

5. Sara’s Addition (JW)	
a. Zoning Change (RR to R5)	11
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
b. Preliminary Plat	15
<i>Staff recommendation: tentative approval</i>	<input type="checkbox"/> tentative approval <input type="checkbox"/> table <input type="checkbox"/> deny
6. Kamrose Addition (JT)	
a. Zoning Change (RM15, RT & CA to R10, RM 15 & P).....	19
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
b. Preliminary Plat	23
<i>Staff recommendation: tentative approval</i>	<input type="checkbox"/> tentative approval <input type="checkbox"/> table <input type="checkbox"/> deny
7. Lots 1-7, Block 1, Huber Real Estate Trust Addition – Zoning Change (RM15 to R10) (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.

8. Country West Heights Addition (Klee)	
a. Annexation	33
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Zoning Change (A & R5 to R5)	37
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
c. Final Plat	41
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
9. Boulder Ridge 6th Addition (Klee)	
a. Annexation	47
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Zoning Change (A to R5).....	51
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
c. Final Plat	55
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

- 10. **Lot 1, Block 1, Blotske Subdivision – Rural Residential Lot Split (JW) 61**
Staff recommendation: approve approve continue table deny
- 11. **Part of Lot 2, Block 1, Menards 2nd Addition – Zoning Change (P to CG) (JT) 65**
Staff recommendation: approve approve continue table deny
- 12. **Lots 1-8, Block 1, McKenzie & Coffins Addition –
Special Use Permit (Child Care Facility) (JW) 69**
Staff recommendation: approve w/conditions approve continue table deny

OTHER BUSINESS

- 13. **Other**

ADJOURNMENT

- 14. **Adjourn.** The next regular meeting date is scheduled for Wednesday, June 26, 2013.

Enclosures: Meeting Minutes of April 24, 2013
 Building Permit Activity Report for April 2013

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

BACKGROUND:		
Title: Hay Creek Commercial Addition – Zoning Change (A & CG to CG)		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): Mandan 94, Investors, LLP Skyline Properties, LLC	Engineer: KLJ	
Reason for Request: To plat, zone and annex property in conjunction with large-scale commercial development project.		
Location: In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).		
Project Size: 37.174 acres	Number of Lots: 5 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant/Undeveloped	Land Use: General commercial	
Zoning: A – Agriculture CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices	Uses Allowed: CG – General commercial, multi-family residential and offices	
Maximum Density Allowed: A – 1 unit per 40 acres CG – 42 units per acre	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: 12/03 (part)	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study), which identifies the area as commercial. 2. The proposed zoning change would generally be compatible with adjacent land uses. Adjacent land uses include developing commercial uses to the south, east and west and rural residential dwellings directly adjacent to the north. The rural residential homes to the north lie approximately 600 feet north of the proposed developed and would be separated by the proposed extension of East LaSalle Drive, and the Hay Creek corridor drainage way. 3. An annexation request has been submitted in conjunction with this request, the entire property would be annexed prior to development; therefore the proposed zoning change would not place an undue burden on public services. 		
<i>(continued)</i>		

4. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, there are five existing rural residentially-zoned homes approximately 600-700 feet north of the proposed subdivision.
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 for the zoning change for Hay Creek Commercial Addition from the A-Agriculture and CG-Commercial zoning districts to the CG-Commercial zoning district.

Proposed Plat and Zoning Change (A & CG to CG) Hay Creek Commercial Addition



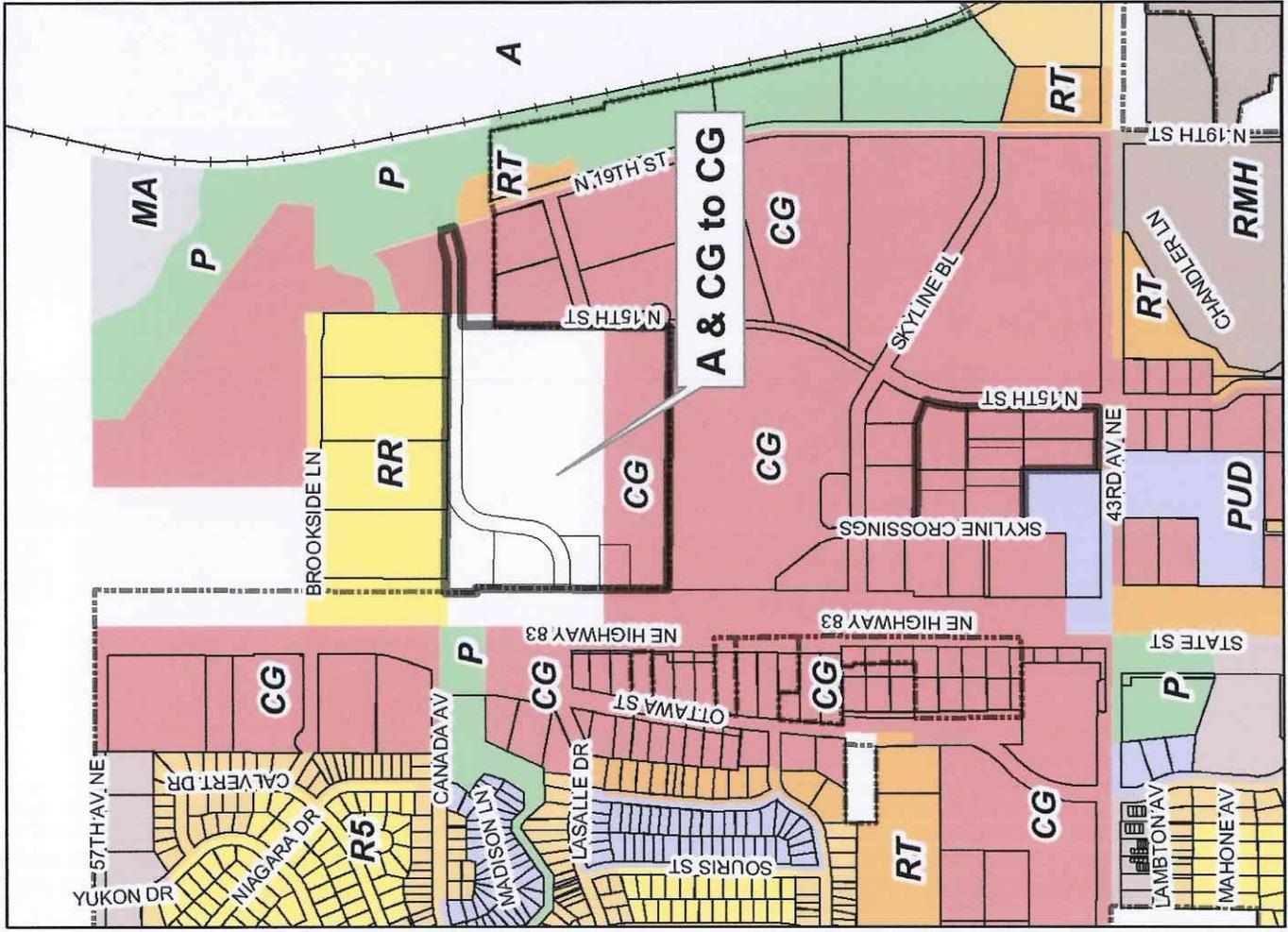
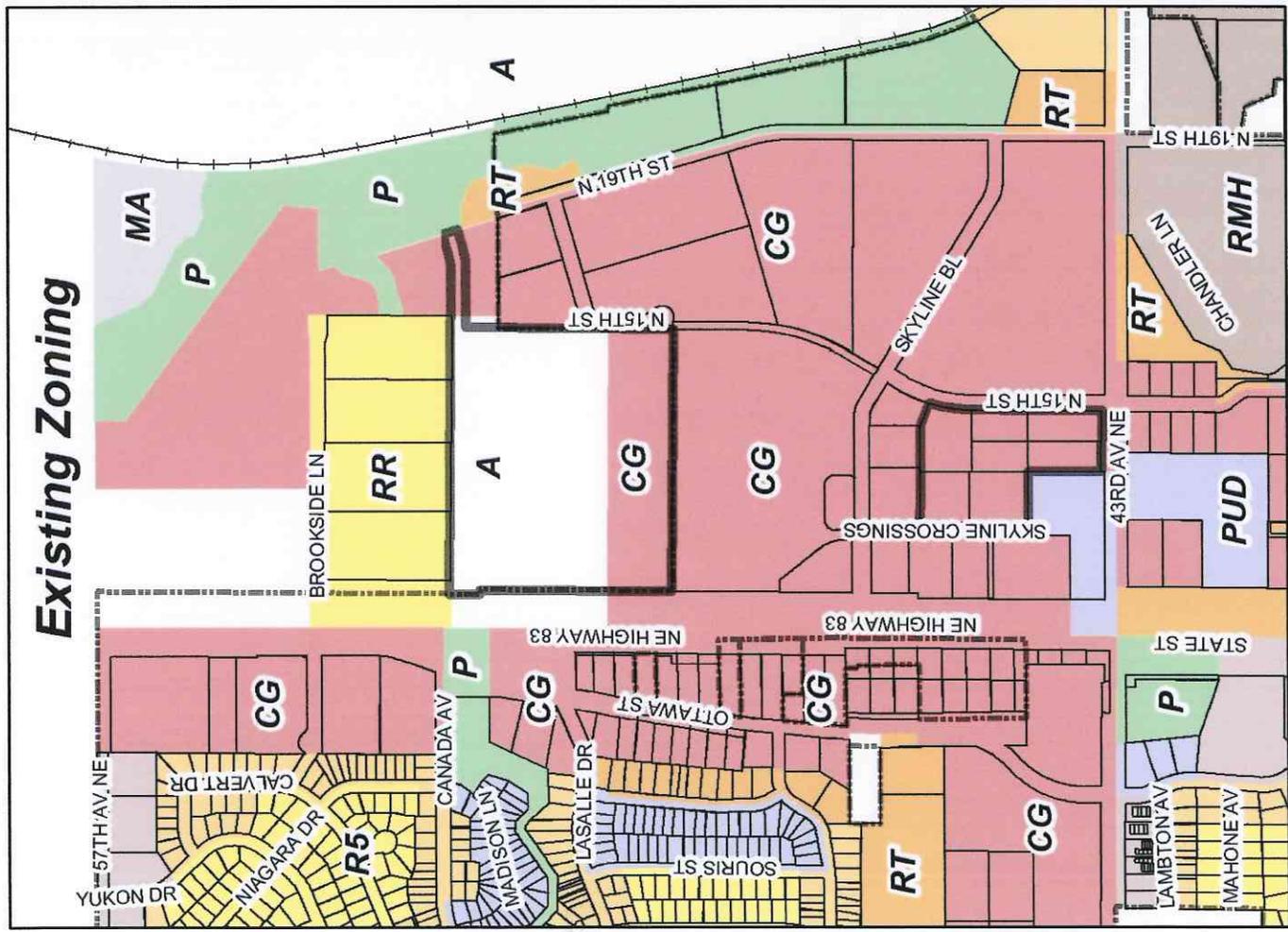
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Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck

N



Hay Creek Commercial Addition - Zoning Change



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

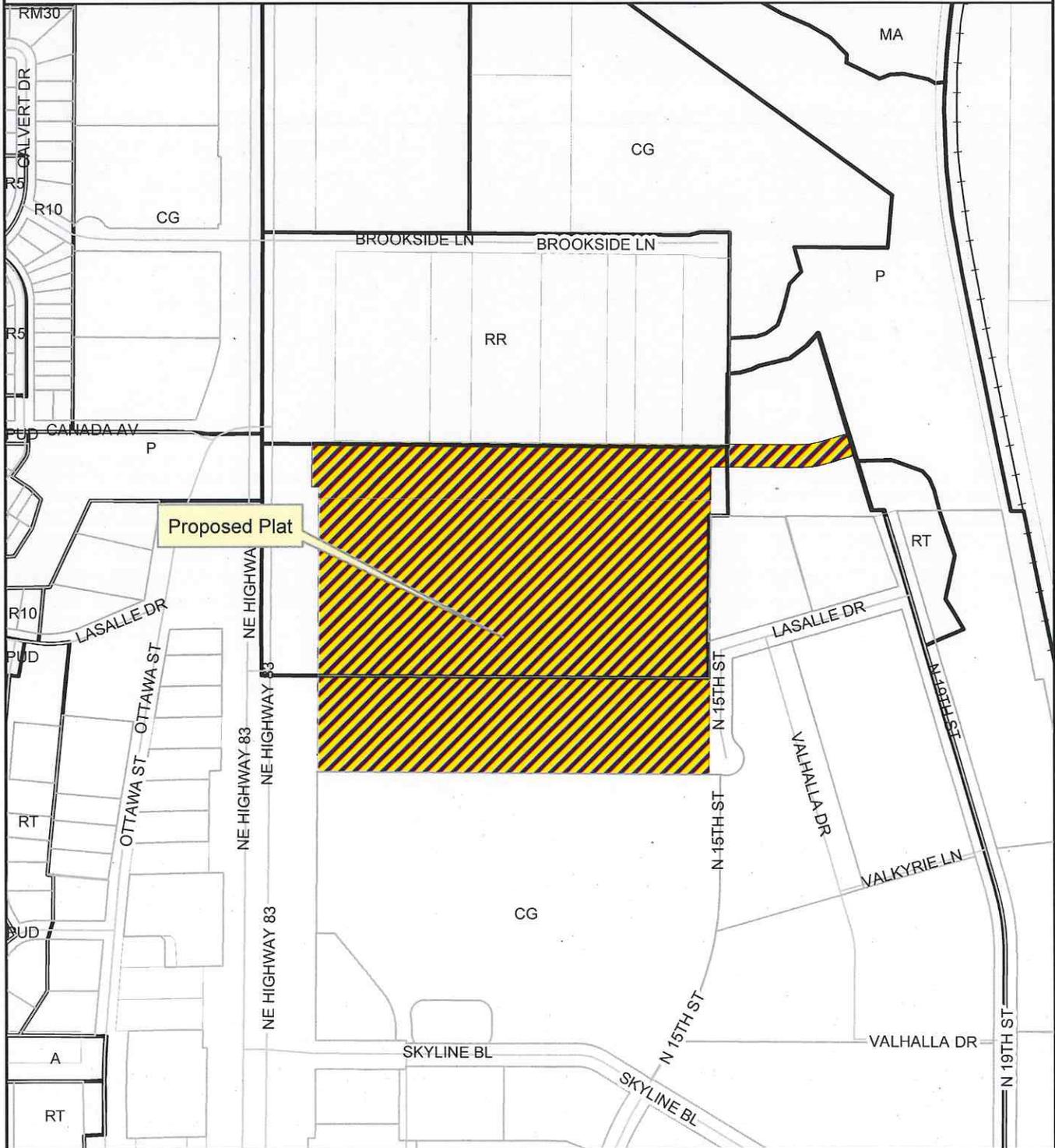
BACKGROUND:		
Title: Hay Creek Commercial Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): Mandan 94, Investors, LLP Skyline Properties, LLC	Engineer: KLJ	
Reason for Request: To plat, zone and annex property in conjunction with large-scale commercial development project.		
Location: In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).		
Project Size: 37.174 acres	Number of Lots: 5 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant/Undeveloped	Land Use: General commercial	
Zoning: A – Agriculture CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices	Uses Allowed: CG – General commercial, multi-family residential and offices	
Maximum Density Allowed: A – 1 unit per 40 acres CG – 42 units per acre	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: 12/03	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for consideration of a preliminary plat have been met. The proposed subdivision would conform to the Fringe Area Road Master Plan, which identifies East LaSalle Drive as the east-west collector roadway for this section. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include commercially-zoned property to the east, commercial property to the south and west and five, rural residential homes to the north. The commercial development would be separated from the homes by approximately 600-700 feet, most of which is the homeowners' back yards. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, there are five existing rural residentially-zoned homes approximately 600-700 feet north of the proposed subdivision. 		
<i>(continued)</i>		

5. The entire property would be annexed prior to development; therefore the proposed zoning change would not place an undue burden on public services.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
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 Hay Creek Commercial Addition.

Proposed Plat and Zoning Change (A & CG to CG) Hay Creek Commercial Addition

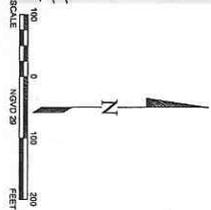
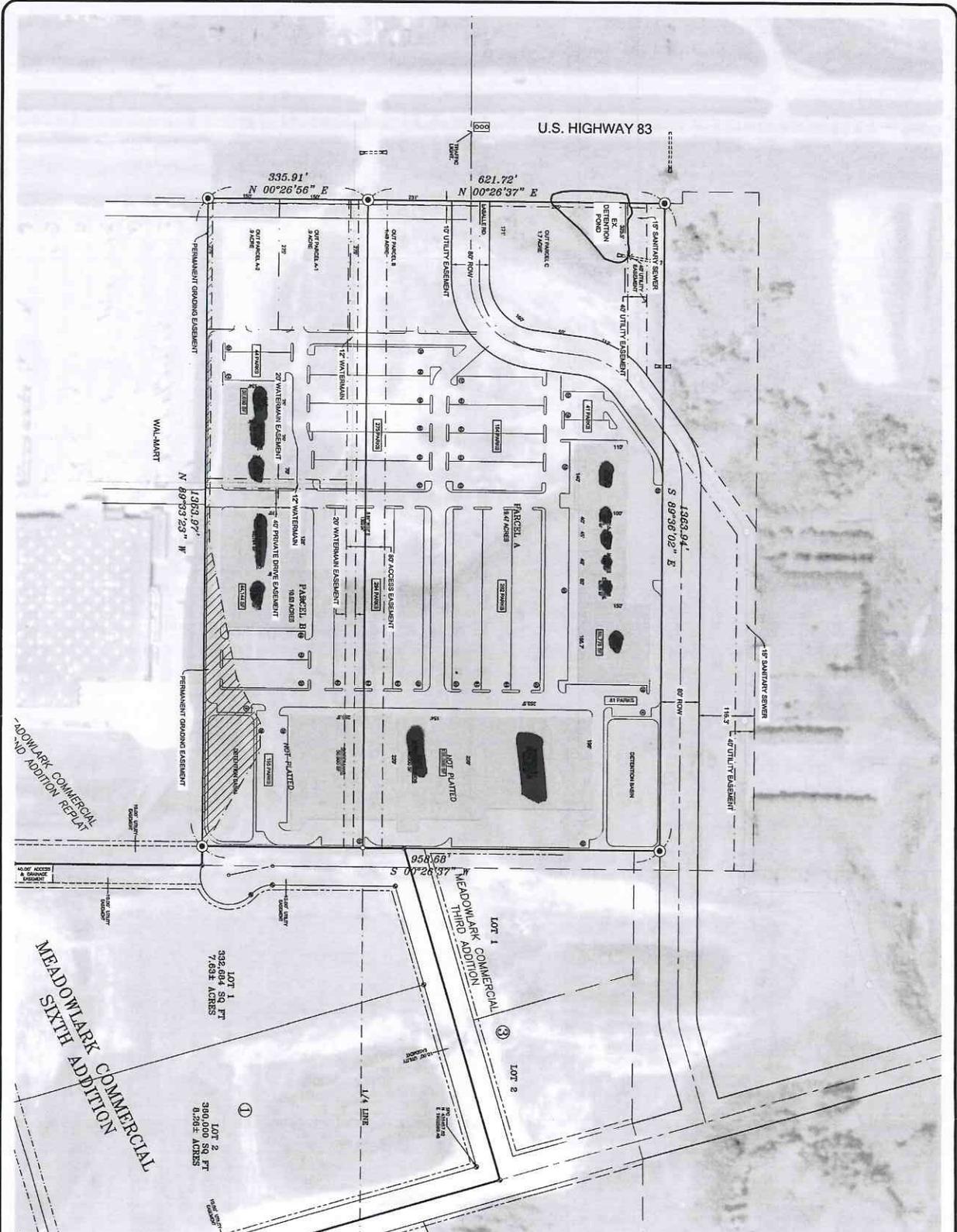


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Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



Date: 14, 2012 - 11:57am - User: sdsdalla1812537-HayCreek.com\AD\1612537-HC-Comm-base.dwg



PRELIMINARY - NOT FOR CONSTRUCTION

HAY CREEK COMMERCIAL
 WOODMONT BISMARCK DEVELOPERS, LP.
 BISMARCK, NORTH DAKOTA
EXISTING CONDITIONS W/ ROAD LAYOUT 4A & CONCEPTUAL SITE PLAN

NO. DATE REVISION
 1 12/14/2012
 SAJ
 BLK
 1612537
 12/14/2012

NO.	DATE	REVISION

RECEIVED
 DEC 17 2012

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

BACKGROUND:		
Title: Sara's Addition – Zoning Change (RR to R5)		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): Ryan and Sara Deichert	Engineer: Hummert Land Surveying	
Reason for Request: Plat, zone and annex property for urban residential development.		
Location: Along the west side of England Street, South of Scout Street (The N½ of the NE¼ of the SE¼ of the NE¼ and the NE¼ of the NW¼ of the SE¼ of the SE¼ of the NE¼ of Section 19, T138N/R80 Lincoln Township).		
Project Size: 1.86 acres or 81,021 square feet	Number of Lots: 3 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RR-Residential	Land Use: Single Family residential	
	Zoning: R5-Residential	
Uses Allowed: RR-Residential	Uses Allowed: R5-Single-family residential	
Maximum Density Allowed: A – One unit/65,000 square feet	Maximum Density Allowed: R5- 5 units/acre	
PROPERTY HISTORY:		
Zoned: 12/1976	Platted: ---	Annexed: ---
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). 2. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include urban residential to the east, and rural residential to the north, south and west. 3. The proposed subdivision 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 a hearing on the zoning change from RR-Residential zoning district to the R5-Residential zoning district for Sara's Addition.		

