



PLANNING AND ZONING COMMISSION

MEETING AGENDA August 23, 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.
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MINUTES

1. Consider approval of the minutes of the July 26, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Paradise Valley Second Addition (JW)**.....6

Zoning Map Amendment | ZC2023-008 | *Consideration*

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

Major Subdivision Preliminary Plat | PPLT2023-001 | *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. **Boden Addition First Replat (IJ)**.....21
 Minor Subdivision Final Plat | MPLT2023-002 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

4. **Silver Ranch Third Addition First Replat (DN)**.....27
 Minor Subdivision Final Plat | MPLT2023-003 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

5. **Tree Top Second Addition (IJ)**.....33
 Minor Subdivision Final Plat | MPLT2023-004 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

6. **Misty Waters Second Replat (JW)**.....39
 Planned Unit Development Amendment Plat | PUDA2023-002 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 Minor Subdivision Final Plat | MPLT2023-001 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

7. **Jacks First Addition, Lot 3, Block 1 (JW)**.....59
 Special Use Permit (Drive-Through) | SUP2023-006 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

8. **2023 Growth Phasing Plan Amendment (DN)**.....66
 Growth Phasing Plan Amendment | GPPA2023-001 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

9. Other Business

ADJOURNMENT

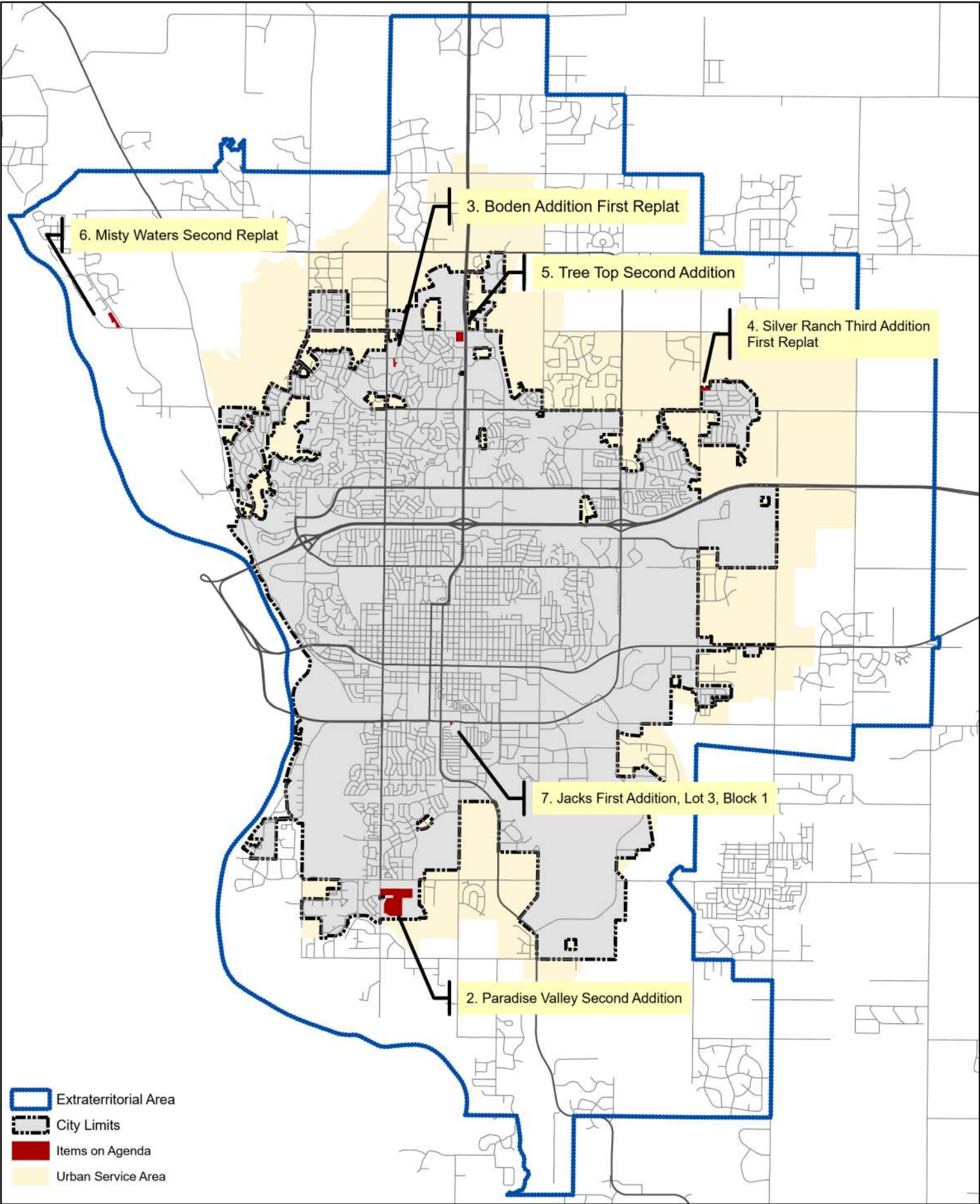
10. **Adjourn.** The next regular meeting date is scheduled for September 27, 2023.

Enclosures: Meeting Minutes of July 26, 2023
Building Permit Activity Month to Date Report for July 2023
Building Permit Activity Year to Date Report for July 2023

BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

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

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.



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



STAFF REPORT

Agenda Item # 2

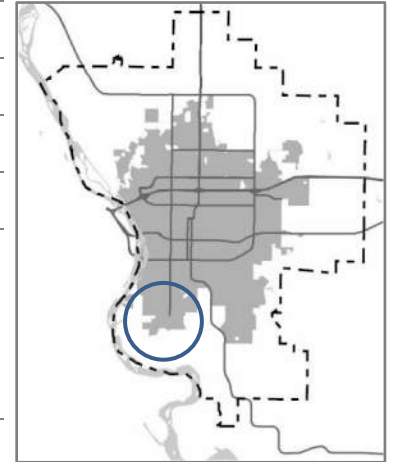
August 23, 2023

Application for: **Zoning Map Amendment**
Preliminary Plat

Project ID: **ZC2023-008**
PPLT2023-001

Project Summary

<i>Title:</i>	Paradise Valley Second Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	MBR Properties LLC
<i>Project Contact:</i>	Hanna Peterson, PE, Lowry Engineering
<i>Project Location:</i>	In south Bismarck, in the southeast quadrant of the intersection of South Washington Street and East Burleigh Avenue (A replat of Lot 1 and Lot 2, Block 4, all of Block 5 and all of Block 6, Paradise Valley Addition)
<i>Project Size:</i>	59.83 acres
<i>Applicant Request:</i>	Replat and rezone a portion of Paradise Valley Addition for future development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	70 lots in 3 blocks	<i>Lots/Blocks:</i>	93 lots in 3 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-, two, and multi-family residential, commercial uses, a public park and stormwater facilities
<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)	<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)
<i>Zoning:</i>	R5 – Residential RM15 – Residential Conditional CG – Commercial	<i>Zoning:</i>	R5 – Residential R10 – Residential RM15 – Residential Conditional CG – Commercial P – Public

<i>Uses Allowed:</i>	R5 – Single-family residential RM15 – Multi-family residential Conditional CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single- and two-family residential RM15 – Multi-family residential Conditional CG – General commercial, multi-family residential, and offices P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	R5 – 5 units / acre RM15 – 15 units / acre Conditional CG – 42 units / acre	<i>Max Density:</i>	R5 – 5 units / acre R10 – 10 units / acre RM15 – 15 units / acre Conditional CG – 42 units / acre P – N/A

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	08/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	08/2022
<i>Neighborhood:</i>	Paradise Valley	<i>Annexed:</i>	08/2022

Project Narrative

MBR Properties, LLC is requesting approval of a zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and major subdivision preliminary plat for Paradise Valley Second Addition.

This request is being made to mitigate existing construction concerns associated with the underlying plat of Paradise Valley Addition. The proposed zoning map amendment would reduce the density of the area. The proposed plat would modify the previous lot configuration, the size of

the existing stormwater management pond, add an additional sanitary lift station and stormwater easements, and modify the locations of existing streets.

A plat modification to change the name of Paradise Drive east of Balerud Drive to Hatteras Lane will be initiated by staff in conjunction with this request. The street name change is necessary as both segments of paradise drive will no longer connect as a result of the proposed replat. It is anticipated that the City Commission would take final action on the plat modification prior to recordation of the proposed plat.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Community Mixed Use (CMU), Neighborhood Mixed Use (NMU), and Urban Neighborhood (UN) in the Future Land Use Plan. The CMU, NMU and UN areas are places of commerce, employment, social and commercial gathering spaces for the immediate surrounding residential areas, and quite enjoyment of home life. Goals and objectives of this plan as they relate to the zoning map amendment and proposed major subdivision preliminary plat are referenced in review standards below.

This area has been designated by staff as the "Paradise Valley Neighborhood." This designation will continue for this general area and be referenced in future planning documents.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

The project is located within the City of Bismarck. Therefore, no communications with the township have occurred.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Community Mixed Use (CMU), Neighborhood Mixed Use (NMU), and Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow commercial uses based on

(continued)

conditions outlined in the zoning ordinance, single-, two- and multifamily residential and parks, open space and stormwater facilities. Development that may be anticipated from the proposed zoning would have a not negative impact

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning districts pf R5 – Residential, RM15 – Residential and Conditional CG – Commercial were established in 2022. Conditions have changed since this time. The proposed plat and zoning map amendment are being requested to mitigate existing construction concerns associated with the underlying plat of Paradise Valley Addition. Zoning would reduce the density of the area.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning

map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Major Subdivision Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Burleigh Avenue and South Washington Street, both existing arterial roadways and Mariner Avenue, a future collector roadway are included in the proposed plat. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail has been identified within the Boston Drive right-of-way, along the east side of the proposed plat. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The applicant has entered into a park development agreement with the Bismarck Parks and Recreation District for the creation of a park within the underlying plat of Paradise Valley

(continued)

Addition. The park would be located on Lot 10, Block 8, Paradise Valley Addition which is located east of to the proposed plat.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. A traffic impact study and potential mitigation measures was previously submitted with the underlying plat of Paradise Valley Addition. The City Engineer has determined that an additional traffic impact study for the proposed replat would not be required as the proposed replat would decrease the overall density of the replatted area.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes, a waiver to allow a cul-de-sac (Rutland Circle) was previously submitted and approved by the City Commission with the underlying plat of Paradise Valley Addition. The use of a cul-de-sac is justified because there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or undesirable through traffic between incompatible land uses. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. there is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat. **ID**

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes, with restrictions on development. A portion of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

(continued)

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes, with development agreements for the underlying plat of Paradise Valley Addition which were previously approved by the City Commission in 2022. Additional development agreements may be required upon further review of the proposed plat, this is to be determined by the City Engineer.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. the proposed preliminary plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and tentative approval of the major subdivision preliminary plat for Paradise Valley Second Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Original Plat with replatted area highlighted
5. 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
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 R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the R5 – Residential zoning district:

Lots 2-42 and Lots 69-79, Block 2, Paradise Valley Second Addition

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

The following described property shall be excluded from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the R10 – Residential zoning district:

Lots 43-68, Block 2 and Lots 2-11, Block 3, Paradise Valley Second Addition

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

The following described property shall be excluded from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the RM15 – Residential zoning district:

Lot 1, Block 3, Paradise Valley Second Addition

Section 4. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the Conditional CG - Commercial zoning district:

Lot 1, Block 1, Paradise Valley Second Addition

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

1. *Permitted Uses.* The following uses are permitted:
 - a. Multifamily dwelling.
 - b. Group dwelling.
 - c. Multifamily high rise.
 - d. Hotel-motel.
 - e. Retail group A.
 - f. Service group A.
 - g. Office-bank group.
 - h. Retail group B.
 - i. Service group B.
 - j. Commercial recreation group.
 - k. Wholesale group.
 - l. Health-medical group.
 - m. Education group.
 - n. Public recreation group.
 - o. Commercial greenhouse.
 - p. Religious institution.
 - q. Microbrew pub.
 - r. Domestic distillery.
2. *Special Uses.* The following uses are allowed as a special use pursuant to Section 14-03-08 of the City Code of Ordinances:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.
- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- f. Drive-in retail or service establishment on Lot 1, Block 1 only.
- g. Child care center.
- h. Small animal veterinary clinic.
- i. Auto laundry - car wash on Lot 1, Block 1 only.
- j. Retail liquor sales.
- k. Microbrewery.

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

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. All building facades must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or non-corrugated prefinished metal architectural panels (including standing seam metal products). If prefinished metal architectural panels are used, no more than 70% of any elevation facing a public right-of-way may consist of the same material, although two different panel types of complementary colors could be used.

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

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

- c. Design Elements. Overhead garage doors, such as those proposed for the business condos, must be oriented inward with entrances to all units from a common entrance point. Said entrance point shall be landscaped as needed to minimize the impact of the loading/unloading areas of these units on the adjacent residential uses. In addition, a landscaped area along the western edge of Lot 1, Block 4 shall be planted with no less than seven (7) large coniferous trees and six (6) deciduous shade trees. Garage doors may be no greater than ~~nine (9)~~ fourteen (14) feet in height. Main entrances to each unit within the business condos shall face and be clearly visible from the adjacent street frontage on the northern edge of the development and all entrances shall be articulated to define the entry point for that unit.

4. *Development Standards.*

- a. Building Height. No principal building shall exceed three (3) stories or 50 feet in height.
- b. Lighting. All exterior/outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.
- c. Signage. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
- d. Lot Area, Lot Width, Lot Coverage, Setbacks and Other Requirements. All other development standards shall be as outlined in Section 14-04-12 of the City Code of Ordinances (CG Commercial District) and other applicable sections of the City Code of Ordinances.

The following described property shall be excluded from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the P - Public zoning district:

Lots 2-3, Block 1 and Lot 1, Block 2, Paradise Valley Second Addition

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

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

Zoning Districts

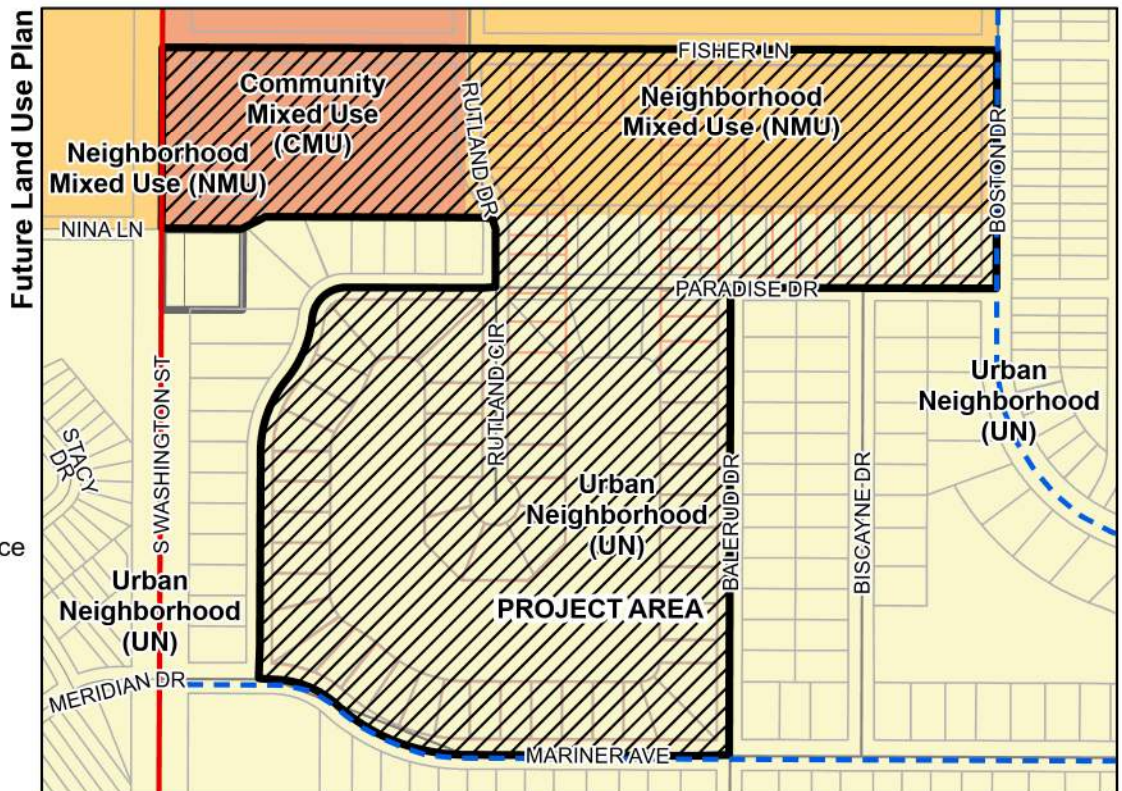
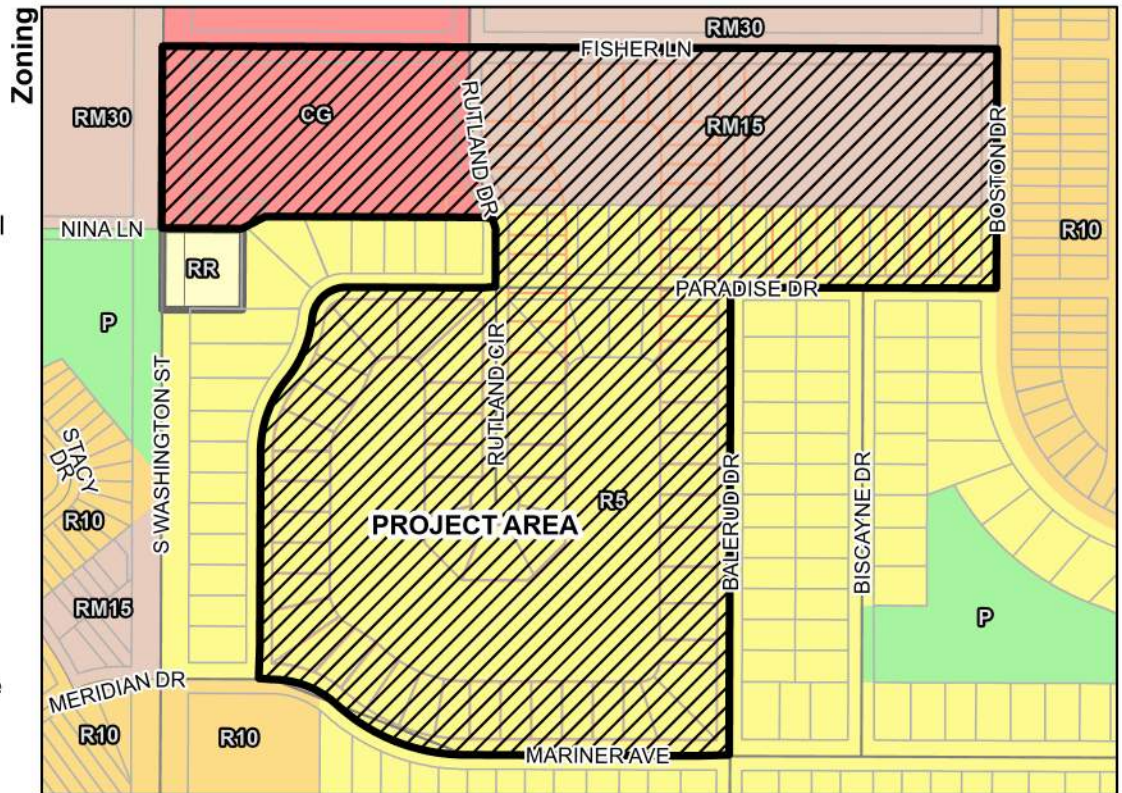
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

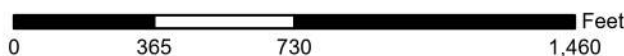
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Major Street Plan

