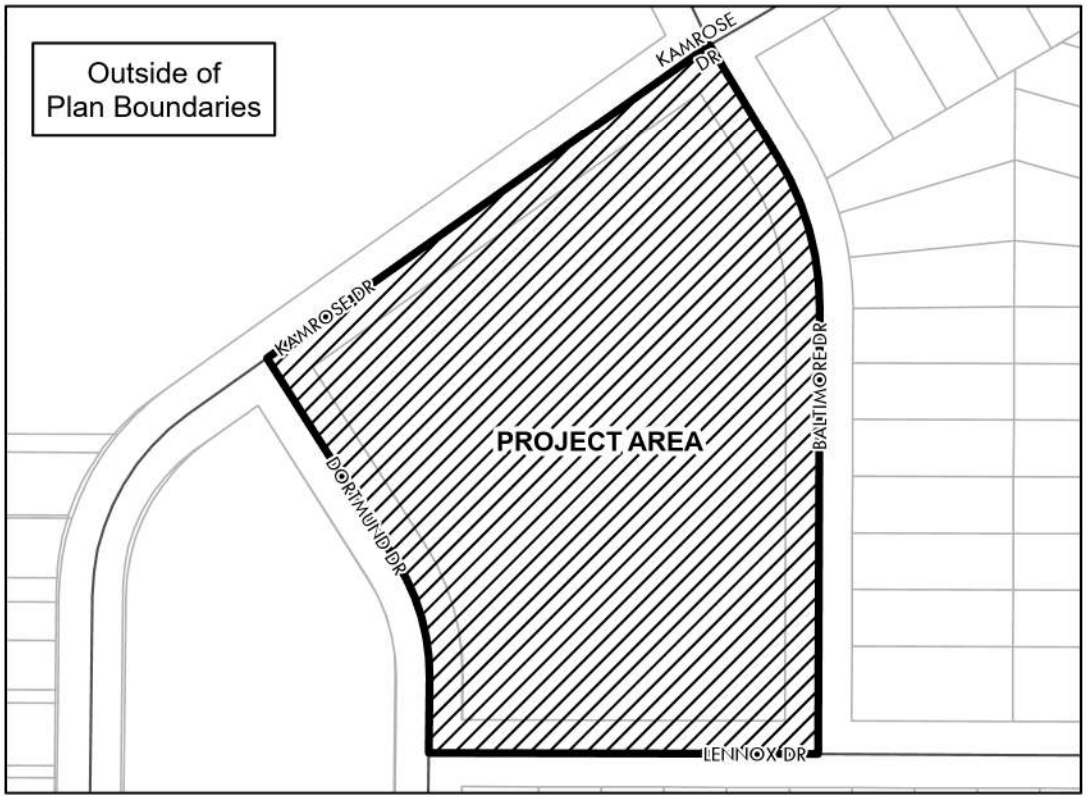
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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0 0.04 0.07 0.14 Miles

N

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

Proposed Zoning Change

COTTONWOOD PARKVIEW ADDITION FIRST REPLAT, L1, B3

ZC2022-025

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)
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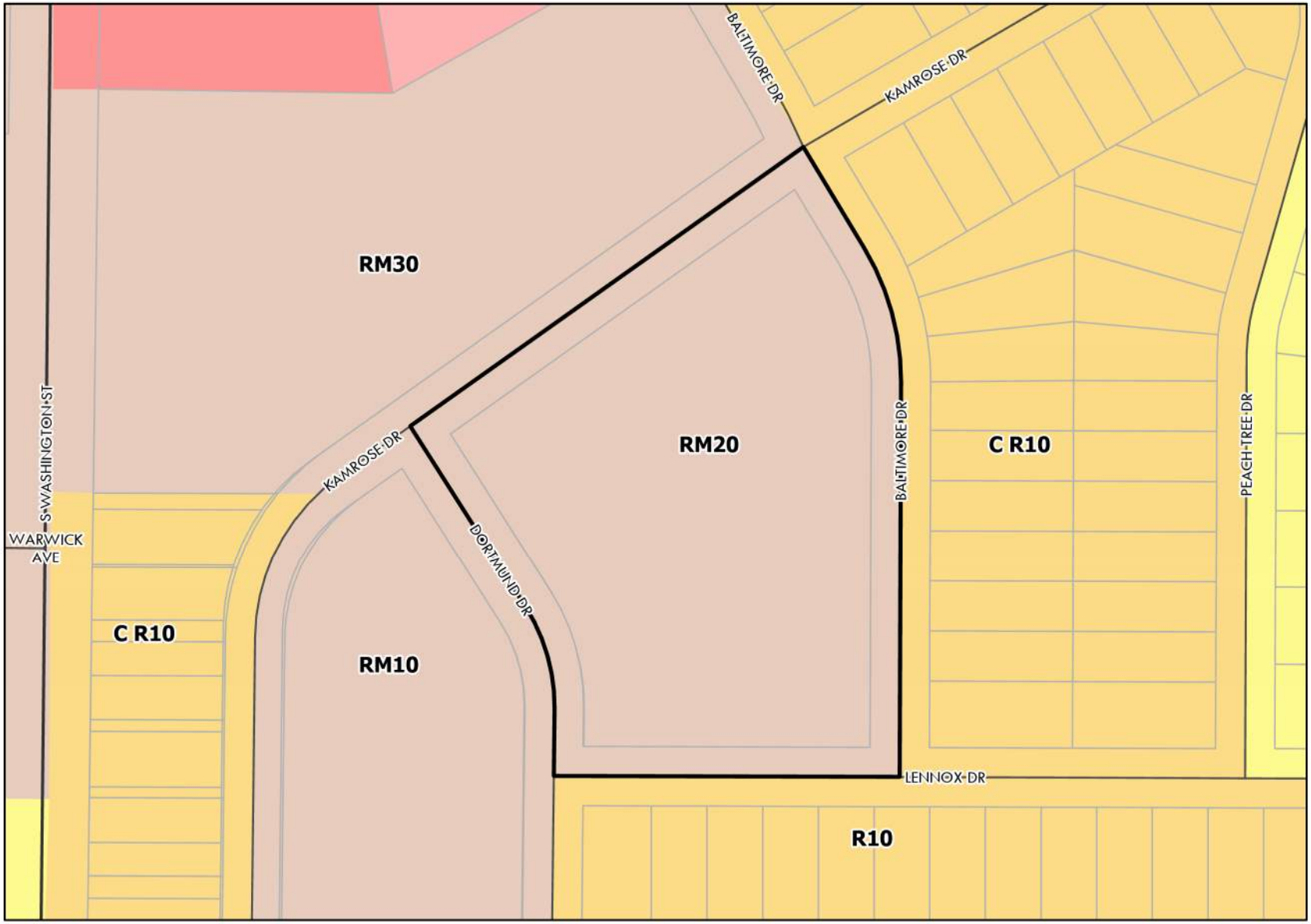

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City of Bismarck
Community Development Dept.
Planning Division
December 13, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

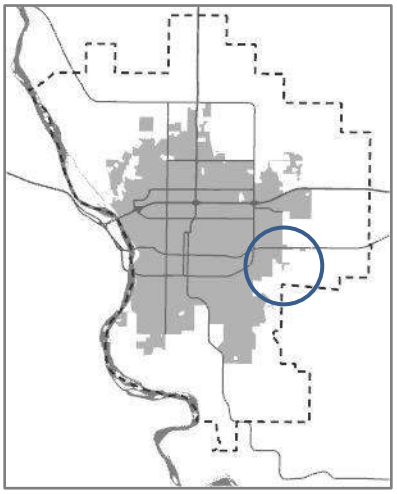
Agenda Item 6
December 21, 2022

Application for: **Annexation**

Project ID: **ANNX2022-006**

Project Summary

Title:	Part of Clear Sky Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	FRF Investments, LLP
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	East of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE
Project Size:	6.16 acres
Request:	Annex property for future residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	16 lots in 4 blocks	*Number of Lots:*	16 lots in 4 blocks
Land Use:	Residential single-family	*Land Use:*	Residential single-family
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

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

Staff Analysis

FRF Investments, LLP is requesting approval of the annexation of Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition.

(continued)

The proposed annexation is in part of the Development Agreement for Clear Sky Addition, which was approved by the Bismarck City Commission on April 27, 2021. If approved as proposed this action would allow for additional single-family residential lots to be developed.

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

Utility Capital Charges

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

Required Findings of Fact (relating to land use)

Annexation

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition.

Attachments

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

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

CITY OF BISMARCK
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:

Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition.

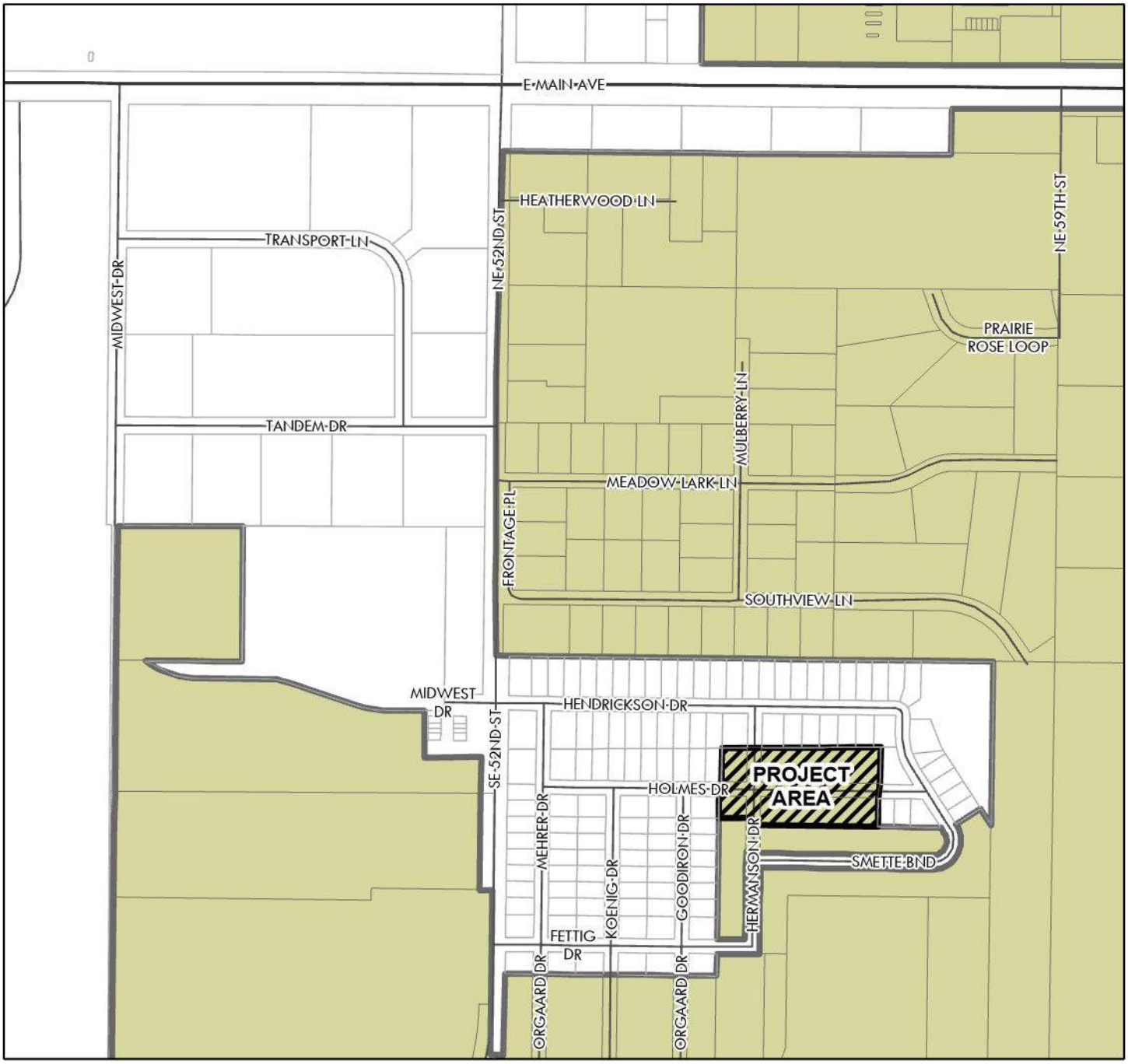
The above described tract of land contains 6.16 acres, more or less.

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

ANNX2022-006

CLEAR SKY ADDITION, L9-15, B4, L1-7, B8, L12, B3, L16, B7

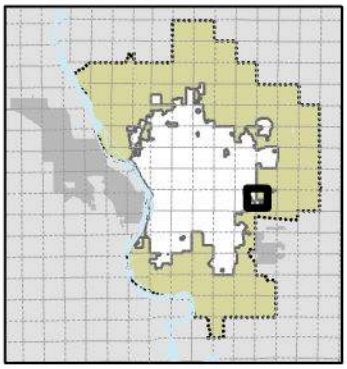


0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



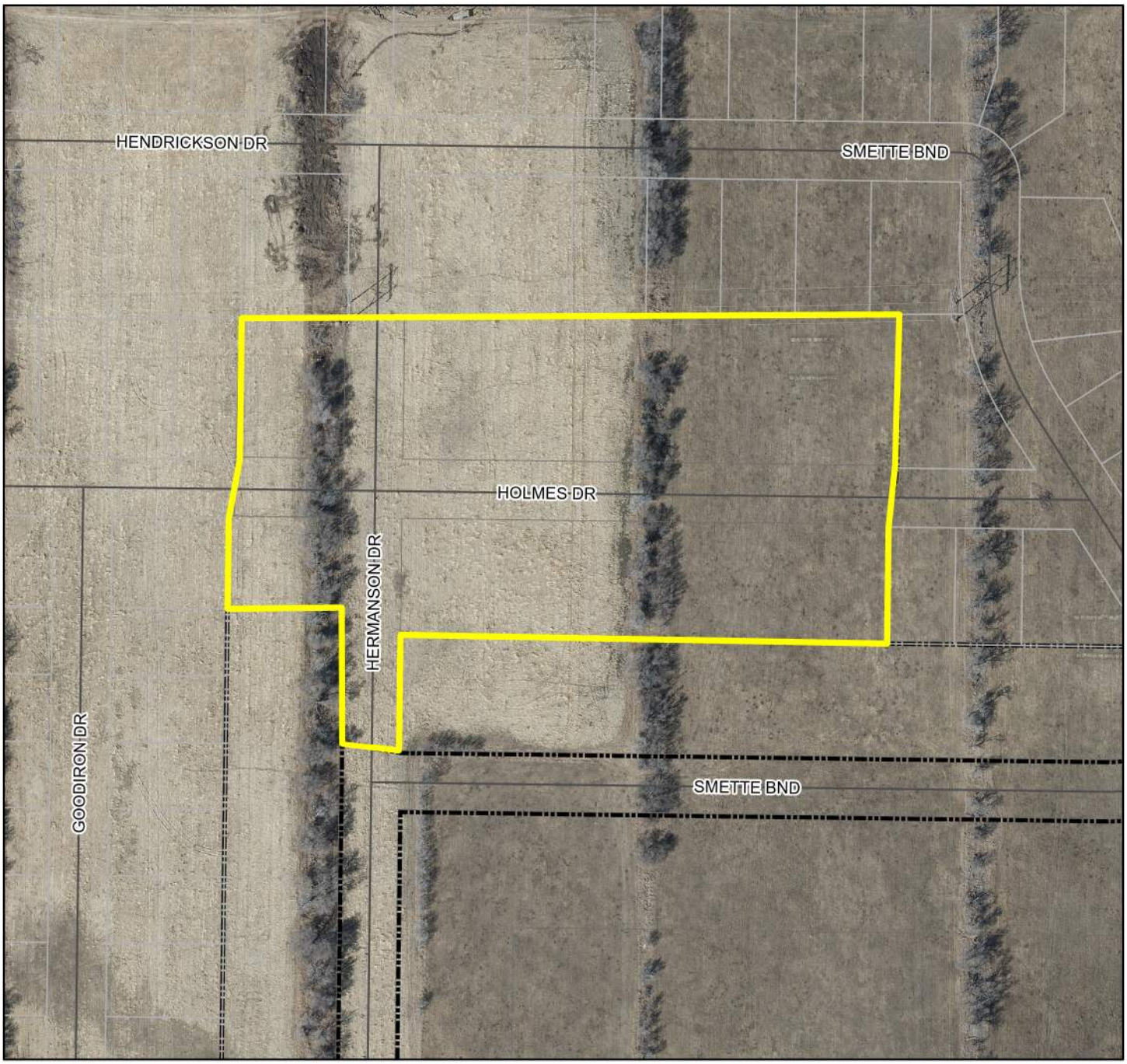
City of Bismarck
Community Development Department
Planning Division
November 21, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

ANNX2022-006

CLEAR SKY ADDITION, L9-15, B4, L1-7, B8, L12, B3, L16, B7



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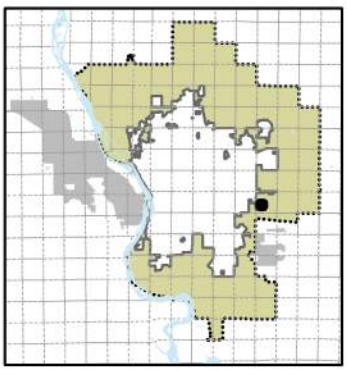
City Limits

Bismarck ETA Jurisdiction



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

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.

Zoning and Plan Reference Map

ANNX2022-006

CLEAR SKY ADDITION, L9-15, B4, L1-7, B8, L12, B3, L16, B7

Zoning Districts

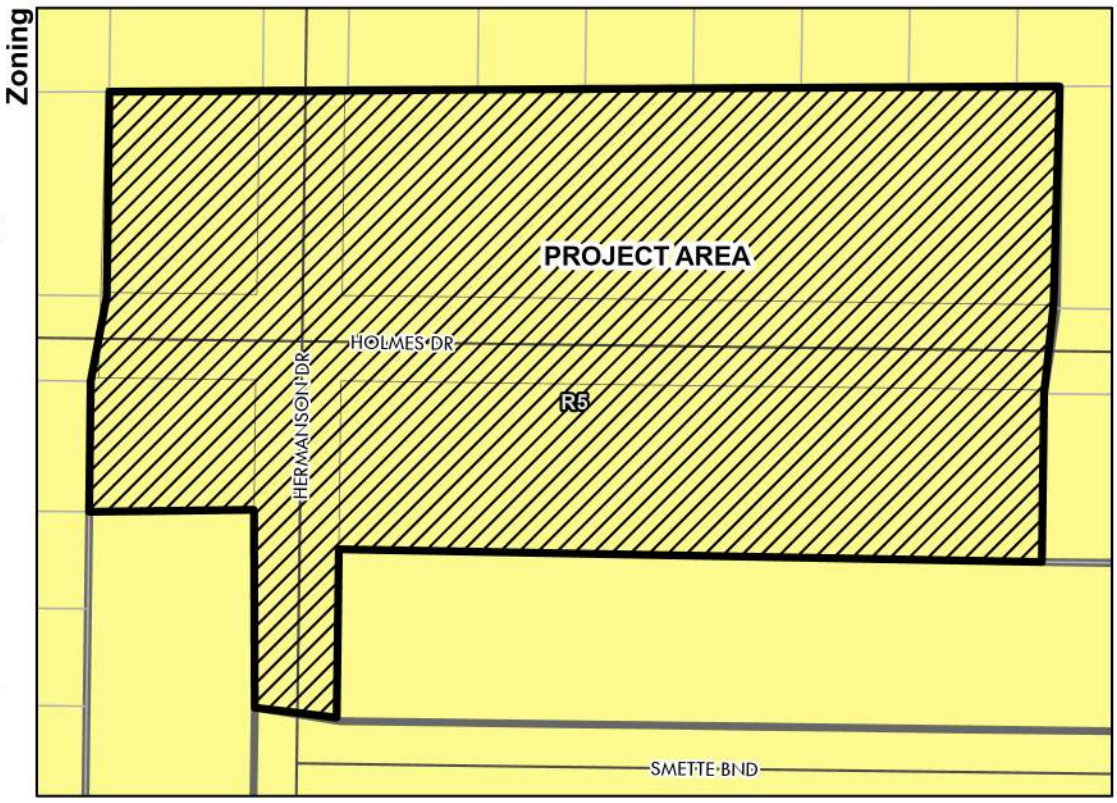
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

