PLANNING AND ZONING COMMISSION

MEETING AGENDA
March 22, 2023

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

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

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

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the February 22, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Lot 1, Block 1, Basin Electric Fourth Addition** (DN)……....5

   Zoning Change (RT to Conditional CG) | ZC2023-002 | *Consideration*

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

REGULAR AGENDA

PUBLIC HEARINGS

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

3. **Lots 1-3, Block 1, Sykes Second Addition** (JW)…….....15

   Minor Subdivision Final Plat | MPLT2022-010 | *Public Hearing*

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

4. **Silver Ranch Fourth Addition and**

   Part of Silver Ranch Third (annexation only) (DN)…….....23

   Annexation | ANNX2022-008 | *Final Consideration*

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

   Zoning Change (A to R10, RM20, P, and CA) | ZC2022-014 | *Public Hearing*

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

   Major Subdivision Final Plat | FPLT2023-002 | *Public Hearing*

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

OTHER BUSINESS

5. Other Business

ADJOURNMENT

6. **Adjourn.** The next regular meeting date is scheduled for April 26, 2023.

Enclosures: Meeting Minutes of February 22, 2023
Building Permit Activity Month to Date Report for February 2023
Building Permit Activity Year to Date Report for February 2023

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.

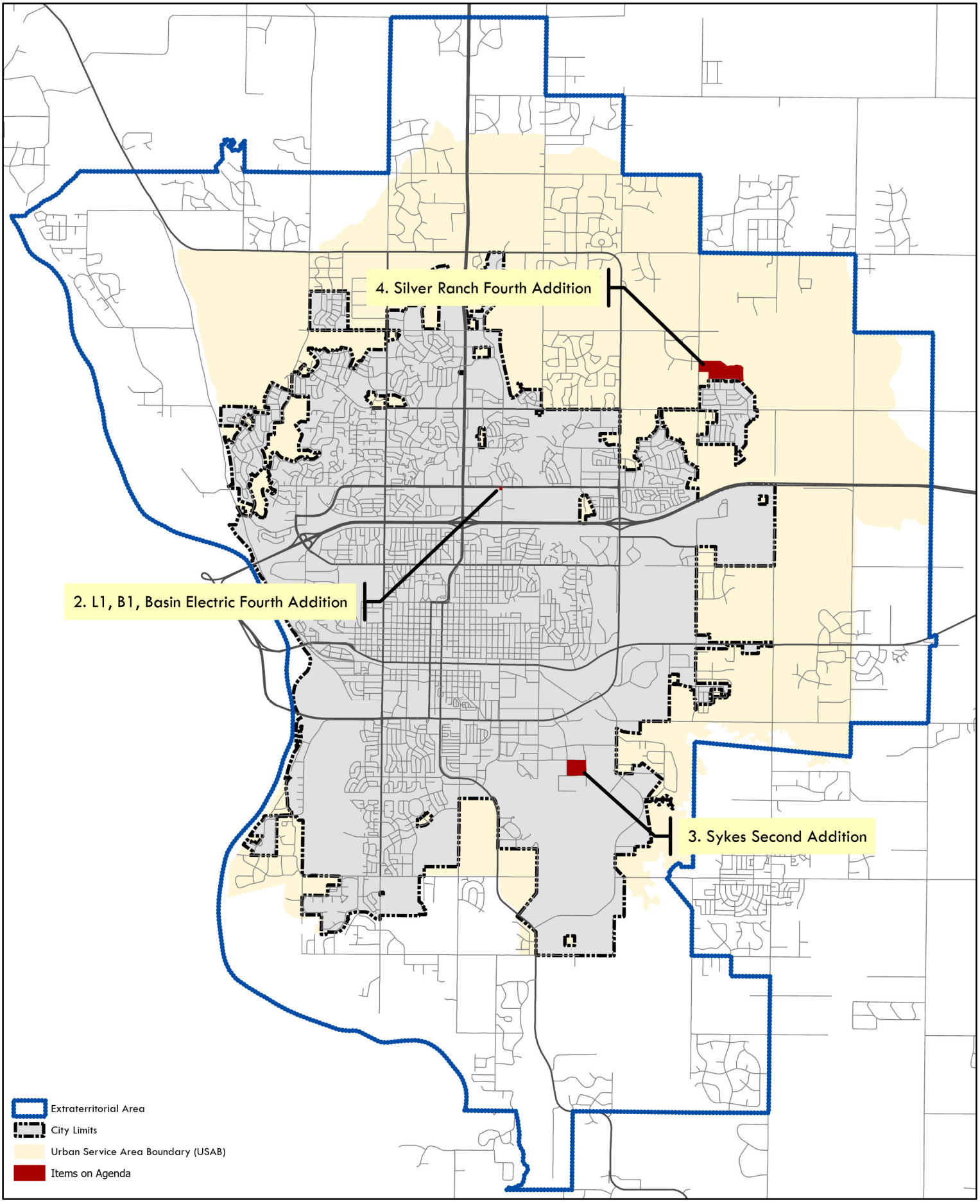
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 & Zoning Commission - March 22, 2023



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

0 1 2 4 6 Miles

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

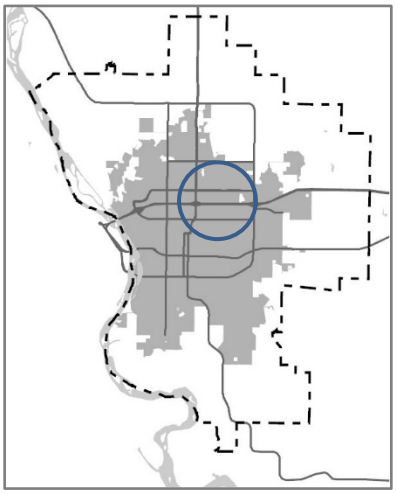
Agenda Item # 2
March 22, 2023

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-002**

Project Summary

Title:	Lot 1, Block 1, Basin Electric Fourth Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Columbo, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street
Project Size:	1.02 Acres
Request:	Rezone property to allow commercial uses



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:*	Commercial uses and billboard
Future Land Use:	Community Mixed Use	*Future Land Use:*	Community Mixed Use
Zoning:	RT – Residential	*Zoning:*	Conditional CG – Commercial
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	Conditional CG – General commercial, multi-family residential, and offices
Max Density:	RT – 30 units / acre	*Max Density:*	Conditional CG – 42 units / acre

Property History

Zoned:	Pre-1980	*Platted:*	07/22	*Annexed:*	Pre-1980

Staff Analysis

Columbo, LLC is requesting approval of a zoning change from the RT – residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Basin Electric Fourth Addition.

Adjacent uses include a commercial center to the north, a stormwater detention pond to the east, a surface parking lot to the south, and offices to the west.

(continued)

The requested zoning would be restricted in terms of uses and building heights, as identified in the attached draft zoning ordinance. The following uses allowed in a conventional CG – Commercial zoning districts would not be allowed in this district: Group dwelling, Hotel-motel, Retail Group B, Service Group B, Commercial Recreation Group, Wholesale Group, Public Recreation Group, and certain other uses type, including all special uses.

The parcel is designated as Community Mixed Use in the Future Land Use Plan in the Together 2045 Comprehensive Plan, which is characterized by higher intensity of activity, including commercial and institutional uses, and greater levels of development density. A commercial zoning district could be aligned with this designation of the Future Land Use Plan, as long as appropriate transitions are provided between the CG – Commercial zoning district and nearby properties.

The applicant has indicated an interest in an off-premise advertising sign (billboard) at this location. Billboards are not allowed in the current RT – Residential zoning district, but they would be allowed in the requested Conditional CG – Commercial zoning district. However, given the dimensions of this parcel, there are no locations on this property that would comply with required spacing distance from the intersection of East Century Avenue and North 19th Street. Furthermore, the Highway Beautification Act of 1965, and North Dakota's agreement to comply, does not recognize commercial rezoning "created primarily to permit outdoor advertising structures" as valid for the purposes of permitting billboards.

The conditional zoning is presented here as requested by the applicant. Discussions between staff the applicant are ongoing, and certain adjustments to the conditions or to the CA – Commercial zoning district of lesser intensity may be made prior to the public hearing.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan
2. The proposed zoning change may be 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 Conditional CG – Commercial zoning district for Lot 1, Block 1, Basin Electric Fourth Addition, with the understanding that staff has concerns with the zoning as currently proposed.

Attachments

1. Draft Zoning Ordinance

(continued)

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

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

Location Map

BASIN ELECTRIC 4th ADDITION L1, B1

ZC2023-002

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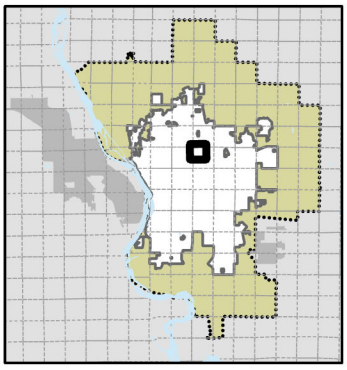
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 14, 2023 (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.

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 CG - Commercial zoning district:

Lot 1, Block 1, Basin Electric Fourth Addition

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

1. *Use Restrictions*. Uses are limited to the following:

    a. Single or two-family dwelling when used in conjunction with a commercial use

    b. Multifamily dwelling

    c. Retail Group A

    d. Service Group A

    e. Office-Bank group

    f. Health-medical group

    g. Education group

2. *Dimensional Standards*. Buildings shall be limited to fifty (50) feet in height. All other dimensional standards of the CG – Commercial Zoning District shall apply.

3. Signs: All standards of the CG – Commercial zoning district shall apply.

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

BASIN ELECTRIC 4th ADDITION L1, B1

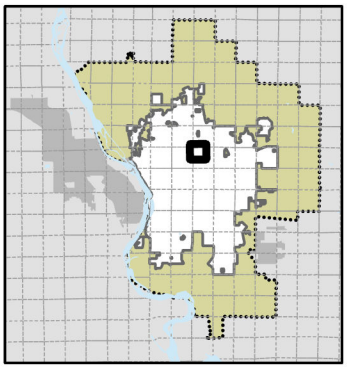
ZC2023-002

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
March 14, 2023 (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

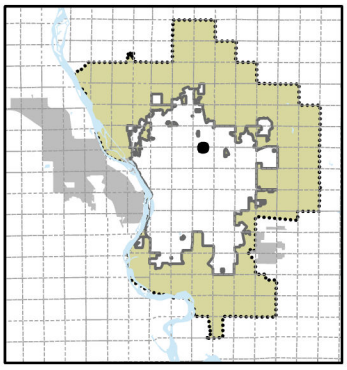
BASIN ELECTRIC 4th ADDITION L1, B1

ZC2023-002

0 0.03 0.07 0.13 Miles

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
March 14, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

BASIN ELECTRIC 4th ADDITION L1, B1

ZC2023-002

Zoning Districts

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

Future Land Use Plan

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/ URB	Urban Reserve Mid/Long-Term

Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

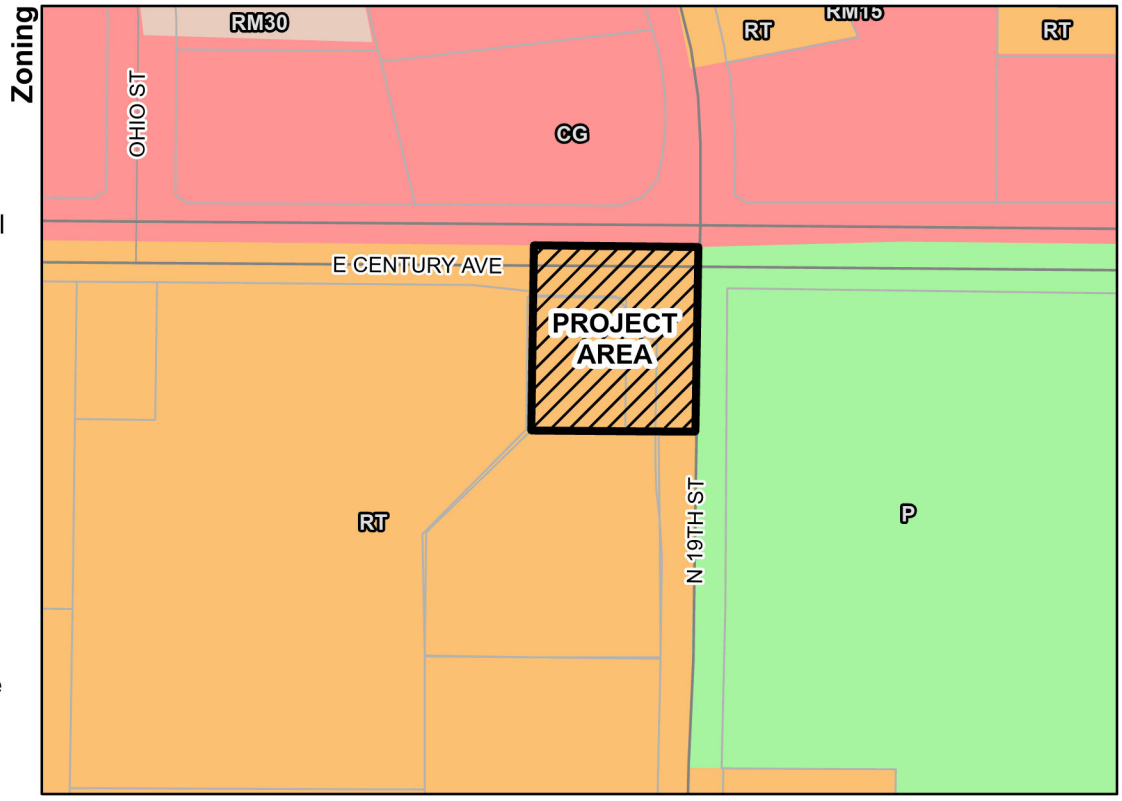
Active Mobility Plan

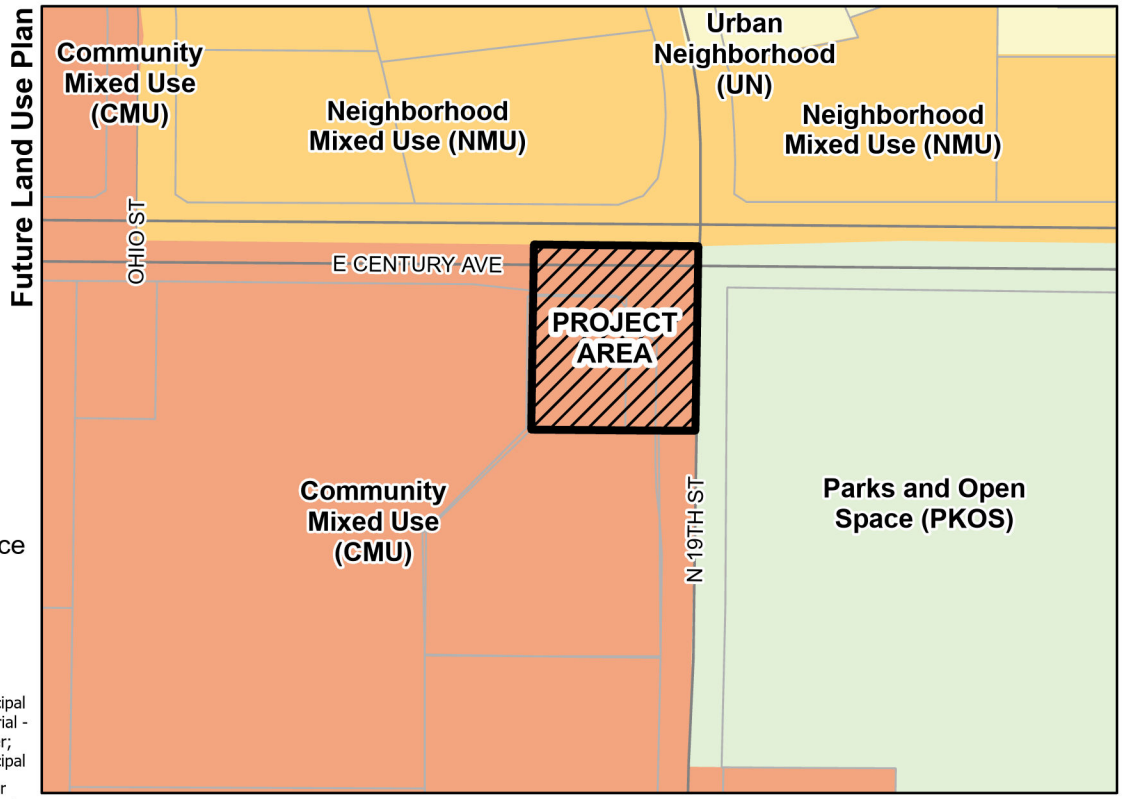
- Future Shared Trail

Streets

Functional System

- Interstate
- Principal Arterial - Other; Principal
- Minor Arterial; Major
- Local





