



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
April 24, 2013

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

Item No. Page

MINUTES

- 1. Consider the approval of the minutes of the March 27, 2013 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Country West Heights Addition (Klee)
a. Zoning Change (A to R5)
Staff recommendation: schedule a hearing
b. Preliminary Plat
Staff recommendation: tentative approval
3. Country Ridge 1st Subdivision (JW)
Gibbs Township
a. Zoning Change (A to RR)
Staff recommendation: schedule a hearing
b. Fringe Area Road Master Plan Amendment
Staff recommendation: schedule a hearing
c. Preliminary Plat
Staff recommendation: tentative approval

Bismarck-Burleigh County Community Development Department
221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org



4. River Road Heights Addition – Zoning Change (RR to R5) (JW)	25
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
5. Part of Lot 2, Block 1, Menards 2nd Addition – Zoning Change (P to CG) (JT)	29
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

6. Eagle Crest 6th Addition (Klee)	
a. Annexation.....	33
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Zoning Change (A to R5).....	37
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
c. Final Plat.....	41
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
7. North Hills 17th Addition (JT)	
a. Zoning Change (A to R5).....	47
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	51
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
8. West Region Medical Addition (JW)	
a. Zoning Change (RT & CG to RT & CG).....	57
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	61
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
9. Geloff Estates Addition – Final Plat (Klee)	67
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

10. Country North Estates 4th Subdivision (JT)

Hay Creek Township

- a. Zoning Change (A to RR)73

Staff recommendation: approve approve continue table deny

- b. Fringe Area Road Master Plan Amendment 77

Staff recommendation: approve approve continue table deny

- c. Final Plat..... 81

Staff recommendation: approve approve continue table deny

11. Century Centennial Addition – Final Plat (JT)89

Staff recommendation: approve approve continue table deny

**12. Lots 17-18 and 27-28, Block 17, Sonnet Heights Subdivision –
Zoning Change (R5 to R10) (Klee)..... 95**

Staff recommendation: approve approve continue table deny

**13. Lots 1-8, Block 1, McKenzie & Coffins Addition –
Special Use Permit (Child Care Facility) (JW) 99**

Staff recommendation: approve approve continue table deny

**14. Part of Block 15, Northern Pacific Addition –
Special Use Permit (Temporary Parking Facility) (JT) 105**

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

15. Other

ADJOURNMENT

- 16. Adjourn.** The next regular meeting date is scheduled for Wednesday, May 22, 2013.

Enclosures: Meeting Minutes of March 27, 2013
Building Permit Activity Report for March 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Country West Heights Addition – Zoning Change (A and R5 to R5)		
Status: Planning Commission – Consideration	Date: April 24, 2013	
Owner(s): William Clairmont	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: In northwest Bismarck, north of Ash Coulee Drive and west of North Washington Street (part of the NW¼ of Section 17, T139N-R80W/Hay Creek Township, including a replat of Lots 1-3, Block 1, Horizon Heights 5 th Addition).		
Project Size: 11.3 acres	Number of Lots: 26 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural R5 – Residential	Land Use: Single-family residential	
Zoning: A – Agricultural R5 – Residential	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture R5 – Residential	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: 05/11 (part – HH5th)	Platted: 05/11 (part – HH5th)	Annexed: 04/12 (part – HH5th)
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a preliminary plat have been met. 2. The proposed plat is consistent with the Northwest Subarea Study, which identifies LaSalle Drive as an east-west collector for this section. Tyler Parkway, a north-south arterial, is proposed to be located west of the proposed plat with no connection to this area because of topography. 3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single family residential and rural residential to the south, developing single-family residential to the east to the southeast, and agricultural land to the north, west and east. 4. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities. 5. The proposed subdivision would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

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

Proposed Plat and Zoning Change (A to R5) Country West Heights Addition



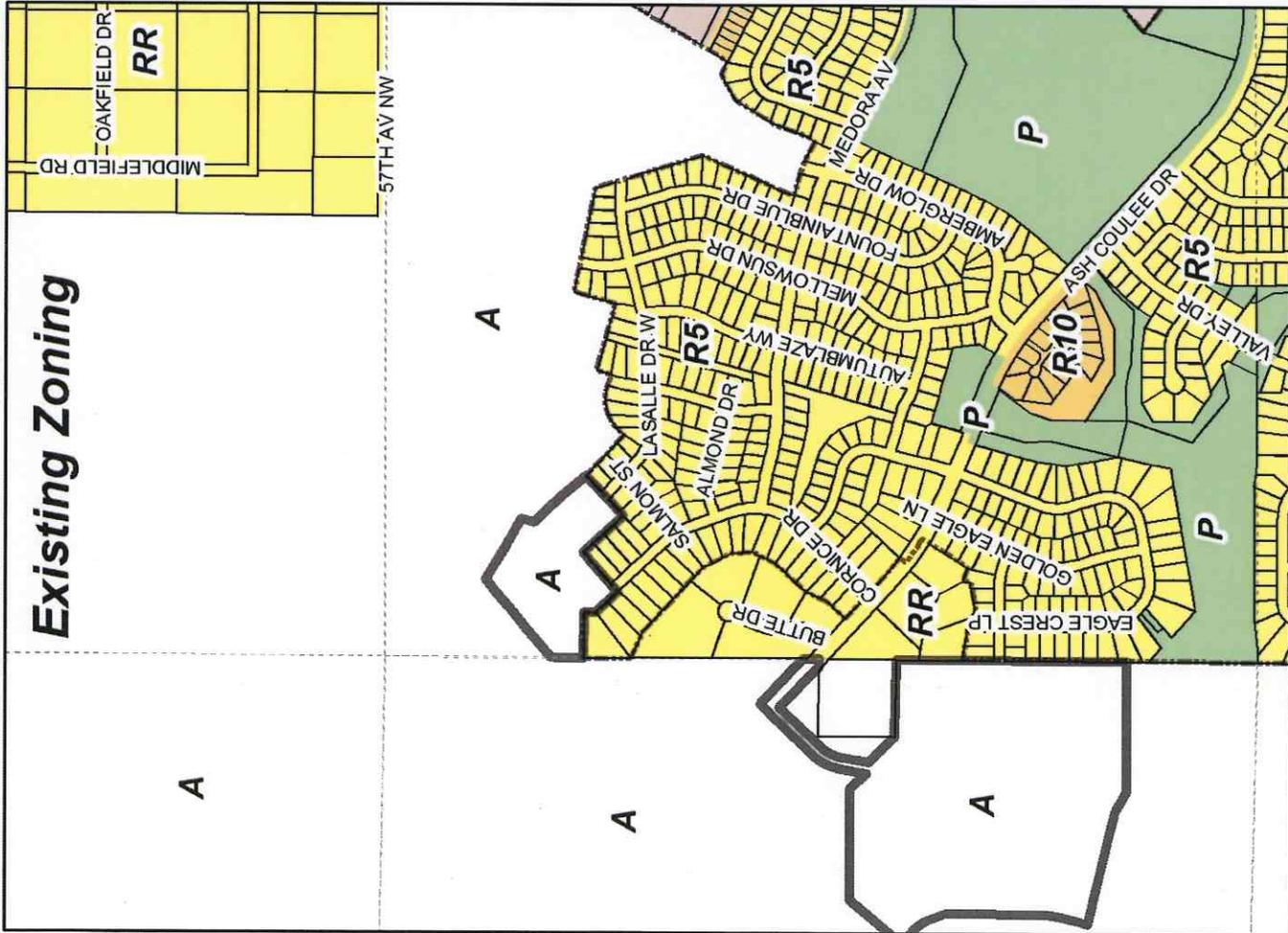
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 11, 2013 (Klee)

Source: City of Bismarck

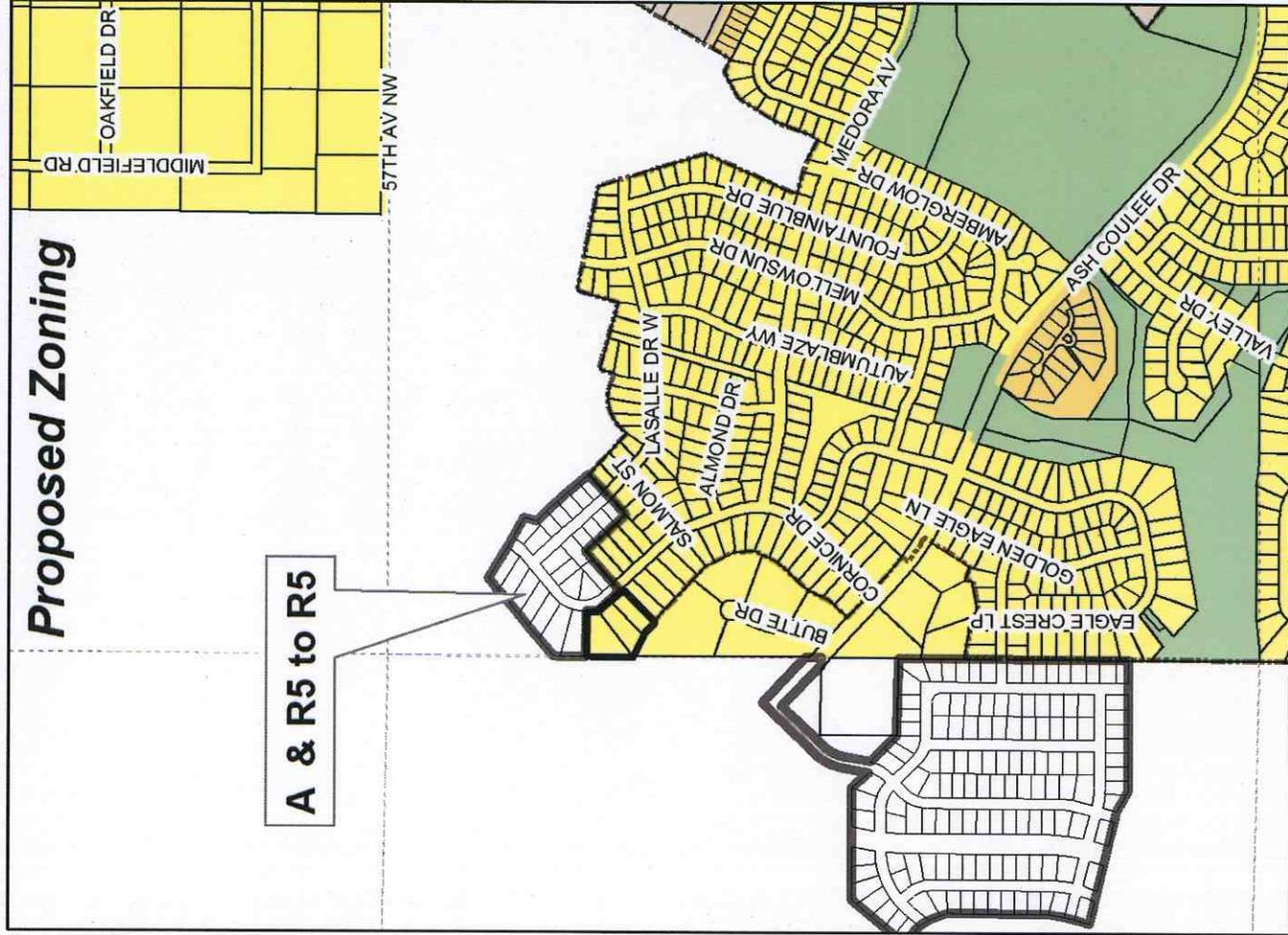


Country West Heights Addition - Zoning Change

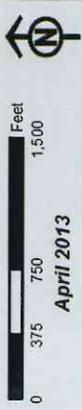
Existing Zoning



Proposed Zoning



A & R5 to R5



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April 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Country West Heights Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: April 24, 2013	
Owner(s): William Clairmont	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: In northwest Bismarck, north of Ash Coulee Drive and west of North Washington Street (part of the NW¼ of Section 17, T139N-R80W/Hay Creek Township, including a replat of Lots 1-3, Block 1, Horizon Heights 5 th Addition).		
Project Size: 11.3 acres	Number of Lots: 26 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural R5 – Residential	Land Use: Single-family residential	
Uses Allowed: A – Agriculture R5 – Residential	Zoning: R5 – Residential	
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre	Uses Allowed: R5 – Single-family residential	
PROPERTY HISTORY:	Maximum Density Allowed: R5 – 5 units/acre	
Zoned: 05/11 (part – HH5th)	Platted: 05/11 (part – HH5th)	Annexed: 04/12 (part – HH5th)
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family residential and rural residential to the south, developing single-family residential to the east to the southeast, and agricultural land to the north, west and east. 3. The subdivision proposed for this property would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential zoning district for Country West Heights Addition.

Proposed Plat and Zoning Change (A to R5) Country West Heights Addition



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Map was Updated/Created: April 11, 2013 (Klee)

Source: City of Bismarck





**BISMARCK-BURLEIGH COUNTY COMMUNITY & DEVELOPMENT DEPARTMENT
STAFF REPORT**

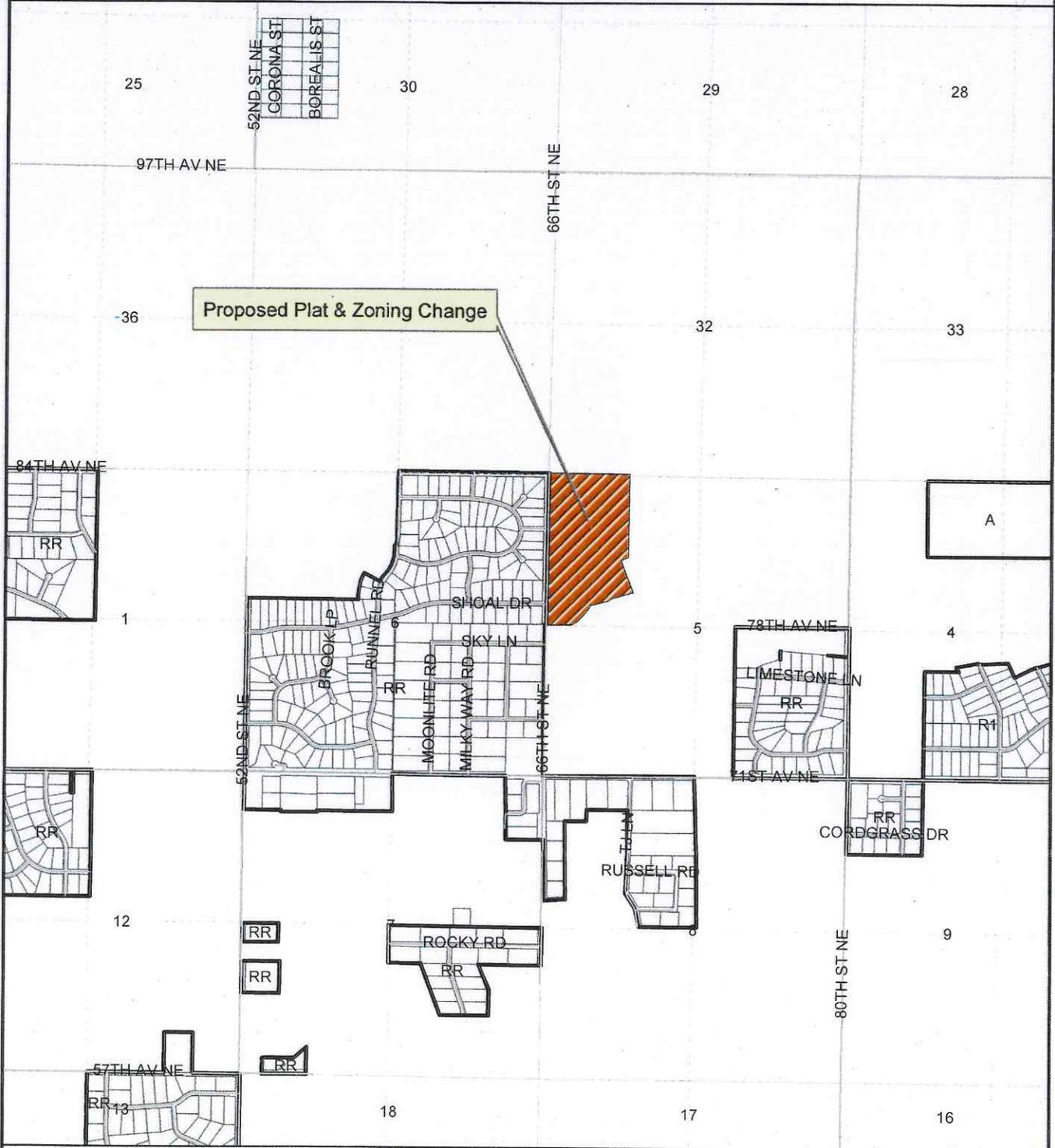
BACKGROUND:	
Title: Country Ridge 1 st Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Consideration	Date: April 24, 2013
Owner(s): Rodney Swenson Trust (owner) Apple Creek Developers (applicant)	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and zone property to allow development of a single-family rural residential subdivision.	
Location: Along the east side of 66 th Street and the south side of 84 th Avenue NE (Part of the NW ¼ of Section 5, T139M-R79W/Gibbs Township)	
Project Size: 78.5 acres	Number of Lots: 35 lots in 5 blocks
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Agriculture/Undeveloped	Land Use: Rural Residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Single-family residential & limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The proposed subdivision is located within the four-mile ETA and is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Although the City of Bismarck has lead jurisdiction, the governing body that would otherwise have jurisdiction (in this case, Burleigh County) may object to the final decision of the City and request negotiation within 30 days of the final decision of the City Commission. If the City of Bismarck and Burleigh County could not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners. 	
FINDINGS:	
<ol style="list-style-type: none"> The proposed zoning change would be consistent with the Land Use Plan which identifies the long range use of this area as Rural Residential and Parks/Open Space/Greenways. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north, east and south and partially-developed rural residential to the west. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to 66th Street NE via internal streets; therefore, the proposed zoning change would not place an undue burden on public services. 	
<i>(continued)</i>	

4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

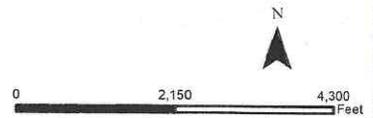
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district for Country Ridge First Subdivision.

Proposed Plat & Zoning Change (A to RR) Country Ridge 1st Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 25, 2013 (hib)

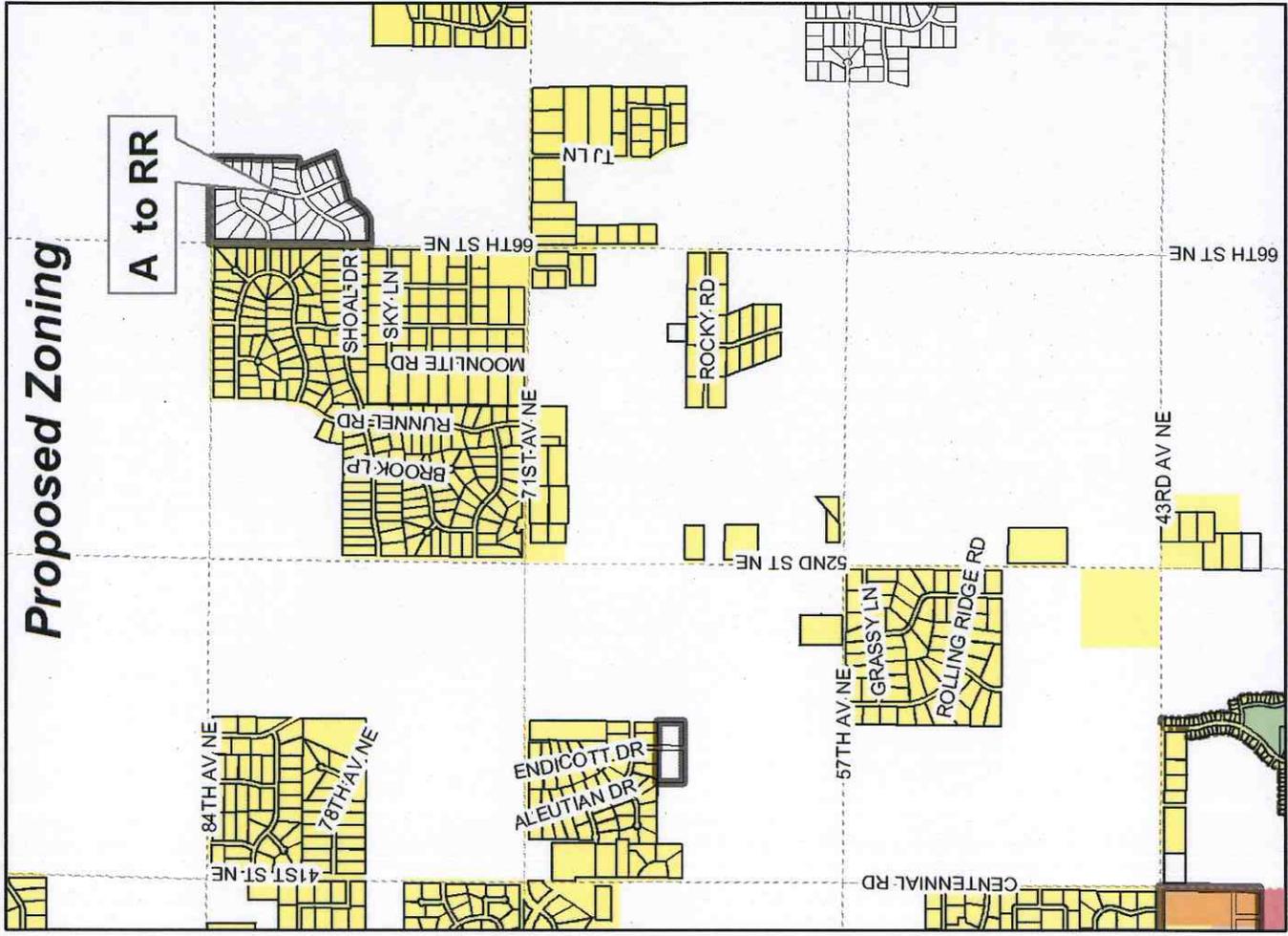
Source: City of Bismarck



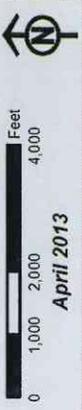
Country Ridge Subdivision - Zoning Change

Proposed Zoning

A to RR



Existing Zoning

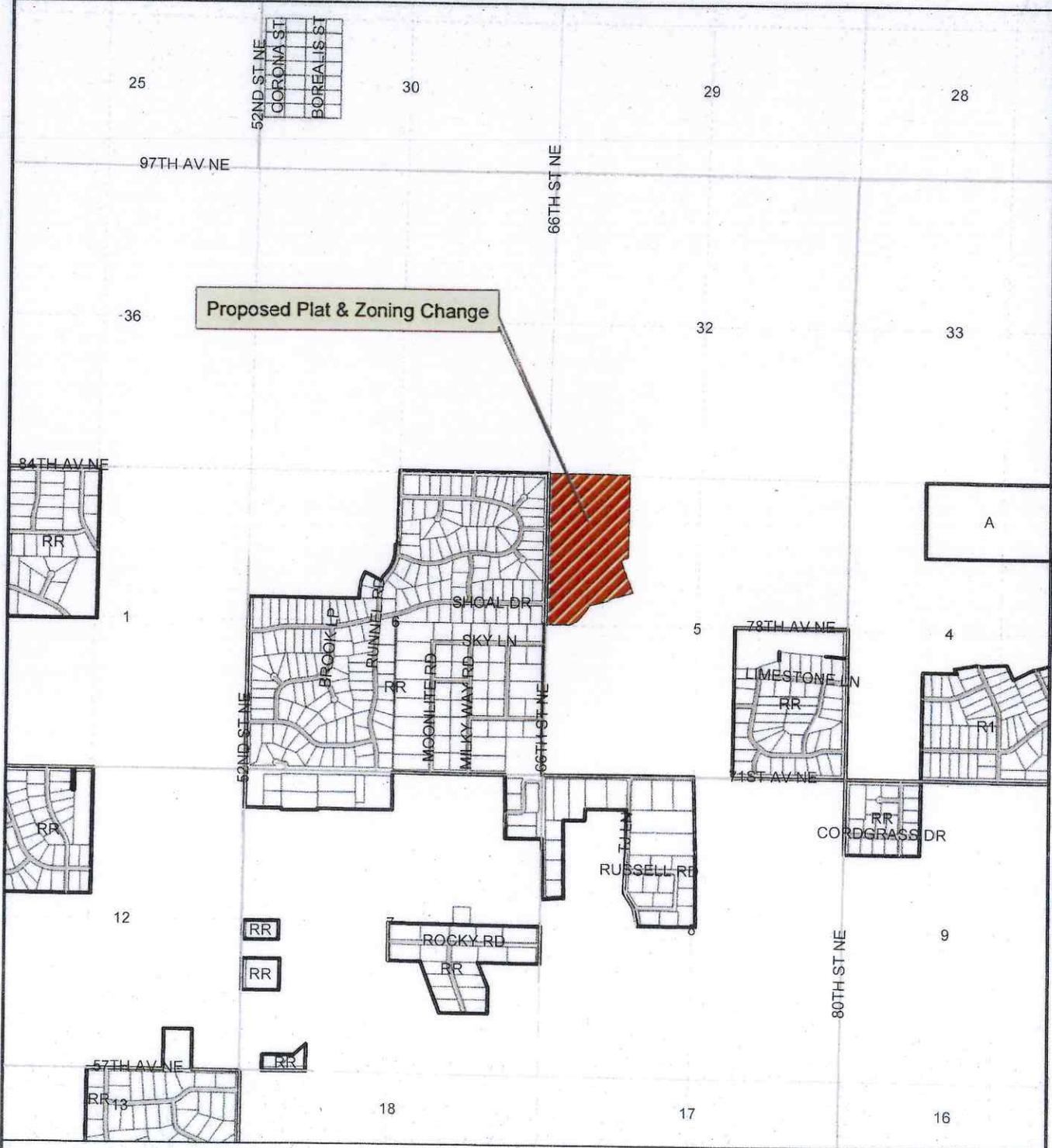


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**BISMARCK-BURLEIGH COUNTY COMMUNITY & DEVELOPMENT DEPARTMENT
STAFF REPORT**

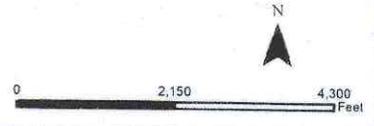
Title: Section 5, T139N-R79W/Gibbs Township (in conjunction with the preliminary plat for Country Ridge 1 st Subdivision)	
Status: Planning Commission – Consideration	Date: April 24, 2013
Reason for Request: Relocate the extension of Shoal Drive (the east-west collector for this section), north approximately 750 feet, more or less.	
Location: Along the east side of 66 th Street and the south side of 84 th Avenue NE (Part of the NW ¼ of Section 5, T139M-R79W/Gibbs Township).	
FINDINGS:	
<ol style="list-style-type: none"> 1. The Fringe Area Road Master Plan was adopted by the Board of City Commissioners on September 9, 2003. 2. The developer of Country Ridge 1st Subdivision is requesting an amendment to the Fringe Area Road Master Plan for Section 5, T139N-R79W/Gibbs Township, to relocate the eastern extension of Shoal Drive, the east-west collector for this section, approximately 750 feet, more or less to the north. Shoal Drive would have the potential to extend east from 66th Street NE west to 80th Street NE with future development. 3. The proposed subdivision (Country Ridge 1st Subdivision) would conform to the Fringe Area Road Master Plan as amended. 	
RECOMMENDATION:	
Based on the above findings, staff recommends approval of the amendment to the Fringe Area Road Master Plan for Section 5, T139N-R79W/ Gibbs Township (map 5) to relocate the eastern extension of Shoal Drive north approximately 750 feet, more or less.	

Proposed Plat & Zoning Change (A to RR) Country Ridge 1st Subdivision



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Map was Updated/Created: March 25, 2013 (hnb)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Country Ridge 1 st Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	Date: April 24, 2013
Owner(s): Rodney Swenson Trust (owner) Apple Creek Developers (applicant)	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and rezone property to allow development of a single-family rural residential subdivision.	
Location: Along the east side of 66 th Street and the south side of 84 th Avenue NE (Part of the NW ¼ of Section 5, T139M-R79W/Gibbs Township)	
Project Size: 78.5 acres	Number of Lots: 35 lots in 5 blocks
EXISTING CONDITIONS:	
Land Use: Agriculture/ undeveloped	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Rural residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The proposed subdivision is located within the four-mile ETA and is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Although the City of Bismarck has lead jurisdiction, the governing body that would otherwise have jurisdiction (in this case, Burleigh County) may object to the final decision of the City and request negotiation within 30 days of the final decision of the City Commission. If the City of Bismarck and Burleigh County could not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners. The applicant has requested a waiver from the requirement to ghost plat the lots located within the proposed subdivision. The applicant cited that the proposed subdivision is an extension of existing subdivisions to the west and that the Urban Service Area Boundary covers approximately the west 1/3 of the proposed plat. Also, existing subdivisions located in Section 5 have not been ghost platted. The applicant has also requested a waiver from submitting roadway profiles, stating that roadway profiles will be provided as paving plans after the subdivision is approved. Both waiver requests seem reasonable recognizing the existing topography constraints and the difficulty of providing roadway profiles at this time and that the proposed subdivision is considered as an extension of existing subdivisions that were not required to ghost plat. Stormwater detention pond easements occupy a significant portion of Lot 11, Block 2, and Lot 1, Block 3. At the request of the County Engineer, a note has added to the plat indicating that there shall be no disturbance to the existing vegetative cover. This includes the placement of fill, planting of trees and other vegetation as well as prohibiting the placement of structures within the easement. 	