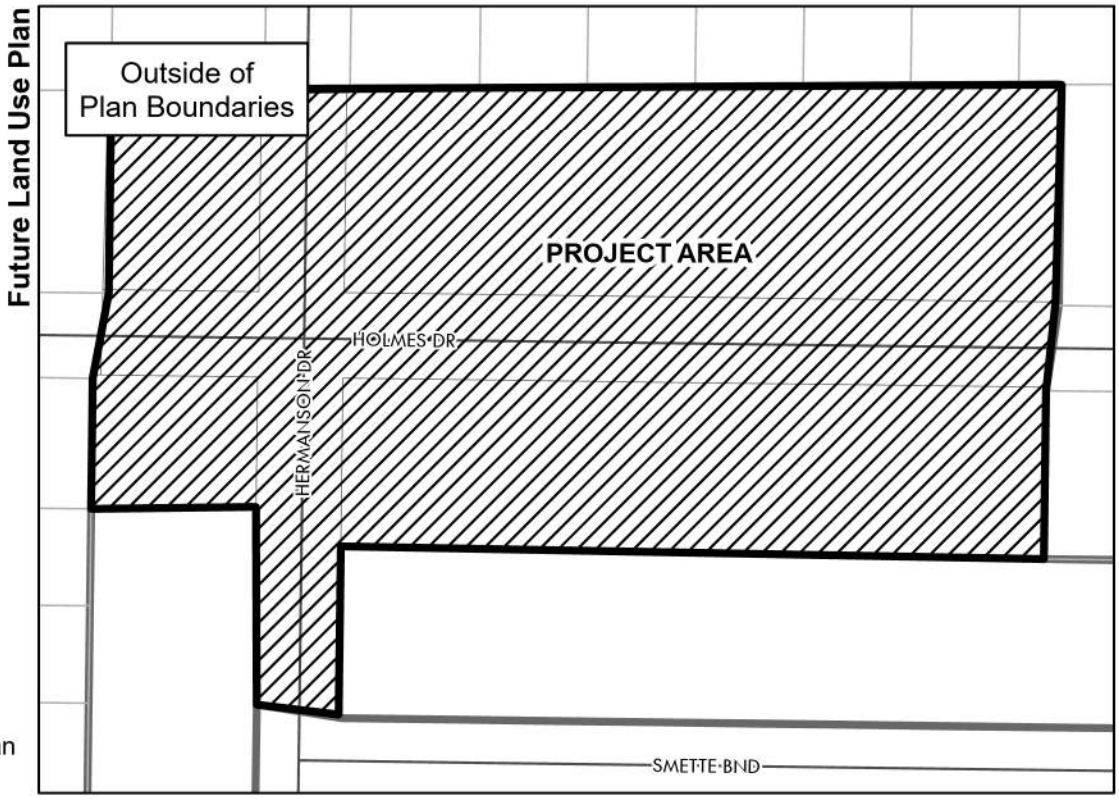
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.03 0.06 0.11 Miles

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

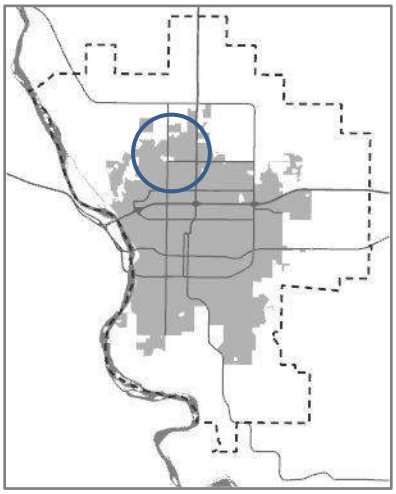
Agenda Item # 7
December 21, 2022

Application for: **Annexation** Project ID: **ANNX2022-007**

Major Subdivision Final Plat **FPLT2022-013I**

Project Summary

Title:	Boulder Ridge First Addition First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Wilment Development, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In north Bismarck, along the north side of 43rd Avenue NE and the east side of North Washington Street (a replat of Lots 13A, 14, 16, 17A, 26 and 27, Block 1, Boulder Ridge First Addition)
Project Size:	23.6 acres
Request:	Replat property and dedicate new right-of-way



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	*Number of Lots:*	3 lots in 2 blocks
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:	CA – Commercial	*Zoning:*	CA – Commercial
Uses Allowed:	CA – Neighborhood commercial	*Uses Allowed:*	CA – Neighborhood commercial
Max Density:	CA – 30 units / acre	*Max Density:*	CA – 30 units / acre

Property History

Zoned:	04/2005	*Platted:*	06/2005	*Annexed:*	N/A

(continued)

Staff Analysis

Wilment Properties, LLC is requesting approval of the annexation and major subdivision final plat for Boulder Ridge First Addition First Replat.

The plat is a replat of several lots that have been combined to create two parcels. The resulting plat would consist of 3 lots in 2 blocks for future commercial development and would also dedicate new right-of-way (Clement Drive). The plat would also adjust the size and location of the stormwater and drainage easements that were previously dedicated.

Background Information

The Planning and Zoning Commission considered this request at their meeting of August 24, 2022 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 9 and December 16, and 84 letters were mailed to the owners of nearby properties on December 9, 2022.

Adjacent uses include office uses and two-family uses to the north, two family uses to the east, multi-family and religious uses to the south across 43rd Avenue NE, and undeveloped property zoned CA – Commercial to the west across North Washington Street.

Utility Capital Charge and Special Assessments

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

The proposed annexation will trigger special assessments held in abeyance for previously constructed street and stormwater infrastructure benefiting this property. Annexation of the property will not be finalized until the proposed plat has been recorded with the Burleigh County Recorder.

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.

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

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation and major subdivision final plat for Boulder Ridge First Addition First Replat.

Attachments

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

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

CITY OF BISMARCK
ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

Lots 1-2, Block 1 and Lot 1, Block 2, Boulder Ridge First Addition First Replat

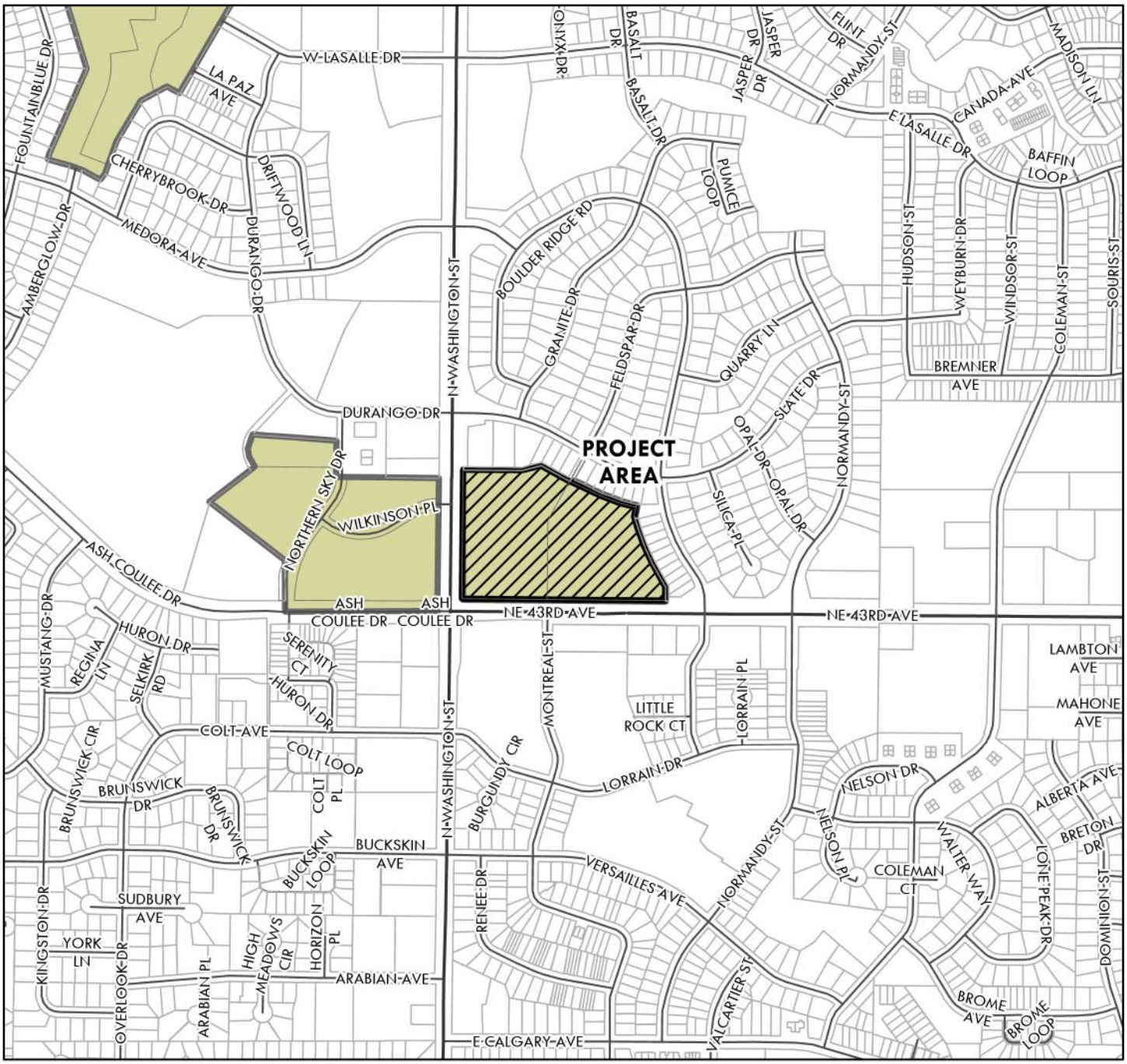
The above described tract of land contains 23.63 acres, more or less.

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

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010



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
July 25, 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

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010

Miles

0 0.07 0.15 0.3

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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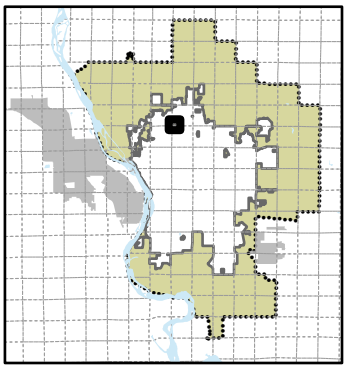


City of Bismarck
Community Development Dept.
Planning Division
August 15, 2022

Zoning and Plan Reference Map

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010

Zoning Districts

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

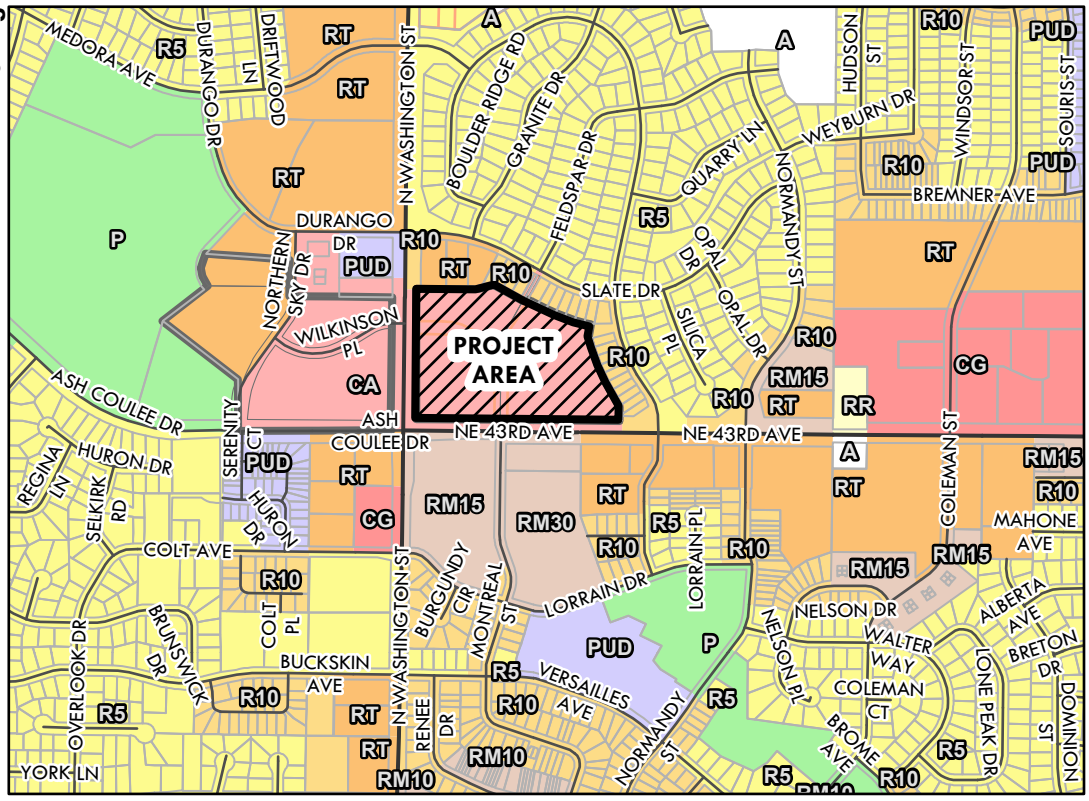
Future Land Use Plan

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

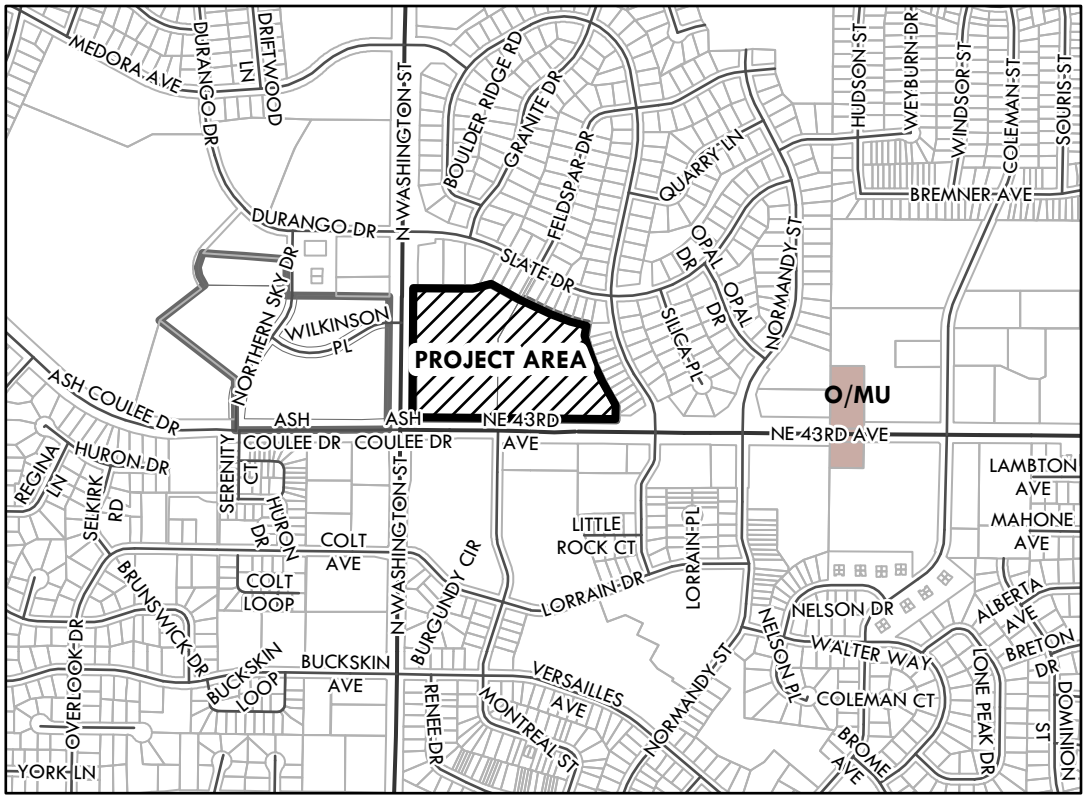
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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0 0.13 0.25 0.5 Miles

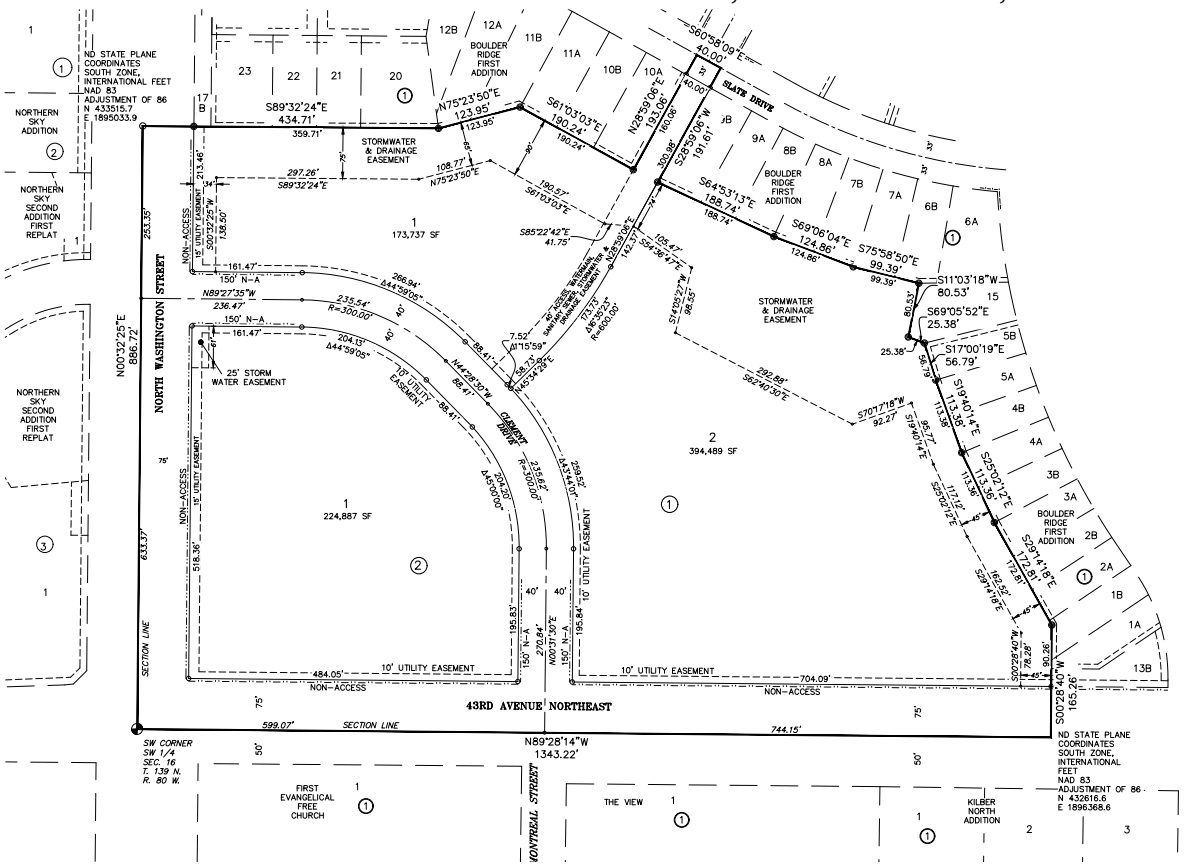
N

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

BOUNDER RIDGE FIRST ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27 BLOCK 1 BOULDER RIDGE FIRST ADDITION AND PART OF THE NORTH HALF OF 43RD AVENUE NORTHEAST, PART OF THE EAST HALF OF NORTH WASHINGTON STREET, AND PART OF THE SOUTH HALF OF SLATE DRIVE RIGHTS-OF-WAY OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



- MONUMENT TO BE SET
- MONUMENT IN PLACE

NOTES

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

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

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

VERTICAL BENCHMARK:

AREA DATA

LOTS	793,113 S.F. 18.21 ACRES
STREETS	236,092 S.F. 5.42 ACRES
TOTAL	1,029,405 S.F. 23.63 ACRES

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 "BOULDER RIDGE FIRST ADDITION FIRST 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 WILMENT DEVELOPMENT, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE FIRST ADDITION FIRST 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, AND SANITARY SEWER EASEMENTS TO THE CITY OF BISMARCK, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
DON CLEMENT
WILMENT DEVELOPMENT, LLC
3250 ROCK ISLAND PLACE
BISMARCK,ND 58504