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City of Bismarck
Community Development
Planning Division
March 14, 2023

Proposed Zoning Change

BASIN ELECTRIC 4th ADDITION L1, B1

ZC2023-002

Proposed New Zoning Map

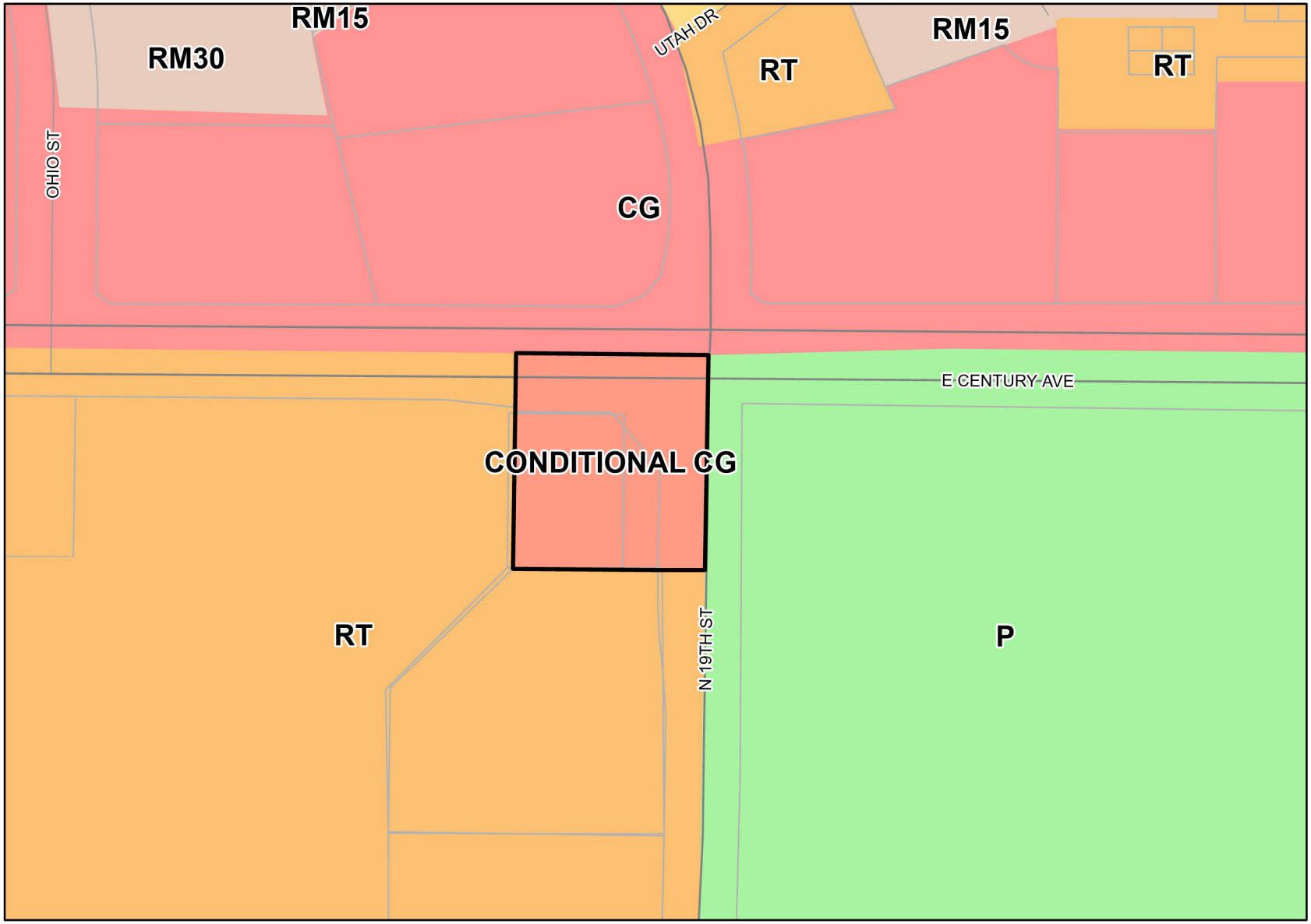
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development
Planning Division
March 14, 2023

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

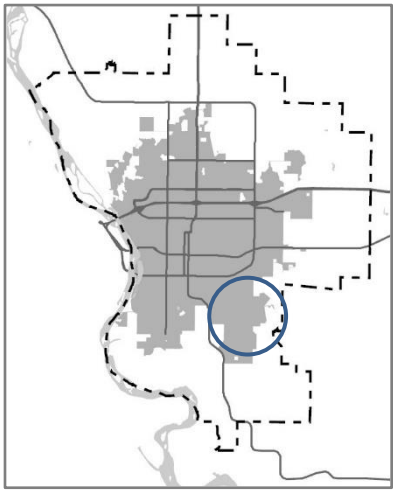
Agenda Item # 3
March 22, 2023

Application for: **Minor Plat**

Project ID: **MPLT2022-010**

Project Summary

Title:	Sykes Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Northern Improvement Co. Frontier Precision Inc.
Project Contact:	Harvey Schneider, PE, Toman Engineering Co.
Location:	Southeast Bismarck, south of East Bismarck Expressway between Burlington Drive and Northern Plains Drive, along the south side of Airway Avenue (a replat of Lots 1-3, Block 2, Sykes Addition)
Project Size:	31.27 acres
Request:	Replat property for additional light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels in 1 block	*Number of Lots:*	5 lots in 1 block
Land Use:	Industrial	*Land Use:*	Industrial
Future Land Use:	Industrial	*Future Land Use:*	Industrial
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	12/2001	*Annexed:*	12/1983

(continued)

Staff Analysis

Northern Improvement Co. and Frontier Precision Inc. are requesting approval of a minor subdivision final plat for Sykes Second Addition.

The proposed plat would modify existing property boundaries and create new parcels for light industrial development.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 10 and 17, and 21 letters were mailed to the owners of nearby properties on March 10, 2023.

Adjacent uses include light industrial uses to the north across Airway Avenue, developing light industrial uses to the east across Northern Plains Drive, light industrial uses to the south across Wanchena Way, and light industrial uses to the west across Burlington Drive.

Lot 4, Block 1 of the proposed plat includes a stormwater easement for the future construction of a stormwater detention pond. A development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat.

Conformance with Comprehensive Plan

The Future Land Use Plan in Together 2045 defines the area within the proposed plat as Industrial. The proposed plat generally conforms to the Future Land Use Plan.

Utility Capital Charge

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges will be due prior to the recordation of the plat.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of a minor subdivision final plat for Sykes Second Addition, with the following condition:

1. A development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat.

Attachments

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

(continued)

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

Location Map

SYKES SECOND ADDITION

MPLT2022-010

0 0.07 0.15 0.3 Miles

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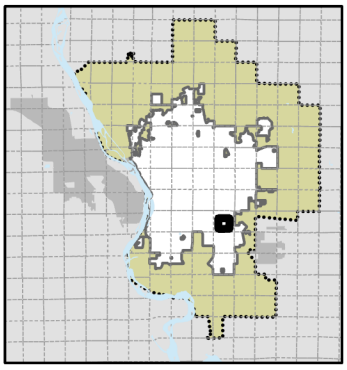

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 16, 2023 (SF)

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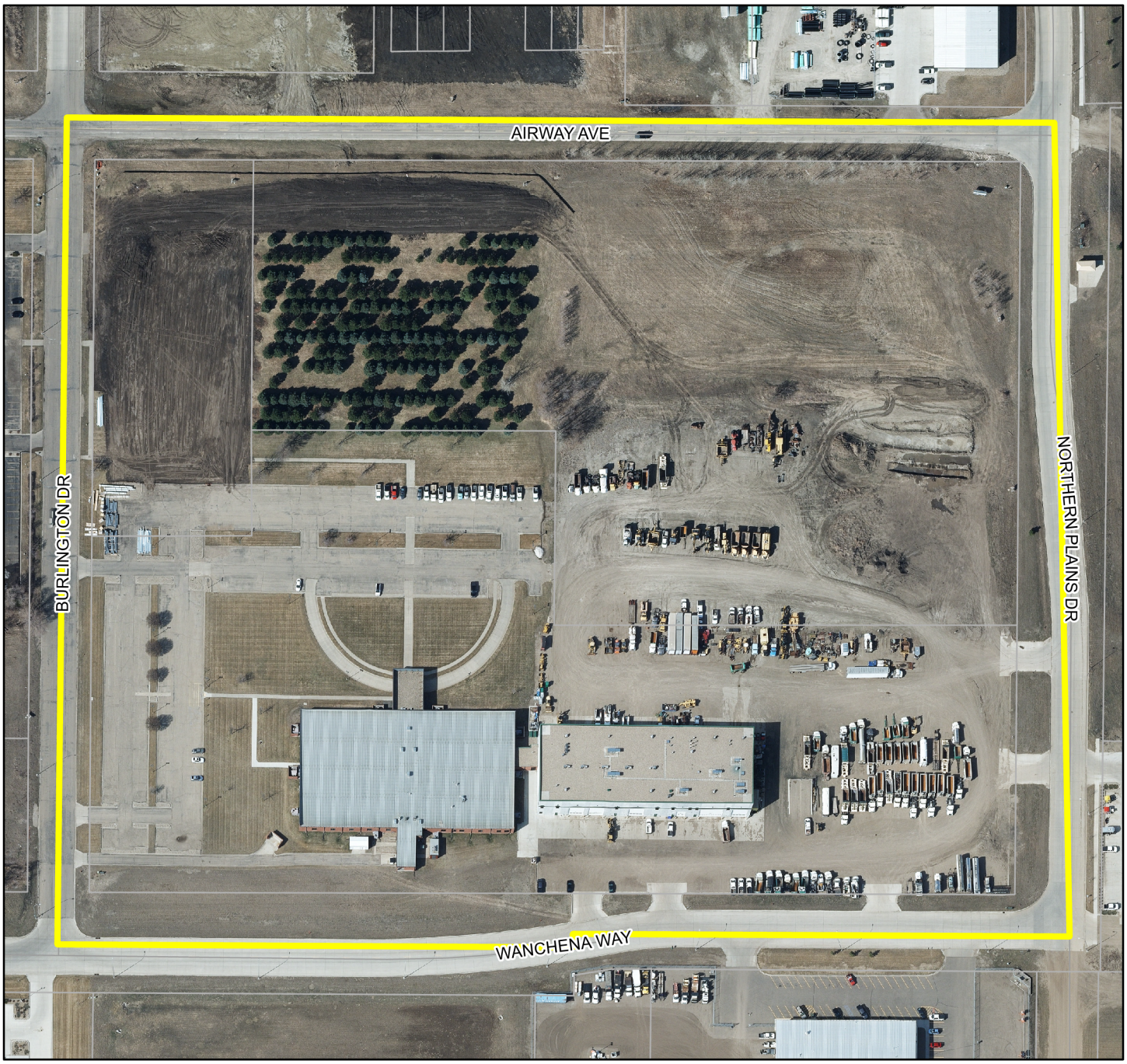
Aerial Map

SYKES SECOND ADDITION

MPLT2022-010



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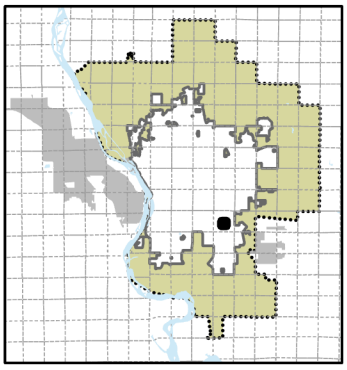
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
March 14, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