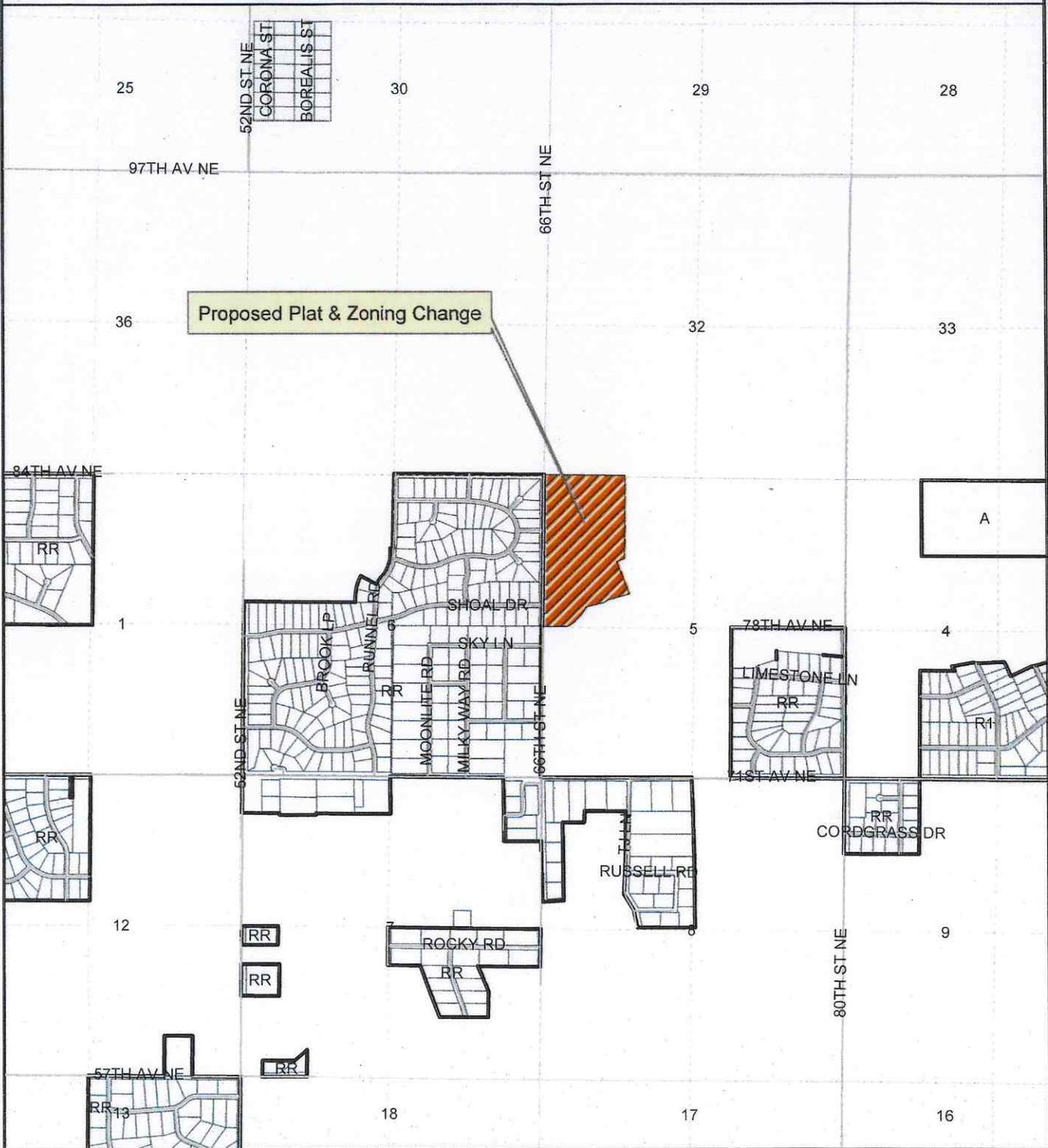
FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies 84th Avenue NE and 66th as arterial roadways. However, a Fringe Area Road Master Plan Amendment has been initiated in conjunction with the proposed plat to relocate the extension of Shoal Drive (the east-west collector for this section), north approximately 750 feet, more or less. The proposed subdivision will conform to the Fringe Area Road Master Plan as Amended.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north, east, and south and partially developed rural residential to the west.
4. The proposed subdivision would be served by South Central Regional Water District and would have access to 66th Street NE via internal streets; therefore, the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

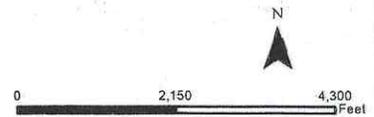
Based on the above findings, staff recommends tentative approval of the preliminary plat for Country Ridge 1st Subdivision.

Proposed Plat & Zoning Change (A to RR) Country Ridge 1st Subdivision

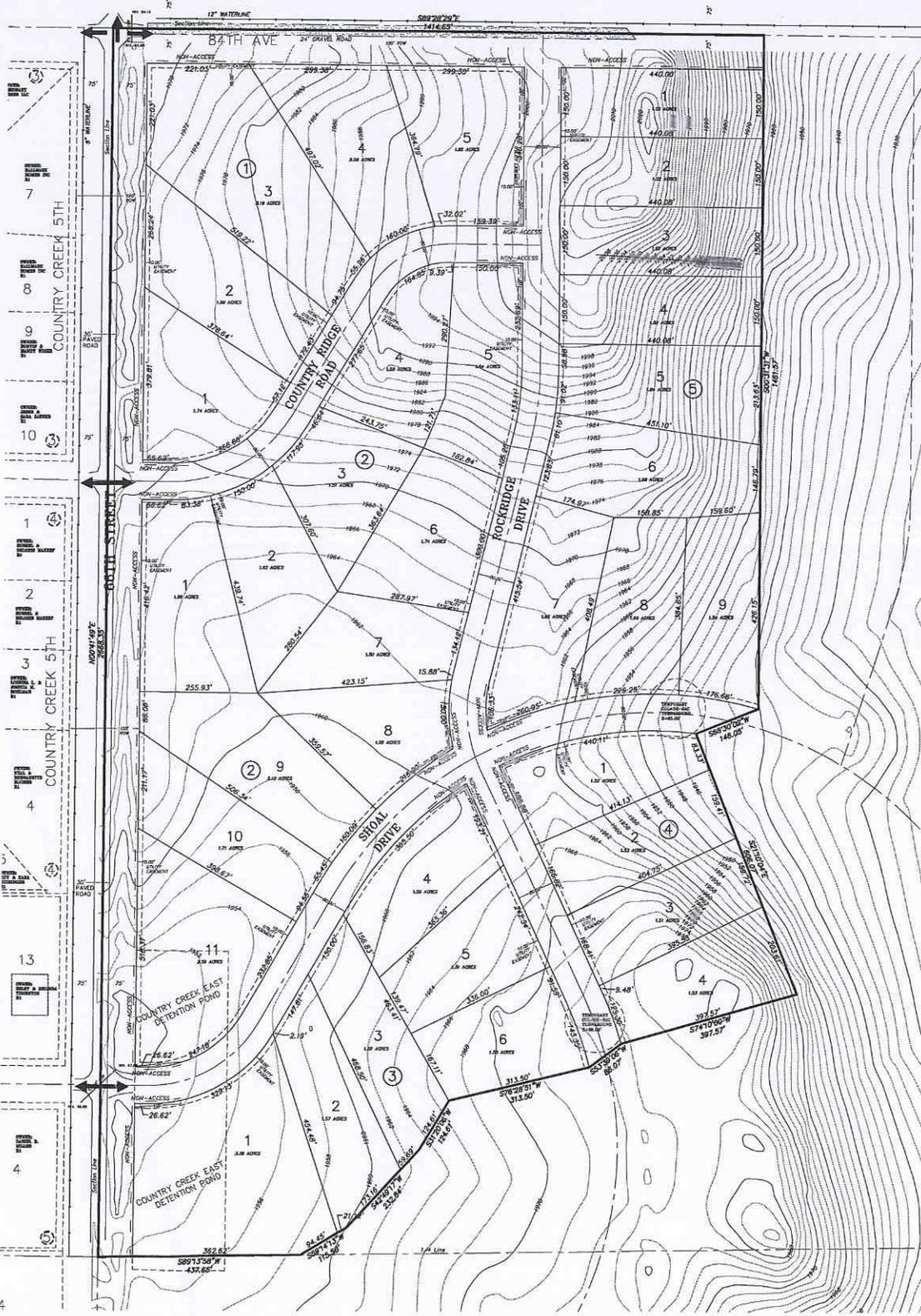


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Map was Updated/Created: March 25, 2013 (hib)

Source: City of Bismarck



PRELIMINARY PLAT COUNTRY RIDGE FIRST SUBDIVISION PART OF THE NORTHWEST 1/4 OF SECTION 5, T. 139 N., R. 79 W. BURLEIGH COUNTY, NORTH DAKOTA

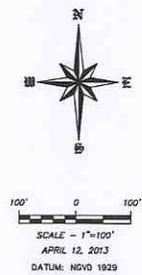


OWNER:
RODNEY SWENSON TRUST
6800 71ST AVE NE
BISMARCK, ND 58504
701-258-3925

APPLE CREEK DEVELOPERS
1771 WEST CAVALRY DR
BISMARCK, ND 58504
701-258-3925

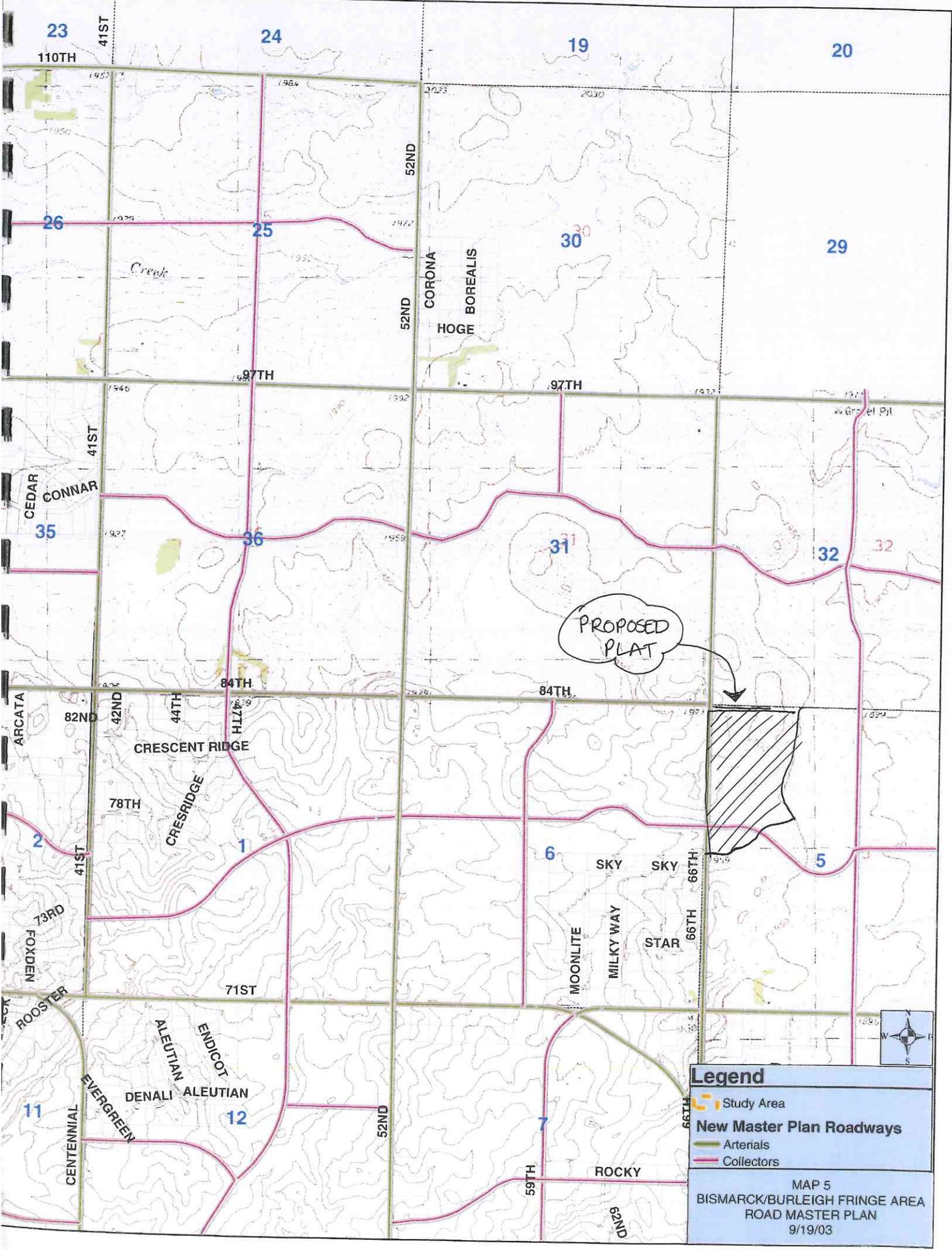
ACREAGE
62.7 ACRES LOTS
15.8 ACRES STREETS
78.5 ACRES TOTAL
35 LOTS

**CURRENT ZONING: AG
PROPOSED ZONING: R1**



NOTE: RESTRICTED USE ON STORM WATER EASEMENT
STORM WATER EASEMENTS ARE CONSTRUCTED TO
COLLECT, STORE, CONVEY, AND/OR TREAT STORM
WATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT
OR LIMIT FLOOD DAMAGE AND ENVIRONMENT IMPACTS
TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE
PLAT.
PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF
FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE
PERMANENT VEGETATED COVER ON THE EASEMENT (NO
OPEN TILED SOIL AREAS WILL BE ALLOWED.) THEY
SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE
EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A
SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS
MAY BE PLANTED WITHIN THE EASEMENT WITH THE
PRIOR APPROVAL OF THE COUNTY ENGINEER.
PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE
OF STRUCTURE (INCLUDING GARAGES, OUTBUILDINGS,
SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING,
GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURE
THAT INTERFERES WITH THE INTENDED USE OF THE
STORM WATER EASEMENT.

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58501
shung@swensons-hagen.com
Phone (701) 233-2000
Fax (701) 233-2006



PROPOSED PLAT

Legend

-  Study Area
- New Master Plan Roadways**
 -  Arterials
 -  Collectors

MAP 5
BISMARCK/BURLEIGH FRINGE AREA
ROAD MASTER PLAN
9/19/03

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

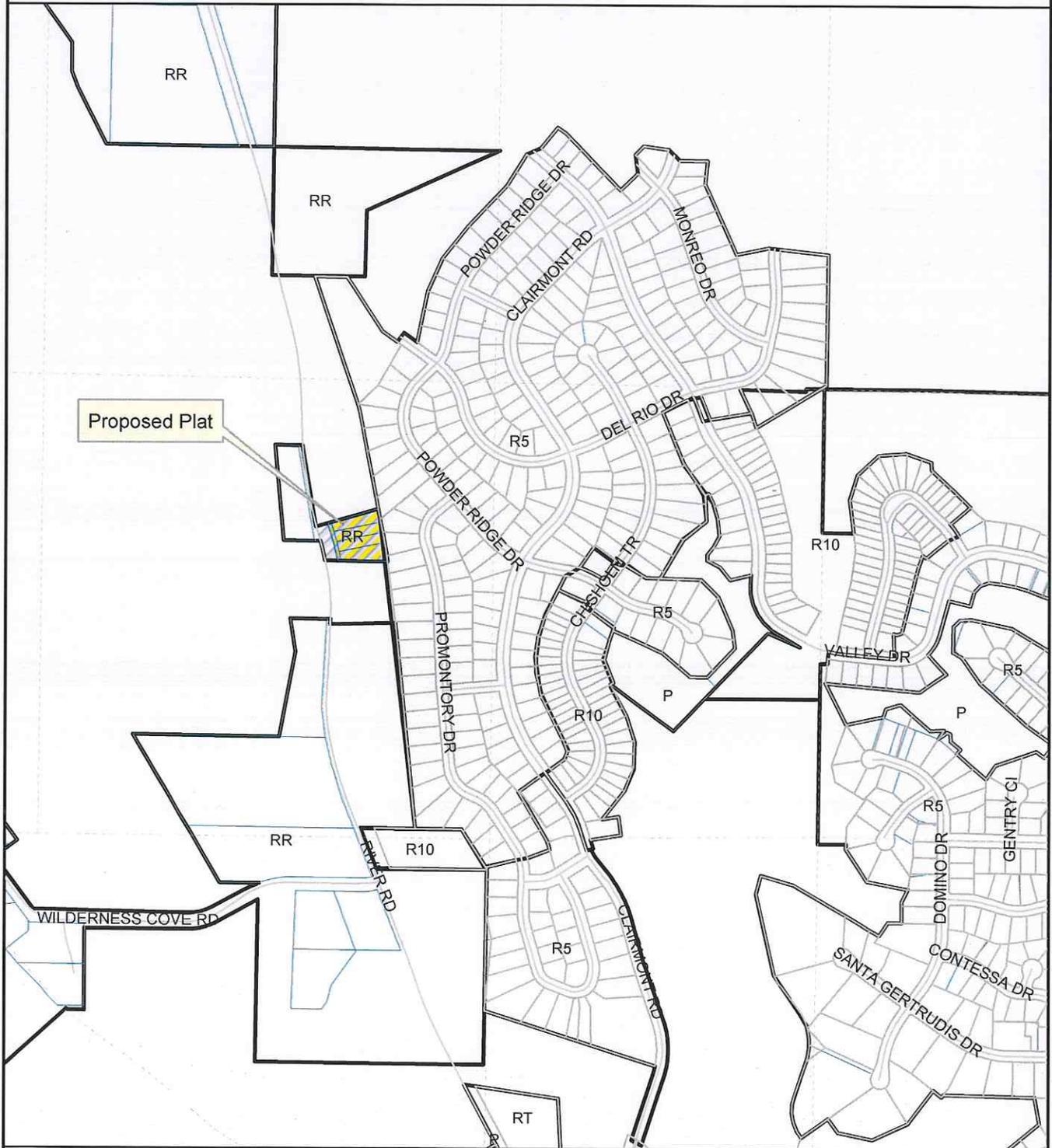
BACKGROUND:		
Title: River Road Heights – Zoning Change (RR to R5)		
Status: Planning Commission – Consideration	Date: April 24, 2013	
Owner(s): Rudra Tamm	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property for single family development with municipal services		
Location: Along the east side of River Road, between Sandy River Drive and Wilderness Cove Road (Replat of Lot 1, Block 1, Scott Johnson Second Subdivision and Part of the Adjoining River Road Right-of-Way, Part of the NE ¼ of the SE ¼ of Section 24, T139N-R81W West Hay Creek Township)		
Project Size: 2.18 acres	Number of Lots: 5 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RR- Rural residential	Land Use: Single-family residential	
Zoning: RR- Rural residential	Zoning R5- Residential	
Uses Allowed: RR-large lot single-family residential and limited agriculture	Uses Allowed: R5-Single-family residential	
Maximum Density Allowed: RR-One unit/ 65,000 square feet	Maximum Density Allowed: R5- units/acre	
PROPERTY HISTORY:		
Zoned: 07/2004	Platted: 07/2004	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is not completely consistent with the Land Use Plan, which identifies the long range use of this area as parks, open space and greenways. (Bismarck Mandan Regional Future Land Use Plan). It is presumed that the parks, open space and greenways land use classification is a result of the existing elevation of this area and its proximity the Missouri River. Based on the existing land use it seems reasonable to assume that residential properties will continue to occupy this area. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include, single-family residential to the east, rural residential to the west and agricultural uses to the north and south. This property is adjacent to the City of Bismarck and single-family residentially zoned property to the east, however there is a significant grade separation of approximately 100 feet between the two. 		
<i>(continued)</i>		

3. The proposed subdivision would be annexed prior to development; however, it may place an undue burden on public services and facilities. In particular, the grades specified for the access points to the proposed subdivision exceed the percentage permitted by both the fire code and the City of Bismarck Code of Ordinances. The Bismarck Fire Department has expressed concerns about being able to provide adequate emergency services to the proposed subdivision.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR-Rural Residential zoning district to the R5- Residential zoning district in conjunction with the minor plat titled River Road Heights Addition. This recommendation is with the understanding that prior to the public hearing planning staff will confirm that additional services to the proposed subdivision can be safely provided without causing an undue burden on public services and facilities and to ensure that the geotechnical data submitted has been reviewed and deemed acceptable by the City Engineering Department.

Proposed Plat, Annex & Zoning Change (RR to R5) River Road Heights

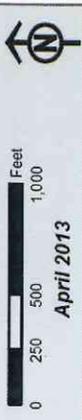
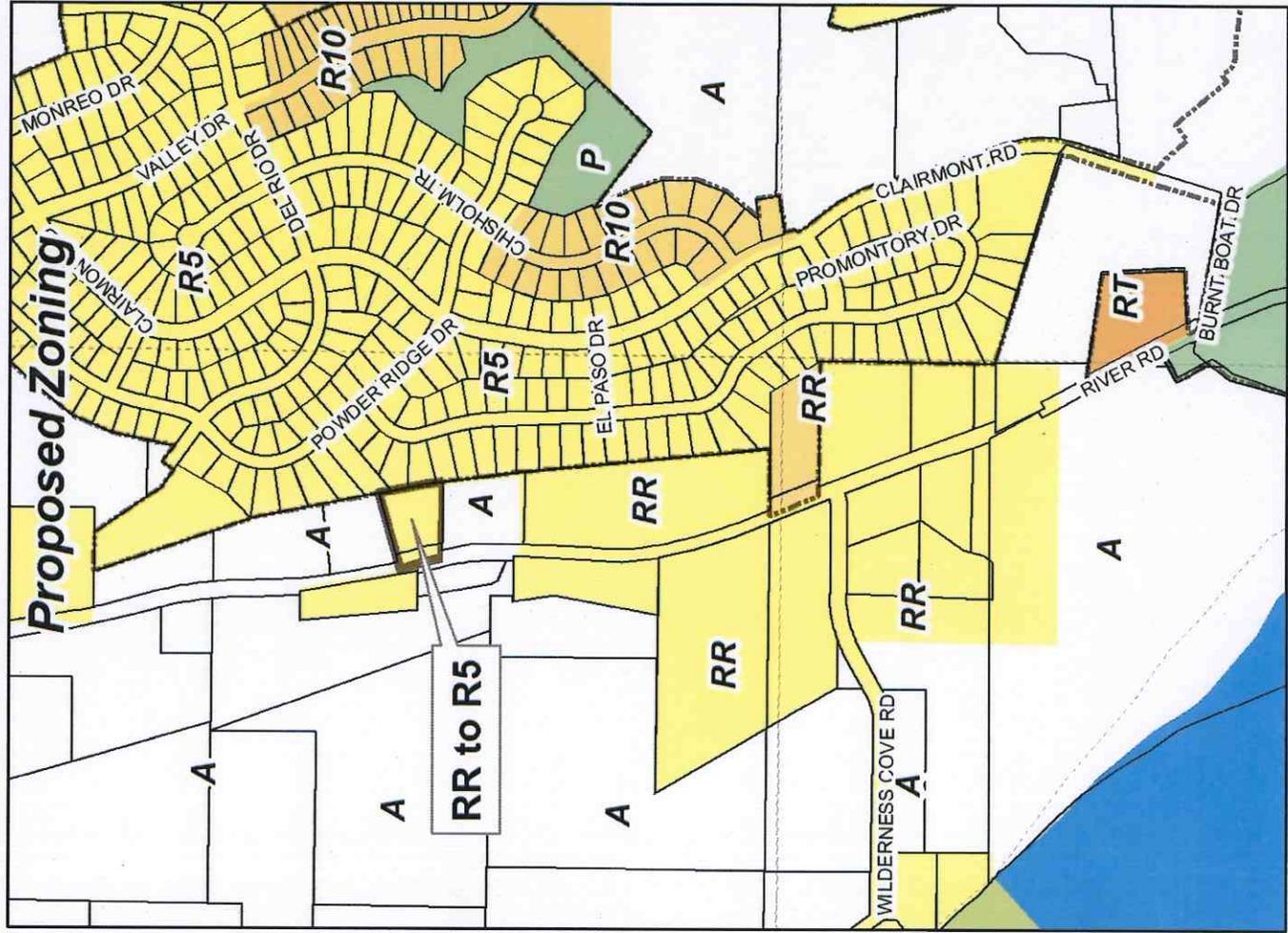
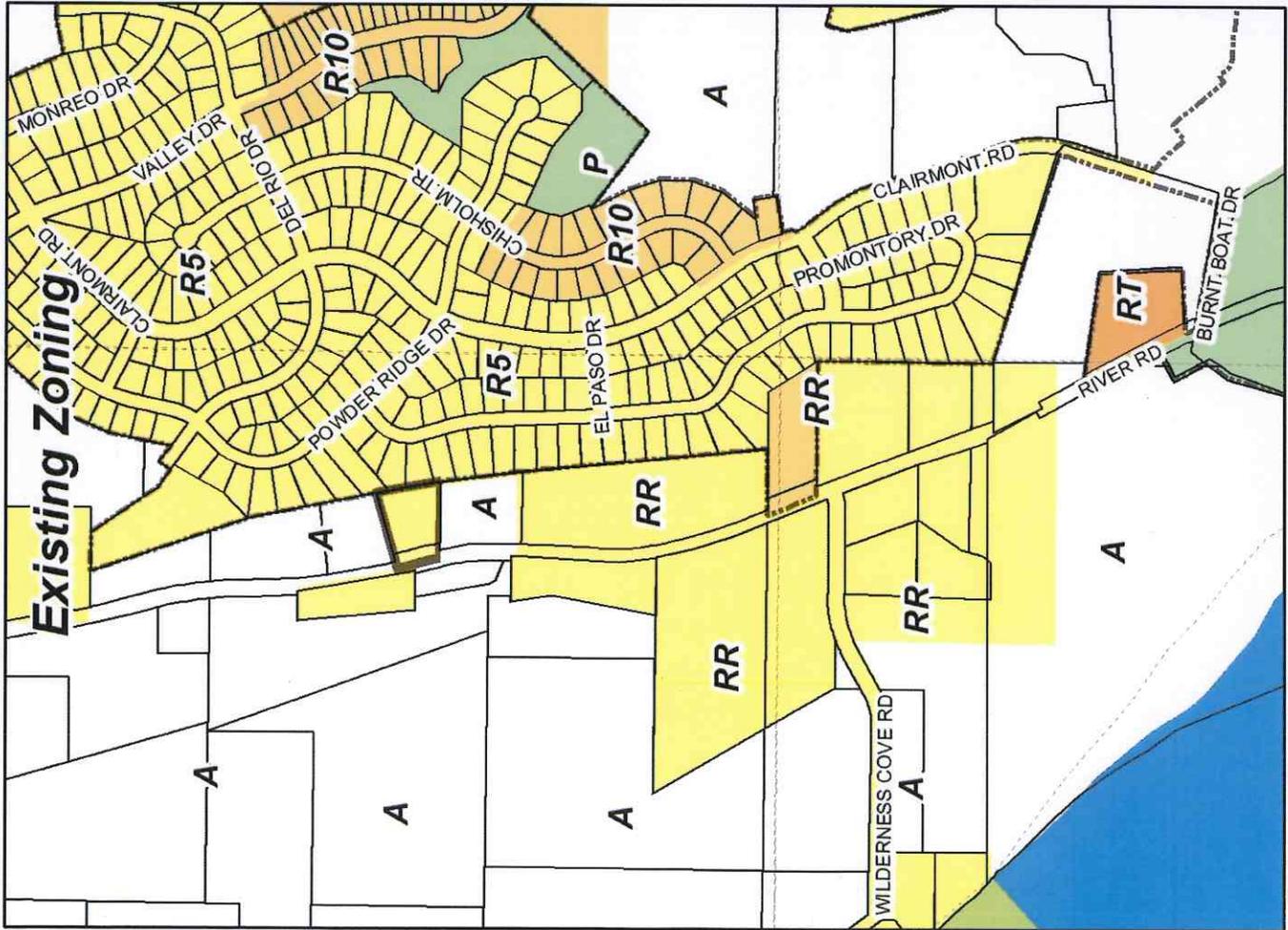


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 27, 2013 (hib)

Source: City of Bismarck



River Road Heights Addition - Zoning Change



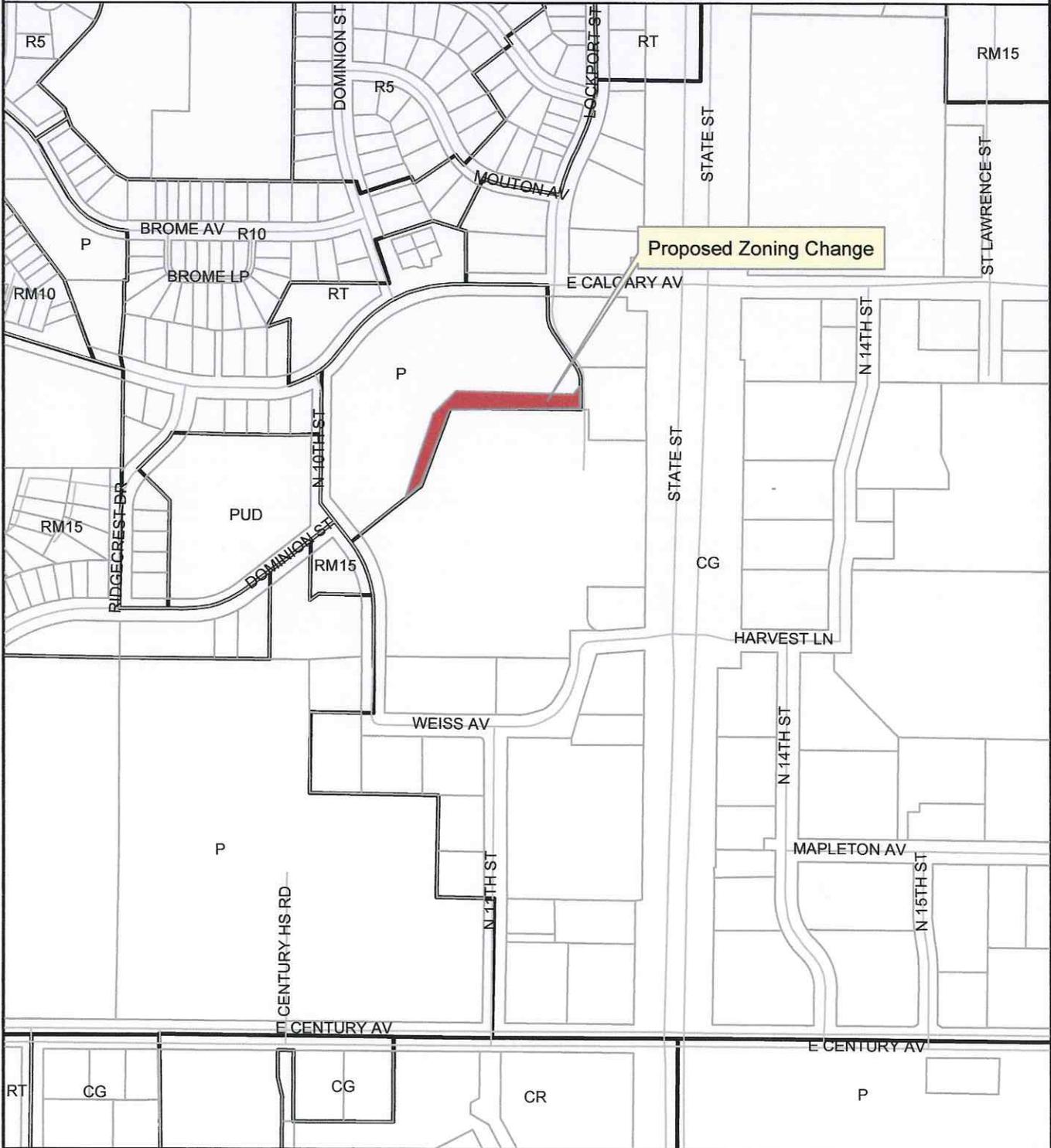
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**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Part of Lot 2, Block 1, Menards Second Addition – Zoning Change (P to CG)		
Status: Planning Commission – Consideration	Date: April 24, 2013	
Owner(s): Bismarck Parks & Recreation District (Owner) Menard, Inc. (Applicant)	Engineer: N/A	
Reason for Request: Rezone property to allow the expansion of the existing outdoor storage yard onto the subject parcel. The property is being purchased by Menard, Inc. from the Bismarck Parks & Recreation District.		
Location: South of Calgary Avenue and along the west side of US Highway 83/State Street, directly adjacent to the north boundary of the existing outdoor storage yard (3300 State Street).		
Project Size: 34,355 sq. ft. (0.79 acres)	Number of Lots: 1 parcel	
EXISTING CONDITIONS:		
Land Use: Open space, multi-use trail and storm water retention area	PROPOSED CONDITIONS:	
Zoning: P-Public	Land Use: Expanded outdoor storage yard for Menards	
Uses Allowed: Parks, open space and public facilities	Zoning: CG-Commercial	
Maximum Density Allowed: N/A	Uses Allowed: General commercial, multi-family dwellings and office uses	
	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: 08/05	Platted: 08/05	Annexed: 08/05
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a storm water detention facility to the north and commercial land uses to the west, south and east. 2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities. 3. The proposed zoning change would not adversely affect property in the vicinity. 4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public on the zoning change from the P-Public zoning district to the P-Public zoning district on Lot 2, Block 1, Menards 2 nd Addition.		