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

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

DESCRIPTION

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27 BLOCK 1 BOULDER RIDGE FIRST ADDITION AND PART OF THE NORTH HALF 43RD AVENUE NORTHEAST, PART OF THE EAST HALF OF NORTH WASHINGTON STREET, AND PART OF THE SOUTH HALF SLATE DRIVE RIGHTS-OF-WAY OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS, ALL LOTS AND BLOCKS ARE REFERENCES TO SAID BOULDER RIDGE FIRST ADDITION:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 886.72 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 17B; THENCE SOUTH 89 DEGREE 32 MINUTES 24 SECONDS EAST, ALONG SAID WESTERLY EXTENSION AND THE SOUTH LINE OF LOTS 17B, 23, 22, 21, AND 20 BLOCK 1, A DISTANCE OF 434.71 FEET TO THE SOUTH LINE OF LOT 12A; THENCE NORTH 75 DEGREES 23 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 11B, A DISTANCE OF 123.95 FEET TO THE SOUTH LINE OF LOT 11A; THENCE SOUTH 61 DEGREES 03 MINUTES 03 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 10B AND 10A, A DISTANCE OF 190.24 FEET TO THE EAST LINE OF SAID LOT 10A; THENCE NORTH 28 DEGREE 59 MINUTES 06 SECONDS EAST, ALONG SAID EAST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 193.06 FEET TO THE CENTERLINE OF SLATE DRIVE RIGHT-OF-WAY; THENCE SOUTH 60 DEGREES 58 MINUTES 09 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 40.00 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 9B; THENCE SOUTH 28 DEGREES 59 MINUTES 06 SECONDS WEST, ALONG SAID NORTHERLY EXTENSION AND WEST LINE, A DISTANCE OF 191.61 FEET TO THE SOUTH LINE OF SAID LOT 9B; THENCE SOUTH 64 DEGREES 53 MINUTES 13 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 9A AND 8B, A DISTANCE OF 188.74 FEET TO THE SOUTH LINE OF LOT 8A; THENCE SOUTH 69 DEGREES 06 MINUTES 04 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 7B, A DISTANCE OF 124.86 FEET TO THE SOUTH LINE OF LOT 7A; THENCE SOUTH 75 DEGREES 58 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 6B, A DISTANCE OF 99.39 FEET TO THE WEST LINE OF LOT 15; THENCE SOUTH 11 DEGREES 03 MINUTES 18 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 80.53 FEET; THENCE SOUTH 69 DEGREES 05 MINUTES 52 SECONDS EAST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 25.38 FEET TO THE WEST LINE OF LOT 5B; THENCE SOUTH 17 DEGREES 00 MINUTES 19 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 56.79 FEET TO THE WEST LINE OF LOT 5A; THENCE SOUTH 19 DEGREES 40 MINUTES 14 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 4B, A DISTANCE OF 113.36 FEET TO THE WEST LINE OF LOT 4A; THENCE SOUTH 25 DEGREES 02 MINUTES 12 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 3B, A DISTANCE OF 113.36 FEET TO THE WEST LINE OF LOT 3A; THENCE SOUTH 29 DEGREES 14 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOTS 2B, 2A, AND 1B, A DISTANCE OF 172.81 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF LOT 1B AND THE WEST LINE OF LOTS 1A AND 13B AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 165.26 FEET TO THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1343.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 23.63 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

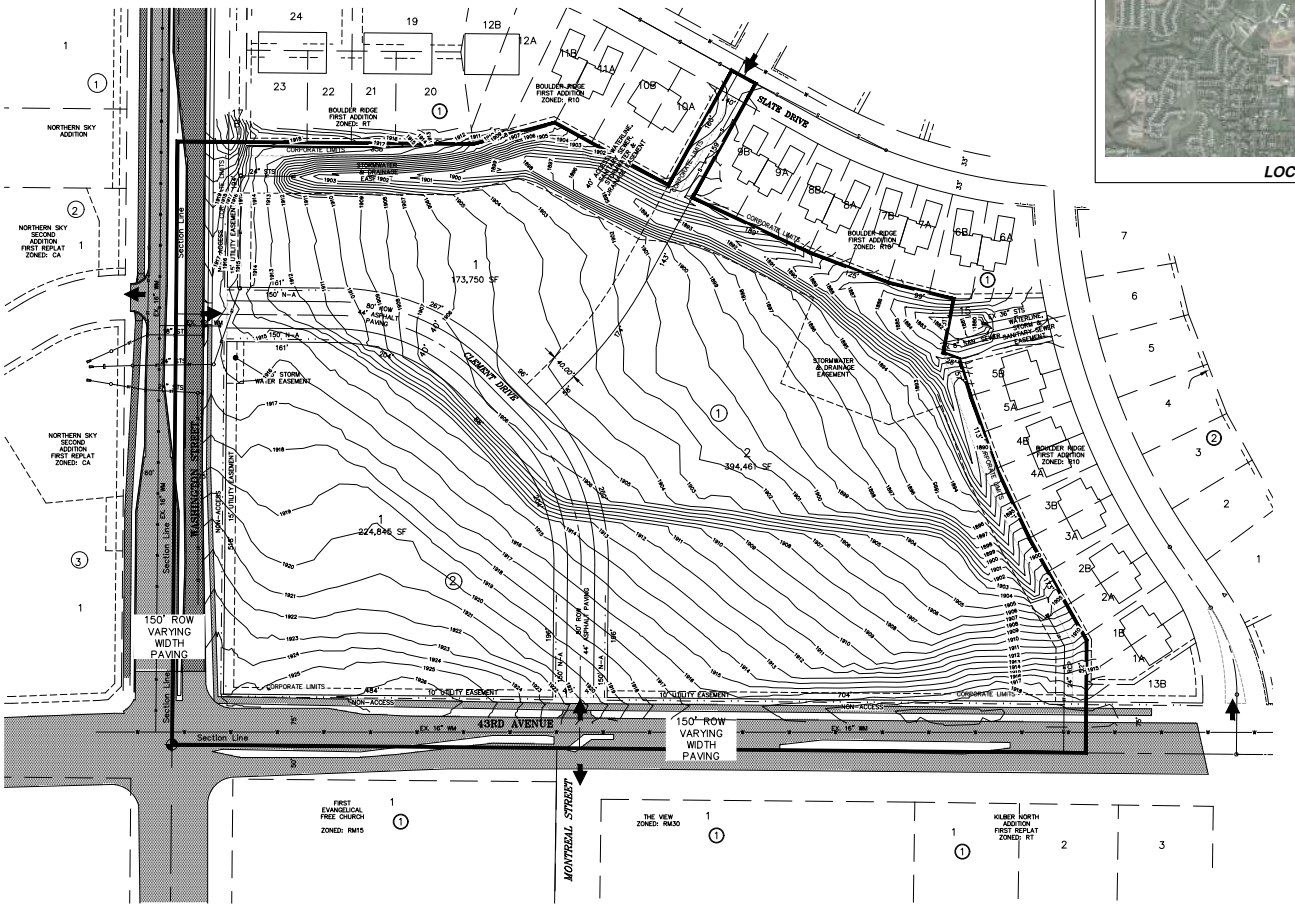
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

BOULDER RIDGE FIRST ADDITION
FIRST REPLAT

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27
BLOCK 1 BOULDER RIDGE FIRST ADDITION
OF THE WEST 1/2 OF SECTION 16, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP



23.6 ACRES
EXISTING ZONING: CA
3 LOTS 2 BLOCKS

OWNER: WILMENT DEVELOPMENT, LLC
ADDRESS: 3250 ROCK ISLAND PL STE 4
BISMARCK, ND 58504

SURVEYOR'S STATEMENT

I TERRY BALTZER A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HAVE DIRECTED THE PREPARATION OF THIS EXHIBIT.

SCALE – 1" = 80'

VERTICAL DATUM: NAVD 88

JULY 20, 2022

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

STAFF REPORT

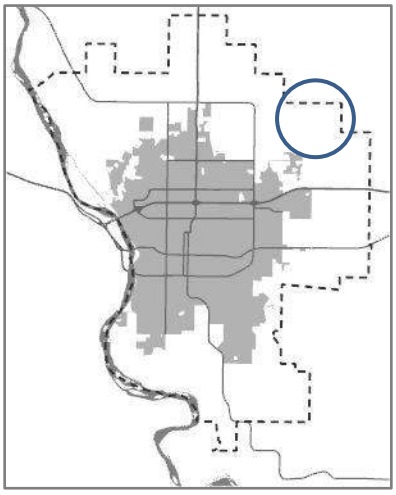
Agenda Item # 8
December 21, 2022

Application for: **Final Plat** Project ID: **FPLT2022-015**

Zoning Change **ZC2022-019**

Project Summary

Title:	TNK Ranch Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Thomas and Kim Fettig
Project Contact:	Tom Weigel, Holly Beck Surveying and Engineering
Location:	Northeast of Bismarck, north of 57th Avenue NE and east of 66th Street NE on the west side of TJ Lane (6504 TJ Lane)
Project Size:	2.14 Acres
Request:	Plat and rezone land to separate home site from surrounding agricultural land



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 tract	*Number of Lots:*	1 lot in 1 block
Land Use:	Large Lot Rural Residential	*Land Use:*	Large Lot Rural Residential
Future Land Use:	Medium Density Residential	*Future Land Use:*	Medium Density 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

Thomas and Kim Fettig are requesting approval of a zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and a major subdivision final plat for TNK Ranch Subdivision.

Background Information

The Planning and Zoning Commission considered this request at their meeting of November 16, 2022, tentatively approved the preliminary plat, 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 December 9 and December 16, and 24 letters were mailed to the owners of nearby properties on December 9, 2022.

Adjacent uses include single-family rural residential to the east and agricultural lands to the south, west, and north.

The platted area within TNK Ranch includes an existing residence, one existing accessory building, and a connection to the public right-of-way of TJ Lane. No additional development is anticipated at this time. The remainder of the parcel will remain unplatted agricultural land. This action would grant the right to build one additional single-family residence on this agricultural parcel, because it exceeds the required 40 acres in size to develop within the A – Agricultural zoning district.

Conformance with Plans

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Medium-Density Residential, and the area is within the Urban Service Area identified by this plan. Although the proposed plat does not conform to this plan, staff recommends waiving these provisions and associated ordinance requirements related to future urbanization. The reason for the waiver is that the draft Together 2045 comprehensive plan identifies this area as Rural Residential, not within the Urban Service Area Boundary, and the proposed plat primarily recognizes an existing use and would have a minimal effect on the intent of the Plan.

Sufficient access to the public right-of-way of TJ Lane is available. The platted access strip to TJ Lane does not align with the existing driveway and does not meet the required 20-foot width for all developable parcels. However, there is an existing 66-foot wide public roadway easement to which the applicant has access rights that meets ordinance requirements.

Required Findings of Fact (relating to land use)

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. Gibbs Township Board of Supervisors has been notified of the proposed final 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 consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Zoning Change

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

Staff Recommendation

Based on the above findings, staff recommends approval of a zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and approval of the major subdivision final plat for TNK Ranch Subdivision, waiving ordinance requirements applicable to plats within the Urban Service Area Boundary.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Proposed Zoning Ordinance
6. Final Plat
7. Preliminary Plat

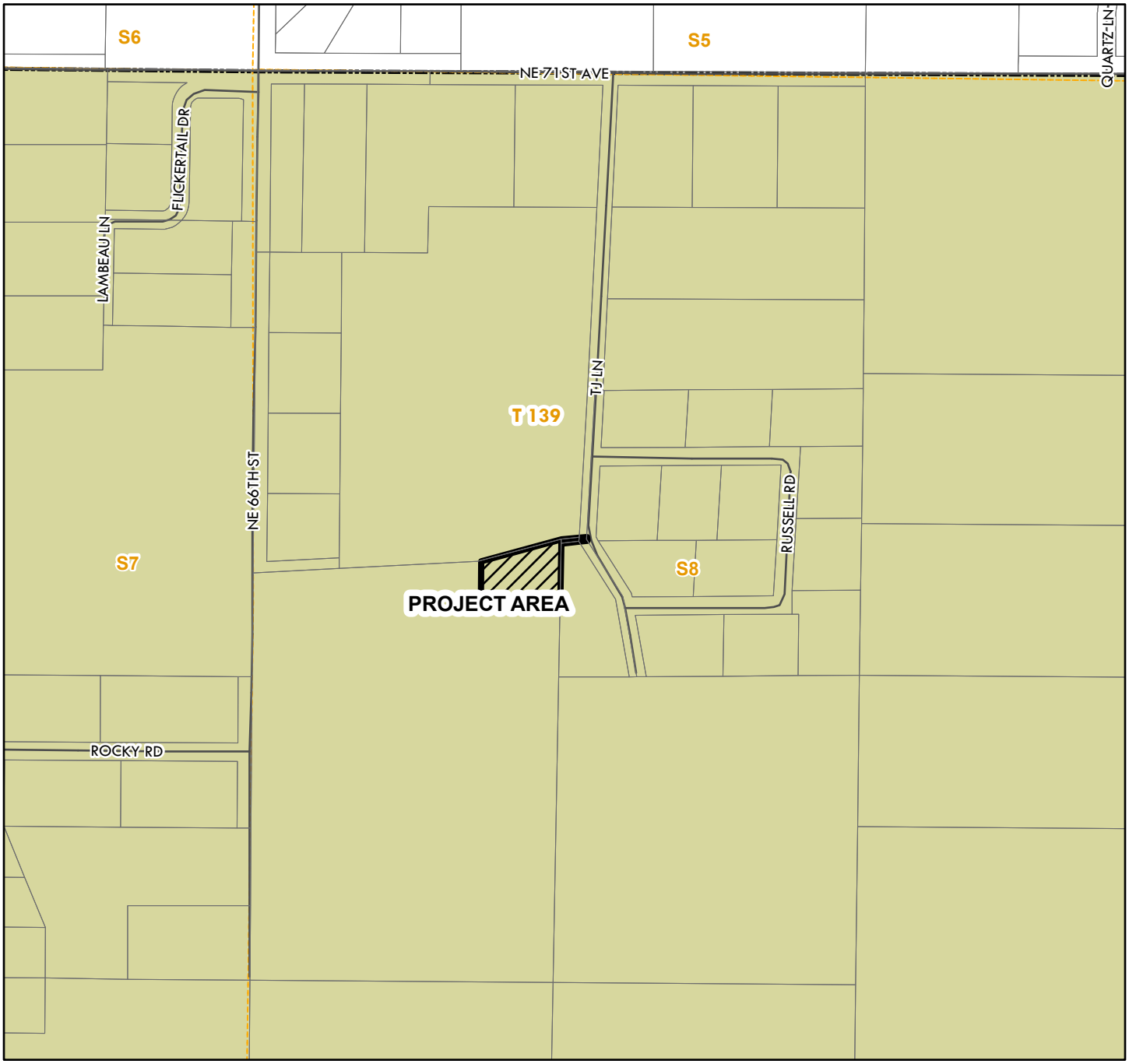
(continued)

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

Location Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019



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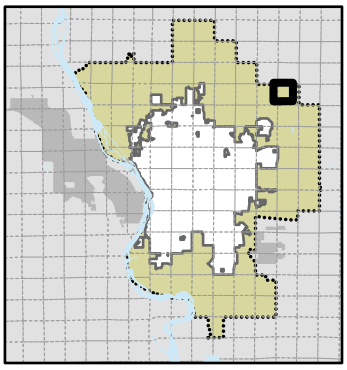


Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

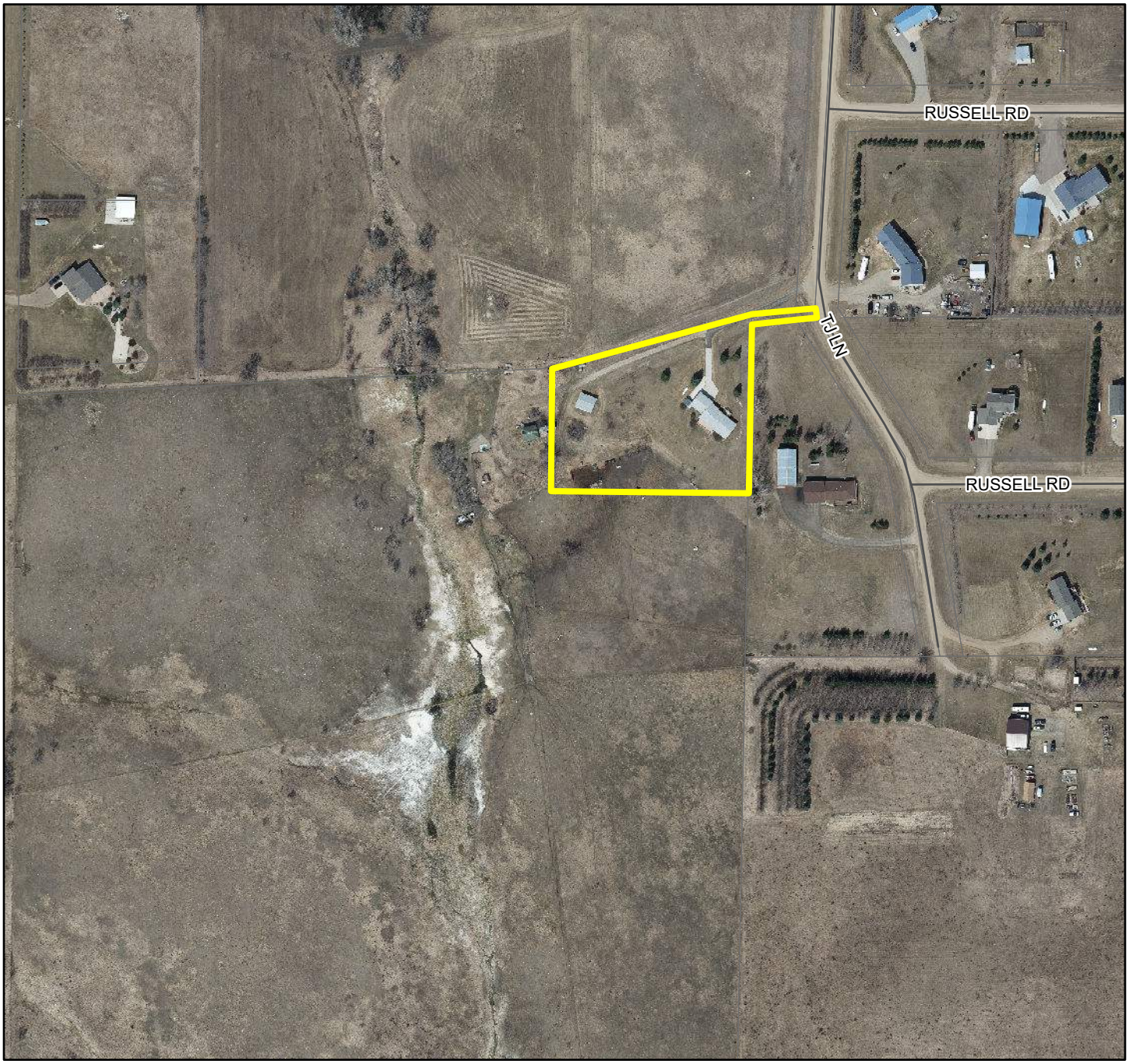
City of Bismarck
Community Development Department
Planning Division
October 3, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019



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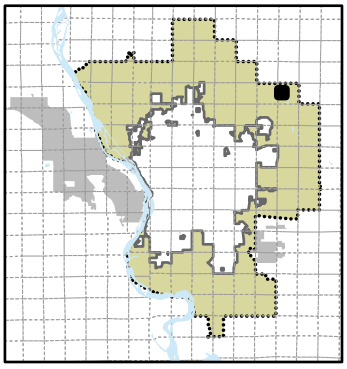
Bismarck ETA Jurisdiction



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

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.