SYKES SECOND ADDITION

MPLT2022-010

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

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/ URB	Mid/Long-Term

Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

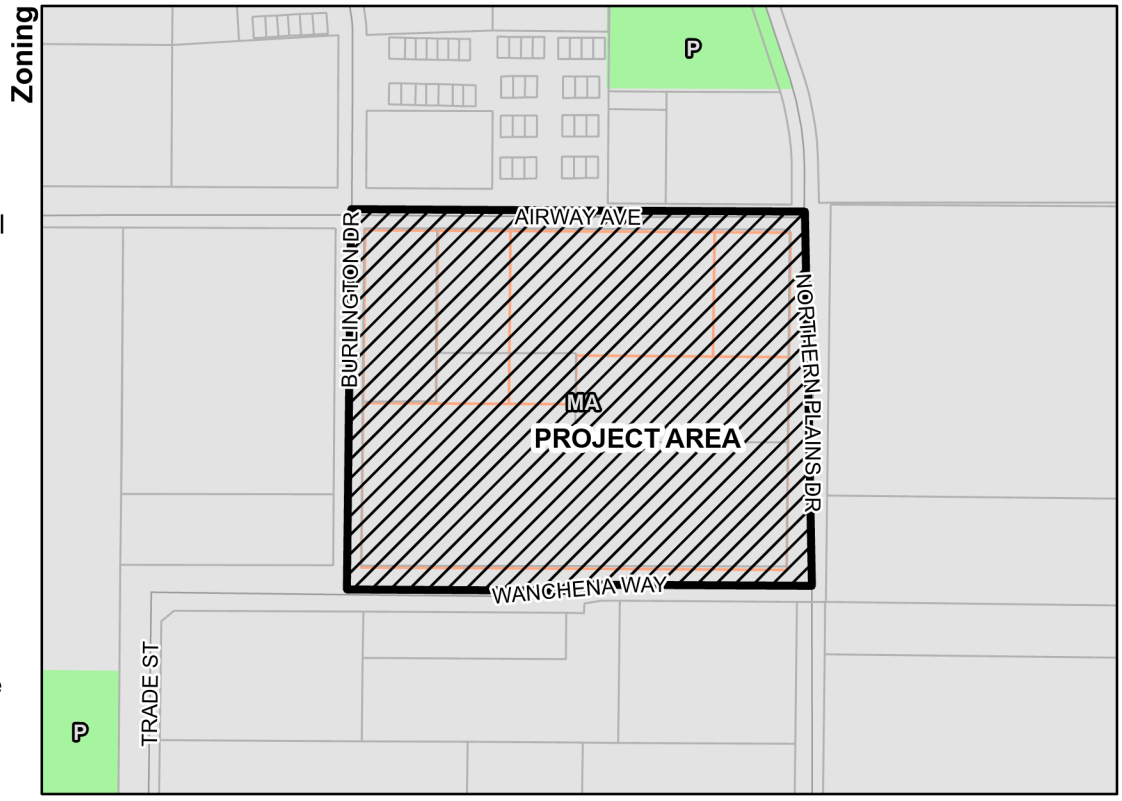
Active Mobility Plan

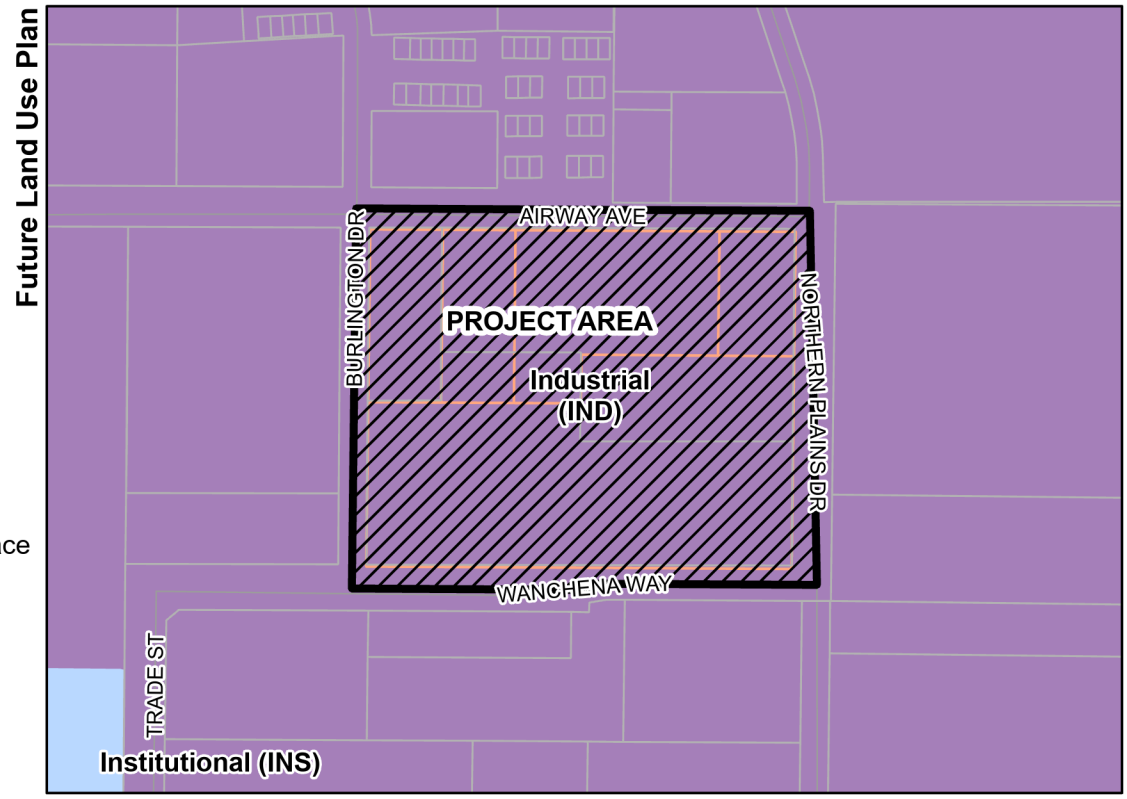
- Future Shared Trail

Streets

Functional System

- Interstate





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0 395 790 1,580 Feet

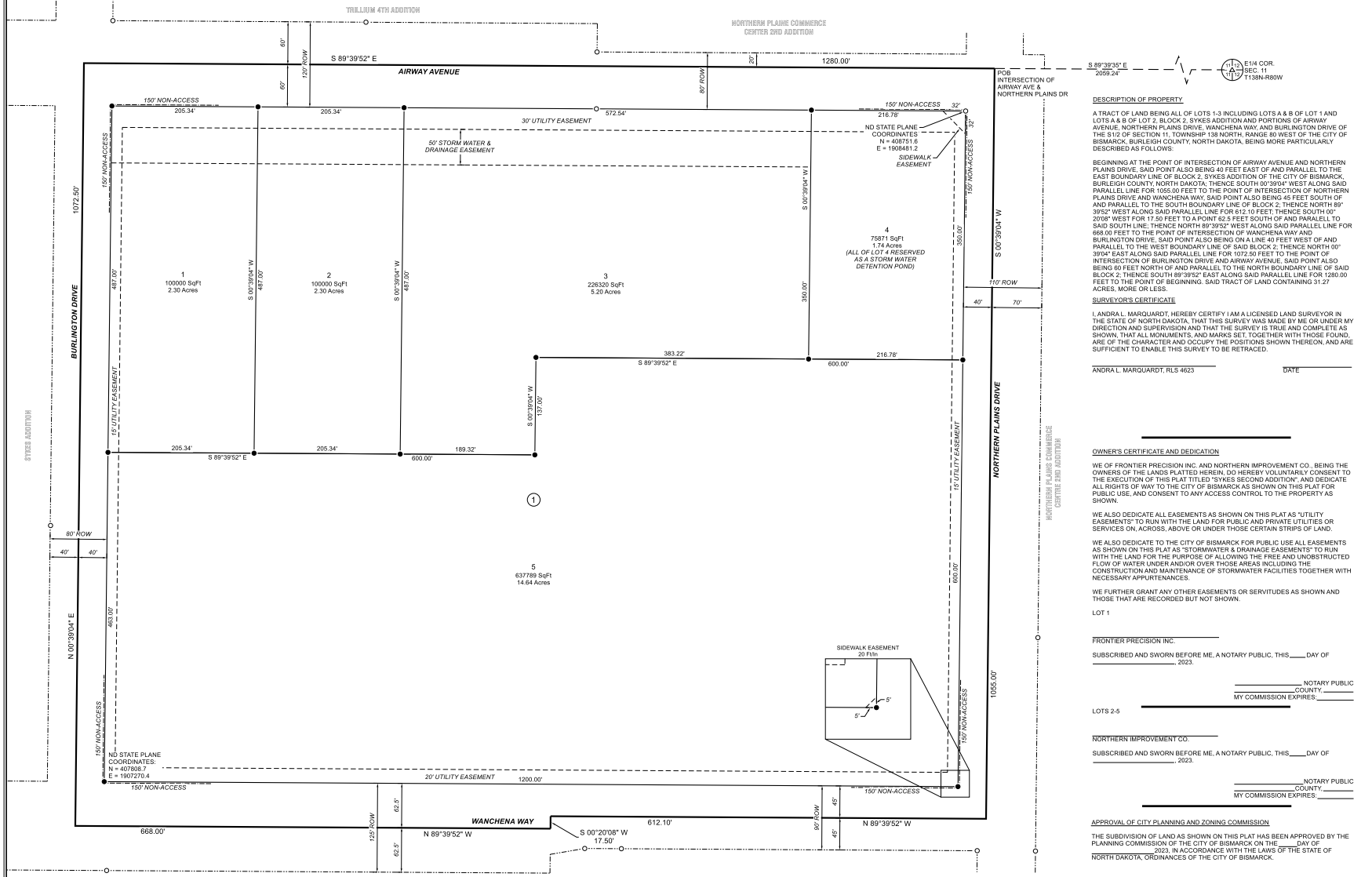
20

City of Bismarck
Community Development
Planning Division
March 16, 2023

SYKES SECOND ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOTS 1-3 INCLUDING LOTS A & B OF LOT 1 AND LOTS A & B OF LOT 2, BLOCK 2, SYKES ADDITION AND PORTIONS OF AIRWAY AVENUE, NORTHERN PLAINS DRIVE, WANCHENA WAY AND BURLINGTON DRIVE OF THE S1/2 OF SECTION 11, T138N-R80W



OWNERS:
FRONTIER PRECISION INC.
1713 BURLINGTON DR
BISMARCK, ND 58504

NORTHERN IMPROVEMENT CO.
PO BOX 1254
BISMARCK, ND 58502

BASIS OF BEARING:
NORTH BOUNDARY LINE
NORTH 00° 02' 04" WEST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOTS: 26.17 AC± (1,139,981 SF)
TOTAL ROW: 5.10 AC± (222,089 SF)
TOTAL AREA: 31.27 AC± (1,362,070 SF)

LEGEND

△	SECTION/QUARTER CORNER
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

N
W E
S

3-6-2023

0 60' 120'

COORDINATE DATUM:
ND STATE PLANE COORDINATES
NAD83, 86 ADJUSTMENT
INTERNATIONAL FEET

BENCHMARK: HYDRANT #2872
INTERSECTION OF WANCHENDA WAY & NORTHERN PLAINS DRIVE
ELEV: 1673.89 (NGVD29)

LOT TABLE		
LOT	ACRES	SQ FT
1	2.30	100,000
2	2.30	100,000
3	4.49	195,692
4	2.44	106,500
5	14.64	637,789
ROW	5.10	222,089

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVE THIS PLAT THIS ____ DAY OF _____, 2023.

GABRIEL J. SCHELL - CITY ENGINEER

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOTS 1-3 INCLUDING LOTS A & B OF LOT 1 AND LOTS A & B OF LOT 2, BLOCK 2, SYKES ADDITION AND PORTIONS OF AIRWAY AVENUE, NORTHERN PLAINS DRIVE, WANCHENA WAY, AND BURLINGTON DRIVE OF THE S1/2 OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF AIRWAY AVENUE AND NORTHERN PLAINS DRIVE; SAID POINT ALSO BEING 40 FEET EAST OF AND PARALLEL TO THE EAST BOUNDARY LINE OF BLOCK 2, SYKES ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THENCE SOUTH 00°39'04" WEST ALONG SAID PARALLEL LINE FOR 1055.00 FEET TO THE POINT OF INTERSECTION OF NORTHERN PLAINS DRIVE AND WANCHENA WAY, SAID POINT ALSO BEING 45 FEET SOUTH OF AND PARALLEL TO THE SOUTH BOUNDARY LINE OF BLOCK 2; THENCE NORTH 89° 39'52" WEST ALONG SAID PARALLEL LINE FOR 612.10 FEET; THENCE SOUTH 00° 20'08" WEST FOR 17.50 FEET TO A POINT 62.5 FEET SOUTH OF AND PARALELL TO SAID SOUTH LINE; THENCE NORTH 89°39'52" WEST ALONG SAID PARALLEL LINE FOR 668.00 FEET TO THE POINT OF INTERSECTION OF WANCHENA WAY AND BURLINGTON DRIVE, SAID POINT ALSO BEING ON A LINE 40 FEET WEST OF AND PARALLEL TO THE WEST BOUNDARY LINE OF SAID BLOCK 2; THENCE NORTH 00° 39'04" EAST ALONG SAID PARALLEL LINE FOR 1072.50 FEET TO THE POINT OF INTERSECTION OF BURLINGTON DRIVE AND AIRWAY AVENUE, SAID POINT ALSO BEING 60 FEET NORTH OF AND PARALLEL TO THE NORTH BOUNDARY LINE OF SAID BLOCK 2; THENCE SOUTH 89°39'52" EAST ALONG SAID PARALLEL LINE FOR 1280.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 31.27 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

ANDRA L. MARQUARDT, RLS 4623 — DATE

OWNER'S CERTIFICATE AND DEDICATION

WE OF FRONTIER PRECISION INC. AND NORTHERN IMPROVEMENT CO., BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "SYKES SECOND ADDITION", AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

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

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

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

LOT 1

FRONTIER PRECISION INC.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2023.

_____ NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES: _____

LOTS 2-5

NORTHERN IMPROVEMENT CO.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2023.

_____ NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF _____, 2023, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

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

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF _____, 2023.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

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

SYKES SECOND ADDITION

SYKES ADDITION

BEING A REPLAT OF PART OF LOT 1 BLOCK 1 AND
LOT 1 BLOCK 2 AIRPORT INDUSTRIAL PARK FOURTH ADDITION
PART OF THE SOUTH 1/2 OF SECTION 11 T. 138., R. 80 W.

BISMARCK, NORTH DAKOTA

DESCRIPTION

ALL THAT PART OF THE SOUTH 1/2 OF SECTION 11 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA ALSO BEING A REPLAT OF PART OF LOT 1 BLOCK 1 AND LOT 1 BLOCK 2 AIRPORT INDUSTRIAL PARK FOURTH ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST-WEST 1/4 LINE 3979.44 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 11; THENCE NORTH 89 DEGREES 46 MINUTES 01 SECONDS EAST ALONG SAID 1/4 LINE A DISTANCE OF 1880.00 FEET; THENCE SOUTH 0 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 1010.00 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECONDS WEST A DISTANCE OF 1880.00 FEET; THENCE NORTH 0 DEGREES 04 MINUTES 57 SECONDS EAST A DISTANCE OF 1010.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 43.59 ACRES.

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

12/12/01

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 28 DAY OF AUGUST, 1997, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DAVID BLACKSTEAD – CHAIRMAN

CARL HOKENSTAD– SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 26 DAY OF AUGUST, 1997.

ATTEST
W.C.WOCKEN–CITY ADMINISTRATOR

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JULY 3, 1997 AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

TERRY BALTZER REGISTERED LAND SURVEYOR L.S. 3595 NORTH DAKOTA

COUNTY OF BURLEIGH)
SS)
STATE OF NORTH DAKOTA)

ON THIS 10th DAY OF November 1997, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 1998

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SYKES REALTY, INC. BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON, HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SYKES ADDITION" BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS AND WATER AND OTHER PUBLIC UTILITIES, WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

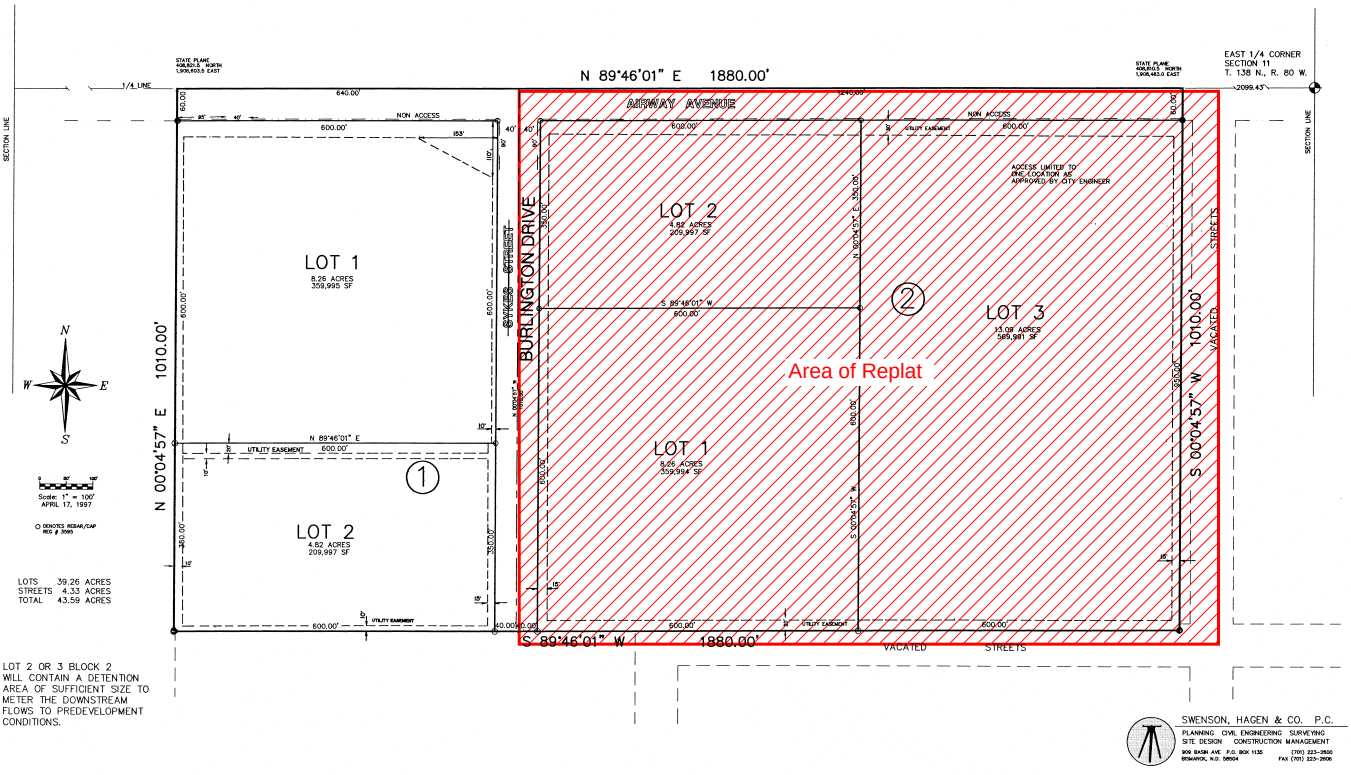
By: David P. Reule, President
SYKES REALTY, INC.