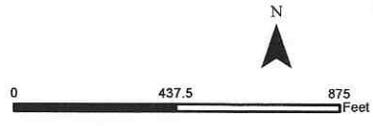
Proposed Zoning Change (P to CG)

Part of Lot 2, Block 1, Menards Second Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: April 1, 2013 (kle)

Source: City of Bismarck



Lot 2, Block 1, Menards 2nd Addition - Zoning Change



April 2013

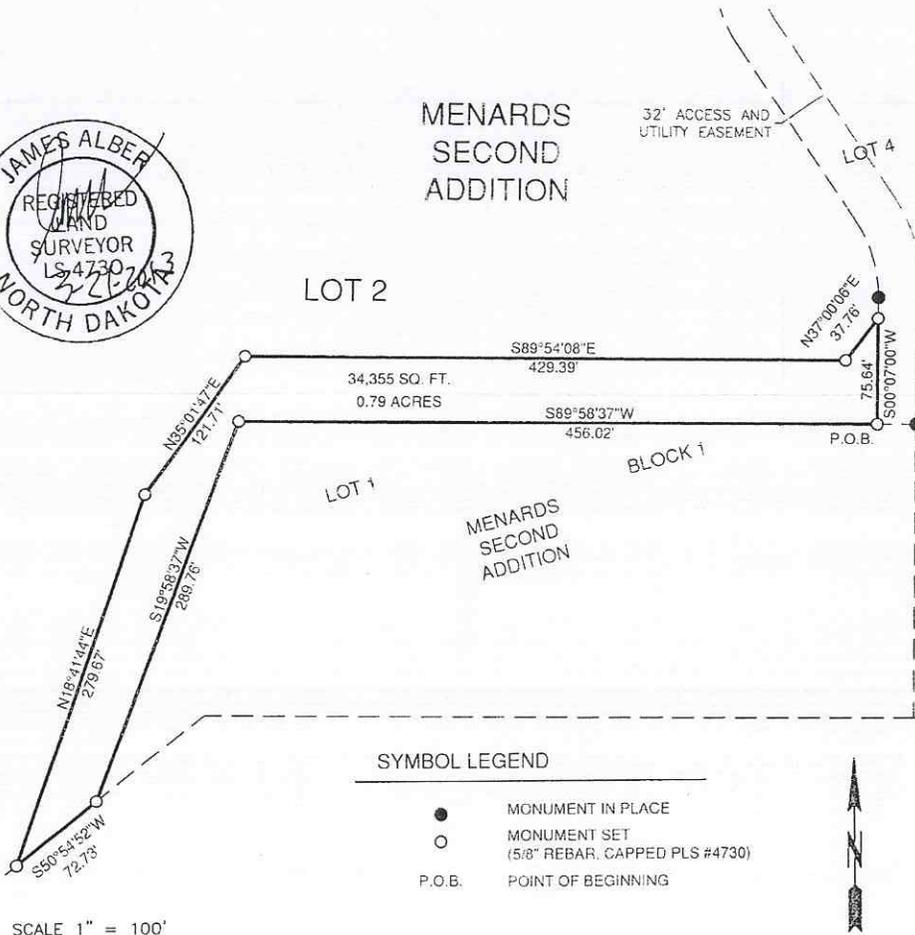
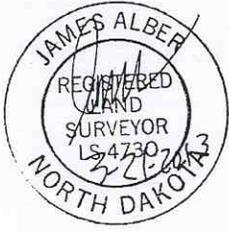
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PLAT OF

TRACT 3300 OF LOT 2,
BLOCK 1, MENARDS
SECOND ADDITION

Section 21 Township 139 Range 80

Present Owner BISMARCK PARKS AND RECREATION DISTRICT



Description

TRACT 3300 (of) LOT 2, BLOCK 1 MENARDS SECOND ADD. Section 21 Township 139

Range 80 described as follows:

That part of Lot 2, Block 1 of MENARDS SECOND ADDITION to the City of Bismarck, Burleigh County, North Dakota being further described as follows:

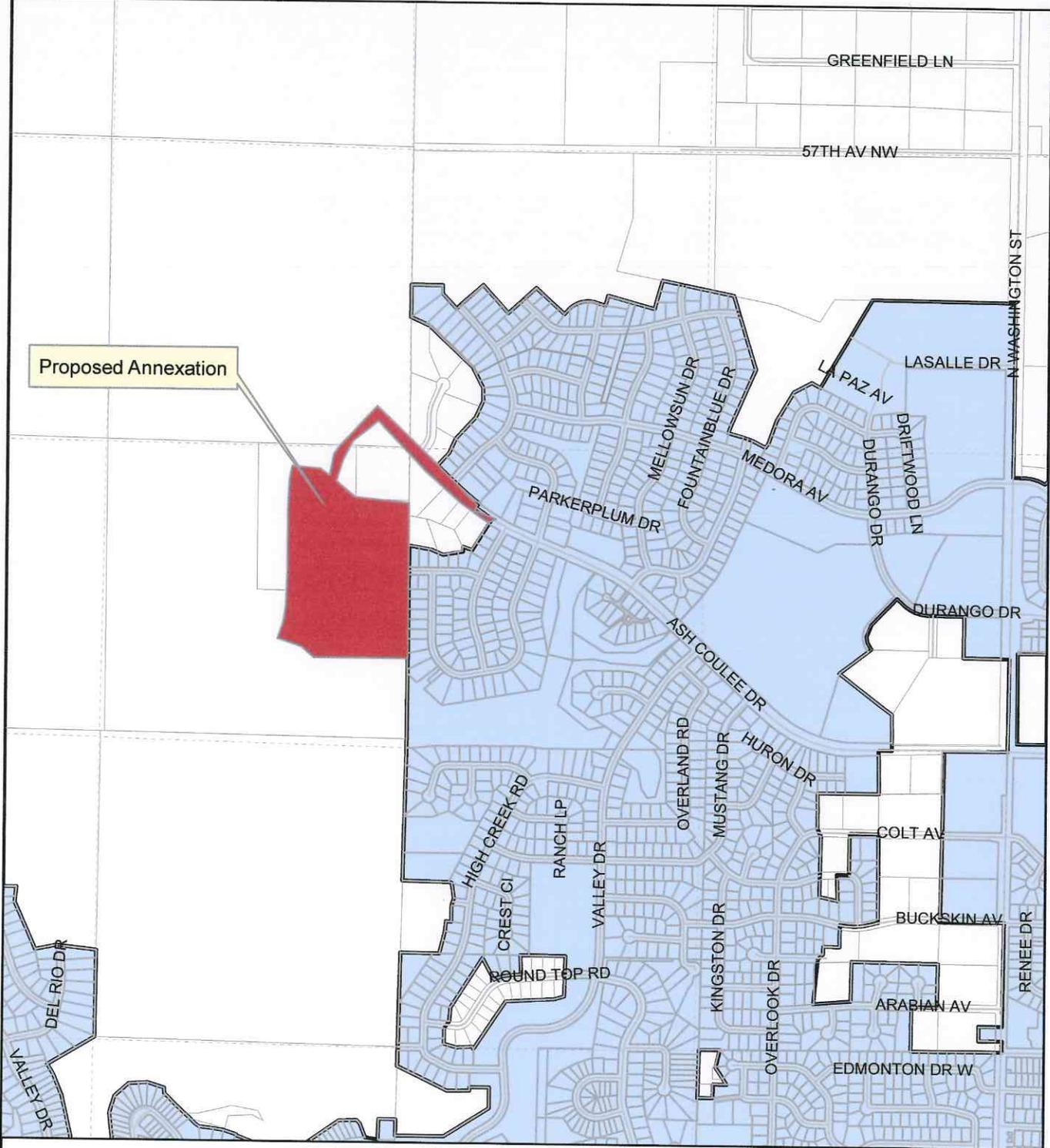
Beginning at the southeast corner of said Lot 2; thence South 89 degrees 58 minutes 37 seconds West on the south line of said Lot 2 for a distance of 456.02 feet to an angle point on the south line of said Lot 2; thence South 19 degrees 58 minutes 37 seconds West on the southeasterly line of said Lot 2 for a distance of 289.76 feet to another angle point on the south line of said Lot 2; thence South 50 degrees 54 minutes 52 seconds West on the southerly line of said Lot 2 for a distance of 72.73 feet; thence North 18 degrees 41 minutes 44 seconds East for a distance of 279.67 feet; thence North 35 degrees 01 minute 47 seconds East for a distance of 121.71 feet; thence South 89 degrees 54 minutes 03 seconds East for a distance of 429.39 feet; thence North 37 degrees 00 minutes 06 seconds East for a distance of 37.76 feet to the east line of said Lot 2; thence South 00 degrees 07 minutes 00 seconds West for a distance of 75.64 feet to the point of beginning.

Containing 34,355 square feet (0.79 Acres), more or less.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Eagle Crest 6 th Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: April 24, 2013	
Owner(s): Boulder Ridge Development – applicant Five Guys Investments, LLP – owner RBK Ventures, LLP - owner	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: South of an extension of Ash Coulee Drive approximately one mile west of North Washington Street (part of the NE¼ and SE¼ of Section 18, T139N-R80W/Hay Creek Township).		
Project Size: 55.75 (entire plat) 38.25 (portion being annexed)	Number of Lots: 130 lots in 13 blocks (entire plat) 96 lots in 8 blocks (portion being annexed)	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agriculture	Zoning: R5 – Residential	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: ---	Platted: ---	Annexed: ---
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the annexation of a portion of Eagle Crest 6 th Addition (Lots 1-13, Block 1; Lots 1-9, Block 2; Lots 1-8, Block 3; Lot 1, Block 4; Lots 1-3, Block 9; Lots 1-15, Block 11; Lots 1-25, Block 12; and Lots 1-22, Block 13).		

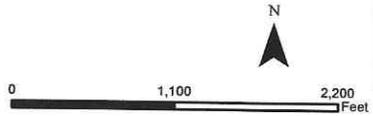
Proposed Annexation Part of Eagle Crest Sixth Addition



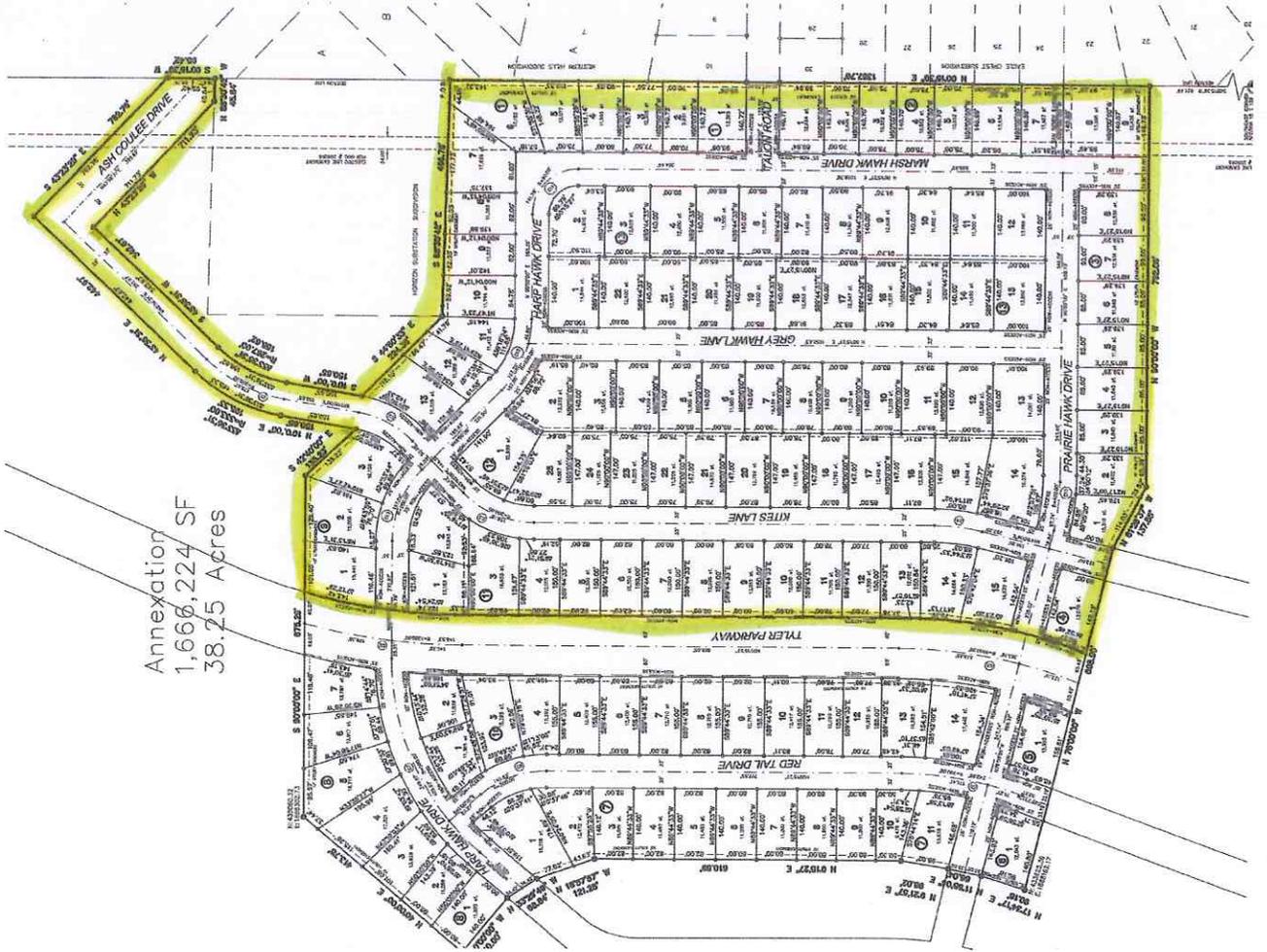
Proposed Annexation

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 11, 2013 (Klee)

Source: City of Bismarck



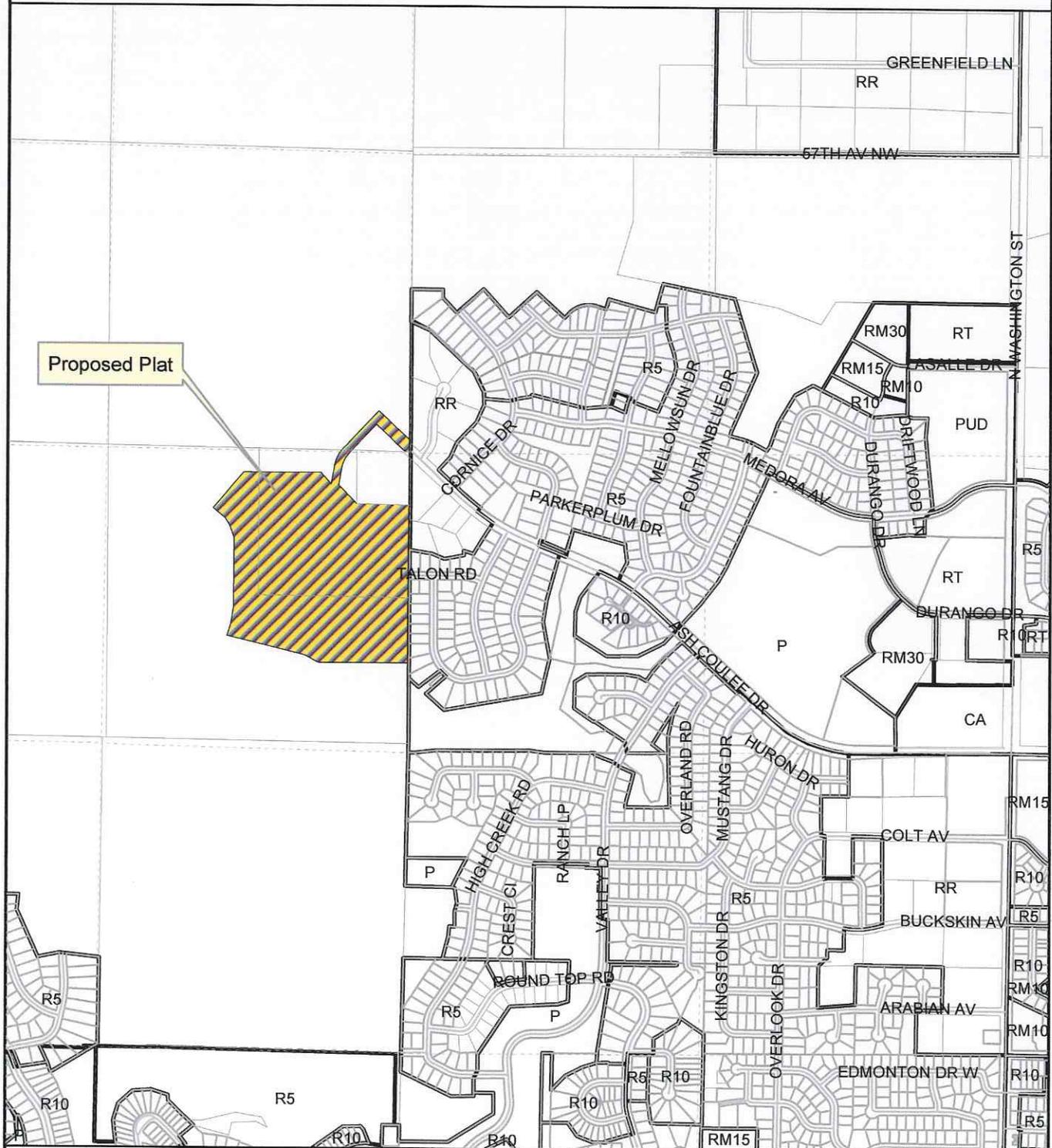
Annexation
1,666,224 SF
38.25 Acres



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Eagle Crest 6 th Addition – Zoning Change (A to R5)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): Boulder Ridge Development – applicant Five Guys Investments, LLP – owner RBK Ventures, LLP - owner	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: South of an extension of Ash Coulee Drive approximately one mile west of North Washington Street (part of the NE¼ and SE¼ of Section 18, T139N-R80W/Hay Creek Township).		
Project Size: 55.75 acres	Number of Lots: 130 lots in 13 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: ---	Platted: ---	Annexed: ---
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include urban single-family residential and rural residential to the east and northeast, and agricultural land to the north, west and south. 3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Eagle Crest 6 th Addition.		

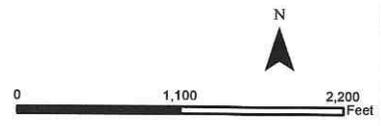
Proposed Plat and Zoning Change (A to R5) Eagle Crest Sixth Addition



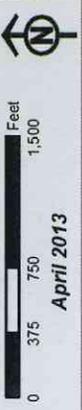
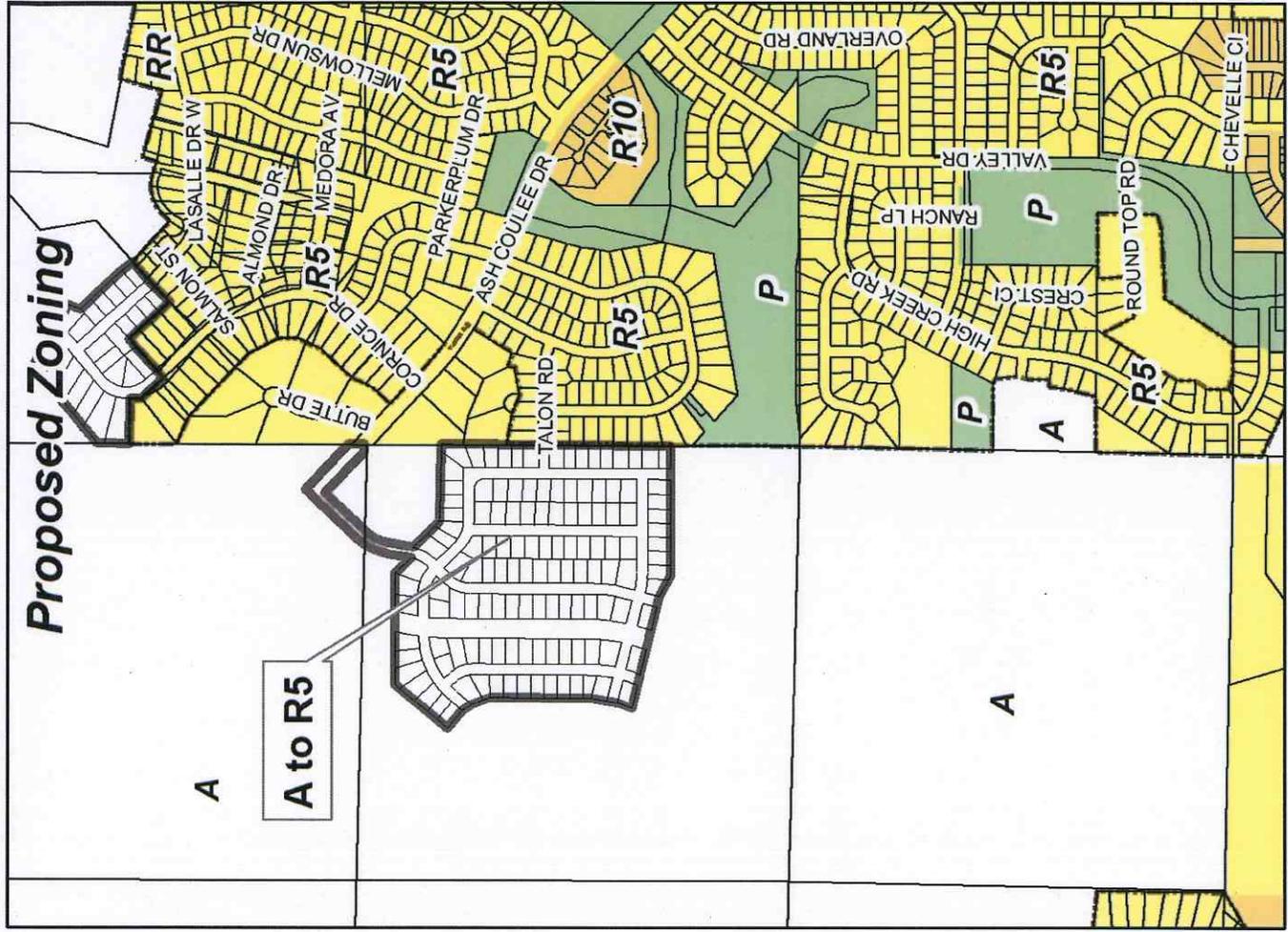
Proposed Plat

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Map was Updated/Created: April 11, 2013 (klee)

Source: City of Bismarck



Eagle Crest 6th Addition - Zoning Change



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April 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Eagle Crest 6 th Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): Boulder Ridge Development – applicant Five Guys Investments LLP – owner RBK Ventures, LLP - owner	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: South of an extension of Ash Coulee Drive approximately one mile west of North Washington Street (part of the NE¼ and SE¼ of Section 18, T139N-R80W/Hay Creek Township).		
Project Size: 55.75 acres	Number of Lots: 130 lots in 13 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agriculture	Zoning: R5 – Residential	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: R5 – Single-family residential	
PROPERTY HISTORY:	Maximum Density Allowed: R5 – 5 units/acre	
Zoned: ---	Platted: ---	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> Access to the subdivision will be provided via Talon Road in Eagle Crest Addition and an extension of Ash Coulee Drive. With the addition of an extension of Ash Coulee Drive and the construction of this roadway in conjunction with the development of the property, the proposed plat would comply with the City's secondary access policy. The proposed alignment of Tyler Parkway through the plat generally follows the alignment identified in the Northwest Bismarck Subarea Study, and documentation has been submitted showing how the alignment of Tyler Parkway will move east to the section line between Sections 17 and 18 prior to intersecting with 57th Avenue NW. The proposed plat includes double frontage lots for those lots along Tyler Parkway. Double frontage lots are defined as residential lots with public streets along the front and rear property lines. Section 14-09-05(4)(e) of the City Code states, "Double frontage or reverse frontage lots shall not be permitted <u>except where lots back on arterial streets or highways</u>, or where topographic or other conditions render subdividing in another fashion unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet over and above normal lot size in order to allow screen planting and landscaping along the back lot line." Requiring double frontage lots in this situation will limit access points along an arterial roadway, which is desired from a transportation planning perspective. 		

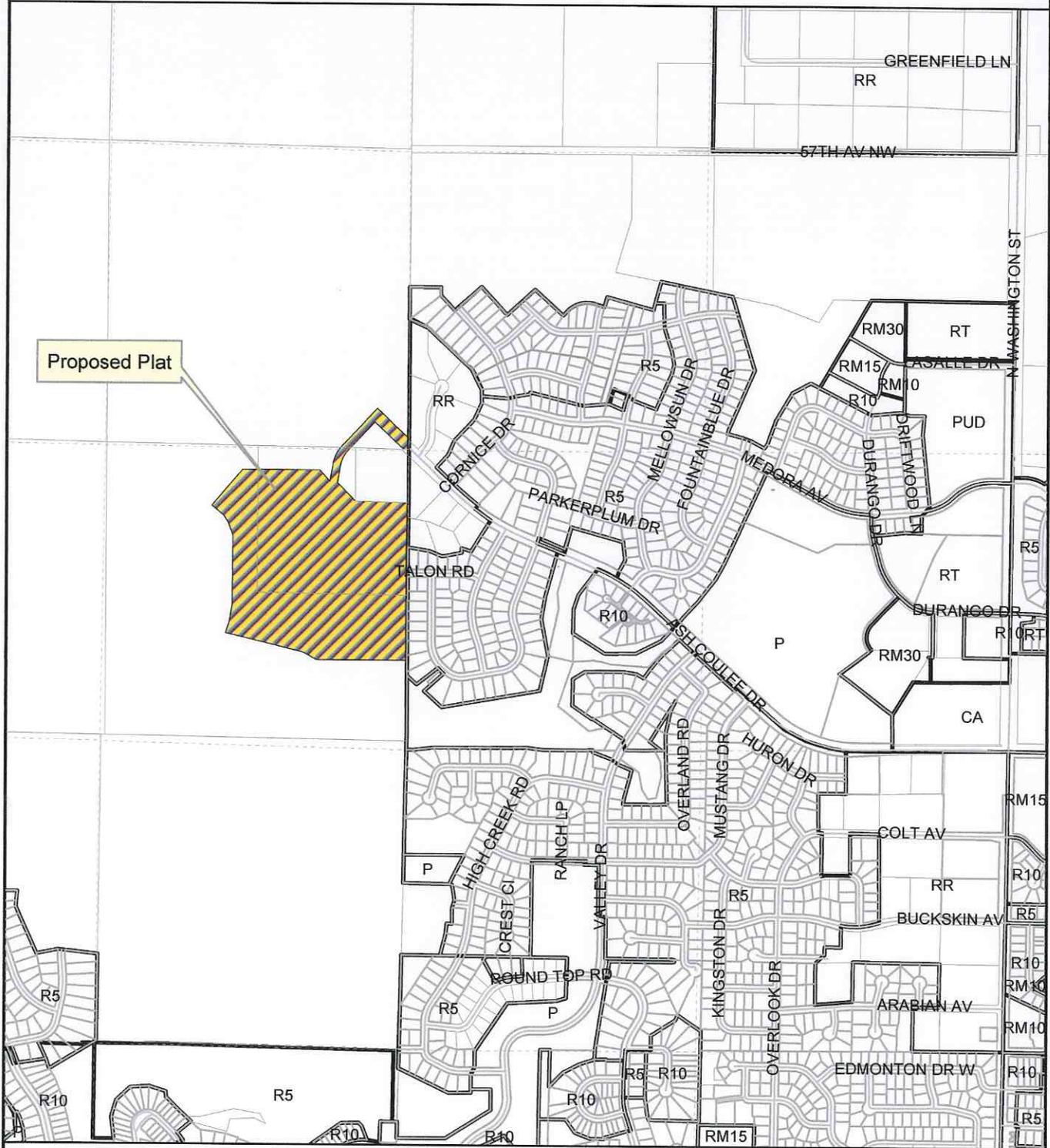
FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area and the Northwest Subarea Study, which identifies Ash Coulee Drive and Tyler Parkway as arterials for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include urban single-family residential and rural residential to the east and northeast, and agricultural land to the north, west and south.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Eagle Crest 6th Addition, with the understanding that the extension of Ash Coulee Drive and Kites Lane to the existing Ash Coulee Drive are constructed in conjunction with the development of the proposed subdivision.

Proposed Plat and Zoning Change (A to R5) Eagle Crest Sixth Addition



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Map was Updated/Created: April 11, 2013 (klee)

Source: City of Bismarck



EAGLE CREST SIXTH ADDITION

PART OF THE SE 1/4 AND THE NE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION
PART OF THE SE 1/4 & THE NE 1/4 OF SECTION 180, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HORIZON SUBSTATION SUBDIVISION... SOUTH 00 DEGREES 19 MINUTES 17 SECONDS WEST, A DISTANCE OF 1287.70 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 795.45 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1372.25 FEET; THENCE NORTH 78 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 686.00 FEET; THENCE NORTH 17 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 801.16 FEET; THENCE NORTH 11 DEGREES 00 MINUTES 04 SECONDS EAST, A DISTANCE OF 56.00 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 610.69 FEET; THENCE NORTH 18 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 140.00 FEET; THENCE NORTH 50 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 413.78 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE NORTH 43 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 44.07 FEET; THENCE SOUTH 43 DEGREES 40 MINUTES 00 SECONDS WEST, A DISTANCE OF 782.76 FEET; TO THE EAST LINE OF THE NE 1/4 OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 15 MINUTES 38 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 68.42 FEET; TO THE NORTHEAST CORNER OF SAID HORIZON SUBSTATION SUBDIVISION; THENCE NORTH 88 DEGREES 30 MINUTES 43 SECONDS WEST, A DISTANCE OF 458.64 FEET; THENCE NORTH 43 DEGREES 23 MINUTES 28 SECONDS WEST, A DISTANCE OF 171.73 FEET; THENCE SOUTH 43 DEGREES 36 MINUTES 31 SECONDS WEST, A DISTANCE OF 262.67 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT ON A 267.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 156.62 FEET; THENCE SOUTH 44 DEGREES 50 MINUTES 31 SECONDS WEST, A DISTANCE OF 158.80 FEET; THENCE SOUTH 44 DEGREES 50 MINUTES 31 SECONDS EAST, A DISTANCE OF 214.26 FEET; TO THE SOUTHWEST CORNER OF SAID HORIZON SUBSTATION SUBDIVISION; THENCE SOUTH 88 DEGREES 30 MINUTES 43 SECONDS EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID HORIZON SUBSTATION SUBDIVISION, A DISTANCE OF 448.78 FEET; TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 55.76 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE
I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY MADE BY ME AND COMPLETED ON NOVEMBER 2ND, 2012, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL NECESSARY CORNERS AND POINTS OF BEGINNING REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SWENSON, HAGEN & CO. P.C.
808 BASH AVENUE
BISMARCK, NORTH DAKOTA

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
NO. REGISTRATION NO. 3596

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATRICE, 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, NORTH DAKOTA, ON THE _____ DAY OF _____, 2013, IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY ORDINANCES. THE CITY ENGINEER HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME. THE CITY ENGINEER HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME. THE CITY ENGINEER HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME.