Zoning and Plan Reference Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019

Zoning Districts

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

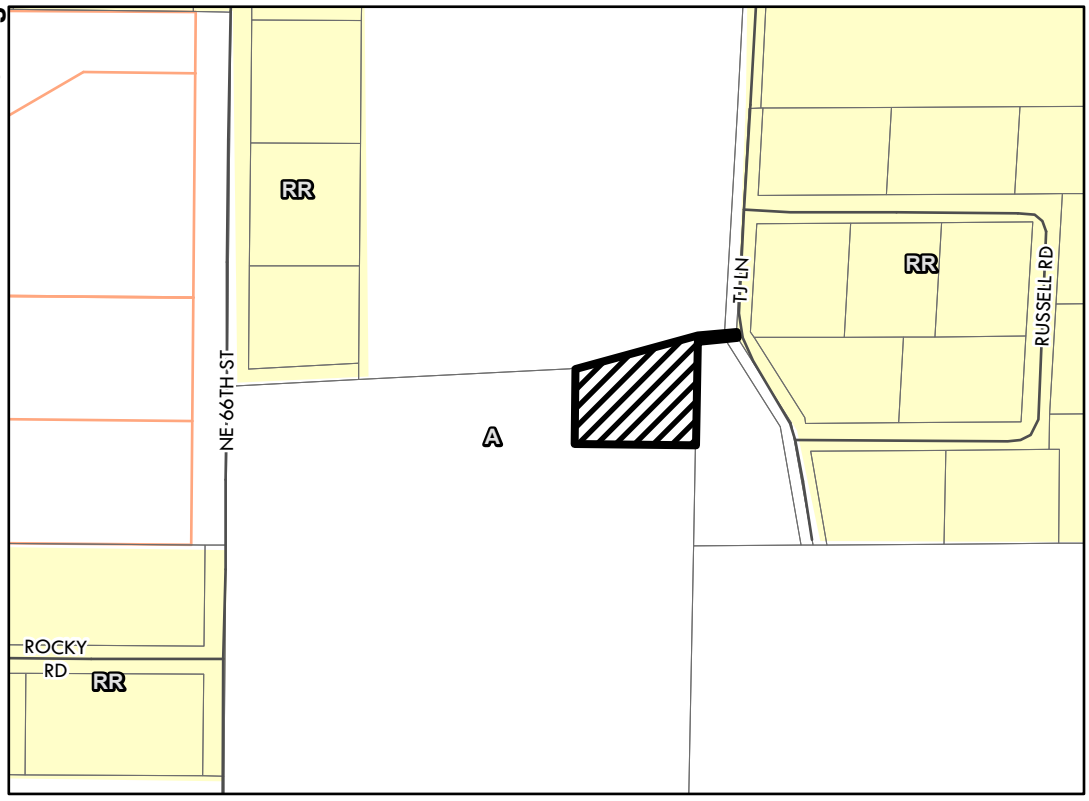
Future Land Use Plan

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

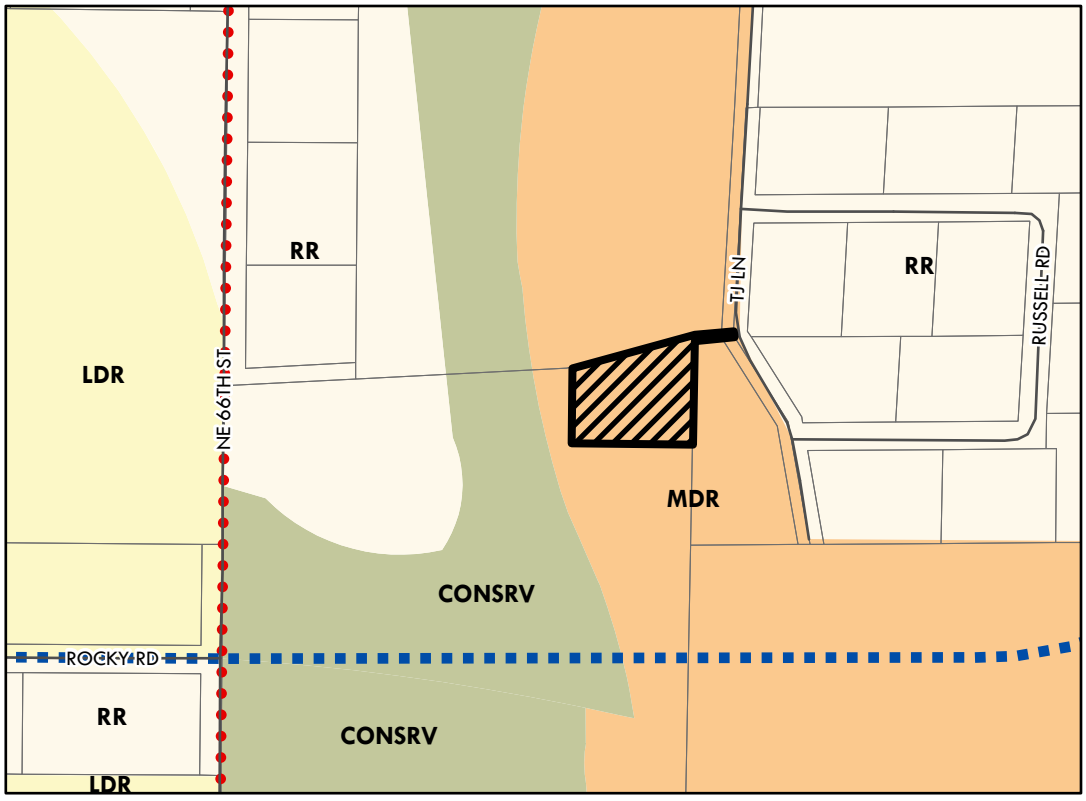
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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N

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

Proposed Zoning Change

TNK RANCH SUBDIVISION

ZC2022-019

Proposed New Zoning Map

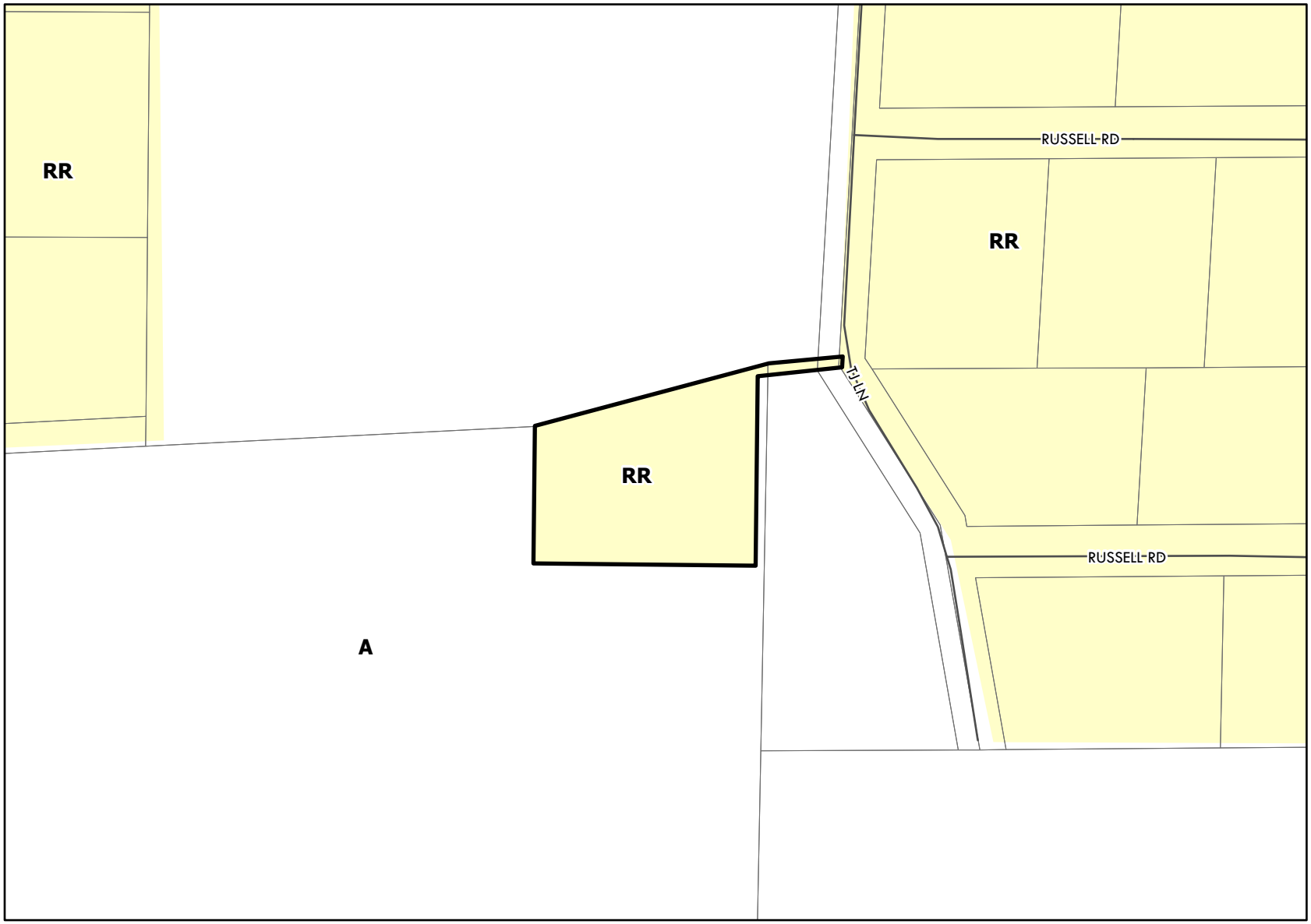
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development Dept.
Planning Division
October 19, 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.

CITY OF BISMARCK
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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

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

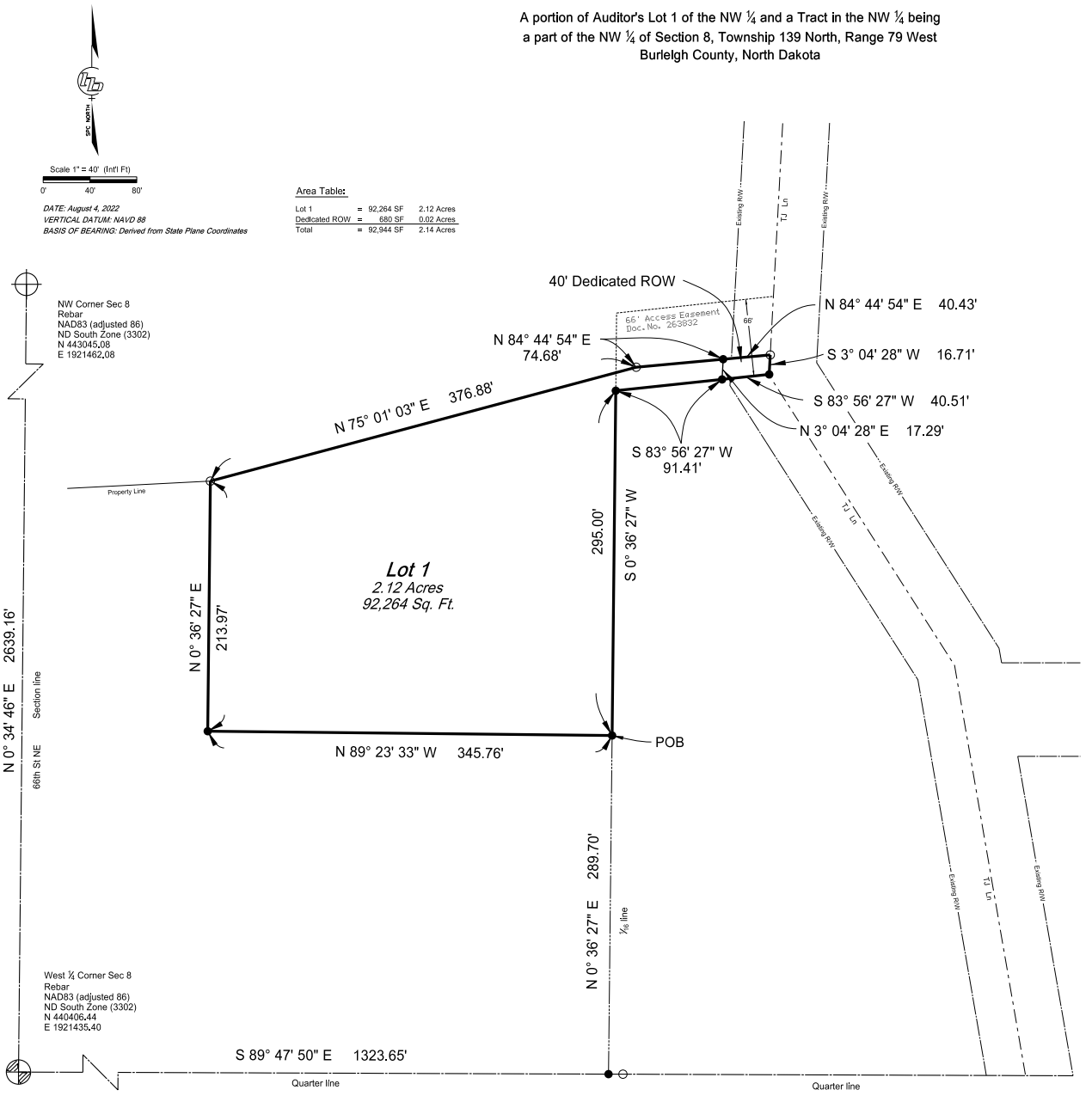
Lot 1, Block 1, TNK Ranch Subdivision

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

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

TNK Ranch Subdivision

A portion of Auditor's Lot 1 of the NW ¼ and a Tract in the NW ¼ being a part of the NW ¼ of Section 8, Township 139 North, Range 79 West
Burleigh County, North Dakota



BOUNDARY DESCRIPTION

A PORTION OF AUDITOR'S LOT 1 OF THE NW ¼ AND A TRACT IN THE NW ¼ BEING A PART OF THE NW ¼ OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 79 WEST BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 8, THENCE S 89 DEG. 47 MIN. 50 SEC. E A DISTANCE OF 1323.65 FEET TO THE SOUTHEAST CORNER OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE N 0 DEG. 36 MIN. 27 SEC. E ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 289.70 FEET TO THE POINT OF BEGINNING; THENCE N 89 DEG. 23 MIN. 33 SEC. W A DISTANCE OF 345.76 FEET; THENCE N 0 DEG. 36 MIN. 27 SEC. E A DISTANCE OF 213.97 FEET TO THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 1 OF SECTION 8; THENCE N 75 DEG. 01 MIN. 03 SEC. E ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT 1 OF SECTION 8 A DISTANCE OF 376.88 FEET; THENCE N 84 DEG. 44 MIN. 54 SEC. E A DISTANCE OF 115.11 FEET; THENCE S 3 DEG. 04 MIN. 28 SEC. W A DISTANCE OF 16.71 FEET; THENCE S 83 DEG. 56 MIN. 27 SEC. W A DISTANCE OF 131.93 FEET TO THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE S 0 DEG. 36 MIN. 27 SEC. W ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 295.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.14 ACRES, MORE OR LESS.

END OF DESCRIPTION.

THE LEGAL DESCRIPTION WAS PREPARED BY THOMAS D. WEIGEL, HOLLY BECK SURVEYING & ENGINEERING, INC., 3320 HAMILTON ST. UNIT 3, BISMARCK, ND 58503

SURVEYOR'S CERTIFICATE

I, THOMAS D. WEIGEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT I MADE THE WITHIN AND FOREGOING PLAT WHICH IS A CORRECT REPRESENTATION OF THE SURVEY PREPARED UNDER MY DIRECT SUPERVISION AND COMPLETED ON AUGUST 4, 2022, THAT ALL DISTANCES ARE CORRECT, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED HEREON, THAT ALL DIMENSIONAL AND GEODETIC DETAILS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL REQUIRED MONUMENTS ARE PLACED IN THE GROUND AS SHOWN.

THOMAS D. WEIGEL
PROFESSIONAL LAND SURVEYOR
ND REGISTRATION NO. LS-10871

This document is preliminary and for review or implementation purposes. PRELIMINARY

APPROVAL OF CITY PLANNING & 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, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

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

ATTEST
KEITH J. HUNKE, CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

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

_____, CHAIR

ATTEST
LEO VETTER, COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS L FETTIG AND KIM R FETTIG, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "TNK RANCH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE ALL RIGHT OF WAY AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THOMAS L FETTIG

KIM R FETTIG

STATE OF NORTH DAKOTA)
COUNTY OF _____)) SS

ON THIS _____ DAY OF _____, ____, PERSONALLY APPEARED BEFORE ME, THOMAS L FETTIG AND KIM R FETTIG, KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

This document is preliminary and for review or implementation purposes. PRELIMINARY

SURVEY NOTES

EXISTING ZONING: ETA - (A) Agricultural
PROPOSED ZONING: ETA - (RR) Rural Single Family Residential

○ FOUND MONUMENT
● SET No. 5 REBAR W/ALUM CAP

HOLLYBECK SURVEYING ■ ENGINEERING, INC

FINAL PENDING

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD

Owners:
Thomas L & Kim R Fettig
6504 TJ Lane
Bismarck, ND 58503

Surveyor:
Thomas D. Weigel, LS-10871
Holly Beck Surveying & Engineering, Inc.
3320 Hamilton St. Unit 3
Bismarck, ND 58503

DATE ISSUED: 12/9/22

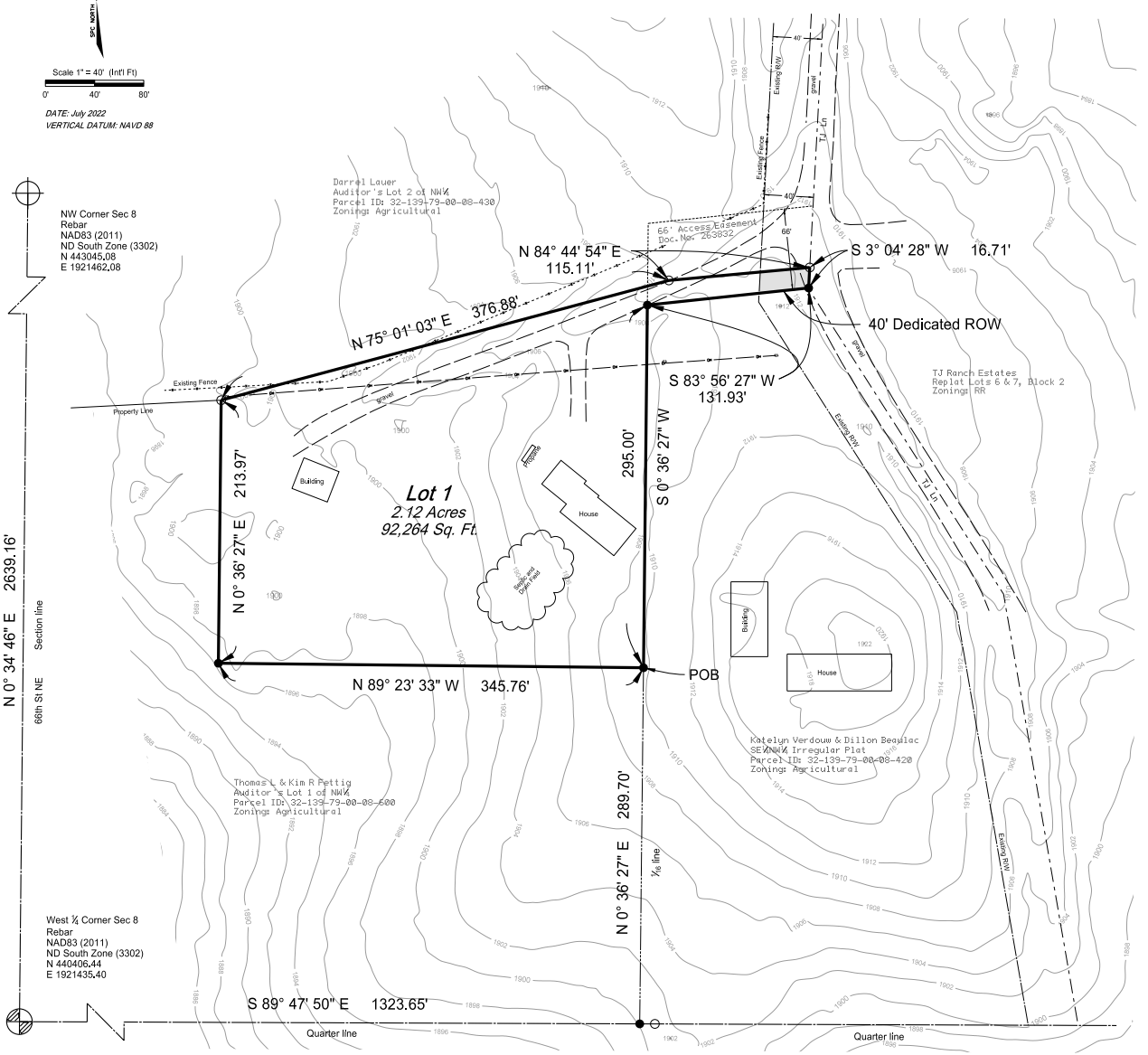
TNK Ranch Subdivision

A portion of Auditor's Lot 1 of the NW ¼ and a Tract in the NW ¼ being a part of the NW ¼ of Section 8, Township 139 North, Range 79 West
Burleigh County, North Dakota

SPC NORTH

Scale 1" = 40' (Int'l Ft)
0' 40' 80'

DATE: July 2022
VERTICAL DATUM: NAVD 88



VICINITY MAP

BOUNDARY DESCRIPTION

A PORTION OF AUDITOR'S LOT 1 OF THE NW ¼ AND A TRACT IN THE NW ¼ BEING A PART OF THE NW ¼ OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 79 WEST BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 8, THENCE S 89 DEG. 47 MIN. 50 SEC. E A DISTANCE OF 1323.65 FEET TO THE SOUTHEAST CORNER OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE N 0 DEG. 36 MIN. 27 SEC. E ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 289.70 FEET TO THE POINT OF BEGINNING; THENCE N 89 DEG. 23 MIN. 33 SEC. W A DISTANCE OF 345.76 FEET; THENCE N 0 DEG. 36 MIN. 27 SEC. E A DISTANCE OF 213.97 FEET TO THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 1 OF SECTION 8; THENCE N 75 DEG. 01 MIN. 03 SEC. E ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT 1 OF SECTION 8 A DISTANCE OF 376.88 FEET; THENCE N 84 DEG. 44 MIN. 54 SEC. E A DISTANCE OF 115.11 FEET; THENCE S 3 DEG. 04 MIN. 28 SEC. W A DISTANCE OF 16.71 FEET; THENCE S 83 DEG. 56 MIN. 27 SEC. W A DISTANCE OF 131.93 FEET TO THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE S 0 DEG. 36 MIN. 27 SEC. W ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 295.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.13 ACRES, MORE OR LESS.

END OF DESCRIPTION.