Proposed Plat, Annex and Zoning Change (RR to R5) Sara's Addition

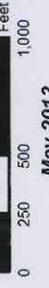
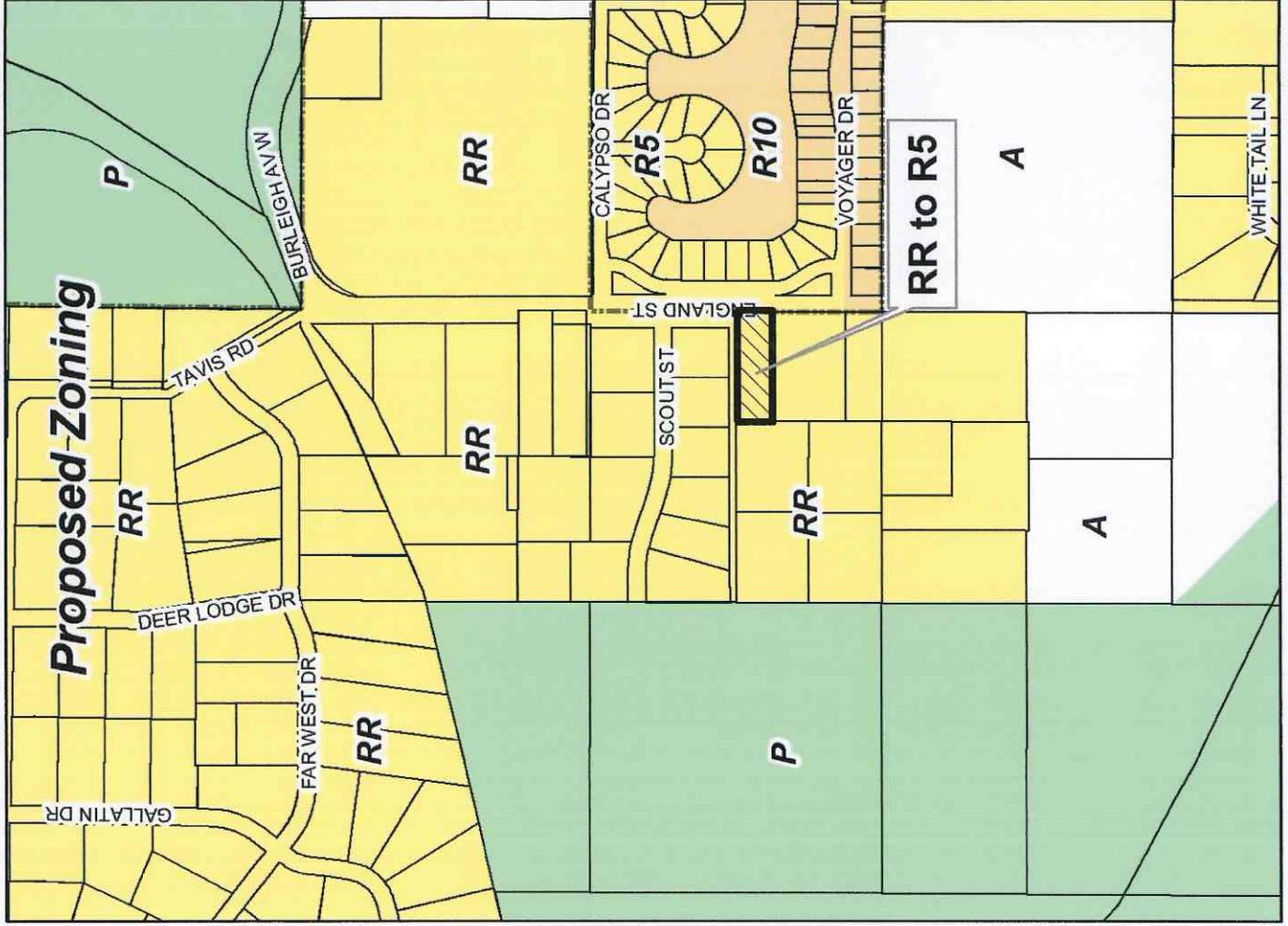
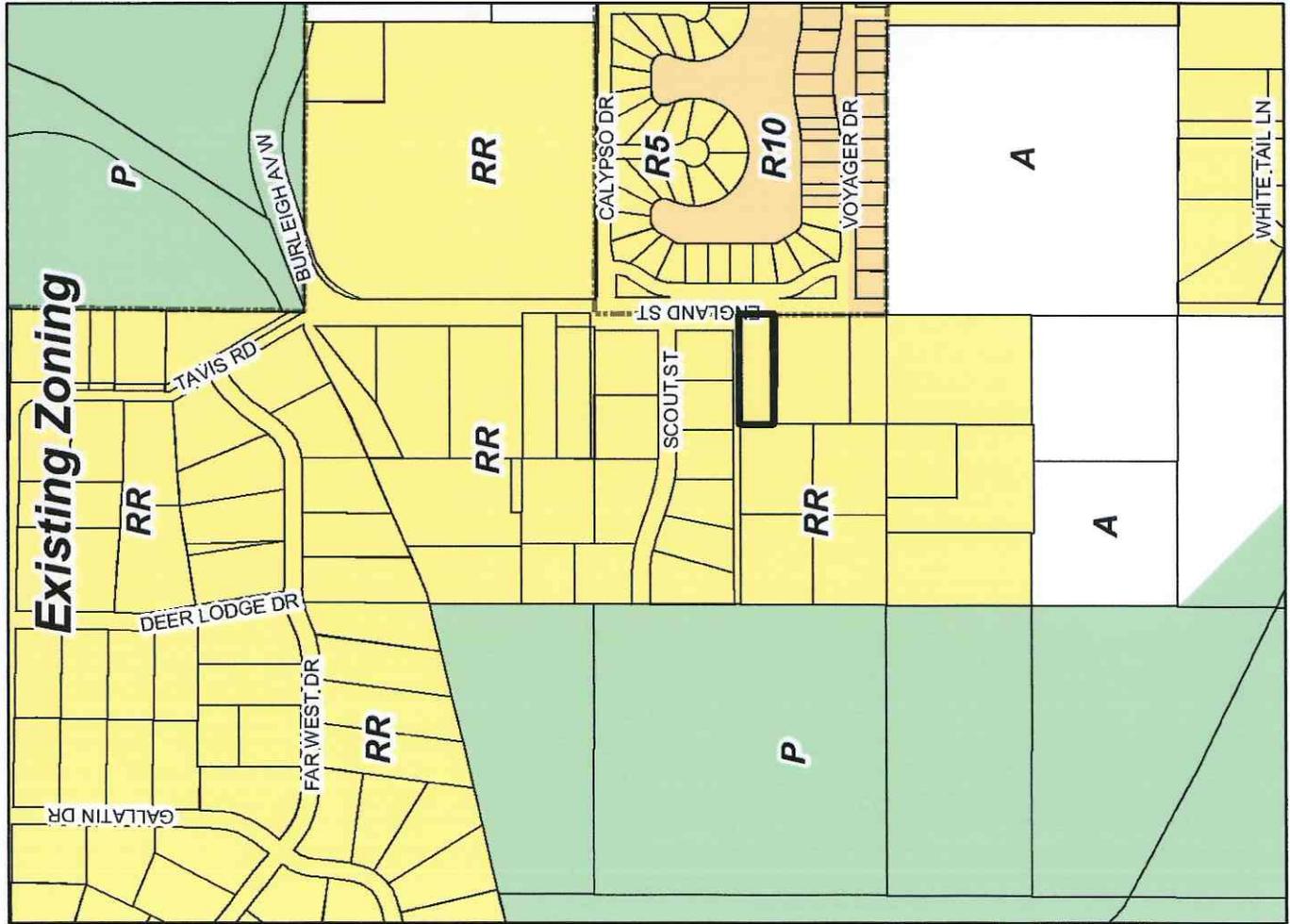


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Map was Updated/Created: April 23, 2013 (hlb)

Source: City of Bismarck



Sara's Addition - Zoning Change



May 2013

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

BACKGROUND:		
Title: Sara's Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): Ryan and Sara Deichert	Engineer: Hummert Land Surveying	
Reason for Request: Plat, zone and annex property for urban residential development.		
Location: Along the west side of England Street, South of Scout Street (The N½ of the NE¼ of the SE¼ of the NE¼ and the NE¼ of the NW¼ of the SE ¼ of the SE¼ of the NE¼ of Section 19, T138N/R80 Lincoln Township).		
Project Size: 1.86 acres or 81,021 square feet	Number of Lots: 3 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: Single-family residential	
Uses Allowed: RR – Rural residential	Zoning: R – Residential	
Uses Allowed: RR – Rural residential	Uses Allowed: R5 – Single family residential	
Maximum Density Allowed: RR – One unit/65,000 square feet	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: 12/1976	Platted: ---	Annexed: ---
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a preliminary plat have been met. 2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan, which identifies England Street as a north-south arterial roadway. 3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include urban residential to the east, and rural residential to the north, south, and west. 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. 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 tentative approval of the preliminary plat of Sara's Addition.		

Proposed Plat, Annex and Zoning Change (RR to R5) Sara's Addition



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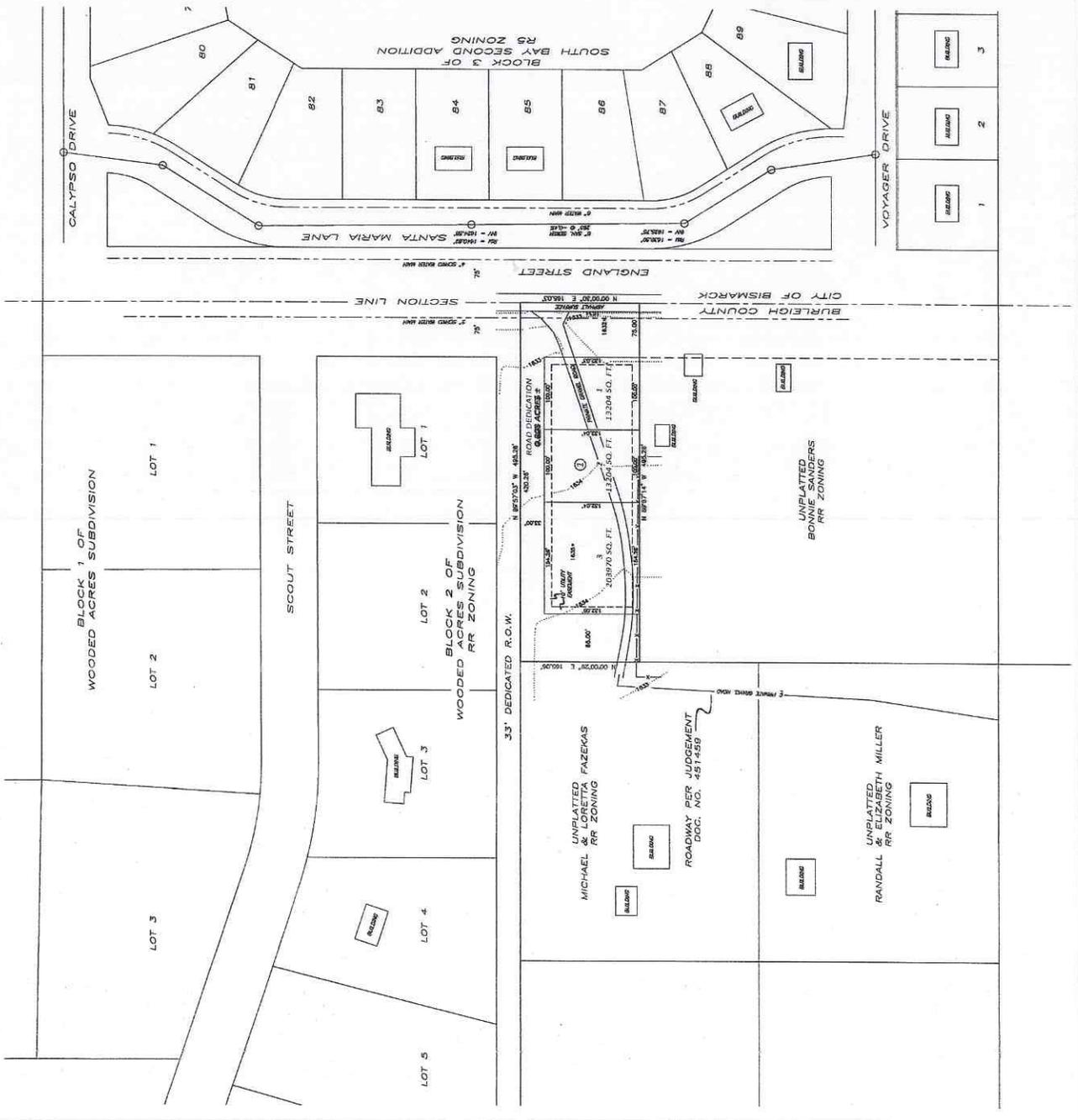
Source: City of Bismarck



PRELIMINARY PLAT OF
SARA'S ADDITION
 BEING THE N1/2NE1/4SE1/4NE1/4 AND THE NE1/4NW1/4SE1/4SE1/4NE1/4
 OF SECTION 19, T138N, R80W OF THE 5TH P.M.
 BURLEIGH COUNTY, NORTH DAKOTA

RECEIVED

MAY 03 2013



DATE OF FIELD SURVEY: APRIL 2, 2013

PROPERTY OWNERS:
 RWAY AND SARA BOGHEIT
 414 N. 22ND STREET
 BISMARCK, ND 58501

PREPARED BY:
 ARON HUMMERT, A.S. 7512
 SURVEYOR
 HUMMERT LAND SURVEYING
 1309 16th STREET SE
 BISMARCK, ND 58504
 PHONE: (701) 428-8824

TOTAL ACRES:
 1.876 ACRES MORE OR LESS

FLOODPLAIN INFORMATION:
 THE ENTIRE AREA LIES WITHIN THE
 100 YEAR FLOOD PLAIN - ZONE AE.

BASE FLOOD ELEVATION:
 1536.0'

PER FIRM MAP NUMBER 300750790C
 EFFECTIVE DATE JULY 19, 2005

ELEVATION DATA
 ALL ELEVATIONS SHOWN ARE RELATIVE TO NAVD83
 AS DETERMINED BY RTK MEASUREMENTS FROM BSMK
 VERIFIED TO CITY BENCHMARK DATA.

VICINITY MAP:



HUMMERT LAND SURVEYING
 1309 16th STREET SOUTHEAST
 BISMARCK, NORTH DAKOTA 58504

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

BACKGROUND:		
Title: Kamrose Addition – Zoning Change (RM15, RT & CA to RM15, R10 & P)		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): MK Home Builders, Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for mixed density residential development.		
Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (A replat of Lots 1-9, Block 1, Lots 11-14, Block 5 and Lots 1-3, Block 6, Huber Real Estate Trust Addition, T138N-R80W/Lincoln Township).		
Project Size: 23.10 acres	Number of Lots: 40 lots in 3 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Mixed-density residential and storm water retention	
Zoning: RM15 – Residential RT – Residential CA – Commercial	Zoning: R10 – Residential RM15 – Residential P – Public	
Uses Allowed: RM15 – Multi-family residential RT – Multi-family residential and offices CA – Neighborhood commercial and multi-family residential	Uses Allowed: R10 – One- and two-family residential RM15 – Multi-family residential P – Parks, open space and storm water facilities	
Maximum Density Allowed: CA – 30 units/acre RT – 30 units/acre RM15 – 15 units/acre	Maximum Density Allowed: R10 – 10 units/acre RM15 – 15 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: 10/79 & 09/08 (portion)	Platted: 10/79	Annexed: 06/07
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 undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. 3. The entire subdivision is annexed; therefore, it would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

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:

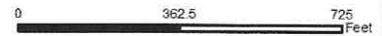
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15-Residential, RT-Residential and CA-Commercial zoning districts to the R10-Residential, RM15-Residential and P-Public zoning districts for Kamrose Addition.

