



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
July 24, 2013

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

Item No. Page

MINUTES

- 1. The minutes of the June 26, 2013 meeting of the Bismarck Planning & Zoning Commission will be distributed for consideration at the August meeting.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. Oakland Subdivision (JW)

Hay Creek Township

- a. Zoning Change (A to RR) ..... 1

Staff recommendation: schedule a hearing [ ] schedule a hearing [ ] table [ ] deny

- b. Preliminary Plat ..... 5

Staff recommendation: tentative approval [ ] tentative approval [ ] table [ ] deny

3. Pinehurst 9th Addition (JT)

- a. Zoning Change (RT to RT & PUD)..... 11

Staff recommendation: schedule a hearing [ ] schedule a hearing [ ] table [ ] deny

- b. Preliminary Plat ..... 19

Staff recommendation: tentative approval [ ] tentative approval [ ] table [ ] deny



<b>4.</b>	<b>Fazekas Subdivision – Preliminary Plat (JW)</b> .....	23
	<i>Staff recommendation: tentative approval</i> <input type="checkbox"/> tentative approval <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>5.</b>	<b>Lot 1, Block 1, Edgewood Village 2<sup>nd</sup> Addition – Zoning Change (RM15 to R10) (JW)</b> .....	27
	<i>Staff recommendation: schedule a hearing</i> <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>6.</b>	<b>Auditor’s Lots 4 &amp; 5, Section 1, T138N-R80W/Lincoln Township – Zoning Change (A to MA) (JT)</b> .....	31
	<i>Staff recommendation: schedule a hearing</i> <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>7.</b>	<b>Part of Lot 1, Block 1, Northern Sky Addition – Zoning Change (CG to PUD) (JW)</b> .....	39
	<i>Staff recommendation: schedule a hearing</i> <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>8.</b>	<b>Missouri Valley Complex – Major PUD Amendment (Klee)</b> .....	47
	<i>Staff recommendation: schedule a hearing</i> <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>9.</b>	<b>Lot 1, Block 1, Good Shepherd North Addition – Major PUD Amendment (JT)</b> .....	55
	<i>Staff recommendation: schedule a hearing</i> <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>10.</b>	<b>CA – Commercial Zoning District/Education Group – Zoning Ordinance Text Amendment (Klee)</b> .....	69
	<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.

<b>11.</b>	<b>Hay Creek Commercial Addition (JT)</b>	
a.	Annexation .....	73
	<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 & CG to CG) .....	77
	<i>Staff recommendation: continue</i> <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny	
c.	Final Plat.....	81
	<i>Staff recommendation: continue</i> <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny	
<b>12.</b>	<b>High Meadows 12<sup>th</sup> Addition (Klee) – Final Plat (Klee)</b> .....	87
	<i>Staff recommendation: continue</i> <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny	

- 13. Trillium 4<sup>th</sup> Addition – Final Plat (Klee)..... 93**  
*Staff recommendation: continue*                      approve    continue    table    deny
- 14. Liberty Addition (Klee)**
- a. Zoning Change (P to R5 & P).....99  
*Staff recommendation: continue*                      approve    continue    table    deny
- b. Minor Subdivision Final Plat..... 103  
*Staff recommendation: continue*                      approve    continue    table    deny
- 15. Cottonwood Lake 6<sup>th</sup> Addition Replat (JT)**
- a. Zoning Change (R10 to RM10 & R10)..... 107  
*Staff recommendation: continue*                      approve    continue    table    deny
- b. Minor Subdivision Final Plat..... 111  
*Staff recommendation: continue*                      approve    continue    table    deny
- 16. Part of Lot 1 and Lots 2 & 3, Block 1, Duemelands 3<sup>rd</sup> Subdivision –  
Zoning Change (MA & MB to MB) (JW)..... 117**  
*Staff recommendation: approve*                      approve    continue    table    deny
- 17. Lot A of the NW ¼ of Section 1, T139N-R81W/West Hay Creek Township –  
Land Use Plan Amendment (Urban Residential to Industrial) (Klee) ..... 121**  
*Hay Creek Township*  
*Staff recommendation: deny*                      approve    continue    table    deny

**OTHER BUSINESS**

- 18. Other**

**ADJOURNMENT**

- 19. Adjourn.** The next regular meeting date is scheduled for Wednesday, August 28, 2013.