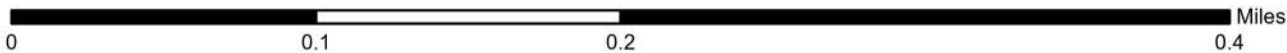
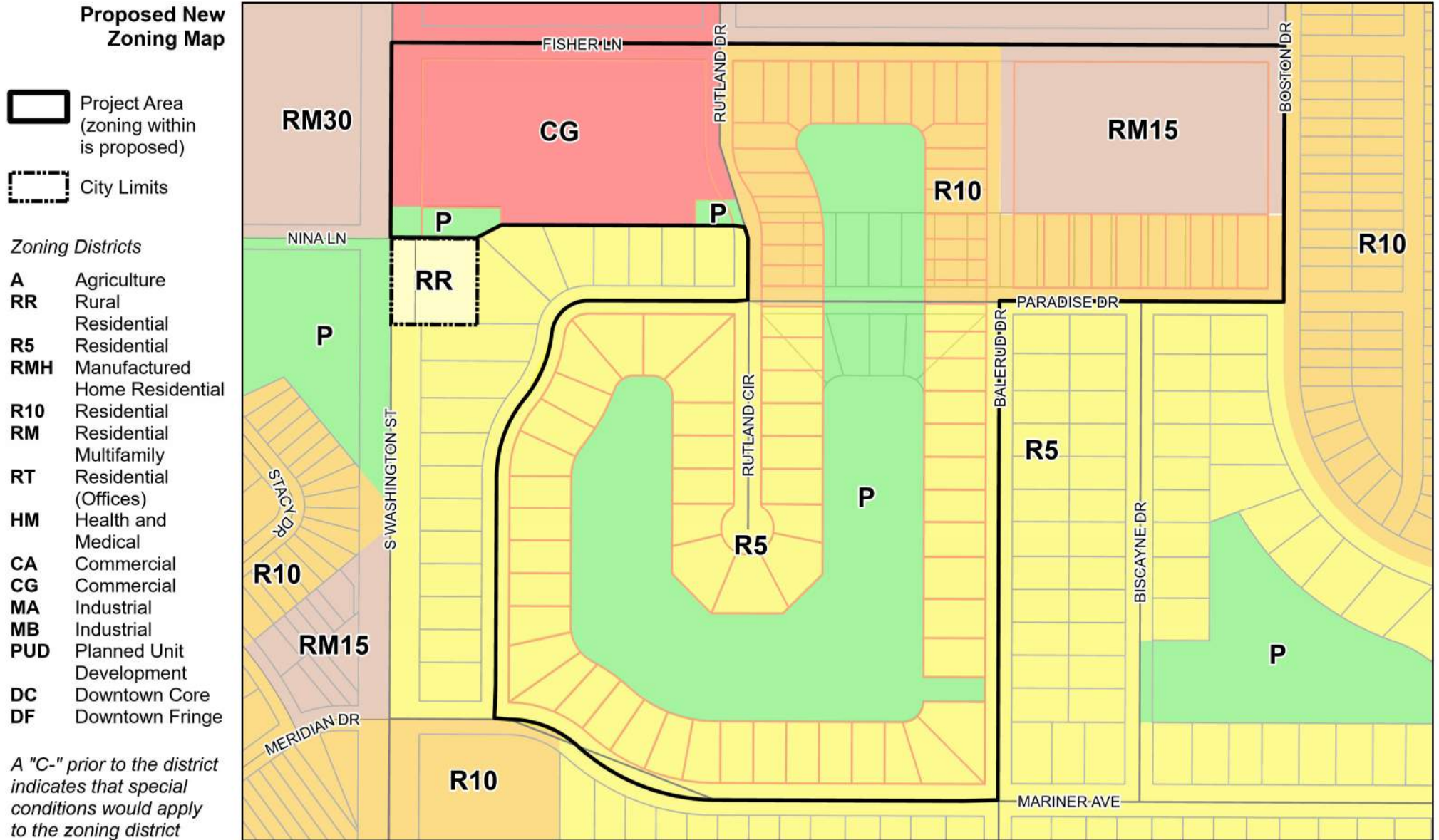
—	Existing Arterial
- - -	Future Arterial
—	Existing Collector
- - -	Future Collector
—	Existing Interstate
- - -	Future Interstate



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 herein.



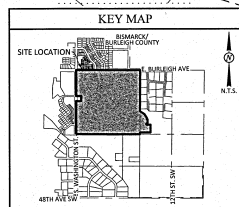
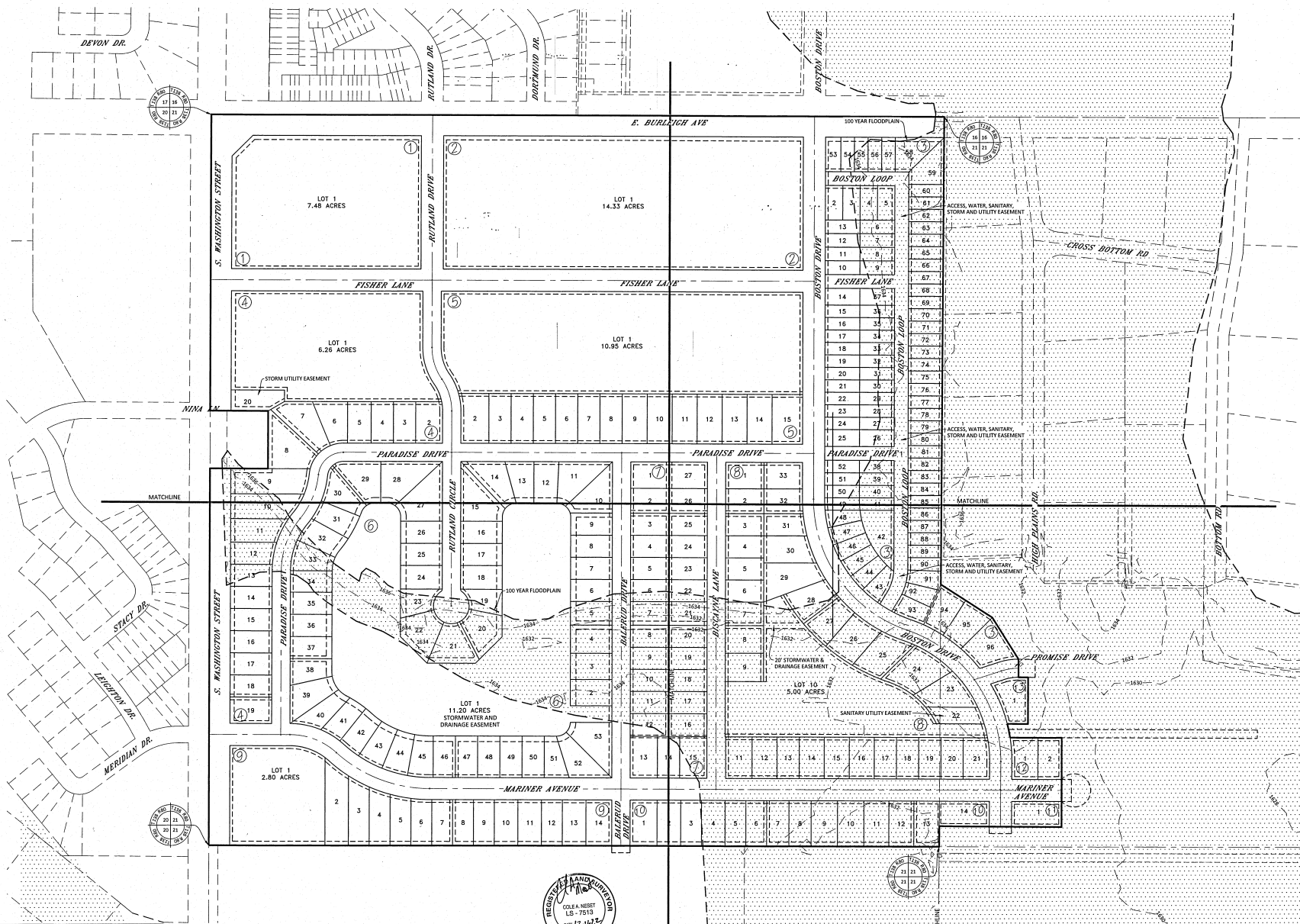
City of Bismarck
Community Development
Planning Division
August 15, 2023



*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.*



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



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



LOWRY
ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 11/30/22

SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 [3302]
ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.
CONTOUR VERTICAL DATUM: NAVD 88
FLOODPLAIN VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY.

BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 21 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH WASHINGTON STREET AND W. BURLEIGH AVE. HAS AN ELEV=1640.98' (NAVD 88)

NOTES

FEMA MAP #38015C0795D BASE FLOOD ELEVATION IS 1634.00'. ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.

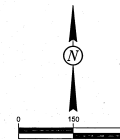
LOTS 2 - 93 IN BLOCK 3 ARE SIZED FOR ONE HALF OF A TWO UNIT ROW HOUSE. THESE LOTS ARE NOT DEVELOPABLE AS SINGLE LOTS.

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

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

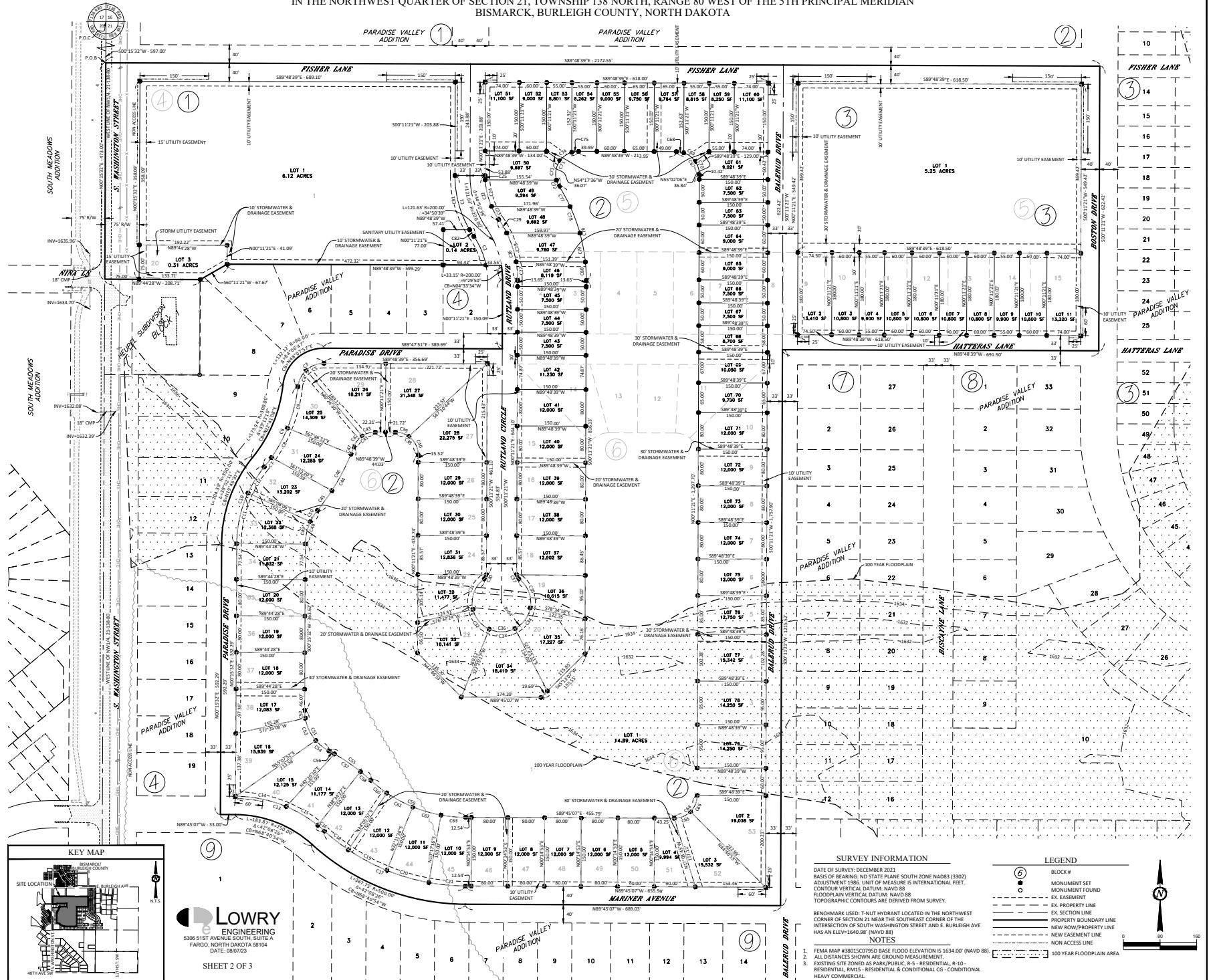
LEGEND

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



PARADISE VALLEY SECOND ADDITION

A REPLAT OF LOT 1 & 20 BLOCK 4, ALL OF BLOCK 5 & ALL OF BLOCK 6 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



STAFF REPORT

Application for: **Minor Plat**

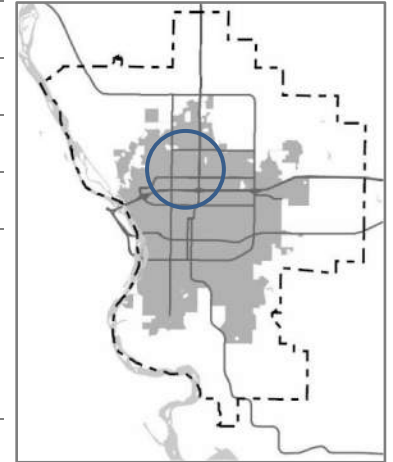
Agenda Item # 3

August 23, 2023

Project ID: **MPLT2023-002**

Project Summary

<i>Title:</i>	Boden Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Boden Development, LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In northwest Bismarck, east of North Washington Street and west of Basalt Drive, along the south side of East Lasalle Drive (replat of Lots 25-34 & Lot 38, Block 1 Boden Addition and part of the south half of Lasalle Drive ROW)
<i>Project Size:</i>	2.01 acres, more or less
<i>Applicant Request:</i>	Replat property to allow for two-family residential
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	11 lots in 1 block	<i>Lots/Blocks:</i>	9 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	R10 – 10 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Boulder Ridge

Property History

<i>Zoned:</i>	04/23
<i>Platted:</i>	04/23
<i>Annexed:</i>	2013

Project Narrative

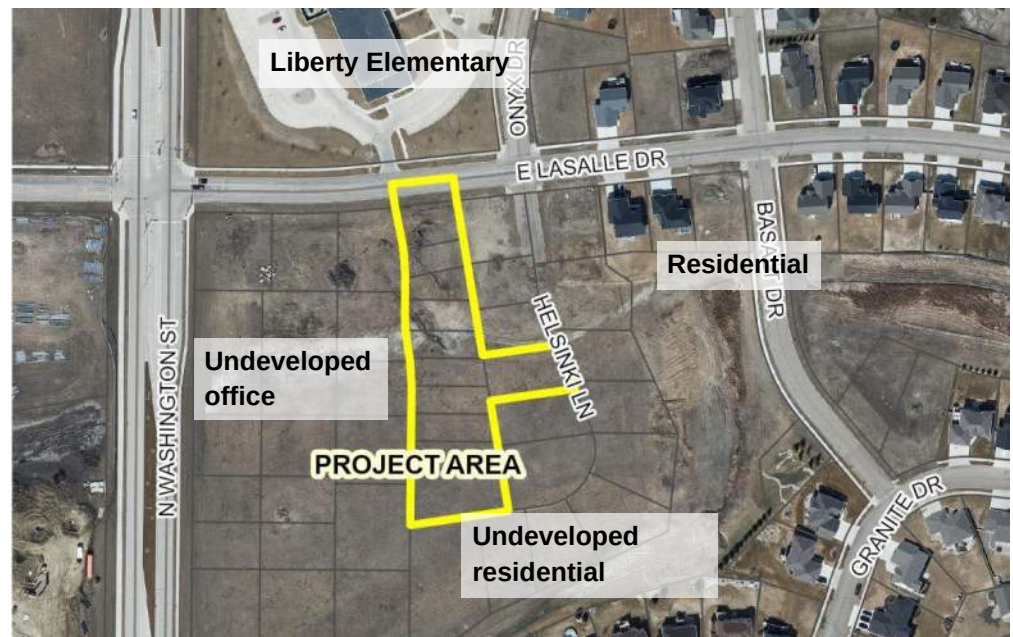
Boden Development, LLC, is requesting approval of a minor subdivision final plat titled Boden Addition First Replat. The owner wishes to reduce the number of lots in the north-to-south arrangement of Lots 25-34, Block 1, Boden Addition from ten to eight to allow for two-family residential construction on slightly larger lots than

were previously platted. The single lot protruding to the east that is included in this replat – Lot 38, Block 1, Boden Addition – is included to record a stormwater and drainage easement. The current zoning, R10 – Residential, is not being requested to change.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 11 and August 18, and 10 letters were mailed to the owners of nearby properties on August 11, 2023.

Basic project information, with the ability to contact staff for more details, has been provided

publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Minor Subdivision Final Plat

(continued)

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), [Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant

has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled Boden Addition First Replat.

Attachments

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

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov



Zoning and Plan Reference Map

MPLT2023-002

BODEN ADDITION FIRST REPLAT

Zoning Districts

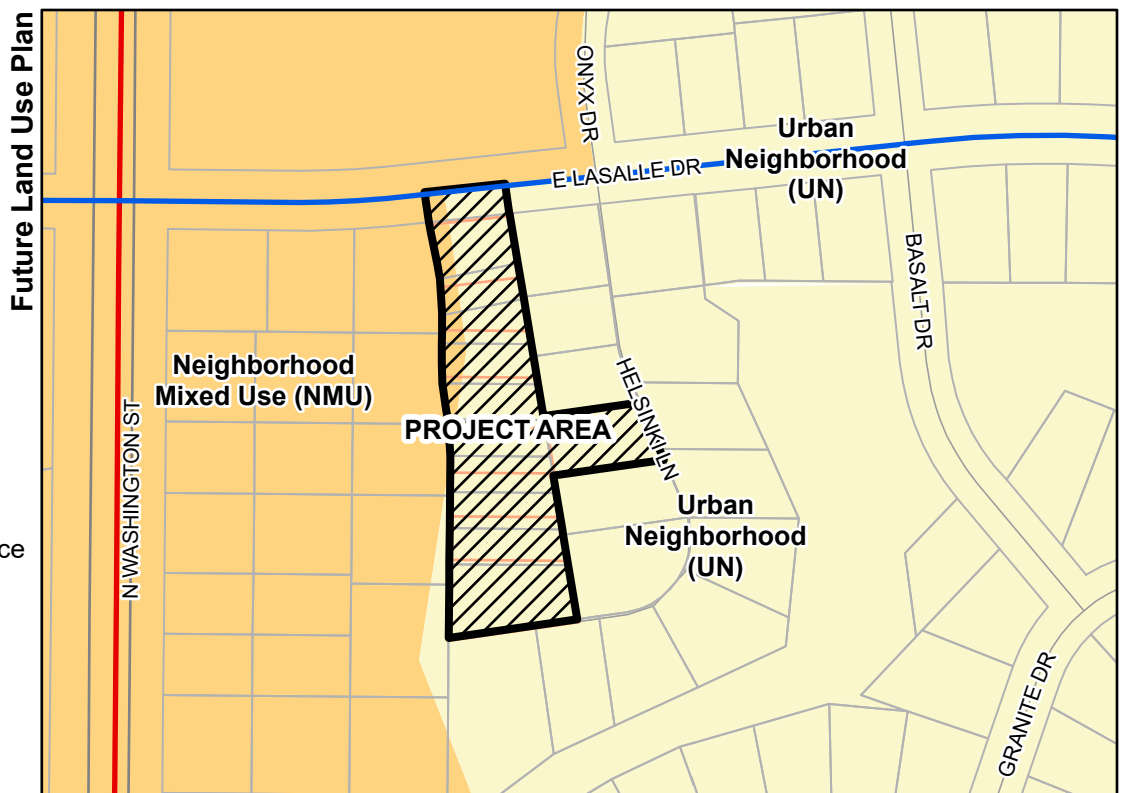
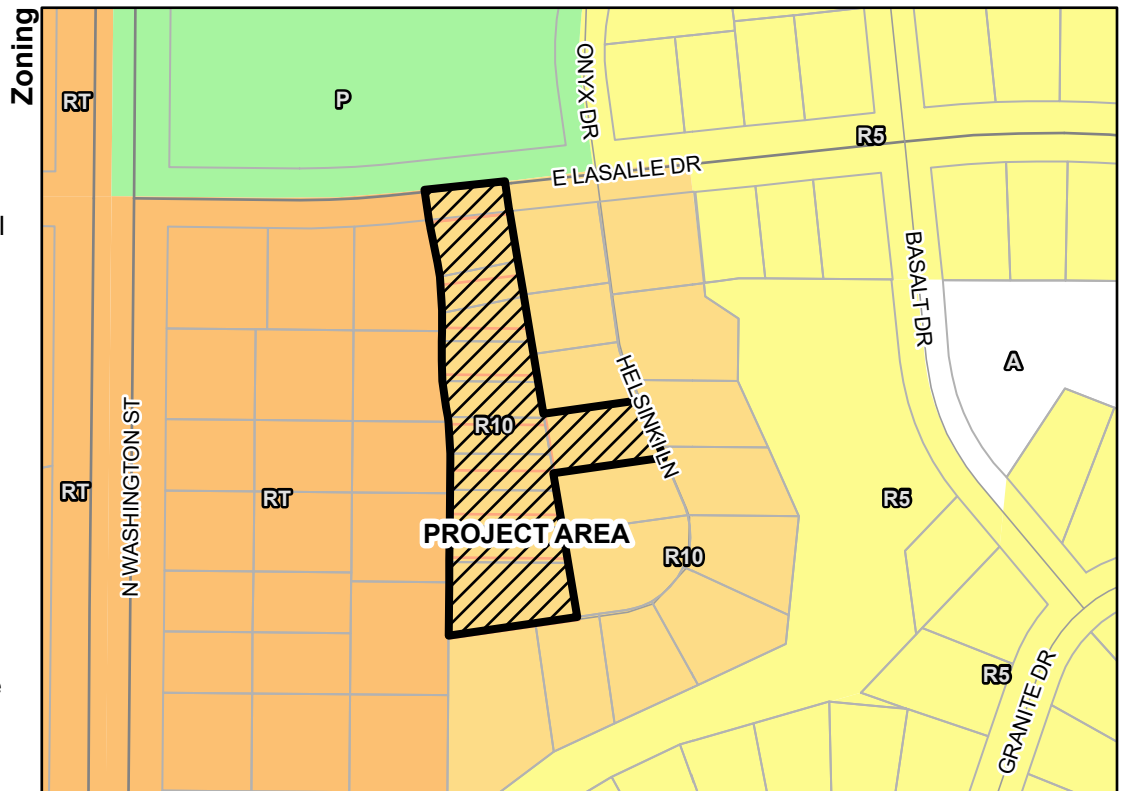
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

