



## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** September 6, 2016  
**FROM:** Carl D. Hokenstad, AICP, Director of Community Development  
**ITEM:** MDU Bismarck Northwest Addition – Final Plat

### REQUEST

MDU Resources Group, Inc. and the City of Bismarck are requesting approval of a final plat for MDU Bismarck Northwest Addition. The action would plat previously unplatted property and allow for the expansion of an electrical substation on the property. The portion owned by the City of Bismarck will be transferred to MDU Resources Group, Inc. upon approval of the final plat.

The property is located in northwest Bismarck, west of North Washington Street along the north side of Arabian Avenue and along an extension of Sudbury Avenue.

Please place this item on the September 13, 2016 City Commission meeting.

### BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on this request on August 24, 2016.

One area resident questioned the proposed use of the property and was satisfied with the response that it was for the expansion of the substation. No other members of the public spoke at the public hearing.

At the conclusion of the hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the final plat for MDU Bismarck Northwest Addition, including the granting of a waiver of the requirement to provide a fifteen (15) foot buffer on the south and east portions of the plat in Section 14-03-07 of the City Code of Ordinances due to the non-residential character of the adjoining parcels.

### RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the final plat for MDU Bismarck Northwest Addition and take final action on the request.

## **STAFF CONTACT INFORMATION**

Please contact Daniel Nair, AICP, the planner in our office assigned to this request, at 355-1854 or [dnair@bismarcknd.gov](mailto:dnair@bismarcknd.gov), or Kim L. Lee, AICP, Planning Manager, at 355-1846 or [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov). Planning Manager Kim Lee will present this item at the meeting.



# STAFF REPORT

City of Bismarck  
 Community Development Department  
 Planning Division

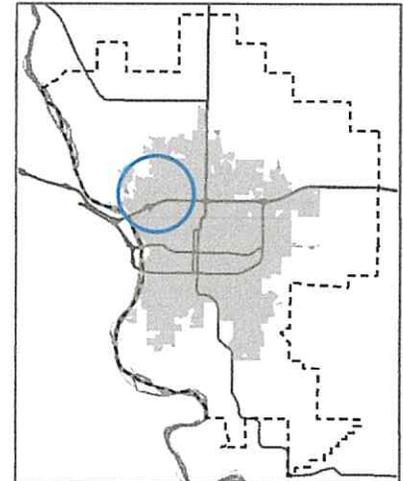
August 24, 2016

**Application for: Major Subdivision Final Plat**

TRAKiT Project ID: FPLT2016-005

## Project Summary

<b>Title:</b>	MDU Bismarck Northwest Addition
<b>Status:</b>	Planning & Zoning Commission – Public Hearing
<b>Owner(s):</b>	MDU Resources Group, Inc City of Bismarck
<b>Project Contact:</b>	Landon Niemiller, Swenson, Hagen, & Co.
<b>Location:</b>	In northwest Bismarck, in the southwest corner of the intersection of Country West Road and Clydesdale Drive.
<b>Project Size:</b>	2.75 acres
<b>Request:</b>	Create a one-lot subdivision for the expansion of an existing electrical substation.



## Site Information

Existing Conditions		Proposed Conditions	
<b>Number of Lots:</b>	1 parcel	<b>Number of Lots:</b>	1 lot in 1 block
<b>Land Use:</b>	Electrical substation	<b>Land Use:</b>	Electrical substation
<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan	<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan
<b>Zoning:</b>	R5 – Residential	<b>Zoning:</b>	R5 – Residential
<b>Uses Allowed:</b>	R5 – Single-family residential	<b>Uses Allowed:</b>	R5 – Single-family residential
<b>Max Density Allowed:</b>	R5 – 5 units / acre	<b>Max Density Allowed:</b>	R5 – 5 units / acre

## Property History

<b>Zoned:</b>	1959	<b>Platted:</b>	N/A	<b>Annexed:</b>	Pre-1985
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## Staff Analysis

MDU Resources owns and operates an electrical substation in northwest Bismarck adjacent to a City of Bismarck water tower site. The applicant intends to

expand the existing facility, requiring a larger parcel. MDU has brokered an agreement with the City of Bismarck Public Works Department – Utility Operations to purchase approximately a half acre from the City to

(continued)

expand the site to the east. A portion of this area is currently used as a temporary recycling center, and this use would be shifted further to the east if the property is sold. Neither the MDU-owned parcel nor the City-owned parcels have been platted, and a plat is required as a prerequisite to obtaining a building permit on the site.