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

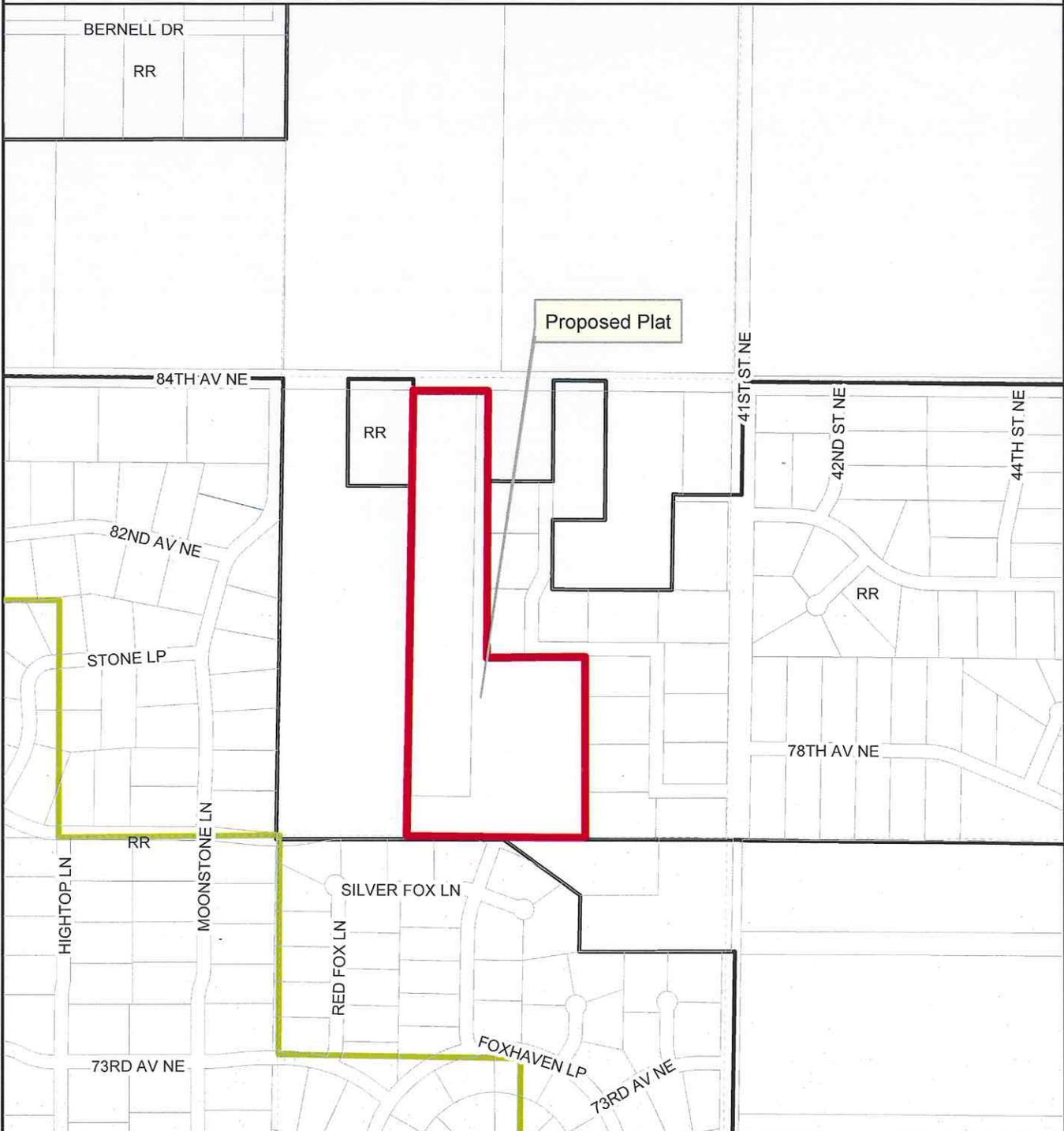
<b>BACKGROUND:</b>	
<b>Title:</b> Oakland Subdivision – Zoning Change (A to RR)	
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013
<b>Owner(s):</b> Thomas Oakland	<b>Engineer:</b> Lowry Engineering
<b>Reason for Request:</b> Plat and zone property to allow development of a single-family rural residential subdivision.	
<b>Location:</b> Along the south side of 84 <sup>th</sup> Avenue NE, between Moonstone Lane and 41 <sup>st</sup> Street NE.	
<b>Project Size:</b> 40 acres	<b>Number of Lots:</b> 17 lots in 4 blocks
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Agriculture/Undeveloped	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> A – Agriculture	<b>Land Use:</b> Rural Residential
<b>Uses Allowed:</b> Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>Maximum Density Allowed:</b> One unit/40 acres	<b>Maximum Density Allowed:</b> One unit/65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>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.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as rural residential (US Highway 83 Corridor Study).</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, and partially-developed rural residential to the south and west.</li> <li>The subdivision proposed for the property would be served by South Central Regional Water District and would have access to both 71<sup>st</sup> Avenue NE and 41<sup>st</sup> Street NE via internal streets; therefore, the proposed zoning change would not place an undue burden on public services.</li> </ol>	
<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 Oakland Subdivision.