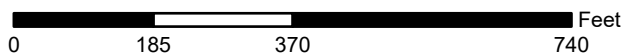
UN	Urban
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate



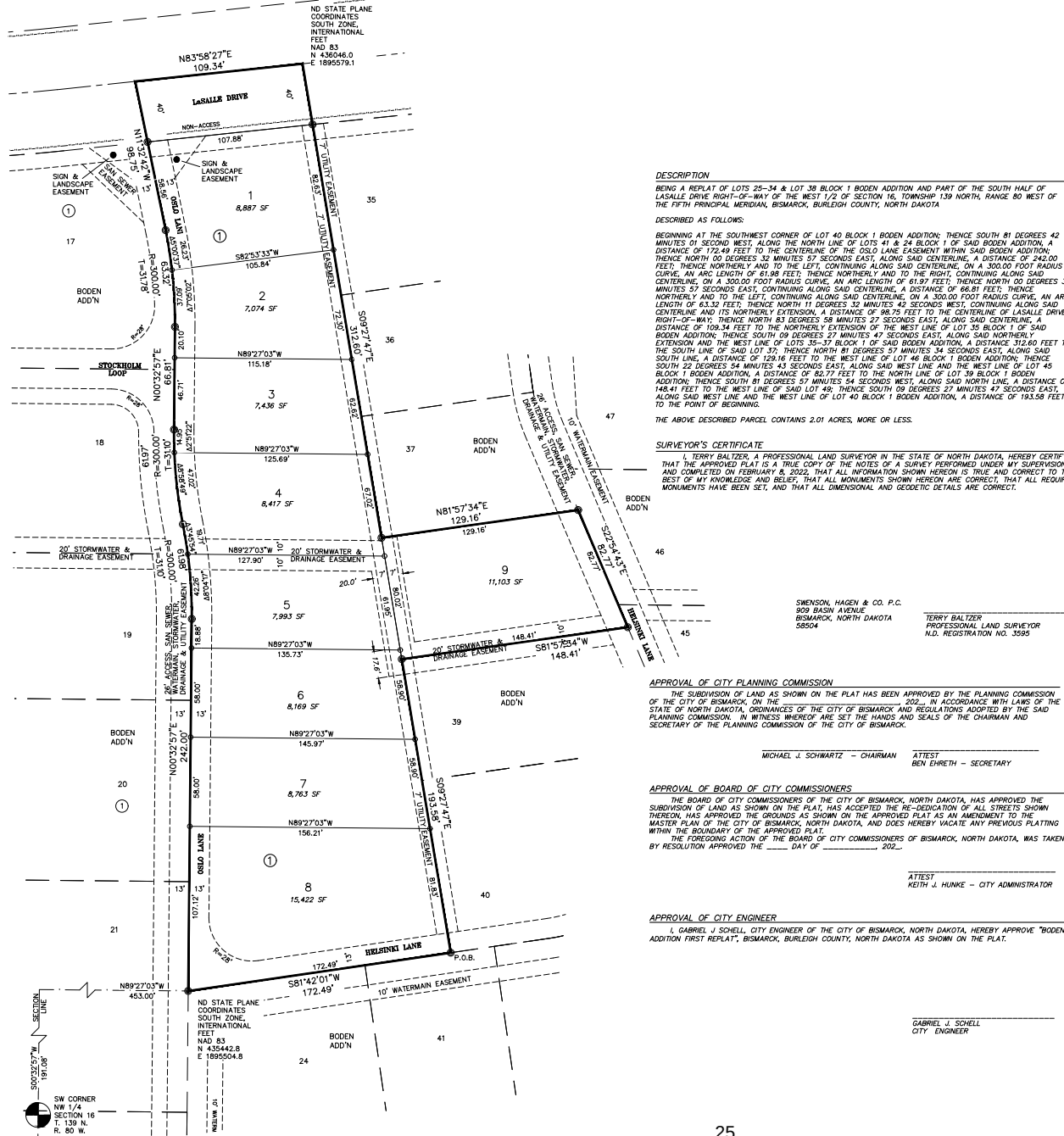
This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development
Planning Division
August 15, 2023

BODEN ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 25-34 & LOT 38 BLOCK 1 BODEN ADDITION AND PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOTS 25-34 & LOT 38 BLOCK 1 BODEN ADDITION AND PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 40 BLOCK 1 BODEN ADDITION; THENCE SOUTH 81 DEGREES 42 MINUTES 01 SECOND WEST, ALONG THE NORTH LINE OF LOTS 41 & 24 BLOCK 1 OF SAID BODEN ADDITION, A DISTANCE OF 172.49 FEET TO THE CENTERLINE OF THE OLD LANE EASEMENT WITHIN SAID BODEN ADDITION; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 242.00 FEET; THENCE NORTHERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 61.98 FEET; THENCE NORTHERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 61.97 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 66.81 FEET; THENCE NORTHERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 63.32 FEET; THENCE NORTH 11 DEGREES 32 MINUTES 42 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 98.75 FEET TO THE CENTERLINE OF LASALLE DRIVE RIGHT-OF-WAY; THENCE NORTH 83 DEGREES 58 MINUTES 27 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 109.34 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 35 BLOCK 1 OF SAID BODEN ADDITION; THENCE SOUTH 09 DEGREES 27 MINUTES 47 SECONDS EAST, ALONG SAID NORTHERLY EXTENSION AND THE WEST LINE OF LOTS 35-37 BLOCK 1 OF SAID BODEN ADDITION, A DISTANCE 312.60 FEET TO THE SOUTH LINE OF SAID LOT 37; THENCE NORTH 81 DEGREES 57 MINUTES 34 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 129.16 FEET TO THE WEST LINE OF LOT 46 BLOCK 1 BODEN ADDITION; THENCE SOUTH 22 DEGREES 54 MINUTES 43 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 45 BLOCK 1 BODEN ADDITION, A DISTANCE OF 85.77 FEET TO THE NORTH LINE OF LOT 39 BLOCK 1 BODEN ADDITION; THENCE SOUTH 81 DEGREES 57 MINUTES 34 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 148.41 FEET TO THE WEST LINE OF SAID LOT 46; THENCE SOUTH 09 DEGREES 27 MINUTES 47 SECONDS EAST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 40 BLOCK 1 BODEN ADDITION, A DISTANCE OF 193.58 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2.01 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 A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 8, 2022, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 20TH DAY OF FEBRUARY, 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE RE-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 20TH DAY OF FEBRUARY, 2022.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL A. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BODEN ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL A. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BODEN DEVELOPMENT, LLC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BODEN ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

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

THEY FURTHERMORE GRANT ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS TO THE LANDOWNERS OF BODEN ADDITION, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LINE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

RONALD KNUTSON, MEMBER
BODEN DEVELOPMENT, LLC
4207 BOULDER RIDGE RD
BISMARCK, ND 58503

ON THIS 20TH DAY OF FEBRUARY, 2022, BEFORE ME PERSONALLY APPEARED RONALD KNUTSON, A MEMBER OF BODEN 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

AREA DATA	
LOTS	1.91 ACRES
STREETS	24.44 SF, 0.10 ACRES
TOTAL	87,808 SF, 2.01 ACRES

NOTES

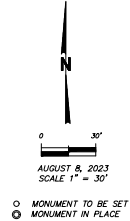
BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE

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:
TERRAIN 2407
LASALLE DRIVE 1ST WEST OF ONYX DRIVE
ELEV. 1881.7 (NAVD 29)

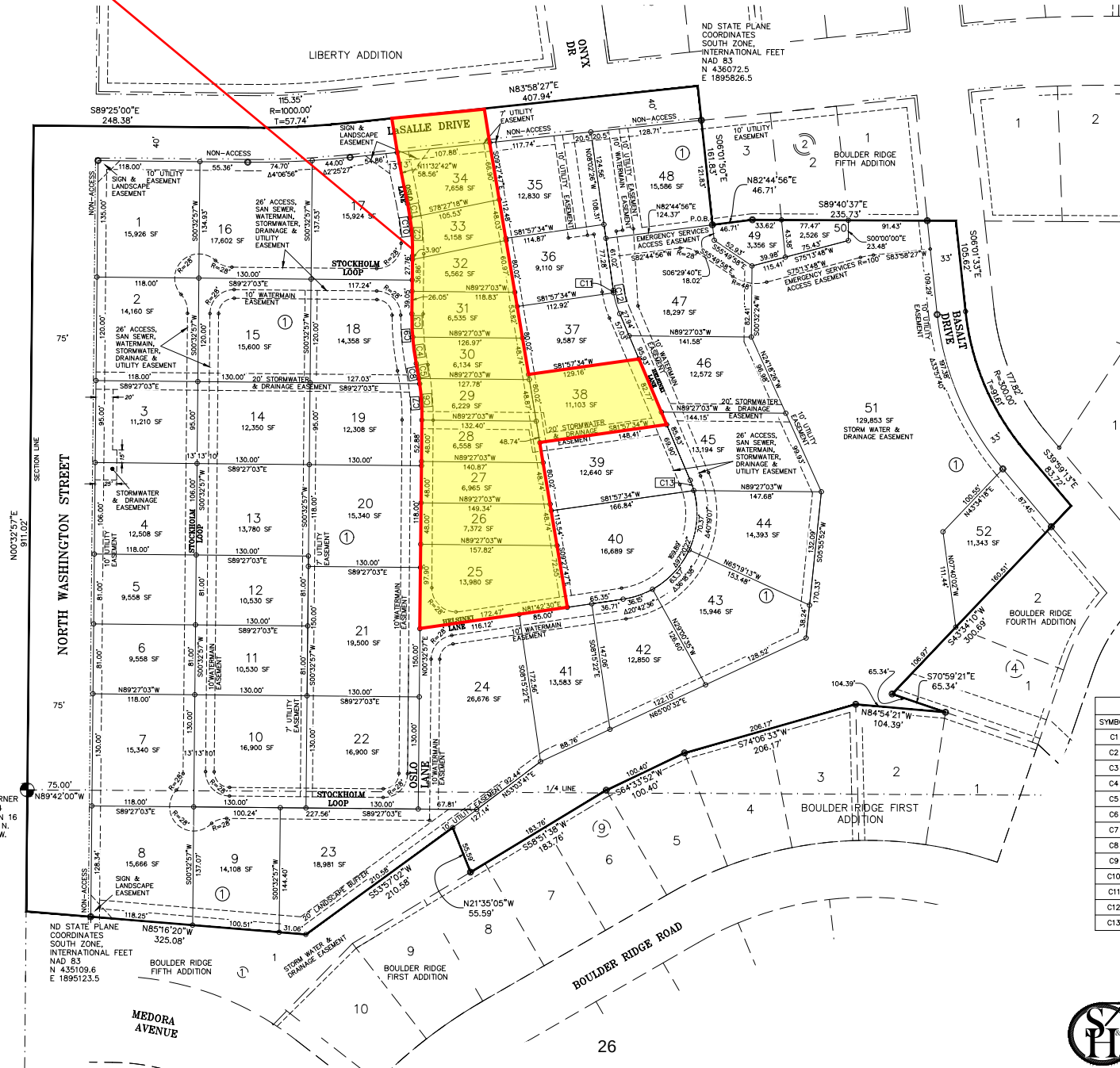


BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2
BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET RIGHT-OF-WAY, PART OF THE SOUTH HALF OF
LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST HALF OF BASALT DRIVE RIGHT-OF-WAY, & PART OF THE WEST 1/2 OF
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

Area of Boden Addition First Replat



0 50'
MARCH 24, 2022
SCALE 1" = 50'
○ 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:
TBD

AREA DATA

LOTS	762,822 S.F.	17.51 ACRES
STREETS	109,250 S.F.	2.40 ACRES
TOTAL	871,072 S.F.	20.01 ACRES

CURVE TABLE

SYMBOL	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH
C1	300.00'	3°34'05"	9.34'	18.68'
C2	300.00'	8°31'33"	22.36'	44.64'
C3	300.00'	5°09'14"	13.50'	26.99'
C4	300.00'	6°40'57"	17.51'	34.99'
C5	300.00'	2°36'21"	6.82'	13.64'
C6	300.00'	9°13'50"	24.22'	48.33'
C7	300.00'	8°04'17"	21.17'	42.26'
C8	300.00'	3°45'54"	9.86'	19.71'
C9	300.00'	11°50'11"	31.10'	61.98'
C10	300.00'	12°05'39"	31.78'	63.32'
C11	107.00'	1°27'38"	1.36'	2.73'
C12	107.00'	14°57'02"	14.04'	27.92'
C13	100.00'	7°16'22"	6.36'	12.69'

STAFF REPORT

Agenda Item # 4

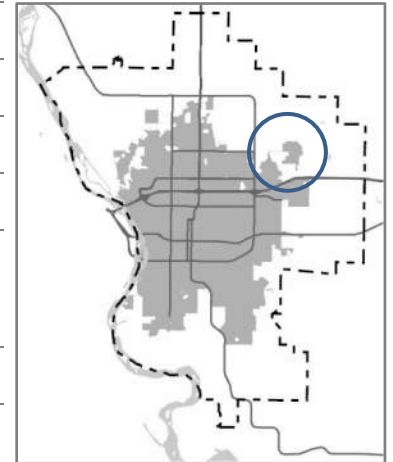
August 23, 2023

Application for: **Minor Plat**

Project ID: **MPLT2023-003**

Project Summary

<i>Title:</i>	Silver Ranch Third Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In northeast Bismarck, north of 43rd Avenue NE and east of 52nd Street NE along the north side of Welder Avenue
<i>Project Size:</i>	3.20 Acres
<i>Applicant Request:</i>	Replat property for development of two-family residential
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	7 Lots in 1 Block	<i>Lots/Blocks:</i>	14 Lots in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	R10 – 10 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Silver Ranch

Property History

<i>Zoned:</i>	10/2020
<i>Platted:</i>	10/2020
<i>Annexed:</i>	10/2020

Project Narrative

Investcore, Inc. is requesting approval of a minor subdivision final plat titled Silver Ranch Third Addition First Replat.

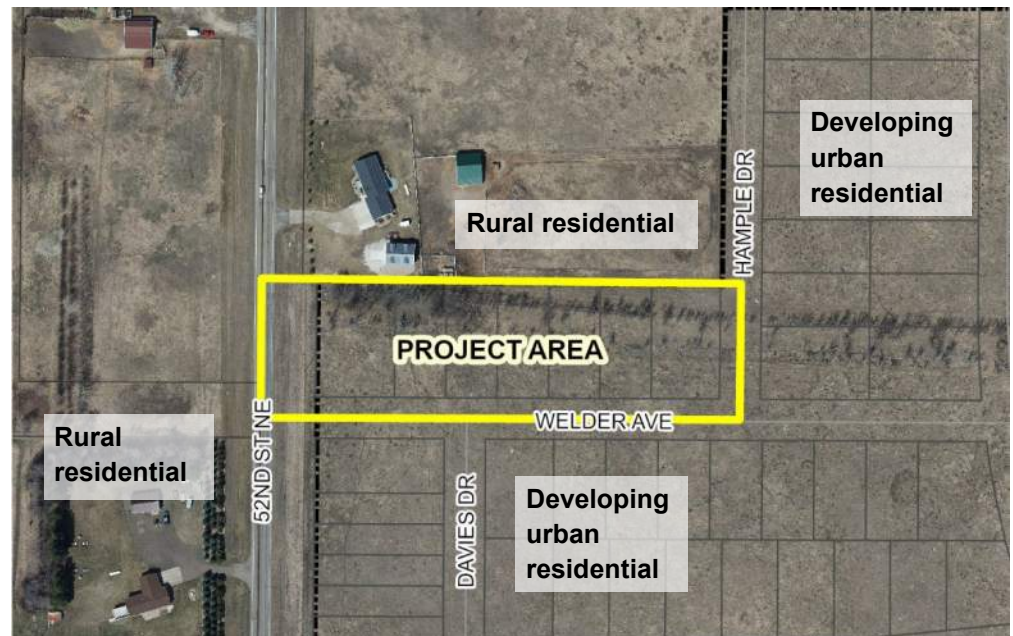
The replat would encompass the entirety of Block 1, Silver Ranch Third Addition, increasing the

number of lots from 7 to 14 for development of two-family residential. The R10 – Residential zoning, which allows either single-family or two-family residential would not change.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan, which is predominantly residential, with a mix of single-family homes, twinhomes, and townhomes up to four units.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 11 and August 18, and 14 letters were mailed to the owners of nearby properties on August 11, 2023.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for

(continued)

anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment (Goal 15, Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all

submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat to be titled Silver Ranch Third Addition First Replat.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Daniel Nairn, AICP, Planning Manager