Proposed Plat and Zoning Change (CA, RT & RM15 to RM15, R10 & P) Kamrose First Addition

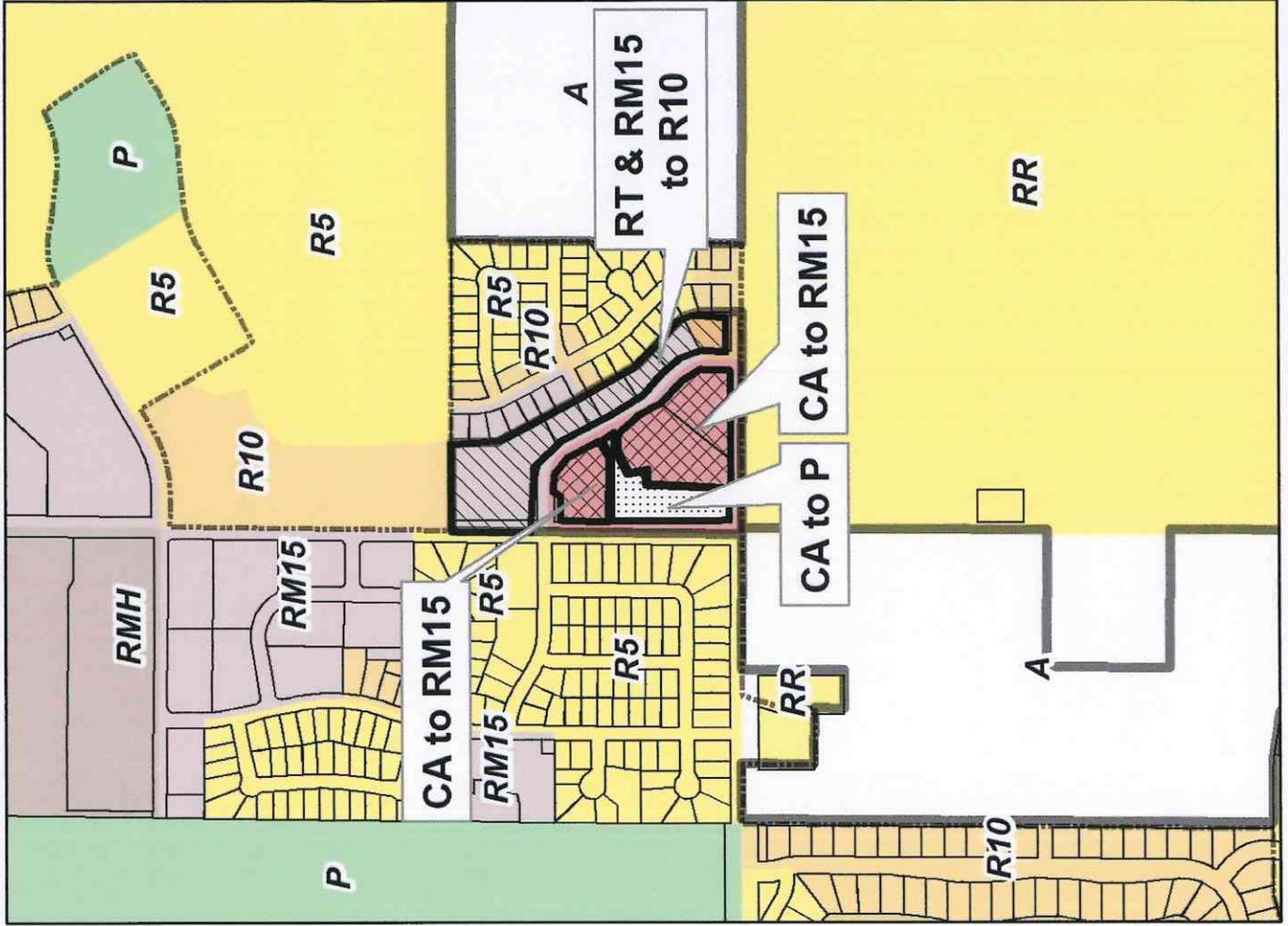
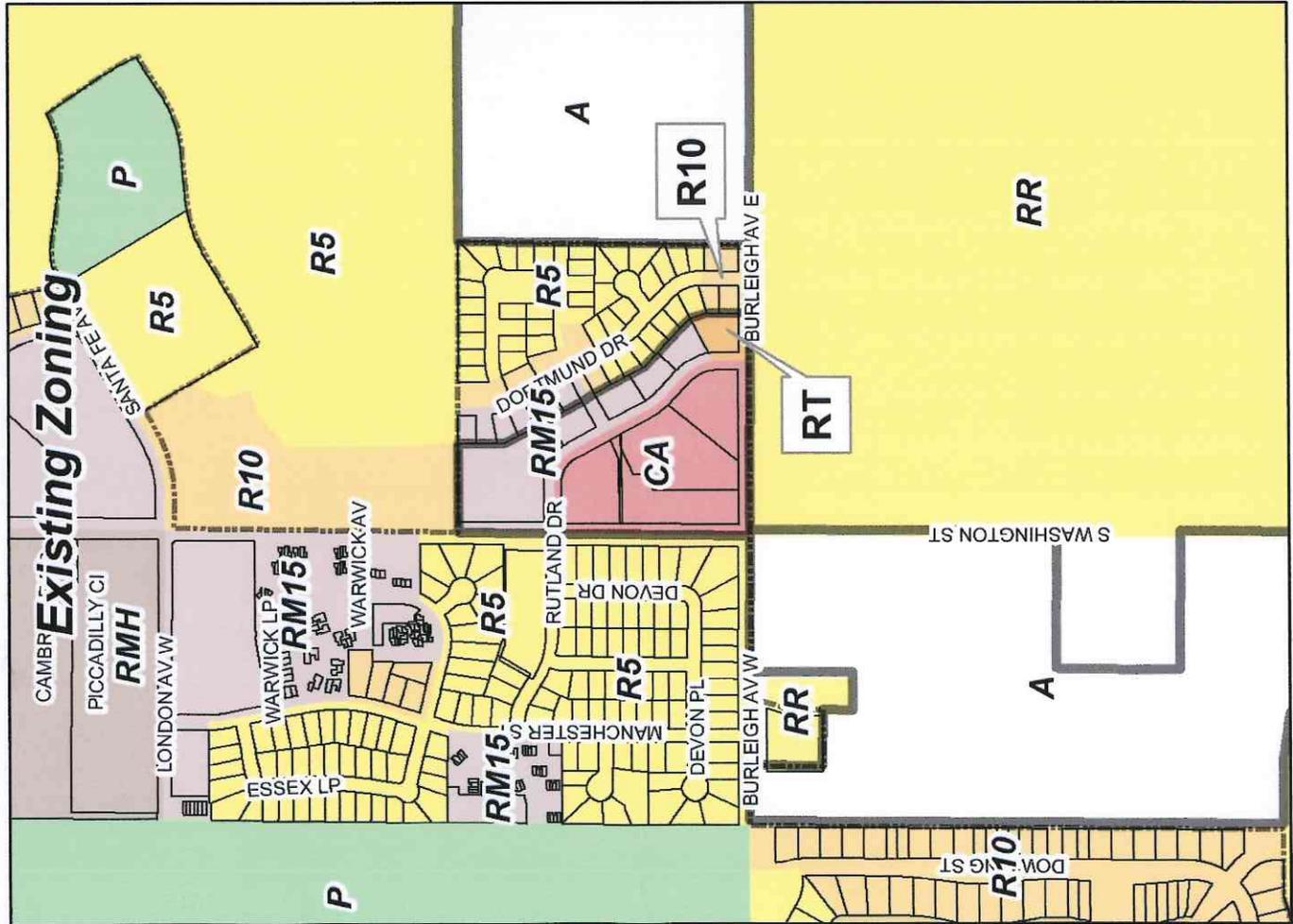


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Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



Kamrose Addition - Zoning Change



May 2013

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

BACKGROUND:		
Title: Kamrose Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): MK Home Builders, Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for mixed density residential development.		
Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (A replat of Lots 1-9, Block 1, Lots 11-14, Block 5 and Lots 1-3, Block 6, Huber Real Estate Trust Addition, T138N-R80W/Lincoln Township).		
Project Size: 23.10 acres	Number of Lots: 40 lots in 3 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Mixed-density residential and storm water retention	
Zoning: RM15 – Residential RT – Residential CA – Commercial	Zoning: R10 – Residential RM15 – Residential P – Public	
Uses Allowed: RM15 – Multi-family residential RT – Multi-family residential and offices CA – Neighborhood commercial and multi-family residential	Uses Allowed: R10 – One- and two-family residential RM15 – Multi-family residential P – Parks, open space and storm water facilities	
Maximum Density Allowed: RM15 – 15 units/acre RT – 30 units/acre CA – 30 units/acre	Maximum Density Allowed: R10 – 10 units/acre RM15 – 15 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: 10/79 & 09/08 (portion)	Platted: 10/79	Annexed: 06/07
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a preliminary plat have been met. 2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Washington Street and Burleigh Avenue as arterial roadways. 3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. 		
<i>(continued)</i>		

4. The entire subdivision would be annexed; 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.
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:

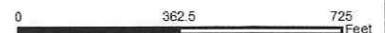
Based on the above findings, staff recommends tentative approval of the preliminary plat of Kamrose Addition.

Proposed Plat and Zoning Change (CA, RT & RM15 to RM15, R10 & P) Kamrose First Addition



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Map was Updated/Created: April 23, 2013 (h/b)

Source: City of Bismarck



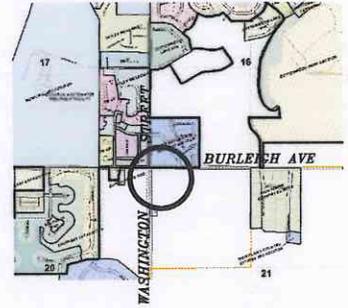
MAY 10 2013

KAMROSE ADDITION

A REPLAT OF LOTS 1-3, BLOCK 6, LOTS 8-8, BLOCK 1,
& LOT 11, BLOCK 5, HUBER REAL ESTATE TRUST ADDITION
PART OF THE SE 1/4 OF SEC. 16, TOWNSHIP 138 N. RANGE 80 W.

BISMARCK, NORTH DAKOTA

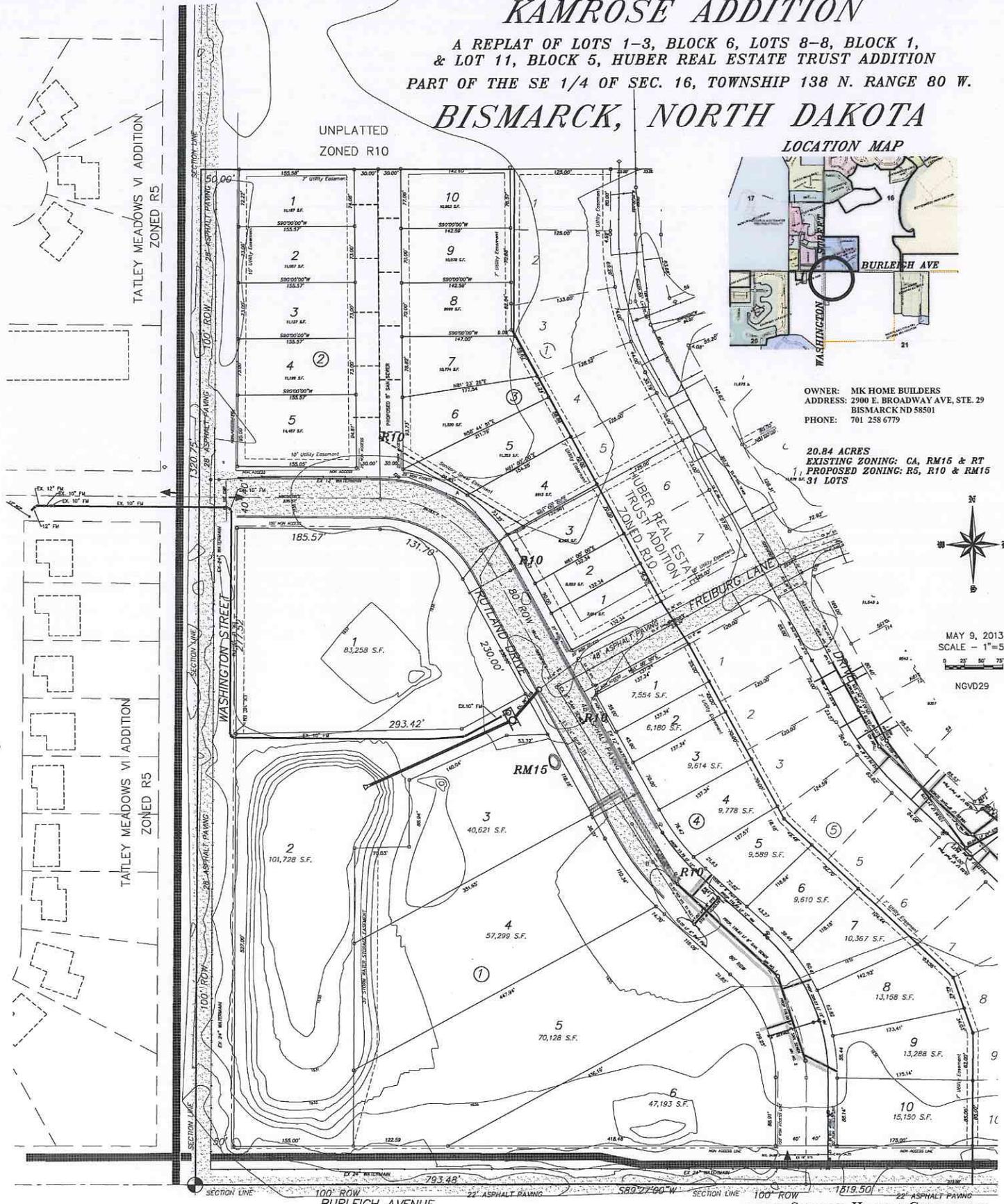
LOCATION MAP



OWNER: MK HOME BUILDERS
ADDRESS: 2900 E. BROADWAY AVE, STE. 29
BISMARCK ND 58501
PHONE: 701 258 6779

20.84 ACRES
EXISTING ZONING: CA, RM15 & RT
PROPOSED ZONING: R5, R10 & RM15
31 LOTS

MAY 9, 2013
SCALE - 1"=50'
NGVD29



UNPLATTED
ZONED RR

SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue
 Bismarck, North Dakota 58501
 Phone (701) 253-2600
 Fax (701) 253-2606

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

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

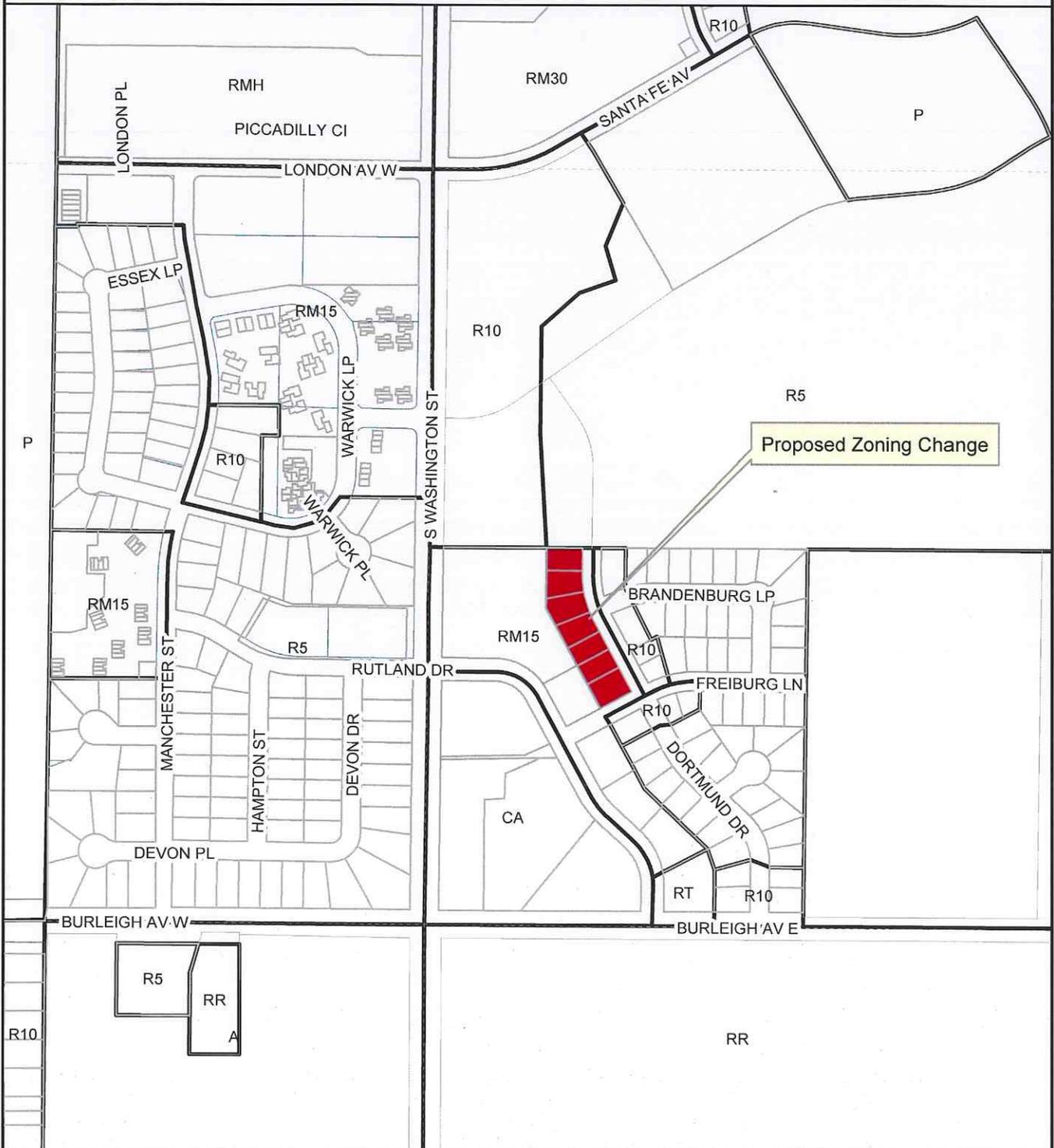
BACKGROUND:		
Title: Lots 1-7, Block 1, Huber Real Estate Trust First Addition – Zoning Change (RM15 to R10)		
Status: Planning Commission – Consideration	Date: May 22, 2013	
Owner(s): MK Home Builders, Inc. Verity Homes of Bismarck, LLC Tom Kunz	Engineer: Swenson, Hagen & Co.	
Reason for Request: Zone property for single and two-family residential development.		
Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (Lots 1-7, Block 1, Huber Real Estate Trust First Addition).		
Project Size: 1.68 acres	Number of Lots: 7 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM15 – Residential	Land Use: Single and two-family residential	
Uses Allowed: RM15 – Multi-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: RM15 – 15 units/acre	Uses Allowed: R10 – Single and two-family residential	
PROPERTY HISTORY:	Maximum Density Allowed: R10 – 10 units/acre	
Zoned: 10/79 & 09/08 (portion)	Platted: 10/79	Annexed: 06/07
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 undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. 3. The entire subdivision would be annexed; therefore, it 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 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:

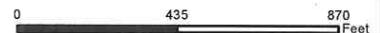
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15-Residential zoning district to the R10-Residential district for Lots 1-7, Block 1, Huber Real Estate Trust First Addition.