WAYNE LEE YEAGER - CHAIRMAN
CARL D. HORNSTAD - 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, IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY ORDINANCES. THE BOARD OF CITY COMMISSIONERS HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME. THE BOARD OF CITY COMMISSIONERS HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME. THE BOARD OF CITY COMMISSIONERS HAS REVIEWED THE PLAT AND HAS APPROVED THE SAME.

MELVIN J. BULLINGER
CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT FIVE GUYS INVESTMENT, L.P. BEING THE OWNERS AND PROMOTERS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BE DEDICATED 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, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE TO 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, THROUGH AND/OR ABOVE THOSE AREAS DESIGNATED 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 THEREFOR 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 UNRESTRICTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
JACK KNUTSON GENERAL PARTNER
4301 6TH STREET, SUITE 200
BISMARCK, N.D. 58503

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED JACK KNUTSON, 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.

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

NOTES

- BASES OF BEARINGS: NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE.
- BENCHMARK: HORIZON PLAZA, EAGLE CREST LOOP WEST OF GOLDEN FADE LANE, ELEV. 1838.86.
- COORDINATE DATA: HORIZON PLAZA, STATE PLANE COORDINATE SYSTEM, NAD 83 SOUTH ZONE, ADJUSTMENT OF 1988 UNITS ARE INTERNATIONAL FEET.
- METRIC ROUNDING: NATIONAL GEODETIC REFERENCE DATUM OF 1983 BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- MONUMENT TO BE SET
- MONUMENT IN PLACE
- 130 LOTS

AREA DATA

LOTS	1,650.343 SF	37.89 ACRES
SUBJECT	778,218.84 SF	17.78 ACRES
TOTAL	2,428,562.14 SF	55.76 ACRES

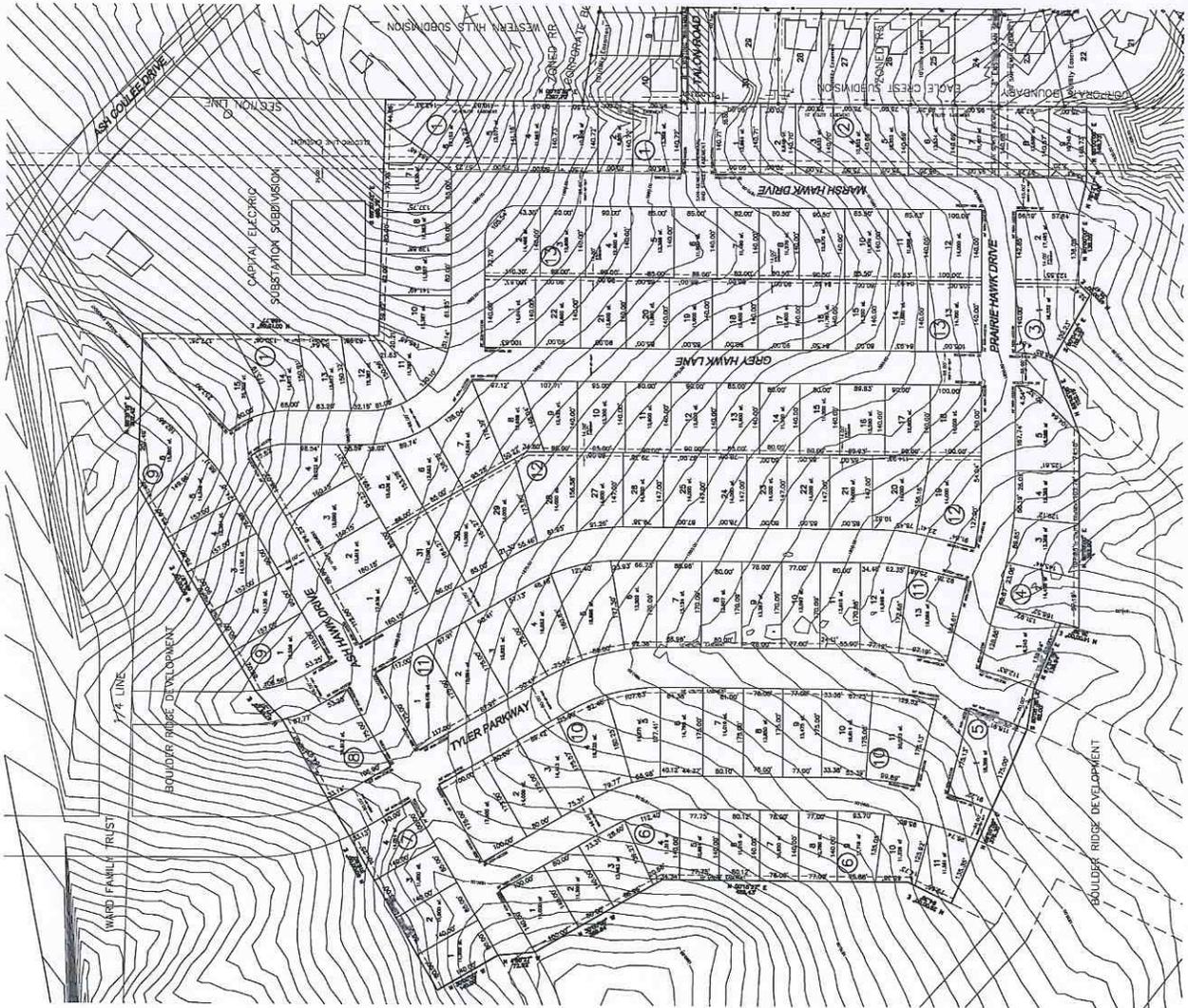
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	33.30 31	90.69	500.00
C2	35.90 00	83.09	500.00
C3	44.44 33	82.35	500.00
C4	33.44 33	48.20	400.00
C5	20.48 28	183.60	1000.00
C6	15.08 24	158.47	1000.00
C7	30.00 00	233.15	1400.00
C8	40.52 78	13.50	700.00
C9	18.51 50	123.57	700.00
C10	4.70 00	81.39	500.00
C11	50.52 77	82.41	500.00
C12	45.00 00	82.84	500.00
C13	45.00 00	82.84	500.00

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shc@swensonhagen.com
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
Phone (701) 223-2608
Fax (701) 223-3060

EAGLE CREST 6TH ADDITION

PART OF THE SOUTHEAST 1/4
OF SECTION 18, T. 139, R. 80 W.

BISMARCK, NORTH DAKOTA



SCALE - 1"=100'
BY: [Signature]
FEBRUARY 14, 2013
INDEX

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PROJECT LOCATION

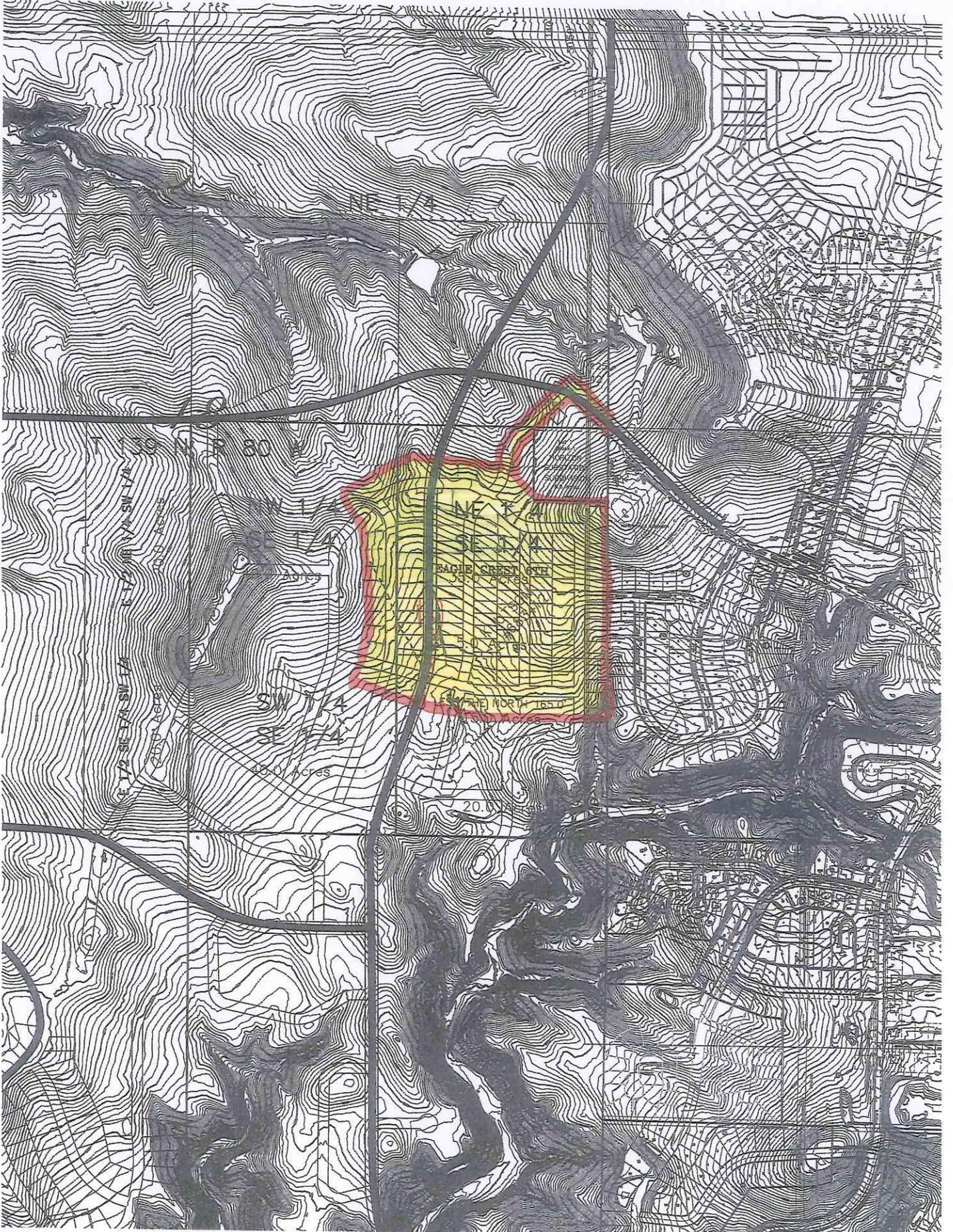


LOCATION MAP

56.30 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5
131 LOTS

BOULDER RIDGE DEVELOPMENT
4308 BOULDER RIDGE ROAD
BISMARCK, ND 58503
701-258-3464

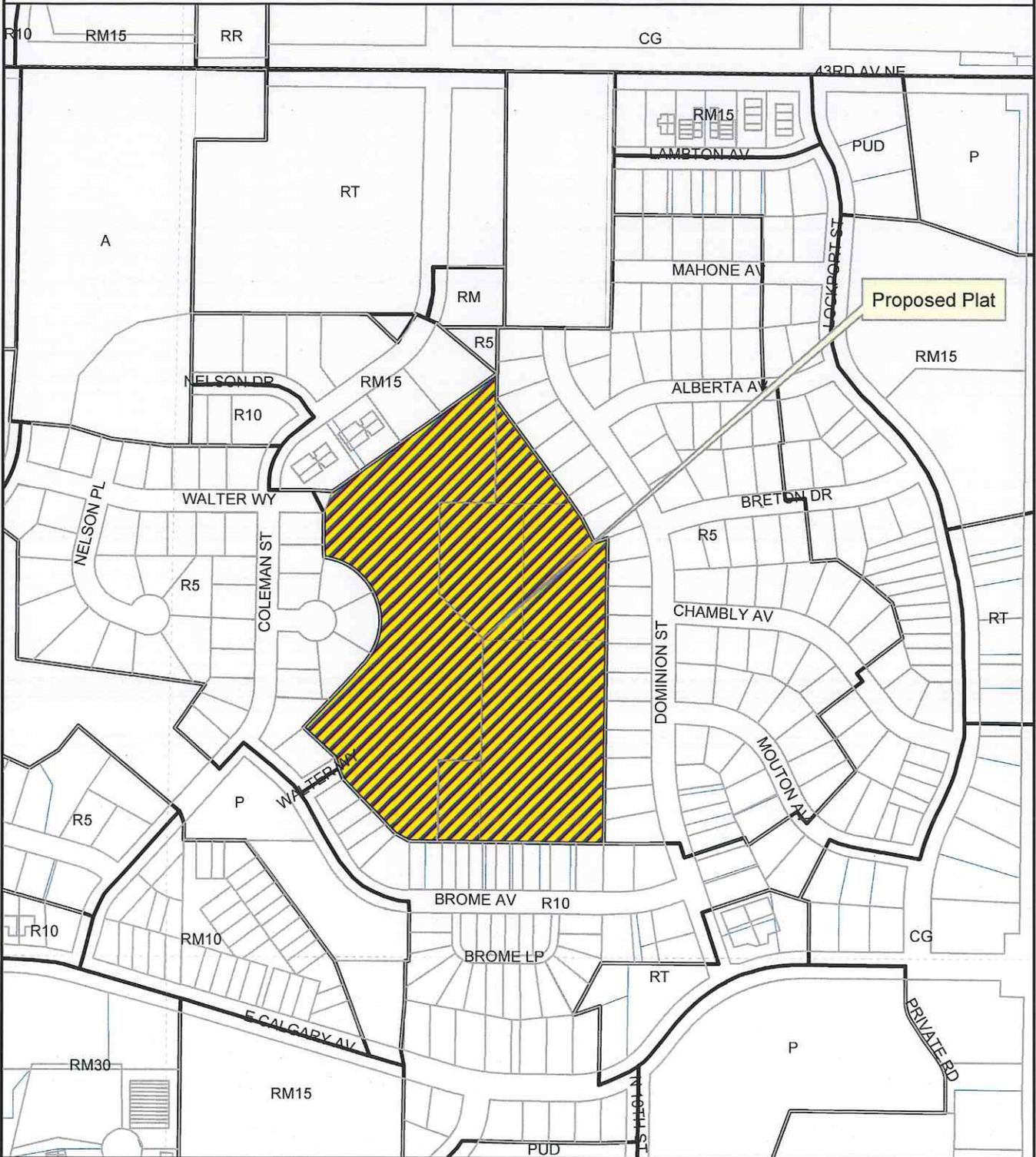




**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: North Hills 17 th Addition – Zoning Change (A to R5)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): The Coleman Group, Inc. Bernice Mitzel	Engineer: KLJ	
Reason for Request: Plat, zone and annex the property for future single-family residential development.		
Location: Along the south side of 43 rd Avenue NE between Normandy and Dominion Streets (An unplatted portion of the NW1/4 of Section 21, T139N-R80W/Hay Creek Township.)		
Project Size: 20.334 acres	Number of Lots: 54 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit per 40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: 07/2007 (portion)
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the south; single-family, two-family and multi-family residential to the east; and undeveloped land to the north and west. 3. The subdivision proposed for this property is partially annexed and the remainder would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the zoning change from the A-Agriculture zoning district to the R5-Residential zoning district for North Hills 17 th Addition.		

Proposed Plat & Zoning Change (AG to R5) North Hills 17th Addition



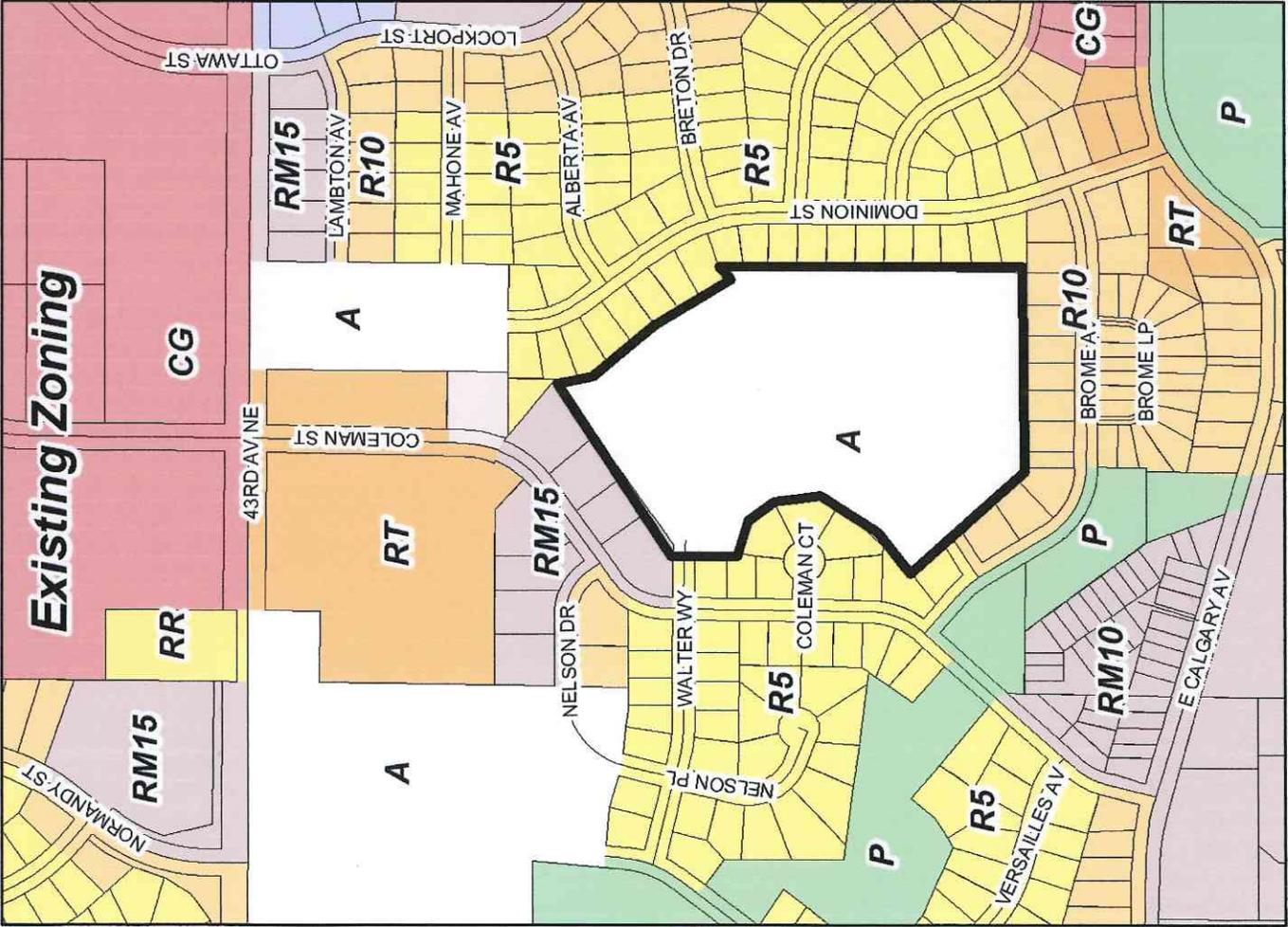
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 26, 2013 (h/b)

Source: City of Bismarck

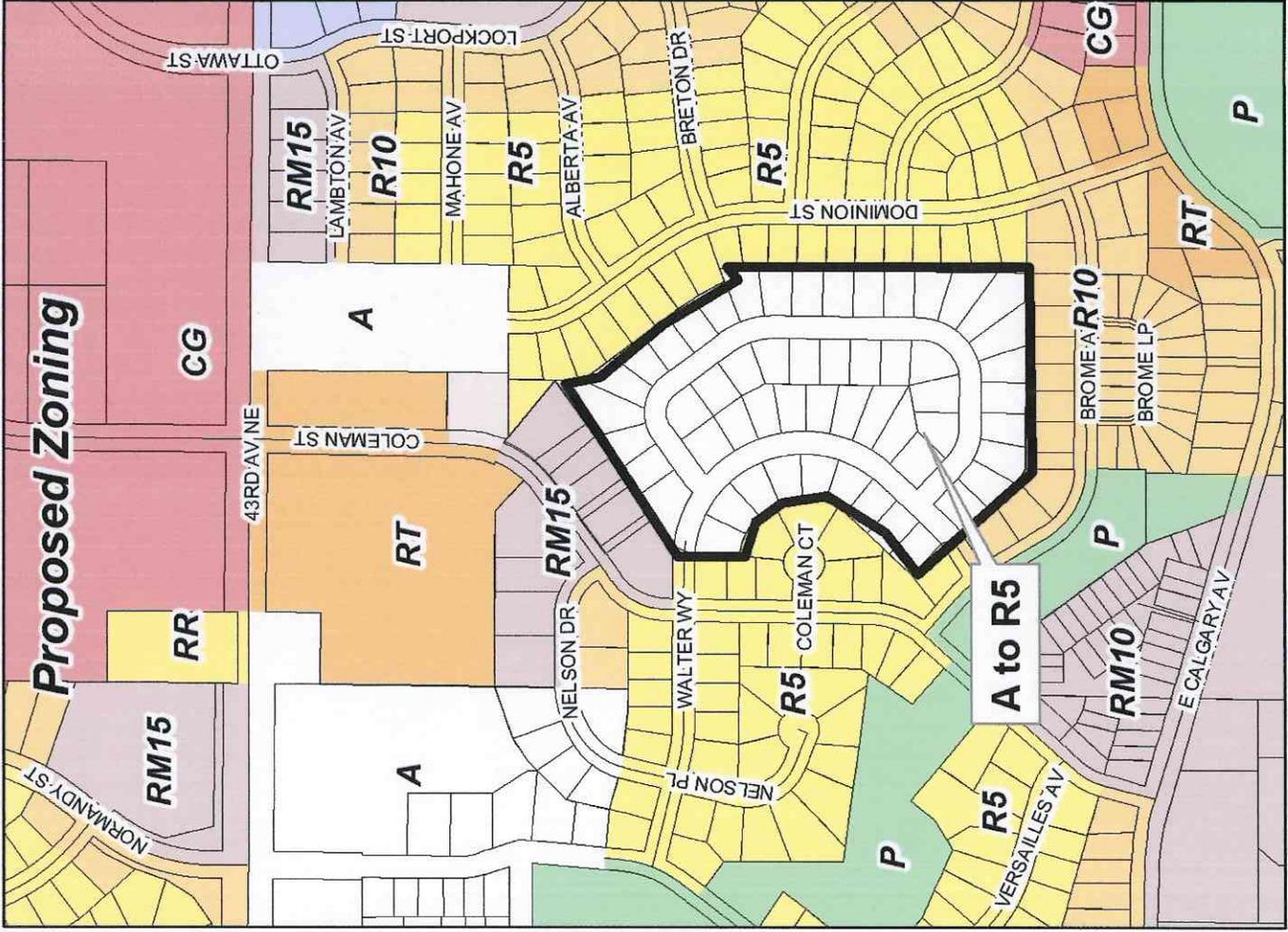


North Hills 17th Addition - Zoning Change

Existing Zoning



Proposed Zoning



March 2013

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

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

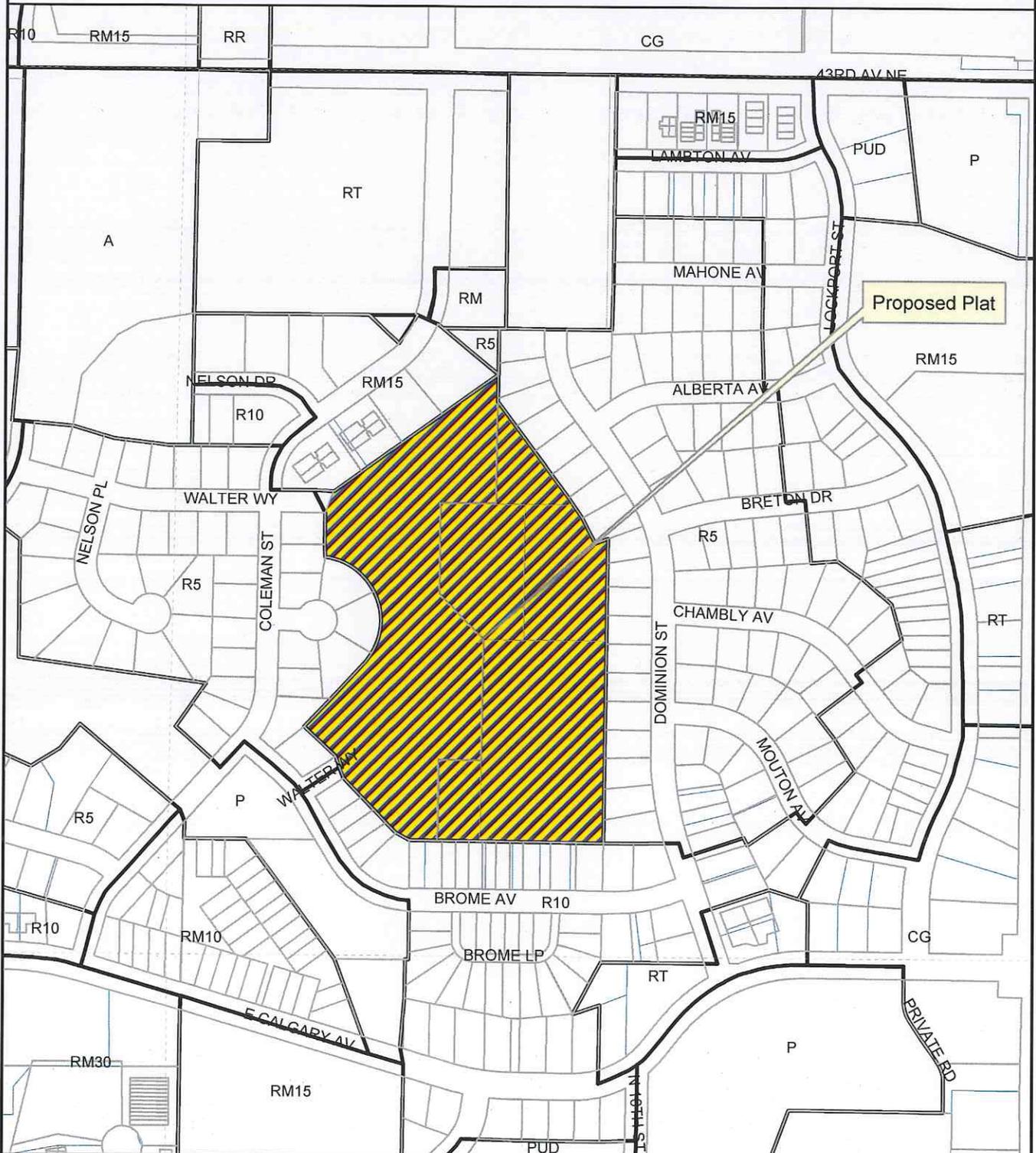
BACKGROUND:		
Title: North Hills 17 th Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): The Coleman Group, Inc. Bernice Mitzel	Engineer: KLJ	
Reason for Request: Plat, zone and annex the property for future single-family residential development.		
Location: Along the south side of 43 rd Avenue NE between Normandy and Dominion Streets (An unplatted portion of the NW1/4 of Section 21, T139N-R80W/Hay Creek Township.)		
Project Size: 20.334 acres	Number of Lots: 54 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Single-family residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A- Agricultural uses	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: A – 1 unit per 40 acres	Maximum Density Allowed: R5 – 5 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a final plat have been met. 2. The proposed subdivision does not impact the Fringe Area Road Master Plan for this area, which identifies Normandy Street as the north-south collector, 43rd Avenue NE as the east-west arterial and Calgary Avenue as the east-west collector roadway for this section. 3. The storm water management plan has been approved by the City Engineer. 4. The property is partially annexed and the remainder of the proposed subdivision would be annexed prior to development; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 5. The proposed subdivision would not adversely affect property in the vicinity. 6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 		
<i>(continued)</i>		

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

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for North Hills 17th Addition.