701-355-1854 | dnairn@bismarcknd.gov



Zoning and Plan Reference Map

SILVER RANCH THIRD ADDITION FIRST REPLAT

MPLT2023-003

Zoning Districts

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

Future Land Use Plan

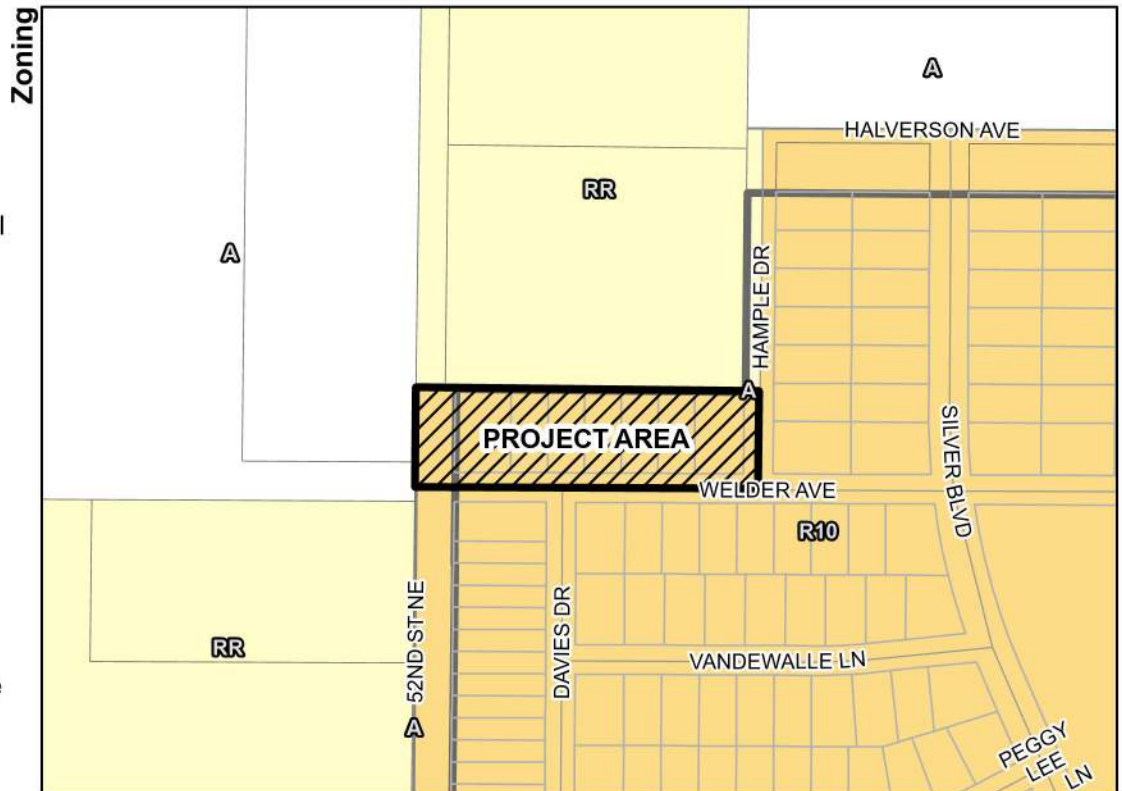
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

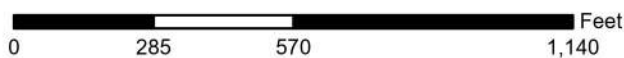
Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate

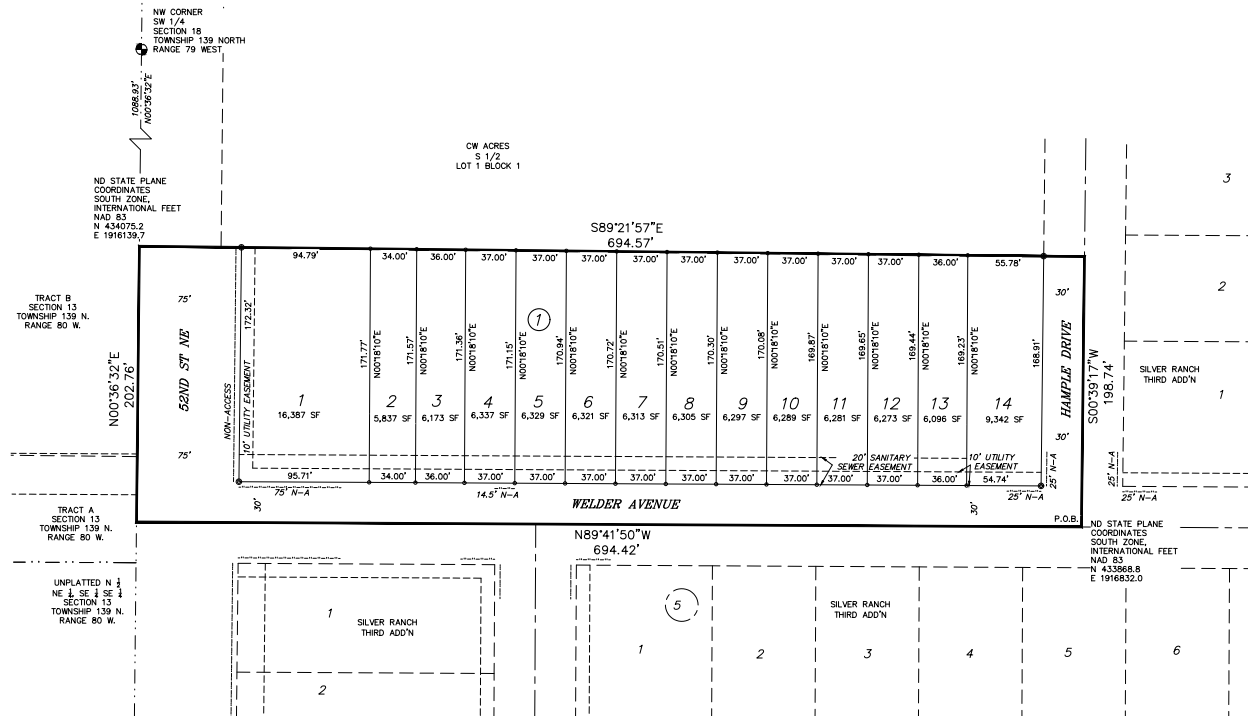


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
August 16, 2023

SILVER RANCH THIRD ADDITION FIRST REPLAT
 BEING A REPLAT OF ALL OF BLOCK 1, PART OF 52ND ST NE, PART OF THE NORTH 1/2 OF WELDER AVENUE, AND PART OF THE WEST 1/2 OF HAMPLE DRIVE RIGHTS-OF-WAY SILVER RANCH THIRD ADDITION OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
 BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE - 1" = 40'
 VERTICAL DATUM: NGVD 29

AUGUST 8, 2023

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
 83 SYSTEM
 NAD 83 SOUTH ZONE
 ADJUSTMENT OF 1986
 UNITS ARE INTERNATIONAL FEET

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

VERTICAL BENCHMARK:
 HYD #2230, ELEV. 1864.85 (NGVD 29)
 ROOSEVELT DRIVE & 43RD AVE

AREA DATA		
LOTS	14	14
SUBTOTAL	14	14
TOTAL	139,417 SF	3.20 ACRES

DESCRIPTION

BEING A REPLAT OF ALL OF BLOCK 1, PART OF 52ND STREET NW, PART OF THE NORTH 1/2 OF WELDER AVENUE, AND PART OF THE WEST 1/2 OF HAMPLE DRIVE RIGHTS-OF-WAY OF SILVER RANCH THIRD ADDITION 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 INTERSECTION OF THE CENTERLINES OF WELDER AVENUE & HAMPLE DRIVE RIGHTS-OF-WAY; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, ALONG THE CENTERLINE OF SAID WELDER AVENUE RIGHT-OF-WAY, A DISTANCE OF 694.42 FEET TO THE WEST LINE OF THE SOUTH 1/4 OF SAID SECTION 18; THENCE NORTH 90 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 202.76 FEET TO THE SOUTH LINE OF LOT 1 BLOCK 1 CW ACRES; THENCE SOUTH 89 DEGREES 21 MINUTES 57 SECONDS EAST, ALONG SAID SOUTH LINE, AND THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 694.57 FEET TO THE CENTERLINE OF HAMPLE DRIVE RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 39 MINUTES 17 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 198.74 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.20 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH) SS

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

TERRY BALZER
 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 _____, 2023, 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 THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN
 BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE 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 THIRD ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
 CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

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

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

THEY FURTHERMORE GRANT A SANITARY SEWER EASEMENT TO ALL ADJOINING LAND OWNERS, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTY, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTY, TO MAINTAIN SANITARY SEWER FACILITIES UNDER OR UPON SAID EASEMENT.

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 _____



SWENSON, HAGEN & COMPANY P.C.

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

Surveying
Hydrology
Land Planning
Civil Engineering
Landscaping & Site Design
Construction Management

STAFF REPORT

Application for: **Minor Plat**

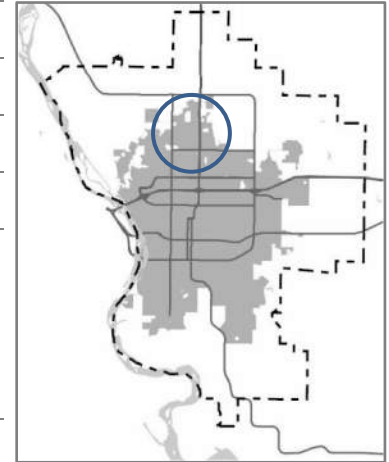
Agenda Item # 5

August 23, 2023

Project ID: **MPLT2023-004**

Project Summary

<i>Title:</i>	Tree Top Second Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Malloy 57, LLC
<i>Project Contact:</i>	Brad Krogstad, PE, KLJ Engineering
<i>Project Location:</i>	In north, central Bismarck, in the southwest quadrant of the intersection of US Highway 83 NW and 57th Ave NE (a replat of Lot 1, Block 1 and north 141.43 ft of Lot 2, Block 1, Tree Top Addition and a portion of the adjacent 57th Ave NE ROW)
<i>Project Size:</i>	7.47 acres
<i>Applicant Request:</i>	Replat property for commercial development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Undeveloped
<i>Future Land Use:</i>	Destination Mixed Use (DMU)	<i>Future Land Use:</i>	Destination Mixed Use (DMU)
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Sonnet Heights

Property History

<i>Zoned:</i>	04/2005
<i>Platted:</i>	05/2005
<i>Annexed:</i>	2005

Project Narrative

Malloy 57, LLC., is requesting approval of a minor subdivision final plat titled Tree Top Second Addition. The owner wishes to increase the number of lots from one (plus a piece of a second

lot) to five total commercial lots to allow for development of the land. The current zoning, CG – Commercial, is not requested for change.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Destination Mixed Use (DMU) in the Future Land Use Plan. The DMU areas are major commercial and employment centers that serve the entire regional trade area of Bismarck as well as visitors. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

The project area is surrounded on three sides by other properties zoned CG – commercial, to the north, east and south. To the west is residential land, primarily R10 – Two-family, and some undeveloped land zoned RT – Residential.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 11 and August 18, and 20 letters were

mailed to the owners of nearby properties on August 11, 2023.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

Minor Subdivision Final Plat

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), [Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMC) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century

Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled Tree Top Second Addition.

Attachments

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

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov



Zoning and Plan Reference Map

MPLT2023-004

TREE TOP SECOND ADDITION

Zoning Districts

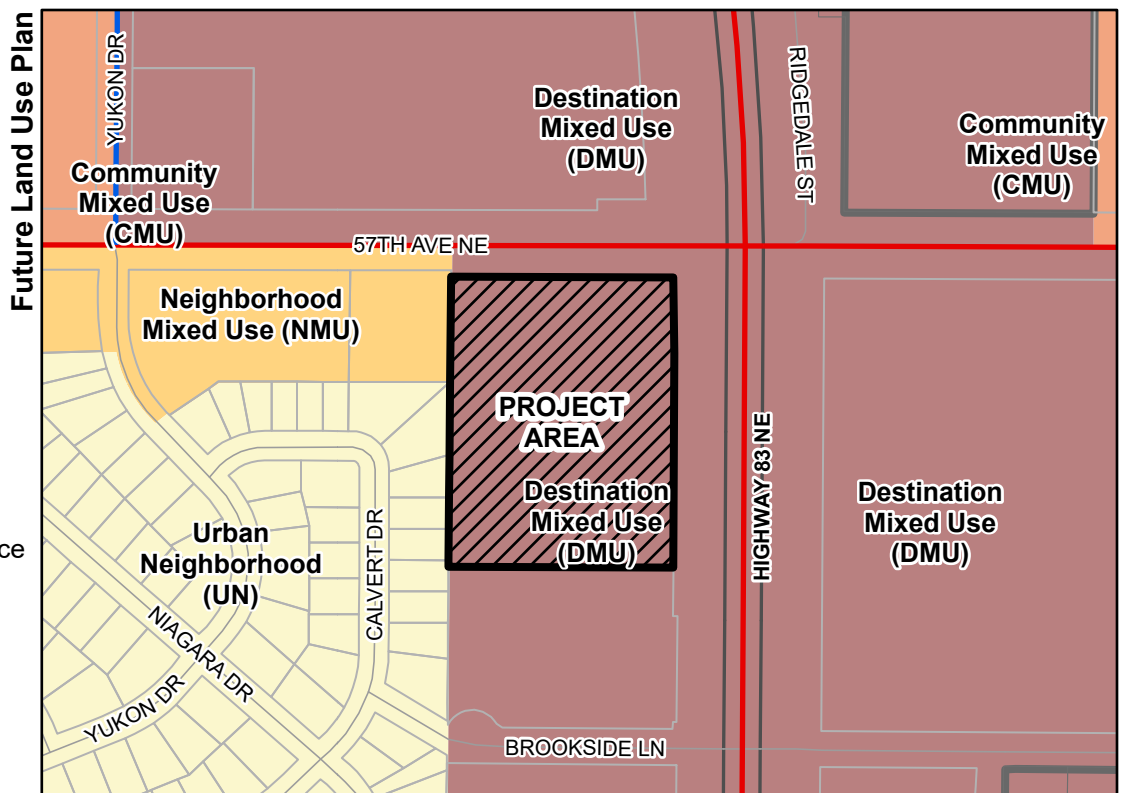
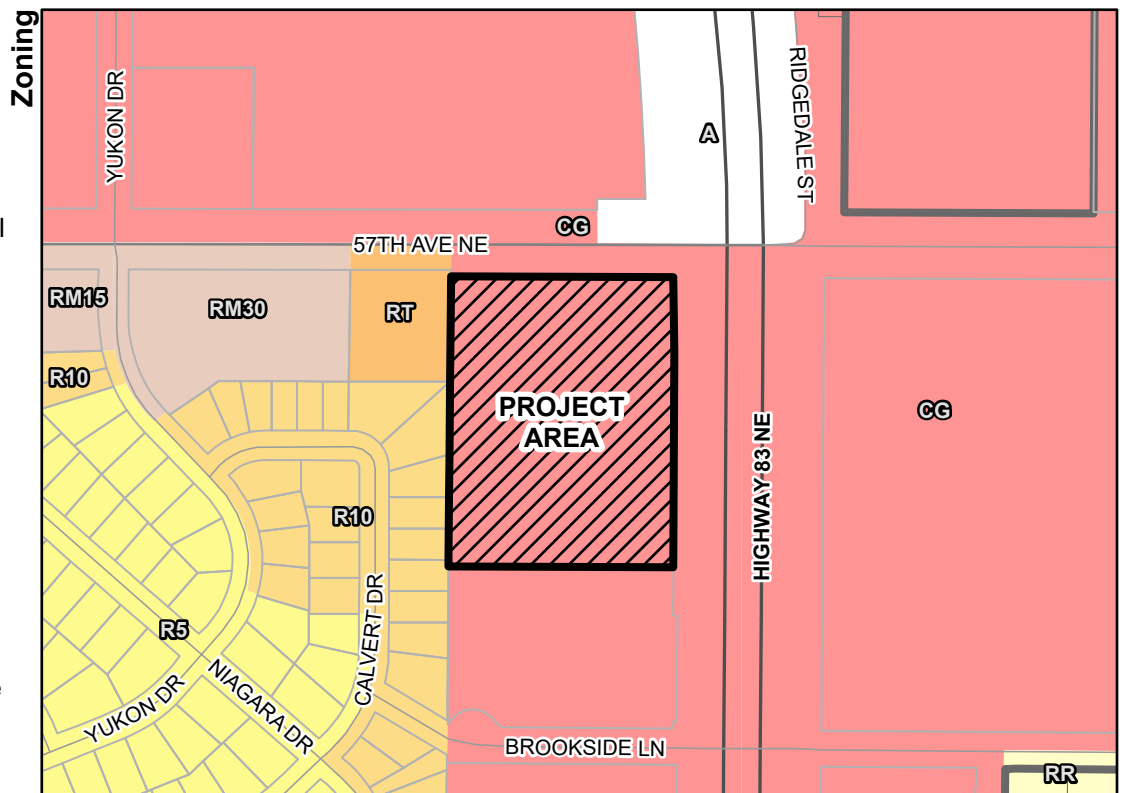
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

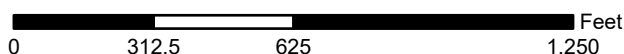
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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.



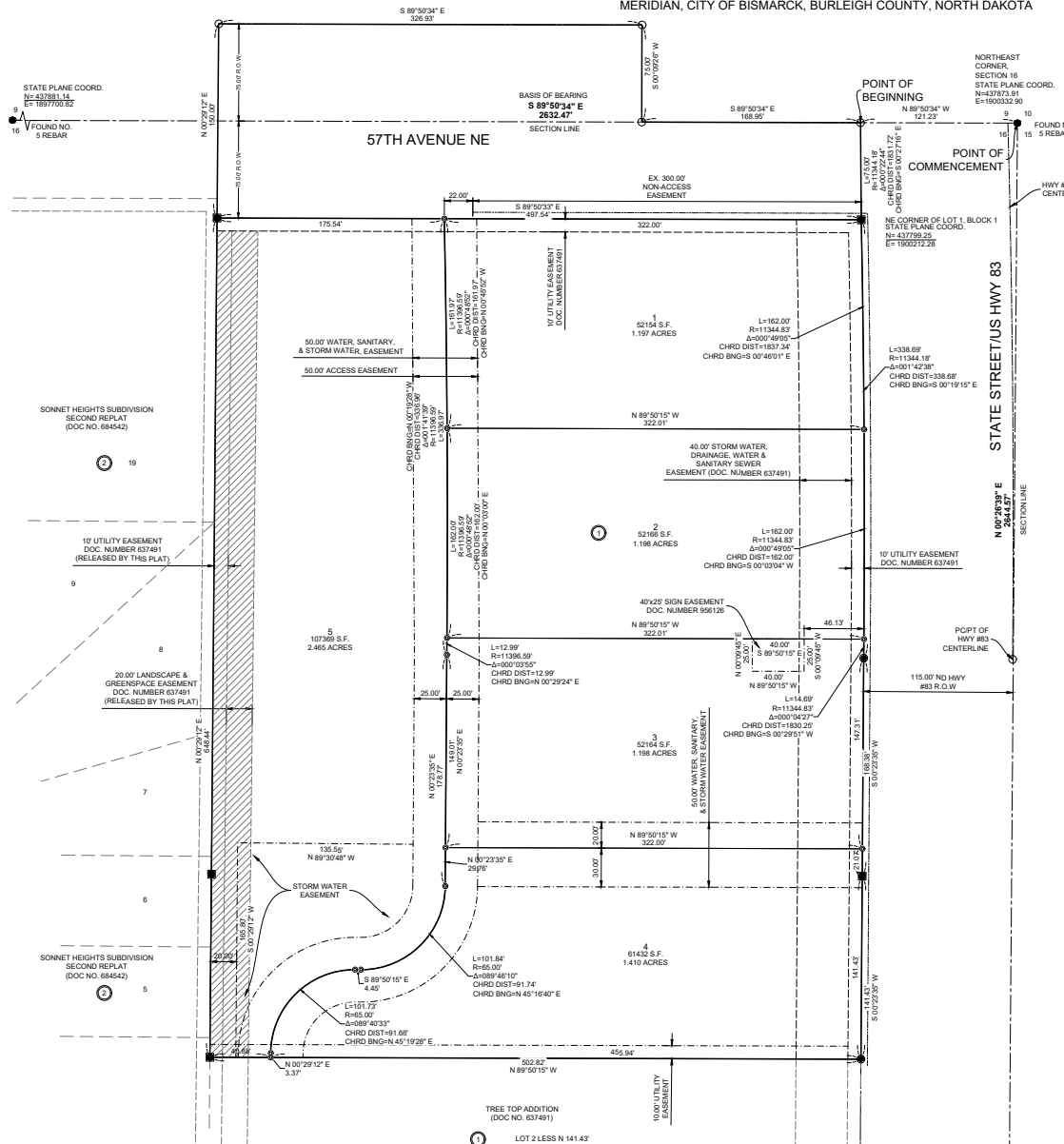
City of Bismarck
Community Development
Planning Division
August 9, 2023

TREE TOP 2ND ADDITION

BEING A REPLAT OF LOT 1, BLOCK 1 AND NORTH 141.43 FT OF LOT 2, BLOCK 1, TREE TOP ADDITION AND A PORTION OF THE ADJACENT 57TH AVE NE RIGHT OF WAY, NORTHEAST QUARTER OF SECTION 16 AND SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

SURVEYOR:
RL ENGINEERING LLC
4385 COLEMAN STREET
BISMARCK, NORTH DAKOTA 58503-0431

OWNER:
MALLOY 57, LLC
207 SOUTH WASHINGTON ST
BISMARCK, ND 58504



DESCRIPTION

BEING A REPLAT OF LOT 1, BLOCK 1 AND NORTH 141.43 FT OF LOT 2, BLOCK 1, TREE TOP ADDITION AND A PORTION OF THE ADJACENT 57TH AVE NE RIGHT OF WAY, NORTHEAST QUARTER OF SECTION 16 AND SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, ON A BEARING OF N 89°50'34\"

SURVEYOR'S CERTIFICATE

I, CARL OLSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THIS PLAT IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 11TH DAY OF DECEMBER, 2019, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL REQUIRED MONUMENTS HAVE BEEN SET.