THE LEGAL DESCRIPTION WAS PREPARED BY THOMAS D. WEIGEL, HOLLY BECK SURVEYING & ENGINEERING, INC., 3320 HAMILTON ST, UNIT 3, BISMARCK, ND 58503

SURVEY NOTES

EXISTING ZONING: ETA - (A) Agricultural
PROPOSED ZONING: ETA - (RR) Rural Single Family Residential

Existing ground contours are derived from 2017 Aerial LIDAR Survey published by NRCS, USACOE, and NDSWC

○ *FOUND MONUMENT*
● *SET No. 5 REBAR w/ALUM CAP*

Area Table:

Lot 1	=	92,264 SF	2.12 Acres
Dedicated ROW	=	680 SF	0.02 Acres
Total	=	92,944 SF	2.14 Acres

Owner:
Tom & Klm Fettlg
6504 TJ Lane
Bismarck, ND 58503

Surveyor:
Thomas D. Weigel, LS-10871
Holly Beck Surveying & Engineering, Inc.
3320 Hamilton St. Unit 3
Bismarck, ND 58503

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

HOLLYBECK SURVEYING ■ ENGINEERING, INC

PRELIMINARY PLAT

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD

DATE ISSUED: 9/14/22

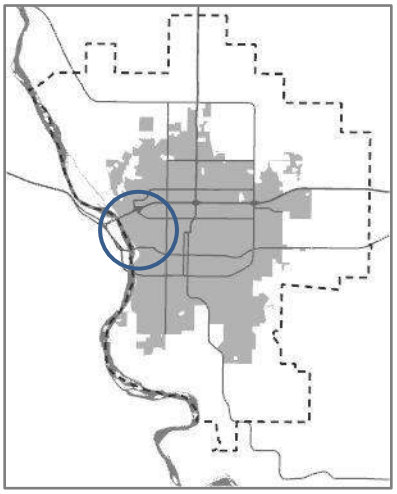
Agenda Item # 9
December 21, 2022

STAFF REPORT

Application for: **Major Subdivision Final Plat** Project ID: **FPLT2022-011**

Project Summary

Title:	Technology Hill Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	City of Bismarck (owner) Bismarck State College (applicant)
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	West-central Bismarck, south of Edwards Avenue and West of Schafer Street (Part of Tract 3 of Section 31, T139N-R80W/City Lands)
Project Size:	19.36 acres
Request:	Plat property for future development of educational uses associated with Bismarck State College



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Educational / Institutional
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
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	P – Parks, open space, stormwater facilities, and other public uses
Max Density:	P – N/A	*Max Density:*	P – N/A

Property History

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

(continued)

Staff Analysis

The City of Bismarck and Bismarck State College are requesting approval of a major subdivision final plat for Technology Hill Addition.

Background Information

The Planning and Zoning Commission considered this request at their meeting of November 16, 2022 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 9 and December 16 and 43 letters were mailed to the owners of nearby properties on December 9, 2022.

The property is zoned P – Public and the proposed plat is being requested for the future development of educational uses associated with Bismarck State College.

Adjacent uses include educational uses located to the north and northwest, single family residential uses to the east across Schafer Street, and public uses associated with municipal utilities (Bismarck Water Treatment Plant) located to the south and southwest.

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

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The 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 consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for Technology Hill Addition.

Attachments

1. Location Map
2. Aerial Map

(continued)

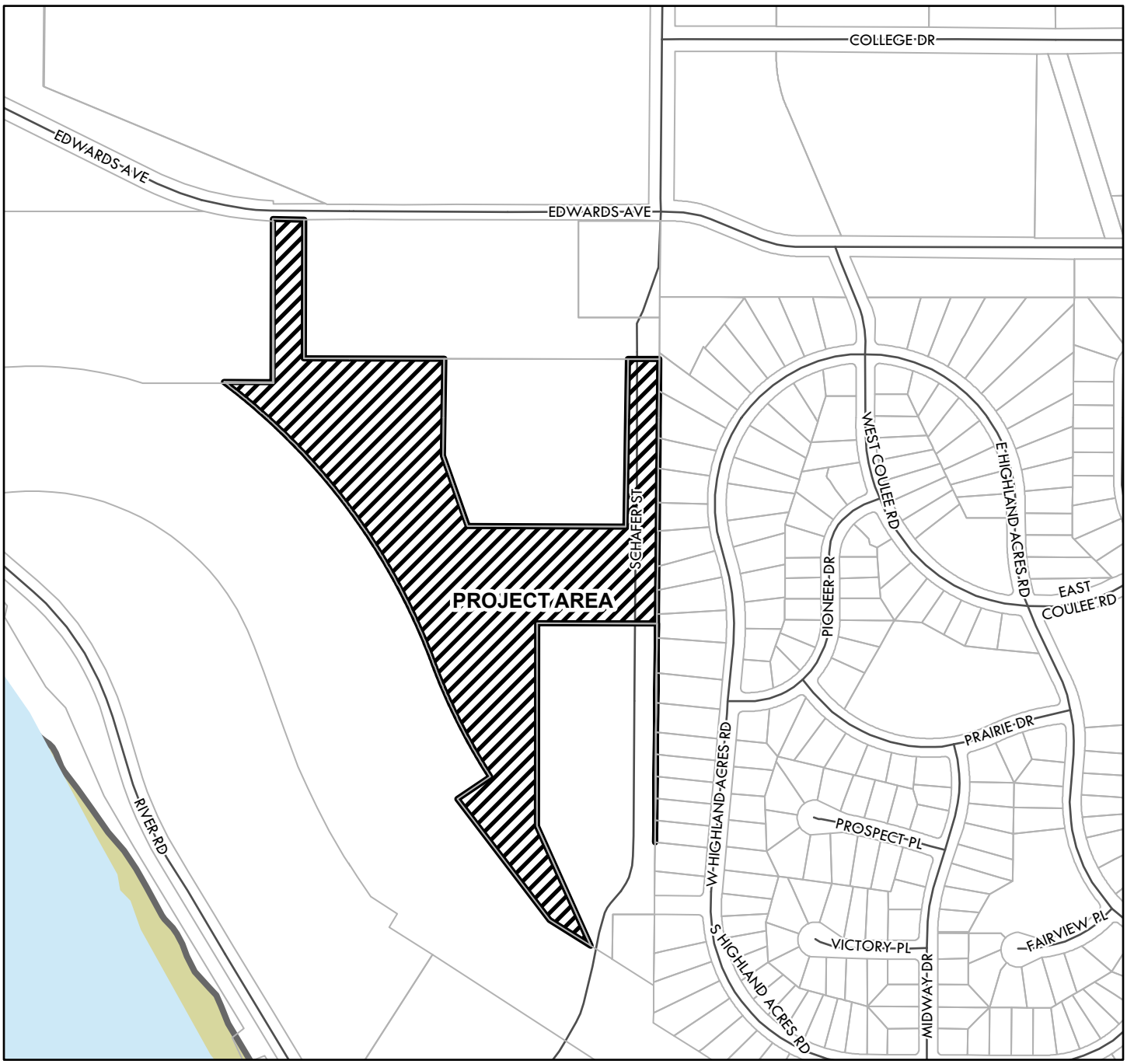
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

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

Location Map

TECHNOLOGY HILL ADDITION

PPLT2022-014



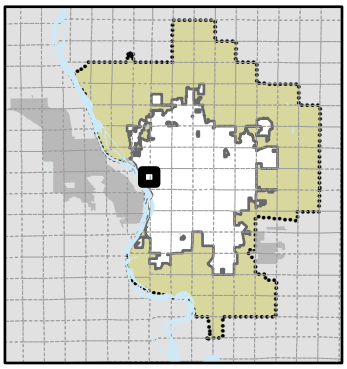
0 0.1 0.2 0.4 Miles

N

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 17, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

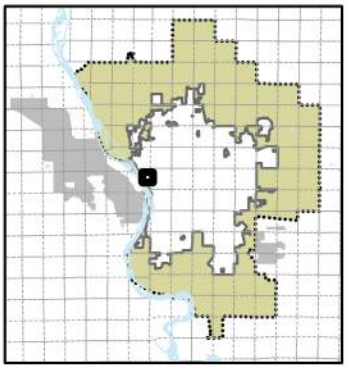
TECHNOLOGY HILL ADDITION

PPLT2022-014

0 0.07 0.15 0.3 Miles

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

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.

Zoning and Plan Reference Map

TECHNOLOGY HILL ADDITION

PPLT2022-014

Zoning Districts

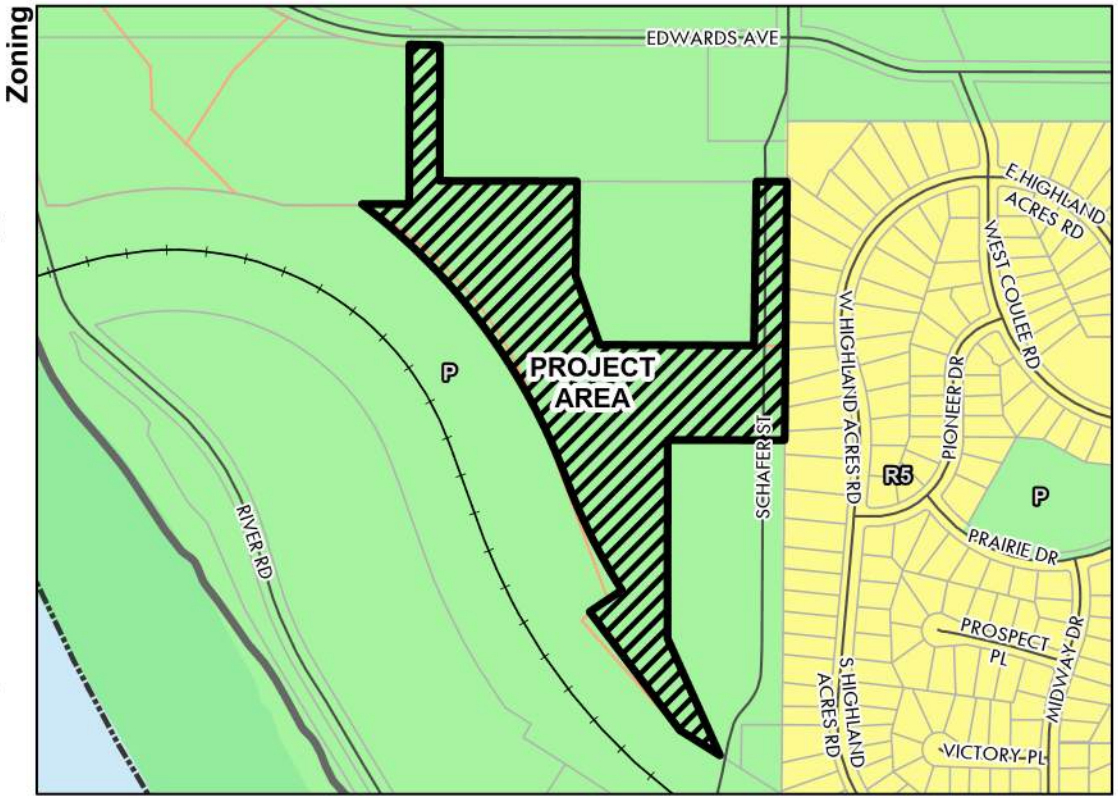
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

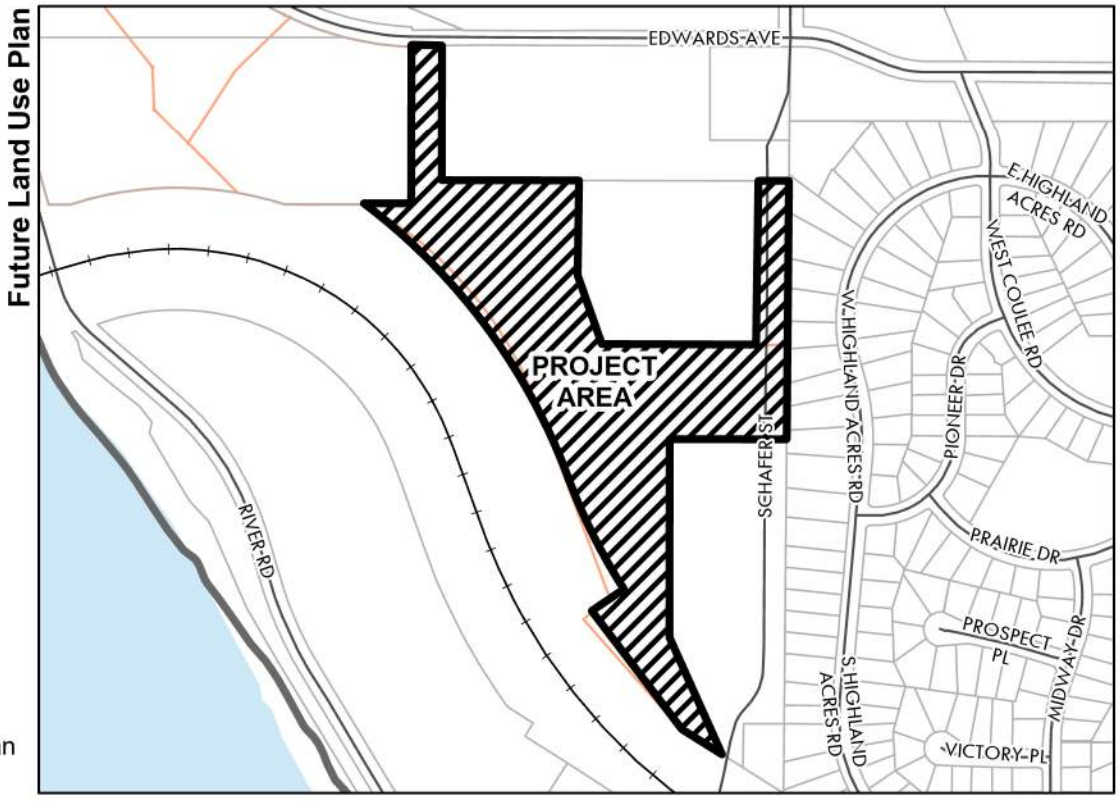
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.1 0.2 0.4 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

TECHNOLOGY HILL ADDITION

BEING PART OF TRACT 3 OF GOVERNMENT LOTS 2 & 3
OF THE EAST 1/2 OF
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF TRACT 3 OF GOVERNMENT LOTS 2 & 3 OF THE EAST 1/2 OF SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 BLOCK 1 MUNICIPAL 4TH ADDITION; THENCE NORTH 00 DEGREES 00 MINUTES 18 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 518.17 FEET TO THE SOUTH LINE OF EDWARDS AVENUE RIGHT-OF-WAY; THENCE NORTH 89 DEGREES 59 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 48 SECONDS EAST, ON THE BOUNDARY OF SAID TRACT 3, A DISTANCE OF 434.44 FEET; THENCE NORTH 58 DEGREES 09 MINUTES EAST, CONTINUING ON SAID BOUNDARY, A DISTANCE OF 447.66 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 17 SECONDS WEST, A DISTANCE OF 309.96 FEET; THENCE SOUTH 19 DEGREES 34 MINUTES 18 SECONDS EAST, A DISTANCE OF 238.78 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 42 SECONDS EAST, A DISTANCE OF 504.16 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 55 SECONDS EAST, A DISTANCE OF 535.09 FEET TO THE BOUNDARY OF SAID TRACT 3; THENCE NORTH 89 DEGREES 58 MINUTES 09 SECONDS EAST, ON SAID BOUNDARY, A DISTANCE OF 100.01 FEET TO THE WEST LINE OF HIGHLAND ACRES; THENCE SOUTH 00 DEGREES 35 MINUTES 55 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 846.19 FEET TO THE BOUNDARY OF TRACT A OF TRACT 3; THENCE NORTH 89 DEGREES 22 MINUTES 53 SECONDS WEST, ON SAID BOUNDARY, A DISTANCE OF 383.11 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 02 SECONDS WEST, CONTINUING ON SAID BOUNDARY, A DISTANCE OF 648.59 FEET; THENCE SOUTH 24 DEGREES 31 MINUTES 18 SECONDS EAST, CONTINUING ON SAID BOUNDARY, A DISTANCE OF 419.78 FEET TO THE EASTERLY LINE OF THE BNSF RAILROAD RIGHT-OF-WAY; THENCE NORTH 57 DEGREES 02 MINUTES 08 SECONDS WEST, ON SAID EASTERLY LINE, A DISTANCE OF 179.26 FEET; THENCE NORTH 37 DEGREES 37 MINUTES 10 SECONDS WEST, CONTINUING ON SAID EASTERLY LINE, A DISTANCE OF 496.00 FEET; THENCE NORTH 52 DEGREES 22 MINUTES 50 SECONDS EAST, CONTINUING ON SAID EASTERLY LINE, A DISTANCE OF 110.00 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ON SAID EASTERLY LINE, ON A 1610.08 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 59 DEGREES 15 MINUTES 27 SECONDS EAST, AN ARC LENGTH OF 225.53 FEET; THENCE CONTINUING ON SAID EASTERLY LINE, NORTH 20 DEGREES 35 MINUTES 03 SECONDS WEST, A DISTANCE OF 482.23 FEET, ON THE CHORD OF A 300' OFFSET TO A CENTERLINE SPIRAL CURVE; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ON SAID EASTERLY LINE, ON A 1255.37 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 65 DEGREES 44 MINUTES 03 SECONDS WEST, AN ARC LENGTH OF 814.74 FEET TO THE BOUNDARY OF LOT 2 BLOCK 1 MUNICIPAL 4TH ADDITION; THENCE NORTH 89 DEGREES 58 MINUTES 52 SECONDS EAST, ON SAID BOUNDARY, A DISTANCE OF 171.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.36 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 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 APPROVED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 202_, 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 APPROVED PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE 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 "TECHNOLOGY HILL ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF BISMARCK, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "TECHNOLOGY HILL ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

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

THEY FURTHER GRANT ACCESS, WATERMAIN AND SANITARY SEWER EASEMENTS TO _____, 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 EASEMENTS AND TO HOLD SAID EASEMENTS TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENTS TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENTS TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

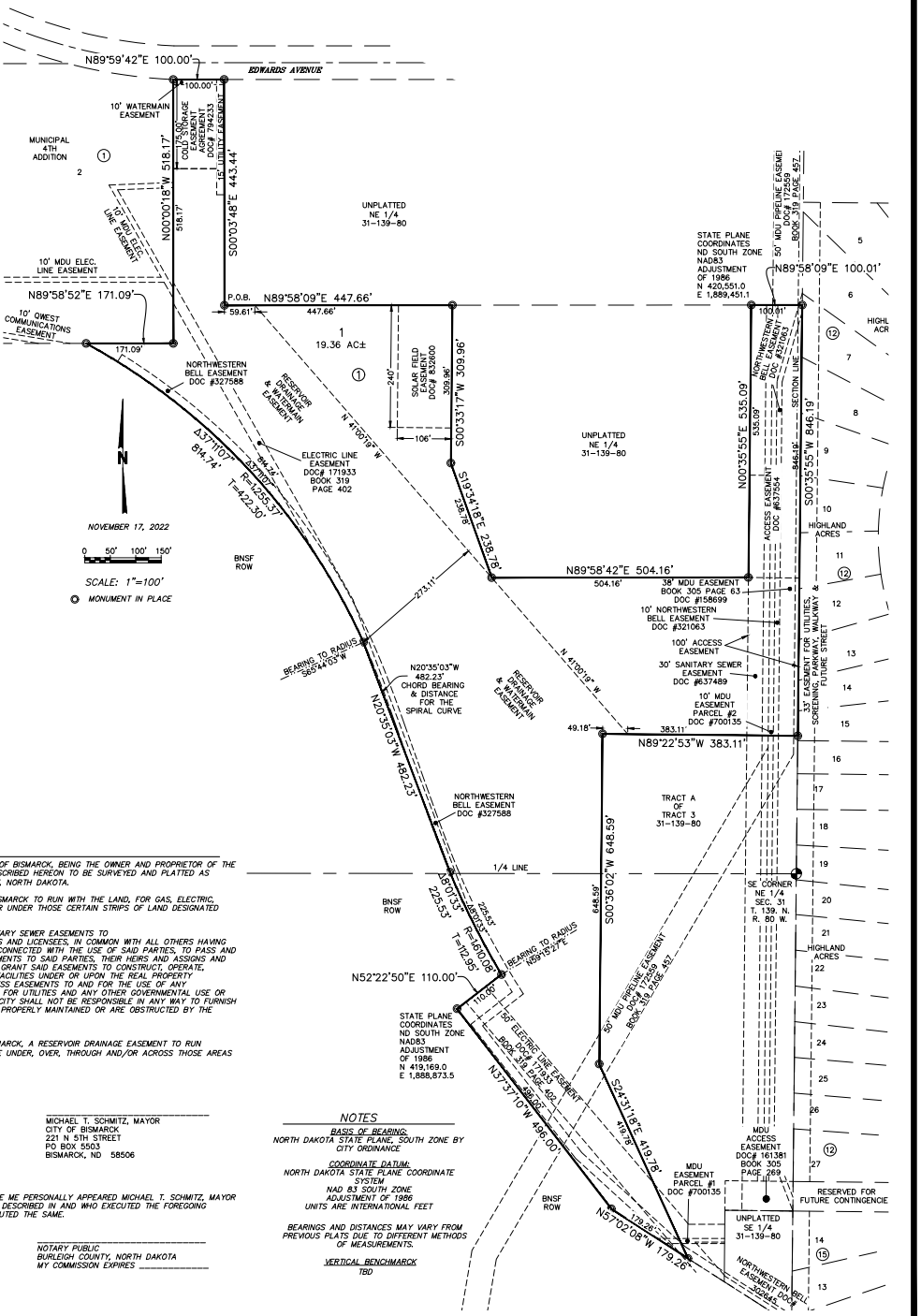
THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK, A RESERVOIR DRAINAGE EASEMENT TO RUN WITH THE LAND FOR THE PURPOSE OF RESERVOIR DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON.