The area is within the R5 – Residential zoning district. Electrical substations, along with all other basic utility infrastructure, are allowed by-right in this and every other zoning district. Section 14-03-07 (15) of the Bismarck Code of Ordinances outlines additional requirements relating to setbacks, fencing, landscaping, etc. for all uses within the Utility Services Group. The applicant will have to demonstrate compliance with these provisions during the site plan review and approval process.

However, staff recommends waiving the required buffer yard between the substation and the adjacent city-owned and residentially-zoned property. The parcels to the east and south are zoned R5 – Residential zoning district, but are used for a reservoir and will be into the foreseeable future. A lack of a buffer yard will only impact the City and no private property owners. These uses do not meet the intent of the buffer yard requirement.

An existing municipal water main runs along the proposed eastern boundary of the plat. The applicant shows a 15-foot water main easement on the plat, and the Engineering Department concurs that this is a sufficient width.

One of the conditions that the Planning and Zoning Commission placed on the tentative approval of the preliminary plat was the inclusion of a utility easement along the west side of the plat. Staff no longer recommends this easement, because of the placement of the existing trees within ten feet of the property line. The dedication of a utility easement in this area is likely not necessary and could jeopardize the existence of these trees.

The final plat is prepared with the assumption that MDU will have full ownership of the entire area. Although the transfer has not occurred, the intent is for

the City to transfer the property at some point after final approval of the plat but before recordation.

#### **Required Findings of Fact**

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the final plat for MDU Bismarck Northwest Addition, with the following condition:

1. All of the land in the proposed plat will be owned by MDU Resources Group, Inc prior to recordation of the plat.

Staff also recommends the granting of a waiver of the requirement to provide a fifteen (15) foot buffer on

the south and east portions of the plat in Section 14-03-07(15)(a)(6) due to the non-residential character of the adjoining parcels.

**Attachments**

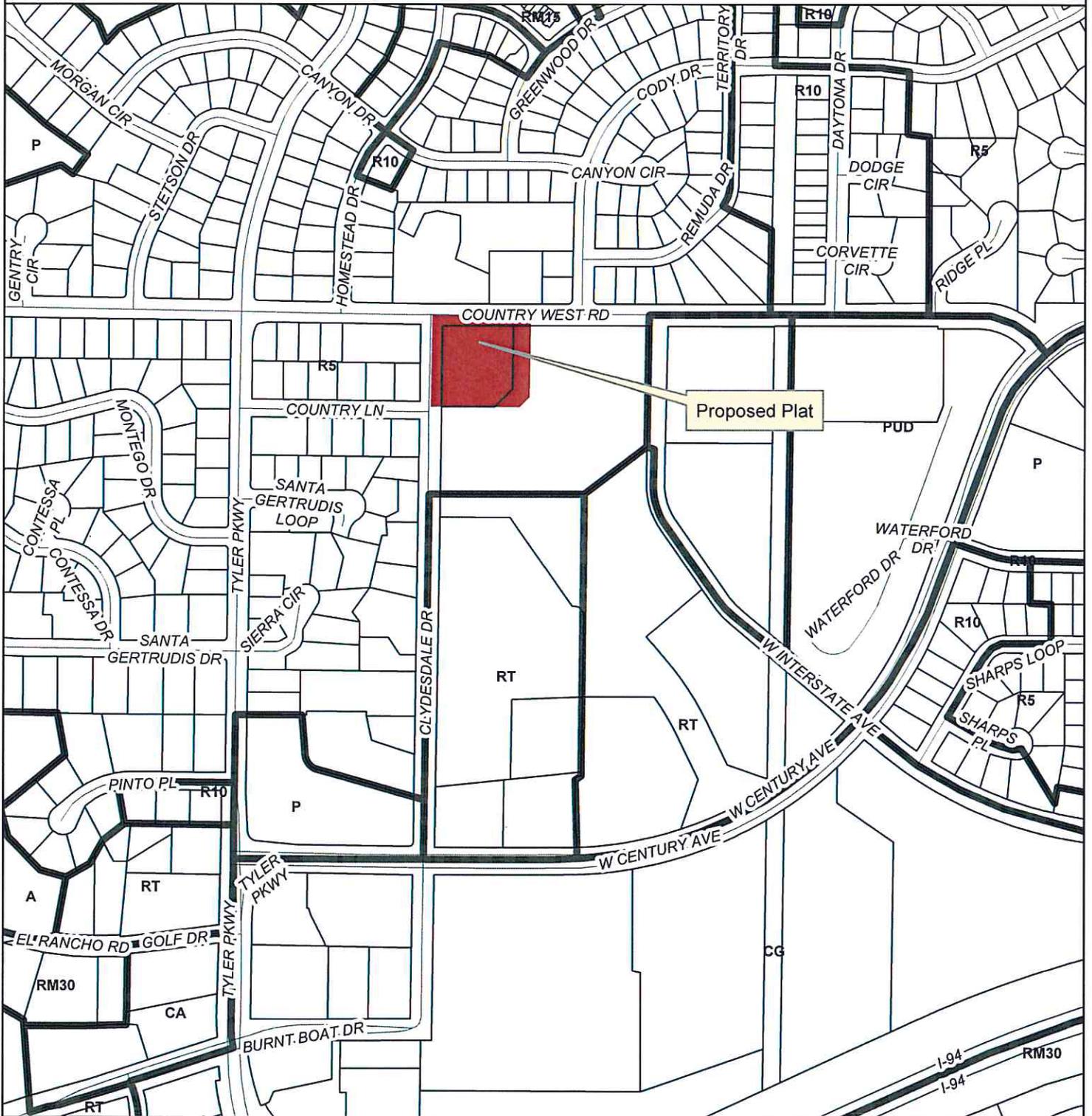
1. Location Map
2. Reduction of the Final Plat
3. Reduction of Preliminary Plat