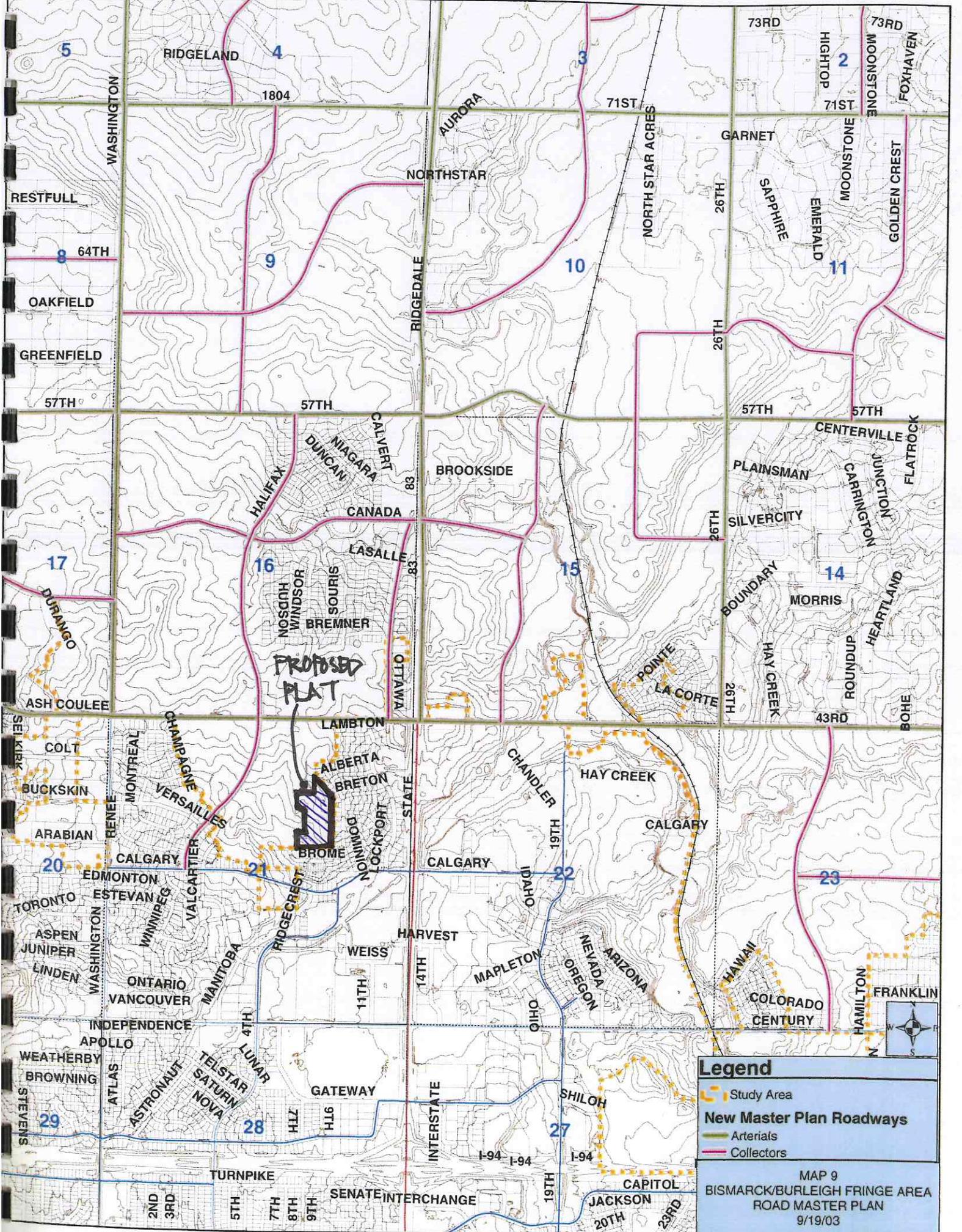
Proposed Plat & Zoning Change (AG to R5) North Hills 17th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 26, 2013 (hib)

Source: City of Bismarck





Legend

- Study Area
- New Master Plan Roadways
 - Arterials
 - Collectors

MAP 9
 BISMARCK/BURLEIGH FRINGE AREA
 ROAD MASTER PLAN
 9/19/03

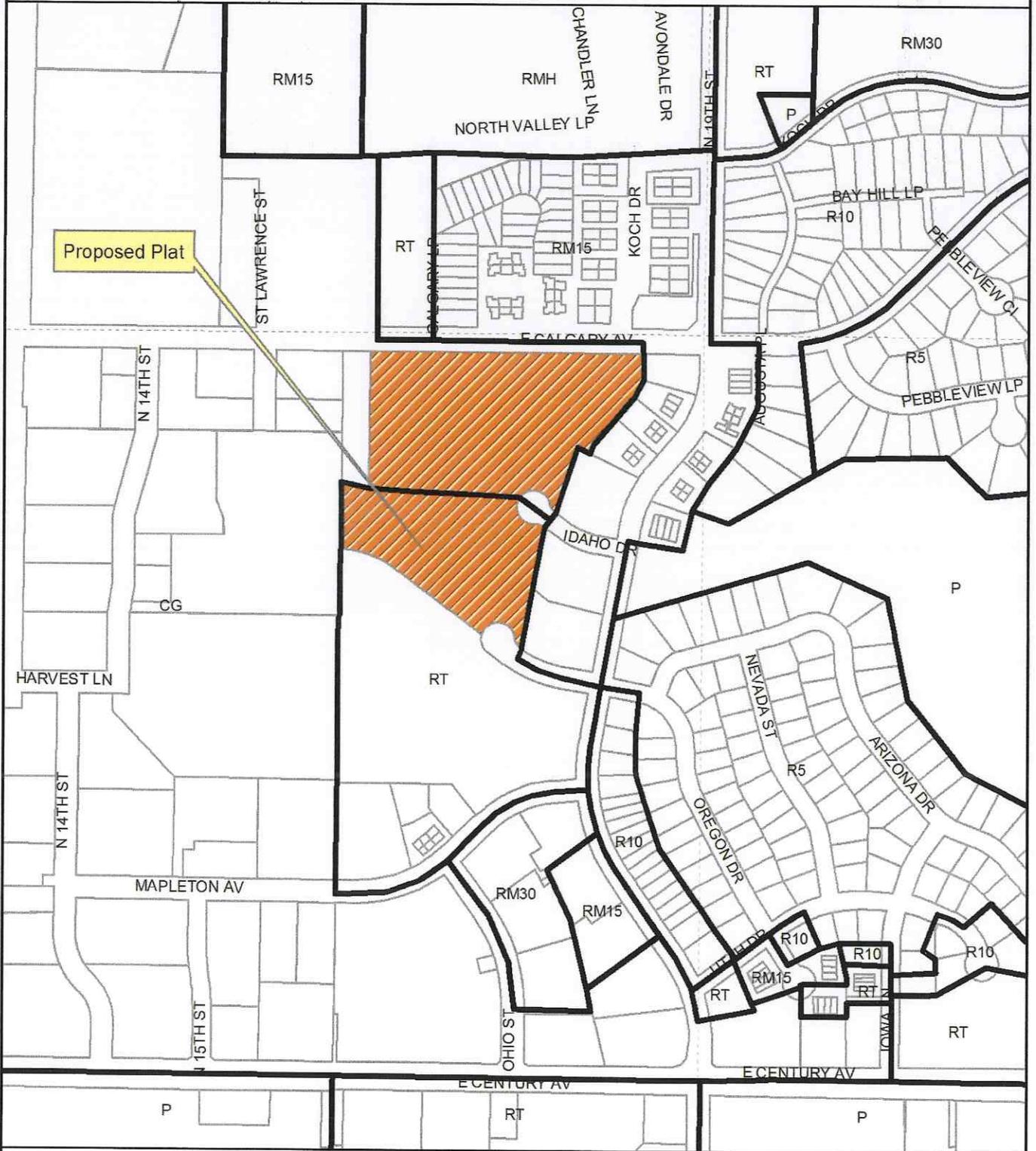
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: West Region Medical Addition – Zoning Change (RT and CG to RT and CG)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): West Region Medical Group	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and develop existing land into a medical office park with public street access		
Location: Along the south side of East Calgary Avenue, west of North 19 th Street (A replat of Lots 1 & 2, Block, 1 Pebble Creek 6 th Addition).		
Project Size: 16.65 acres	Number of Lots: 9 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: General Commercial, office and medical uses	
Zoning: CG – Commercial RT – Residential	Zoning CG – Commercial RT – Residential	
Uses Allowed: CG – General commercial RT – Multi-family dwellings and office uses	Uses Allowed: CG – General commercial RT – Multi-family dwellings and office uses	
Maximum Density Allowed: CG – 42 units/acre RT – 30 units/acre	Maximum Density Allowed: CG – 42 units/acre RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 06/2004	Platted: 06/2004	Annexed: 04/1993
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as general commercial (Bismarck Mandan Regional Future Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the north and east, general commercial to the west, and a religious facility to the south. 3. The property is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential and CG-Commercial zoning districts for West Region Medical Addition.

Proposed Plat & Zoning Change (RT & CG to RT & CG) West Region Medical Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 31, 2013 (nlb)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

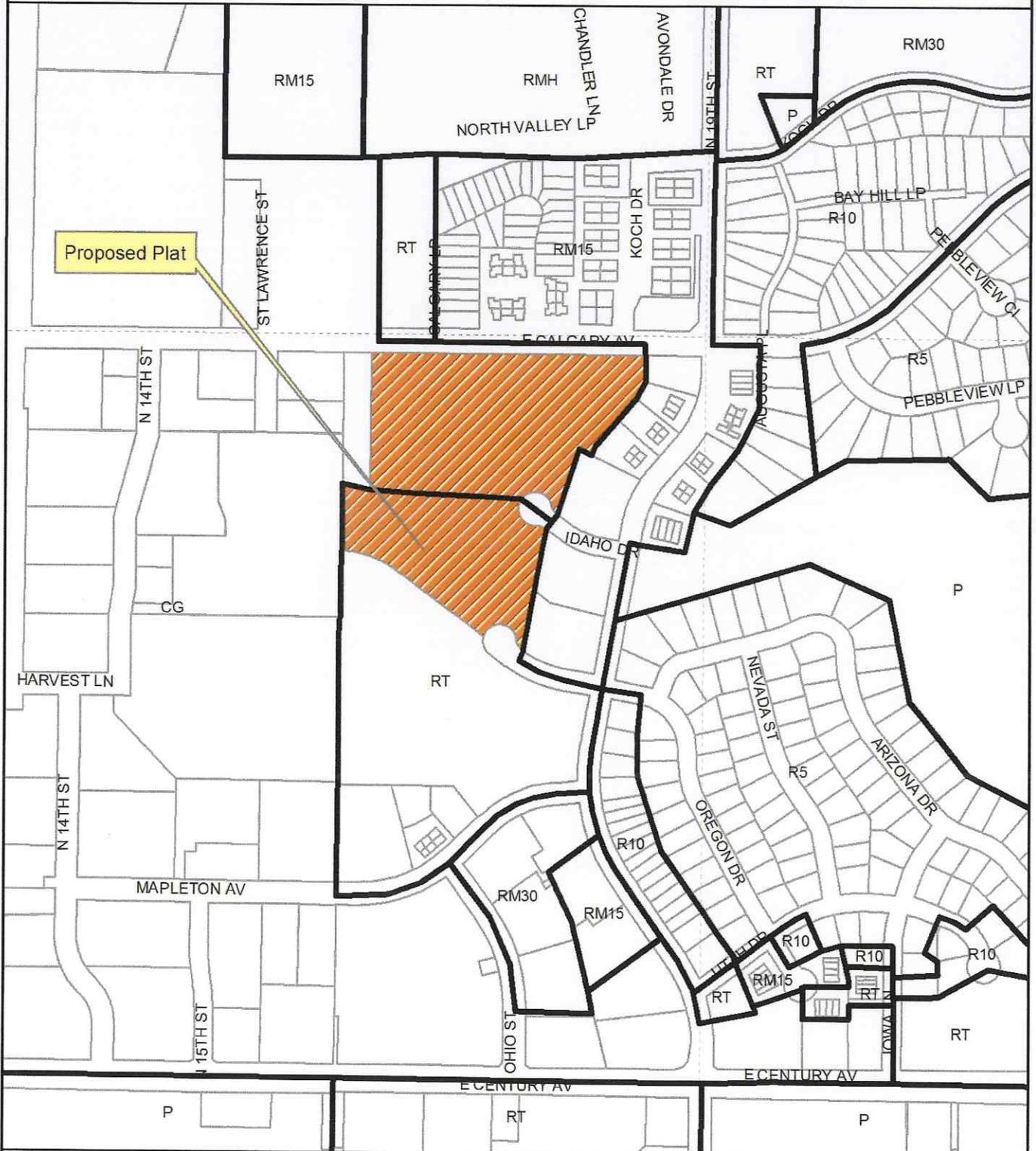
BACKGROUND:		
Title: West Region Medical Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): West Region Medical Group	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and develop existing land into a medical office park with public street access.		
Location: Along the south side of East Calgary Avenue, west of North 19 th Street (Replat of Lots 1 & 2, Block 1, Pebble Creek 6 th Addition).		
Project Size: 16.65 acres	Number of Lots: 9 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: General commercial, office and medical uses	
Zoning: CG – Commercial RT – Residential	Zoning: CG - Commercial RT - Residential	
Uses Allowed: CG – General commercial RT – Multi-family dwellings and office uses	Uses Allowed: CG – General commercial RT – Multi-family dwellings and office uses	
Maximum Density Allowed: CG – 42 units/acre RT – 30 units/acre	Maximum Density Allowed: CG – 42 units/acre RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 06/2004	Platted: 06/2004	Annexed: 04/1993
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a final plat have been met. 2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies East Calgary Avenue as the east-west collector roadway for this section. 3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include residential multi-family to the north and east, general commercial to the west, and a religious facility to the south. 4. The proposed subdivision is already annexed; therefore, it will not place an undue burden on public services and facilities. 5. The proposed subdivision would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for West Region Medical Addition.

Proposed Plat & Zoning Change (RT & CG to RT & CG) West Region Medical Addition



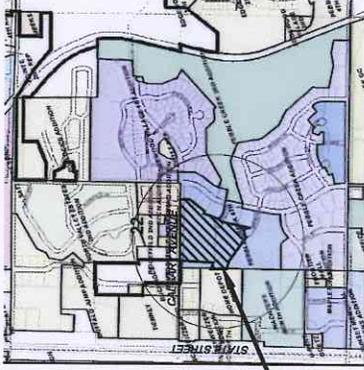
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 31, 2013 (hib)

Source: City of Bismarck



**WEST REGION MEDICAL ADDITION
 REPLAT OF LOTS 1 & 2 BLOCK 1, PEBBLE CREEK 6TH
 PART OF THE N 1/2 OF THE E 1/2 OF THE SW 1/4 OF SECTION 26, T. 139, R. 60 W.
 BISMARCK, NORTH DAKOTA**

RECEIVED
 JAN 25 2013



LOCATION MAP

**16.65 ACRES
 EXISTING ZONING: CG & RT
 PROPOSED ZONING: CG & RT
 9 LOTS**

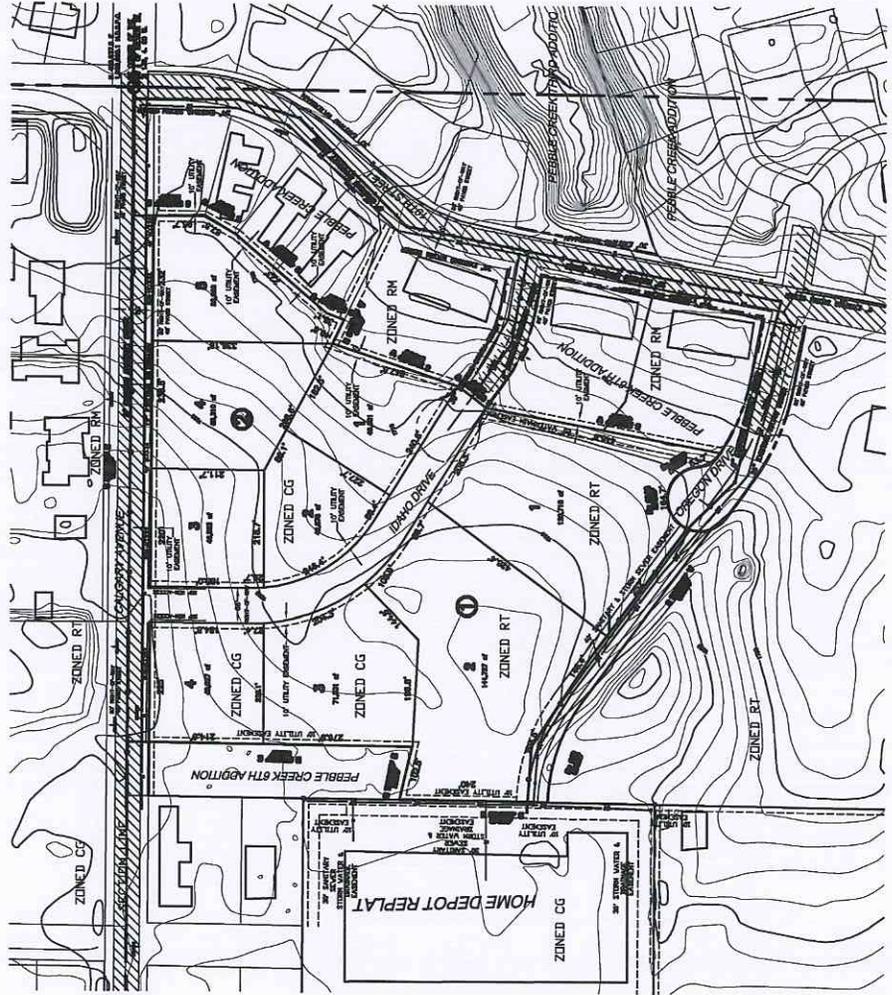
**OWNER:
 WEST REGION MEDICAL
 ADDRESS:
 300 W CENTURY AVE
 SUITE 6
 BISMARCK, ND 58003
 PHONE:
 701 355 6434**

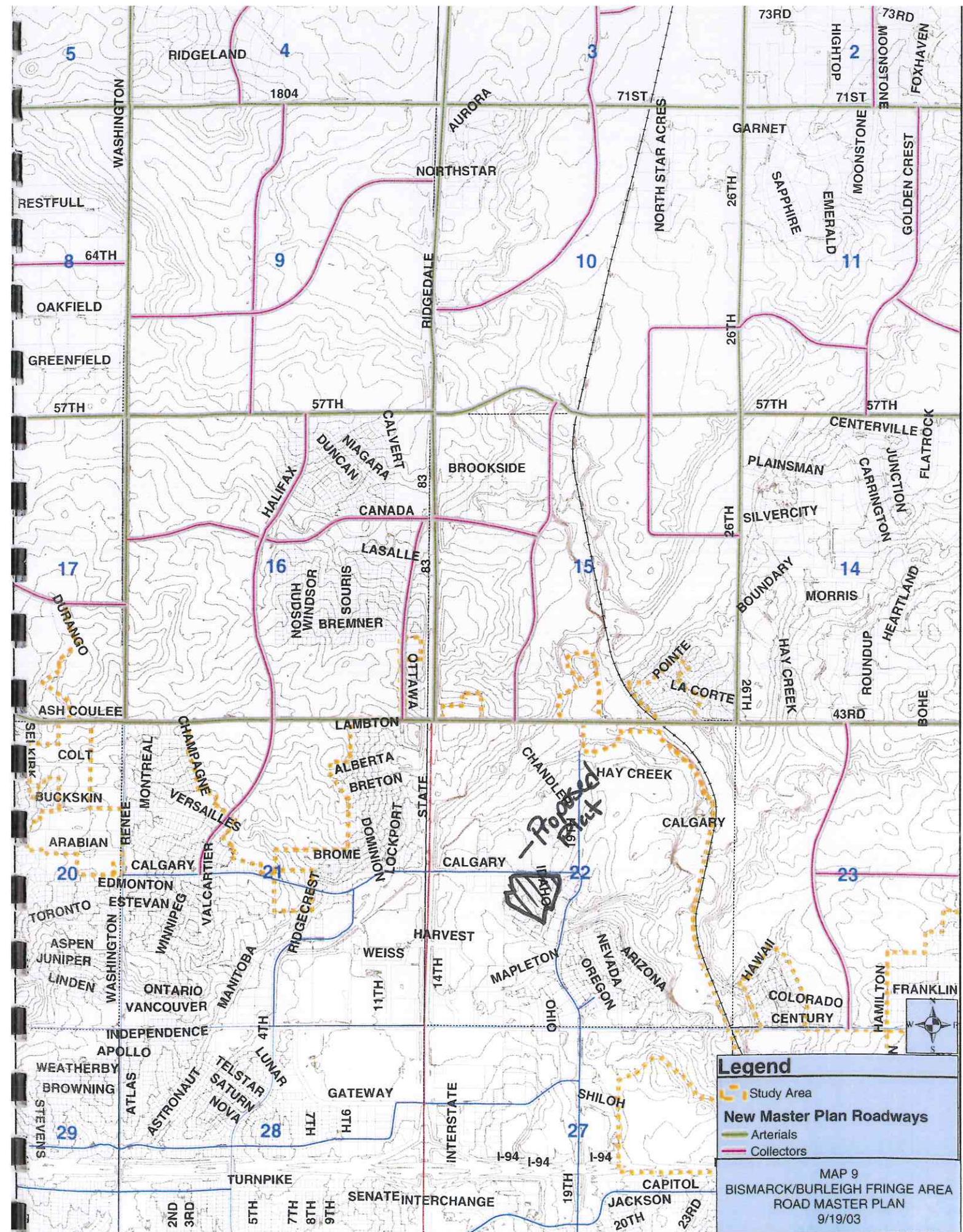


**JANUARY 25, 2013
 SCALE - 1"=100'**



NOV029





Legend

- - - Study Area
- New Master Plan Roadways**
 - Arterials
 - Collectors

MAP 9
 BISMARCK/BURLEIGH FRINGE AREA
 ROAD MASTER PLAN
 9/19/03

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Geloff Estates Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): Richard and Brandy Geloff	Engineer: Swenson, Hagen & Co.	
Reason for Request: Re-plat property for further development upon annexation (currently scheduled for 2014).		
Location: Along the south side of Colt Avenue west of North Washington Street (A replat of part of Lot 5, Block 2, KMK Estates 2 nd Subdivision).		
Project Size: 1.85 acres	Number of Lots: 6 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Rural residential	Land Use: Single-family residential	
Zoning: RR – Residential	Zoning: RR – Residential	
Uses Allowed: RR – Rural residential	Uses Allowed: RR – Rural residential	
Maximum Density Allowed: RR – One unit/65,000sf	Maximum Density Allowed: RR – One unit/65,000sf	
PROPERTY HISTORY:		
Zoned: 04/59	Platted: 11/69	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. The proposed plat was not accompanied by a zoning change or early annexation request. The applicant is proposing the plat for future development, with the understanding that the proposed lots would all be combined as one tax parcel until the property was annexed and rezoned to R5-Residential. 		
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for approval of a final plat have been met. The storm water management plan has been approved by the City Engineer. The proposed subdivision is outside of the area covered by the Fringe Area Road Master Plan. North Washington Street to the west of the proposed plat and Ash Coulee Drive to the north of the proposed plat are both classified as minor arterials on the MPO's Functional Classification Network (2009). 		
<i>(continued)</i>		

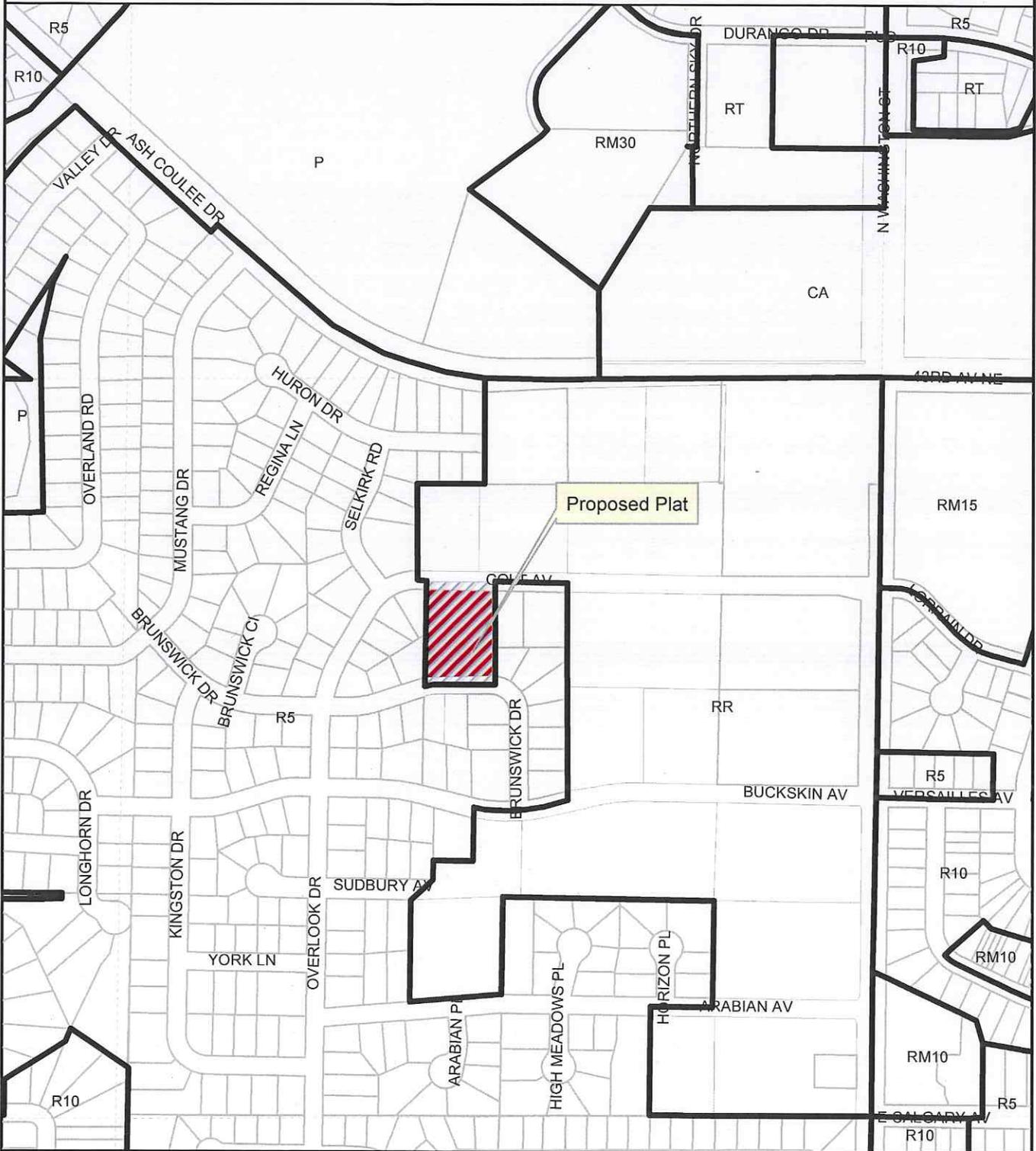
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural residential to the north, south, east and west.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Geloff Estates Addition, with the following condition:

1. Upon recording of the mylar for Geloff Estates Addition, Lots 1-6, Block 1 will be combined as one tax parcel by the County Auditor and will remain combined as one parcel until the property is annexed, rezoned to R5- Residential and the accessory building on Lots 1 and 6 is removed from the property.

Proposed Plat Geloff Estates Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 30, 2013 (hjb)

Source: City of Bismarck



GELOFF ESTATES

REPLAT OF LOT 5 BLOCK 2

KMK ESTATES 2ND SUBDIVISION

PART OF THE E 1/2 OF THE NW 1/4
OF SECTION 30, T. 138, R. 80 W.

BISMARCK, NORTH DAKOTA

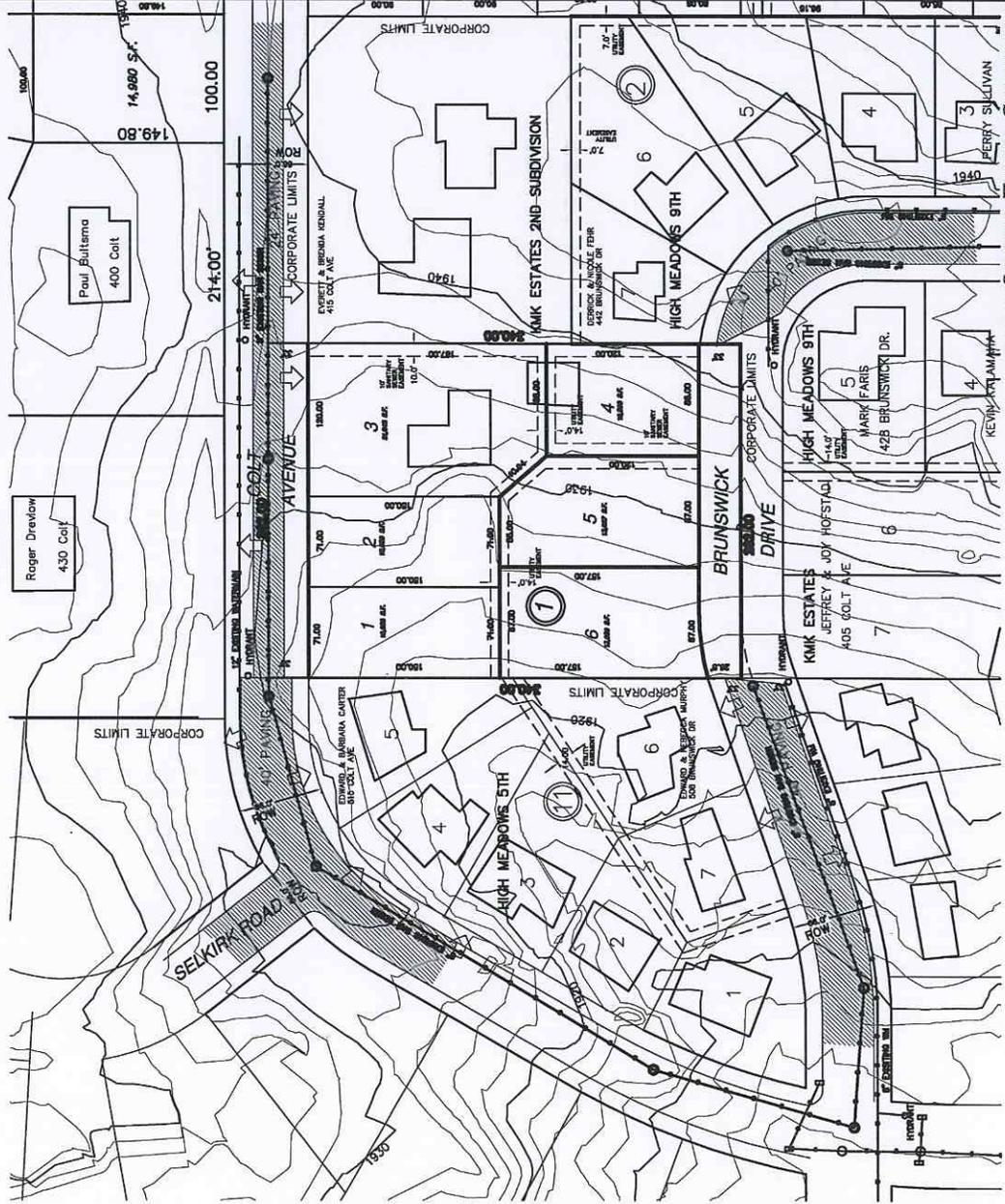
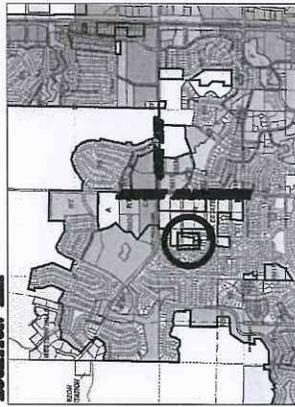


JANUARY 18, 2013
SCALE - 1"=40'
NOV028

1.86 ACRES
EXISTING ZONING: R1
PROPOSED ZONING: R6
& LOTS

OWNER: RICHARD GELOFF
ADDRESS: 485 COLT AVE
BISMARCK ND 58503
PHONE 485-4461

LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.
Professional Land Surveyors
1111 13th Street, Suite 200
Bismarck, ND 58503
Phone: (701) 227-2500
Fax: (701) 227-2500

**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

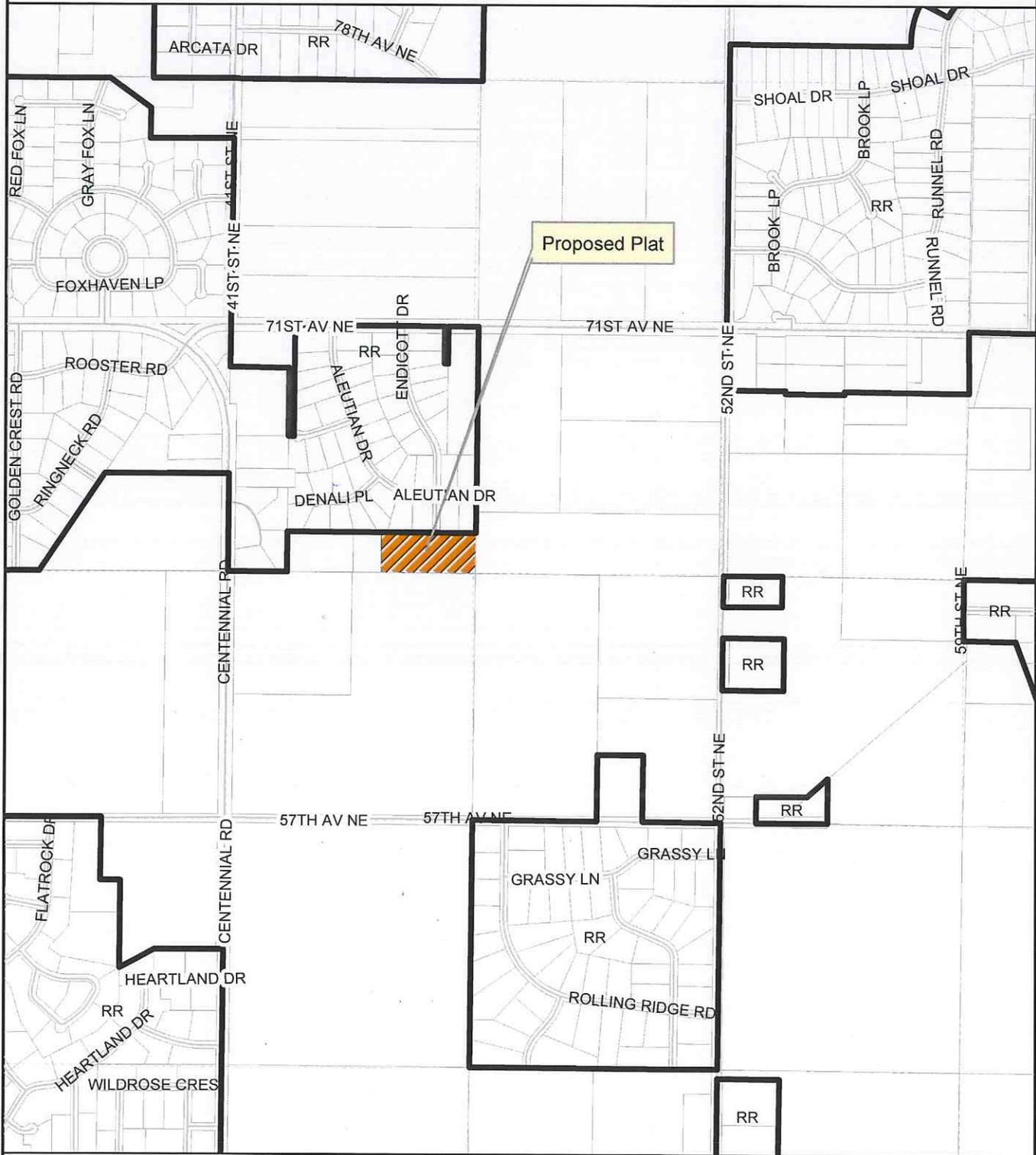
BACKGROUND:	
Title: Country North Estates Fourth Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Public Hearing	Date: April 24, 2013
Owner(s): Rob Johnson & Kelly Brooks	Engineer: Swenson, Hagen & Company
Reason for Request: Plat and rezone for rural residential development.	
Location: East of Centennial Road approximately ¼ mile, and ½ mile south of 71 st Avenue NE (An unplatted portion of the S½ of the S½ of the NW¼ of Section 12, T139N-R80W/Hay Creek Township).	
Project Size: 10.0 acres	Number of Lots: 2 lots in 2 blocks
EXISTING CONDITIONS:	
Land Use: Undeveloped	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Rural residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Maximum Density Allowed: One unit per 40 acres	Uses Allowed: Rural residential and limited agriculture
PROPERTY HISTORY:	Maximum Density Allowed: One unit per 65,000 square feet
Zoned: ---	Platted: ---
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as Urban Residential and Parks/Open Space/Greenways,(for portions of the property located within the Special Flood Hazard Area (100 year floodplain)) (Bismarck-Mandan Regional Future Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential dwellings to the west and north and agricultural land to the east and south. 3. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Endicott Drive; therefore, the proposed subdivision would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 	
<i>(continued)</i>	

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

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change for Country North Estates Fourth Subdivision from the A-Agriculture zoning district to the RR – Rural Residential zoning district.