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

_____
MICHAEL T. SCHMITZ, MAYOR
CITY OF BISMARCK
221 N 5TH STREET
PO BOX 5503
BISMARCK, ND 58506

ON THIS _____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED MICHAEL T. SCHMITZ, MAYOR THE CITY OF BISMARCK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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



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
TBD

AREA DATA

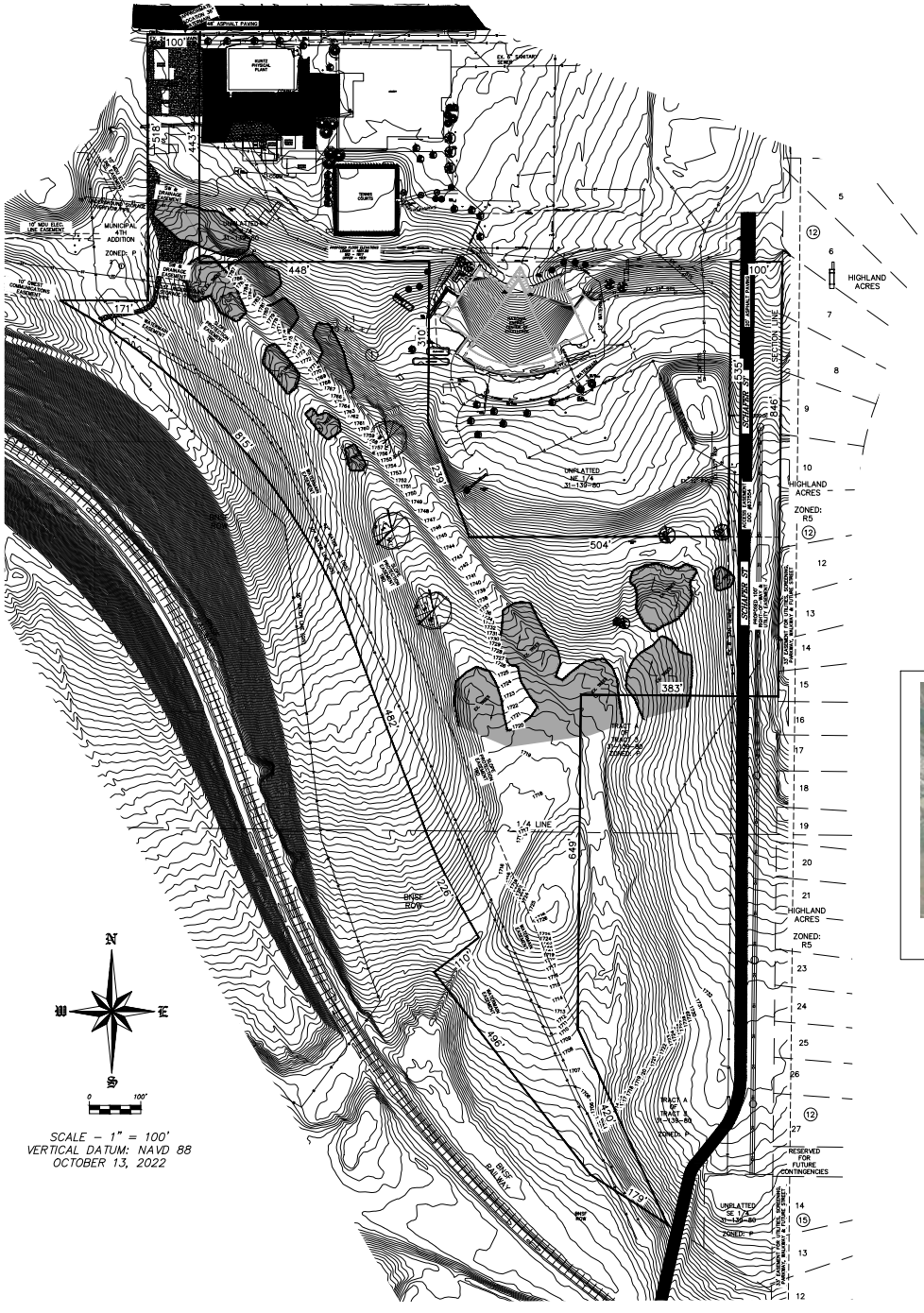
NE 1/4	704,407 S.F.	16.17 ACRES
SE 1/4	138,828 S.F.	3.19 ACRES
TOTAL	843,235 S.F.	19.36 ACRES

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

TECHNOLOGY HILL ADDITION

PART OF TRACT 3 OF SECTION 31 TOWNSHIP 139 NORTH, RANGE 80 WEST

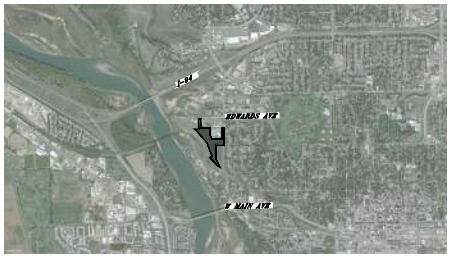
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



20 ACRES +/-
EXISTING ZONING: P
1 LOT 1 BLOCK

OWNER: CITY OF BISMARCK (UTILITIES)
221 N 5th St.
BISMARCK, ND 58506

DEVELOPER: BISMARCK STATE COLLEGE
1500 EDWARDS AVE
BISMARCK, ND 58506



LOCATION MAP

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

Bismarck COMMUNITY DEVELOPMENT

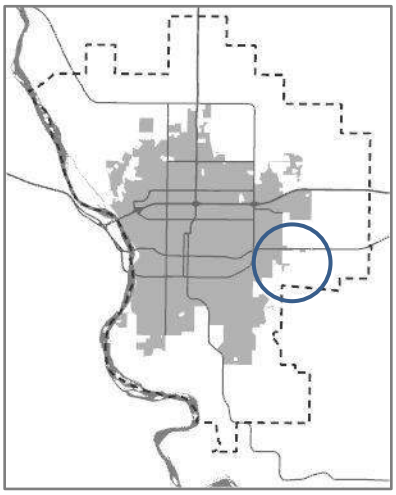
STAFF REPORT

Agenda Item # 10
December 21, 2022

Application for: **Major Subdivision Final Plat** Project ID: **FPLT2022-012**

Project Summary

Title:	Norbs Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	CKNG Properties, LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	East of Bismarck, east of 52nd street SE and south of East Main Avenue/County Highway 10, along the west side of Mulberry Lane (a replat of part of Lot 11, Block 1, Barbies Neighborhood Subdivision)
Project Size:	9.2 acres
Request:	Plat property for future rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel in 1 block	*Number of Lots:*	5 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Rural residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	03/1977	*Platted:*	03/1977	*Annexed:*	N/A

(continued)

Staff Analysis

CKNG Properties, LLC is requesting approval of major subdivision final plat for Norbs Subdivision.

Background Information

The Planning and Zoning Commission considered this request at their meeting of November 16, 2022 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 9 and December 16, and 55 letters were mailed to the owners of nearby properties on December 9, 2022.

Adjacent uses include rural residential uses to the north, east, south, west.

Conformance with Plans and Policies

The property is zoned RR – Residential and the proposed plat is being requested for future rural residential development. Immediate access to lots within the plat would be via a cul-de-sac (Mulberry Circle).

The applicant has submitted a written justification for the use of a cul-de-sac and to exceed the maximum length of the cul-de-sac. The zoning ordinance limits the maximum length of a cul-de-sac to 750 feet; however, the proposed cul-de-sac length, measured from the intersection of Meadowlark Lane and Mulberry Lane, is 945 feet. The applicant has noted that the area adjacent to the proposed plat is developed and that the extension of right-of-way beyond the developed area is unlikely. City Staff and the County Engineer have indicated that the proposed cul-de-sac and length is acceptable in this location.

The City's Secondary Access Policy establishes minimum requirements for providing secondary roadway access to developed property for life safety and property protection, including alternative ingress and egress routes for residents. Although the proposed plat includes five new lots, the policy considers the cumulative impact of both existing and new subdivisions.

Secondary access is measured from the last intersecting primary roadway access, in this case the intersection of 52nd Street SE and Meadowlark Lane, and no more than 16 rural residential lots may be added beyond this point. Currently there are 39 rural residential lots utilizing the primary access, approval of the proposed plat would increase to 44 rural residential lots using this primary access.

City and County Staff, including the County Engineer and Rural Fire Chief, have indicated that a secondary access at 52nd Street SE and Southview Lane would satisfy the Secondary Access Policy. This access point would be installed and maintained by the property owner(s) of the proposed subdivision.

It should be noted that 52nd Street SE is classified as an arterial roadway and access to these types of roadways are limited. Staff has requested that the access be gated and include a knox box. This access would be utilized by emergency services personal in the case of an emergency when or if the primary access is inaccessible.

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

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;

(continued)

4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed final plat;
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for Norbs Subdivision including granting a waiver for the use and excessive length of a cul-de-sac (Mulberry Circle), with the following condition:

1. A gated secondary access point with knox box is installed and maintained by the property owner(s) at the intersection of 52nd Street SE and Southview Lane.

Attachments

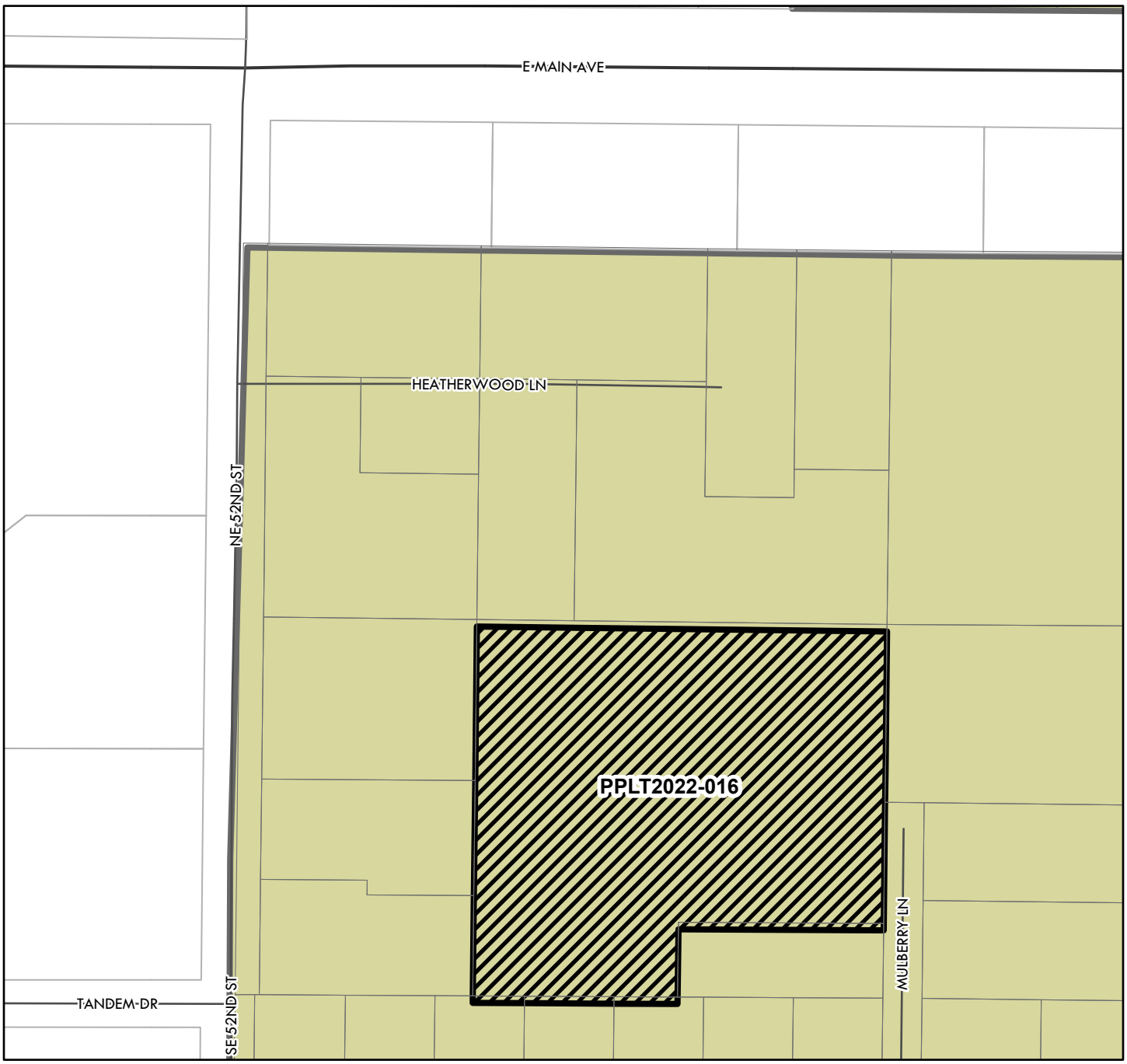
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat
6. Written Justification for Cul-de-sac Waiver

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

Location Map

NORB'S SUBDIVISION

PPLT2022-016

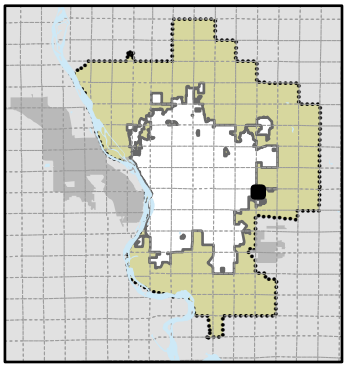


0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 18, 2022 (SF)

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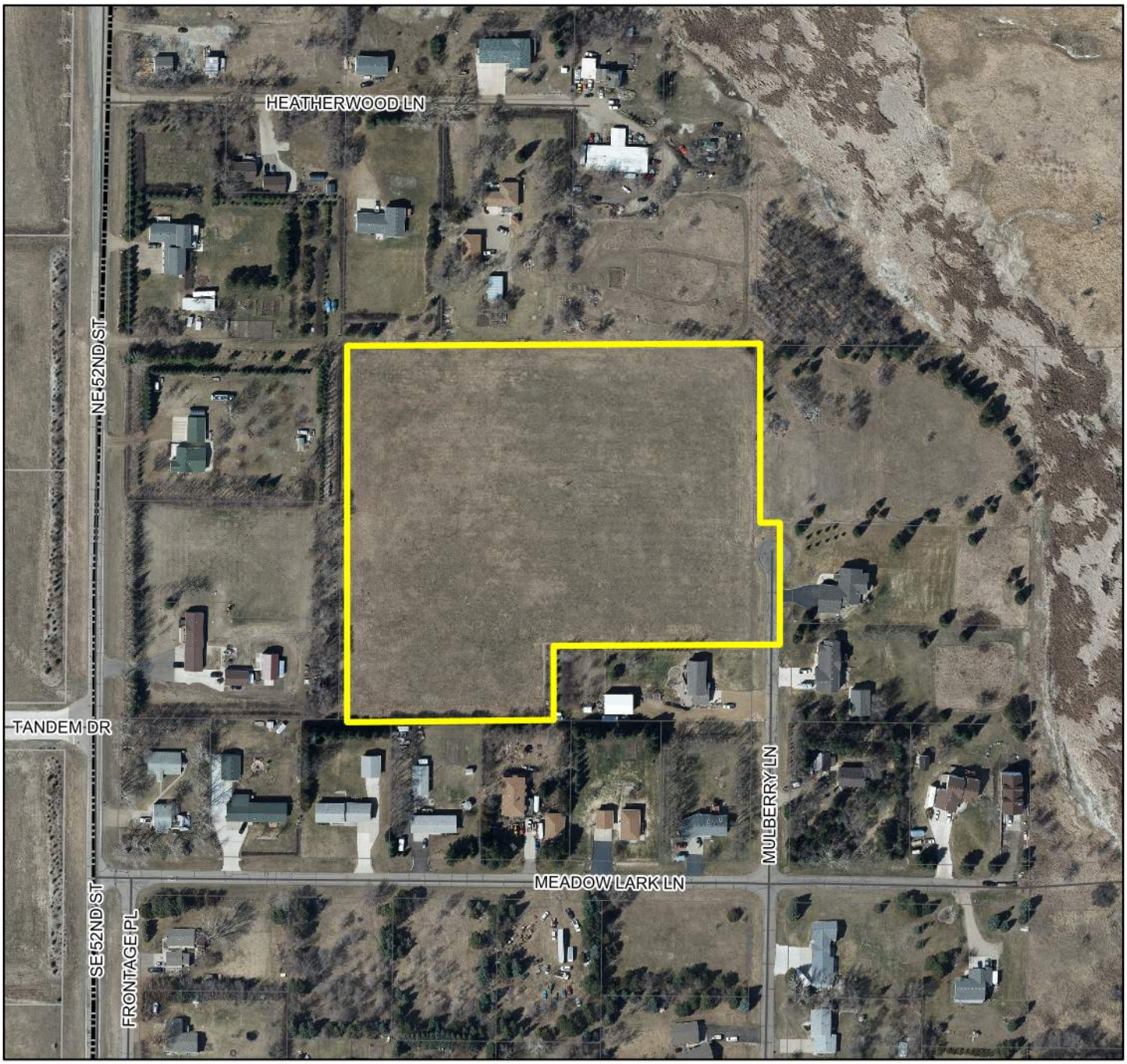
Aerial Map

NORBS SUBDIVISION

PPLT2022-016



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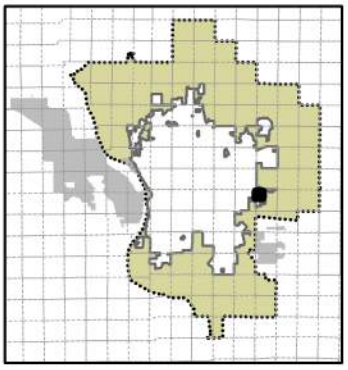
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

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.