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*Staff report prepared by:* Daniel Nairn, AICP, Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

# Proposed Plat

## MDU Bismarck Northwest Addition



June 27, 2016 (h1b)

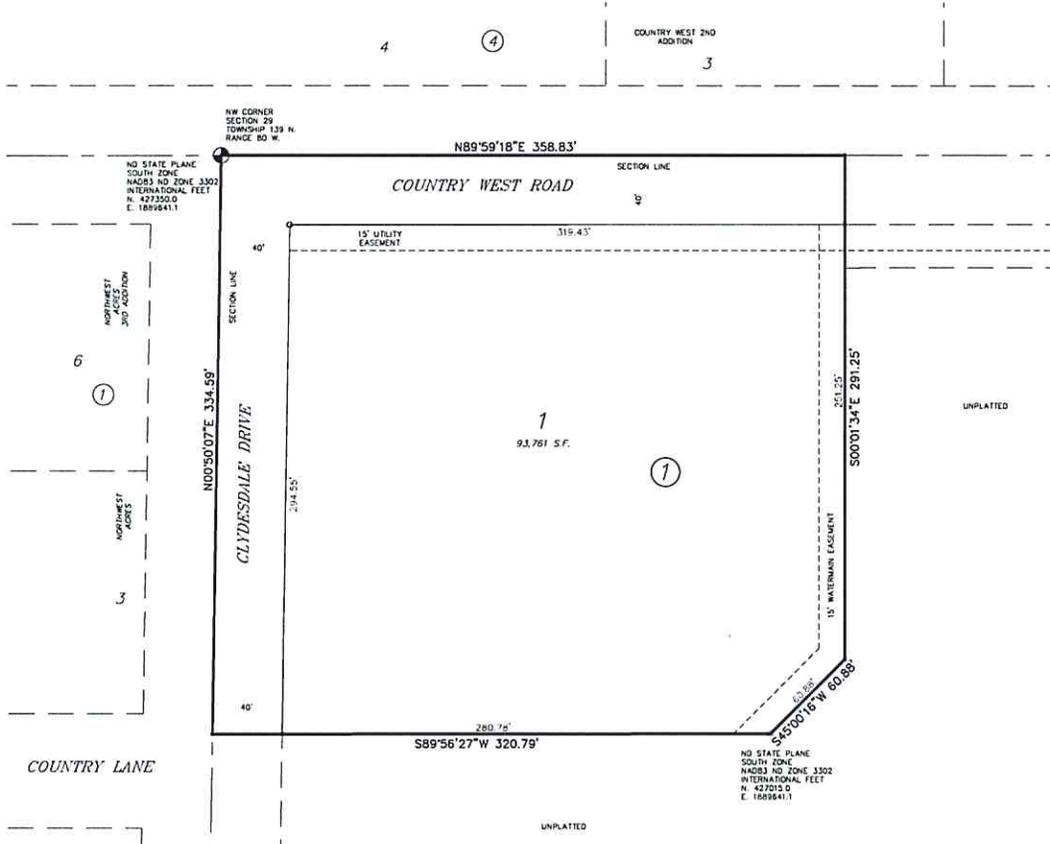
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