STATE OF ~~NORTH DAKOTA~~ Florida)
SS)
COUNTY OF ~~BURLEIGH~~ Hillsborough)

ON THIS 10th DAY OF December 2001, BEFORE ME PERSONALLY APPEARED David P. Reule, KNOWN TO ME TO BE THE President OF SYKES REALTY, INC. WHO IS DESCRIBED IN AND WHOSE NAME IS SUBSCRIBED TO THE ABOVE INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

Barbara A. Murphy MY COMMISSION # CC711561 EXPIRES February 23, 2002 BONDED THRU NOTARY PUBLIC UNDERWRITERS, INC.

BARBARA A. MURPHY NOTARY PUBLIC
Hillsborough COUNTY, STATE OF FLORIDA
MY COMMISSION EXPIRES FEB. 23, 2002



NOTE: LOT 2 OR 3 BLOCK 2 WILL CONTAIN A DETENTION AREA OF SUFFICIENT SIZE TO METER THE DOWNSTREAM FLOWS TO PREDEVELOPMENT CONDITIONS.

SWENSON, HAGEN & CO. P.C.
PLANNING CIVIL ENGINEERING SURVEYING
SITE DESIGN CONSTRUCTION MANAGEMENT
809 BASIN AVE. P.O. BOX 1135 (701) 223-2500
BISMARCK, N.D. 58504 FAX (701) 223-2606

1405

1405

C:\FILES\SYKES-P Fri NOV 7 14:58:45 1997

Bismarck COMMUNITY DEVELOPMENT

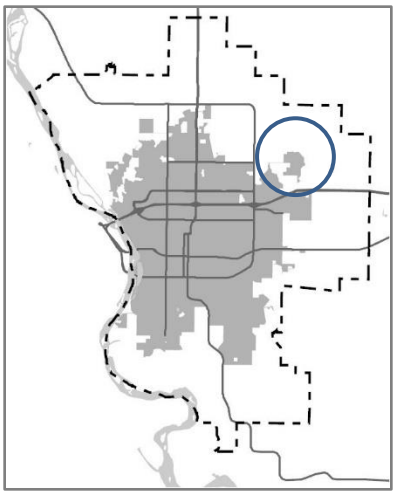
STAFF REPORT

Agenda Item # 4
March 22, 2023

Application for: **Annexation** Project ID:**ANNX2022-008**
Zoning Change **ZC2022-014**
Final Plat **FPLT2023-002**

Project Summary

Title:	Silver Ranch Fourth Addition and Part of Silver Ranch Third Addition (annexation only)
Status:	Planning & Zoning Commission – Public Hearing/Final Consideration
Owner(s):	Investcore, Inc (Applicant) Silver Ranch 18 LLLP (Owner)
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	Northeast of Bismarck, north of 43rd Avenue NE and east of 52nd Street NE along an extension of Silver Boulevard
Project Size:	36.31 Acres (plat) 35.79 Acres (annexation)
Request:	Plat, zone, and annex for future mixed-density residential and neighborhood commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Parts of 2 unplatted parcels	*Number of Lots:*	24 lots in 5 blocks
Land Use:	Undeveloped	*Land Use:*	Single-family residential, two-family residential, multi-family residential, school, commercial
Future Land Use:	Urban Neighborhood Neighborhood Mixed Use	*Future Land Use:*	Urban Neighborhood Neighborhood Mixed Use
Zoning:	A – Agricultural	*Zoning:*	R10 – Residential RM20 – Residential CA – Commercial
Uses Allowed:	A – Agriculture	*Uses Allowed:*	R10 – Single and two-family residential RM20 – Multi-family residential CA – Neighborhood commercial
Max Density:	A – 1 unit / 40 acres	*Max Density:*	R10 – 10 units / acre RM20 – 20 units / acre CA – 30 units / acre

(continued)

Property History

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

Staff Analysis

Investcore, Inc and Silver Ranch 18, LLLP are requesting approval of a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts and the final plat for Silver Ranch Fourth Addition. Additionally, the applicants request approval of a partial annexation of Silver Ranch Fourth Addition that includes land within Silver Ranch Third Addition, as noted on the attached ordinance and maps.

The Planning and Zoning Commission unanimously recommended approval of a version of the final plat for Silver Ranch Fourth Addition on January 25, 2023. However, before the plat was acted on by the City Commission the applicant has substantially revised their final plat request, which necessitates a new review and public hearing with the Planning and Zoning Commission.

The public has been duly notified of this revised request. A notice was published in the Bismarck Tribune on March 10 and March 17, and 39 letters were mailed to the owners of nearby properties on March 10, 2023.

Adjacent uses include agricultural land to the north and east, developing residential to the south, and existing rural residential to the west across 52nd Street NE.

This annexation would extend the city limits by 35.79 acres. The boundary is contiguous with existing city limits, with a total of 10.5% of the entire subdivision boundary adjacent to city limits

Conformance with Comprehensive Plan

The Future Land Use Plan in Together 2045 defines a portion of the area within the proposed Silver Ranch Fourth Addition as Urban Neighborhood and the area north of Noble Drive and west of Silver Boulevard as Neighborhood Mixed Use. The proposed plat generally conforms to the Future Land Use Plan.

The Major Street Plan shows 52nd Street NE as an arterial roadway and one collector, to be named Noble Drive, extending through the platted area of Silver Ranch Fourth Addition. The rights-of-way within this plat generally conform to this plan.

The Active Mobility Plan shows a shared use trail connection extending from south to north through Lot 1, Block 3 of the proposed subdivision, extending from a park and greenway within Silver Ranch Third Addition. The proposed plat includes a multiuse trail easement to allow the extension of this trail. The proposed plat generally conforms to the Active Mobility Plan, with an administrative amendment to adjust the alignment of this trail.

Additional Information

Lot 4, Block 1 is proposed for a school to be developed by Bismarck Public Schools and has been sized to meet facility standards. Block 2 may be further subdivided in the future through a replatting process as development plans proceed.

Turnaround easements will be dedicated at the ends of each roadway adequately sized for emergency vehicles. The easements can be released as the roadways are extended with future development.

The proposed annexation does not include the adjacent right-of-way of 52nd Street NE, which would remain within Burleigh County's jurisdiction.

(continued)

A neighborhood park is proposed to be installed on Lot 20, Block 8, Silver Ranch Third Addition just south of the proposed subdivision. A park development agreement has been signed by all parties reflecting use of this park within both subdivisions, in conjunction with the platting of Silver Ranch Third Addition.

There remain emergency services concerns for allowing adequate access to the entire Silver Ranch area in event of a blockage of 43rd Avenue NE between Roosevelt Drive and 52nd Street NE. This has been an ongoing issue, but more development in this area increases the level of risk.

Required Findings of Fact (relating to land use)

Annexation

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

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan of Together 2045.
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.

Major Subdivision 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 Major Street Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. A neighborhood park agreement including this plat was approved by the Bismarck

(continued)

Parks and Recreation District in conjunction with Silver Ranch Third Addition;

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts, the partial annexation of Silver Ranch Fourth Addition and Silver Ranch Third Addition, as indicated on the attached ordinance, and approval of the major subdivision final plat for Silver Ranch Fourth Addition, with the following condition:

1. Temporary turnaround easements are dedicated at the termini of Silver Boulevard, Keeble Drive, Noble Drive, and Halverson Avenue in conjunction with plat recordation.

Attachments

1. Proposed Annexation Ordinance
2. Proposed Zoning Ordinance
3. Location Map – Plat and Zoning Change
4. Location Map – Annexation
5. Aerial Map
6. Zoning and Plan Reference Map
7. Zoning Proposed Map
8. Annexation Exhibit
9. Final Plat
10. Preliminary Plat
11. Existing Park Development Agreement

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@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 9, Block 6; Lots 8-9, Block 7; and Lot 8, Block 8; Silver Ranch Third Addition; and all adjoining rights-of-way of Silver Boulevard, Keeble Drive, and Halverson Avenue; and

Lots 1-4, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1-7, Block 4; and Lots 5-12, Block 5, Silver Ranch Fourth Addition, and all adjoining rights-of-way of Silver Boulevard, Noble Drive, Hample Drive, Keeble Drive, and Halverson Avenue.

The above-described tract of land contains 35.79 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.

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 CA – Commercial zoning district:

Lots 2-3, Block 1, Silver Ranch Fourth Addition.

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

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

Lot 1, Block 2; Lot 1, Block 3; and Lot 1, Block 4; Silver Ranch Fourth Addition.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

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

Lots 1 and 4, Block 1; Lots 2-7, Block 4; and Lots 1-12, Block 5, Silver Ranch Fourth Addition.

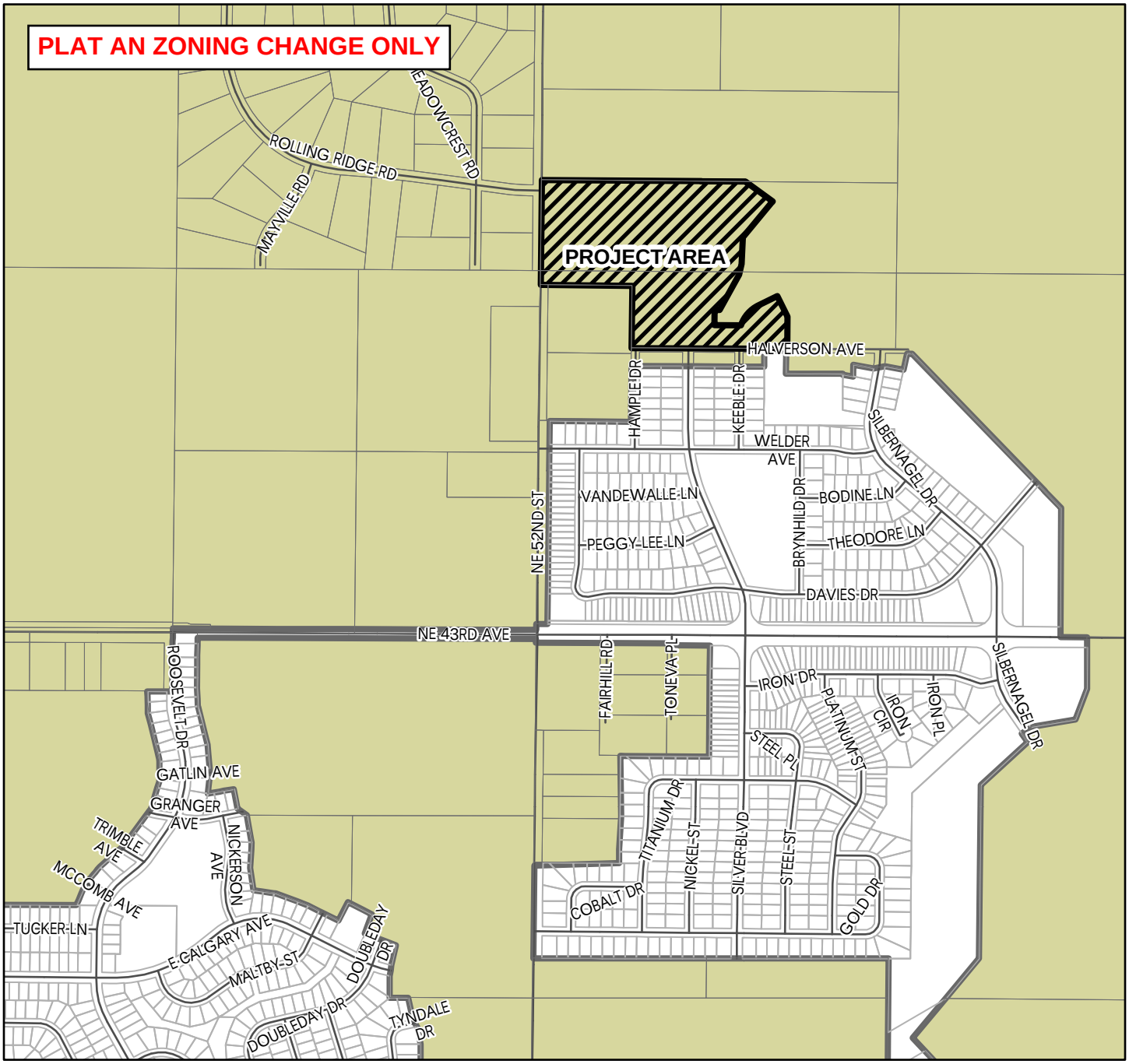
Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