Proposed Plat & Zoning Change (A to RR) Country North Estates 4th Subdivision

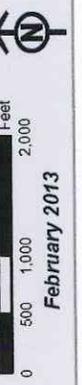
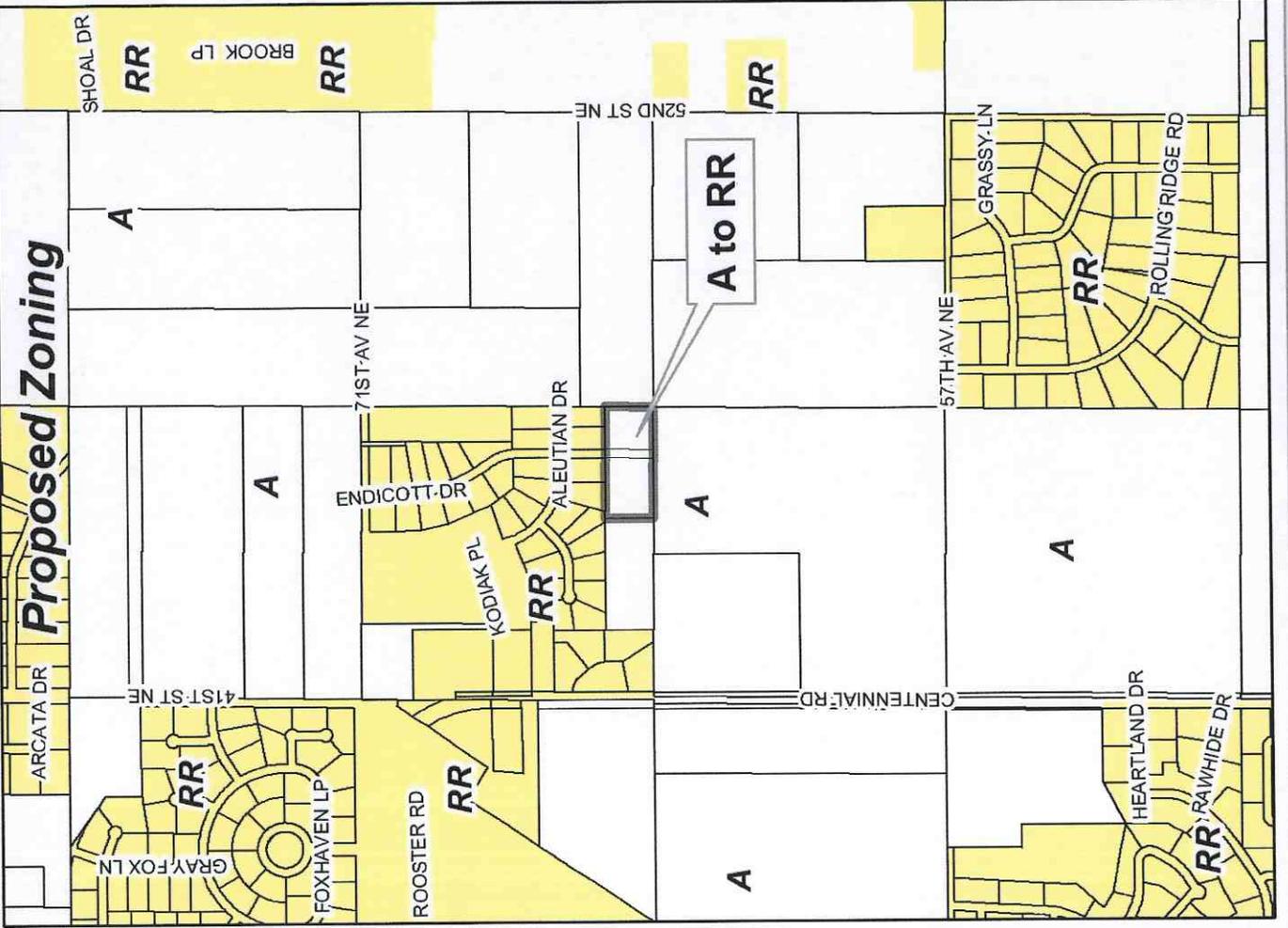
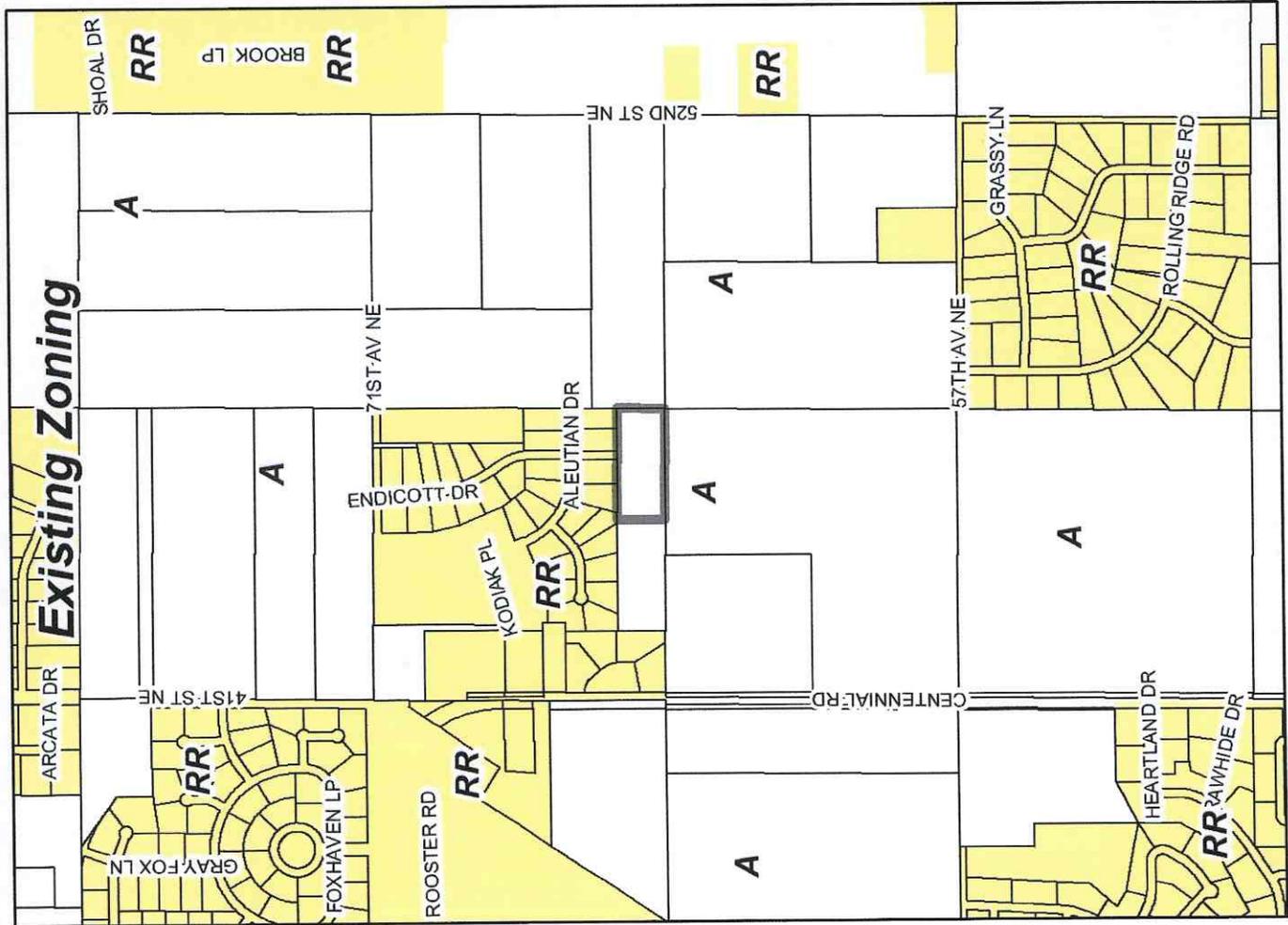


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Map was Updated/Created: February 4, 2013 (hib)

Source: City of Bismarck



Country North 4th Subdivision - Zoning Change

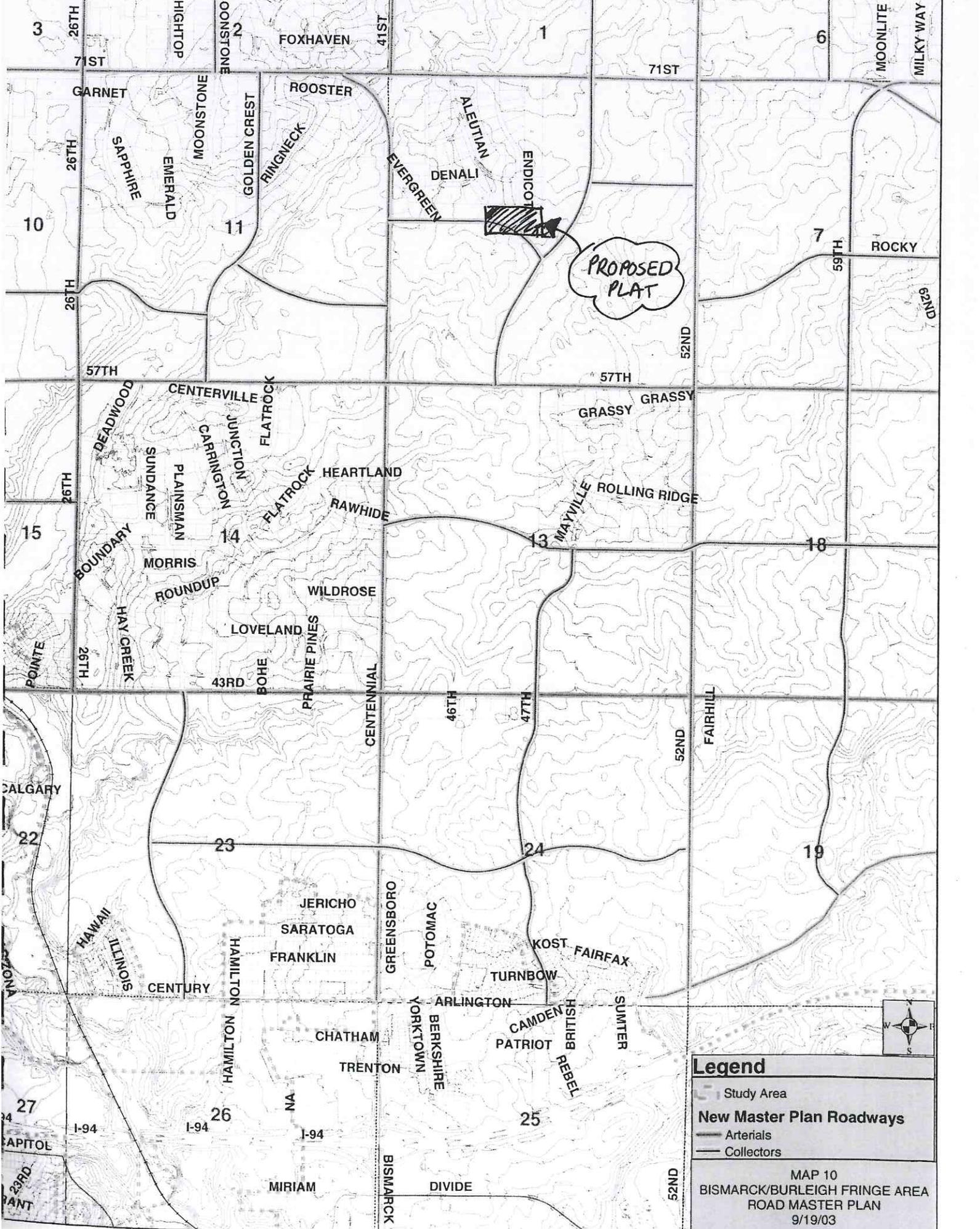


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

February 2013

**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Section 12, T139N-R80W/Hay Creek Township – Fringe Area Road Master Plan Amendment (in conjunction with preliminary plat for Country North Estates Fourth Subdivision)	
Status: Planning Commission – Public Hearing	Date: April 24, 2013
Reason for Request: Move the east-west collector roadway approximately 600 feet south of the location identified in the Fringe Area Road Master Plan to avoid future conflicts with existing homes along the east side of Centennial Road.	
Location: East of Centennial Road between 57 th Avenue NE and 71 st Avenue NE.	
FINDINGS:	
<ol style="list-style-type: none"> 1. The Fringe Area Road Master Plan was adopted by the Board of City Commissioners on September 9, 2003. 2. The applicant has submitted a concept plan demonstrating how the area north of the relocated east-west collector could be developed. 3. The amendment will: 1) move the east-west collector roadway approximately 600 feet south of the original location identified in the Fringe Area Road Master Plan to avoid future conflict with existing homes along the east side of Centennial Road. 4. The proposed subdivision (Country North Estates Fourth Subdivision) would conform to the Fringe Area Road Master Plan as amended. 	
RECOMMENDATION:	
Based on the above findings, staff recommends approval of the amendment to the Fringe Area Road Master Plan for Section 12, T139N-R80W/Hay Creek Township (Map 10), to move the east-west collector roadway approximately 600 feet to the south of the quarter section line.	



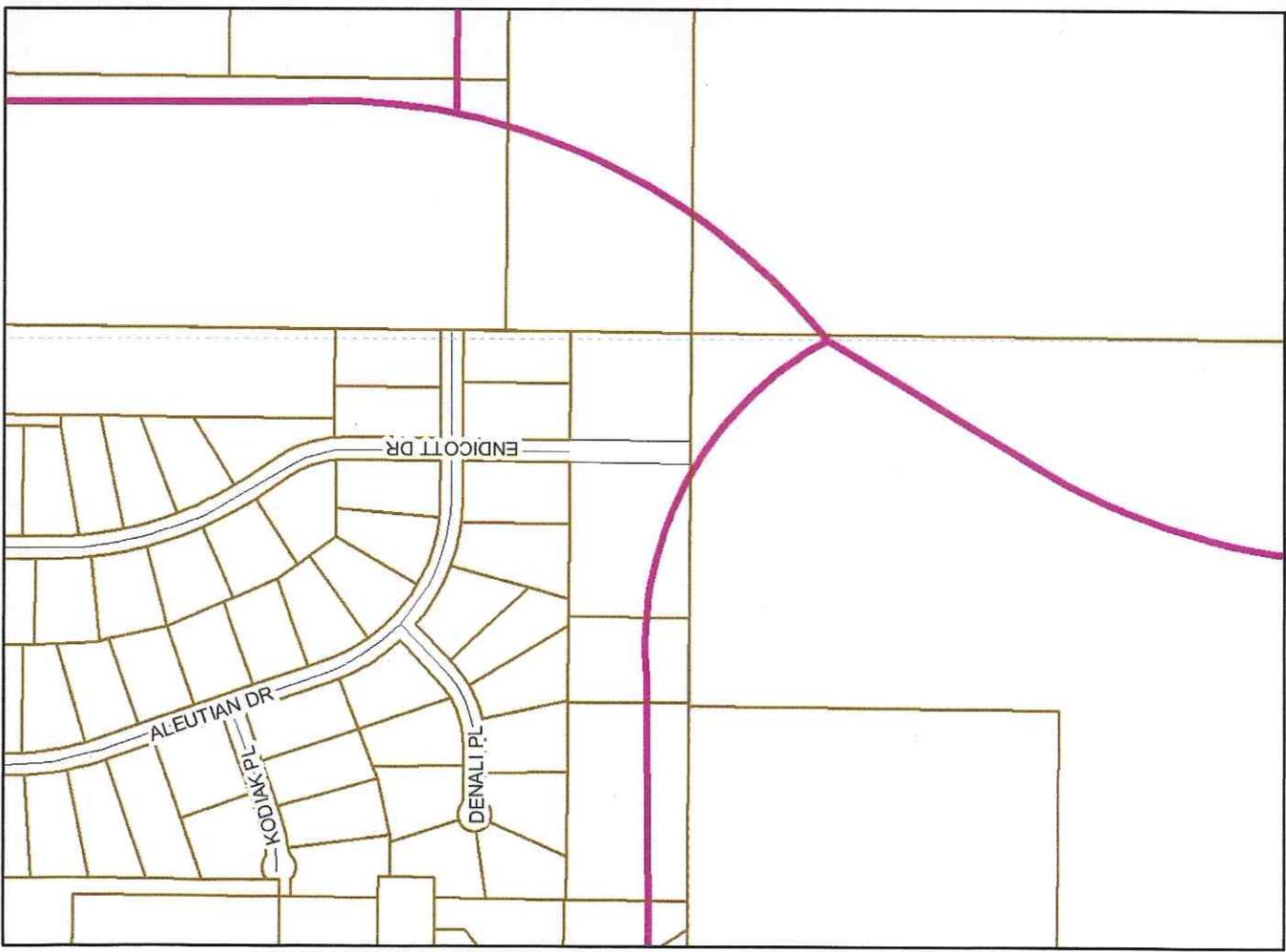
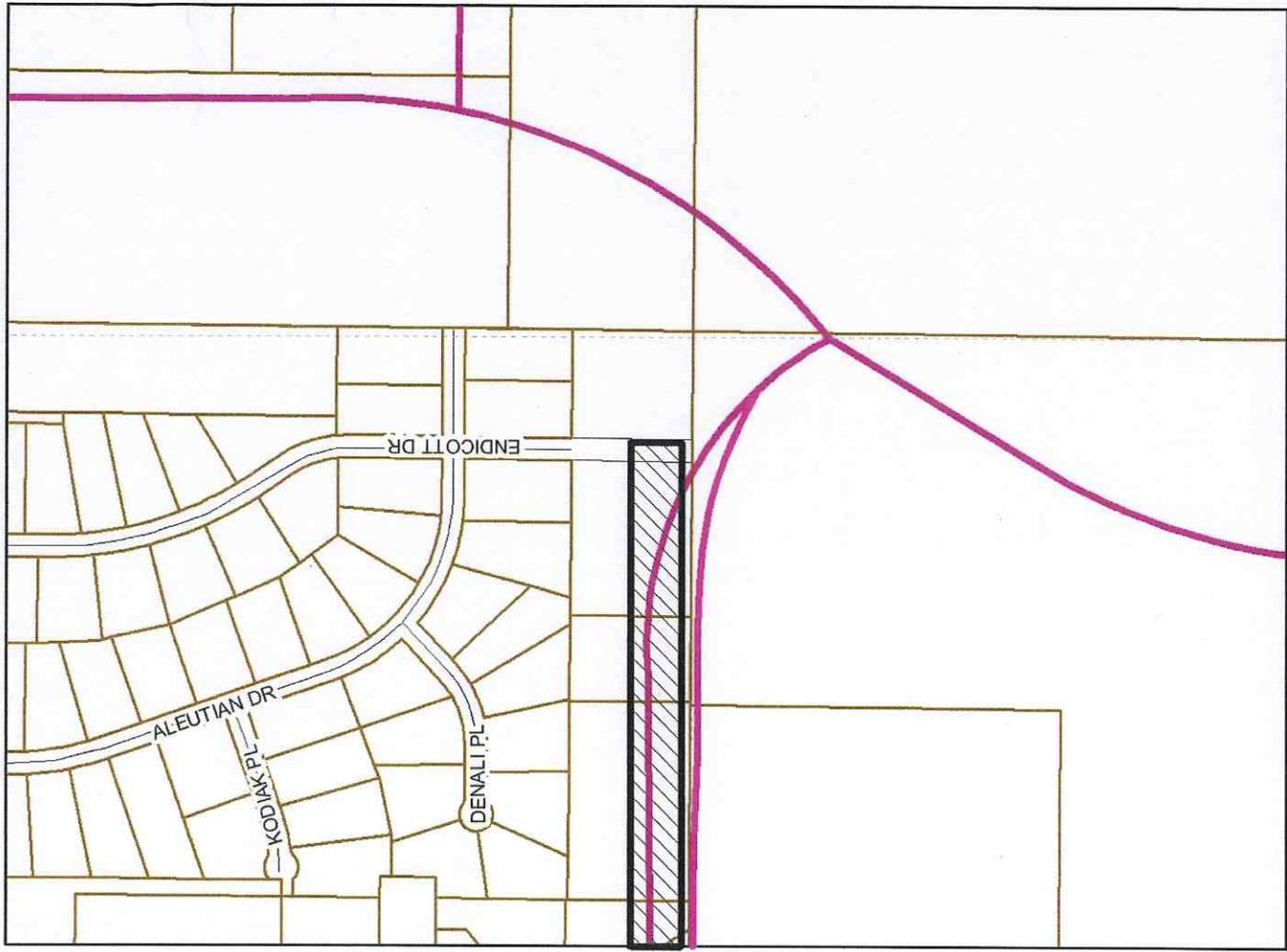
PROPOSED PLAT

Legend

- Study Area
- New Master Plan Roadways**
 - Arterials
 - Collectors

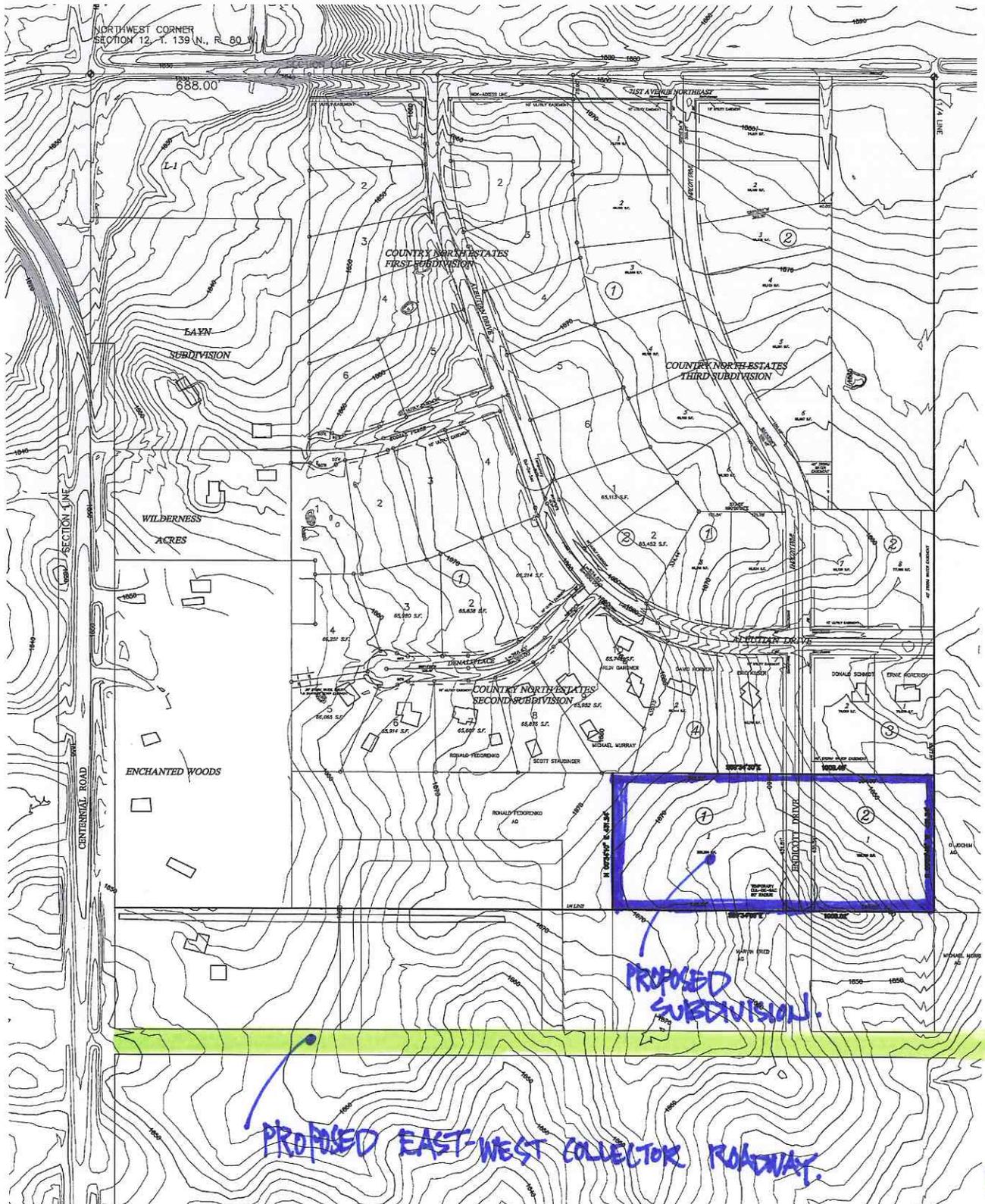
MAP 10
 BISMARCK/BURLEIGH FRINGE AREA
 ROAD MASTER PLAN
 9/19/03

Fringe Area Road Master Plan Amendment - Section 12 T138N-R80W



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NORTHWEST CORNER
SECTION 12, T. 139 N., R. 80 W.