CARL OLSON
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. PLS-4887
4385 COLEMAN STREET
BISMARCK, NORTH DAKOTA 58503

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 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.

THE FOREGOING ACTION OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2019.

ATTEST
KEITH HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "TREE TOP 2ND ADDITION" AS SHOWN ON THE APPROVED PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE APPROVED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 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.

MICHAEL J. SCHWARTZ - CHAIRMAN **ATTEST: SARAH FRICKE - SECRETARY**

OWNER'S CERTIFICATE AND DEDICATION

I, HOWARD MALLOY, PRESIDENT OF MALLOY 57, LLC, BEING THE OWNER OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "TREE TOP 2ND ADDITION, AND REDEDICATE ALL RIGHTS OF WAY AS SHOWN ON THIS PLAT TO THE CITY OF BISMARCK.

I HEREBY DEDICATE AND REDEDICATE ALL EASEMENTS SHOWN ON THIS PLAT, EXCEPT THOSE SHOWN TO BE VACATED, TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, COMMUNICATIONS, AND OTHER PUBLIC UTILITIES OR SERVICES, ON, ACROSS, OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS"; I REDEDICATE ALL EASEMENTS TO RUN WITH THE LAND, FOR STORM WATER, DRAINAGE, WATER, AND SANITARY SEWER UTILITIES ON, ACROSS, OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "STORM WATER, DRAINAGE, WATER, & SANITARY SEWER EASEMENTS";

I ALSO DEDICATE AN ACCESS EASEMENT UNTO ALL LAND OWNING PARTIES WITHIN THE PLAT TO RUN WITH THE LAND, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT OF ACCESS TO SAID PARTIES, THEIR TENANTS, VISITORS, AND LICENSEES, EMERGENCY SERVICES PERSONNEL, AND THE AGENTS, OFFICERS, AND EMPLOYEES OF ANY GOVERNMENTAL SUBDIVISION, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO PASS AND REPASS AND APPURTENANT TO THE LAND OF SAID PARTIES.

I ALSO DEDICATE A "WATER, SANITARY & STORM WATER EASEMENT" ALONG THE PRIVATE ACCESS ROAD, UNTO ALL LAND OWNING PARTIES WITHIN THE PLAT TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING SAID WATER SERVICES, SANITARY SEWER, AND STORM WATER CONVEYANCE UNDER, OVER, THROUGH AND/OR ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

I ALSO DEDICATE A "STORM WATER EASEMENT" WITHIN LOT 5, UNTO ALL LAND OWNING PARTIES WITHIN THE PLAT TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING SAID STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERE TO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FLOW AND/OR DETENTION OF STORM WATER UNDER, OVER, THROUGH AND/OR ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON FOR THE BENEFIT OF LOT 5, BLOCK 1, AND THE ACCESS ROAD.

I FURTHER DEDICATE A "WATER, SANITARY, & STORM WATER EASEMENT" UNTO LOT 3 AND LOT 4, BLOCK 1, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING SAID WATER SERVICES, SANITARY SEWER, AND STORM WATER CONVEYANCE FACILITIES UNDER, THROUGH AND/OR ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON FOR THE BENEFIT OF LOT 3, BLOCK 1.

STATE OF NORTH DAKOTA)
COUNTY OF) ss
HOWARD MALLOY
PRESIDENT
MALLOY 57, LLC
207 SOUTH WASHINGTON ST
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2019, BEFORE ME PERSONALLY APPEARED RANDALL BARKER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES:

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

PLAT IS SUBJECT TO ALL PRIOR CONVEYANCES AND EASEMENTS OF RECORD.

ALL DISTANCES SHOWN ARE MEASURED IN GROUND USING A SCALE FACTOR OF 1.0001485221.

DURABLE BENCHMARK MONUMENT IS DESCRIBED AS NE PROPERTY CORNER OF TREE TOP 2ND ADDITION, BLOCK 1, LOT 1. DATA FOR MONUMENT IS SHOWN BELOW.

NORTHING: 437799.25
EASTING: 1900212.28
ELEVATION: 1849.57

PLAT INFORMATION

- NUMBER OF LOTS - 5
- LOT ACREAGE - 7.488 ACRES
- R.O.W. ACREAGE - 1.419 ACRES
- TOTAL ACREAGE - 8.887 ACRES

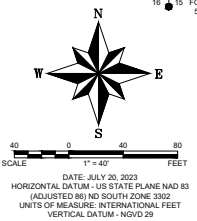
FLOOD PLAIN INFORMATION:

THE PROPERTY IS NOT LOCATED IN A FLOOD PLAIN.

PLAT LEGEND

● MONUMENT TO BE SET
● REBAR AND LS 3786 CAP FOUND
● REBAR AND LS 27123 CAP FOUND
○ CALCULATED POSITION
--- EXISTING EASEMENT
--- EXISTING PROPERTY LINE
--- BOUNDARY LINE
--- RIGHT OF WAY LINE
--- PROPOSED LOT LINE
--- NON-ACCESS EASEMENT LINE
--- EASEMENT LINE

1 BLOCK/LOT NUMBERS



STAFF REPORT

Agenda Item # 6

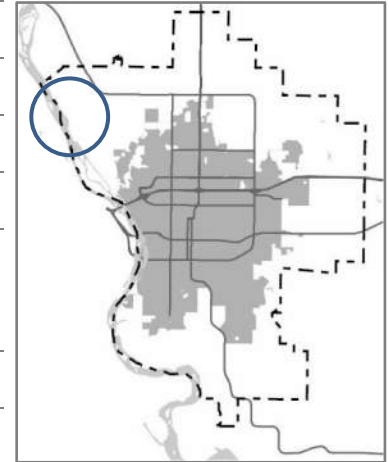
August 23, 2023

Application for: **Zoning Map Amendment**
Minor Plat

Project ID: **PUDA2023-002**
MPLT2023-001

Project Summary

<i>Title:</i>	Misty Waters Second Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Misty Waters LLC – Lot 2, Block 1, Misty Waters
<i>Project Contact:</i>	Missy Moritz
<i>Project Location:</i>	Northwest of Bismarck, west of River Road along the west side of Burnt Creek Loop (a replat of Lot 2, Block 1, Misty Waters)
<i>Project Size:</i>	10.32 acres
<i>Applicant Request:</i>	Replat and amend PUD to modify the size and dimensions of Lot 2, Block 1, Misty Waters, remove residential uses and allow self-storage buildings with up to 2 units devoted to marina / watercraft maintenance operations
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Limited commercial	<i>Land Use:</i>	Limited commercial and self-storage
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	PUD – Planned Unit Development	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	05/2005
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	05/2005
<i>Neighborhood:</i>	Misty Waters	<i>Annexed:</i>	N/A

Project Narrative

Misty Waters LLC, with consent of the Misty Waters Homeowners Association, is requesting approval of minor subdivision final plat titled Misty Waters Second Replat and major Planned Unit Development (PUD) amendment for Lot 1, Block 1 of the proposed plat.

The proposed amendment would remove residential uses and allow self-storage buildings

with up to 2 units in the southwestern most building to be used as marina/watercraft maintenance operations on Lot 1, Block 1 of the proposed plat.

Development standards for commercial uses (marina and convenience store) on Lot 2, Block 1 of the proposed plat, as outlined in the existing PUD, would remain.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life.

The Planning and Zoning Commission considered the proposed PUD amendment at their meeting of May 24, 2023 and called for a public hearing. on the request.

(continued)

Additional Information

The applicant and planning staff have met on several occasions to discuss the proposed PUD amendment. Initially, planning staff was apprehensive with the request for storage buildings within this area. The City's zoning ordinance (Title 14) permits storage buildings within the MA and MB – Industrial zoning districts, not within residential zoning districts. As this property is located within a PUD that allows uses other than residential, staff is agreeable to the proposed storage units. However, staff have concerns with the impacts these storage buildings may have on the surrounding residential neighborhood.

To help minimize these impacts additional criteria regarding building design, lighting, landscaping and use standards have been added to the PUD amendment.

PUD Amendment Document*Use Standards*

Use standards outlined in the PUD amendment would ensure the buildings are used for storage. Commercial (including offices), residential and assembly uses would not be permitted within the storage buildings, except for up to 2 units proposed to be used for marina operations, watercraft winterization and minor maintenance of watercraft.

Water and sewer connections and fixtures commonly associated with bathrooms, kitchens, offices, and bedrooms would be prohibited within each storage unit. Floor drains may be installed within each storage unit and a single wash bay or single water connection to a common location for washing watercraft and other vehicles prior to storage would be permitted.

Design and Aesthetic Standards

Design standards outlined in the PUD amendment would ensure that the proposed storage buildings would be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses.

All exterior lighting would be designed and installed in a manner intended to limit off-site impacts to adjacent residential uses.

Landscaping and Screening

Landscaping and screening requirements outlined in the PUD amendment are intended to provide separation between the proposed storage buildings and the existing residential area by utilizing a combination of distance and plantings to form a dense landscaping screen around the proposed storage units.

A 20-foot landscaping easement and buffer along the north side of the lot and along the east side of the lot within the Burnt Creek Loop right-of-way has been included with the proposed minor plat. A separate easement document for the landscaping easement within the Burnt Creek Loop right-of-way has been prepared must be approved / accepted by the Burleigh County Commission prior to recordation of the final plat.

Public Engagement

Hay Creek Township was notified of this request on May 31, 2023. The township has recommended approval of the proposed request.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 11 and August 18, and 128 letters were mailed to the owners of nearby properties on August 11, 2023.

Basic project information, with the ability to contact staff for more details, has been provided

(continued)

publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Planned Unit Development (PUD) Amendment

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The following objectives of the plan would be advanced through the amended planned unit development. The proposed amendment would replat Lot 2, Block 1, Misty Waters into two lots, remove residential uses and allow self-storage buildings with up to 2 units devoted to marina / watercraft maintenance operations on Lot 1, Block 1 of the proposed plat. Development standards for commercial uses (marina and convenience store) on Lot 2, Block 1 of the proposed plat, as outlined in the existing PUD would remain.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. The proposed amendment is located adjacent to residential uses to the north and east across Burnt Creek Loop. The amended planned unit development includes landscaped buffers to mitigate any potential negative impacts of these uses. Buffer yard easements are included with the minor subdivision final plat and planting materials are attached site plan.

Natural features of the site would be preserved, insomuch as possible, including the preservation of

trees and natural drainage ways (Section 14-04-18(3)c)

Yes. The amended planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. Additionally, buffer yard width and planting materials along the north and east sides of the property are included in the attached site plan.

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed planned unit development is served entirely by existing public rights-of-way without need for an internal circulation system

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

Yes. The current PUD allows for a mix of single, two and multifamily uses, and commercial uses (marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store, a two-bay boat repair facility, and a restaurant/bar).

The proposed amendment would remove the multifamily uses and allow self-storage buildings with 1-2 units in the southwestern most building devoted to marina / watercraft winterization and minor maintenance operations. These uses, as designed and laid out in the proposed planned unit development amendment and attached site plan would be compatible and harmonious with the surrounding area.

Proper administrative procedures related to the request are being followed (Section 14-04-18)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant

(continued)

has submitted a complete application for a planned unit development amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare. Provided design and aesthetic standards of the proposed storage buildings are compatible with existing buildings within the PUD, as outlined in the attached PUD amendment document, and a buffer yard is included along the north and east sides of the property.

Minor Subdivision Final Plat

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), [Section 14.1-04-03](#));

Yes. there is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer, with concurrence from the County Engineering.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. the proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major Planned Unit Development (PUD) amendment as outlined in the attached draft PUD amendment document and minor subdivision final plat titled Misty waters Second Replat, with the following conditions:

1. A separate easement document for landscaping within the Burnt Creek Loop right-of-way is approved / accepted by the Burleigh County Commission and recorded prior to recordation of the final plat.

(continued)

Attachments

1. Draft PUD Amendment Document
2. Zoning and Plan Reference Map
3. Written Statement
4. Misty Waters HOA letter
5. Conceptual Site Exhibit
6. Conceptual Building Drawing
7. Minor Subdivision Plat
8. Original plat with replatted area
9. Township Resolution

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

**MISTY WATERS PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5435 (Adopted June 14, 2005)
MAJOR PUD AMENDEMNT (Adopted August 23, 2006)
MAJOR PUD AMENDMENT (Adopted October 25, 2017)
MAJOR PUD AMENDMENT (Adopted October 28, 2020)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5435 was adopted by the Board of City Commissioners on June 14, 2005; and

WHEREAS, Ordinance No. 05-03 was adopted by the Board of County Commissioners on June 6, 2005; and

WHEREAS, Section 1(2) of both ordinances indicates that this PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, the PUD was amended on August 23, 2006 at the Misty Waters LLC to modify the location and density of residential uses, the location of commercial uses, and the setback around the bay; and

WHEREAS, the PUD was amended on October 25, 2017 to clarify language relating to multi-family residential development within the PUD; and

WHEREAS, The PUD was amended on October 28, 2020 to ~~Lot 84, Block 1 and Lot 40, Block 3 are being replatted as Misty Waters First Replat, which will~~ replace multi-family residential uses within a portion of the development with single-family uses for Lot 84, Block 1 and Lot 40, Block 3 replatted as Lots 1 and 2, Misty Waters First Replat.

WHEREAS, Lot 2, Block 1, Misty Waters is being replatted as Misty Waters Second Replat, a 2 lot 1 block subdivision, and PUD amendment to remove multi-family uses within the replatted area and allow self-storage uses on Lot 1, Block 1, Misty Waters Second Replat.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-83, Block 1; Lots 1, Block 2; Lots 1-39, Block 3; and Lot 1, Block 4; Misty Waters and Lots 1-3, Block 1; ~~and~~ Lots 1-3, Block 2, Misty Waters First Replat ~~and~~ Lots 1-2, Block 1, Misty Waters Second Replat

is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 129 residential units (121 single-family residential units and up to 30 two-family residential units) to be constructed in condominium associations with two units per building or as twinhome/townhouse projects with mutual easements and obligations with two units per building; water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store with a two-bay boat repair facility, and a restaurant/bar; marina parking facilities; parking facilities for winter storage of marine boats and pontoons; and a public boat ramp with parking to be deeded to Burleigh County. Any change in the proposed uses within the PUD from that indicated herein will require an amendment to this PUD.

2. *Single-Family Residential Development Standards.* Single family residential development shall be located on Lots 2–81, Block 1 and Lots 2- 37, Block 3, Misty Waters and Lots 1-3, Block 1 and Lots 1-3, Block 2, Misty Waters First Replat 121 lots with one dwelling unit per lot); the building corridor shown on the development plan submitted with the original application for a PUD shall be eliminated; the minimum front yard setback shall be 40 feet on Burnt Creek Loop, 35 feet on Misty Waters Drive and 25 feet on the other interior roadways; the minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 30%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Multi-family or Two-family Residential Development Standards.* Multi-family or two-family residential development shall be located on the northerly 573.16 feet of the easterly 177.91 feet of Lot 2 and all of Lots 82-83, Block 1, and Lots 38-39, Block 3 (separate parcels with the option of a separate condominium association for each parcel or a twinhome/townhouse project with mutual easements and obligations for each parcel and with up to fifteen buildings with no more than two units in each building); the building corridor shown on the development plan submitted with the original application for a PUD shall be eliminated; the minimum front yard setback shall be 35 feet; the minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum

setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 40%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

4. *Commercial Development Standards.* Commercial development shall be located on ~~Lot 2 less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1~~ Lot 2, Block 1, Misty Waters Second Replat and shall be limited to water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/ convenience store, a two-bay boat repair facility, and a restaurant/bar. The minimum front yard setback shall be 40 feet; the minimum side yard setback shall be 20 feet; the minimum rear yard setback shall be 30 feet; the maximum building height shall be 35 feet; and the maximum lot coverage shall be 70%. Commercial building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Parking areas for commercial uses shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. Any change to the uses or building setbacks that are inconsistent with these standards will require an amendment to this PUD. Any activities requiring a special use permit, such as gas dispensing/filling station or liquor sales, shall be subject to the requirements of Section 14-03-08 of the City Code of Ordinances (Special Uses). Any liquor sales will also be subject to the standards agreed to by Burleigh County and the developer in conjunction with liquor licensing.

5. *Marina Parking Facilities.* Marina parking facilities, including parking facilities for winter storage of marine boats and pontoons, shall be located on Lot 1, Block 1, Misty Waters in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on a ratio of one parking space per 1.5 boat slips. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. A marina restroom and concession facility may be constructed on Lot 1, and each shall be no larger than 500 square feet in area, no more than one story in height, be architecturally similar to other commercial buildings in the development and be subject to the same development standards as outlined for commercial uses. Any changes to the location of marine parking facilities will require an amendment to this PUD.

6. *Public Boat Ramp.* A public boat ramp and parking facilities shall be located on Lot 1, Block 4, Misty Waters. Said boat ramp and parking facilities shall be developed in accordance with the agreement between the Developer and Burleigh County. Upon conveyance of the property to Burleigh County, the County may construct other complementary facilities, such as restrooms, fish cleaning stations, and picnic shelters.

7. *Storage Uses.* Self-storage development shall be located on Lot 1, Block 1, Misty Waters Second Replat and shall be limited to seven buildings, no more than two stories in height and comply with the following use standards:

- a. Commercial (including offices), residential, and assembly uses are prohibited within storage buildings/units, except for up to 2 units in the southwestern most building. These units may be used for marina operations, watercraft winterization and minor maintenance of watercraft.
- b. Water and sewer installed within individual units is prohibited, except for up to 2 units within the southwestern most building to serve marina operations, watercraft winterization and minor maintenance of watercraft.
- c. Fixtures commonly associated with bathrooms, kitchens, offices and bedrooms are prohibited in individual storage units.
- d. Floor drains are permitted within each unit.
- e. Water may be installed to one common exterior location for watercraft maintenance.

8. *Design and Aesthetic Standards.* The following design and aesthetic standards shall apply to all structures located on Lot 1, Block 1, Misty Waters Second Replat:

- a. *Intent.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. *Building Materials.* All building facades must be designed primarily with architecturally finished materials.
 - i. Primary building materials are limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels.
 - ii. The following building materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material;

and exposed, untextured, uncolored, unaugmented concrete, including poured in place, pre-cast concrete panels and concrete block.

- c. *Lighting.* All exterior lighting shall be designed and installed in a manner intended to limit off-site impacts to adjacent residential uses.

~~79.~~ *Signage.* Development identification signage may be installed on Lot 1, Block 2, in accordance with the requirements of Section 14-03-05(9) of the City Code of Ordinances (Residential Area Identification Signs). Signage for the commercial uses on Lot 2, Block 1, shall be limited to one pylon sign no more than 35 feet in overall height with a face not exceeding 96 square feet, one monument sign with a face not exceeding 48 square feet, and up to two wall signs per building (one facing the marina and one facing the entrance to the commercial area) in accordance with the provision of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures).