# Proposed Plat Oakland Subdivision

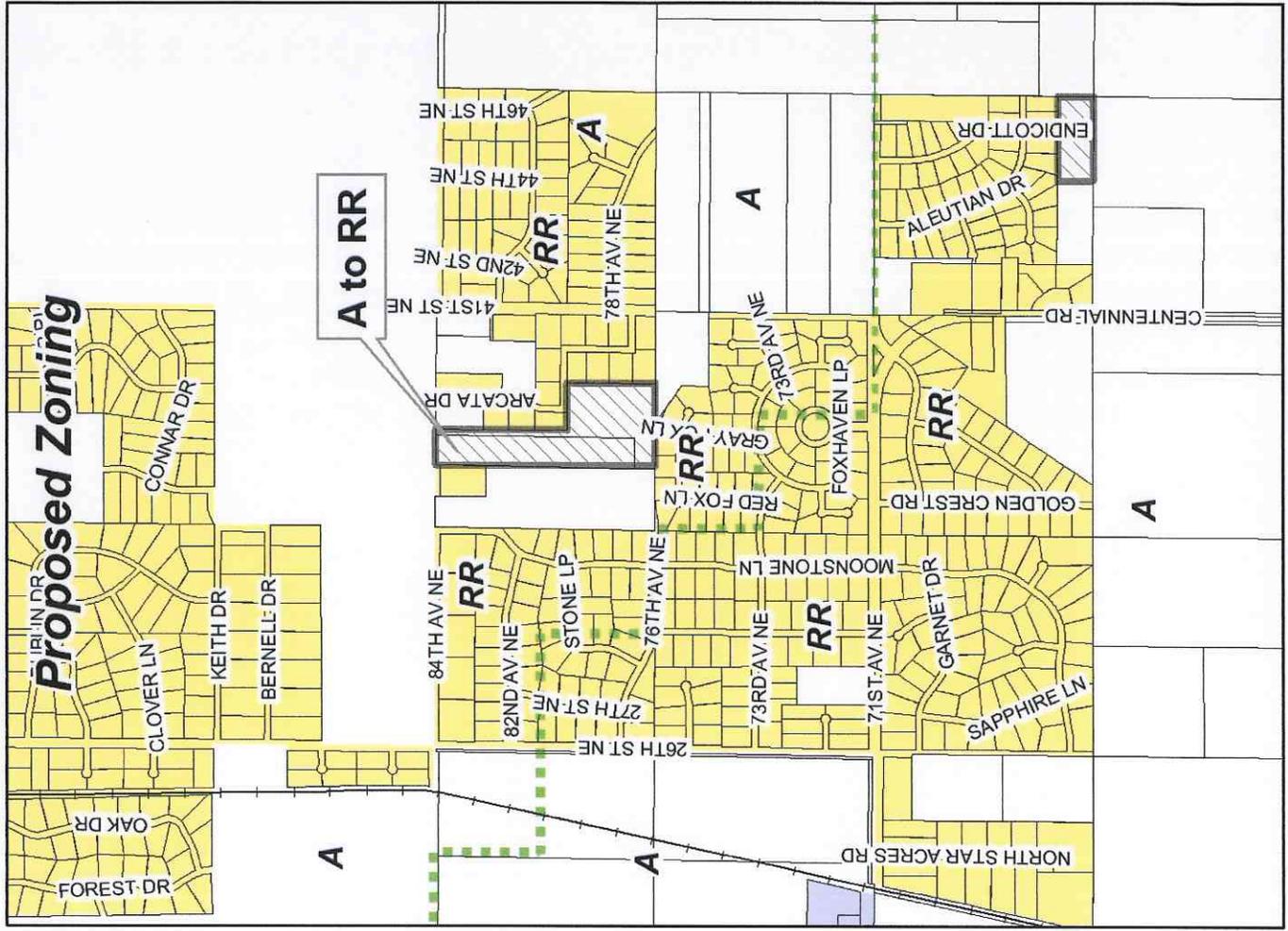