**Proposed Zoning Change (RM15 to R10)
 Lots 1-7, Block 1
 Huber Real Estate Trust First Addition**

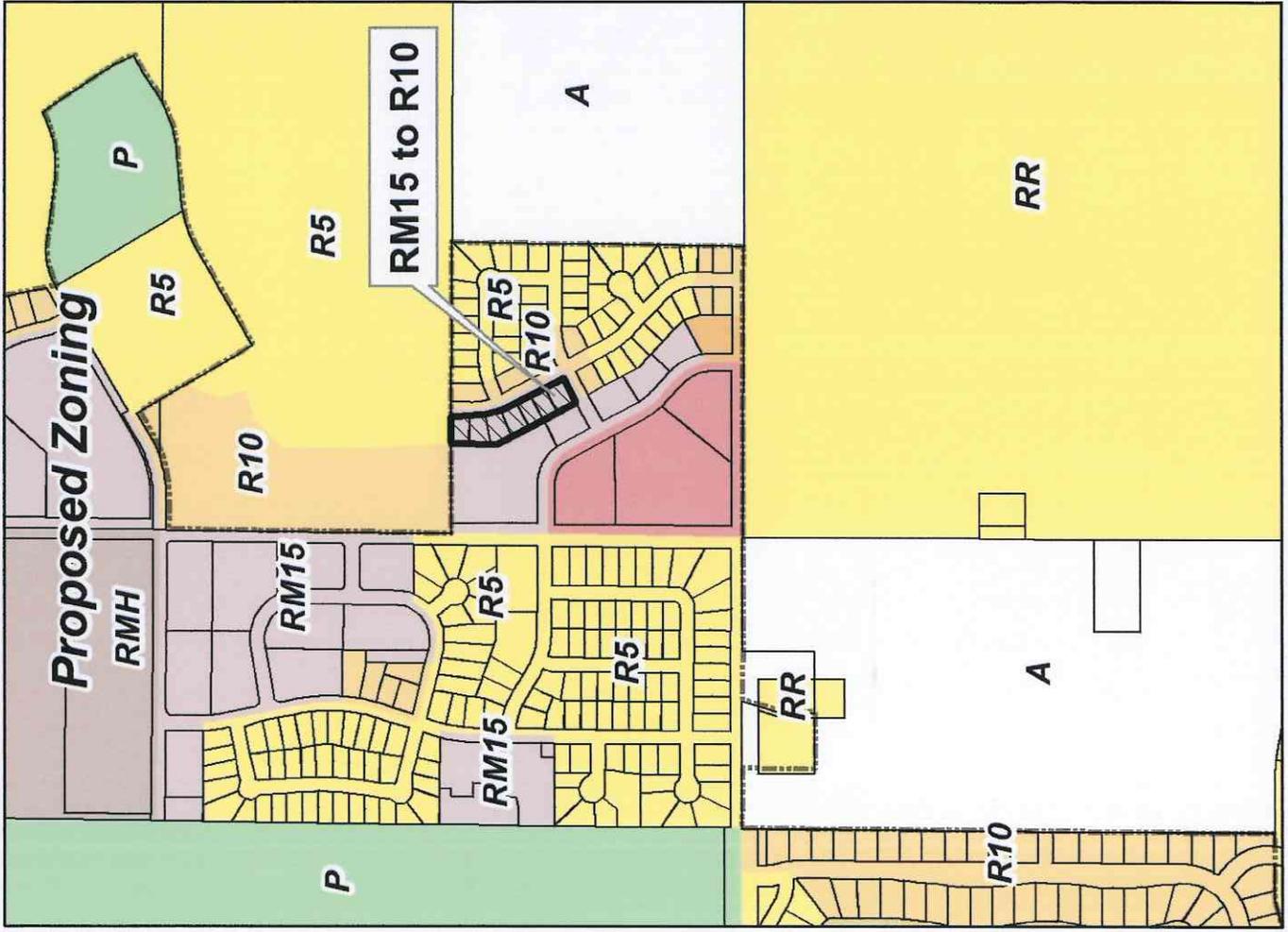
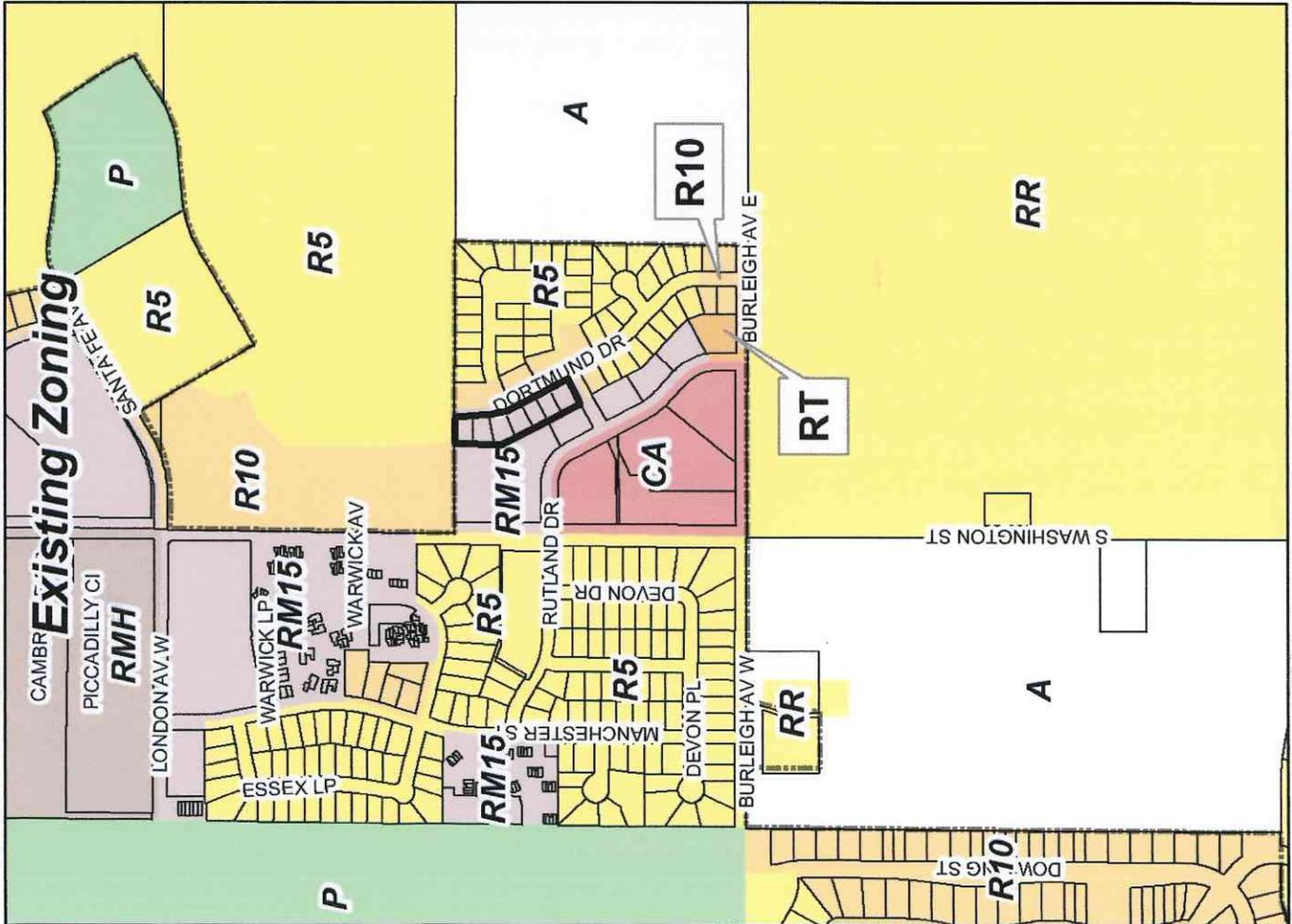


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: May 15, 2013 (hlb)

Source: City of Bismarck



Huber Real Estate Trust First Addition - Zoning Change



May 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: Part of Country West Heights Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: May 22, 2013	
Owner(s): William E Clairmont Revocable Living Trust Clairmont Development Company Mitzel Builders Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: West of North Washington Street between Ash Coulee Drive and 57 th Avenue NW (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: 13.67 acres (total) 11.07 (portion being annexed)	Number of Lots: 26 lots in 3 blocks (total) 23 lots in 3 blocks (portion being annexed)	
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	
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)
ADDITIONAL INFORMATION:		
1. The storm water management plan for the final plat of Country West Heights Addition has not yet been approved by the City Engineer.		
FINDINGS:		
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.		

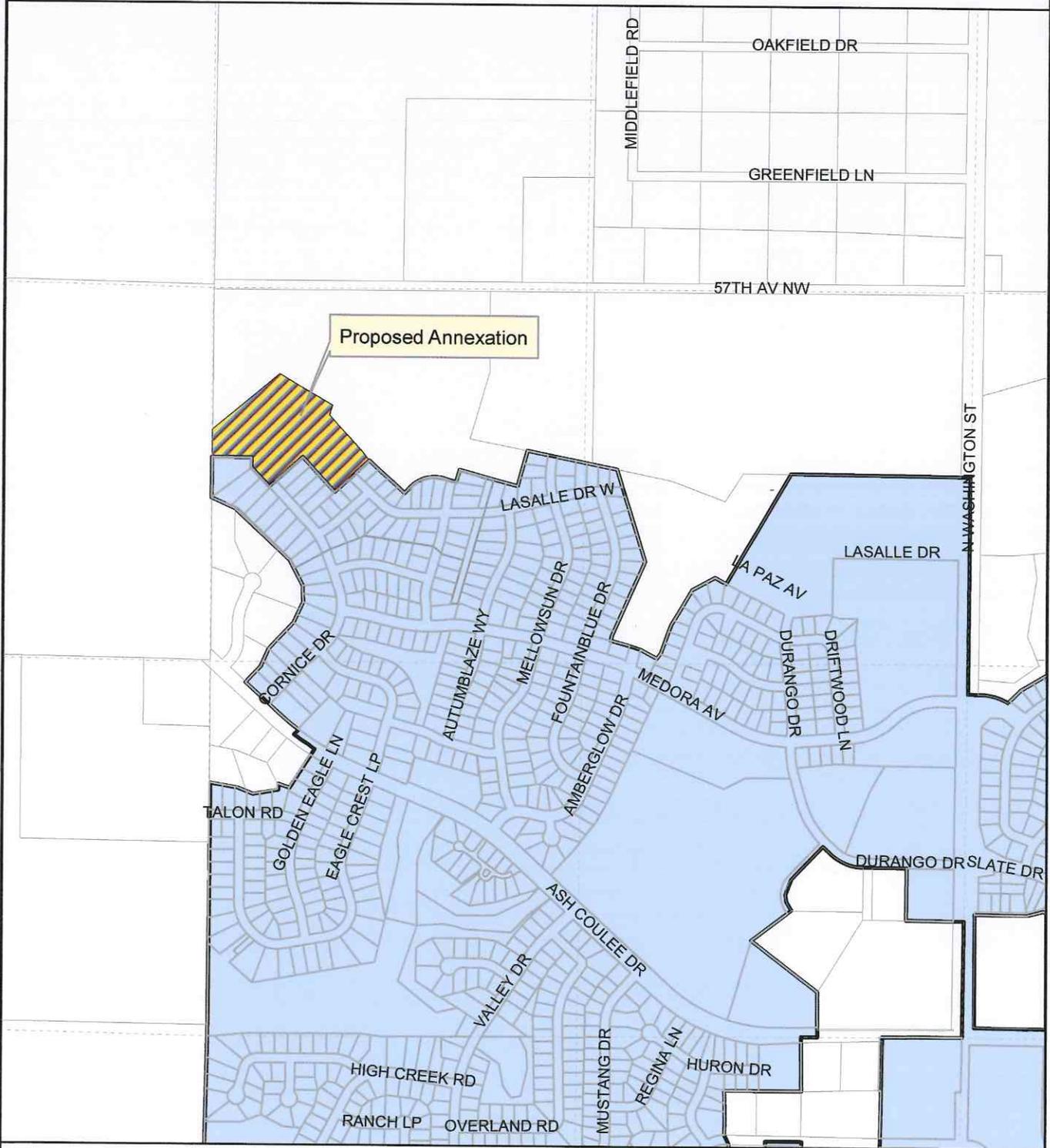
RECOMMENDATION:

As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the annexation of that portion of Country West Heights Addition not previously annexed.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the annexation of that portion of Country West Heights Addition not previously annexed (Lots 4-10, Block 1; Lots 1-10, Block 2 and Lots 1-6, Block 3).

Proposed Annexation Part of 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



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

BACKGROUND:		
Title: Country West Heights Addition – Zoning Change (A and R5 to R5)		
Status: Planning Commission – Public Hearing	Date: May 22, 2013	
Owner(s): William E Clairmont Revocable Living Trust Clairmont Development Company Mitzel Builders Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: West of North Washington Street between Ash Coulee Drive and 57 th Avenue NW (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: 13.67 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	
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)
ADDITIONAL INFORMATION:		
1. The storm water management plan for the final plat of Country West Heights Addition has not yet been approved by the City Engineer.		
FINDINGS:		
1. The proposed zoning change is consistent with the Land Use Plan, which identifies the future 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 and southeast, and agricultural land to the north, west and northeast.		
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.		
<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.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the zoning change for Country West Heights Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

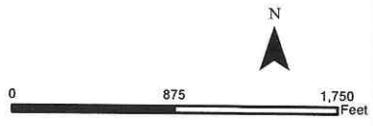
Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential zoning district for Country West Heights Addition.

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

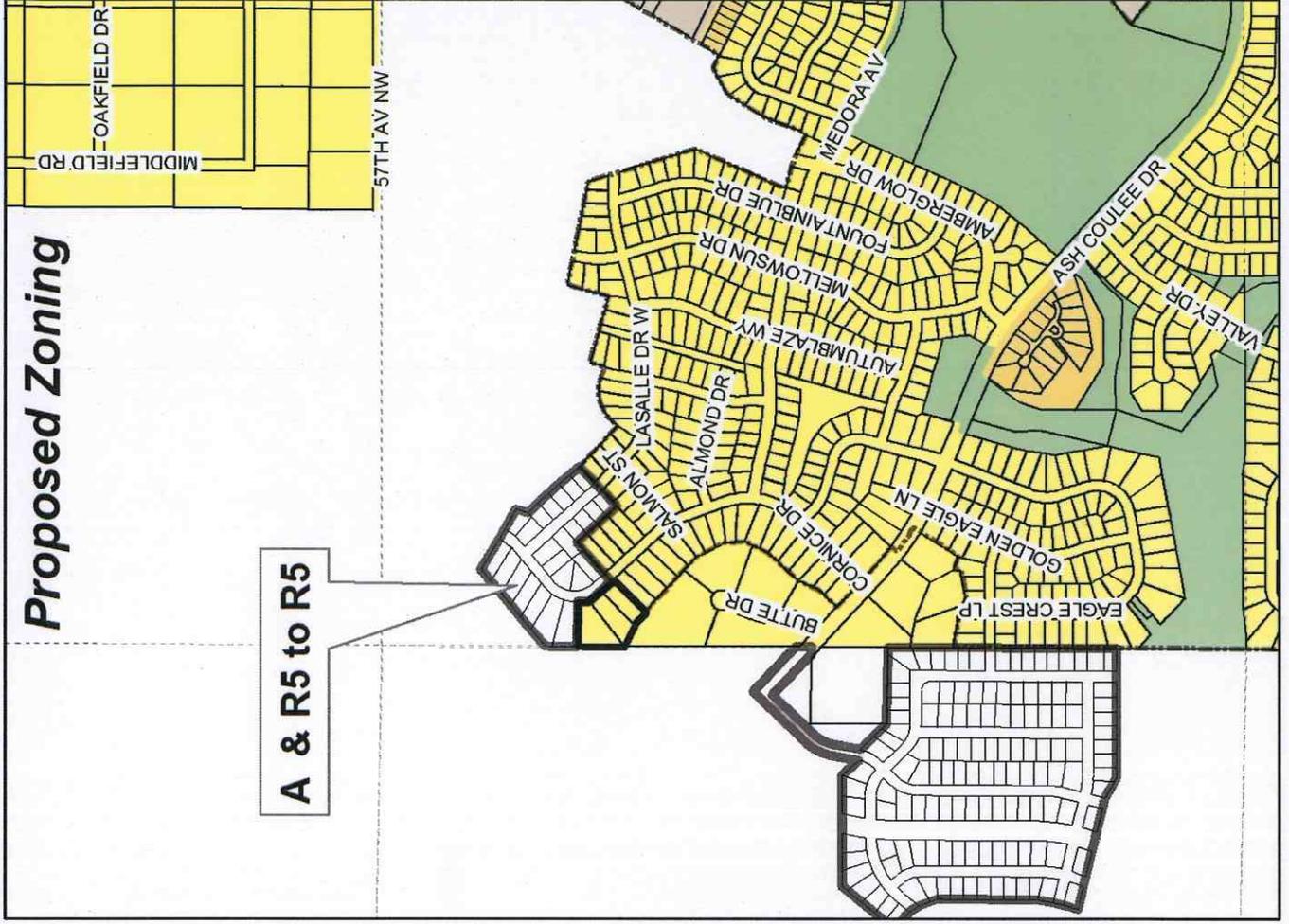
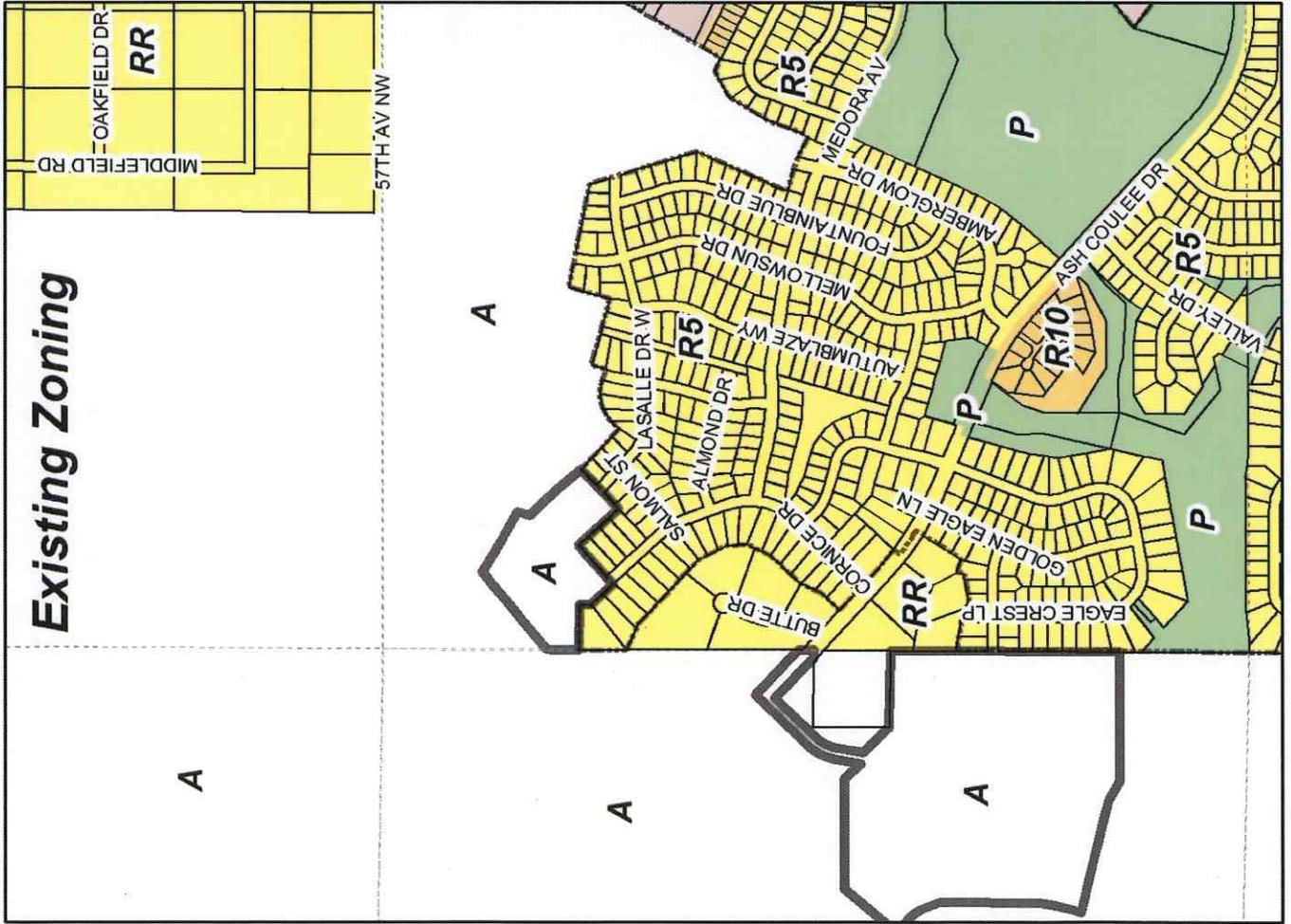


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 11, 2013 (Klee)

Source: City of Bismarck



Country West Heights Addition - Zoning Change



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.

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

BACKGROUND:		
Title: Country West Heights Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: May 22, 2013	
Owner(s): William E Clairmont Revocable Living Trust Clairmont Development Company Mitzel Builders Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: West of North Washington Street between Ash Coulee Drive and 57 th Avenue NW (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: 13.67 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	
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 approval of a final plat have been met. 2. The storm water management plan has not yet been approved by the City Engineer. 3. 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. 4. 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 and southeast, and agricultural land to the north, west and northeast. 5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities. 		
<i>(continued)</i>		

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 with the master plan, other adopted plans, policies and accepted planning practice.