**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

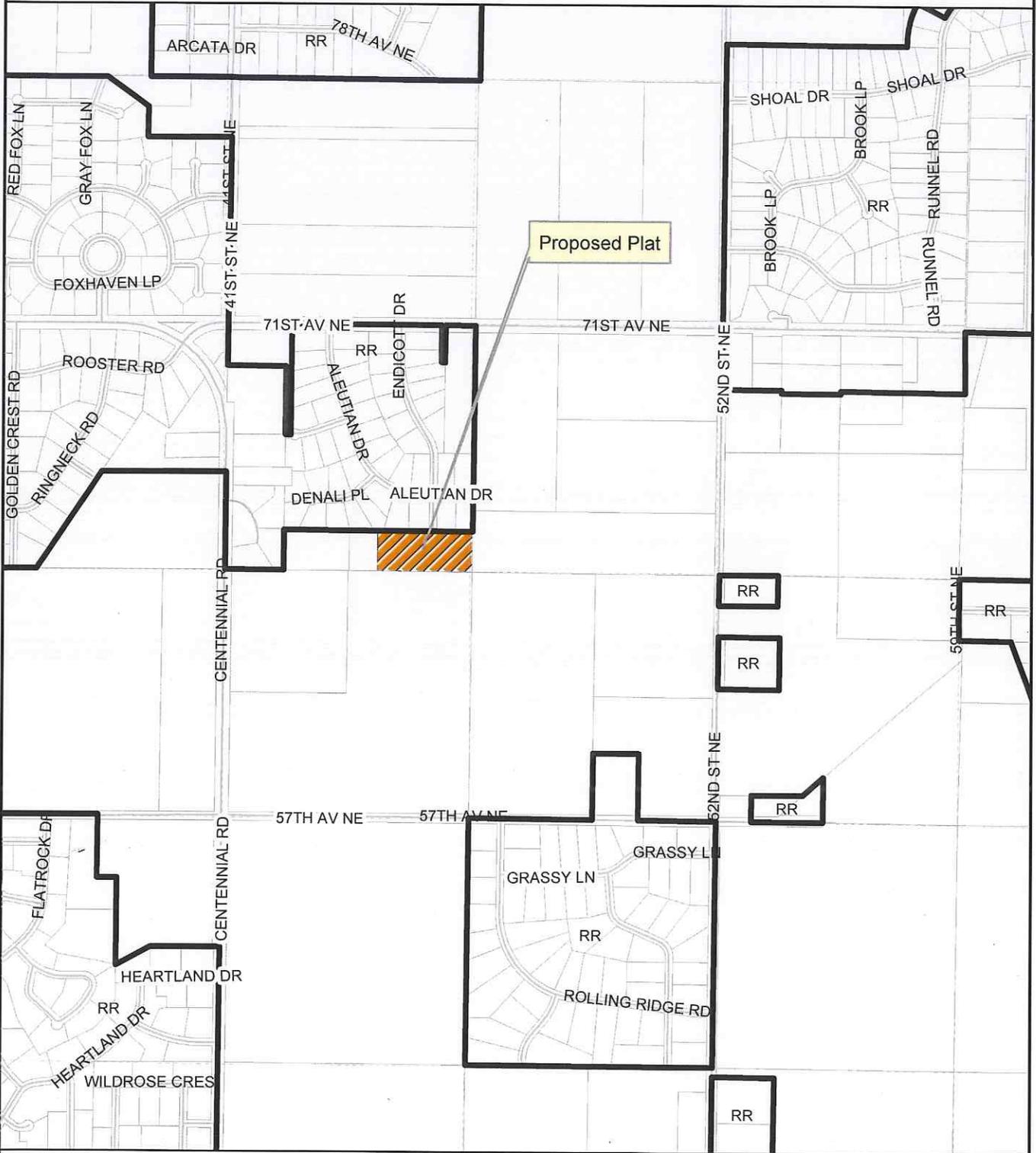
BACKGROUND:	
Title: Country North Estates Fourth Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: April 24, 2013
Owner(s): Rob Johnson & Kelly Brooks	Engineer: Swenson, Hagen & Company
Reason for Request: Plat and rezone property for rural residential development.	
Location: East of Centennial Road approximately ¼ mile, and ½ mile south of 71 st Avenue NE (An unplatted portion of the S½ of the S½ of the NW¼ of Section 12, T139N-R80W/Hay Creek Township).	
Project Size: 10.0 acres	Number of Lots: 2 lots in 2 blocks
EXISTING CONDITIONS:	
Land Use: Undeveloped	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Rural residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Maximum Density Allowed: One unit per 40 acres	Uses Allowed: Rural residential and limited agriculture
PROPERTY HISTORY:	Maximum Density Allowed: One unit per 65,000 square feet
Zoned: ---	Platted: ---
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The applicant has requested a waiver from the requirement to ghost plat the two lots within the proposed plat. The applicant cited the fact that the existing subdivisions in the NW¼ of Section 12 have not been ghost platted. The waiver request is reasonable recognizing the proposed subdivision is considered as an extension of existing subdivisions that were not required to ghost plat lots. 	
FINDINGS:	
<ol style="list-style-type: none"> The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential dwellings to the west and north and agricultural land to the east and south. The Fringe Area Road Master Plan (FARMP) identifies the east-west collector roadway between 57th Avenue NE and 71st Avenue NE in an area where existing residences are located. An amendment to the FARMP has been initiated to move the future east-west collector roadway approximately 600 feet to the south. The proposed subdivision would conform to the FARMP as amended. 	
<i>(continued)</i>	

3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be served by South Central Regional Water District and would have direct access to Endicott Drive; therefore, the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Country North Estates Fourth Subdivision.

Proposed Plat & Zoning Change (A to RR) Country North Estates 4th Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 4, 2013 (hib)

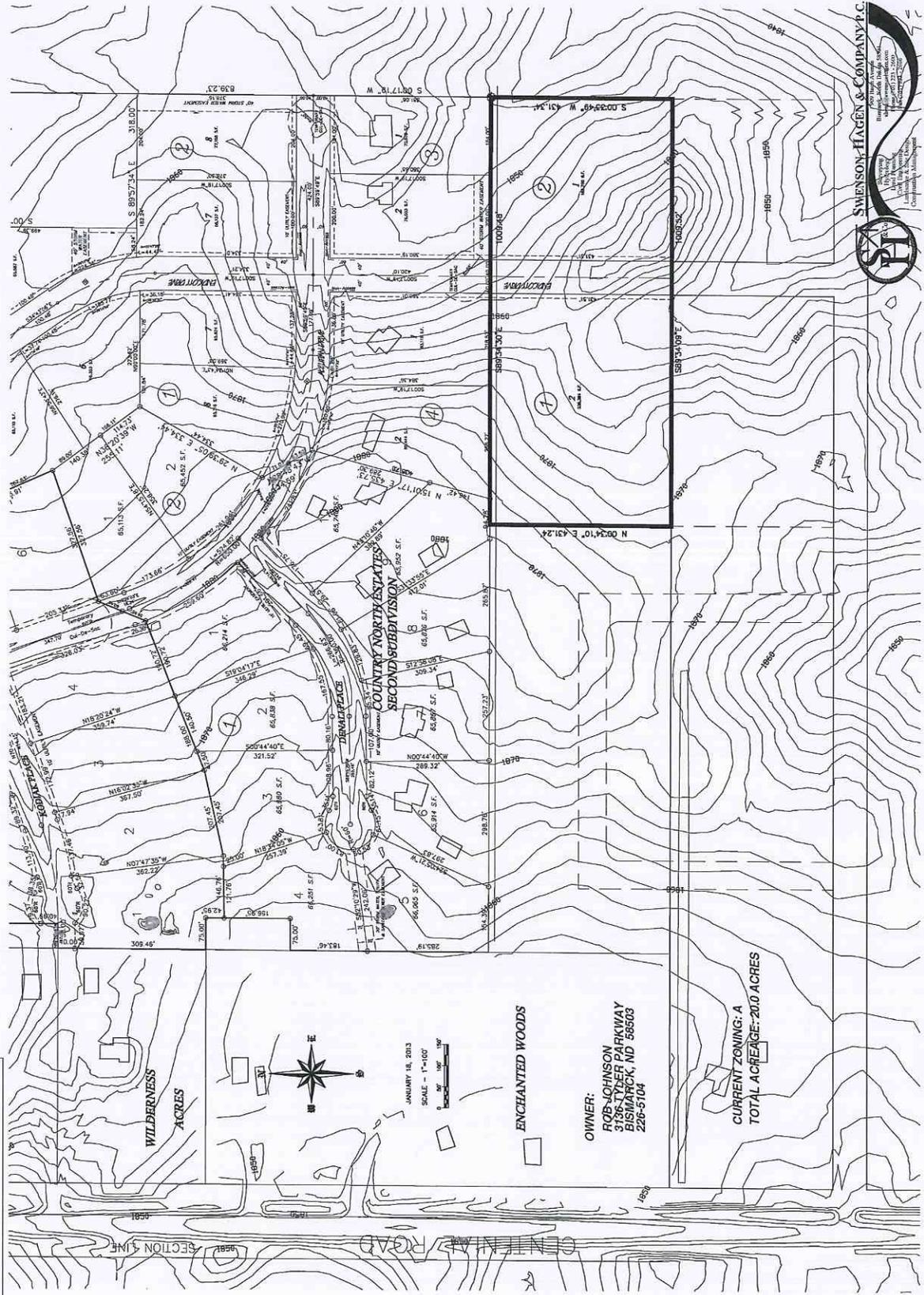
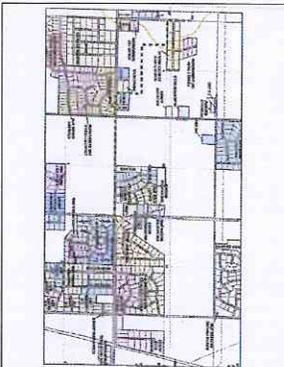
Source: City of Bismarck



RECEIVED

JAN 25 2013

COUNTRY NORTH ESTATES FOURTH SUBDIVISION
 PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 12, T. 139 N., R. 80 W.
 BURLEIGH COUNTY, NORTH DAKOTA

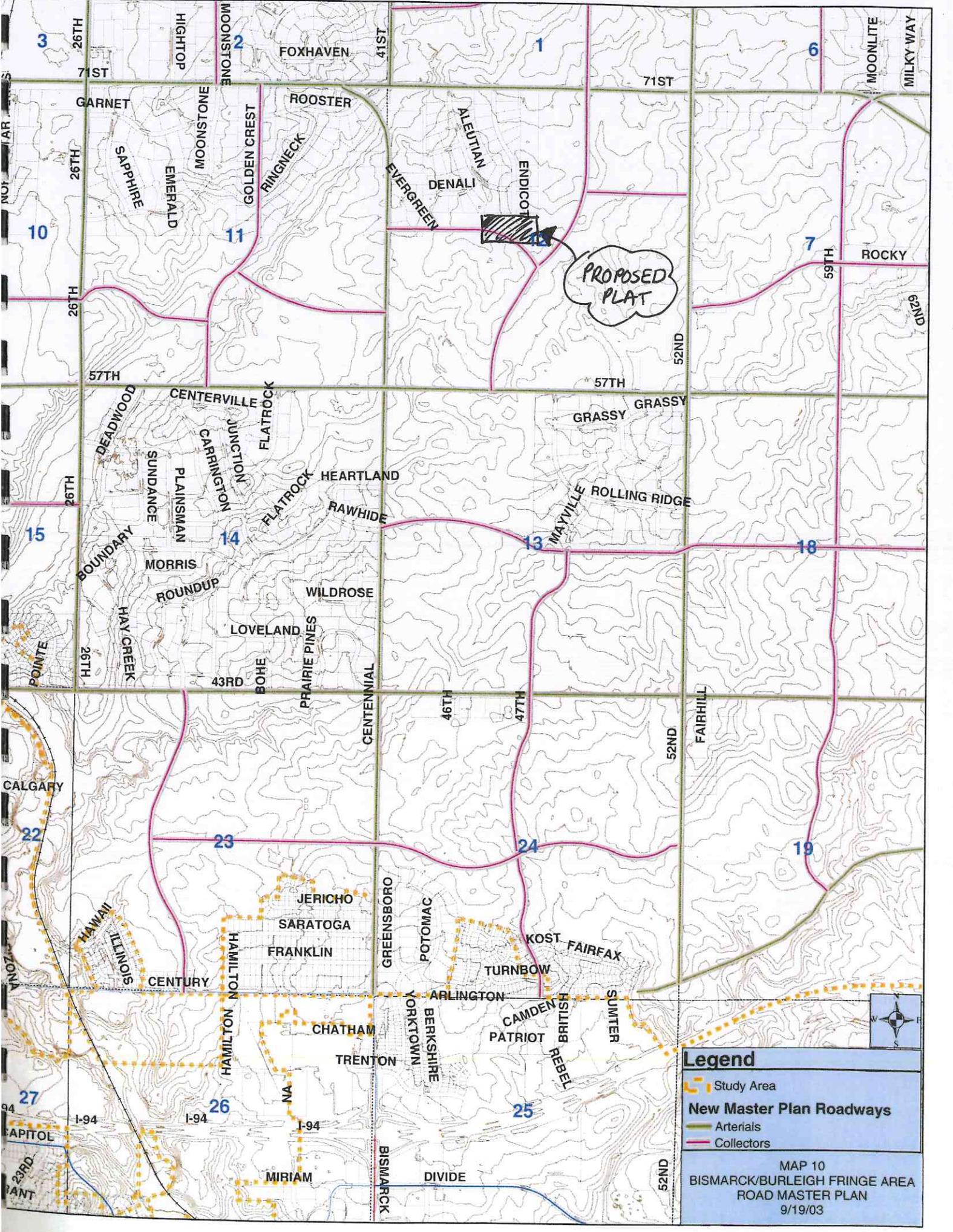


WILDERNESS ACRES
 ENCHANTED WOODS
 OWNER:
 ROB JOHNSON
 RUCKER PARKWAY
 BISMARCK, ND 58506
 226-5104

CURRENT ZONING: A
 TOTAL ACRES: 20.0 ACRES



SWENSON-HAGEN & COMPANY P.C.
 1100 14th Street, Suite 100
 Bismarck, ND 58502
 (701) 226-5104
 www.swenson-hagen.com

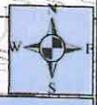


PROPOSED PLAT

Legend

- Study Area
- New Master Plan Roadways**
 - Arterials
 - Collectors

MAP 10
 BISMARCK/BURLEIGH FRINGE AREA
 ROAD MASTER PLAN
 9/19/03



RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PROPOSED PLAT OF COUNTRY NORTH ESTATES 4TH SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT BE (APPROVED) (DENIED). (PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

- i. ENDICOTT DRIVE FROM ACUTIAN DRIVE TO SOUTH LINE OF PLAT TO BE CONSTRUCTED WITH CUL DE SAC ON SOUTHWEST END TO COUNTY SPECIFICATIONS, PAVED AND CHIP SEALED. NO BUILDING PERMITS ISSUED UNTIL COMPLETED. 2. OBTAIN WRITTEN AVADANT FROM RONALD FEDERENKO THAT HE IS AWARE THAT HIS PROPERTY IS IDENTIFIED AS FOLLOWS

CHAIRMAN, TOWNSHIP BOARD

Rufus Madsen

Ally Mimm

ATTEST: TOWNSHIP CLERK

→ WILL REMAIN LANDLOCKED AND HE IS ACCEPTABLE TO TALK. AVADANT TO BE NOTICED.



**CITY/ETA SUBDIVISION REQUIREMENTS/STANDARDS
WAIVER REQUEST FORM**

If any waivers from subdivision requirements/standards are being requested, this form must be completed and submitted in conjunction with the unified development application. This form cannot be used for amendments to the Fringe Area Road Master Plan or the Land Use Plan, or for written justification for the use of cul-de-sacs or private roadways.

SUBDIVISION INFORMATION:	
Name of Subdivision: Country North Estates Fourth Subdivision	Name of Property Owner/Developer: Rob Johnson
Location of Subdivision: NW ¼ Section 12 T139N, R80W	Contact Person (if different from owner):
REQUESTED WAIVERS FROM SUBDIVISION REQUIREMENTS/STANDARDS:	
<input checked="" type="checkbox"/> Ghost Platting	Reason for Request: No ghost platting has been shown in the NW ¼ Section 12.
<input type="checkbox"/> Paving of Interior Roadways	Reason for Request:
<input type="checkbox"/> Maximum Block Length	Reason for Request:
<input type="checkbox"/> Minimum Lot Width	Reason for Request:
<input type="checkbox"/> Minimum Lot Size (only allowed if platting an existing non-conforming parcel)	Reason for Request:
<input type="checkbox"/> Other (Specify)	Reason for Request:
<input type="checkbox"/> Other (Specify)	Reason for Request:

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

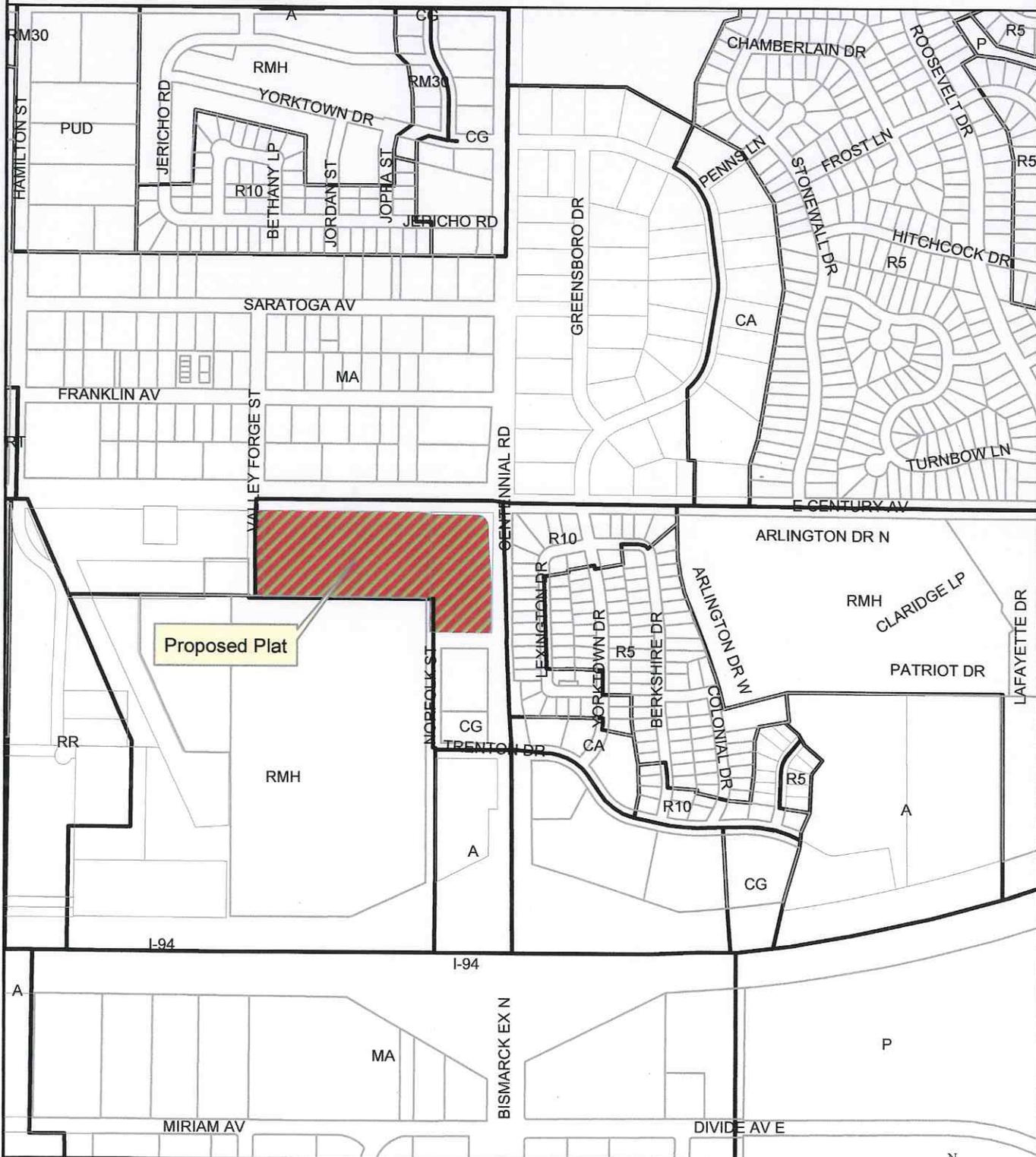
BACKGROUND:		
Title: Century Centennial Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): Pete & Elaine Brendel Daniel Development Partnership, LLLP Real Properties, LLC	Engineer: Swenson, Hagen & Company	
Reason for Request: Plat property for general commercial development.		
Location: In northeast Bismarck along the west side of Centennial Road and the south side of East Century Avenue (Tracts 2 & 3 less right-of-way as part of the NE1/4 of Section 26, T139N-R80W/Hay Creek Township).		
Project Size: 17.5 acres	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: CG- Commercial	Land Use: Commercial uses	
Uses Allowed: CG – General commercial uses, multi-family dwellings and offices	Zoning: CG-Commercial	
Maximum Density Allowed: CG – 42 units/acre	Uses Allowed: CG – General commercial uses, multi-family dwellings and offices	
Maximum Density Allowed: CG – 42 units/acre	Maximum Density Allowed: CG – 42 units/acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. The City Traffic Engineer has expressed concerns with the lack of interconnectivity of public roadways within the proposed subdivision. The property is bounded by public rights-of-way along the north, east and west and a portion of the south boundaries of the plat. However, no additional right-of-way is being proposed within the subdivision at this time. Access to this site will not be allowed directly off East Century Avenue or Centennial Road. The general consensus of staff would be to consider private roadways within the development once proposed uses of the sight have been identified. The property would be subject to the City's site plan review requirements prior to any permits being issued for development of the property.</p>		
FIDINGS:		
<p>1. All technical requirements for consideration of a final plat have been met.</p> <p>2. The storm water management plan has been approved by the City Engineer.</p>		
<i>(continued)</i>		

3. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include existing single-family residential and a hotel to the south, industrially-zoned property to the west which is currently being platted as Revolutionary Addition, industrial land uses to the north and single-family residential dwellings across Centennial Road to the east.
5. The proposed subdivision is not currently annexed; however annexation would be required prior to development. Therefore, the proposed subdivision would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity provided an appropriate 20-foot landscape buffer yard is installed along the south side of Lot 1, Block 1 in conjunction with site development.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Century Centennial Addition.

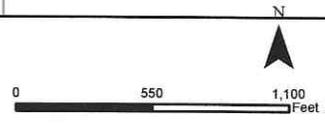
Proposed Plat Century Centennial Addition



Proposed Plat

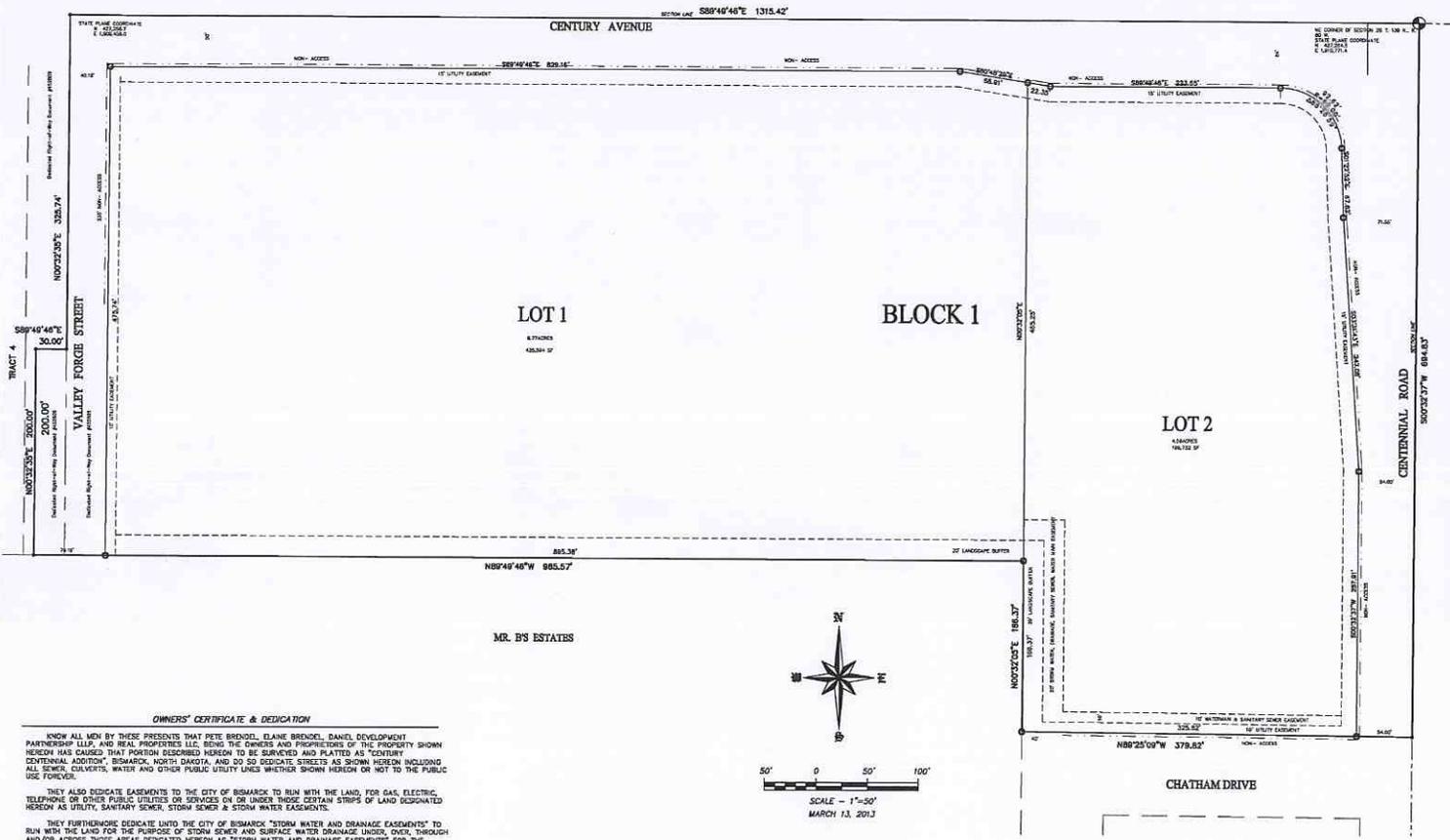
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 24, 2012 (Klee)

Source: City of Bismarck



CENTURY CENTENNIAL ADDITION

TRACTS 2 & 3 & THE EAST 30 FEET OF THE SOUTH 200 FEET OF TRACT 4 OF NE1/4 SECTION 26, T. 139 N., R. 80 W. BISMARCK, NORTH DAKOTA



OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PETE BRENDL, ELAINE BRENDL, DANIEL DEVELOPMENT PARTNERSHIP LLP, AND REAL PROPERTIES LLC BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "CENTURY CENTENNIAL ADDITION", BISMARCK, NORTH DAKOTA, AND JO SO DESIGNATE 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 THESE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE INTO 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 PURPOSES OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
PETE BRENDL, ELAINE BRENDL,
3022 SLEEPY HOLLOW LOOP
BISMARCK, N.D. 58501
OWNERS OF LOT 1 BLOCK 1

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED PETE BRENDL 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
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
WILLIAM L. DANIEL,
GENERAL PARTNER,
DANIEL DEVELOPMENT PARTNERSHIP LLP
504 E ROSSER AVE SUITE 200
BISMARCK, N.D. 58501
OWNER OF LOT 2 BLOCK 1

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED BILL DANIEL OF DANIEL DEVELOPMENT PARTNERSHIP LLP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
H. DAVID KNUDSEN,
CHIEF MANAGER/PRESIDENT, REAL PROPERTIES, LLC
3207 4TH AVE. SE
MANDAK, N.D. 58554
OWNER OF SOUTH 200 FEET OF TRACT 4

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED BILL DANIEL OF DANIEL DEVELOPMENT PARTNERSHIP LLP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

DESCRIPTION

TRACTS 2 AND 3 AND THE EAST 30.00 FEET OF THE SOUTH 200.00 FEET OF TRACT 4 OF THE NORTHEAST 1/4 SECTION 26, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

BEGINNING AT THE NE CORNER OF SAID NE 1/4, THENCE SOUTH 60 DEGREES 33 MINUTES 33 SECONDS WEST, ALONG THE EAST LINE OF SAID NE 1/4, A DISTANCE OF 894.83 FEET TO THE SOUTH BOUNDARY LINE OF SAID TRACT 2, THENCE NORTH 89 DEGREES 25 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE, EXTENDED, A DISTANCE OF 379.83 FEET TO THE SW CORNER OF SAID TRACT 2, THENCE NORTH 89 DEGREES 25 MINUTES 00 SECONDS EAST ALONG THE WEST BOUNDARY LINE OF SAID TRACT 2, A DISTANCE OF 186.87 FEET TO THE SE CORNER OF SAID TRACT 3, THENCE NORTH 89 DEGREES 48 MINUTES 48 SECONDS WEST ALONG THE SOUTH LINE OF TRACT 3, A DISTANCE OF 855.57 FEET, THENCE NORTH 89 DEGREES 48 MINUTES 48 SECONDS EAST, PARALLEL WITH THE WEST BOUNDARY LINE OF SAID TRACT 3, A DISTANCE OF 200 FEET, THENCE SOUTH 89 DEGREES 48 MINUTES 48 SECONDS EAST, A DISTANCE OF 30.00 FEET, THENCE NORTH 89 DEGREES 25 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID WEST BOUNDARY LINE, A DISTANCE OF 335.74 FEET TO THE NORTH LINE OF SAID NE 1/4, THENCE SOUTH 89 DEGREES 48 MINUTES 48 SECONDS EAST, CONTINUING ALONG THE SAID NORTH LINE, A DISTANCE OF 1315.42 FEET TO THE POINT OF BEGINNING.

THIS TRACT CONTAINS 17.48 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 NOVEMBER 2ND, 2012, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL DIMENSIONS 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.
800 BASIN AVENUE
BISMARCK, NORTH DAKOTA

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, 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.

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

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY 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 _____ DAY OF _____, 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND RESOLUTIONS 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.

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 GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY WAIVE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. IN WITNESS WHEREOF, THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2013.