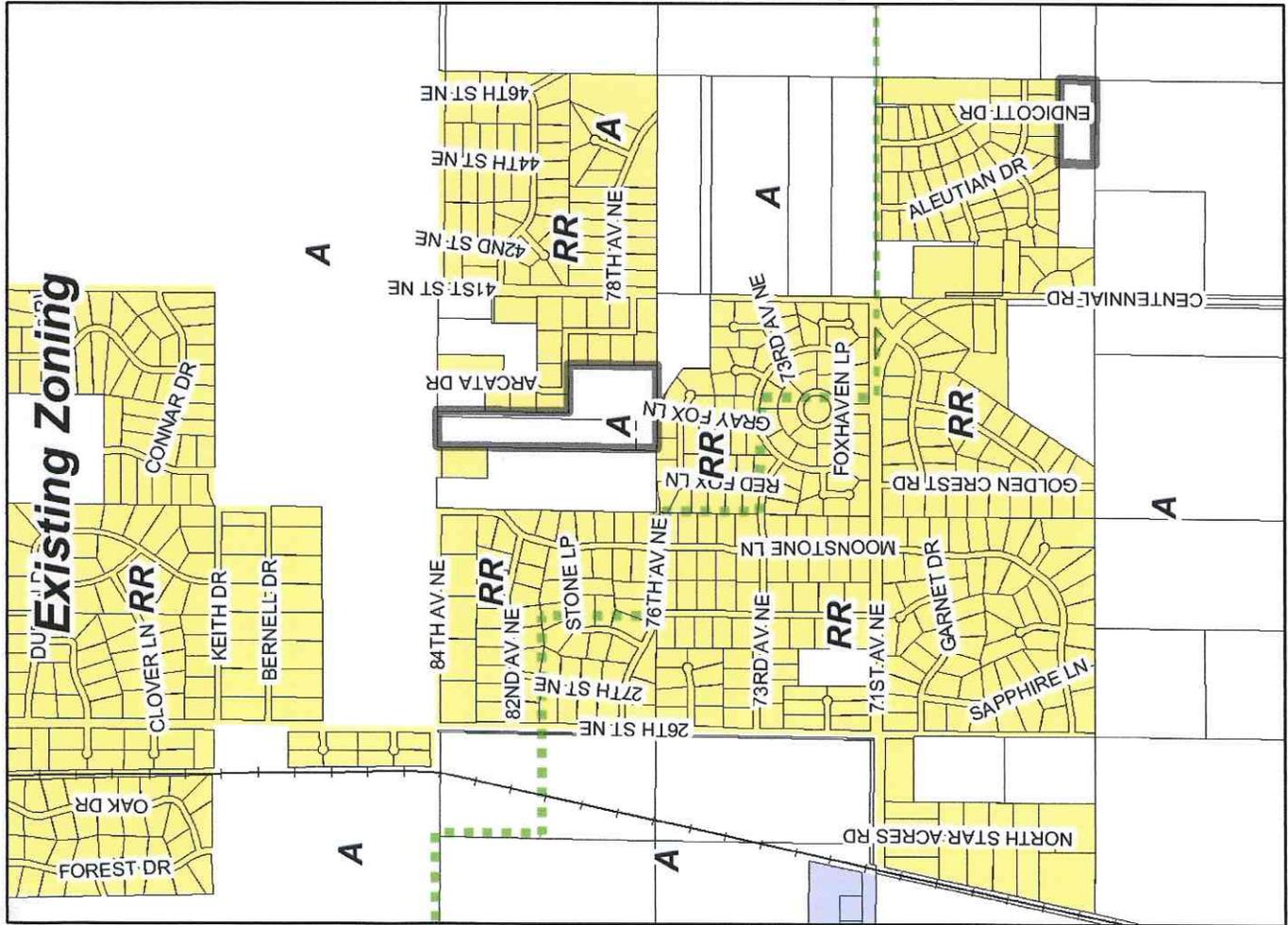


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: June 28, 2013 (hlb)