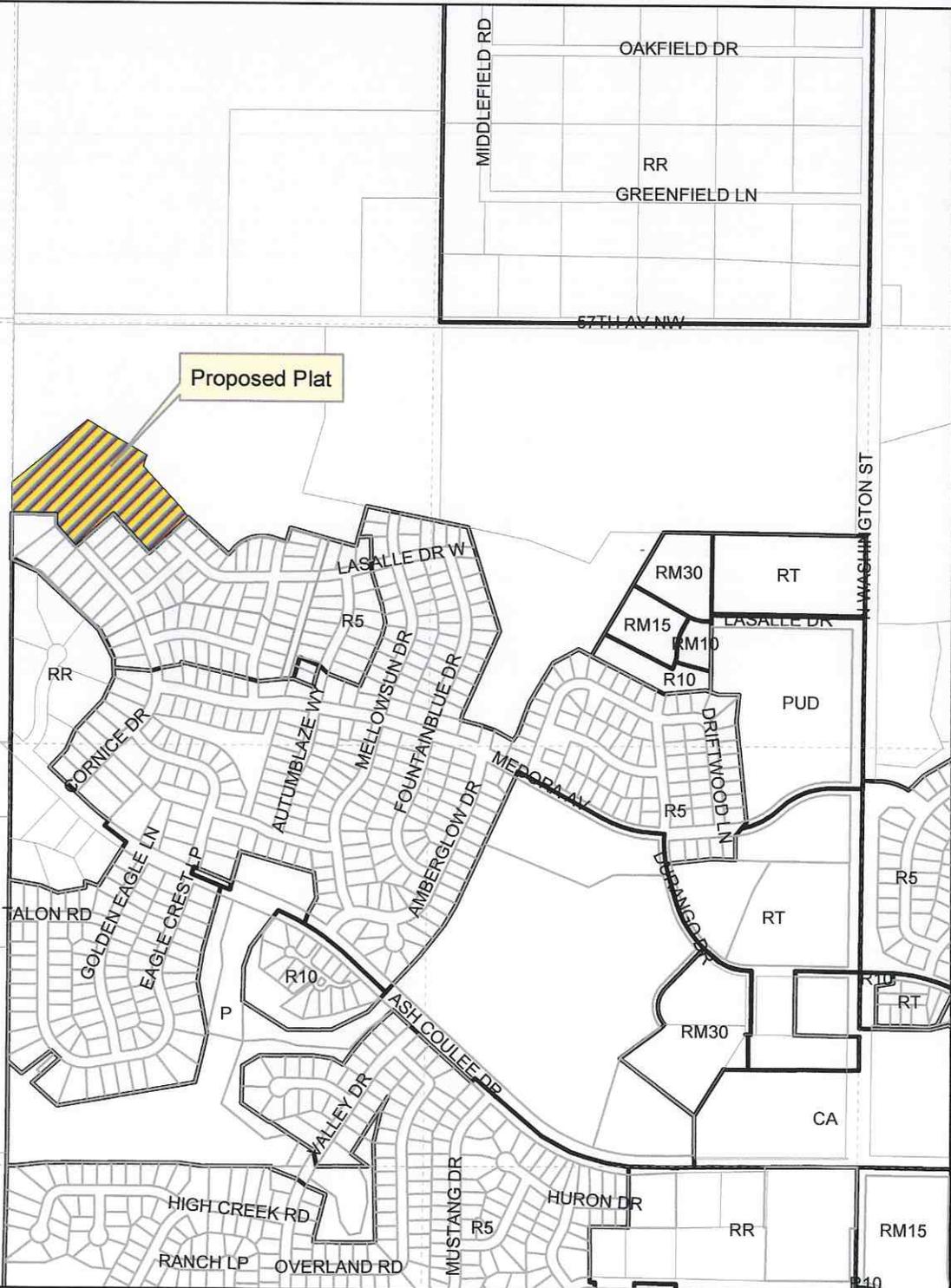
RECOMMENDATION:

As the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the final plat of Country West Heights Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

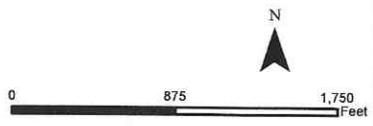
Based on the above findings, staff recommends approval of the final plat of Country West Heights Addition.

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 (kiee)

Source: City of Bismarck



COUNTRY WEST HEIGHTS ADDITION

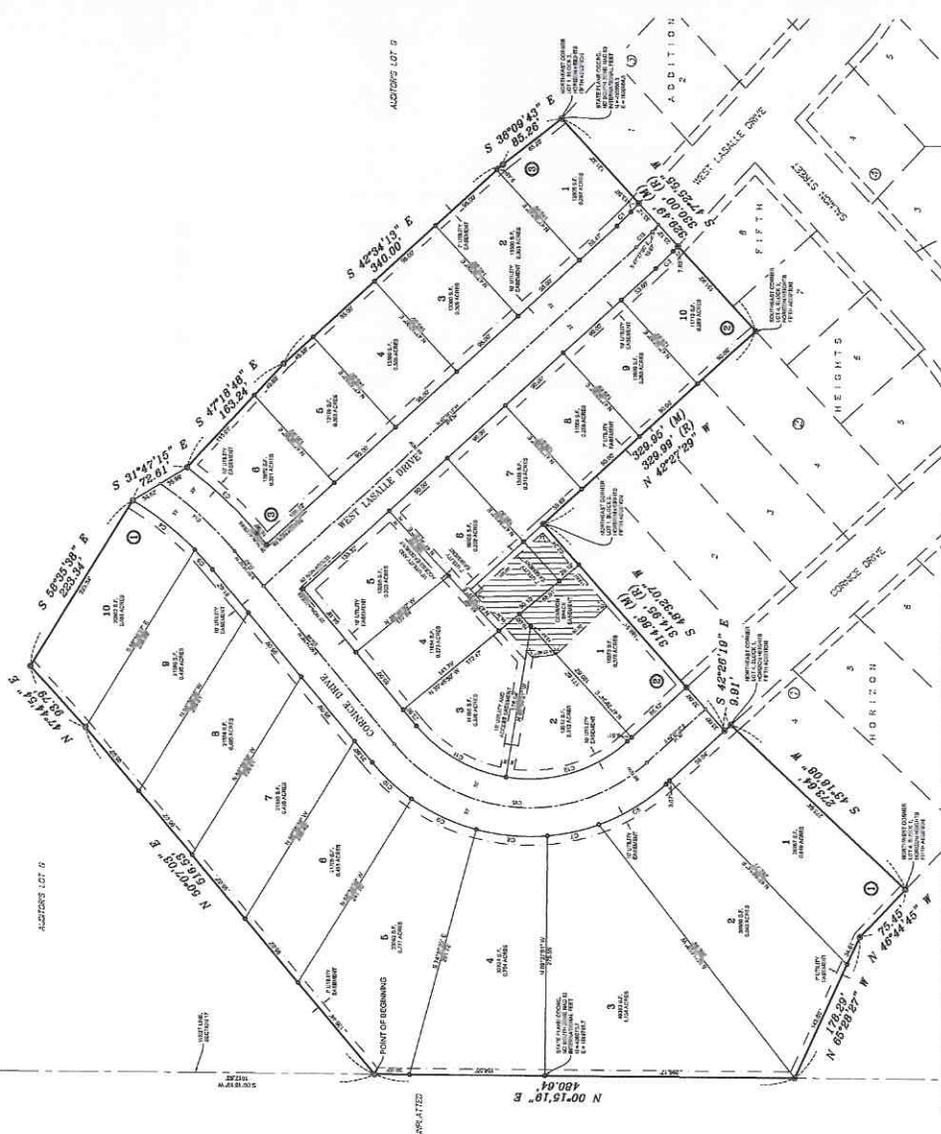
A REPLAT OF LOTS 1, 2 & 3, BLOCK 1, HORIZON HEIGHTS FIFTH ADDITION AND A PORTION OF AUDITOR'S LOT G ALL LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



ENGINEER:
128 500 LANE DRIVE
BISMARCK, NORTH DAKOTA 58001

OWNER:
CLAYTON COMPANY
1720 BENT BOAT DRIVE
BISMARCK, ND 58503

OWNER:
MIZEL BUILDERS INC.
2401 40TH AVE SE
MADISON, ND 58554



CL CURVE DATA

SEGMENT	LENGTH	RADIUS	CHORD DIST.	CHORD BEING
C1	334.1'	1771.2'	224.2'	4.271057° E
C2	115.8'	463.0'	107.2'	14.51777° E
C3	115.8'	463.0'	107.2'	14.51777° E
C4	334.1'	1771.2'	224.2'	4.271057° E

LOT CURVE DATA

SEGMENT	LENGTH	RADIUS	CHORD DIST.	CHORD BEING
L1	334.1'	1771.2'	224.2'	4.271057° E
L2	115.8'	463.0'	107.2'	14.51777° E
L3	115.8'	463.0'	107.2'	14.51777° E
L4	334.1'	1771.2'	224.2'	4.271057° E

- PLAT LEGEND**
- EXISTING BOUNDARY LINE
 - PROPOSED BOUNDARY LINE
 - PROPOSED RIGHT OF WAY
 - PROPOSED NON-ACCESS LINE
 - PROPOSED CENTERLINE
- LOT 2**
- EXISTING BOUNDARY
 - EXISTING CENTERLINE
 - EXISTING RIGHT OF WAY
 - EXISTING NON-ACCESS LINE
 - EXISTING CENTERLINE

DESCRIPTION

A REPLAT OF LOTS 1, 2 & 3, BLOCK 1, HORIZON HEIGHTS FIFTH ADDITION AND A PORTION OF AUDITOR'S LOT G ALL LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA. THE TOTAL AREA OF THE ADDITION IS 11.550 ACRES. THE ADDITION IS BOUNDARY BEARING AND DISTANCE MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

SURVEYOR'S CERTIFICATE

I, DAVID A. WILSON, A LICENSED SURVEYOR, HAVE PERSONALLY AND INDIVIDUALLY EXAMINED THE PLAT AND THE RECORDS OF THE BUREAU OF LAND RECORDS AND HAVE FOUND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPS. I HEREBY CERTIFY THAT THE ADDITION IS CORRECTLY PLATED AND THAT THE SAME IS SUBJECT TO THE RIGHTS OF THE SEVERAL PARTIES INTERESTED THEREIN.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

DAVID A. WILSON
REGISTERED SURVEYOR
NO. 12345

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS REVIEWED THE PLAT AND THE RECORDS OF THE BUREAU OF LAND RECORDS AND HAS APPROVED THE SAME AS BEING CORRECTLY PLATED AND THAT THE SAME IS SUBJECT TO THE RIGHTS OF THE SEVERAL PARTIES INTERESTED THEREIN.

THE FOLLOWING NAMES OF THE CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WHO TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2013.

ATTEST:
MICHELLE J. MOORE - CITY ENGINEER

APPROVAL OF CITY ENGINEER

I, MICHELLE J. MOORE, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HAVE PERSONALLY AND INDIVIDUALLY EXAMINED THE PLAT AND THE RECORDS OF THE BUREAU OF LAND RECORDS AND HAVE FOUND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPS. I HEREBY CERTIFY THAT THE ADDITION IS CORRECTLY PLATED AND THAT THE SAME IS SUBJECT TO THE RIGHTS OF THE SEVERAL PARTIES INTERESTED THEREIN.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

MICHELLE J. MOORE
CITY ENGINEER

OWNERS' CERTIFICATE AND DEDICATION

WE, THE UNDERSIGNED OWNERS AND CO-OWNERS OF A PORTION OF THE ADDITION SHOWN ON THE PLAT HEREBY APPROVE THE SAME AND HEREBY DEDICATE THE SAME TO THE PUBLIC USE OF THE CITY OF BISMARCK, NORTH DAKOTA. WE HEREBY AGREE TO HOLD THE PUBLIC USE OF THE SAME IN TRUST FOR THE CITY OF BISMARCK, NORTH DAKOTA. WE HEREBY AGREE TO HOLD THE PUBLIC USE OF THE SAME IN TRUST FOR THE CITY OF BISMARCK, NORTH DAKOTA. WE HEREBY AGREE TO HOLD THE PUBLIC USE OF THE SAME IN TRUST FOR THE CITY OF BISMARCK, NORTH DAKOTA.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

DAVID A. WILSON
REGISTERED SURVEYOR
NO. 12345

PLAT INFORMATION

- NUMBER OF LOTS: 26
- LOT ACREAGE: 11.550 ACRES
- B.L.A.W. ACREAGE: 2.119 ACRES
- TOTAL ACREAGE: 13.669 ACRES

NOTES:

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

COMMON SPACE EASEMENT IS FOR THE BENEFIT OF LOTS 1 THROUGH 7, BLOCK 2.

PLAT INFORMATION

- NUMBER OF LOTS: 26
- LOT ACREAGE: 11.550 ACRES
- B.L.A.W. ACREAGE: 2.119 ACRES
- TOTAL ACREAGE: 13.669 ACRES

NOTES:

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

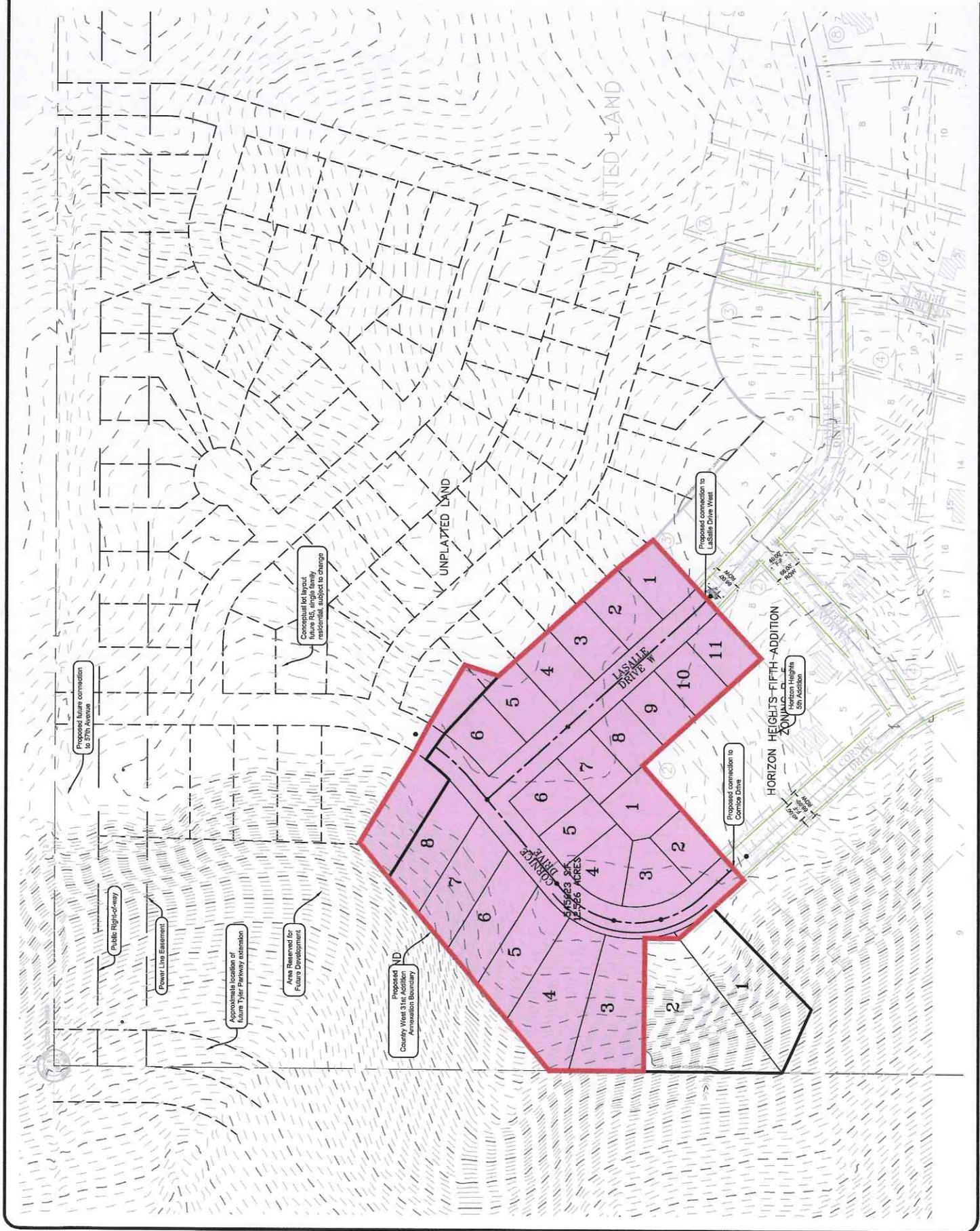
COMMON SPACE EASEMENT IS FOR THE BENEFIT OF LOTS 1 THROUGH 7, BLOCK 2.

HORIZONTAL DATUM - US STATE PLANE (BASIS OF BEARING)
VERTICAL DATUM - NAVD 29
UNITS OF MEASURE: INTERNATIONAL FEET
BENCHMARK - F.H. 2407 ELEV. 1855.08



HORIZONTAL DATUM - US STATE PLANE (BASIS OF BEARING)
VERTICAL DATUM - NAVD 29
UNITS OF MEASURE: INTERNATIONAL FEET
BENCHMARK - F.H. 2407 ELEV. 1855.08





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

BACKGROUND:		
Title: Boulder Ridge Sixth Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: May 22, 2012	
Owner(s): Five Guys Investment LLP (owner) Boulder Ridge Development Inc. (developer)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex zone property for single-family residential development.		
Location: East of North Washington Street between 43 rd Avenue NW and 57 th Avenue NW (part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township).		
Project Size: 16.06 acres	Number of Lots: 39 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single family residential	
Uses Allowed: A – Agriculture	Zoning: R5 – Residential P- Public	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential P – Public uses, including schools	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There are concerns with the donut hole of unplatted and unannexed property between previous phases of Boulder Ridge and Boulder Ridge 5th Addition. When approving the final plat, zoning change and annexation for Boulder Ridge 5th Addition, the action of the City Commission included a condition that any future development in this area would involve filling the hole that currently exists within this development. Although that area is not included with this request, the applicant has indicated that a request for annexation of the area south of Boulder Ridge 5th Addition would be submitted for the next application cycle. 2. The applicant was previously asked to provide an off-site storm water and sanitary sewer easement to the north of the Boulder Ridge 5th Addition plat to allow for the extension of municipal facilities that will promote the orderly development of the community. The applicant has dedicated all of the required off-site easement for storm water and most of the off-site easement for sanitary sewer, but has been unwilling to provide that portion of the off-site sanitary sewer easement needed to cross North Washington Street and provide that area with sanitary sewer service. 3. The storm water management plan for the final plat of Boulder Ridge 6th Addition has not yet been approved by the City Engineer. 		

FINDINGS:

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:

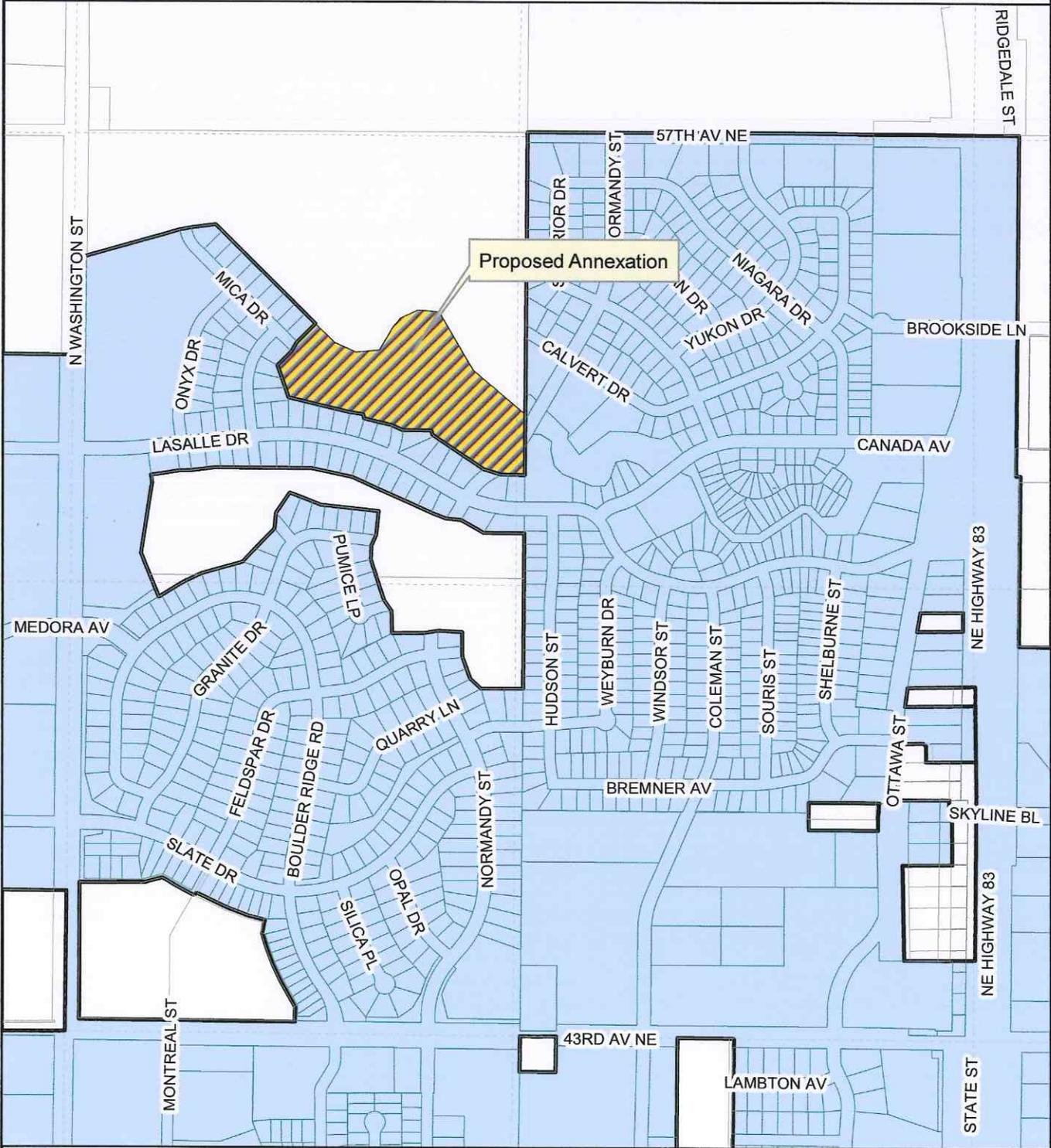
As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the annexation of Boulder Ridge 6th Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the annexation of Boulder Ridge 6th Addition, with the understanding that the annexation request will not be forwarded to the City Commission for final action until a complete application for annexation of the area south of Boulder Ridge 5th Addition is submitted.