# MDU BISMARCK NORTHWEST ADDITION

PART OF THE NW 1/4 OF SECTION 29, TOWNSHIP 139 NORTH, RANGE 80 WEST

OF THE 5TH PRINCIPAL MERIDIAN  
BISMARCK, BURLEIGH COUNTY,  
NORTH DAKOTA



**NOTES**

STATE OF NEBRASKA  
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY  
CITY ORDNANCE

COORDINATE DATA  
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.

○ MONUMENT TO BE SET  
● MONUMENTS IN PLACE



**AREA**

LOTS	43,791 S.F.	2.01 ACRES
STREETS	24,148 S.F.	0.55 ACRES
TOTAL	67,939 S.F.	2.75 ACRES

**DESCRIPTION**

MDU BISMARCK NORTHWEST ADDITION, PART OF THE NW 1/4 OF SECTION 29, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NW 1/4; THENCE NORTH BY DEGREES 59 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 358.83 FEET; THENCE SOUTH 00 DEGREES 00 MINUTE 24 SECONDS EAST, A DISTANCE OF 291.25 FEET; THENCE SOUTH 45 DEGREES 30 MINUTES 30 SECONDS WEST, A DISTANCE OF 109.68 FEET; THENCE SOUTH BY DEGREES 58 MINUTES 27 SECONDS WEST, A DISTANCE OF 320.78 FEET TO THE WEST LINE OF SAID NW 1/4; THENCE NORTH BY DEGREES 30 MINUTES 07 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 334.59 FEET TO THE POINT OF BEGINNING. THE ABOVE TRACT CONTAINS 2.75 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, TERRY BALTEZ, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 08/10/2016. 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 GEOMETRIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH )

SWENSON, HAGEN & CO. P.C.  
209 BUCK AVENUE  
BISMARCK, NORTH DAKOTA 58504

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

ON THIS 10 DAY OF AUGUST, 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTEZ, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

**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 10 DAY OF AUGUST, 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND IN ACCORDANCE WITH THE SAID PLANNING COMMISSION. IT IS WITNESSED WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN      CARL D. HOKENSTAD - 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 ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE CHANGES AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 10 DAY OF AUGUST, 2016.

ATTEST  
KEITH J. HUNKLE - CITY ADMINISTRATOR

**APPROVAL OF CITY ENGINEER**

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE MDU BISMARCK NORTHWEST ADDITION, BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL  
CITY ENGINEER

**OWNER'S CERTIFICATE & DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT MONTANA DAKOTA UTILITIES COMPANY, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON, HAS CALLED THIS PROPERTY DESCRIBED HEREIN TO BE SURVEYED AND PLATTED AS MDU BISMARCK NORTHWEST ADDITION, BISMARCK, NORTH DAKOTA, AND DOES HEREBY DEDICATE STREETS AS SHOWN HEREON, INCLUDING ALL TRENCH, COLLECTORS, WATER AND OTHER PUBLIC UTILITY LINES WHICH SHOWN HEREON OR NOT TO THE PUBLIC USE AND VIEW.

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

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "WATERMAIN EASEMENTS" TO RUN WITH THE LAND TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREIN.