~~8-10.~~ *Landscaping.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The perimeter parking lot landscaping requirements for the marina parking facilities on Lot 1, Block 1, and the commercial uses on Lot 2 less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1 may be modified by the City Forester and/or City Planner Community Development Director to recognize the setting of the development and to incorporate deer and drought-resistant plant materials, provided the overall intent of the landscaping requirements, if not the specific plant quantities, are met.

The following landscaping and buffering requirements shall be installed in conjunction with development of Lot 1, Block 1, Misty Waters Second Replat:

1. A 20-foot wide landscaping buffer along the north side of the lot with planting materials and density outlined in Section 14-03-11 of the City Code of Ordinances.
2. A 20-foot wide landscaping buffer along the east side of the lot, within the Burnt Creek Loop right-of-way with planting materials and density outlined in Section 14-03-01 of the City Code of Ordinances.

~~9 11.~~ *Common Elements.* Maintenance of all common elements, including the bay/inlet (Lot 85, Block 1) and open space lots (Lot 1, Block 2 and Lot 1, Block 3), shall be the responsibility of the property owner's association.

~~10 12.~~ *Lot Modifications.* Any subsequent modification of lots shall be subject to the requirements of Section 14-09-02 of the City Code of Ordinances.

~~11 13.~~ *No-Build Easement.* A no-build easement is shown on the face of the plat of Misty Waters over a portion of Lots 1 and 2, Block 1. The intent of this easement is to prohibit construction of structures within this area, as it is part of

the Northern Bridge Corridor. The easement reserves the area for the future bridge and related roadways, but does not dedicate the property for this purpose.

12-14. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.



Zoning and Plan Reference Map

PUDA2023-002

MISTY WATERS, L2, B1 (Version 2)

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
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

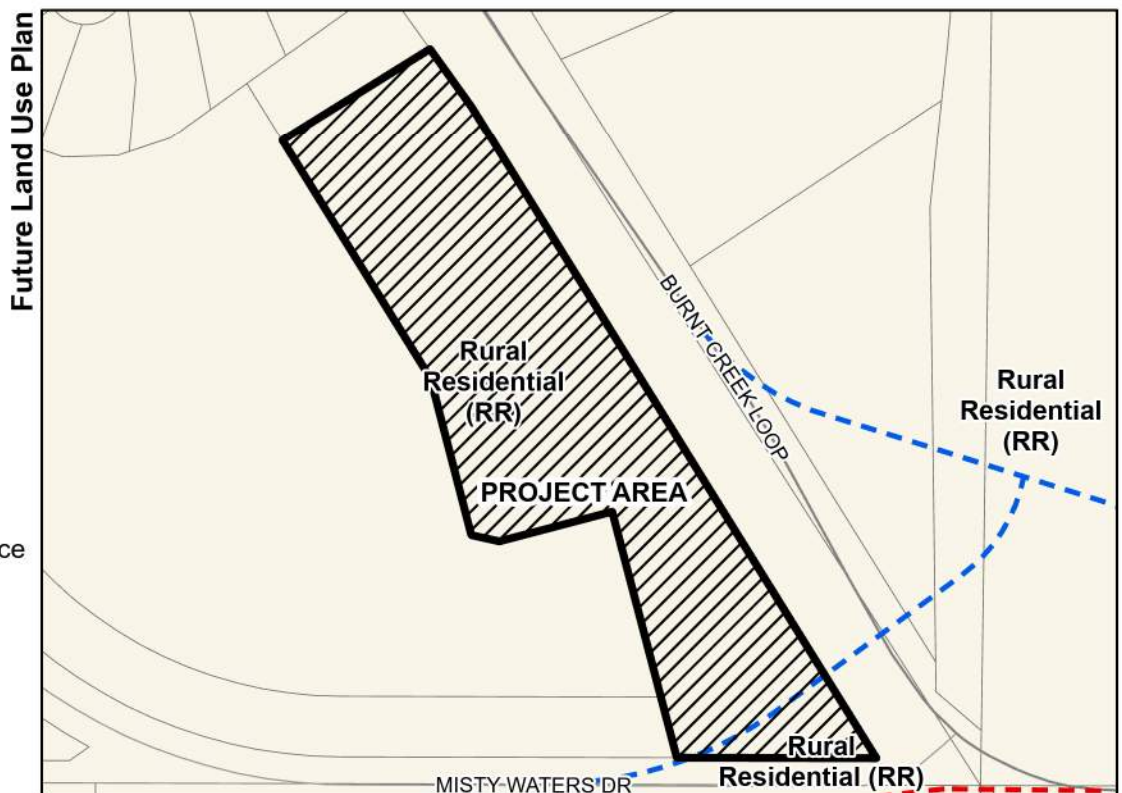
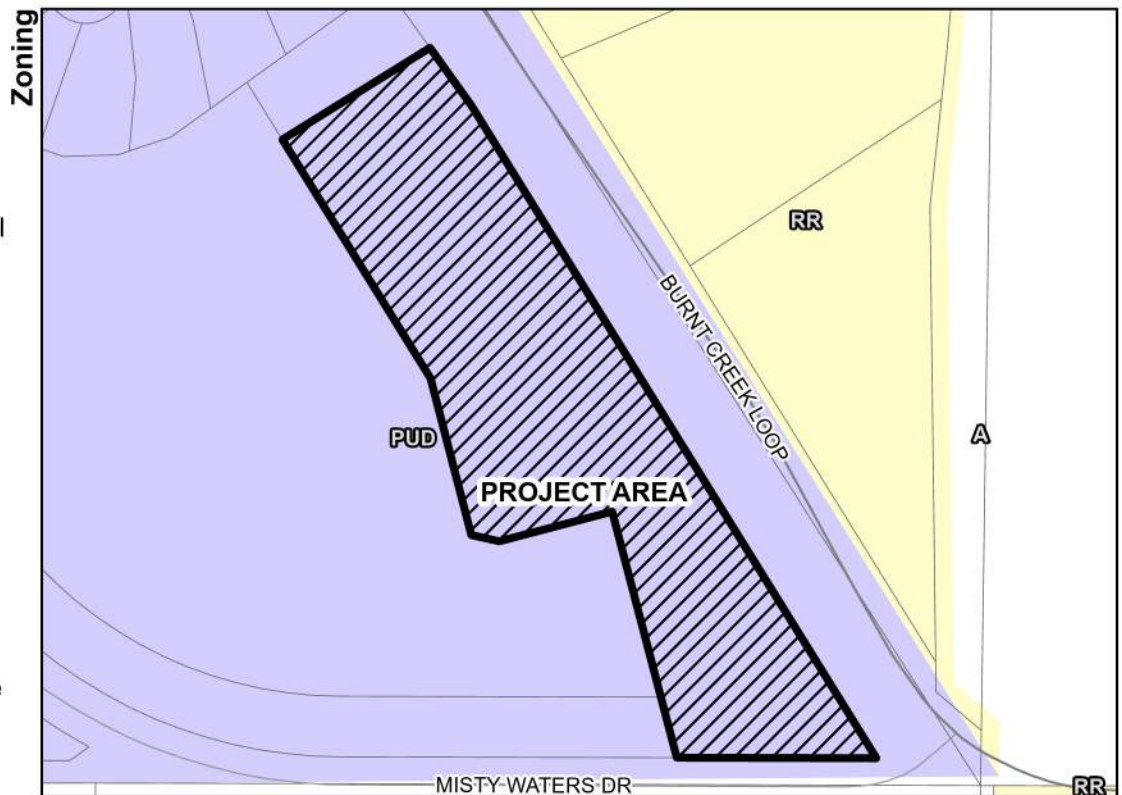
Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

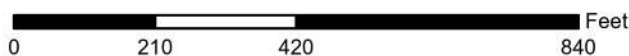
Streets

Functional System

- Interstate



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 herein.



City of Bismarck
Community Development
Planning Division
May 17, 2023

Bismarck City Planning & Zoning:

The intent of this letter is to provide a PUD statement and revisit future plan to develop the Misty Waters Lot 1, Block 1, Misty Waters 2nd Replat.

Project Scope: Construction of approximately thirty units (approximately 32'-38' wide, 36'-50' deep) in addition to three oversized units (40' wide, 60'-70' deep), with the intent to provide private storage and/or servicing marina needs (this is written in the original PUD). Units would be a mix of heated and cold storage. Misty Waters residents would be given presale opportunities to purchase prior to opening sales to the public. The units would not be used for business purposes and would operate under the HOA rules and regulations to maintain the neighborhood peace (city noise ordinance guidelines) and appearance. These "luxury" units will provide a pleasing exterior appropriate to the Misty Waters setting. Parking spaces will be provided for each unit. A specific space is provided for each vehicle and no oversized vehicles with trailers attached and RVs will be allowed in these spaces. All personal property such as boats and boat trailers must fit within the unit and would not be allowed outside / in the parking area. Covenants with these rules and restrictions will be recorded.

Landscaping, including grass and trees, would be incorporated into the design to provide an aesthetically pleasing view by onlookers.

Units will have a base design with three options to choose from. We are currently in the process of getting cost estimates and plan to provide pricing in the near future. Construction would start upon approval.

At this time, we are requesting a review and approval of project. We have been in contact with Misty Waters HOA to secure a letter of support. The HOA board meeting will be held on April 25th, 2023. Input is welcome as we would like to make this project work for all involved! Misty Waters is a unique and beautiful place to reside. Our hope is to provide residents with the opportunity to access a luxury storage option and/or servicing needs in close proximity to the Marina.

Thank you for your consideration in this matter. We look forward to hearing from you soon. Please do not hesitate to call with any questions/concerns.

Sincerely,

Steve McCormick

Missy Moritz (representative for Steve McCormick)



Missy Moritz 4/20/23



May 3, 2023

To whom it may concern:

Re: proposed shop/storage unit project on Misty Water's Lot 1, Block1, Misty Waters 2nd replat

The developer has asked for a review of this project by the HOA and a letter of support.

The developer has assured the HOA that

1. This project will have its own association to manage it.
2. The developer will give the Misty Water's HOA approval authority over its association governing documents.
3. The HOA will require that the building and landscaping design plan be submitted to the HOA Architectural Review Committee for approval.

Subject to those conditions, the HOA supports the project.

A handwritten signature in blue ink, appearing to read 'Lois', is written over a solid black horizontal line. To the left of the signature, a large, bold, black 'X' is printed.

Lois Mosbrucker
President, Misty Waters HOA





Center Driveway View



Burnt Creek Loop Elevation

FOR PRESTIGE HOMES AND DESIGN USE ONLY. NOT FOR CONSTRUCTION PURPOSES. ALL DRAWINGS AND RENDERINGS ARE THE PROPERTY OF PRESTIGE HOMES AND DESIGN.

Misty Waters Conceptual Drawing

Date :x/xx/xx Initial:

PLANS ARE PROPERTY OF
PRESTIGE HOMES & DESIGN
AND NOT TO BE DUPLICATED

ADDRESS OF PROJECT:
Misty Waters Storage Units

info@prestigend.com

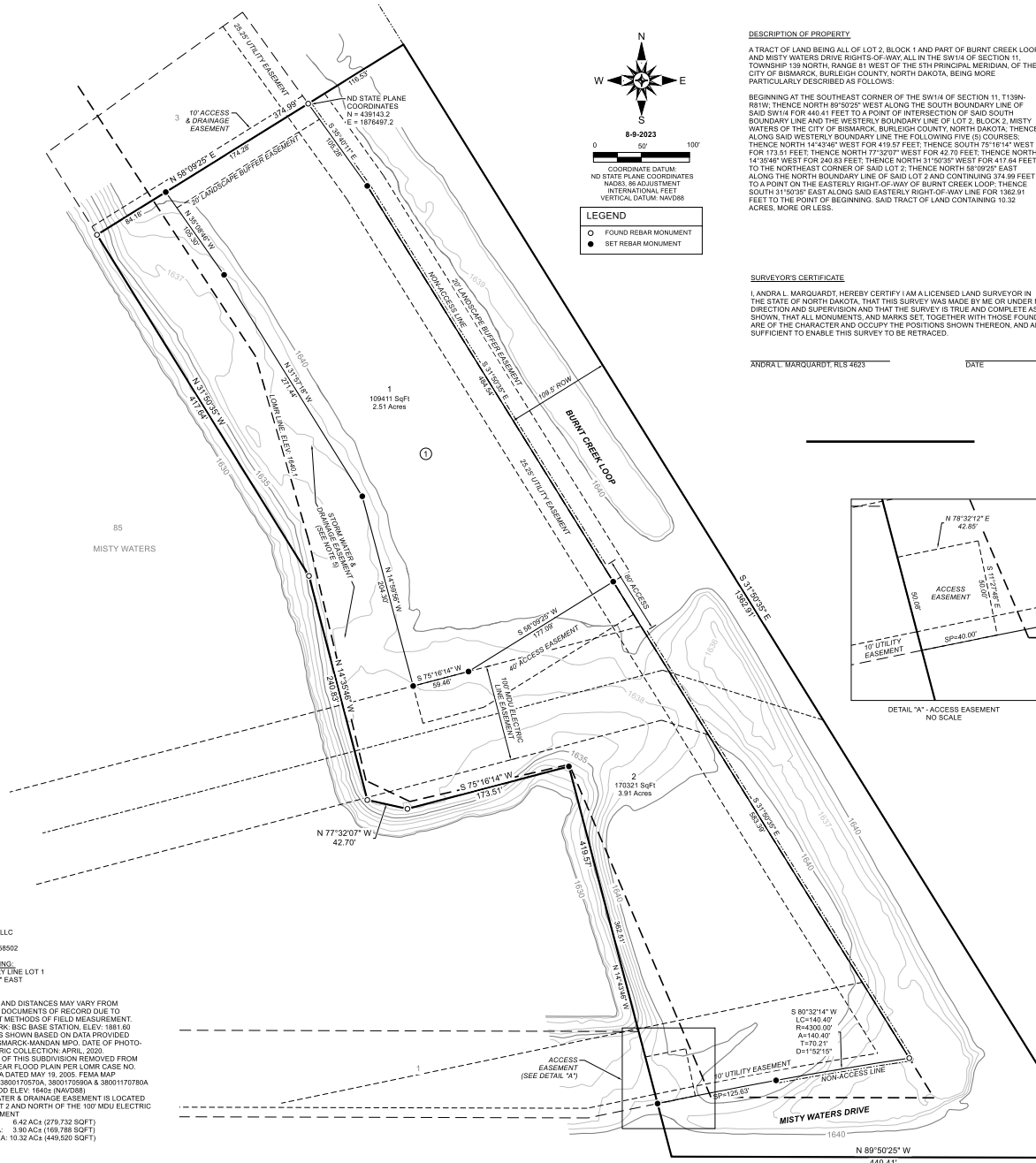
DRAWN BY: JOSH KUNTZ

PHONE NUMBER:
(701)471.4646

MISTY WATERS SECOND REPLAT

OF BURLEIGH COUNTY, NORTH DAKOTA

ALL LOT 2, BLOCK 1, MISTY WATERS AND PART OF BURNT CREEK LOOP AND MISTY WATERS DRIVE, ALL IN THE SW1/4 OF SECTION 11, T139N-R81W, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOT 2, BLOCK 1 AND PART OF BURNT CREEK LOOP AND MISTY WATERS DRIVE RIGHTS-OF-WAY ALL IN THE SW1/4 OF SECTION 11, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

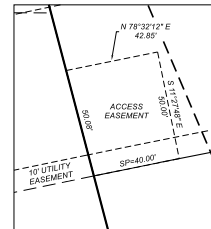
BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SECTION 11, T139N-R81W; THENCE NORTH 89°50'25" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID SW1/4 FOR 440.41 FEET TO A POINT OF INTERSECTION OF SAID SOUTH BOUNDARY LINE AND THE WESTERLY BOUNDARY LINE OF LOT 2, BLOCK 2, MISTY WATERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THENCE ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING FIVE (5) COURSES: THENCE NORTH 14°42'40" WEST FOR 419.87 FEET; THENCE SOUTH 75°16'14" WEST FOR 173.51 FEET; THENCE NORTH 77°32'07" WEST FOR 42.70 FEET; THENCE NORTH 14°30'48" WEST FOR 240.83 FEET; THENCE NORTH 31°50'30" WEST FOR 417.64 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89°50'25" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 2 AND CONTINUING 374.99 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BURNT CREEK LOOP; THENCE SOUTH 31°50'30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1362.91 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 10.32 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

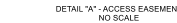
I, ANDREA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER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

ANDREA L. MARQUARDT, RLS 4683

DATE



DETAIL "14'" ACCESS EASEMENT
NO SCALE



DETAIL "10'" UTILITY EASEMENT
NO SCALE

OWNER'S CERTIFICATE AND DEDICATION

WE, OF MISTY WATERS LLC, BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "MISTY WATERS SECOND REPLAT," AND DEDICATE ALL RIGHTS OF WAY TO THE PUBLIC 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 PUBLIC 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 ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS BETWEEN LOT 2 OF THIS SUBDIVISION AND THE ADJOINING LOTS.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "LANDSCAPE BUFFER EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF PROVIDING A LANDSCAPE BUFFER BETWEEN THE LOT NORTH OF LOT 1 AND THE BURNT CREEK LOOP RIGHT OF WAY.

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

MOLLY BARNES, AUTHORIZED AGENT
MISTY WATERS LLC

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 ERETH, 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

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

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF ____ 2023.