Zoning and Plan Reference Map

NORBS SUBDIVISION

PPLT2022-016

Zoning Districts

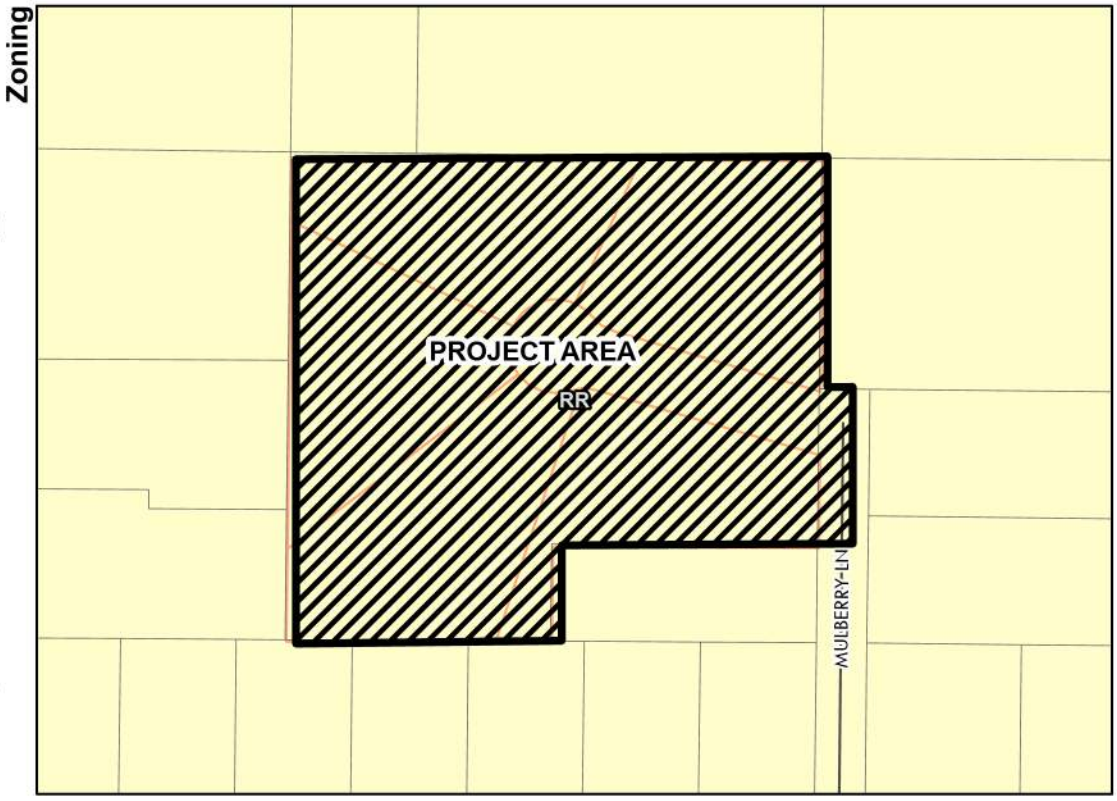
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

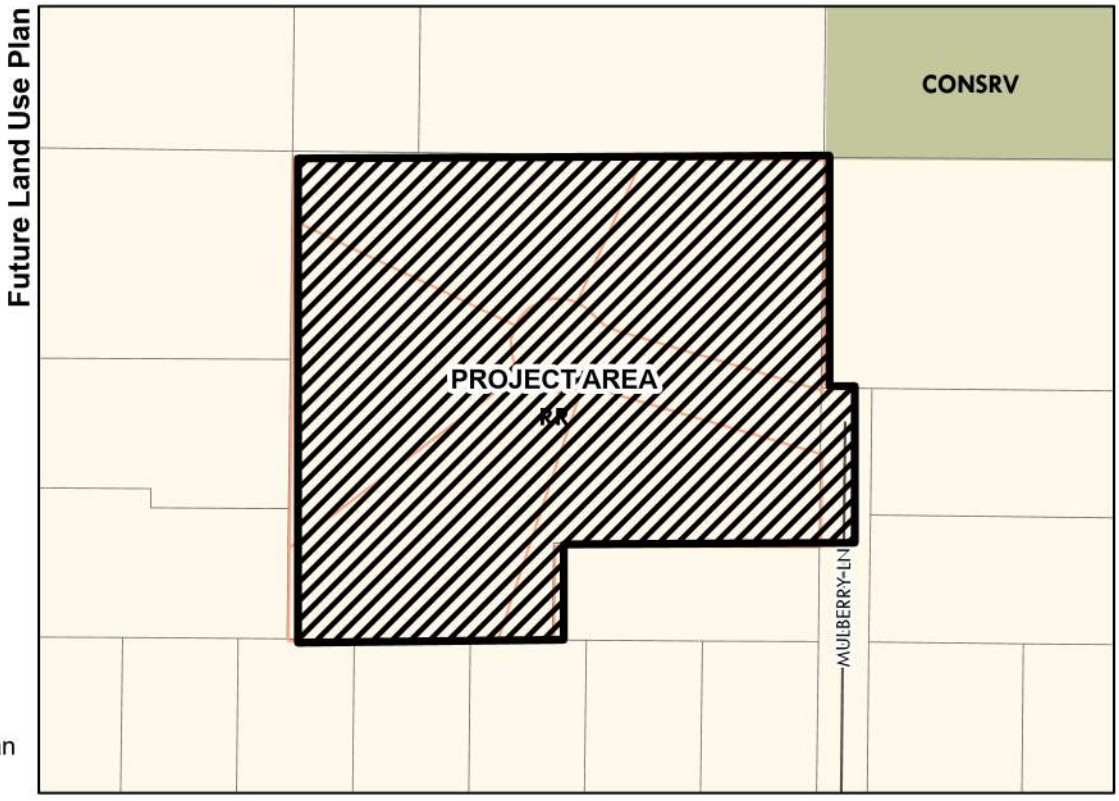
Future Land Use Plan

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 0.19 Miles

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City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

NORBS SUBDIVISION

PART OF LOT 11 BARBIE'S NEIGHBORHOOD SUBDIVISION
OF SECTION 6 TOWNSHIP 138 NORTH, RANGE 79 WEST

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

PART OF LOT 11 BARBIE'S NEIGHBORHOOD SUBDIVISION OF SECTION 6 TOWNSHIP 138 NORTH, RANGE 79 WEST BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BARBIE'S NEIGHBORHOOD SUBDIVISION; THENCE SOUTH 00 DEGREES 40 MINUTES 13 SECONDS WEST, ALONG THE WEST LINE OF BLOCK 6 PRAIRIE VIEW AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 300.05 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 47 SECONDS EAST, A DISTANCE OF 33.00 FEET TO THE CENTERLINE OF MULBERRY LANE RIGHT-OF-WAY); THENCE SOUTH 00 DEGREES 40 MINUTES 13 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 203.53 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 56 SECONDS WEST, A DISTANCE OF 379.05 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 126.08 FEET TO THE NORTH LINE OF BLOCK 4 OF PRAIRIE VIEW; THENCE NORTH 89 DEGREES 40 MINUTES 23 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 345.64 FEET; THENCE NORTH 00 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 629.85 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 35 SECONDS EAST, A DISTANCE OF 691.79 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 9.15 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ 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 _____ DAY OF _____, 202_, 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 _____, 202_.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

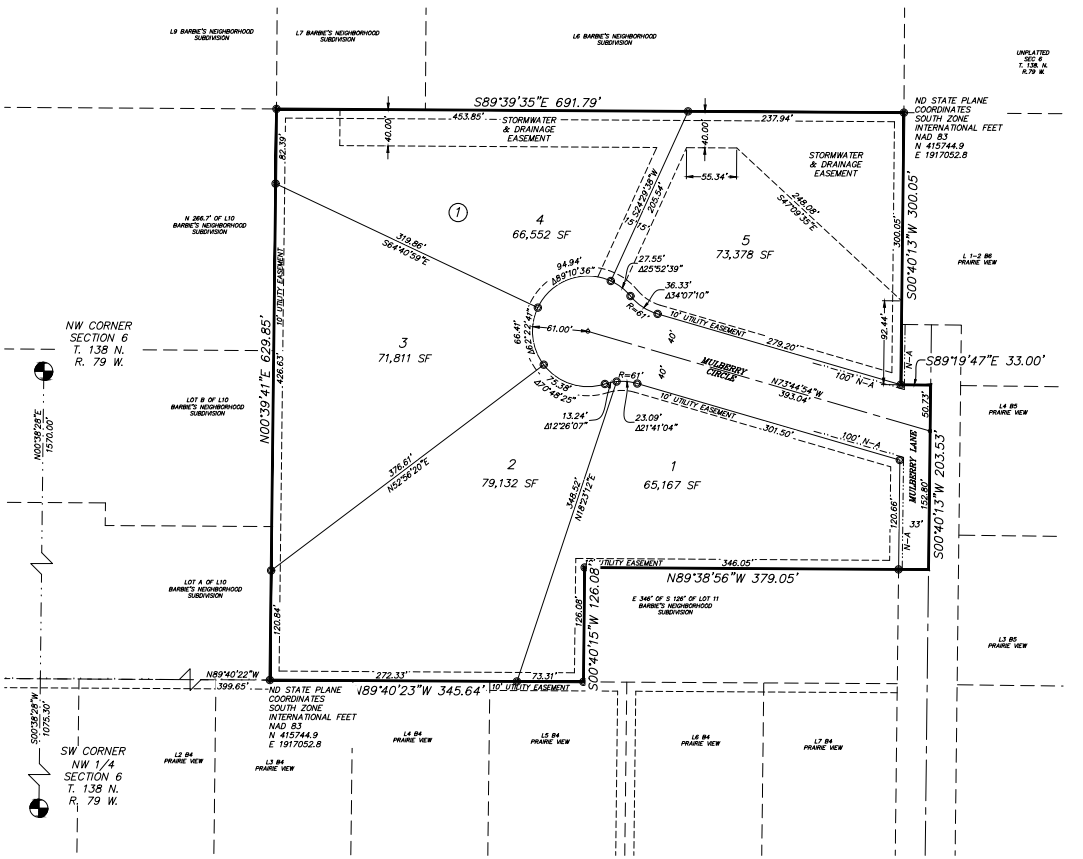
THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____DAY OF _____, 20___.

_____ _____
JIM PELUSO–CHAIR ATTEST: LEO VETTER
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SILVER RANCH FOURTH ADDITION", 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 GKNG PROPERTIES, LLC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORBS SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

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

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
GEORGE KUNTZ, MANAGING PARTNER
GKNG PROPERTIES, LLC
14170 52ND ST NE
BALDWIN, ND 58521

ON THIS _____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED GEORGE KUNTZ OF GKNG PROPERTIES, 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"=60'

NOVEMBER 15, 2022

○ MONUMENT IN PLACE

NOTES

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

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

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

VERTICAL BENCHMARK:
NW CORNER, NORBS SUBDIVISION
1/2" IRON PIPE
1693.00 (NAVD 88)

AREA DATA

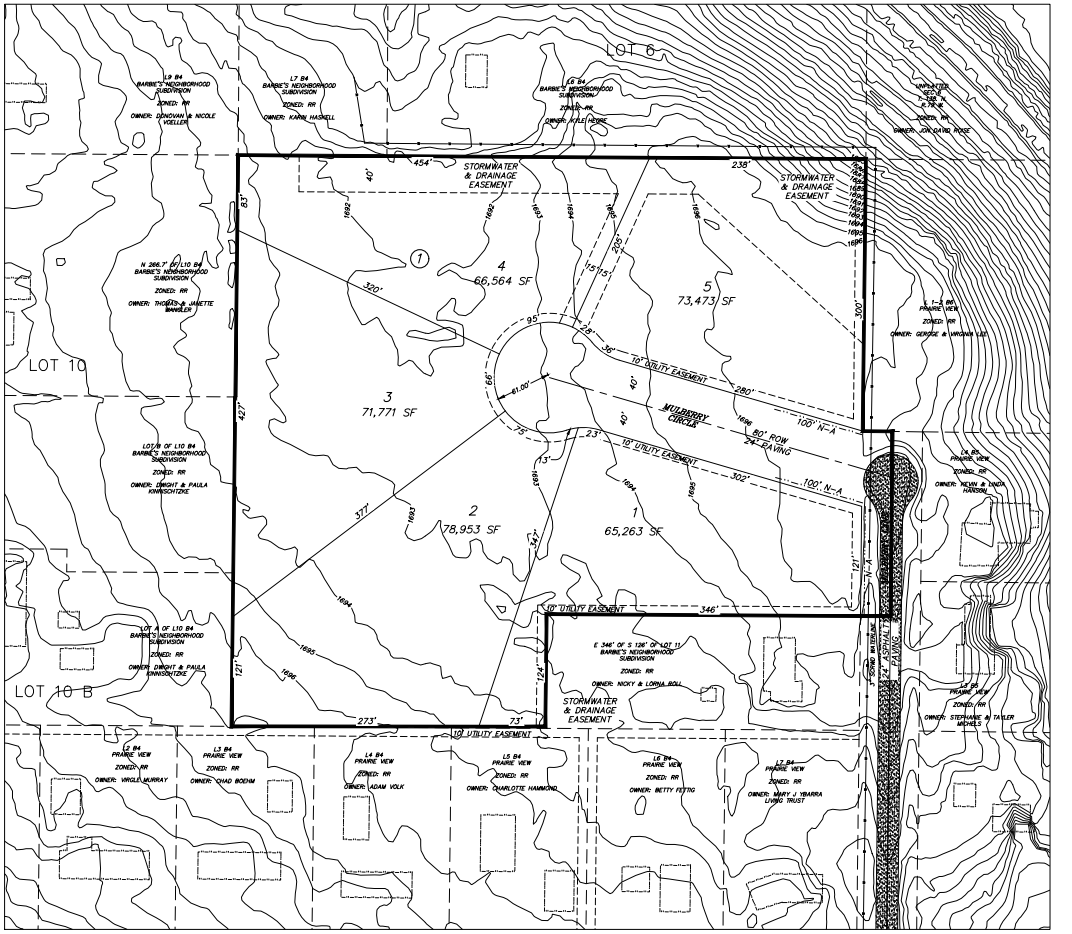
LOTS	356,041 S.F.	8.17 ACRES
STREETS	42,704 S.F.	0.98 ACRES
TOTAL	398,745 S.F.	9.15 ACRES

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

NORBS SUBDIVISION

BEING PART OF LOT 11 BLOCK 1
BARBIE'S NEIGHBORHOOD SUBDIVISION AND
PART OF MULBERRY LANE RIGHT-OF-WAY OF
THE SW 1/4 OF
SECTION 6 T. 138 N. R. 79 W.

BURLEIGH COUNTY, NORTH DAKOTA

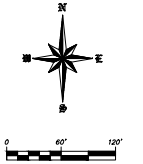


LOCATION MAP

5 LOTS
1 BLOCK
9.2 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: RR

OWNER: GKNG PROPERTIES, LLC

ADDRESS: 14170 52ND ST NE
BALDWIN, ND 58521



SCALE – 1" = 60'

VERTICAL DATUM: NAVD 88

OCTOBER 31, 2022

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

SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

NORB'S SUBDIVISION

CUL-DE-SAC JUSTIFICAITON/WAIVER

GKNG, Properties, LLC, developers of the proposed Norb's Subdivision, proposed a cul-de-sac extending from the current dead-end Mulberry Lane right-of-way, northwesterly an additional 393' +/-, creating Mulberry Circle. The area in question is developed such that an extension of right-of-way beyond the proposed plat is unlikely due to existing homes on the north and west, and floodplain/floodway issues to the east.

The extension of the cul-de-sac will result in a total length of approx. 945', which exceeds the city's standards for permanent dead-end roads. However, in order to fully develop the parcel, the additional length is needed. The cul-de-sac will allow for an additional five rural residential lots in the area, which will not place an undue burden on city or county services.

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

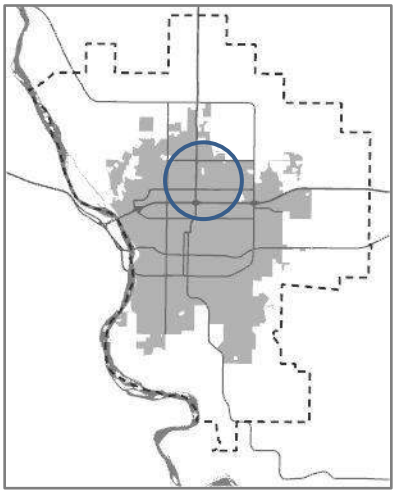
Agenda Item # 11
December 21, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-022**

Project Summary

Title:	Lot 2, Block 1, Capital Electric Headquarters Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Believe and Blossom Preschool, LLC, Applicants Sirrah Properties, LLC, Property Owner
Project Contact:	Colleen and Darrel Borgen
Location:	In north Bismarck, in the southeast quadrant of the intersection of State Street/US Highway 83 and 43rd Avenue NE along the east side of a frontage road
Project Size:	1.60 Acres
Request:	Occupy a vacant office space with a child care center



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Lot in 1 Block	*Number of Lots:*	1 Lot in 1 Block
Land Use:	Vacant office building	*Land Use:*	Childcare Center
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:	Pre - 1980	*Platted:*	03/2008	*Annexed:*	Pre - 1980

Staff Analysis

Believe and Blossom Preschool, LLC and Sirrah Properties, LLC are requesting approval of a special use permit to allow a child care center within the existing building at Lot 2, Block 1, Capital Electric Headquarters Addition.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 9 and December 16, and 12 letters were mailed to the owners of nearby properties on December 9, 2022.

Adjacent uses include undeveloped land to the north and east, vacant office uses to the south, and stormwater detention across from US Highway 83/State Street.

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

The preschool would operate from this location between 7:00 am -5:30 pm. The expected total number of students at any time would be 46-50, which is an increase of the enrollment in their current site.

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

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

   A total Interior space of 7,310 square feet would be dedicated to the child care center. There is sufficient interior space for 208 enrollment, which exceeds expected enrollment by a wide margin.

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

   Outdoor space would be provided adjacent to and east of the north wing on the building. The fenced area would be 3,750 square feet, meeting minimum width and setback requirements.

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

   A total of 16 parking spaces would be dedicated for the preschool on the west side (front) of the building. This is sufficient for employee and student drop-off.

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

   Adherence to building and fire codes would be verified prior to issuance of a building permit. Certain modifications to the structure may be required to meet code requirements.

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

   All health and sanitation requirements 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

(continued)

general intent and purpose of the zoning ordinance;

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a child care center on Lot 2, Block 1, Capital Electric Headquarters Addition with the condition that all building code requirements are met prior to issuance of a building permit.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Interior Layout
5. Proposed Outdoor Space

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

Location Map

SUP2022-022

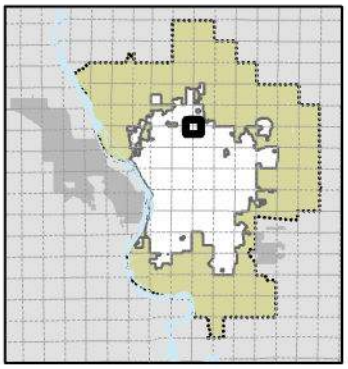
CAPITAL ELECTRIC HEADQUARTERS ADDITION, L2, B1

0 0.1 0.2 0.4 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 21, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

SUP2022-022

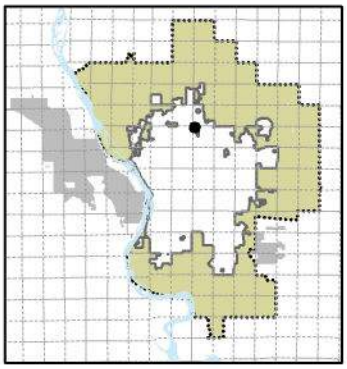
CAPITAL ELECTRIC HEADQUARTERS ADDITION, L2, B1

Miles

0 0.03 0.06 0.12

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
December 1, 2022

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

SUP2022-022

CAPITAL ELECTRIC HEADQUARTERS ADDITION, L2, B1

Zoning Districts

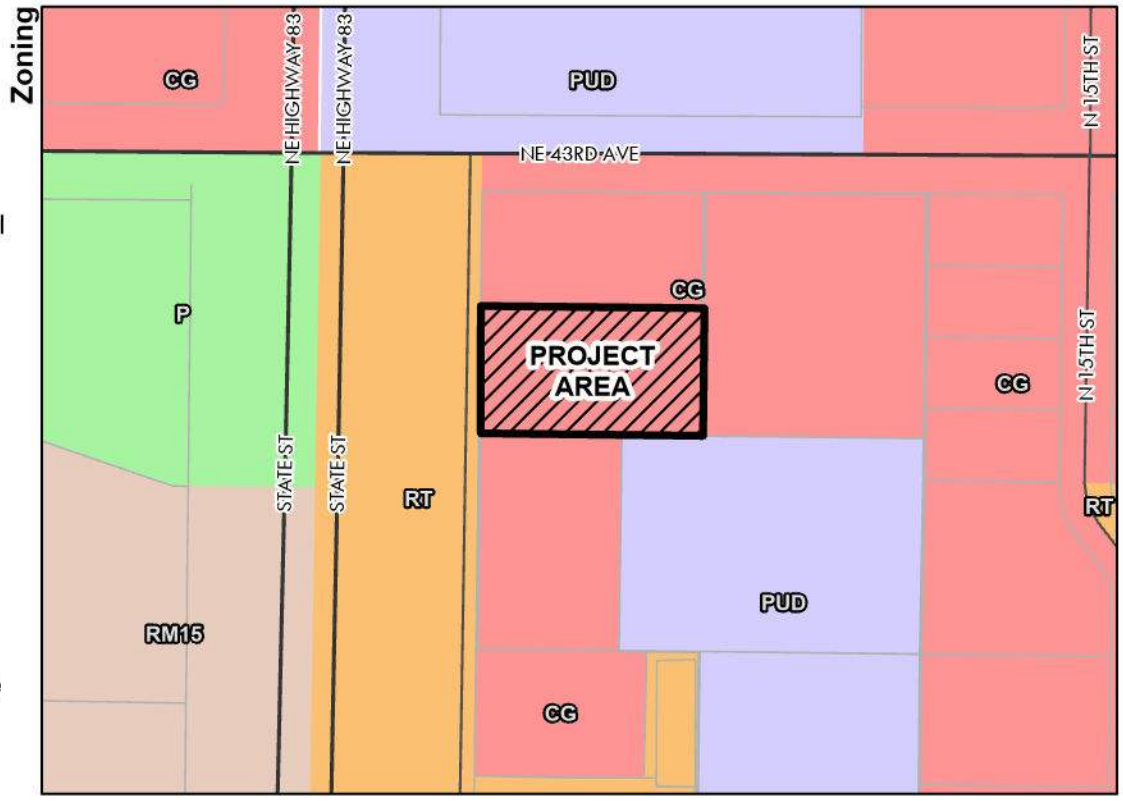
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