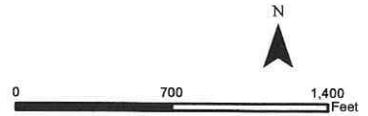
Staff further recommends that any future phase of development include the remaining sanitary sewer easement needed to provide service to the area west of North Washington Street.

Proposed Annexation Boulder Ridge 6th 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: May 8, 2013 (Klee)

Source: City of Bismarck



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

BACKGROUND:		
Title: Boulder Ridge Sixth Addition – Zoning Change (A to R5 & P)		
Status: Planning Commission – Public Hearing	Date: May 22, 2012	
Owner(s): Five Guys Investment LLP (owner) Boulder Ridge Development Inc. (developer)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex zone property for single-family residential development.		
Location: East of North Washington Street between 43 rd Avenue NW and 57 th Avenue NW (part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township).		
Project Size: 16.06 acres	Number of Lots: 39 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single family residential	
Uses Allowed: A – Agriculture	Zoning: R5 – Residential P- Public	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: R5 – Single-family residential P – Public uses, including schools	
	Maximum Density Allowed: R5 – 5 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There are concerns with the donut hole of unplatted and unannexed property between previous phases of Boulder Ridge and Boulder Ridge 5th Addition. When approving the final plat, zoning change and annexation for Boulder Ridge 5th Addition, the action of the City Commission included a condition that any future development in this area would involve filling the hole that currently exists within this development. Although that area is not included with this request, the applicant has indicated that a request for annexation of the area south of Boulder Ridge 5th Addition would be submitted for the next application cycle. 2. The applicant was previously asked to provide an off-site storm water and sanitary sewer easement to the north of the Boulder Ridge 5th Addition plat to allow for the extension of municipal facilities that will promote the orderly development of the community. The applicant has dedicated all of the required off-site easement for storm water and most of the off-site easement for sanitary sewer, but has been unwilling to provide that portion of the off-site sanitary sewer easement needed to cross North Washington Street and provide that area with sanitary sewer service. 3. The storm water management plan for the final plat of Boulder Ridge 6th Addition has not yet been approved by the City Engineer. 		

FINDINGS:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as residential, public and open space (land use component of US Highway 83 Corridor Transportation Study).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single family residential to the south and west; multi-family residential and publicly owned open space to the east; and undeveloped land to the west; and undeveloped land to the north.
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:

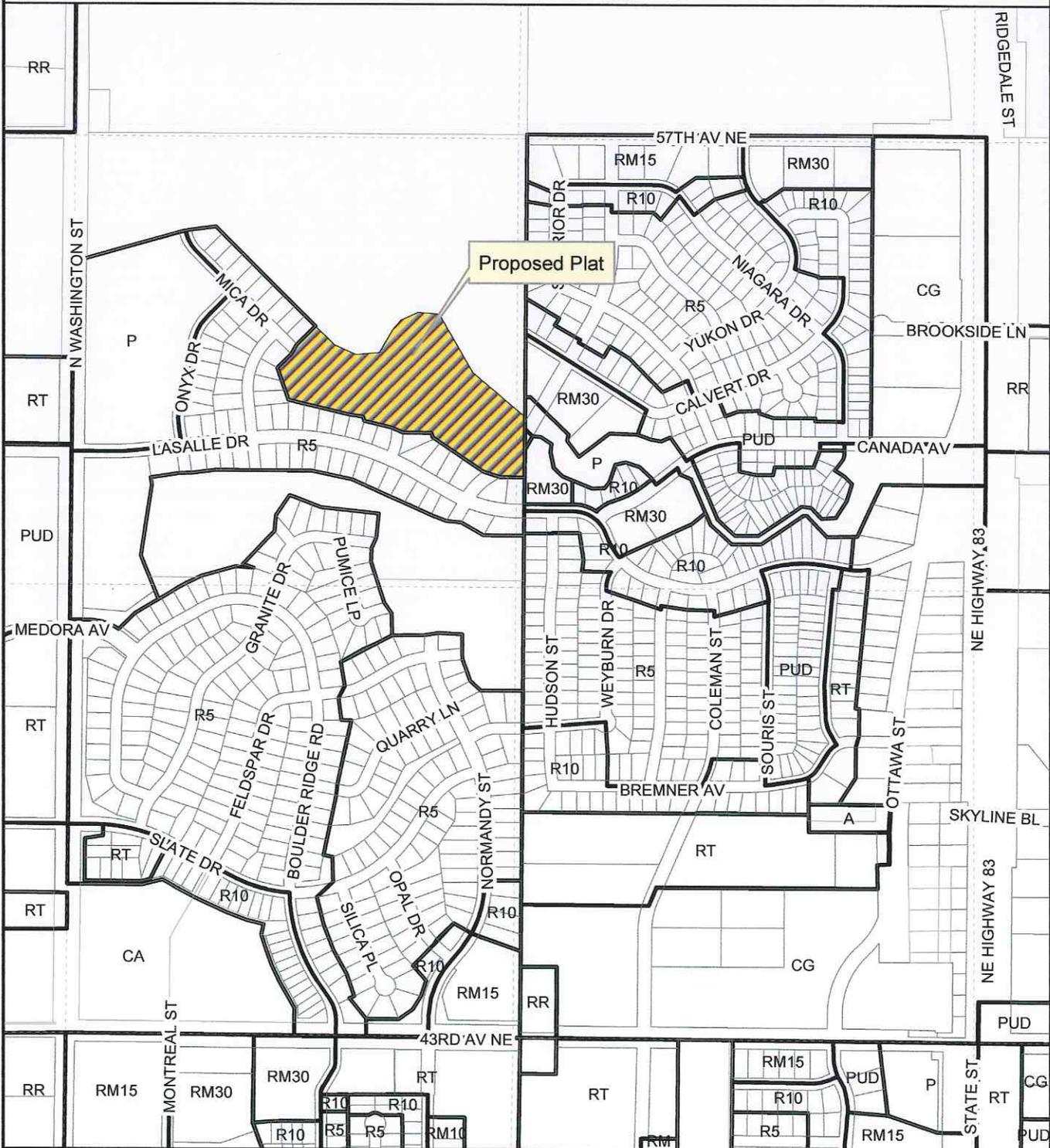
As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the annexation of Boulder Ridge 6th Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Lots 1-11, Block 1, Lots 1-11, Block 3, Lots 1-8, Block 4 and Lots 1-8, Block 5; and to the P-Public zoning district for Lot 1, Block 2, Boulder Ridge 6th Addition, with the understanding that the request will not be forwarded to the City Commission for final action until a complete application for annexation of the area south of Boulder Ridge 5th Addition is submitted.

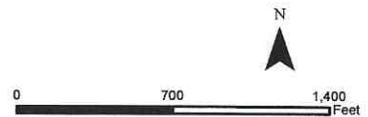
Staff further recommends that any future phase of development include the remaining sanitary sewer easement needed to provide service to the area west of North Washington Street.

Proposed Plat & Zoning Change (A to R5 & P) Boulder Ridge 6th Addition



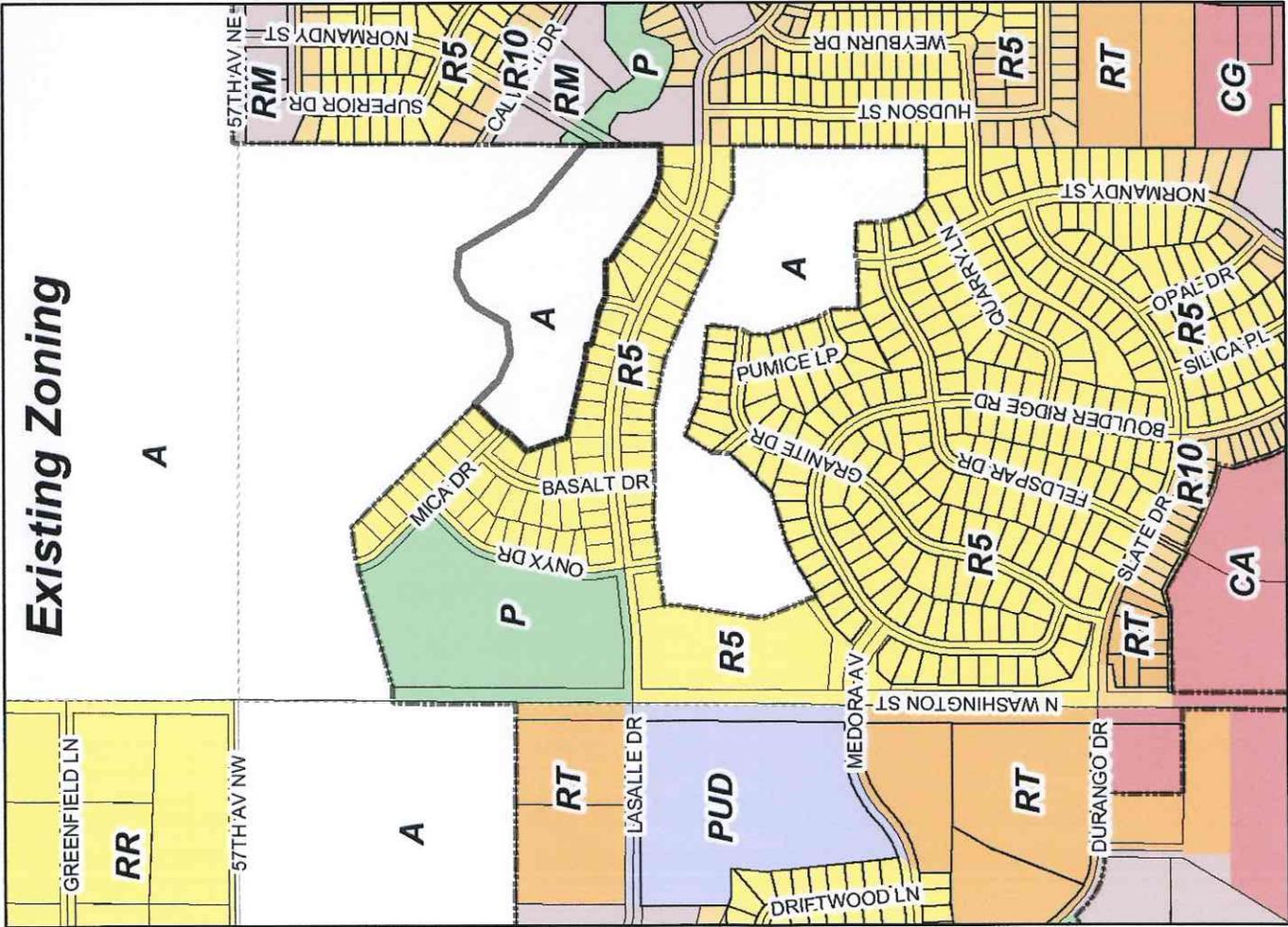
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 8, 2013 (Klee)

Source: City of Bismarck

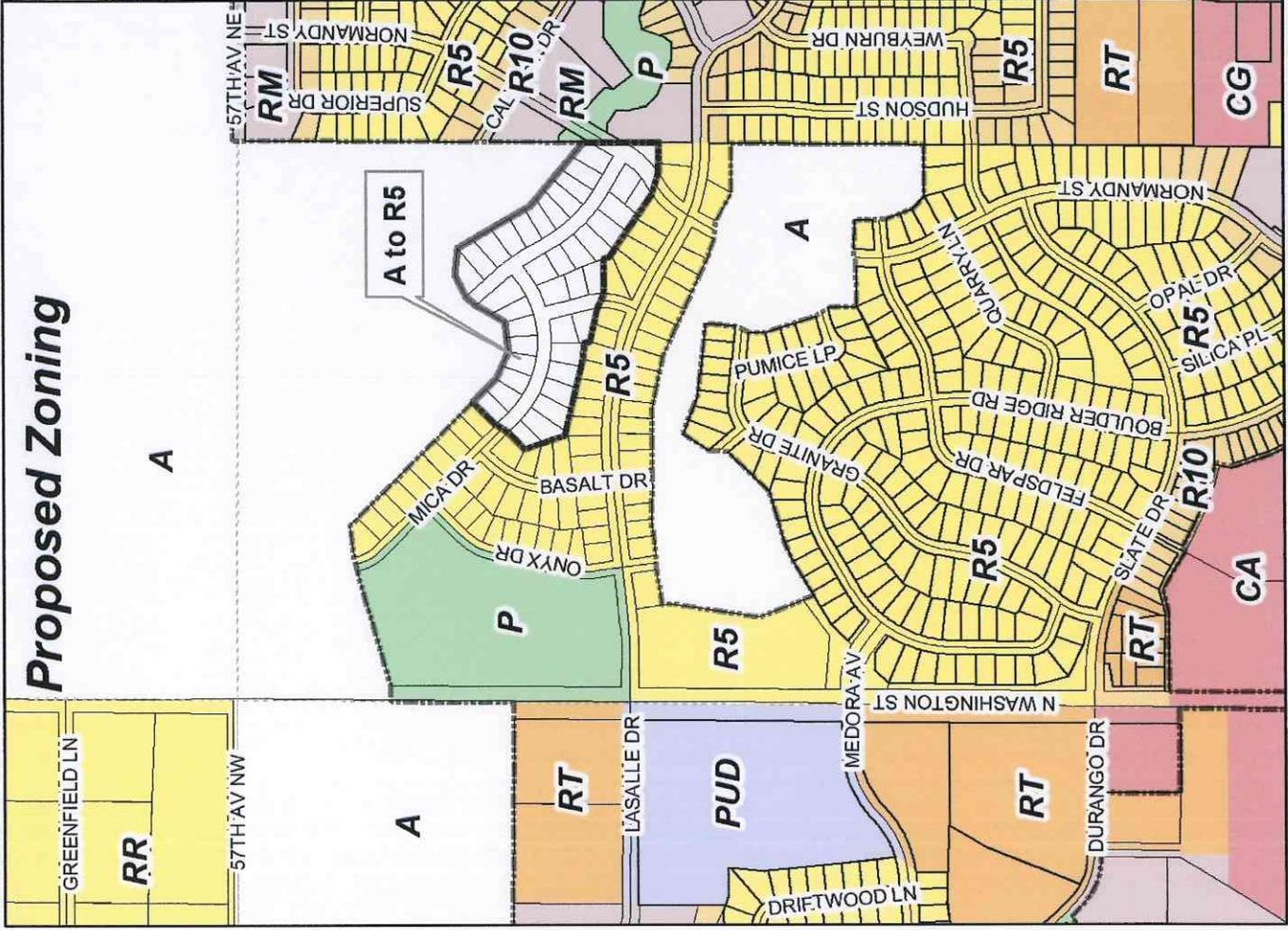


Boulder Ridge 6th Addition

Existing Zoning



Proposed Zoning



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.

May 2013

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

BACKGROUND:		
Title: Boulder Ridge Sixth Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: May 22, 2012	
Owner(s): Five Guys Investment LLP (owner) Boulder Ridge Development Inc. (developer)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex zone property for single-family residential development.		
Location: East of North Washington Street between 43 rd Avenue NW and 57 th Avenue NW (part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township).		
Project Size: 16.06 acres	Number of Lots: 39 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single family residential	
	Zoning: R5 – Residential P- Public	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential P – Public uses, including schools	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. There are concerns with the donut hole of unplatted and unannexed property between previous phases of Boulder Ridge and Boulder Ridge 5th Addition. When approving the final plat, zoning change and annexation for Boulder Ridge 5th Addition, the action of the City Commission included a condition that any future development in this area would involve filling the hole that currently exists within this development. Although that area is not included with this request, the applicant has indicated that a request for annexation of the area south of Boulder Ridge 5th Addition would be submitted for the next application cycle.</p>		
FINDINGS:		
<p>1. All technical requirements for approval of the final plat have been met.</p> <p>2. The storm water management plan has not yet been approved by the City Engineer.</p>		
<i>(continued)</i>		

3. The proposed subdivision is consistent with the Fringe Area Road Master Plan for Section 15, T139N-R80W/Hay Creek Township, which identifies Normandy Street as the north-south collector and LaSalle Drive as the east-west collector for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single family residential to the south and west; multi-family residential and publicly owned open space to the east; and undeveloped land to the west; and undeveloped land to the north.
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 with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

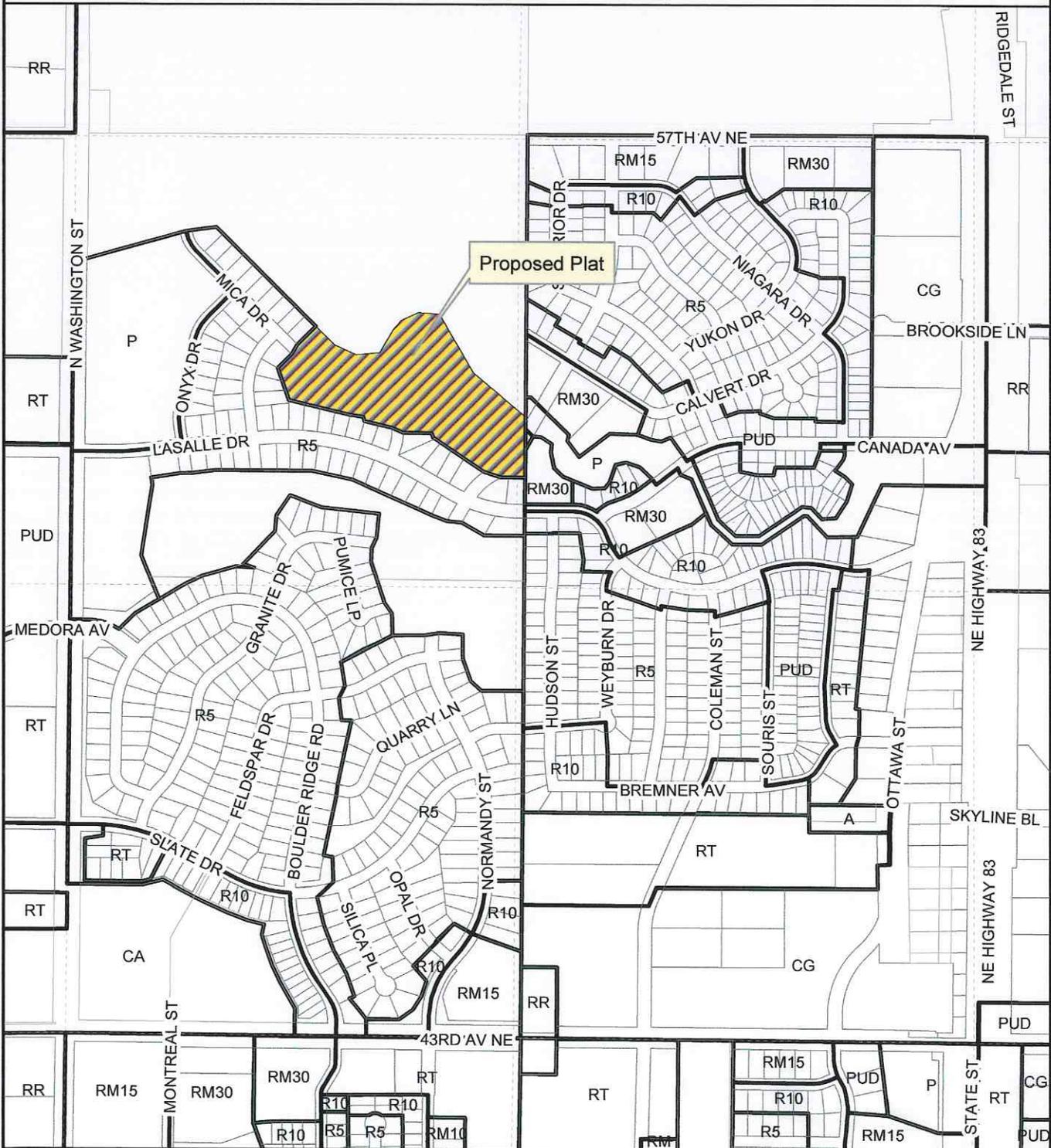
As the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the final plat for Boulder Ridge 6th Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the final plat of Boulder Ridge 6th Addition, with the understanding that the request will not be forwarded to the City Commission for final action until a complete application for annexation of the area south of Boulder Ridge 5th Addition is submitted.