ATTEST
B. C. WICKEN - CITY ADMINISTRATOR

NOTES

BASE OF BOUNDARY LINE OF SOUTH ZONE BY CITY ORDINANCE
NORTH DAKOTA
HYDRAGRAPHIC INFORMATION OF COUNTY AVENUE AND CENTENNIAL ROAD
ELEV = 1782.20 (PVD 03)

COGNITIVE DATUM
NORTH DATUM IS USED FOR COGNITIVE SYSTEM
AND 83 SOUTH DATUM
ADJUSTMENT OF 1988
UNITS ARE INTERNATIONAL FEET

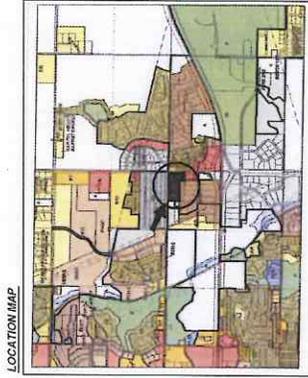
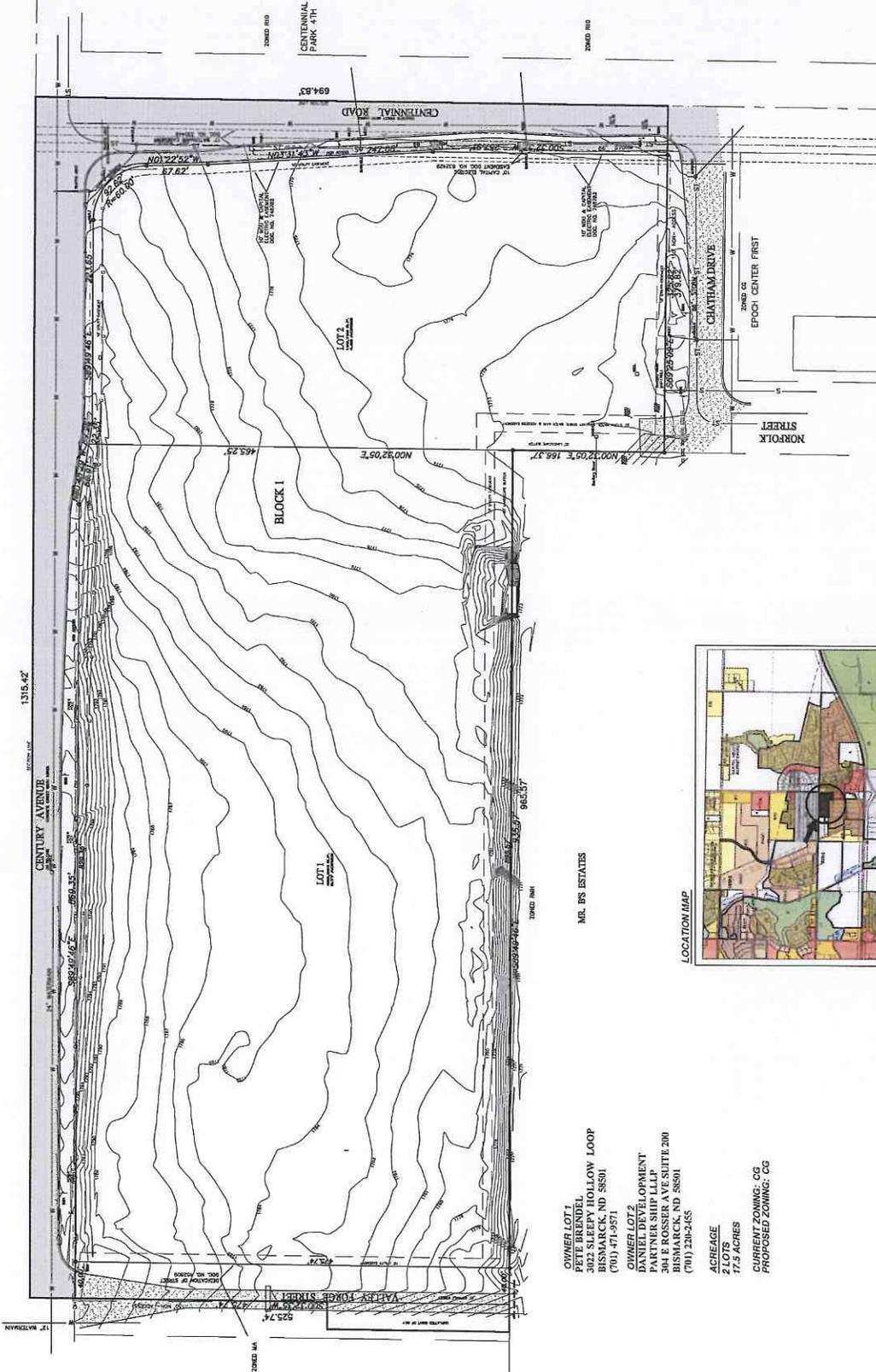
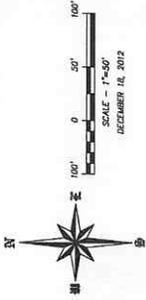
METRIC DATUM
NATIONAL GEODETIC REFERENCE DATUM OF 1983
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

○ MONUMENT TO BE SET
● MONUMENT IN PLACE



**PRELIMINARY PLAT
CENTURY CENTENNIAL ADDITION
TRACTS 2 & 3 LESS R/W
PART OF THE NE1/4 SECTION 26, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA**

**RECEIVED
JAN 1 2013**



MR. BS ESTATES

OWNER LOT 1
PETE BRUNDEL
3022 SLEEPY HOLLOW LOOP
BISMARCK, ND 58501
(701) 471-9571

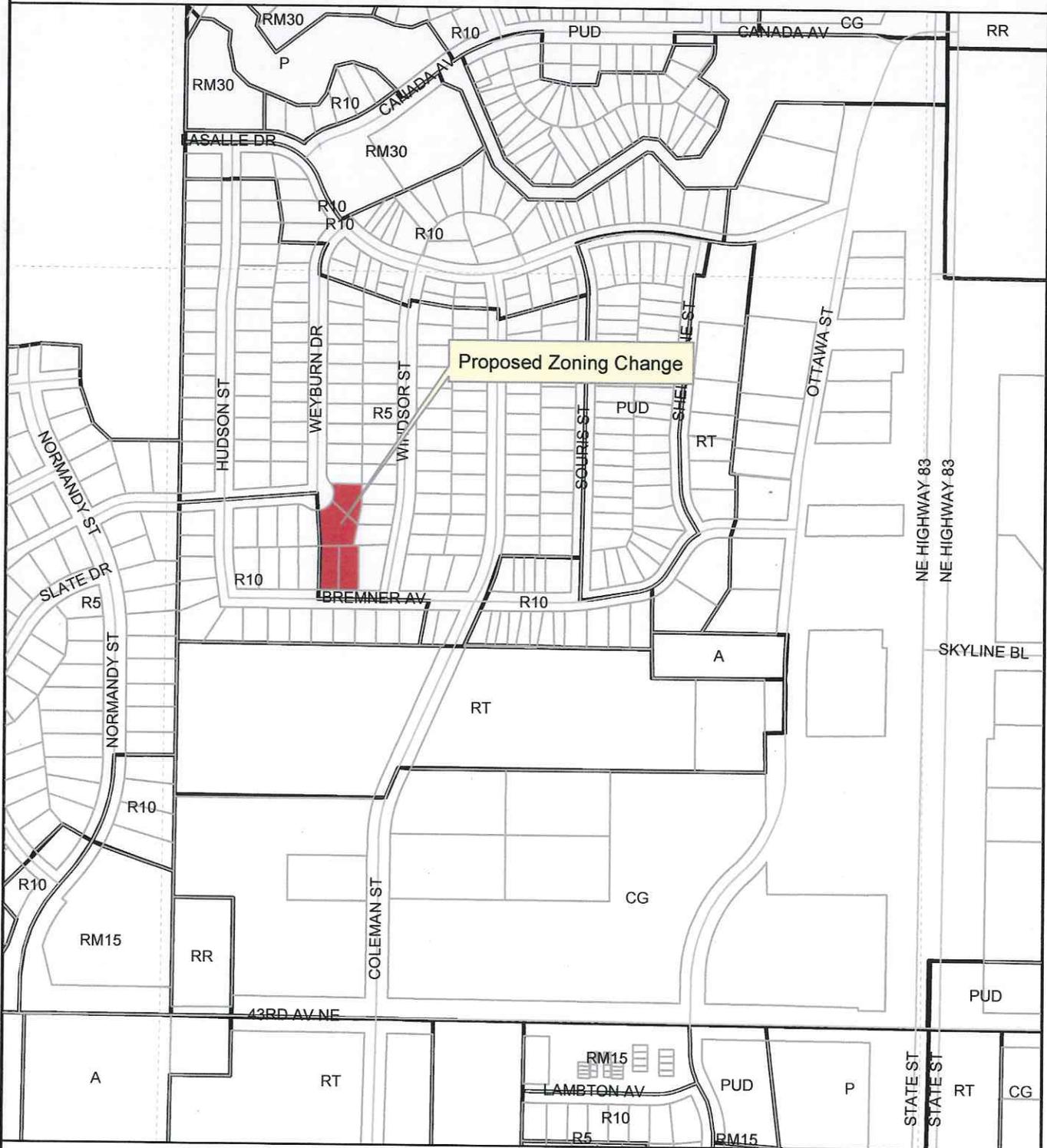
OWNER LOT 2
DANIEL DEVELOPMENT
PARTNER SHIP LLLP
304 E ROSSER AVE SUITE 200
BISMARCK, ND 58501
(701) 230-2435

ACREAGE
2 LOTS
17.5 ACRES
CURRENT ZONING: CG
PROPOSED ZONING: CG

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision – Zoning Change (R5 to R10)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson Hagen & Co.	
Reason for Request: Rezone property to allow for the development of twinhomes.		
Location: Along the north side of Bremner Avenue and the southeast side of Weyburn Drive, north of 43 rd Avenue NE and west of US Highway 83.		
Project Size: 48,179 square feet or 1.2 acres, more or less	Number of Lots: 4 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Two-family residential	
Zoning: R5 – Residential	Zoning: R10 – Residential	
Uses Allowed: R5 – Single-family residential	Uses Allowed: Single and two-family residential	
Maximum Density Allowed: 5 units/acre	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 12/80	Platted: 12/80	Annexed: 03/07
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as residential (land use portion of US Highway 83 Corridor Transportation Study). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north and east and a combination of one and two-family residential to the south and west. 3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the zoning change from the R5-Residential zoning district to the R10-Residential zoning district on Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision.		

Proposed Zoning Change (R5 to R10) Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision

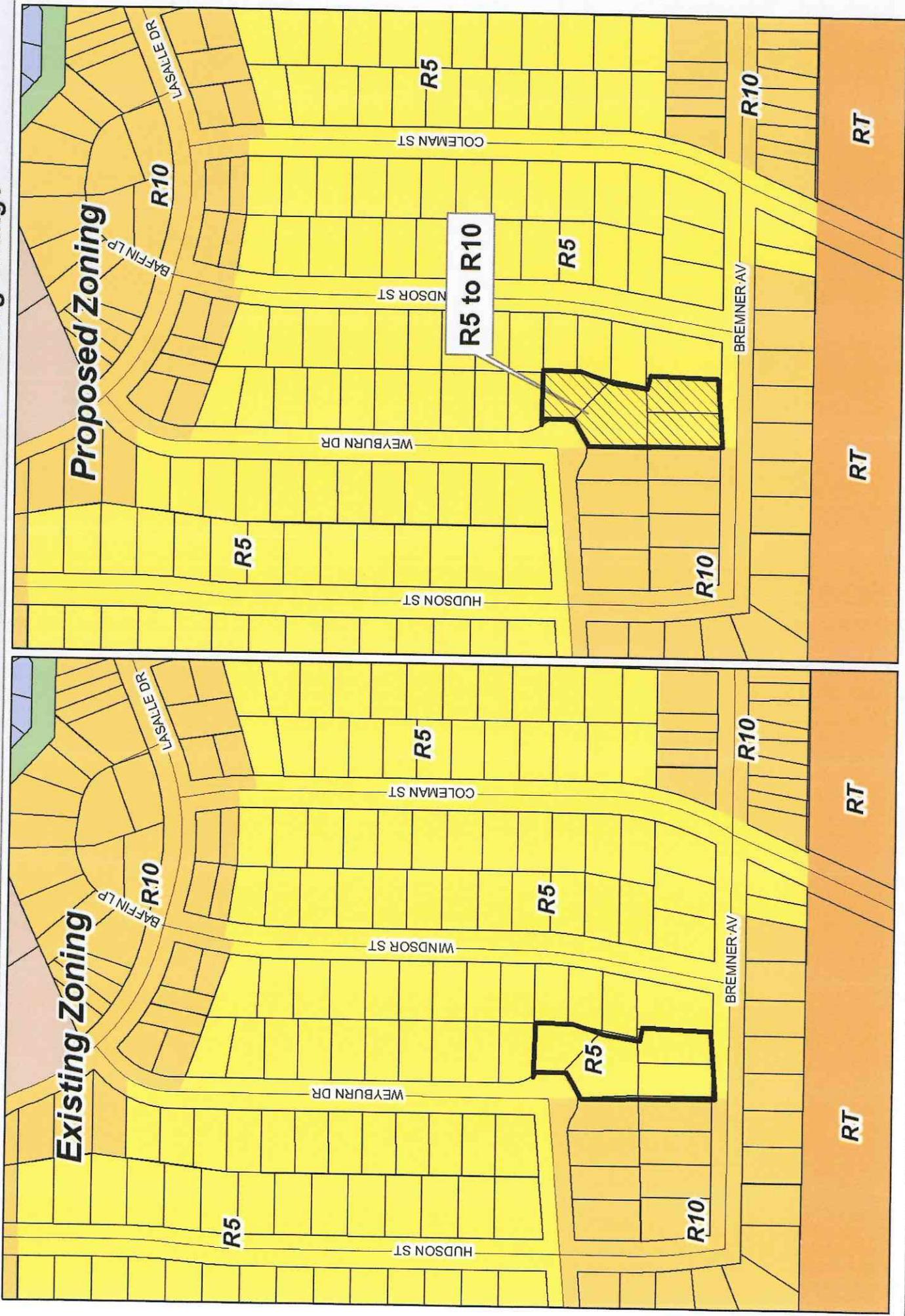


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 19, 2013 (Jlee)

Source: City of Bismarck



Lots 17-18 and 27-28, Block 17, Sonnet Heights Subdivision - Zoning Change



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. March 2013

**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-8 and 27& 28, Block 73 Mckenzie & Coffins Addition – Special Use Permit (Daycare Center)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): New Song Church (Owner) First United Methodist Church (owner) Kenneth J. Klekamp Inc(applicant)	Engineer: Swenson, Hagen & Company	
Reason for Request: Adaptive reuse of an existing church facility as a day care center.		
Location: The property is located at the southwest corner of North 11 th Street and East F Avenue (Legacy United Methodist Church).		
Project Size: 77,400 sf (lot)/18,000 sf (building)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Church	PROPOSED CONDITIONS:	
Land Use: Church	Land Use: Day Care Center	
Zoning: R10 – Residential	Zoning: R10 – Residential	
Uses Allowed: R10 – One and two-family residential & daycare centers with a Special Use Permit	Uses Allowed: R10 – One and two-family residential & daycare centers with a Special Use Permit	
Maximum Density Allowed: 10 units per acre	Maximum Density Allowed: 10 units per acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: 12/1882	Annexed: ---
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The proposed daycare center is intended to accommodate 200 children, the total number of children under the age of 2 ½ years will be under 50. 2. The proposed daycare center will employ a maximum number of approximately 25 employees. 3. The hours of operation for the daycare center will be from 6:30 am to 7:30 pm, Monday through Friday. 4. The applicant has indicated that there may be individualized tutoring services available to students after normal operating hours, specifically, from 6pm to 9pm, Monday through Friday and Saturday and Sunday afternoons. Tutoring services will be provided to a minimal number of students which would necessitate a small number of employees/ teachers. 5. The applicant have been working with the Building Inspections Division to satisfy all the requirements necessary to meet the guidelines set forth to establish and operate a daycare center, in particular the entire facility will be retrofitted with a sprinkler system and all interior alterations will be done in accordance with 2009 International Building Code. 		
<i>(continued)</i>		

6. The City Traffic Engineer has expressed concerns over the proposed use. In particular, citing that additional traffic volumes could have the potential to create traffic issues disrupting the neighborhood. The City Traffic Engineer has also expressed his desire to reconfigure the existing diagonal parking located on the west side of North 11th Street in the public right of way, to function as a parallel pick-up and drop-off area that would be conducive to the proposed use. Thus reducing any potential safety concerns that would be associated with backing into traffic on North 11th Street. If the reconfiguration cannot be accomplished the City Traffic Engineer suggests that the parking area be stripped with a 60 degree angle pavement marking and parking blocks be installed to prevent parked vehicles from encroaching in the side walk. In addition this parking area should also be signed as a loading zone with appropriate time restrictions.
7. Section 14-03-08(4)(r) of the City Code of Ordinances outlines the requirements for a day care center. A copy of this section of the City Code is attached.

FINDINGS:

1. The proposed special use complies with all applicable provision of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, on-street parking is limited to Sundays only.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the Special Use Permit to allow the operation of a child care center on Lots 1-8 and 27& 28, Block 73 Mckenzie & Coffins Addition. With the following conditions:

- A variance is granted by the Board of Adjustment to reduce the front yard setback along the north and east property lines from 25 feet to 15 feet and reduce the side yard setback located along the west property line from six feet to zero feet for the purpose of constructing fences to accommodate two separate play areas at the west and east sides of the property.
- Daycare operations be limited to operating between the hours of 6:30 am and 7:30 pm.

Day-Care Center

14-03-08(4) (r)

r. Day-care Center. Day-care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

- 1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per client. Work areas, office areas, and other areas not designed for use of the clients may not be counted in this computation.
- 2) Each lot shall provide an outdoor recreation area of not less than forty (40) square feet per client. The recreation area shall be fenced and located behind the building setback lines. Recreation areas shall be required only for those clients under twelve (12) years of age.
- 3) Adequate off street parking shall be provided at the following ratio: One space for each two employees and one space for each ten (10) clients.
- 4) Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue.
- 5) Day-care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck.

Proposed Location Lots 1-8 and Lots 27-28, Block 73, McKenzie & Coffins Addition) Child Care Center

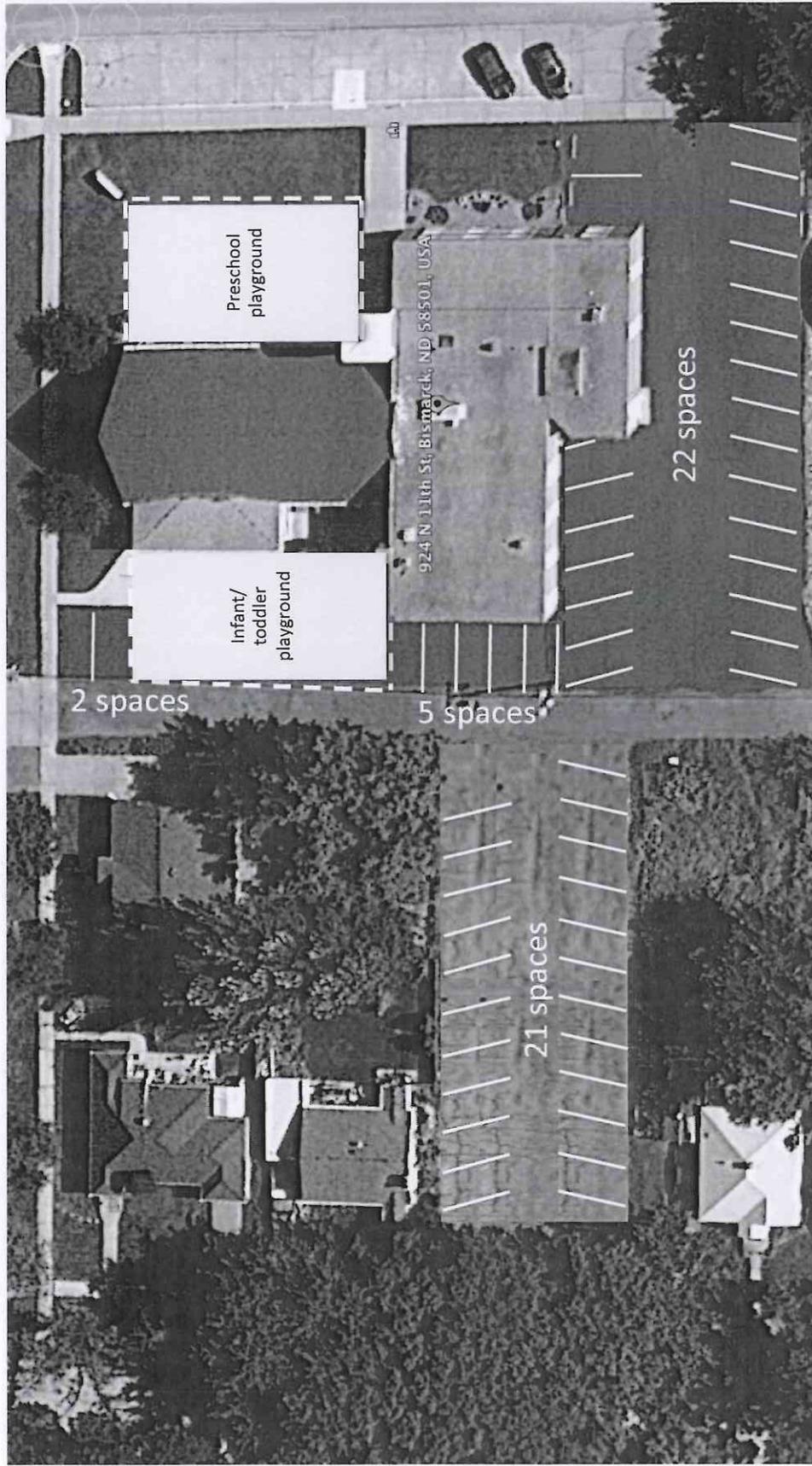


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Map was Updated/Created: March 18, 2013 (hib)

Source: City of Bismarck



CORCORAN SCHOOL PROPOSED SITE PLAN



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Part of Block 15, Northern Pacific Addition – Special Use Permit (Temporary Off-Street Parking)		
Status: Planning Commission – Public Hearing	Date: April 24, 2013	
Owner(s): The Boutrous Group, LLP (Owner) Sanford Health (Applicant)	Engineer: Swenson, Hagen & Company	
Reason for Request: To allow for the temporary use of off-street parking on vacant/undeveloped parcels.		
Location: Along the north side of East Avenue A between North 2 nd Street and North 3 rd Street.		
Project Size: 26,250 SF	Number of Lots: 1 parcel	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: 60-space off-street parking lot	
Zoning: DF-Downtown Fringe	Zoning: DF-Downtown Fringe	
Uses Allowed: Mixed-use development, retail, multi-family residential, office uses and accessory parking facilities with a special use permit	Uses Allowed: Mixed-use development, retail, multi-family residential, office uses and accessory parking facilities with a special use permit	
Maximum Density Allowed: 42 units/acre	Maximum Density Allowed: 42 units/acre	
PROPERTY HISTORY:		
Zoned: 05/2005	Platted: 02/1915	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. An accessory parking facility is allowed as a special use in the DF-Downtown Fringe zoning district. An accessory parking facility is defined as parking that is parking for a specific use, but not located on the same parcel. 2. The proposed use would be temporary, limited to daytime parking only and solely for Sanford Medical employees. The proposed parking area would be utilized by employees of Sanford Medical during the construction of the 6th Street Parking Ramp. Sanford employees currently park in the area proposed to be redeveloped as the 6th Street Parking Ramp; approximately 150 vehicles will be displaced from the existing surface parking lots during the construction of the proposed ramp. The temporary use would coincide with the construction of the 6th Street Parking Ramp and cease upon completion and operation of the new parking facility. 3. Currently the property is gravel. The applicant has indicated a willingness to provide improvements to the property that would help mitigate the tracking of mud and debris from the site onto the public roadway. The proposed improvements include recycled asphalt and a concrete apron near the driveway along East Avenue A. 		

4. Additional site improvements would include temporary fencing along the perimeter of the property to help prevent vehicles from blocking or interfering with pedestrians on the sidewalks, signage indicating the parking area is intended for Sanford employees only and the area would be monitored by Sanford security staff.
5. Access to the site would be limited to one existing driveway along East Avenue A.

FINDINGS:

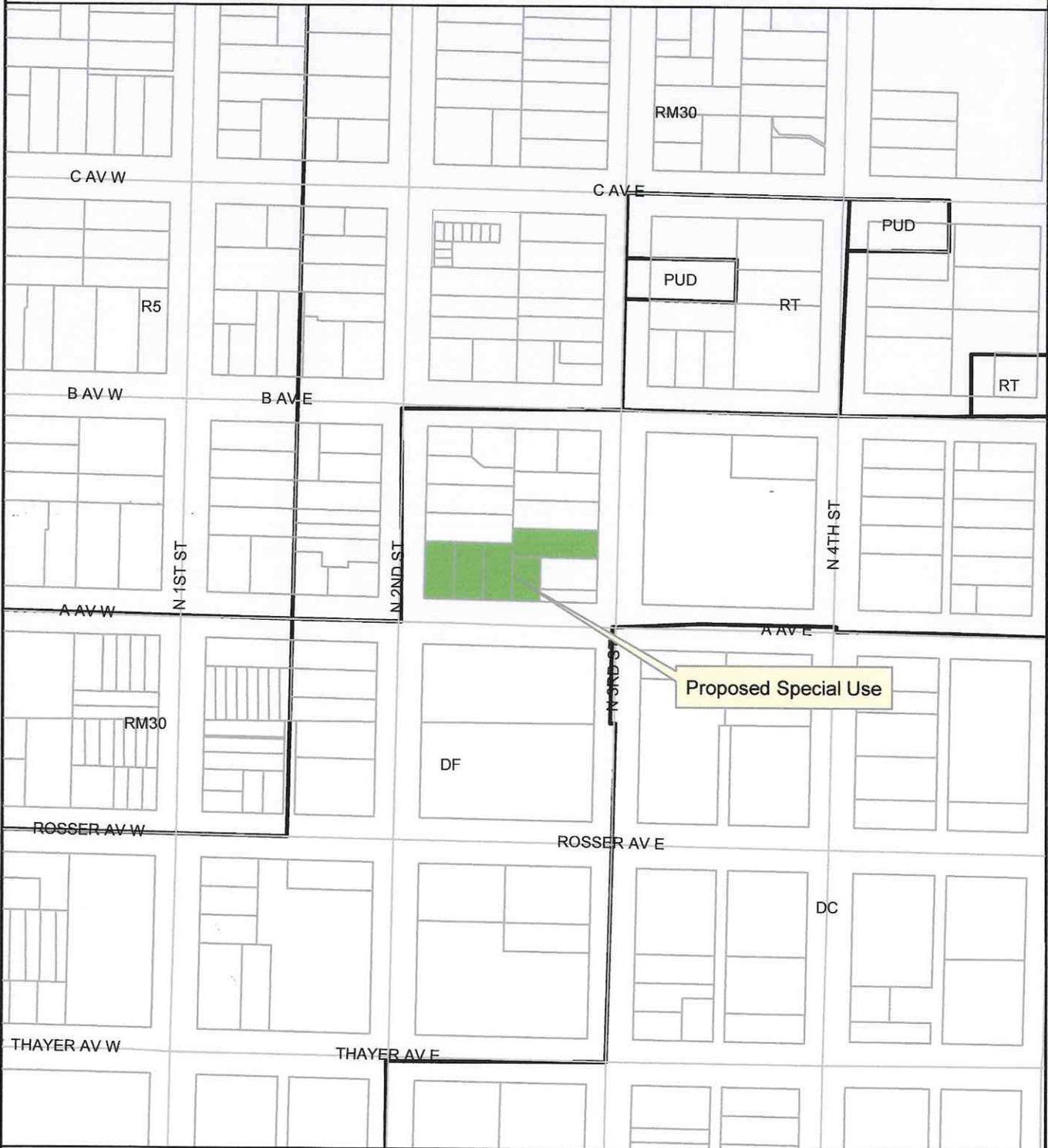
1. The proposed special use complies with all applicable provisions of the zoning ordinance.
2. The proposed special use permit would not adversely affect the public health, safety and general welfare;
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place to serve this property.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets to provide for appropriate on-site circulation of traffic; in particular, ingress to the parking structure would be limited to one driveway near the middle of the block along the north side of East Avenue A.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the temporary use of the property as an off-street parking facility with the following conditions:

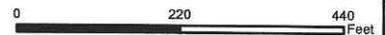
- The development and use of the site generally conforms to the site plan submitted with the application.
- Adequate measures are in place to limit the amount of mud and debris that would be tracked off the site and onto the public roadway.
- The use of the site as an off-street parking facility would cease once the construction of the 6th Street Parking Ramp is complete.
- Adequate measures will be utilized along the perimeter of the parking area adjacent to public sidewalks to prevent vehicles from encroaching onto the public right-of-way.

Proposed Special Use Permit (Temporary Parking) Part of Block 15, Northern Pacific Addition

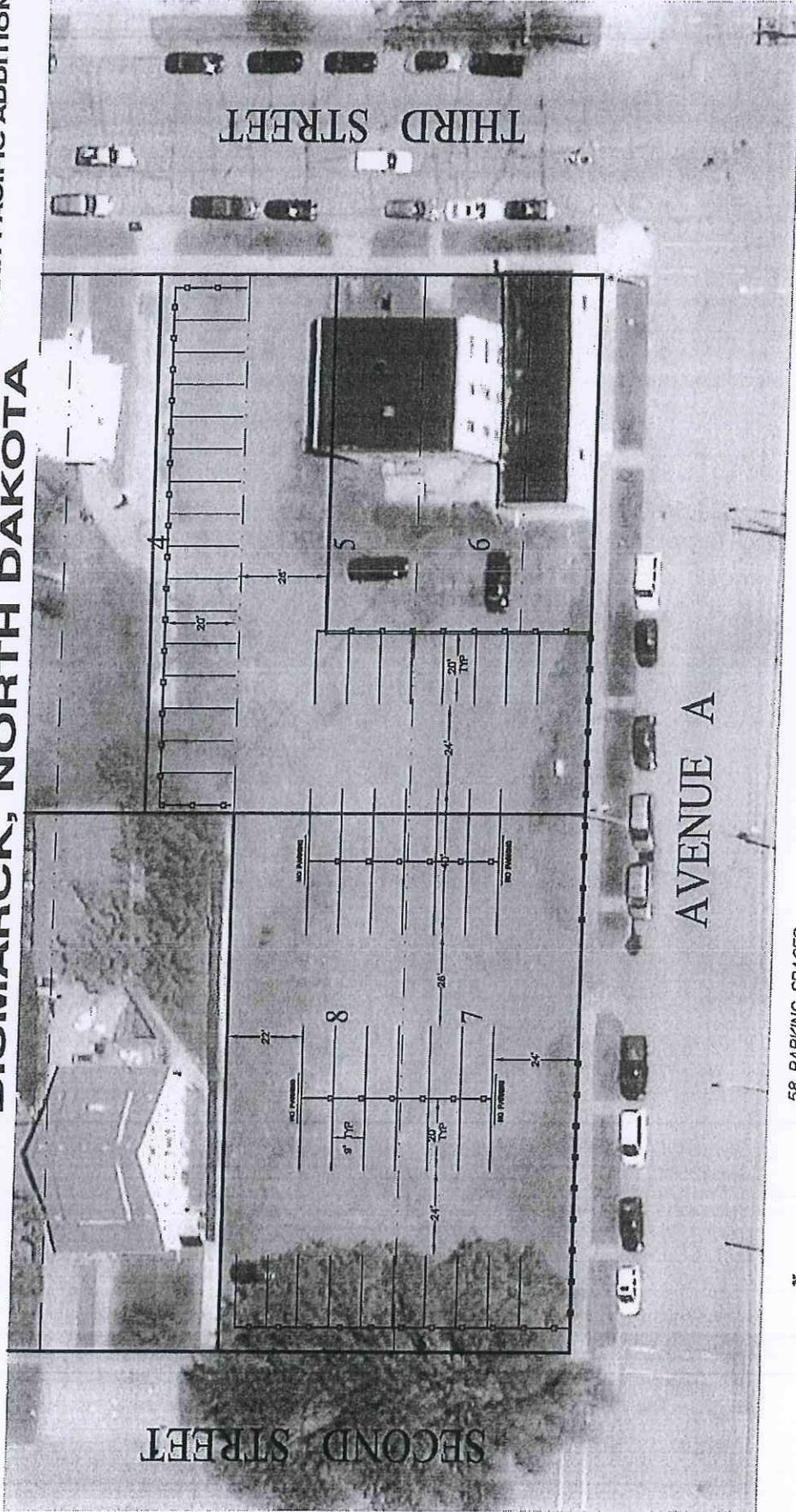


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 1, 2013 (Klee)

Source: City of Bismarck



PROPOSED PARKING LOT
S1/2 LOT 4, N1/2 LOT 5, W 50' OF S1/2 LOT 5, W 50' LOT 6 & LOTS 7 & 8, BLOCK 15, NORTHERN PACIFIC ADDITION
BISMARCK, NORTH DAKOTA



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UTILITY NOTE

The locations of existing underground utilities are shown in an approximate
 way only and have not been independently verified by the owner or its
 representative. The contractor shall determine the location of all
 existing utilities before commencing work, and agrees to be fully responsible
 for any damage to existing utilities. The contractor shall be held liable
 for any damage to existing utilities which might be occasioned by the contractor's
 failure to exactly locate and preserve any and all underground utilities.

58 PARKING SPACES



MARCH 26, 2013



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