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH )

MONTANA DAKOTA UTILITIES COMPANY  
400 NORTH FOURTH STREET  
BISMARCK, ND 58501

ON THIS 10 DAY OF AUGUST, 2016, BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ 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 \_\_\_\_\_



AUG 10 2016

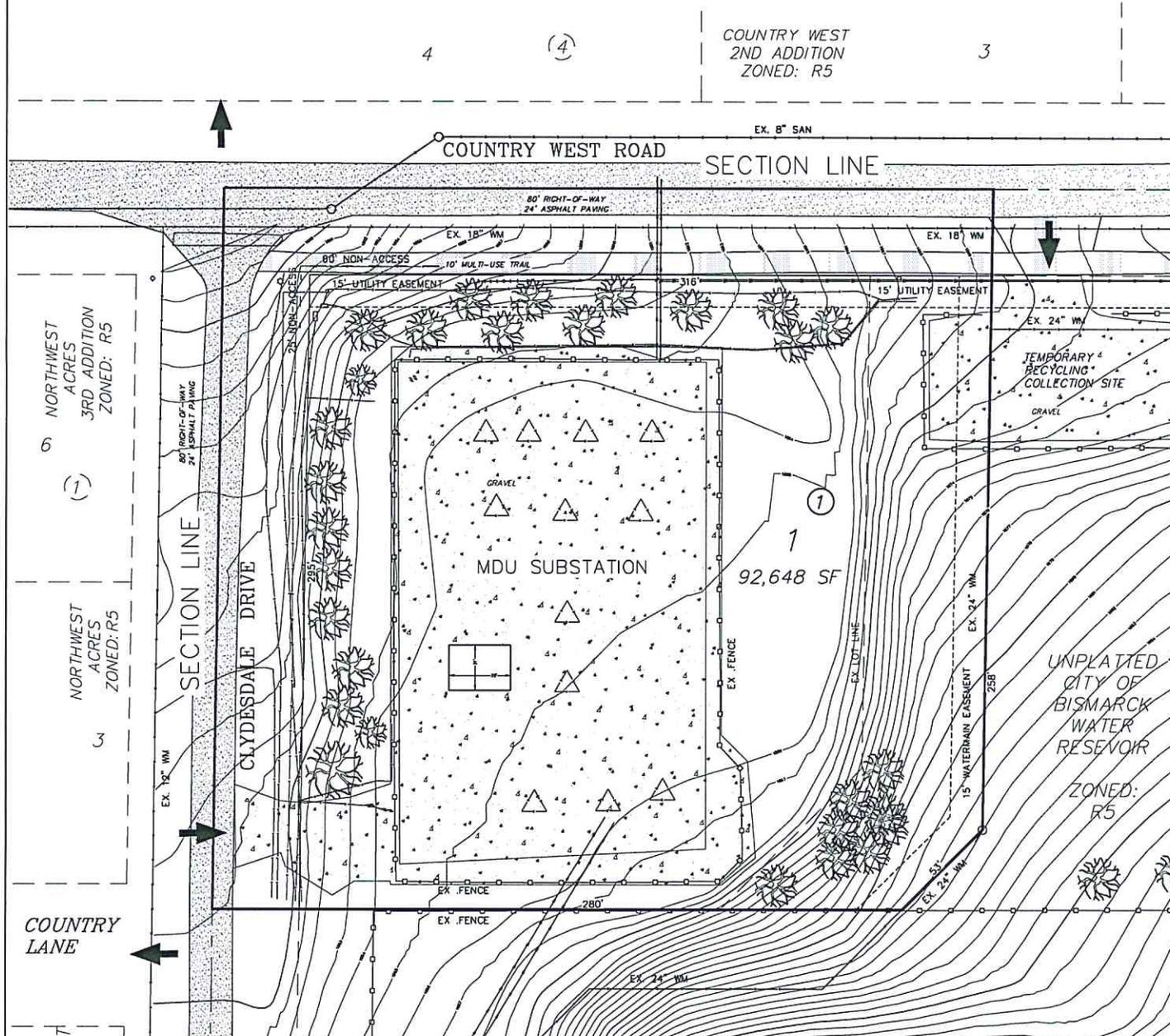
# MDU BISMARCK NORTHWEST ADDITION

PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 29,  
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP



2.70 ACRES  
EXISTING ZONING: R5  
1 LOT

OWNER: MDU CO.  
ADDRESS: 400 N. 4TH ST  
BISMARCK, ND 58501  
PHONE: (701) 222-7665



VERTICAL DATUM: NAVD 88  
JULY 12, 2016

**SWENSON, HAGEN & COMPANY P.C.**  
1975 Main Avenue  
Bismarck, North Dakota 58501  
Phone (701) 222-2400  
Fax (701) 222-2006

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