Staff further recommends that any future phase of development include the remaining sanitary sewer easement needed to provide service to the area west of North Washington Street.

Proposed Plat & Zoning Change (A to R5 & P) Boulder Ridge 6th 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: May 8, 2013 (Klee)

Source: City of Bismarck



BOULDER RIDGE SIXTH ADDITION

PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA



NOTES

BASE OF BEARING: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NORTH DAKOTA STATE PLANE SOUTH ZONE BY CITY COORDINATE

BECHTOLD: HYPERMETERED DEVELOPER ROAD BETWEEN FEDERAL DRIVE AND GRANTE DRIVE ELEV = 1075.74 (1000.00)

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

NATIONAL GEODESIC SURVEY DATUM OF 1929

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

MONUMENT TO BE SET
MONUMENT IN PLACE

AREA DATA

LOTS	238.403 SQ. FT.	12.36 ACRES
SUBSET	161.083 SQ. FT.	3.70 ACRES
TOTAL	399.486 SQ. FT.	9.06 ACRES

CURVE TABLE

SYMBOL	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH
A	500.00'	82°26'42"	438.06'	719.47'
B	500.00'	11°00'00"	48.15'	95.89'
C	700.00'	29°33'15"	186.83'	365.14'
D	400.00'	29°51'48"	106.67'	206.48'
E	300.00'	12°06'51"	41.92'	63.60'



DESCRIPTION

PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF LOT 1, BLOCK 4 OF BOULDER RIDGE 5TH ADDITION, THENCE NORTH 88 DEGREES 47 MINUTES 13 SECONDS WEST, ALONG BOUNDARY LINE OF BOULDER RIDGE 5TH ADDITION, A DISTANCE OF 148.11 FEET; THENCE NORTH 72 DEGREES 34 MINUTES 09 SECONDS WEST, CONTINUING ALONG THE BOUNDARY LINE, A DISTANCE OF 104.19 FEET; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG THE BOUNDARY LINE, A DISTANCE OF 35.78 FEET; THENCE NORTH 30 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG THE BOUNDARY LINE, A DISTANCE OF 27.03 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 22 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 16.65 FEET; THENCE NORTH 66 DEGREES 12 MINUTES 26 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 73.34 FEET; THENCE NORTH 78 DEGREES 44 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 163.24 FEET; THENCE NORTH 14 DEGREES 48 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 25.36 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 31 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 77.27 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 30.41 FEET; THENCE NORTH 18 DEGREES 58 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 193.23 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 111.88 FEET; THENCE NORTH 31 DEGREES 14 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 37.95 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 150.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 60 DEGREES 28 MINUTES 11 SECONDS EAST, A DISTANCE OF 137.91 FEET; THENCE NORTH 84 DEGREES 10 MINUTES 21 SECONDS EAST, A DISTANCE OF 136.90 FEET; THENCE NORTH 43 DEGREES 45 MINUTES 43 SECONDS EAST, A DISTANCE OF 107.24 FEET; THENCE NORTH 30 DEGREES 43 MINUTES 43 SECONDS EAST, A DISTANCE OF 66.97 FEET; THENCE NORTH 64 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 111.48 FEET; THENCE SOUTH 85 DEGREES 17 MINUTES 24 SECONDS EAST, A DISTANCE OF 12.18 FEET; THENCE SOUTH 35 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 306.28 FEET; THENCE SOUTH 50 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 354.14 FEET TO THE EAST LINE OF THE NORTHWEST 1/4; THENCE SOUTH 00 DEGREES 28 MINUTES 38 SECONDS WEST, ALONG THE SAID EAST LINE, A DISTANCE OF 338.68 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 16.06 ACRES, MORE OR LESS

APPROVAL OF CITY PLANNING COMMISSION

THE SUBMISSION 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 REGULATIONS ADOPTED BY THE SECRETARY OF THE PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND CLERK OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DAVE ANDAL - CHAIRMAN
CARL G. HONENSTAD - SECRETARY

OWNER'S CERTIFICATE & DEDICATION

I, FIVE QUIS INVESTMENTS, L.L.P., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CHASED THAT FURTHER DESCRIBED HEREON TO BE SUBDIVIDED SHOWN HEREON HEREIN ALL SEWER, EGRESS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, 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 THESE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSES OF CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, ELEVATION 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.

SURVEYOR'S CERTIFICATE

I, TERRY BALTER, 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 20, 2012, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET; AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBMISSION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN HEREON, HAS APPROVED THE ORDINANCES AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLAT THAT WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF _____, 2013.

W. C. WOODEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

STATE OF NORTH DAKOTA) SS SWENSON, HAGEN & CO P.C.
COUNTY OF BURLEIGH) 509 BASH AVE.
BISMARCK, NORTH DAKOTA

STATE OF NORTH DAKOTA) SS JACK KNUTSON
COUNTY OF BURLEIGH) FIVE QUIS INVESTMENT L.L.P.
2138 EAGLE CRIST LOOP
BISMARCK, ND 58503

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

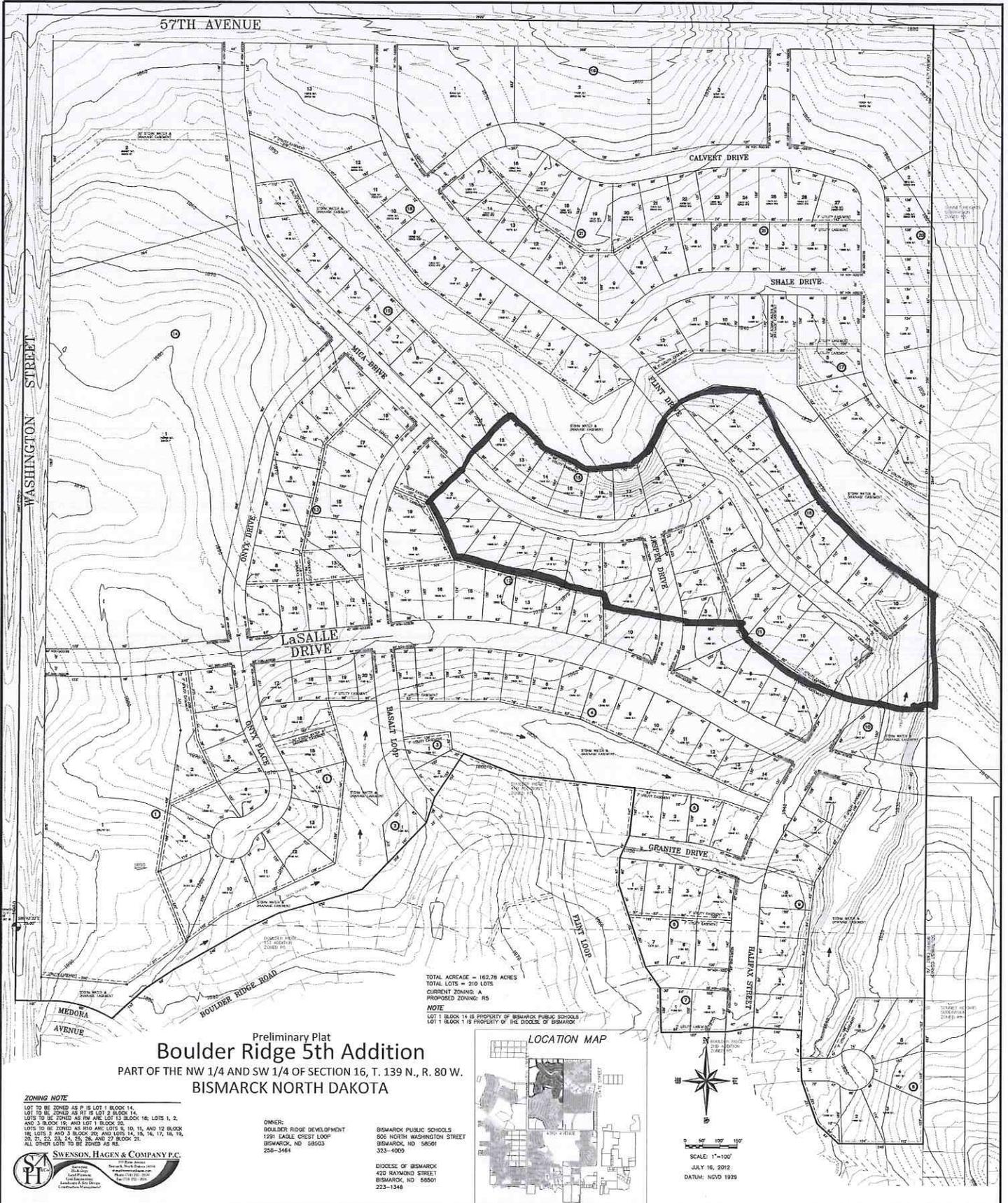
DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED JACK KNUTSON OF FIVE QUIS INVESTMENTS L.L.P. 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 PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

MELVIN J. BULLINGER
CITY ENGINEER





Preliminary Plat
Boulder Ridge 5th Addition
 PART OF THE NW 1/4 AND SW 1/4 OF SECTION 16, T. 139 N., R. 80 W.
 BISMARCK NORTH DAKOTA

TOTAL ACREAGE = 162.78 ACRES
 TOTAL LOTS = 210 LOTS
 CURRENT ZONING A
 PROPOSED ZONING: R5

NOTE
 LOT 1 BLOCK 14 IS PROPERTY OF BISMARCK PUBLIC SCHOOLS
 LOT 1 BLOCK 11 IS PROPERTY OF THE DIOCESE OF BISMARCK

LOCATION MAP



SCALE: 1"=100'
 JULY 16, 2012
 DATUM: NAD 1983

ZONING NOTE
 LOT 1 TO BE ZONED AS P IS LOT 1 BLOCK 14,
 LOT 2 TO BE ZONED AS RT IS LOT 2 BLOCK 14,
 LOTS 3 TO BE ZONED AS RW ARE LOT 13, BLOCK 16; LOTS 1, 2,
 AND 3, BLOCK 17; AND LOT 1, BLOCK 18.
 LOTS 4 TO BE ZONED AS RT ARE LOTS 6, 10, 11, AND 12, BLOCK
 16. LOTS 5 TO BE ZONED AS RT ARE LOTS 13, 14, 15, 16, 17, 18, 19,
 20, 21, 22, 23, 24, 25, 26, AND 27, BLOCK 21.
 ALL OTHER LOTS TO BE ZONED AS R5.

OWNER:
 BOULDER RIDGE DEVELOPMENT
 1291 EAGLE CREST LOOP
 BISMARCK, ND 58503
 258-3464

BISMARCK PUBLIC SCHOOLS
 606 NORTH WASHINGTON STREET
 BISMARCK, ND 58501
 333-4000

DIOCESE OF BISMARCK
 420 RAYMOND STREET
 BISMARCK, ND 58501
 323-1348

SWENSON, HAGEN & COMPANY P.C.
 1000 13th Street
 Bismarck, ND 58501
 Phone: 701.258.3333
 Fax: 701.258.3334
 Email: shagen@shagen.com
 Website: www.shagen.com

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

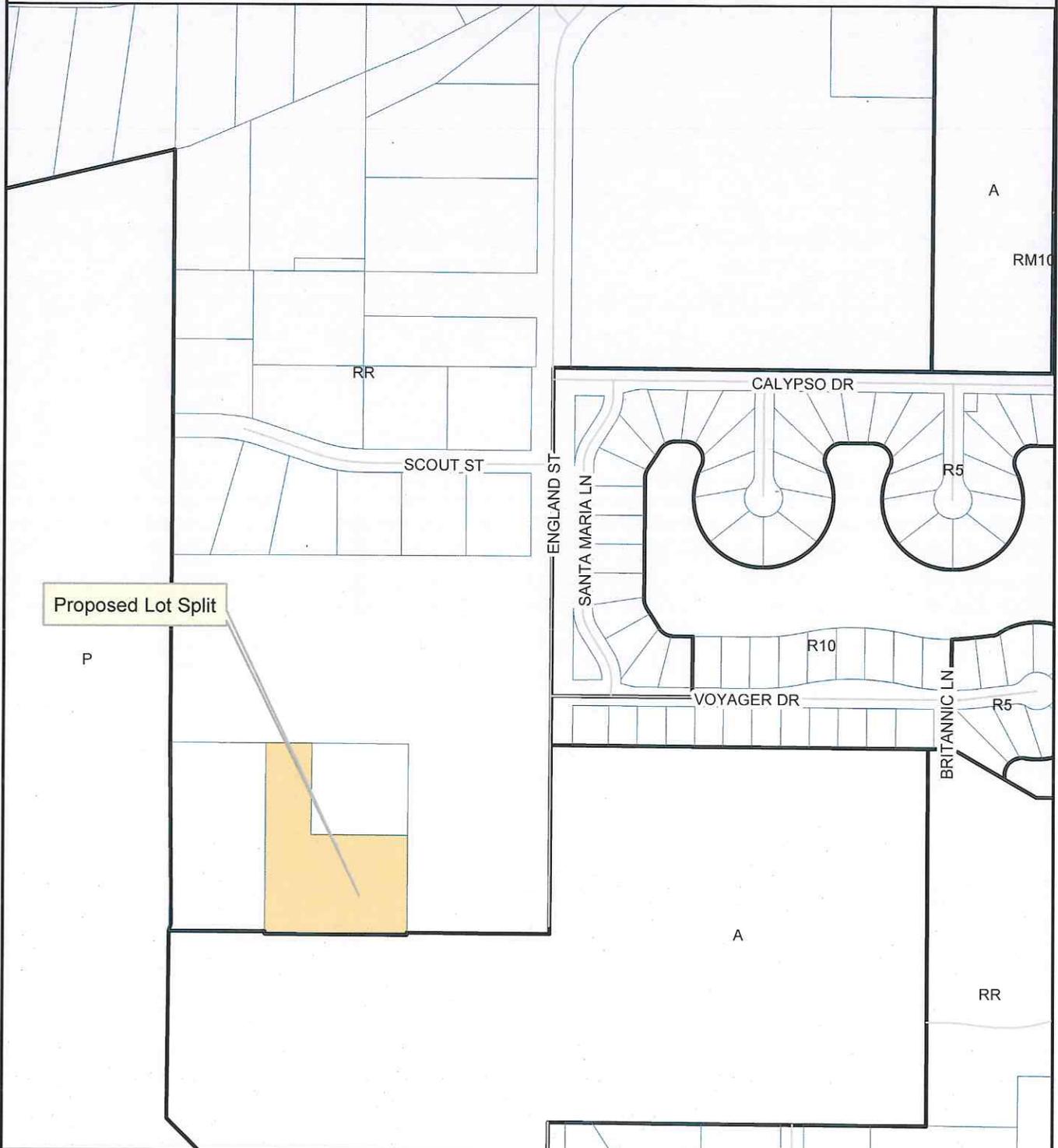
BACKGROUND:	
Title: Lot 1, Block 1, Blotske Subdivision – Rural Residential Lot Split	
Status: Planning Commission – Public Hearing	Date: May 22, 2013
Owner(s): Allen and JoAnn Blotske	Engineer/Surveyor: None
Reason for Request: Split one previously platted rural residential lot into two parcels.	
Location: West of England Street between Burleigh Avenue and 48 th Avenue SW (4110 England Street).	
Project Size: 5.11 acres (resulting – 3.62 acres & 1.495 acres)	Number of Lots: One lot split into two parcels
EXISTING CONDITIONS:	
Land Use: Rural residential	PROPOSED CONDITIONS:
Zoning: RR – Residential	Land Use: Rural residential
Uses Allowed: Rural residential	Zoning: RR – Residential
Maximum Density Allowed: One unit per 65,000 square feet	Uses Allowed: Rural residential
PROPERTY HISTORY:	Maximum Density Allowed: One unit per 65,000 square feet
Zoned: 09/1994	Platted: 09/1994
ADDITIONAL INFORMATION:	
<p>1. A request to split Lot 1, Block 1, Blotske Subdivision was previously approved at the July 27, 2007 meeting of the Bismarck Planning and Zoning Commission with the understanding that a building permit would not be issued, nor would the County Engineer sign the plat of irregular description until the access easement west from England Street to the proposed lot split had been improved to minimum public roadway standards as approved by the County Engineer. The lot split would also not be effective until the plat of irregular description was recorded with the Burleigh County Recorder. In addition, if the plat of irregular description had not been recorded by July 31, 2008, the lot split would be considered null and void. Due to these conditions the applicant decided to abandon the lot split request in 2007. However, with the recent platting of England Acres Subdivision and the access easement on Lot 1, Block 1, England Acres Subdivision mitigating some of the access issues between the adjacent property owners, the County Engineer has deemed the existing access easement from England Street west to the proposed lot split as adequate for the intended use.</p>	
FINDINGS:	
<p>1. All technical requirements for approval of a rural residential lot split have been met.</p> <p>2. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.</p> <p>3. The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.</p>	
<i>(continued)</i>	

4. The proposed rural residential lot split will not place an undue burden on existing public services and facilities, provided access for the two new parcels is a shared access off England Street.
5. The proposed rural residential lot split 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 rural residential lot split for Lot 1, Block 1, Blotske Subdivision to split the lot into two parcels, a western parcel of 3.62 acres and an eastern parcel of 1.495 acres, with the understanding that a plat of irregular description will be prepared as required by the Burleigh County Auditor. The lot split will not be effective until the required plat of irregular description is recorded with the Burleigh County Recorder.