SILVER RANCH FOURTH ADDITION - V2

FPLT2023-002
ZC2022-014



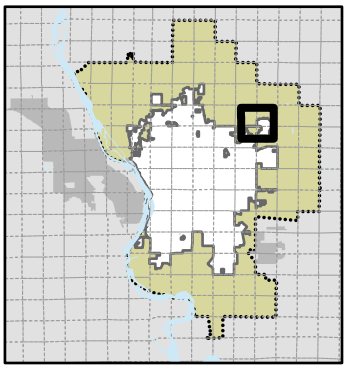
0 0.23 0.45 0.9 Miles

N

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



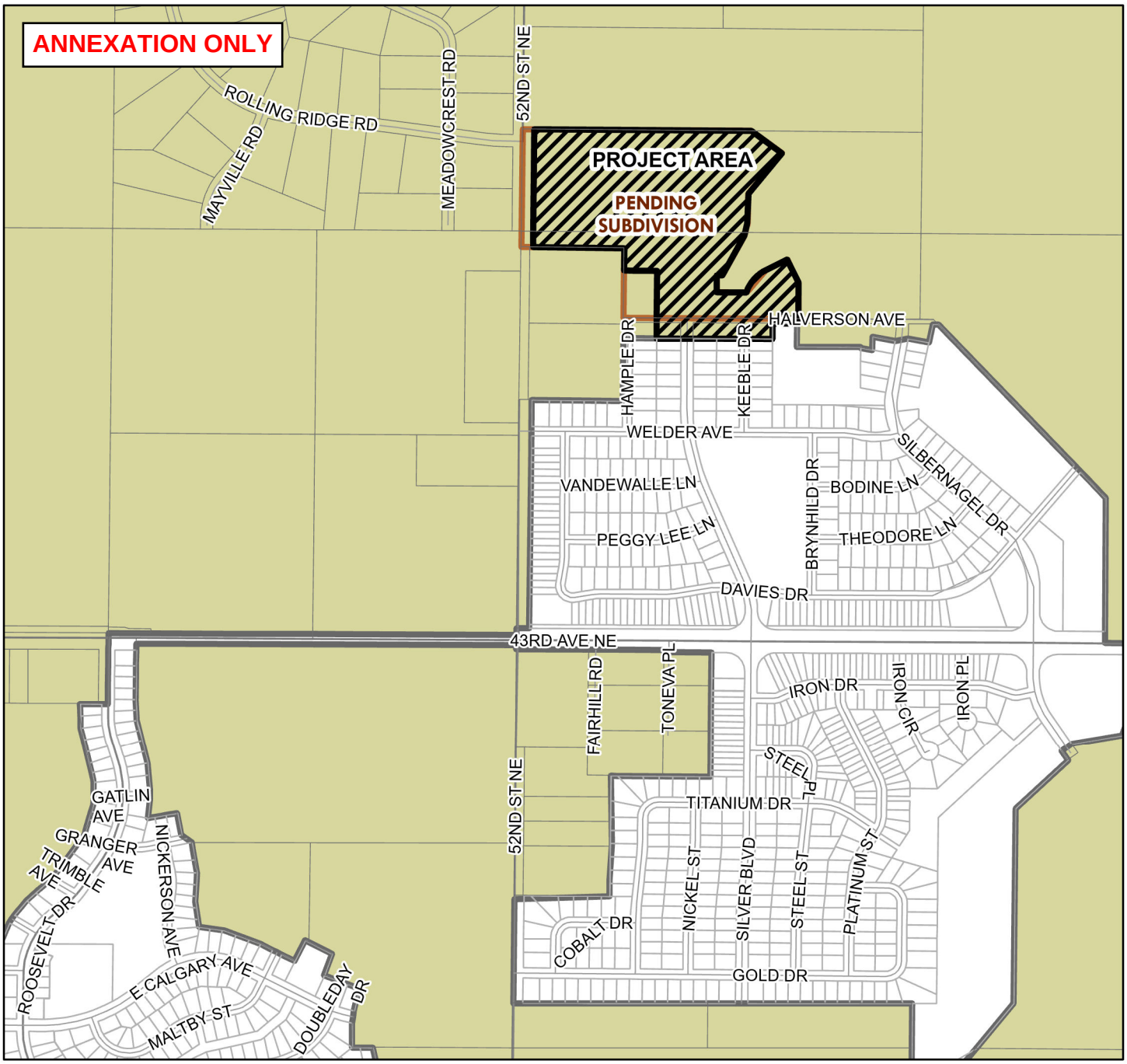
City of Bismarck
Community Development Department
Planning Division
March 3, 2023 (SF)

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

Location Map

SILVER RANCH FOURTH ADDITION

ANNX2022-008



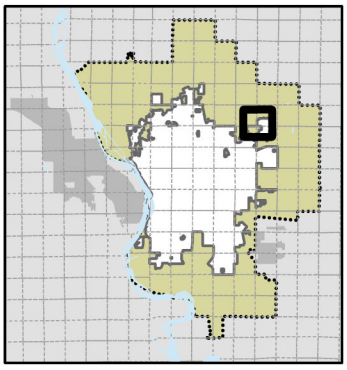
0 0.2 0.4 0.8 Miles

N

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



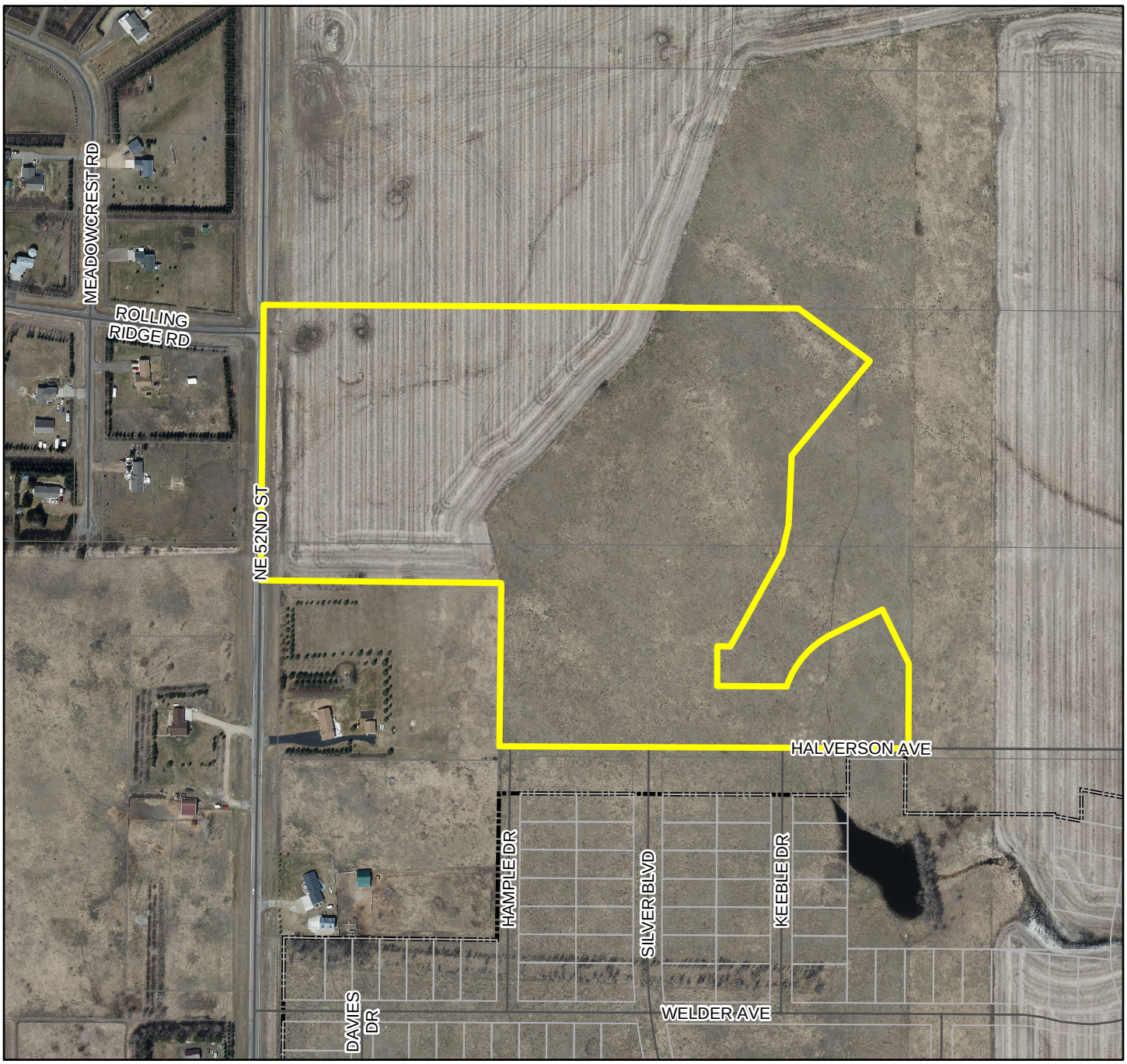
City of Bismarck
Community Development Department
Planning Division
March 15, 2023 (SF)

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

SILVER RANCH FOURTH ADDITION - V2

FPLT2023-002
ZC2022-014

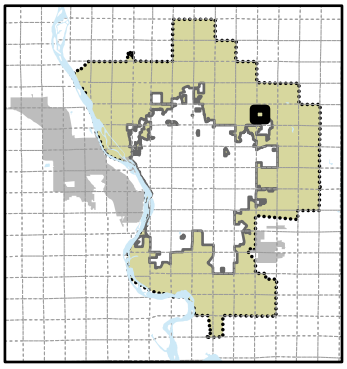


0 0.1 0.2 0.4 Miles

N

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
March 3, 2023

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

SILVER RANCH FOURTH ADDITION - V2

FPLT2023-002
ZC2022-014

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

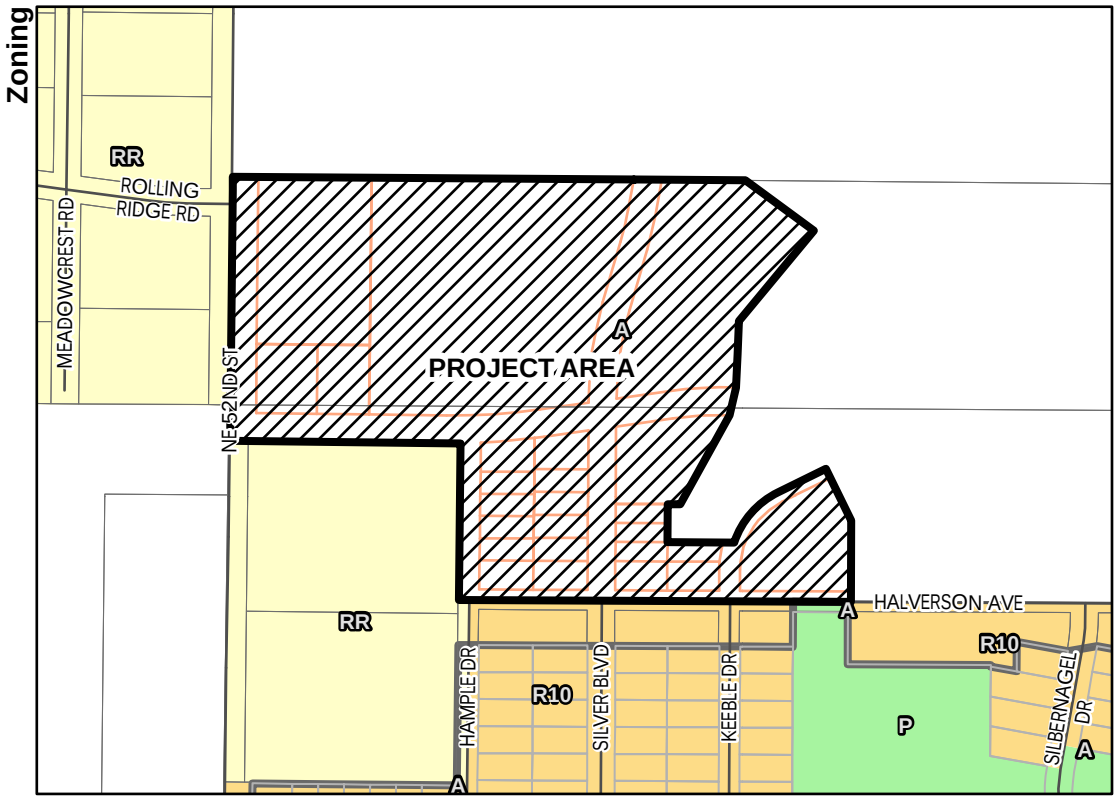
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/ URB	Urban Reserve Mid/Long-Term

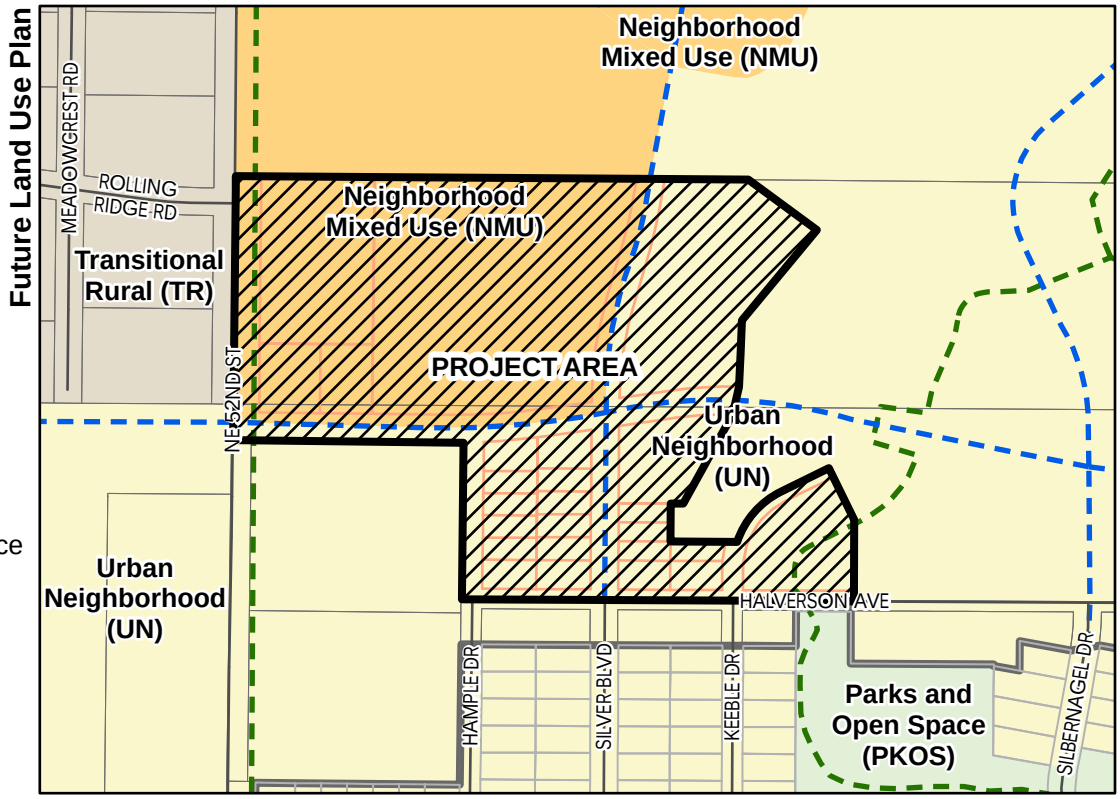
Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

Active Mobility Plan

- Future Shared Trail





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.