BECKY MATTHEWS, CHAIRMAN ATTEST: MARK BLOKOWSKI, COUNTY AUDITOR/TREASURER

OWNER
MISTY WATERS LLC
PO BOX 1254
BISMARCK, ND 58502

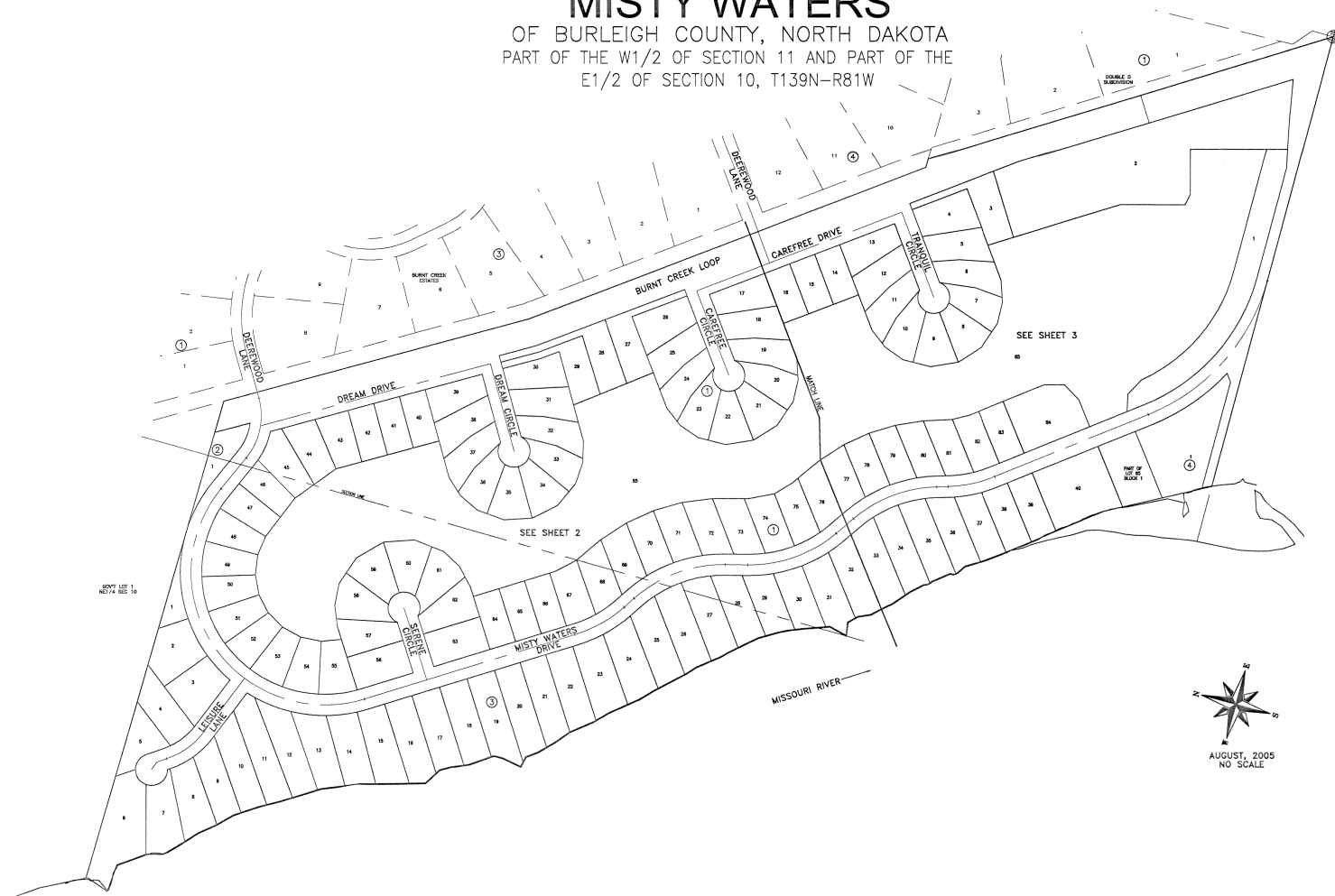
BASIS OF BEARINGS
EAST BOUNDARY LINE LOT 1
SOUTH 31°50'30" EAST

NOTES
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. BENCHMARK: BSC BASE STATION, ELEV: 1881.60
3. CONTOURS SHOWN BASED ON DATA PROVIDED BY THE BISMARCK-MANDAN MPO, DATE OF PHOTOGRAMMETRIC COLLECTION: APRIL, 2020.
4. PORTIONS OF THIS SUBDIVISION REMOVED FROM THE 100-YEAR FLOOD PLAIN PER LOUW CASE NO. 05-66-0351A DATED MAY 19, 2005; FEMA MAP NUMBERS 3800170570A, 3800170580A & 3800170780A BASE FLOOD ELEV: 1640.0 (NAVD83)
5. STORM WATER & DRAINAGE EASEMENT IS LOCATED WITHIN LOT 2 AND NORTH OF THE 100' MDU ELECTRIC LINE EASEMENT
6. LOT AREA: 6.42 AC (279,732 SQFT)
ROW AREA: 3.80 AC (166,788 SQFT)
TOTAL AREA: 10.32 AC (449,520 SQFT)

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

MISTY WATERS

OF BURLEIGH COUNTY, NORTH DAKOTA
PART OF THE W1/2 OF SECTION 11 AND PART OF THE
E1/2 OF SECTION 10, T139N-R81W



PROPERTY DESCRIPTION

A tract of land being part of the W1/2 of Section 11 and part of the E1/2 of Section 10, Township 139 North, Range 81 West of the 5th Principal Meridian, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the southeast corner of the SW1/4 of Section 11, T139N-R81W, said point also being the southwest corner of Double D Subdivision of Burleigh County, North Dakota; thence North 32°20'25" West along the west boundary line of said Double D Subdivision a distance of 1584.48 feet to the northwest corner of said Double D Subdivision, said point also being on the south boundary line of Burnt Creek Estates of Burleigh County, North Dakota; thence North 90°00'00" West along the south boundary line of said Burnt Creek Estates a distance of 33.02 feet to the southwest corner of said Burnt Creek Estates; thence North 36°29'01" West along the west boundary line of said Burnt Creek Estates a distance of 1050.32 feet; thence North 37°45'47" West continuing along said west boundary line a distance of 1177.54 feet; thence North 89°41'02" West a distance of 1670 feet more or less to the Eastern High Bank of the Missouri River; thence southeasterly along said Eastern High Bank a distance of 4615 feet more or less to the south boundary line of said Section 11; thence North 89°20'45" East along said south boundary line a distance of 1750 feet more or less to the point of beginning. Said tract of land containing 151.14 Acres, more or less.

SURVEYOR'S CERTIFICATE

I, Andrea L. Marquardt, Registered Land Surveyor No. 4623, hereby certify that I have caused to be surveyed by my forces under my supervision the property described herein and I have prepared the accompanying plat; further, that iron survey monuments as shown will be placed after this plat has been approved; further, that distances indicated herein are in feet and hundredths thereof, and bearings are indicated in quadrants and degrees, minutes and seconds thereof; further that said plat does truly show the survey to the best of my knowledge and belief.

State of North Dakota }
County of Morton }

On this 14th day of August, 2005, there appeared before me Andrea L. Marquardt, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that she executed the same as her own free act and deed.

HARVEY SCHNEIDER
Notary Public
State of North Dakota
My Commission Expires Jan. 14, 2010



OWNERS CERTIFICATE OF DEDICATION

Know all men by these presents that Steve and Karen McCormick, being the owners and proprietors of the property shown on this annexed plat have caused that portion described herein to be surveyed and platted as "Misty Waters", Burleigh County, North Dakota and do so dedicate streets as shown herein including all culverts, storm sewer and bridges 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 herein as "Utility Easements". They furthermore dedicate Storm Water Easements to run with the land for construction, reconstruction, repair, enlarging and maintaining Storm Water Management Facilities together with necessary appurtenances thereto, under, on, over, through and across said easement for surface water drainage and management of storm water flow over and/or under said easement.

Steve McCormick
Karen McCormick

State of North Dakota }
County of Burleigh }

Subscribed and sworn to before me, a notary public, this 22nd day of August, 2005.

My Commission expires 7-24-09

Kathleen K. Bohrer
Notary Public
State of North Dakota
My Commission Expires July 24, 2008

APPROVAL OF COUNTY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the Planning Commission of Burleigh County on the 22nd day of August, 2005, in accordance with the laws of the State of North Dakota, ordinances of the County of Burleigh and regulations adopted by the said Planning Commission. In witness whereof are set in the hands and seals of the Chairman and Secretary of the Planning Commission of Burleigh County.

Charles L. Peterson
Chairman

Kevin J. Galt
Secretary

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 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 Burleigh County, North Dakota, and does hereby vacate any previous platting within the boundary of the annexed plat.

Jon Winkler
Chairman

Allen - John A. Galt - County Auditor

APPROVAL OF COUNTY ENGINEER

I, Jon Mill, County Engineer of Burleigh County, North Dakota, hereby approve "Misty Waters", Burleigh County, North Dakota as shown on the plat.

Jon Mill, County Engineer

APPROVAL OF CITY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck, on the 22nd day of August, 2005, in accordance with the laws of the State of North Dakota, ordinances of the City of Bismarck and the hands and seals of the Chairman and Secretary of the Planning Commission of the City of Bismarck.

David Blackstad
Chairman

Carl D. Hovstad
Secretary

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the Master Plan of the City of Bismarck, North Dakota.

The foregoing action of the Board of City Commissioners of Bismarck, North Dakota, was taken by resolution approved the 22nd day of August, 2005.

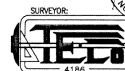
Allen - W.C. Wicken - City Administrator

APPROVAL OF CITY ENGINEER

I, Mel Bullinger, City Engineer of the City of Bismarck, North Dakota, hereby approve "Misty Waters", Burleigh County, North Dakota, as shown on the annexed plat.

Mel Bullinger, City Engineer

OWNERS
STEVE & KAREN MCCORMICK
P.O. BOX 1254
BISMARCK, ND 58502



TOMAN ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
806 2ND ST. N.W. • MINNAPOLIS, MN 55401 • 761-943-6463

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PLANNED UNIT
DEVELOPMENT AMENDMENT AND MINOR SUBDIVISION FINAL PLAT FOR MISTY
WATERS SECOND REPLAT, AND HEREBY RECOMMEND TO THE BISMARCK PLANNING
AND ZONING COMMISSION THAT SAID PLANNED UNIT DEVELOPMENT AMENDMENT BE
(APPROVED) (DENIED).

(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:

Mary L. Kennick June 8, 2023
CHAIRMAN, TOWNSHIP BOARD DATE

STAFF REPORT

Agenda Item # 7

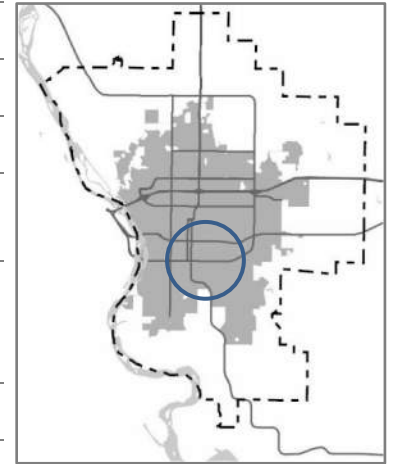
August 23, 2023

Application for: **Special Use Permit**

Project ID: **SUP2023-006**

Project Summary

<i>Title:</i>	Jacks First Addition, Lot 3, Block 1
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	KC Land Holdings, LLC
<i>Project Contact:</i>	Andrew Johnson, InSite Real Estate Investment Properties, LLC
<i>Project Location:</i>	In south Bismarck, in the southwest quadrant of the intersection of East Bismarck Expressway and South 11th Street
<i>Project Size:</i>	23,442 square feet
<i>Applicant Request:</i>	Allow special use permit for drive-through in conjunction with fast food restaurant
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	undeveloped	<i>Land Use:</i>	Fast food restaurant
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	South 12th Corridor

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	10/2022
<i>Annexed:</i>	Pre-1980

Project Narrative

Request of InSite Development Services, LLC and KC Land Holdings, LLC for approval of a special use permit to allow a drive-through in conjunction with a fast-food restaurant to be located on Lot 3, Block 1, Jacks First Addition.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce employment, and residences for the Bismarck Community. Goals and objectives of this plan as they relate to the proposed special use permit are referenced in review standards below.

Background Information

The property is encumbered by utility easements along the south and east sides of the property. The easements within this property have been in place since the 1960s and 1970s.

The applicant requested a variance from the zoning ordinance to reduce the required front yard setback along the north side of the property from 50 feet to 40 feet, to avoid placing a portion of the

proposed building within the existing 75-foot-wide Department of Energy (WAPA) transmission line easement along the south side of the property. The Board of Adjustment at their Meeting of July 6, 2023 denied the variance request.

The applicant has indicated to Planning staff that they have been in contact with the Department of Energy (WAPA) and are in negotiations to release a portion of this easement. If released as proposed, the building would be placed further south and would meet the building setback requirement outlined in the zoning ordinance.

Planning staff have agreed to process the proposed special use permit with the understanding that a site plan would not be approved, and a building permit would not be

(continued)

issued until the easement is released as proposed.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 11 and August 18, and 8 letters were mailed to the owners of nearby properties on August 11, 2023.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Yes, with. *Drive-in/drive-through standards outlined in 14-03-08(4)g have been, or will be, met by the proposed special use:*

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

This criteria would be met if the existing 75-foot-wide Department of Energy (WAPA) transmission line easement along the south side of the property is released as proposed. A condition of approval is recommended to address this item.

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

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

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

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

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

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

"5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer."

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

"6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by

(continued)

measuring ten (10) feet back along the side and front property lines.”

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

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and

Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through in conjunction with a fast-food restaurant to be located on Lot 3, Block 1, Jacks First Addition. with the following conditions:

1. A site plan for site development will not be approved and a building permit will not be issued until the easement is released as proposed.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit

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

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR A DRIVE-THROUGH FOR A FAST FOOD RESTURANT
IN JACKS FIRST ADDITION (SUP2023-006)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 3, Block 1, Jacks First Addition have requested approval of a special use permit to allow a drive-through in conjunction with a fast food resturant in the MA – Industrial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on August 23, 2023 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for a drive-through in conjunction with a fast food resturant on Lot 3, Block 1, Jacks First Addition is hereby approved, subject to the following conditions:

1. A site plan for site development will not be approved and a building permit will not be issued until the easement is released as proposed.
2. The special use permit is put into use by August 23, 2025
3. All other terms and conditions of the zoning ordinance are met.

Adopted this August 23, 2023.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this August 23, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 23rd day of August 2023.

Ben Ehreth
Community Development Director
Bismarck, North Dakota



Zoning and Plan Reference Map

SUP2023-006

JACKS FIRST ADDITION POPEYE'S DRIVE-THRU

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/	Urban Reserve
URB	Mid/Long-Term

Major Street Plan

	Existing Arterial
	Future Arterial
	Existing Collector
	Future Collector
	Existing Interstate
	Future Interstate



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 45 90 180 Feet



City of Bismarck
Community Development
Planning Division
August 14, 2023

PROPERTY PLAN
LOCATION: 1101-1105 S 11TH ST
BISMARCK, ND
CONCEPT PLAN (v11)
07/07/2023

JURISDICTION	CITY OF BISMARCK
ZONING DISTRICT	MA: LIGHT INDUSTRIAL
PERMITTED USE(S)	FOOD SERVICE ESTABLISHMENT DRIVE-IN REQUIRES SPECIAL USE
LOT AREA	± 23,879 SF (± .55 ACRES)
BUILDING AREA	1,997 SF
F.A.R.	CODE N/A PLAN .084

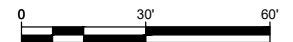
BUILDING SETBACKS	CODE	PLAN
- FRONT YARD	50' (ARTERIAL)	50' (BISMARCK)
- CORNER SIDE YARD	15'	31' (S 11TH)
- INTERIOR SIDE YARD	NONE	55' (W)
- REAR YARD	30' ABUTS R	115' (S)

- FRONT YARD	6'	6' (BISMARCK)
- CORNER YARD	6'	6.5' (S 11TH)
- INTERIOR SIDE YARD	6'	6' (W)
- REAR YARD	10'	42' (S)

OFF STREET PARKING REQUIREMENTS

AUTO PARKS STALL COUNT WITH RATIO	7 (1 PER 60 SF OF DINING AREA (BASED ON 402 SF))	8 (4.0 / 1000 SF)
ADA STALL COUNT	1	1
PARKING STALL SIZE	9' X 18'	9' X 18'
DRIVE AISLE WIDTH	TBD	SEE PLAN
DRIVE-THRU STACKING	12 FROM PICKUP	12
INTERIOR LANDSCAPING	N/A	N/A
REQUIRED ISLANDS	N/A	N/A
BUILDING HEIGHT	75'	TBD

DRAWN BY:	BM
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InSite

1400 16th Street, Suite 300
Oak Brook, IL 60523-8854
Office: 630.617.9100
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STAFF REPORT

Agenda Item # 8

August 23, 2023

Application for: **Growth Phasing Plan
Amendment**

Project ID: **GPPA2023-001**

Project Summary

<i>Title:</i>	2023 Amendments to Growth Phasing Plan
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Project Contact:</i>	Daniel Nairn, AICP, Planning Manager
<i>Request:</i>	Modify areas of the Growth Phasing Plan to reflect changing development conditions, and modify certain names and text descriptions
<i>Staff Recommendation:</i>	Approve

Project Narrative

The Community Development Department is proposing an amendment to the Growth Phasing Plan, most recently included within the Together 2045 Comprehensive Plan. This Plan is amended annually to reflect changing development conditions and available capacity to absorb projected growth.

Purpose of the Growth Phasing Plan

The primary function of the Growth Phasing Plan is to establish anticipated phasing of growth in areas outside of the City of Bismarck and within the City's extraterritorial authority. The areas included in the Plan could reasonably be served by municipal utilities at some point in the future. The outer boundary of the Growth Phasing Plan coincides with the Urban Service Area Boundary (USAB).

The Growth Phasing Plan is further divided into Expansion Ready and Expansion Future areas (name changes are proposed below, but existing names will be used in this report). The Expansion Ready areas are assigned a higher priority for development, because City services may be more readily accessed, based on available funding. The Expansion Future areas are assigned a lower

development priority based on less availability of infrastructure, with immediate City participation in financing or extending municipal services unlikely and limited. However, development in these areas may be possible with private funding for infrastructure.

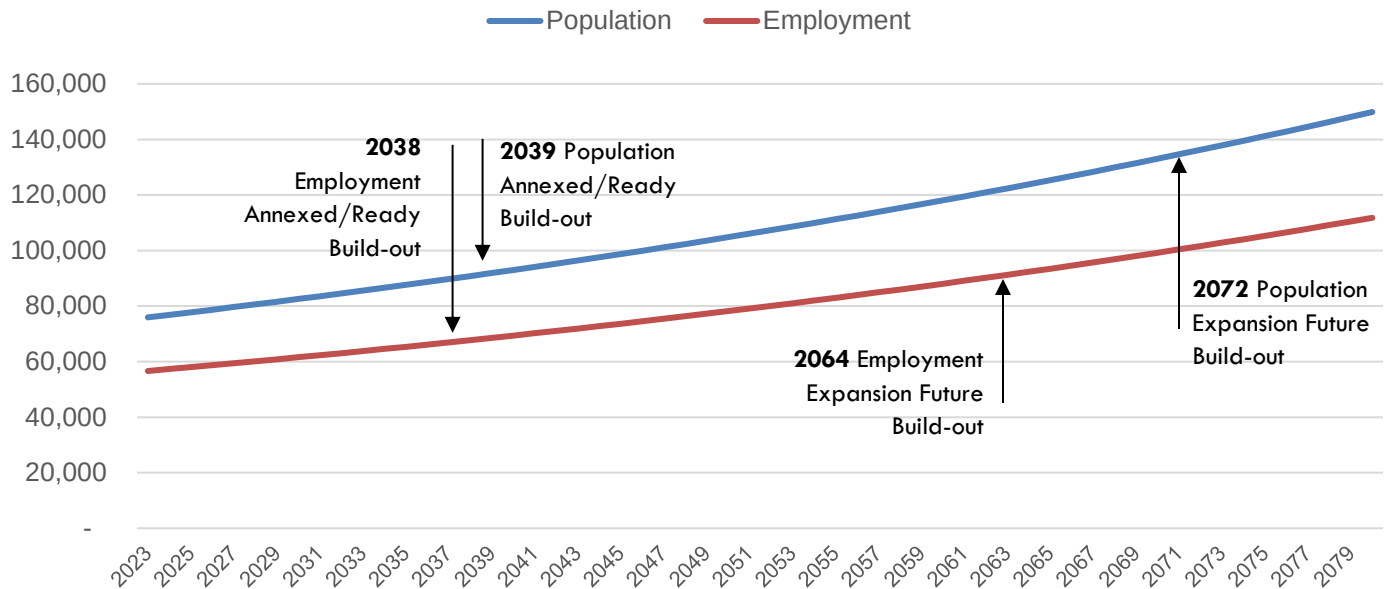
Growth Capacity Analysis

Each year, City staff analyzes potential development capacity of the entire USAB, as well as undeveloped areas in city limits. This measures how much development could be absorbed if areas that are currently undeveloped would be built-out at locally prevailing densities for each Future Land Use Plan classification.

This available capacity is compared to overall growth projections for the City to help determine how much additional serviceable land may be necessary to meet expected demand for new development. The results of the analysis inform staff's recommendation for boundary adjustments.

(continued)

Projected Build-Out of Growth Phasing Plan Areas



Within the city limits, there is capacity for an additional 8,856 residents and 8,017 jobs. An additional 6,455 residents and 2,955 jobs may be accommodated in the Expansion Ready areas. The Expansion Future areas may accommodate an additional 44,955 residents and 24,012 jobs. The expected build-out year for each of these projections is shown on the chart above.

Because there is often a significant lag between annexation and full build-out, future annexation of these areas is projected separately. At Bismarck's historic rate of annexation growth, the Expansion Ready area is projected to be annexed by 2027, and the Expansion Future area by 2053.

Proposed Changes to the Growth Phasing Plan

Minimal changes to the Growth Phasing Plan map are proposed because sufficient area already exists to accommodate project population and employment growth.

Three areas previously shown as Expansion Ready are proposed to change to Transitional Rural, because the areas are already developed with no imminent change anticipated.

Two Expansion Future areas are proposed to be changed to Expansion Ready, because annexations within the previous year surround these areas on all sides.