Proposed Lot Split L1, B1, Blotske's Subdivision 4110 England Street



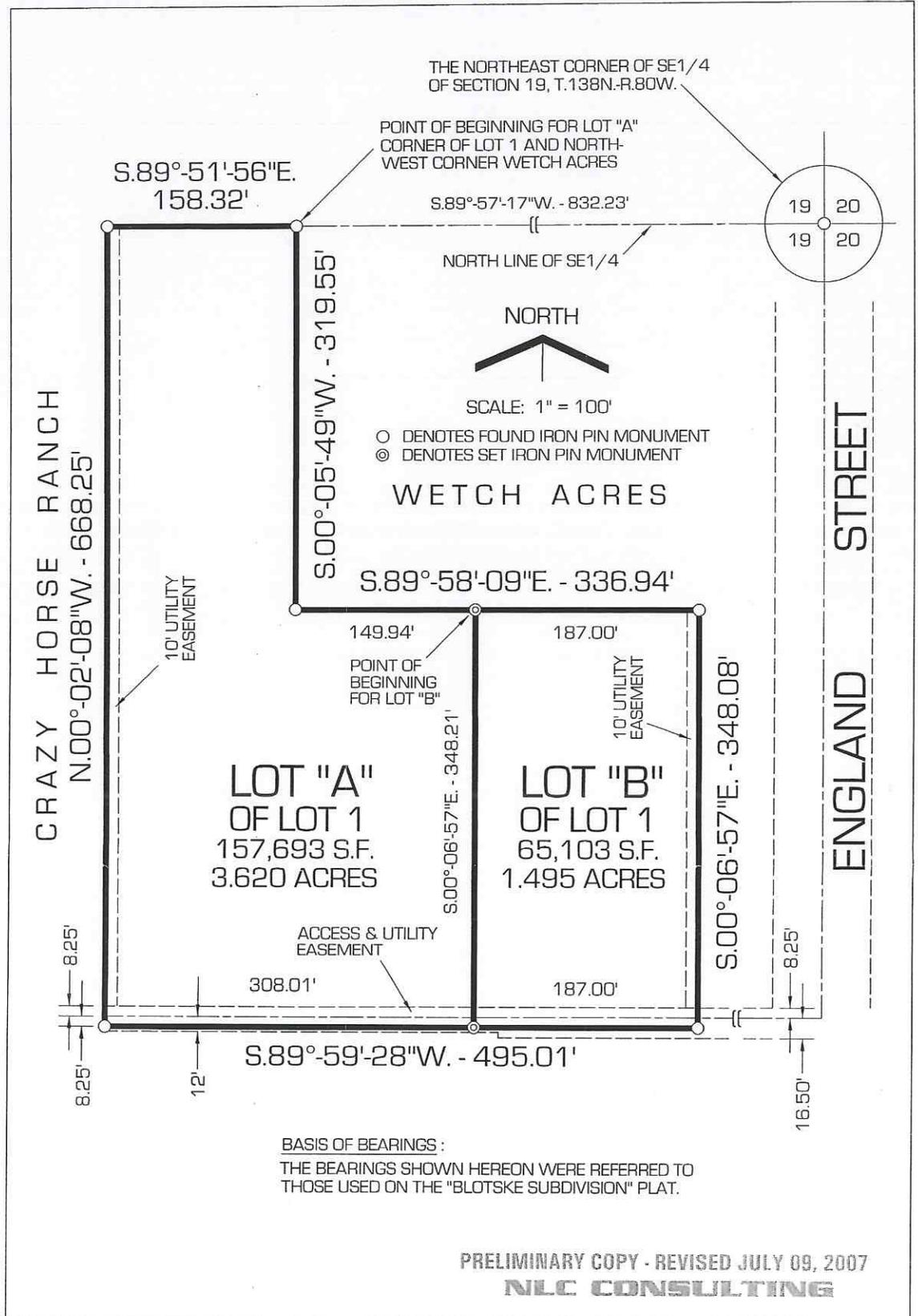
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Map was Updated/Created: April 24, 2013 (hlb)

Source: City of Bismarck



PLAT OF

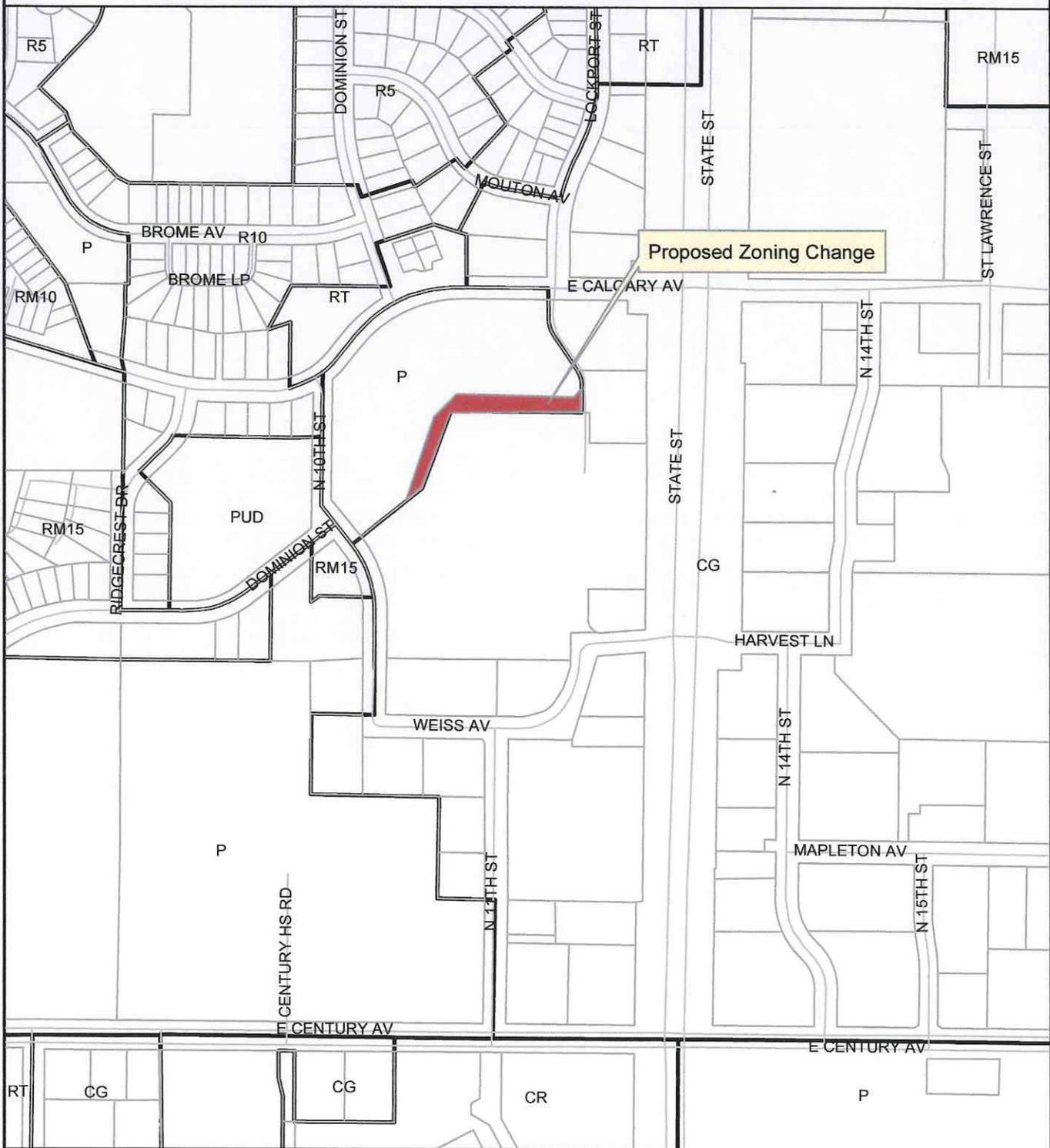
Lots "A" and "B" of Lot 1 of Block 1 of
 "Blotske Subdivision" of the SE1/4 of **Section 19**, **Township 139 North**, **Range 80 West**
Present Owners: Allen J. Blotske and JoAnn Blotske



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

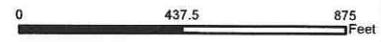
BACKGROUND:		
Title: Part of Lot 2, Block 1, Menards Second Addition – Zoning Change (P to CG)		
Status: Planning Commission – Public Hearing	Date: May 22, 2013	
Owner(s): Bismarck Parks & Recreation District (Owner) Menard, Inc. (Applicant)	Engineer: N/A	
Reason for Request: Rezone property to allow 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	Land Use: Expanded outdoor storage yard for Menards and open space, multi-use trail and storm water retention area	
Zoning: P-Public	Zoning: CG-Commercial	
Uses Allowed: Parks, open space and public facilities	Uses Allowed: General commercial, multi-family dwellings and office uses	
Maximum Density Allowed: N/A	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 as it is an extension of an existing use. Adjacent land uses include a storm water detention facility with a multi-use trail 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 approval of the zoning change from the P-Public zoning district to the CG-Commercial zoning district on part of Lot 2, Block 1, Menards 2 nd Addition.		

Proposed Zoning Change (P to CG) Part of Lot 2, Block 1, Menards Second Addition

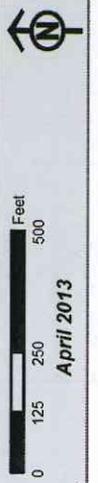
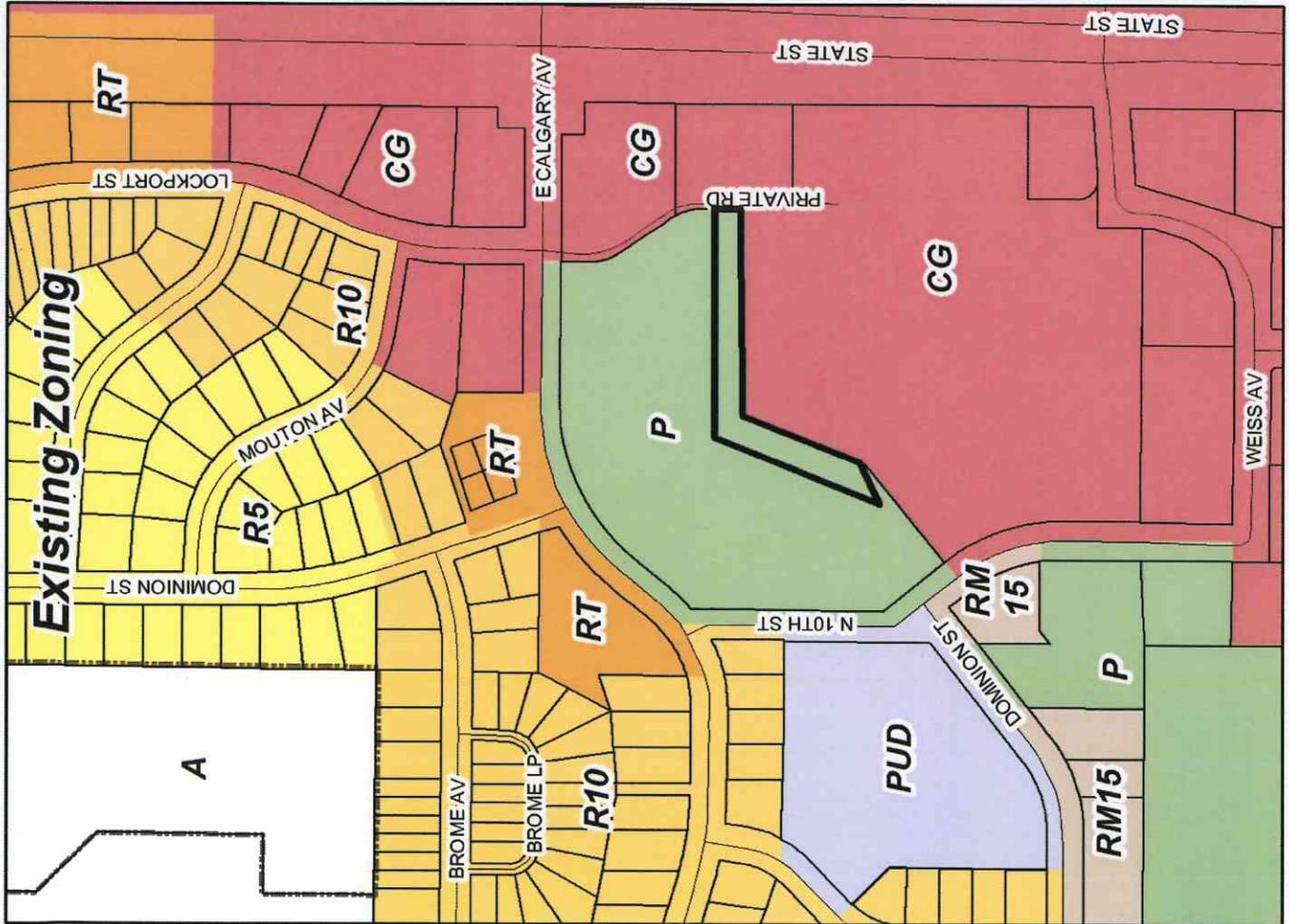


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Map was Updated/Created: April 1, 2013 (Klee)

Source: City of Bismarck



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



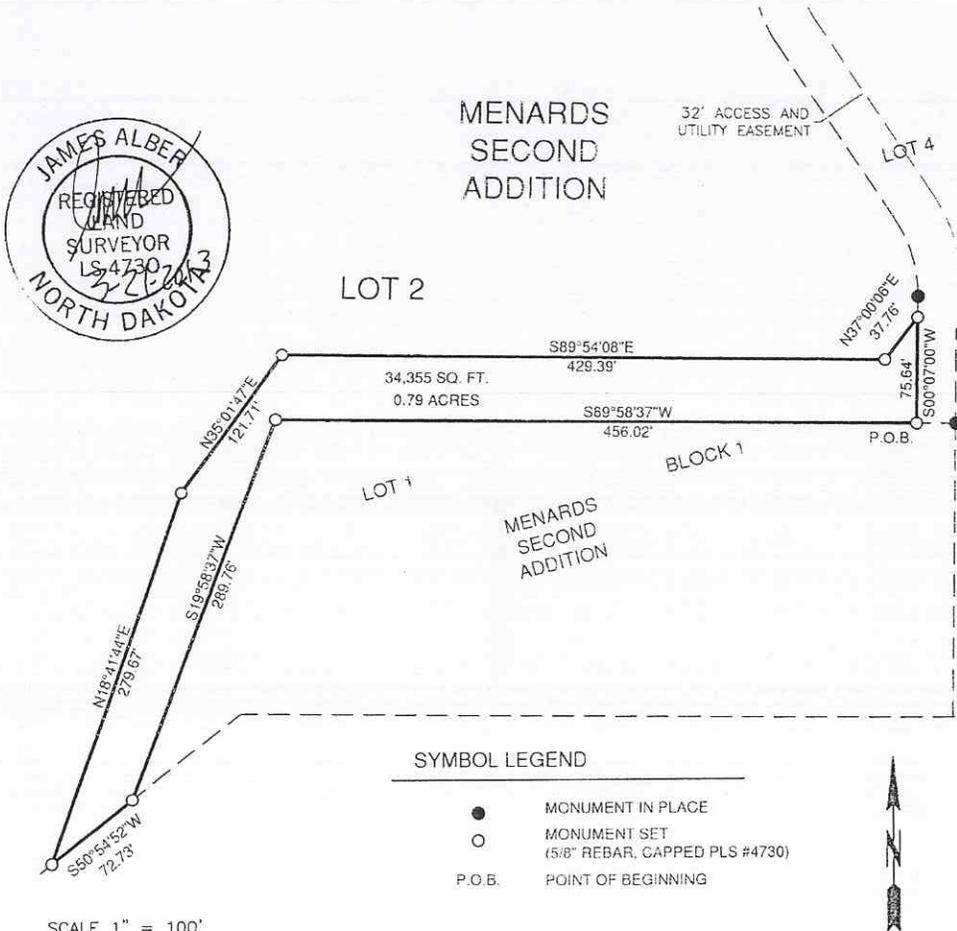
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PLAT OF

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 08 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 PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition – Special Use Permit (Child Care Center)		
Status: Planning Commission – Public Hearing (continued)	Date: May 22, 2013	
Owner(s): First United Methodist Church (owner) Kenneth J. Klekamp Inc (applicant)	Engineer: Swenson, Hagen & Company	
Reason for Request: To allow the adaptive reuse of an existing church facility as a child 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: Child Care Center (aka daycare center)	
Zoning: R10 – Residential	Zoning: R10 – Residential	
Uses Allowed: R10 – One and two-family residential & child care centers with a Special Use Permit	Uses Allowed: R10 – One and two-family residential & child care 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 child care center is intended to accommodate 200 children; the total number of children under the age of 2 ½ years will be under 50. Based on the number of children, the applicant has indicated that the child care center will employ approximately 25 employees. Based on these numbers, a minimum of 45 off-street parking spaces are required (1 per 10 clients, 1 per each employee) 2. The hours of operation for the child care center will be from 6:30 am to 7:30 pm, Monday through Friday. 3. The proposed child care center will provide kindergarten classes for some of their clients. The proposed kindergarten will be accredited through the North Dakota Department of Public Instruction and is a permitted use in the R10-Residential district as part of the education group. Section 14-03-07(10) of the City Code of Ordinance defines the education group as “a use in the education group is one in which the principal activity is the education of children or adults by a public or private nonprofit agency.” 4. The applicant has been working with the Building Inspections Division to satisfy all the requirements to establish and operate a child care 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. 		

(continued)

5. The City Traffic Engineer has expressed concerns over the proposed use. In particular, he cited that additional traffic volumes could have the potential to create traffic issues that may disrupt the neighborhood. The City Traffic Engineer has also made a recommendation 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. This would eliminate any potential safety concerns that would be associated with backing into traffic on North 11th Street. In addition this parking area should also be signed as a loading zone with appropriate time restrictions.
6. Section 14-03-08(4)(r) of the City Code of Ordinances, which was recently amended, outlines the requirements for a child care center. A copy of this section of the City Code is attached.

FINDINGS:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use 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 for the proposed special use.
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 will be taken prior to occupancy to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.

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:

- Operating hours are limited to 6:30am to 7:30pm, Monday through Friday.
- The special use permit is for the operation of a child care center and kindergarten, which is permitted under the R10 district; all other uses are prohibited.
- The number of clients enrolled within the child care center, including the kindergarten, shall be limited to 200.
- As Lots 27 and 28, Block 73, Mckenzie & Coffins Addition are needed in order to comply with off-street parking requirements of 45-off street parking spaces for this facility, they must remain as a parking lot and cannot be developed or ownership transferred to another user.

Staff is working with the applicant's consulting engineer to satisfy parking requirements. If parking requirements have not been satisfied prior to the public hearing, staff will change their recommendation to continue the public hearing until parking requirements have been satisfied.

CHILD CARE CENTERS

Amendments made by Ordinance 5958

Section 14-03-08(4) (r) (Special Uses)

- q. ~~Day-care~~ Child Care Center. ~~Day-care~~ child 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 ~~elient~~ child under 12 years of age. Work areas, office areas, and other areas not designed for use of the ~~elients~~ children 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 ~~elient~~ child under 12 years of age. The recreation area shall be fenced, ~~and~~ have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, and be 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) ~~elients~~ children.
 - 4) Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue.
 - 5) ~~Day-care~~ Child care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck, and all requirements of the North Dakota Department of Human Services.

Section 14-02-03 (Definitions)

~~Day-care~~ Child care center: ~~Any~~ Also known as a day care center, a child care center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty four (24) hours per day, for more than twelve

(12) elients by other than relatives or legal guardians children under the age of twelve (12) years, for less than twenty-four hours per day, and licensed by the North Dakota Department of Human Services as an early childhood program. Child care facilities operated services provided in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises, shall not be considered a day-care center. The following shall not be considered a child care center: 1) child care provided in any educational facility, whether public or private, in grade one or above; 2) child care, preschool, kindergarten, and pre-kindergarten services provided to children under six (6) years of age in any educational facility through a program approved by the North Dakota Superintendent of Public Instruction; 3) child care provided in facilities operated in connection with a religious facility, business, or organization where children are cared for during periods of time not exceeding four (4) continuous hours while the child's parent, guardian or custodian is attending religious services or is engaged in other activities on the premises; 4) schools or classes for religious instruction conducted by religious orders, Sunday schools, weekly catechism or other classes for religious instruction; 5) sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult; and 6) child care provided in a medical facility by medical personnel to children who are ill.

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



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 18, 2013 (hlb)

Source: City of Bismarck



CORCORAN SCHOOL PROPOSED SITE PLAN