0 405 810 1,620 Feet

N

City of Bismarck
Community Development
Planning Division
March 3, 2023

Proposed Zoning Change

SILVER RANCH FOURTH ADDITION

ZC2022-014

Proposed New Zoning Map

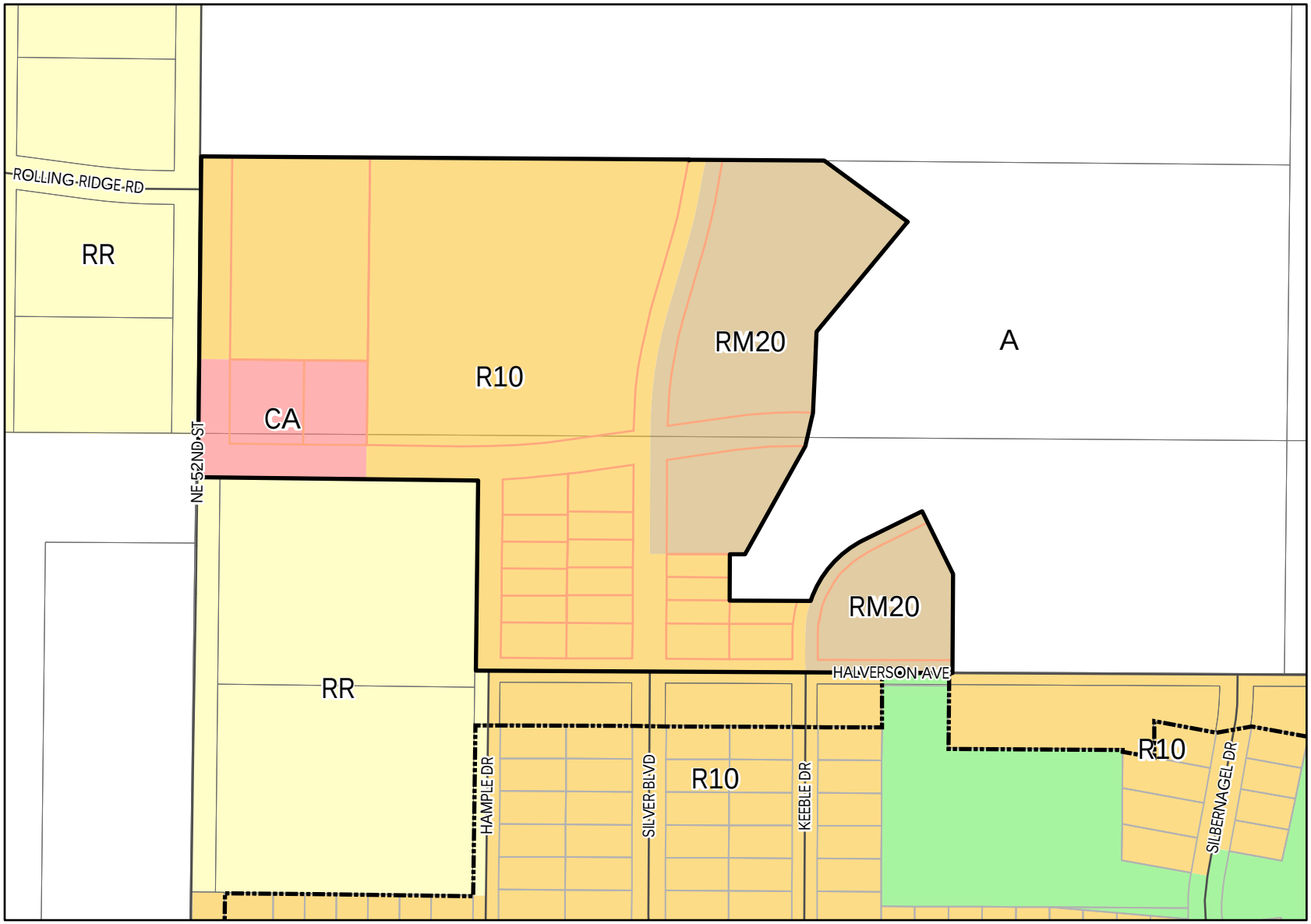
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



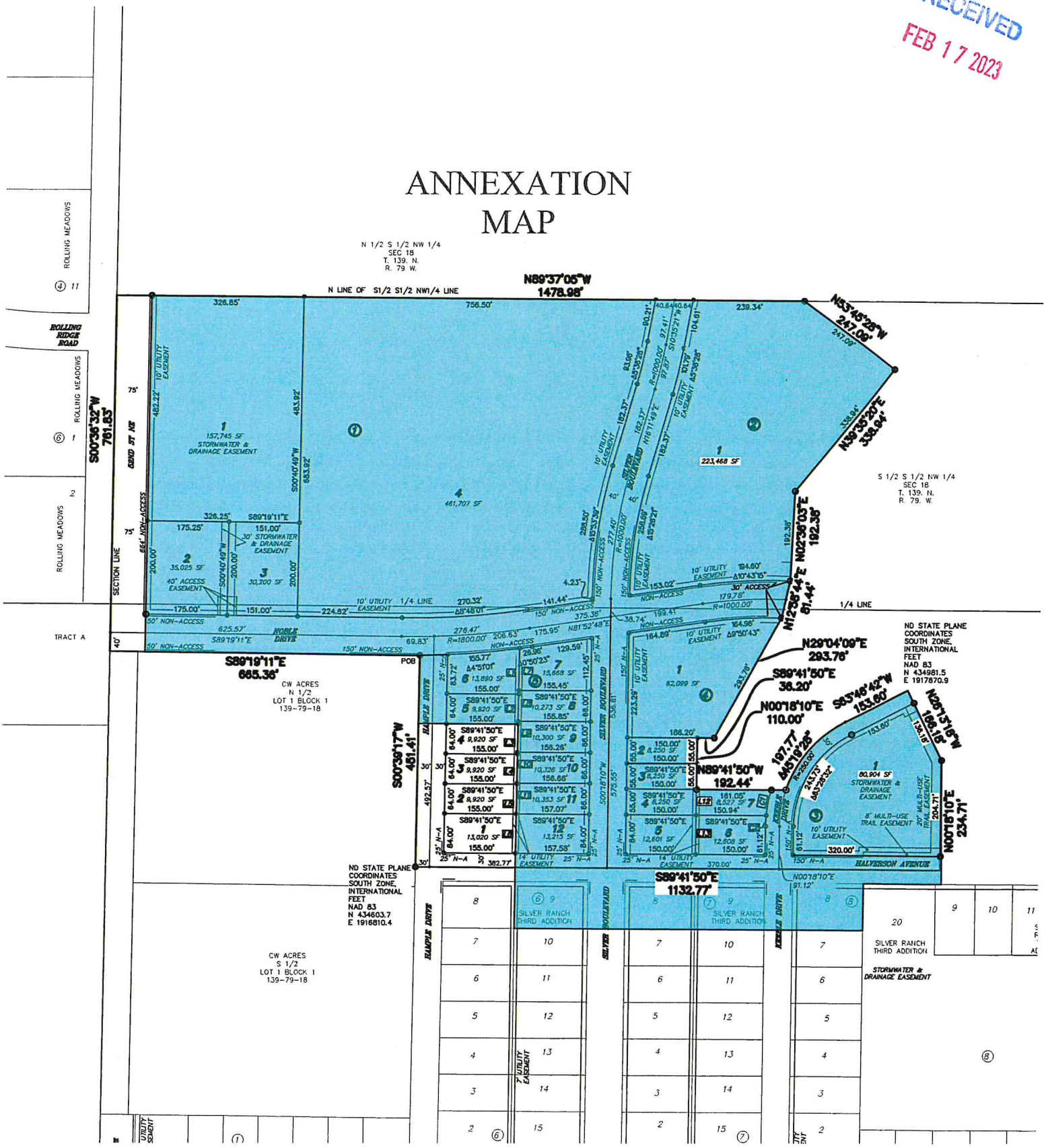
0 0.13 0.25 0.5 Miles

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

City of Bismarck
Community Development
Planning Division
March 10, 2023

RECEIVED
FEB 17 2023

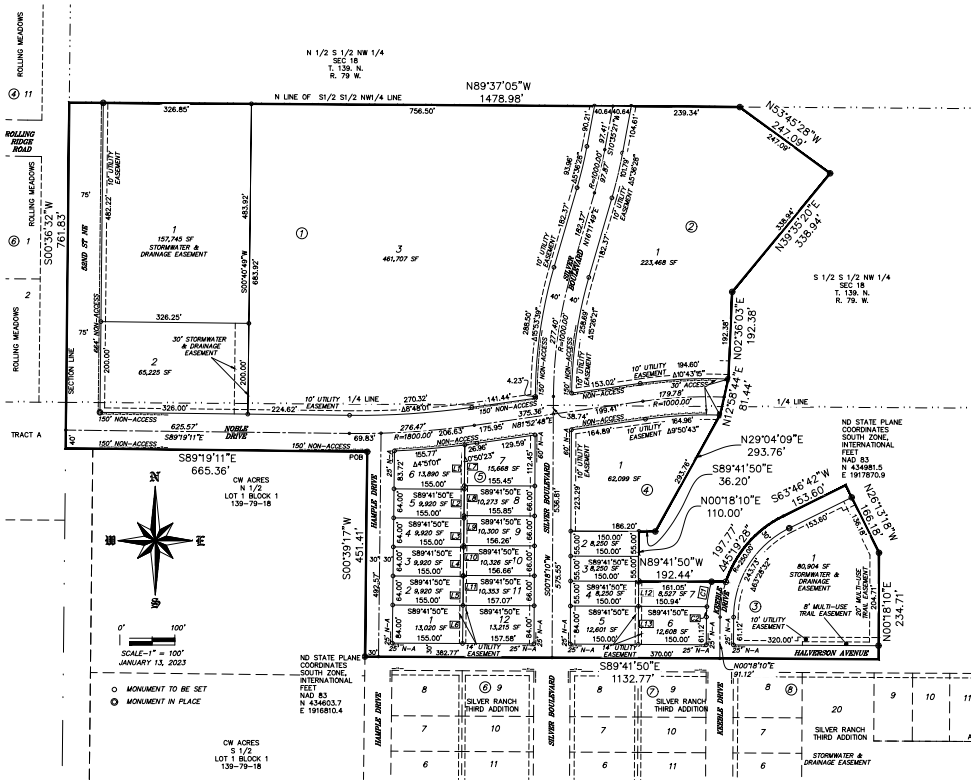
ANNEXATION MAP



SILVER RANCH FOURTH ADDITION

PART OF THE WEST 1/2 OF SECTION 18
TOWNSHIP 139 NORTH RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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. 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 _____, 2023.

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 "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 INVESTCORE, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SILVER RANCH FOURTH ADDITION", 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 UTILITY EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

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

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

CHAD WACHTER
INVESTCORE, INC.

ON THIS _____ DAY OF _____, 2023, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF INVESTCORE, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES

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

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

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

VERTICAL BENCHMARK:
NE CORNER LOT 1 BLOCK 1 CW ACRES
ELEV. 1895.26 (NGVD 29)

AREA DATA		
LOTS	1,246,361 S.F.	28.62 ACRES
STREETS	335,105 S.F.	7.69 ACRES
TOTAL	1,581,466 S.F.	36.31 ACRES

AREA DATA		
NW 1/4	1,011,573 S.F.	23.22 ACRES
SW 1/4	569,893 S.F.	13.08 ACRES

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	56.02'	280.00'	11°27'44"	28.10'
C2	22.91'	280.00'	4°41'15"	11.46'

LINE TABLE		
LINE #	LENGTH	BEARING
L1	97.72'	N00°39'17"E
L2	64.00'	N00°39'17"E
L3	64.00'	N00°39'17"E
L4	64.00'	N00°39'17"E
L5	64.00'	N00°39'17"E
L6	84.00'	N00°39'17"E
L7	89.72'	S00°39'17"W
L8	66.00'	S00°39'17"W
L9	66.00'	S00°39'17"W
L10	66.00'	S00°39'17"W
L11	66.00'	S00°39'17"W
L12	55.00'	S00°18'10"W
L13	84.00'	S00°18'10"W

DESCRIPTION

PART OF THE WEST 1/2 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 BLOCK 1 CW ACRES; THENCE SOUTH 89 DEGREES 19 MINUTES 11 SECONDS EAST, ALONG THE NORTH LINE OF CW ACRES, A DISTANCE OF 665.36 FEET TO THE EAST LINE OF SAID CW ACRES; THENCE SOUTH 00 DEGREES 39 MINUTES 17 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 451.41 FEET TO THE NORTH LINE OF SILVER RANCH THIRD ADDITION; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1132.77 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECONDS EAST, PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 234.71 FEET; THENCE NORTH 25 DEGREES 13 MINUTES 18 SECONDS WEST, A DISTANCE OF 166.18 FEET; THENCE SOUTH 63 DEGREES 46 MINUTES 42 SECONDS WEST, A DISTANCE OF 153.60 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 197.77 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, A DISTANCE OF 192.44 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECONDS EAST, A DISTANCE OF 110.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, A DISTANCE OF 36.20 FEET; THENCE NORTH 29 DEGREES 04 MINUTES 09 SECONDS EAST, A DISTANCE OF 293.76 FEET; THENCE NORTH 12 DEGREES 58 MINUTES 44 SECONDS EAST, A DISTANCE OF 62.18 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 03 SECONDS EAST, A DISTANCE OF 192.38 FEET; THENCE NORTH 39 DEGREES 35 MINUTES 20 SECONDS EAST, A DISTANCE OF 338.94 FEET; THENCE NORTH 53 DEGREES 45 MINUTES 18 SECONDS WEST, A DISTANCE OF 247.09 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NW 1/4 OF SAID SECTION 18; THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1478.98 FEET TO THE WEST LINE OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 36 MINUTES 32 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 761.83 FEET TO THE POINT OF BEGINNING.

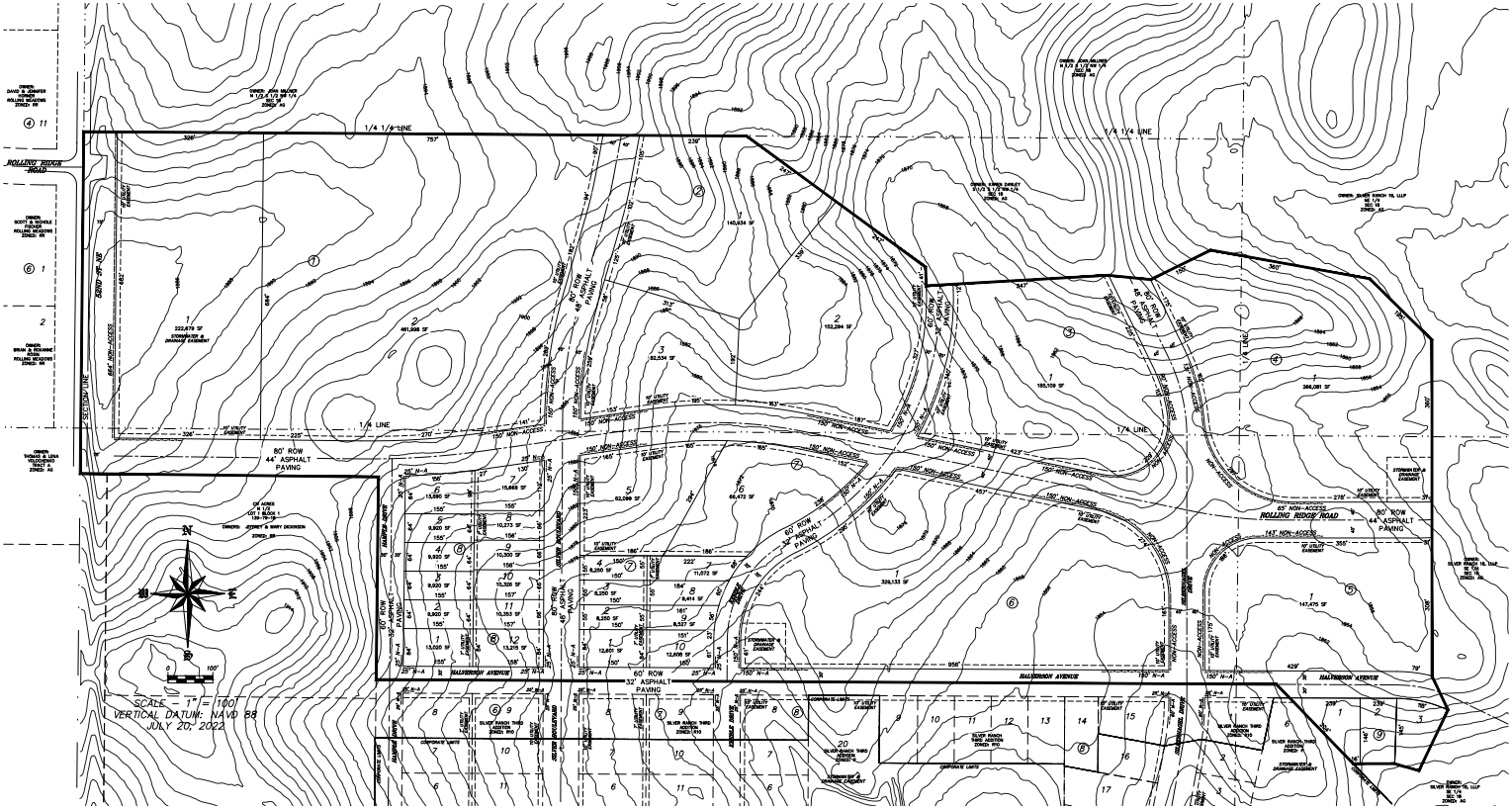
THE ABOVE DESCRIBED TRACT CONTAINS 36.31 ACRES, MORE OR LESS.