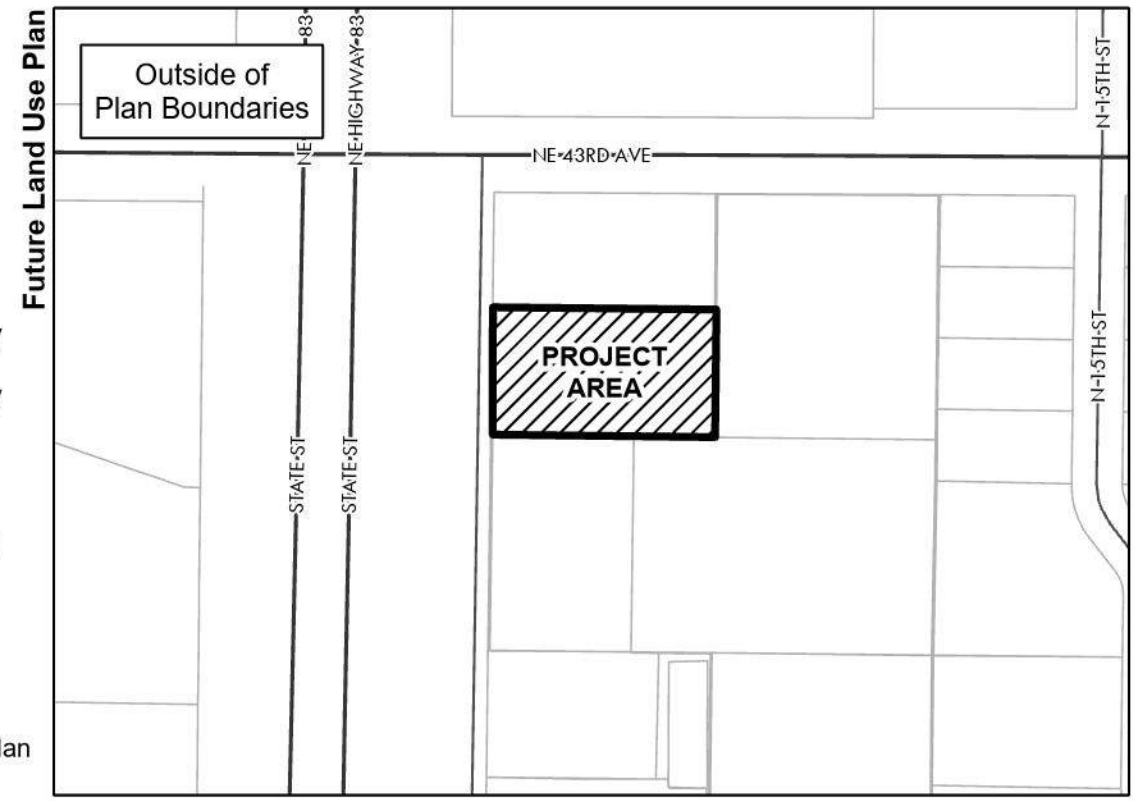
Future Land Use Plan

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
December 12, 2022

RECEIVED
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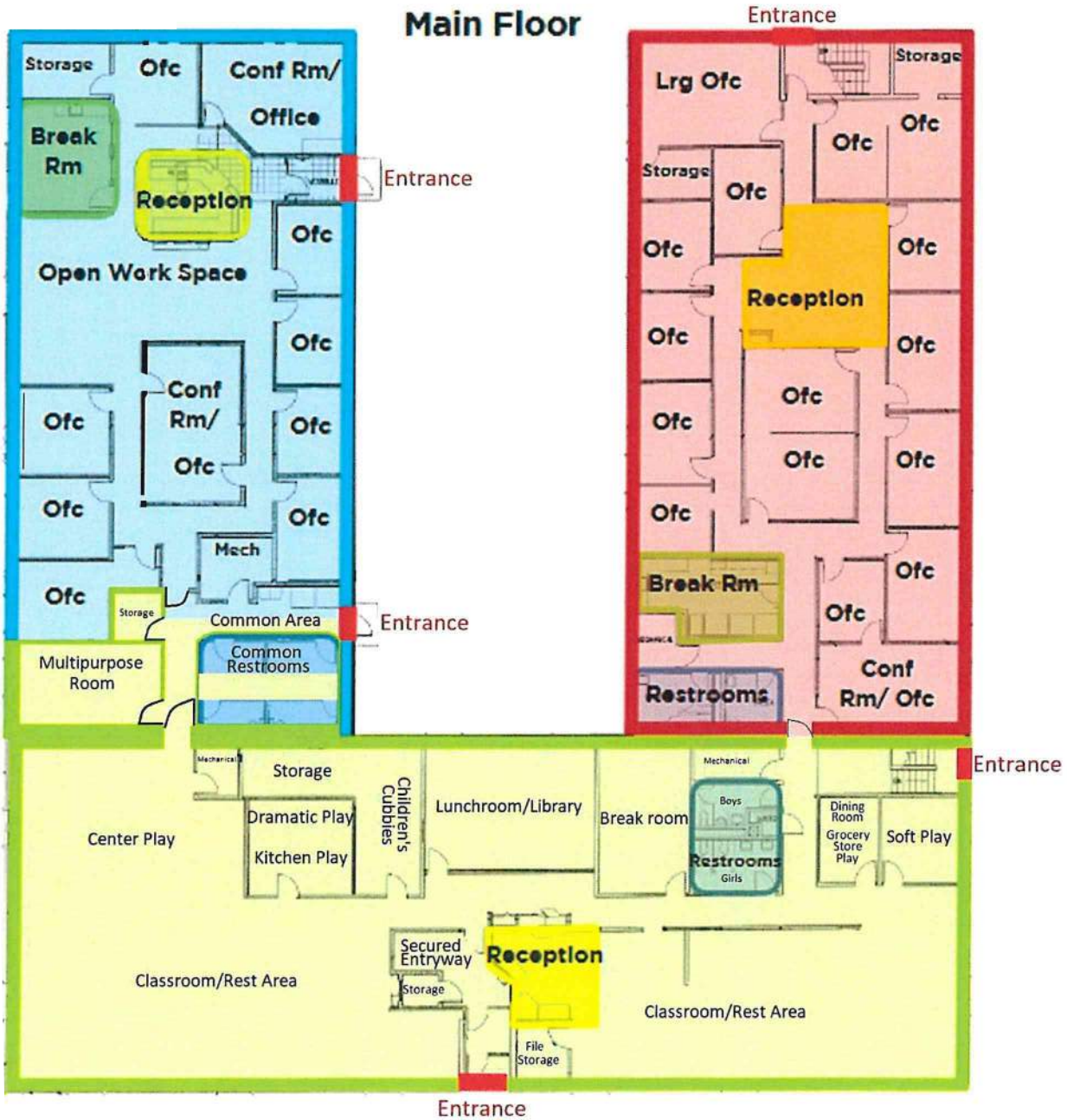

Site Plan Exhibit Proposed Outdoor Play Area SUP2022-022 | 12/1/22

Drawn by: JW | Confirmed by: CB

0 86 45 90 180 Feet

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BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 16, 2022

The Bismarck Planning & Zoning Commission met on November 16, 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 Cole Johnson, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schmitz, Paul Zent, and Mike Schwartz.

Commissioners Brian Bitner, Wendy Van Duyne and Trent Wangen were absent.

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

Chair Schwartz called the meeting to order and Community Development Senior Administrative Assistant Sarah Fricke took roll call.

MINUTES

Chair Schwartz called for consideration of the minutes of the October 26, 2022 meeting.

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

CONSIDERATION

2. TECHNOLOGY HILL ADDITION – MAJOR SUBDIVISION PRELIMINARY PLAT
3. NORBS SUBDIVISION – MAJOR SUBDIVISON PRELIMINARY PLAT

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

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT CHRISTIANSON FIRST ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final replat for Christianson First Addition First Replat. The proposed replat would divide the property into two lots for future commercial development on 1.96 acres. The property is located in north

Bismarck, north of 43rd Avenue NE, along the east side of Coleman Street (a replat of Lot 3C of Lot 3, Block 1, Christianson First Addition).

Mr. Nairn provided the following findings related to land use for the minor subdivision final replat:

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.

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

Mr. Nairn said, based on these findings, staff recommends approval of the minor subdivision final replat for Christianson First Addition First Replat.

Commissioner Levchak questioned the access roads to the property. Mr. Nairn replied that this project would include changing the area of access easement through the northern portion of the plat, and that this easement would be dedicated to the public Mr. Nairn also indicated that the property would also be accessible from the south.

Chair Schwartz opened the public hearing.

Tony Haider, Christianson Companies was present to respond to questions or comments.

Commissioner Laning asked whether the applicant has any issues with dedicating access to the public. Ms. Haider stated that they had no issues and have already revised the plat to reflect this condition.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the minor subdivision final replat for Christianson First Addition First Replat with the condition that a public access road be included on the south side of the property. Commissioner Laning seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Martin, Schell, Schmitz, Schwartz, and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
LOT 5 AND THE EAST HALF OF VACATED GEORGIA STREET, BLOCK 2 SHAMROCK INDUSTRIAL PARK

Chair Schwartz called for the public hearing on the of a zoning change from the P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the East half of vacated Georgia Street adjacent, Block 2 Shamrock Industrial Park. The property is located in south Bismarck, east of South 12th Street and south of Park Avenue (1311 Georgia Street).

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

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

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

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

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

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

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the East half of vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park.

Commissioner Levchak questioned the ownership of the properties to the south of the property.

Ms. Wollmuth stated the properties to the south are owned by the city and are zoned P – Public.

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 Levchak made a motion to recommend approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the East half of vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Martin, Schell, Schmitz, Schwartz, and Zent voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH)
LOT 2, BLOCK 1 WAL-MART ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through on Lot 2, Block 1, Wal-Mart Addition. The property is located in south Bismarck, between East Bismarck Expressway and East Arbor Avenue, along the east side of South Washington Street (715 South Washington Street).

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

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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to allow the operation of a drive-through in conjunction with a coffee shop on Lot 2, Block 1, Wal-Mart Addition.

Commissioner Schell confirmed with Ms. Wollmuth that there is a legal right to the access the property from the east and that no new access points are needed on South Washington Street.

Chair Schwartz opened the public hearing.

AJ Tuck, Moore Engineering, was present to address any questions or comments.

Commissioner Laning asked if the existing building would be torn down. Mr. Tuck answered that they would be tearing down the existing building.

Commissioner Levchak asked if the business would be strictly a drive-through to which Mr. Tuck answered that there would be seating inside, and adequate parking is included in the plan.

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

MOTION: Based on the findings in the staff report, Commissioner Martin made a motion to recommend approval of the special use permit to allow a drive-through on Lot 2, Block 1, Wal-Mart Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Martin, Schell, Schmitz, Schwartz, and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
CA – COMMERCIAL

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to include provisions to allow limited commercial recreation uses up to 10,000 square feet in the CA – Commercial zoning district.

Ms. Lee gave an overview of the request, including the following findings related 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.

Ms. Lee said, based on these findings, staff recommends approval of a zoning ordinance text amendment for Section 14-04-010 (CA Commercial District) of the City Code of Ordinances.

Commissioner Levchak questioned whether the change would include requirements to provide off-street parking. Ms. Lee indicated that business owners are already required to provide off-street parking and this would not change.

Commissioner Schmitz asked if the amendment would include a small archery range that had been previously denied by the Board of Adjustment. Ms. Lee stated archery ranges are included in the limited commercial recreation facilities.

Commissioner Johnson asked about the process if an individual requests a project over 10,000 square feet, to which Ms. Lee stated the ordinance can be revisited, if appropriate.

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 Levchak made a motion to recommend approval of a zoning ordinance text amendment to include provisions to allow limited commercial recreation uses up to 10,000 square feet in the CA – Commercial zoning district. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Martin, Schell, Schmitz, Schwartz, and Zent voting in favor of the motion.

PUBLIC HEARING – COMPREHENSIVE PLAN
TOGETHER 2045: BISMARCK'S COMPREHENSIVE PLAN

Mr. Nairn presented an overview of Together 2045: Bismarck's Comprehensive Plan including examples of public opinion research, historical research, and expert review. Staff recommends approval.

Commissioner Zent asked if Burleigh County sheriff and rural fire have a position on the plan. Mr. Nairn stated that county residents and officials were involved in the process of developing this plan in several ways, but that there have not been any specific comments from Burleigh County emergency services regarding the plan.

Commissioner Levchak spoke about potential disadvantages for residents in the Transitional Rural subdivisions. Commissioner Levchak stated he does not agree with the plan, as written, and he would like it to include wordage that reveals both advantages and disadvantages of annexation. Mr. Nairn replied that the plan establishes a process for engaging rural residents in discussion about terms of annexation at some time in the future, when warranted, and is not intended to imply that the City would forcibly annex these areas.

Commissioner Johnson stated he has received good feedback from the public. He then asked about future growth in areas that are already developed. Mr. Nairn then spoke about a few areas of anticipated redevelopment.

Commissioner Schell questioned if this plan, upon adoption, would supersede existing plans, such as the 2014 Growth Management plan that was added to the 1980 plan. Mr. Nairn stated that if adopted, Together 2045 would replace all of the existing plans noted in the resolution and introduction of the plan.

Chair Schwartz asked Mr. Nairn if there were any surprises as the plan was developed. Mr. Nairn responded that affordable housing was raised often, and although this was a known issue he was surprised by the broad consensus that this is a problem for Bismarck.

Chair Schwartz called for the public hearing on Bismarck's Comprehensive Plan, Together 2045.

AARP State Director, Josh Askvig, came forward to commend staff on their outreach efforts to the public and empowering people to choose how they live as they age.

A resident that lives on Tyler Parkway, Greg Dehne, came forward concerned with the extension of Tyler Parkway depicted in the plan. He was concerned with traffic issues in residential areas. Commissioner Schell offered that if such a project is formally proposed, the area residents would be engaged prior to any decision.

A resident named Rudra Tamm made a statement to the commission that the majority of people favor growth and that it is the commission's responsibility to decide whether the city grows upwards or outwards. Commissioner Johnson thanked him for his comments.

Commissioner Schmitz described the plan as broad-based and purposefully not too detailed to allow for changes as they arise.

Chair Schwartz made a statement that due to Bismarck's continuing growth, a plan for the future is necessary and thanked staff for all of their efforts and commended Mr. Nairn for taking the lead on the plan.

Chair Schwartz closed the public hearing.

MOTION: Commissioner Laning made a motion to recommend approval of Together 2045: Bismarck's Comprehensive Plan. Commissioner Martin seconded the motion, and the motion was approved with Commissioners Johnson, Laning, Martin, Schell, Schmitz, Schwartz, and Zent voting in favor of the motion. Commissioner Levchak opposed the motion to recommend approval.

OTHER BUSINESS

Commissioner Johnson questioned why Technology Hill Addition is submitted as only one lot as it has been discussed in the past that an additional lot may be obtained by Bismarck Parks and Recreation District. Janelle Combs came forward to explain why the project was done this way. Ms. Combs stated earlier this year, when the City was in discussions with Bismarck State College about acquiring the land, it was presented to City Commission that Bismarck State College was under pressure due to the approaching winter season to get the plat approved and sale of the property finalized. After discussions with Bismarck Parks and Recreation District it was decided the entire parcel would be given to Bismarck State College. Ms. Combs noted that Bismarck State College has long term leases with Bismarck Parks for several different locations and perhaps in the future the two could enter into a lease for portions of this property. Ms. Combs also noted that Burlington Northern Santa Fe (BNSF) had indicated to the City that the existing bike trails were on their property and they would no longer allow them to remain.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:45 p.m. to meet again on December 21, 2022.

Respectfully submitted,

_____
Sarah S. Fricke
Recording Secretary

_____
Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2022

	*******************City*******************				*******************ETA*******************			
	11/2022		**11/2021**		**11/2022**		**11/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	1	$121,021.86	11	$3,219,107.75	0	$0.00	3	$348,874.25
ROWHOUSE (2) 1-HR FIRE SEPARATION	11	$1,333,755.42	14	$2,374,629.40	0	$0.00	4	$1,187,661.20
MULTI FAMILY RESIDENTIAL	1	$49,929.00	0	$0.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	0	$0.00	2	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$29,383.20	0	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	3	$100,250.00	0	$0.00	2	$95,000.00
DECKS\PORCHES & COVERED PORCHES	2	$8,764.88	3	$21,435.75	0	$0.00	0	$0.00
SWIMMING POOLS	2	$157,731.00	1	$85,000.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	0	$0.00	7	$232,959.97	0	$0.00	0	$0.00
HOME OCCUPATION	1	$0.00	0	$0.00	0	$0.00	0	$0.00
STORAGE SHED	0	$0.00	1	$2,880.00	0	$0.00	0	$0.00
BASEMENT FINISH	1	$38,377.50	5	$117,846.50	0	$0.00	0	$0.00
NEW SIGN PERMITS	1	$10,788.00	9	$153,650.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	0	$0.00	1	$215,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	8	$3,922,614.00	5	$1,980,000.00	0	$0.00	1	$140,000.00
COMMERCIAL ALTERATION	2	$448,000.00	6	$546,300.00	0	$0.00	1	$603,288.00
Total	**31**	**$6,120,364.86**	**68**	**$9,049,059.37**	**0**	**$0.00**	**11**	**$2,374,823.45**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2022

	*******************City*******************				*******************ETA*******************			
	11/2022		**11/2021**		**11/2022**		**11/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	82	$0.00	118	$16,550.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	133	$1,631,998.06	145	$1,579,460.85	8	$52,830.92	13	$95,049.00
BUILDING PLUMBING	31	$589,240.00	55	$1,079,545.00	3	$89,500.00	7	$116,864.00
BUILDING SEPTIC	0	$0.00	1	$0.00	5	$0.00	10	$13,000.00
Total	**246**	**$2,221,238.06**	**319**	**$2,675,555.85**	**16**	**$142,330.92**	**30**	**$224,913.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2022

	*******************City*******************		*******************ETA*******************	
	11/2022	**11/2021**	**11/2022**	**11/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	2	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	11	13	0	2
SINGLE FAMILY DETACHED	1	11	0	1
SWIMMING POOLS	0	0	0	0
Total	**12**	**26**	**0**	**3**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2022

	**********City**********				**********ETA**********			
	11/2022		**11/2021**		**11/2022**		**11/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	156	$45,966,681.94	190	$53,077,149.74	29	$11,041,545.44	51	$18,384,082.48
ROWHOUSE (2) 1-HR FIRE SEPARATION	120	$24,744,144.52	165	$34,966,422.85	0	$0.00	6	$1,640,576.50
MULTI FAMILY RESIDENTIAL	1	$49,929.00	1	$191,457.83	0	$0.00	0	$0.00
MANUFACTURED HOMES	7	$0.00	25	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	12	$412,624.96	23	$1,256,567.17	10	$1,156,033.10	12	$808,522.68
DETACHED GARAGE	28	$329,333.75	31	$406,150.00	45	$2,045,677.91	61	$2,432,940.00
DECKS\PORCHES & COVERED PORCHES	77	$246,560.53	110	$839,612.08	9	$252,803.45	11	$53,544.00
SWIMMING POOLS	13	$1,103,017.00	15	$1,226,584.00	7	$714,601.00	7	$585,849.00
RESIDENTIAL ALTERATION/OTHER	37	$1,438,058.85	63	$1,960,406.73	10	$506,459.22	3	$144,025.77
HOME OCCUPATION	4	$0.00	5	$0.00	0	$0.00	2	$0.00
STORAGE SHED	9	$30,955.00	18	$56,680.00	2	$12,000.00	1	$2,880.00
BASEMENT FINISH	41	$1,084,211.00	81	$1,826,905.00	11	$250,151.50	9	$201,111.00
RESIDENTIAL	2	$0.00	10	$0.00	0	$0.00	0	$0.00
COMMERCIAL	2	$0.00	0	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	8	$0.00	7	$0.00
NURSERY STOCK SALES	4	$0.00	5	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	3	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	65	$565,966.00	110	$1,726,699.46	3	$46,866.00	0	$0.00
SIGN ALTERATION	2	$36,000.00	14	$245,697.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	0	$0.00	2	$255,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	106	$105,159,385.51	71	$55,845,157.21	22	$8,921,426.00	32	$16,678,813.00
COMMERCIAL ADDITION	7	$16,613,387.00	7	$5,362,176.00	2	$7,118,268.00	2	$2,800,000.00
COMMERCIAL ALTERATION	67	$21,189,149.88	88	$29,890,185.86	3	$3,780,000.00	5	$5,246,745.00
Total	**763**	**$218,969,404.94**	**1038**	**$189,132,850.93**	**161**	**$35,845,831.62**	**209**	**$48,979,089.43**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2022

	*******************City*******************				*******************ETA*******************			
	11/2022		**11/2021**		**11/2022**		**11/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	957	$203,000.00	970	$2,320,267.15	5	$0.00	2	$0.00
BUILDING MECHANICAL	1383	$27,276,045.25	1379	$13,854,147.40	252	$2,303,197.11	260	$2,676,839.14
BUILDING PLUMBING	444	$13,116,327.92	458	$13,103,638.63	87	$1,323,064.00	104	$2,808,456.00
BUILDING SEPTIC	0	$0.00	0	$0.00	30	$2,000.00	44	$52,500.00
Total	**2784**	**$40,595,373.17**	**2807**	**$29,278,053.18**	**374**	**$3,628,261.11**	**410**	**$5,537,795.14**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2022

	*******************City*******************		*******************ETA*******************	
	11/2022	**11/2021**	**11/2022**	**11/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	0	133	0	0
MULTI FAMILY RESIDENTIAL	0	0	0	0
MANUFACTURED HOMES	5	17	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	2
RESIDENTIAL ADDITION	0	1	0	0
RESIDENTIAL ALTERATION/OTHER	0	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	113	135	0	4
SINGLE FAMILY DETACHED	151	169	24	44
SWIMMING POOLS	0	0	0	0
Total	**269**	**456**	**24**	**50**