All proposed changes to the map are shown on the attached Growth Phasing Plan Amendment Map.

Staff also propose text changes to the names of areas of the plan:

Existing Name	Proposed Name
Annexed Priority	Annexed Priority 1
Expansion Ready	Expansion Priority 2
Expansion Future	Expansion Priority 3

The proposed names emphasize a sequence of priority, rather than a timeframe, better reflecting the intent of the plan. Furthermore, the term "ready" may connote more immediacy to growth than is always the case. Name changes would be applied to all instances within the Together 2045 Comprehensive Plan.

The following changes to page 56 of Together 2045 are also proposed:

(continued)

~~The Expansion Ready~~Expansion Priority 2 areas are not yet annexed but may be provided with municipal services efficiently without significant public or private cost. These areas are contiguous to the existing city limits on one or more sides and development within these areas often includes opportunities to provide additional interconnectivity of the roadway network resulting in more efficient vehicle trip distribution and improved emergency service response and may be accessed by either existing major roadways or extensions thereof, and emergency services would not face substantial obstacles to response. Major water, and sewer and transportation infrastructure are generally nearby with capacity available for extension into the area."

The ~~Expansion Ready~~Expansion Priority 2 areas are the City's second highest priority, after annexed areas, for future growth and development. As funds are available, the City may participate in capital improvements to serve this area and any practices that may facilitate expansion of corporate limits should be focused in this area."

Public Engagement

A public hearing with the Planning and Zoning Commission will be held on the proposed amendments.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Annexed Priority areas are amended to reflect the current legal corporate limit at the time of the update (GPP standards)

Yes. All lands annexed within the previous year are incorporated into the Annexed Priority areas. A total of 185 acres were annexed in 2022.

Expansion Ready areas have basic infrastructure, such as trunklines and arterial roadways, either within or adjacent to the area that may be utilized for development, or such basic infrastructure is programmed for the near future (GPP standards)

Yes. The areas being added into Expansion Ready are near improvement districts in either Paradise Valley Addition or Daybreak Second Addition and utilities are expected to be extended into these general areas in the near-term future.

The Urban Service Area Boundary, including both the Expansion Ready and Expansion Future areas, is large enough to contain approximately twenty-five years of anticipated annexation (GPP standards)

Yes. The overall USAB is projected to be annexed by 2053, in 30 years.

CORE Areas are determined to have the highest need and opportunity for redevelopment based on data such as improvement-to-land value ratio, rate of change in assessed value, building condition, and other evidence (GPP standards)

Yes. No changes to the CORE Areas are proposed at this time.

The proposed amendment is consistent with the goals and objectives of the comprehensive plan (GPP standards)

Yes. The proposed amendments further Objective G2(d): "Evaluate the Growth Phasing Plan annually and adjust to account for actual pace and direction of growth."

The proposed amendment would not adversely affect the public health, safety, and general welfare (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed amendment to the Major Street Plan would not adversely impact the public health, safety, and general welfare.

(continued)

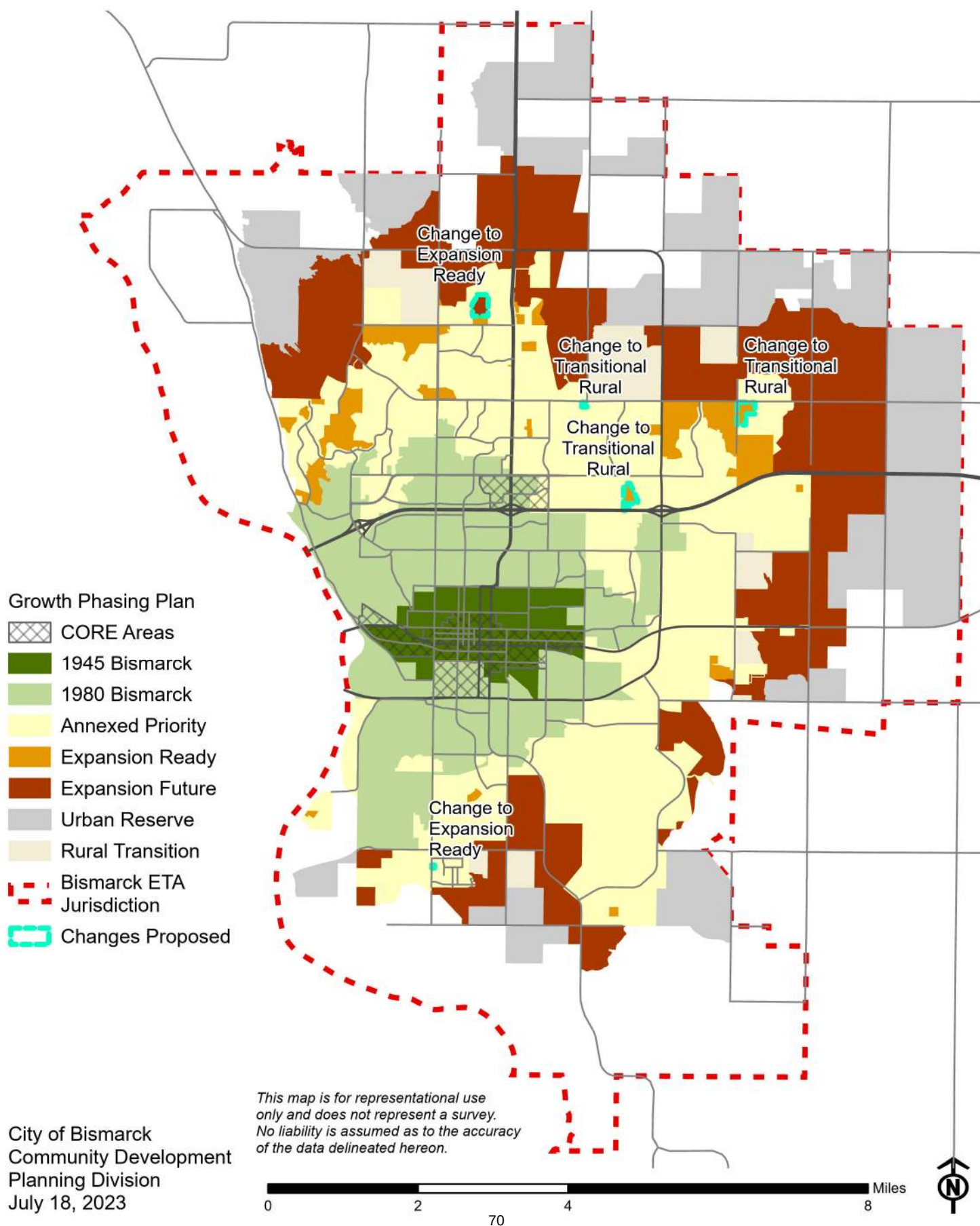
Staff Recommendation

Based on the above findings, staff recommends approval of the amendment of the map and text of the Growth Phasing Plan of Together 2045 Bismarck's Comprehensive Plan, as described in this staff report and attachment.

Attachments

1. Growth Phasing Plan Amendment Map

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



**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 26, 2023**

The Bismarck Planning & Zoning Commission met on July 26, 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. Vice Chair Cole Johnson presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner, Robert Field, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, and Paul Zent.

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

MINUTES

Vice Chair Johnson called for consideration of the minutes of the June 28, 2023 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the June 28, 2023 meeting, as presented. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

CONSIDERATION

2. GROWTH PHASING PLAN AMENDMENT

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

**PUBLIC HEARING – ZONING MAP AMENDMENT
SCHILLING SECOND ADDITION LOT 2, BLOCK 1**

Vice Chair Johnson called for the public hearing on a zoning map amendment from the CG – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, Schilling Second Addition. The property is located in north Bismarck, east of State Street/US Highway 83 and south of 43rd Avenue NE on the east side of the State Street frontage road.

Mr. Nairn gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Nairn said, based on the findings, staff recommends approval of the zoning map amendment of Lot 2, Block 1, Schilling Second Addition, with the following condition:

- 1) The 26-foot access easement on the east side of Lot 2, Block 1, Schilling Second Addition is relocated such that no building foundation would be within the easement.

Mr. Nairn then stated he spoke with one member of the public who was initially concerned about a storage use but was satisfied when presented with more specifics about the building design requirements.

Commissioner Schell questioned whether the amount of parking followed the ordinance. Mr. Nairn replied that the applicant has supplied parking data from comparable storage uses to justified a reduced number of parking spaces for the storage portion of the building, and the leasing area may include retail and standard commercial parking calculations would apply to this space. He stated that number of spaces provided meets these reduced standards.

Chair Johnson opened the public hearing.

Will Hutchings with Stantec came forward to explain their parking calculations being based on observed data. They are expecting a mid-September closing date so the finalization of the zoning ordinance would only need to be held for a few weeks to satisfy the current owner's request.

Chair Johnson closed the public hearing as there were no further comments.

Mr. Nairn stated there was a minor change since the distribution of the agenda regarding limitations to the use of the storage units. The revised language was shown to the Planning and Zoning Commission.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning map amendment from the CG – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, Schilling Second Addition, including all conditions proposed by staff and the shown revisions to the PUD ordinance. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING MAP AMENDMENT EDGEWOOD VILLAGE SEVENTH ADDITION FIRST REPLAT, LOT 52, BLOCK 1

Vice Chair Johnson called for the public hearing on a zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lot 52, Block 1, Edgewood Village Seventh Addition First Replat. The property is located in northeast Bismarck, east of Nebraska Drive and south of 43rd Avenue NE, in the northwest quadrant of the intersection of Knudsen Avenue and Minnesota Drive.

Mr. Johnson provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit

Development zoning district for Lot 52, Block 1, Edgewood Village Seventh Addition First Replat, with the following condition:

1. An access easement to the benefit of the public is prepared, accepted by the City Commission, and recorded with the Burleigh County Recorder prior to administrative approval of a site plan for the development.

Commissioner Schell asked if the number of units stated in the PUD ordinance had any reasoning behind it. Mr. Johnson stated that 31 units is the maximum number of units and if one structure originally planned to act as a community club house is converted into a dwelling unit, 31 is still the maximum.

Commissioner Levchak questioned if the water and sewer for the private driveway would be from a single meter or if each unit would have its own meter.

Chair Johnson opened the public hearing.

Landon Niemiller with Swenson Hagen & Co. came forward to follow up on questions. Mr. Niemiller confirmed that 31 units would be the maximum number of structures in this project including if the community clubhouse was converted to another dwelling unit at a later date. The owner of the development would be responsible for maintaining utilities and it would have a single meter.

Commissioner Zent questioned the location of a 55+ community being right next to a high school. Mr. Niemiller responded that because this is one lot it will function nicely as a 55+ community and this is a mixed-use district.

There being no further comments, Chair Johnson 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 map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lot 52, Block 1, Edgewood Village Seventh Addition First Replat. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

Vice Chair Johnson recused himself from the following item. Commissioner Schell made a motion to nominate Commissioner Zent to act as Chair for this item; Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bitner, Field, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

**PUBLIC HEARING – ZONING MAP AMENDMENT
BASIN ELECTRIC FOURTH ADDITION LOT 1, BLOCK 1 AND TRACTS 1A, 2A AND 3A
OF LOT 1, LOT 2, BLOCK 1, BASIN ELECTRIC THIRD ADDITION AND LOT 3, BLOCK 1,
WISDOM OFFICE PARK ADDITION**

Commissioner Zent called for the public hearing on a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Basin Electric Fourth Addition, Lot 1, Block 1; Tracts 1A, 2A, and 3A of Lot 1 and Lot 2, Block 1,

Basin Electric Third Addition; Lot 3, Block 1, Wisdom Office Park Addition. The property is located in northeast Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street.

Mr. Nairn provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Nairn said, based on the findings, staff recommends approval of the zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Basin Electric Fourth Addition, Lot 1, Block 1; Tracts 1A, 2A, and 3A of Lot 1 and Lot 2, Block 1, Basin Electric Third Addition; Lot 3, Block 1, Wisdom Office Park Addition.

Commissioner Schell questioned the reason for the change from only one lot in the request and why it did not continue to the cemetery to the east. Mr. Nairn explained that this is a separate project and the other was withdrawn. The area of the district was proposed by the applicant and does connect existing CG – Commercial zoning districts to the north and south.

Landon Niemiller came forward to explain that this is not spot zoning as much of the surrounding area is also zoned commercial. The Conditional CG is more appropriate for the applicant's intentions. Commissioner Levchak asked if any additional driveways will be necessary. Mr. Niemiller replied that there are limited access points, however, no additional approaches are allowed.

There being no further comments, Commissioner Zent 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 map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Basin Electric Fourth Addition, Lot 1, Block 1; Tracts 1A, 2A, and 3A of Lot 1 and Lot 2, Block 1, Basin Electric Third Addition; Lot 3, Block 1, Wisdom Office Park Addition. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

Vice Chair Johnson returned to continue presiding over the meeting.

**PUBLIC HEARING – ANNEXATION
NORTHERN SKY DRIVE AND WILKINSON PLACE RIGHTS-OF-WAY IN NORTHERN
SKY SECOND ADDITION FIRST REPLAT**

Vice Chair Johnson called for final consideration of the annexation of that portion of Northern Sky Drive right-of-way and Wilkinson Place right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest quadrant of the intersection of North Washington Street and Ash Coulee Drive.

Mr. Johnson provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Mr. Johnson noted that it was brought to staff's attention that the visual exhibit provided in the agenda packet was an outdated version of the alignment one of the rights-of-way due to a previous project and stated that this would be corrected prior to the project's consideration at the Bismarck City Commission meeting should it be approved here.

Mr. Johnson said, based on the findings, staff recommends approval the annexation of that portion of Northern Sky Drive right-of-way and Wilkinson Place right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat.

Commissioner Schell questioned the condition in the development agreement to annex the parcels adjacent to the rights-of-way by 2030. This developer agreement states that the parcels adjacent to the given rights-of-way could be annexed separately from the rights-of-way, and at a later date up to February of 2030, so long as the requests were filed with the City contemporaneously. This discussion came after a motion was initially made to approve the annexation without any conditions; however, after the discussion, this original motion was rescinded and replaced by a motion to approve the annexation with a condition that it not be brought before the City Commission until a request for the annexation of the parcels adjacent to the given rights-of-way.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the annexation of the portion of Northern Sky Drive right-of-way not previously annexed and the Wilkinson Place right-of-way, Northern Sky Second Addition First Replat with the condition that an annexation request of the remaining area of Northern Sky Second Addition First Replat be submitted to the City prior to the current project's consideration by the Bismarck City Commission. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, and Zent voting in favor of the motion.

OTHER BUSINESS

ADJOURNMENT

There being no further business, Chair Johnson declared the Bismarck Planning & Zoning Commission adjourned at 5:57 p.m. to meet again on September 23, 2023.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Cole Johnson
Vice Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2023

*****City*****

*****ETA*****

	7/2023		7/2022		7/2023		7/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	2	\$776,368.78	11	\$3,078,757.29	4	\$1,438,488.60	5	\$2,438,639.83
ROWHOUSE (2) 1-HR FIRE SEPARATION	10	\$2,365,579.75	8	\$1,122,126.08	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	3	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	3	\$46,111.90	3	\$135,961.12	1	\$37,500.00	0	\$0.00
DETACHED GARAGE	1	\$16,900.00	3	\$43,200.00	10	\$245,780.00	8	\$431,550.00
DECKS\PORCHES & COVERED PORCHES	12	\$170,741.86	5	\$18,546.55	0	\$0.00	2	\$202,880.00
SWIMMING POOLS	2	\$173,000.00	2	\$178,002.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	14	\$323,871.71	5	\$280,081.66	0	\$0.00	0	\$0.00
STORAGE SHED	2	\$5,880.00	1	\$2,475.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	1	\$4,751.50	3	\$102,190.50	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	3	\$17,286.00	9	\$81,635.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	1	\$13,500.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	2	\$125,000.00	8	\$5,285,000.00	0	\$0.00	4	\$800,000.00
COMMERCIAL ADDITION	0	\$0.00	2	\$210,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	5	\$1,139,272.00	3	\$1,119,000.00	0	\$0.00	0	\$0.00
Total	62	\$5,178,263.50	64	\$11,656,975.20	15	\$1,721,768.60	19	\$3,873,069.83

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2023

*****City*****

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	7/2023		7/2022		7/2023		7/2022	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	144	\$0.00	96	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	142	\$1,271,301.38	170	\$4,868,040.73	7	\$21,198.62	8	\$55,335.50
BUILDING PLUMBING	33	\$749,084.00	51	\$1,297,376.16	6	\$91,082.00	12	\$140,681.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	3	\$10,000.00	1	\$0.00
Total	319	\$2,020,385.38	317	\$6,172,416.89	16	\$122,280.62	21	\$196,016.50

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2023

	*****City*****		*****ETA*****	
	7/2023	7/2022	7/2023	7/2022
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	10	8	0	0
SINGLE FAMILY DETACHED	2	10	4	4
SWIMMING POOLS	0	0	0	0
Total	14	18	4	4

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2023

*****City*****

*****ETA*****

	7/2023		7/2022		7/2023		7/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	30	\$10,913,252.04	92	\$28,675,246.57	17	\$6,209,033.49	21	\$7,405,980.98
ROWHOUSE (2) 1-HR FIRE SEPARATION	44	\$10,558,614.92	48	\$9,924,228.77	8	\$2,395,976.11	0	\$0.00
MULTI FAMILY RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	11	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	10	\$559,315.70	6	\$183,949.12	5	\$510,103.83	4	\$118,652.76
DETACHED GARAGE	13	\$342,050.10	18	\$236,590.00	25	\$965,680.00	29	\$1,269,186.50
DECKS\PORCHES & COVERED PORCHES	77	\$493,527.11	46	\$153,633.55	6	\$30,729.00	6	\$229,491.20
SWIMMING POOLS	5	\$418,000.00	5	\$433,286.00	5	\$423,400.00	4	\$439,601.00
RESIDENTIAL ALTERATION/OTHER	31	\$1,222,697.65	31	\$953,366.33	6	\$621,388.36	8	\$407,627.49
HOME OCCUPATION	2	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	9	\$24,457.50	8	\$27,955.00	2	\$5,400.00	1	\$3,000.00
BASEMENT FINISH	32	\$706,334.00	35	\$959,349.75	3	\$85,677.50	9	\$201,346.50
RESIDENTIAL	2	\$0.00	1	\$0.00	1	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	9	\$0.00	8	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	34	\$579,147.62	51	\$439,978.00	1	\$6,600.00	3	\$46,866.00
SIGN ALTERATION	17	\$125,135.27	1	\$35,000.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	1	\$309,234.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	53	\$73,911,653.00	40	\$57,088,286.00	3	\$150,000.00	17	\$5,600,000.00
COMMERCIAL ADDITION	2	\$1,499,890.00	5	\$11,810,387.00	0	\$0.00	1	\$2,937,630.00
COMMERCIAL ALTERATION	63	\$24,843,520.00	51	\$14,982,611.88	7	\$1,003,547.00	2	\$3,715,000.00
Total	446	\$126,506,828.91	450	\$125,903,867.97	98	\$12,407,535.29	113	\$22,374,382.43

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2023**

*****City*****

*****ETA*****

	7/2023		7/2022		7/2023		7/2022	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	516	\$0.00	535	\$176,500.00	4	\$0.00	2	\$0.00
BUILDING MECHANICAL	862	\$15,680,002.35	835	\$17,722,397.38	135	\$1,332,423.87	142	\$992,486.61
BUILDING PLUMBING	176	\$6,017,508.29	243	\$8,143,203.92	44	\$559,965.14	50	\$534,154.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	9	\$25,000.00	7	\$2,000.00
Total	1554	\$21,697,510.64	1613	\$26,042,101.30	192	\$1,917,389.01	201	\$1,528,640.61

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2023**

*****City*****

*****ETA*****

	7/2023	7/2022	7/2023	7/2022
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	0	18	0	0
MANUFACTURED HOMES	10	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	44	47	8	0
SINGLE FAMILY DETACHED	29	88	16	15
SWIMMING POOLS	0	0	0	0
Total	83	154	24	15