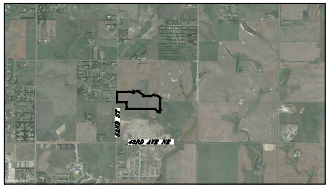
SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shetag@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2616
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

SILVER RANCH FOURTH ADDITION

PART OF SECTION 18
TOWNSHIP 139 NORTH, RANGE 79 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





LOCATION MAP

69.0 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R10/RM20/P
34 LOTS

OWNER: KAREN DANLEY
8441 WEST HILL RD
BOISE, ID 83714

OWNER: SILVER RANCH 18, LLLP
1117 N. 3RD ST
BISMARCK, ND 58501

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

PARK DEVELOPMENT AGREEMENT
Neighborhood Park in Silver Ranch 3rd & 4th Additions

This Park Development Agreement (the "Agreement") is made and entered into this _____ day of September, 2022, by and between **Investcore, Inc**, address is 1601 North 12th Street, Suite 411 ("Developer"), and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 ("Park District").

Preliminary Statement

The purpose of the neighborhood parks and open space policy is to maintain and enhance the high quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, open space and recreational facilities are provided for the existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or Landowners of major urban residential subdivision plats provide for neighborhood parks, playgrounds, open space and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of the life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and open space system.

Park District is the owner of a 5.7 acre, more or less, tract of real property (Park Area) and a 13.1 acre, more or less, tract of real property (Greenway) located in, or planned to be annexed to, the City of Bismarck, Burleigh County, North Dakota (the "Property"), specifically described below and delineated on the plat/survey as attached Exhibit A:

Park Area: Lot 20, Block 8 (5.7 acres) in Silver Ranch 3rd Addition
Greenway: Lot 6, Block 14 (13.1 acres) in Silver Ranch 3rd Addition

Developer is in the process of planning a residential development on the Developer's Property in which the Developer desires to include a neighborhood park of approximately 5.7 acres and a trail connection in the greenway on the Park District Property, the location being generally shown on Exhibit A. Developer's focus is to create a community with its own character and to provide residential development and recreational amenities for the support of the community and to promote ease of access in and around the community.

Park District desires to establish an additional neighborhood park in Bismarck and will design the 5.7-acre tract (the "Park Area") and trail connection ("greenway"), affect the construction of the park amenities, and manage the Park Area and Open Space Area, all pursuant to the terms and conditions of this Agreement and the rules and regulations established by the Board of Park Commissioners from time to time.

The Park Area and Greenway will play a vital role in this development by not only providing recreational amenities for this community and the surrounding area but also to provide the necessary connections throughout the development to other areas in Bismarck. To the extent appropriate and possible, all trails will ultimately connect to current and future Park District parks.

Agreement

NOW, THEREFORE, in consideration of the above preliminary statements, the terms and conditions of this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

9/16/2022

DocuSigned by:
Chad Wachter
F90F484E78BC44A...

1. Scope of Agreement. This Agreement shall not constitute a partnership or a joint venture by and between the Developer and the Park District. Neither party has a right or obligation to bind the other party to any course of action or commitment as it relates to the development of the Developer's Property, including the Park Area that is described herein. Each of the parties is an independent contractor and, although they will coordinate their efforts to develop the Park Area and Greenway, possibly to include elements of design, access and amenities, neither party is assuming any obligation of the other party.

2. Developer and Park District Obligations. Developer and Park District acknowledge that they will be responsible for the following amenities to be located on the Park District Property and the Park Area:

a. Specific Neighborhood Park Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Specific Park Amenities assessed against the benefitted Lot Owners Property as described in Exhibit A-2.

b. Park District District-wide Amenities, if included, are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Park District District-wide Amenities assessed against the benefitted Park District Property.

c. The Developer shall provide the necessary easements for utilities for the Park Area.

d. The Developer, at their sole cost and expense, shall provide the following with regard to the Park Area:

i. Prepare a complete boundary survey of the Park Area showing all rights-of-way, easements and any other physical burdens that may encumber the Park Area. The Developer shall cause the Park Area and Greenway to be staked so that it can be later identified by the Park District.

ii. The Developer will provide the Park District with copies of such tests, investigations and reports which may have been completed by the Developer including, but not limited to, any soil boring tests and results of environmental testing.

iii. To the best of its ability, the Developer shall provide the Park District with safe access to the Park Area and Greenway and such areas leading to the Park Area and Greenway.

4. Park Area Design. The Park District shall develop a design for the Park Area that provides park activities, such as walking trails, shelters and playgrounds. Attached on Exhibit A-1 is the parties' initial concept of the park design. As the Park District designs and plans the Park Amenities for the Park Area, it will provide the Developer with periodic reports.

5. Maintenance. In entering into this Agreement, the Park District contemplates it will maintain the Park Area within its normal park maintenance program and consistent with other parks within the Bismarck area. The Park District will be generally responsible for future maintenance of the Park Area, the trails leading to the Park Area and the equipment and the other Park Amenities in the Park Area. If the Developer and the Park District agree to coordinate access to other trails or parks or provide other amenities, any such other amenities agreed to by and between the Park District and the Developer may require a joint maintenance agreement.

6. Construction. The construction of the Park Amenities described in Section 3 and as shown on Exhibit B are intended to be completed by one calendar year after annexation of Silver Ranch 4th is approved.

9/16/2022
DocuSigned by:
Chad Wachter
F90F484E78BC44A...

7. Naming Rights. The Developer reserves the right to name the Park Area, pending BPRD Board of Park Commissioners approval.

8. General Provisions.

a. This Agreement, together with the other surveys, plans and specifications that have been reviewed by the parties or will later be provided pursuant to this Agreement and the attachments hereto, contain the entire agreement among the parties respecting the matters herein set forth and supersede all prior discussions with respect to such matters. Notwithstanding the above, the parties acknowledge that this is a work in progress and development of the final design for the Park Area will be part of this Agreement.

b. This Agreement shall be binding upon and inure to the benefit of all the parties and their respective successors and assigns.

c. This Agreement shall be construed and enforced in accordance with the laws of the State of North Dakota.

d. This Agreement may be modified only by a written document signed by all parties. A purported oral modification shall not be effective.

e. The Developer shall hold the Park District harmless for any claim or injury to a person or property arising out of, or in the course of, its construction, design, and plan of the Park Area. In like manner, the Park District, once it acquires the Park Area and assumes maintenance responsibility, will hold the Developer harmless for claims arising out of its negligence in maintaining the Park Area.

DEVELOPER:

DocuSigned by:
Chad Wachter
F90F484E78BC44A...

By:_____
Chad Wachter, Investcore, Inc.

PARK DISTRICT:

THE PARK DISTRICT OF THE CITY OF BISMARCK

By:_____
Its: President

By:_____
Its: Clerk

9/16/2022

DocuSigned by:
Chad Wachter
F90F484E78BC44A...

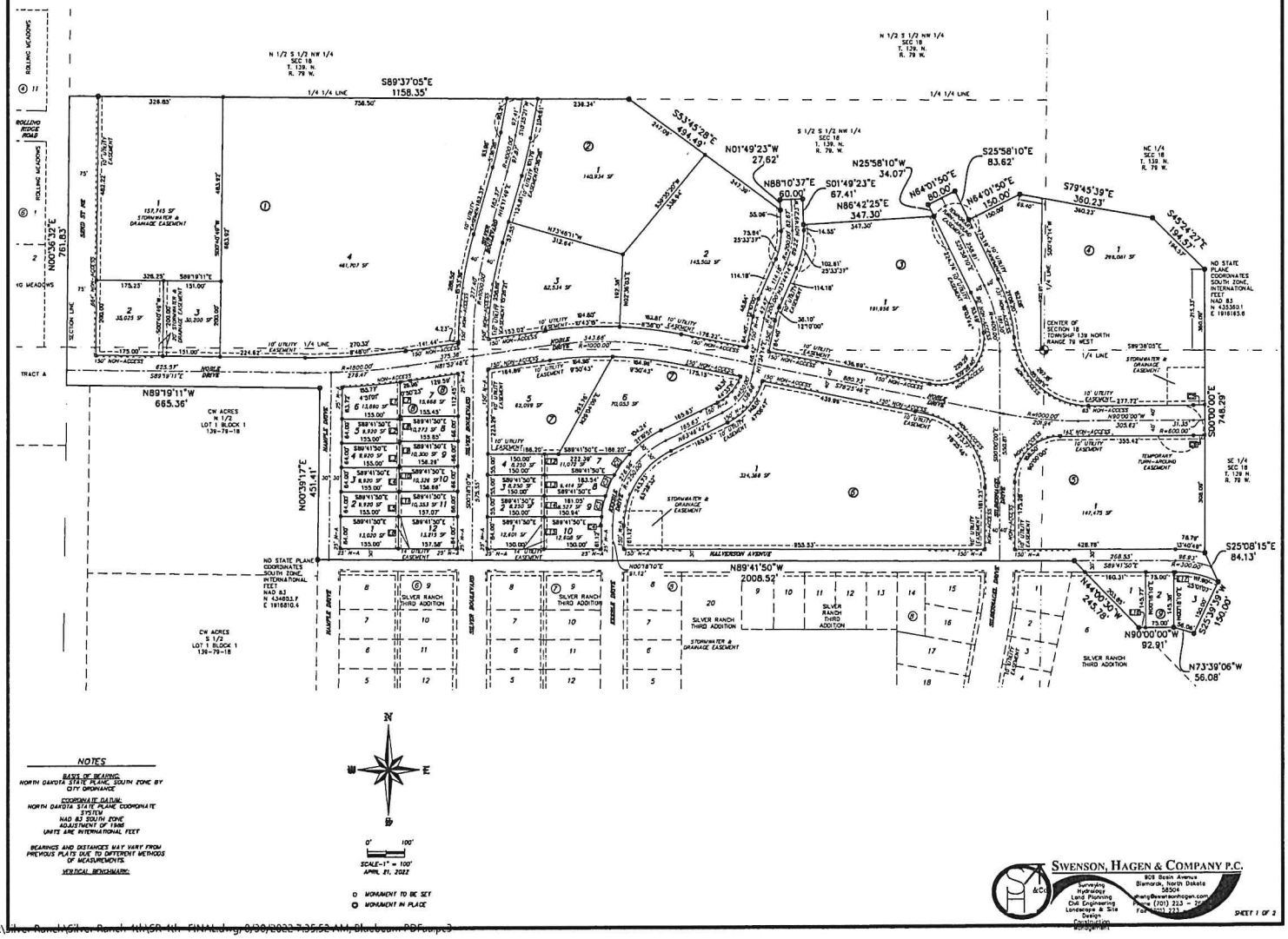
9/16/2022

DocuSigned by:
Chad Wachter
F90F484E78BC44A...

SILVER RANCH FOURTH ADDITION

PART OF SECTION 18
TOWNSHIP 139 NORTH RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
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ADJUSTMENT OF 1986
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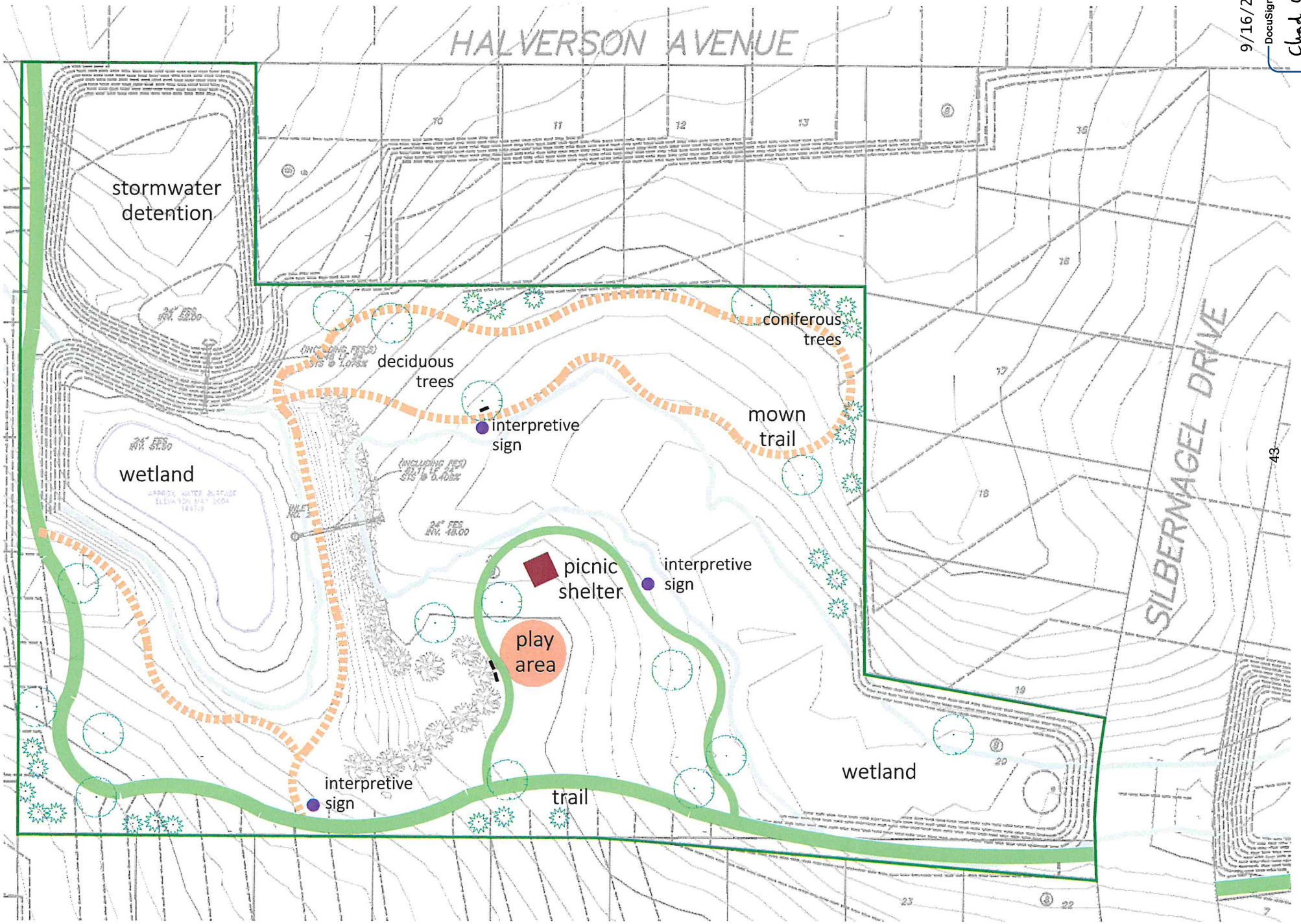
VERTICAL BENCHMARK:

SWENSON, HAGEN & COMPANY P.C.
808 Basin Avenue
Bismarck, North Dakota
58504
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

SHEET 1 OF 2

P:\Bismarck\Silver Ranch\Silver Ranch 4th\SR 4th FINAL.dwg, 9/30/2022 7:35:52 AM, Blackburn, PDF.ctb, p3

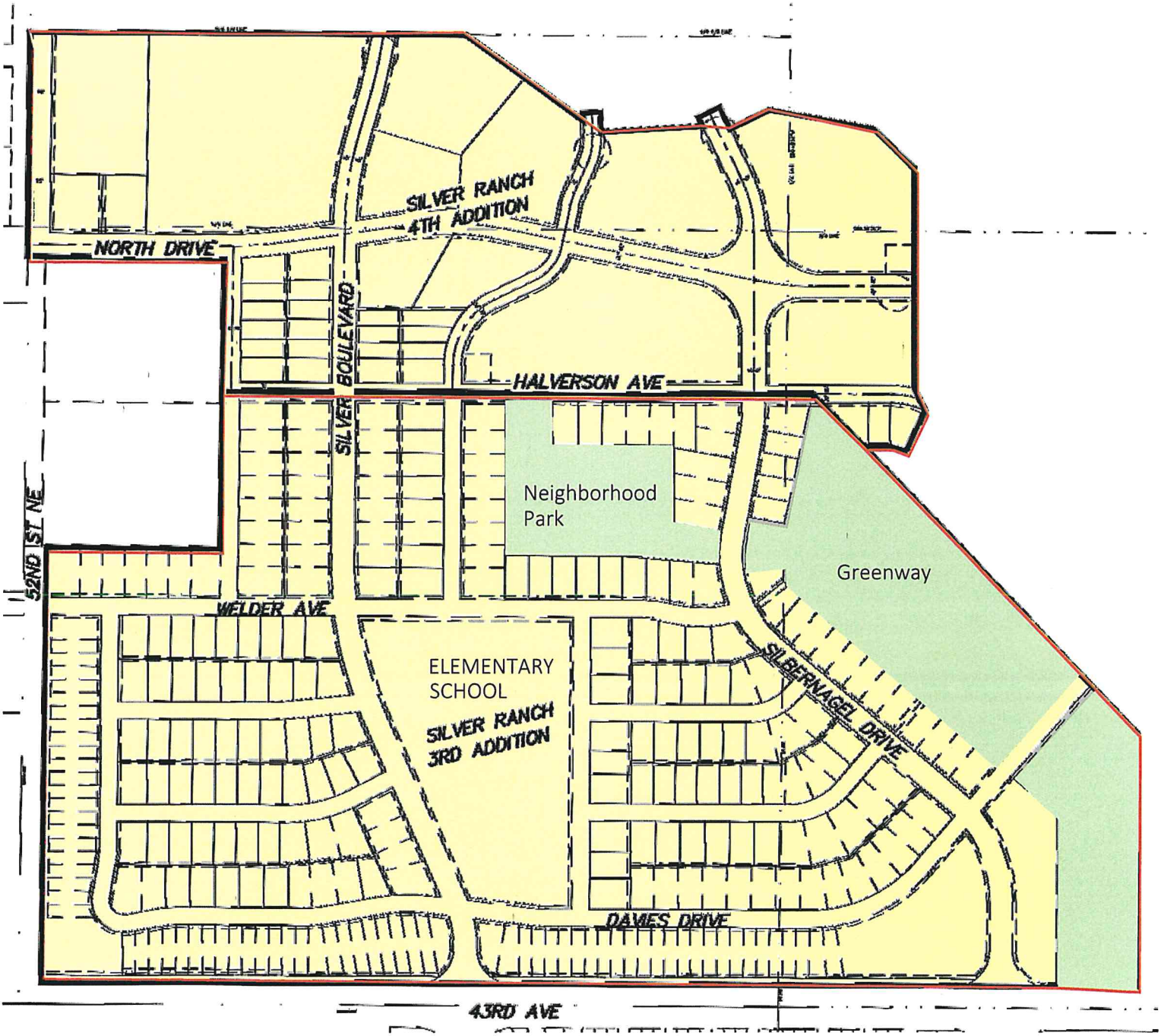
9/16/2022
DocuSigned by:
Chad Wachter
F90F484E78BC44A...



9/16/2022
DocuSigned by:
Chad Wachter
F90F484E78BC44A...

EXIBIT A-2 MAP OF BENEFITED AREA

SILVER RANCH 3RD & 4TH ADDITION
BISMARCK, NORTH DAKOTA



9/16/2022

DocuSigned by:
Chad Wachter
F90F484E78BC44A...

Silver Ranch 3-4 Neighborhood Park & Greenway					
Preliminary Opinion of Cost					7/12/2022
Item	Description	Quantity	Unit	Unit Price	Total
1	Mobilization	1	EA	$ 35,600.00	$ 35,600.00
2	Contract Bond	1	EA	$ 5,900.00	$ 5,900.00
3	Irrigation	1	LS	$ 55,000.00	$ 55,000.00
4	Erosion Control, Permitting, St Water	1	LS	$ 5,000.00	$ 5,000.00
5	Earthwork, general grading, topsoil	1	LS	$ 35,000.00	$ 35,000.00
6	Asphalt Shared-use Trail - Park Area	11730	SF	$ 4.50	$ 52,785.00
7	Asphalt Shared-use Trail - Greenway	13980	SF	$ 4.50	$ 62,910.00
8	4" Concrete Sidewalk (Play Access Path)	2808	SF	$ 7.00	$ 19,656.00
9	Concrete Play Curb	300	LF	$ 42.00	$ 12,600.00
10	Concrete Play Ramps	1	LS	$ 42.00	$ 42.00
11	Engineered Wood Fiber Surfacing	1	LS	$ 6,500.00	$ 6,500.00
12	Play Structure	1	EA	$ 60,000.00	$ 60,000.00
13	Bench	3	EA	$ 2,500.00	$ 7,500.00
14	Picnic Tables	2	EA	$ 2,500.00	$ 5,000.00
15	Metal Shelter	1	EA	$ 45,000.00	$ 45,000.00
16	Interpretive Signs	3	EA	$ 1,200.00	$ 3,600.00
17	Coniferous Trees	23	EA	$ 650.00	$ 14,950.00
18	Shade Trees	16	EA	$ 650.00	$ 10,400.00
19	Lawn Seed	5.7	ACRE	$ 5,000.00	$ 28,500.00
				Subtotal	$ 465,943.00
				10% Contingency	$ 46,594.30
				Consultant Fees (18%)	$ 83,869.74
				Total	**$ 596,407.04**

9/16/2022
DocuSigned by:
Chad Wachter
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Exhibit D – Petition for Park Improvements

PETITION FOR PARK IMPROVEMENTS
For lots zoned Residential

DATE: 9/16/2022

To the Honorable Board of City Commissioners
Bismarck, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the park/trail improvement respectfully petition your Honorable Board to have park improvements completed on (legal description of lots where park/trail is to be developed):

Park Area: Lot 20, Block 8 (5.7 acres) in Silver Ranch 3rd Addition
Greenway: Lot 6, Block 14 (13.1 acres) in Silver Ranch 3rd Addition

It is agreed that 100% of the costs of said park improvements shall be assessed to the benefited property according to Bismarck Parks and Recreation District's Basis of Special Assessment Policy.

PROPERTY DESCRIPTION

Lots 1-7, Block 1
Lots 1-43, 48, Block 2
Lots 1-25, Block 3
Lots 10-11, Block 4
Lots 1-18, Block 5
Lots 1-7, 10-16, Block 6
Lots 1-7, 10-16, Block 7
Lots 1-7, 16-25, Block 8
Lots 11-28, Block 10
Lots 4-28, Block 11
Lots 4-13, Block 13
Lots 2-19, Block 14
Lot 1, Block 15
All in Silver Ranch
3rd Addition

Lots 1-4, Block 1
Lots 1-3, Block 2
Lot 1, Block 3
Lot 1, Block 4
Lot 1, Block 5
Lot 1, Block 6
Lots 1-10, block 7
Lots 1-12, Block 8
Lots 1-3, Block 9
All in Silver Ranch
4th Addition

SIGNATURE and ADDRESS (Property Owner)

Investcore, Inc.
1601 North 12th Street, Suite 411
Bismarck, ND 58503

DocuSigned by:
Chad Wachter
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Chad Wachter, President and CEO

For City Engineer Use Only

Approved by Gabe Schell, P.E.
City Engineer, Bismarck, ND

Date

9/16/2022

DocuSigned by:
Chad Wachter
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BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 22, 2023

The Bismarck Planning & Zoning Commission met on February 22, 2023, 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, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen, and Paul Zent.

Commissioner Brian Bitner was absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the January 25, 2023 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the January 25, 2023 meeting, as presented. Commissioner Schmitz seconded the motion and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
LOTS 1-8, BLOCK 1, HAY CREEK PARK ADDITION

Chair Schwartz called for the public hearing on the zoning change from the P – Public zoning district to the R5 – Residential zoning district for Lots 1-8, Block 1, Hay Creek Park Addition. The property is located in east-central Bismarck, north of East Divide Avenue on the east side of North 26th Street.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan;

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.

Mr. Nairn said, based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the R5 – Residential zoning district for Lots 1-8, Block 1, Hay Creek Park Addition.

Commissioner Schell questioned if additional P – Public zoned lots should be included in the zoning change request. Mr. Nairn said that the northern most lot, Lot 9, Block 1 would remain in the P – Public zoning district as Bismarck Parks and Recreation intends to install a neighborhood park on that lot.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Levchak made a motion to recommend approval of the zoning change from the P – Public zoning district to the R5 – Residential zoning district for Lots 1-8, Block 1, Hay Creek Park Addition. Commissioner Van Duyne seconded the motion and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent.

PUBLIC HEARING – SPECIAL USE PERMIT (FILLING STATION AND CAR WASH) DAYBREAK SECOND ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow construction and operation of a filling station and car wash/auto laundry in conjunction with the retail facility on Lot 1, Block 3, Daybreak Second Addition. The property is located in north Bismarck, between 57th Avenue NE and 71st Avenue NE / ND Highway 1804, along the west side of US Highway 83.

Ms. Wollmuth then gave an overview of the request, referenced the criteria for the two special uses, and provided the following findings related to land use:

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

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

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

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

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

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permits to allow the operation of a filling station and a car wash/auto laundry in conjunction with a retail facility on Lot 1, Block 3, Daybreak Second Addition.

Commissioner Levchak asked if the Fire Department has been consulted on this request and if adequate water supply, both pressure and volume has been confirmed. Ms. Wollmuth stated the request including a site plan has been submitted to the City and is currently being administratively reviewed by City staff, including the Fire Department and Public Works to verify both issues questioned.

Chair Schwartz opened the public hearing.

Luke Wietgrefe was present to answer any questions or address any concerns.

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

MOTION: Commissioner Levchak made a motion to recommend approval of special use permit to allow construction and operation of a filling station and car wash/auto laundry in conjunction with the retail facility on Lot 1, Block 3, Daybreak Second Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:09 p.m. to meet again on March 22, 2023.

Respectfully submitted,

_____
Sarah Fricke
Recording Secretary

_____
Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2023

	*******************City*******************				********************ETA********************			
	2/2023		**2/2022**		**2/2023**		**2/2022**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	0	$0.00	4	$892,692.03	0	$0.00	0	$0.00
MANUFACTURED HOMES	1	$0.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	1	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	1	$16,800.00	0	$0.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	2	$9,531.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	2	$29,300.00	3	$32,000.00	0	$0.00	2	$305,675.48
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	6	$139,062.00	6	$147,963.00	0	$0.00	1	$31,648.00
COMMERCIAL	2	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	5	$244,703.00	12	$138,935.00	0	$0.00	1	$37,866.00
SIGN ALTERATION	1	$500.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	4	$6,830,000.00	1	$180,000.00	0	$0.00	4	$1,200,000.00
COMMERCIAL ALTERATION	6	$2,180,110.00	12	$757,045.32	1	$19,500.00	0	$0.00
Total	**31**	**$9,450,006.00**	**40**	**$2,148,635.35**	**1**	**$19,500.00**	**8**	**$1,575,189.48**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2023

	*******************City*******************				*******************ETA*******************			
	2/2023		**2/2022**		**2/2023**		**2/2022**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	49	$0.00	40	$10,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	131	$2,246,314.18	119	$2,197,707.55	6	$29,868.00	5	$15,392.50
BUILDING PLUMBING	6	$218,031.00	11	$609,261.25	1	$15,015.00	0	$0.00
Total	**186**	**$2,464,345.18**	**170**	**$2,816,968.80**	**7**	**$44,883.00**	**5**	**$15,392.50**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2023

	*******************City*******************		*******************ETA*******************	
	2/2023	**2/2022**	**2/2023**	**2/2022**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	1	0	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
SINGLE FAMILY DETACHED	0	4	0	0
Total	**1**	**4**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2023

	*******************City*******************				********************ETA********************			
	2/2023		**2/2022**		**2/2023**		**2/2022**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	0	$0.00	4	$892,692.03	0	$0.00	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	$1,412,138.56	0	$0.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	1	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	1	$16,800.00	0	$0.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	2	$9,531.00	2	$5,481.00	0	$0.00	0	$0.00
SWIMMING POOLS	1	$85,000.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	4	$139,300.00	6	$40,000.00	1	$9,250.00	2	$305,675.48
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	12	$216,354.50	14	$357,811.00	2	$69,552.50	2	$36,148.00
RESIDENTIAL	1	$0.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL	3	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	6	$248,303.00	19	$173,835.00	0	$0.00	2	$38,866.00
SIGN ALTERATION	2	$3,050.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	13	$7,680,000.00	3	$552,000.00	0	$0.00	4	$1,200,000.00
COMMERCIAL ALTERATION	15	$4,500,110.00	20	$5,545,943.32	1	$19,500.00	2	$3,715,000.00
Total	**71**	**$14,310,587.06**	**70**	**$7,567,762.35**	**4**	**$98,302.50**	**12**	**$5,295,689.48**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2023

	*******************City*******************				*******************ETA*******************			
	2/2023		**2/2022**		**2/2023**		**2/2022**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	118	$0.00	85	$10,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	235	$3,464,075.90	241	$4,239,901.03	36	$640,735.75	34	$205,088.50
BUILDING PLUMBING	12	$365,031.00	22	$1,045,146.25	1	$15,015.00	0	$0.00
Total	**365**	**$3,829,106.90**	**348**	**$5,295,047.28**	**37**	**$655,750.75**	**34**	**$205,088.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2023

	*******************City*******************		*******************ETA*******************	
	2/2023	**2/2022**	**2/2023**	**2/2022**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	0	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	0	0	0
SINGLE FAMILY DETACHED	0	4	0	0
SWIMMING POOLS	0	0	0	0
Total	**10**	**4**	**0**	**0**