Source: City of Bismarck



# Oakland Subdivision - Zoning Change



July 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**

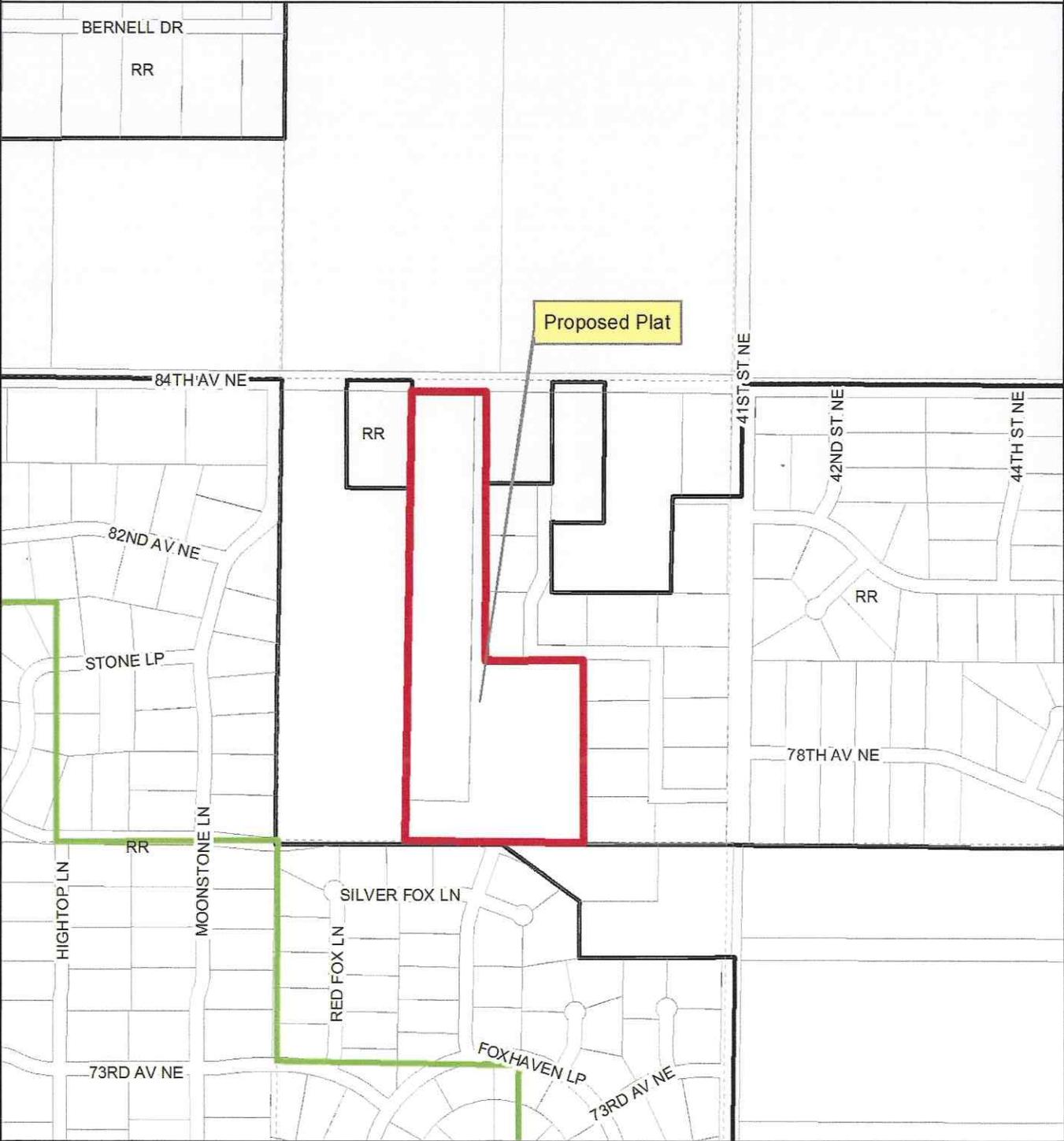
<b>BACKGROUND:</b>	
<b>Title:</b> Oakland Subdivision – Preliminary Plat	
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013
<b>Owner(s):</b> Thomas Oakland	<b>Engineer:</b> Lowry Engineering.
<b>Reason for Request:</b> Plat and rezone property to allow development of a single-family rural residential subdivision.	
<b>Location:</b> Along the south side of 84 <sup>th</sup> Avenue NE, between Moonstone Lane and 41 <sup>st</sup> Street NE.	
<b>Project Size:</b> 40 acres	<b>Number of Lots:</b> 17 lots in 4 blocks
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Agriculture/ undeveloped	<b>Land Use:</b> Rural residential
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>Maximum Density Allowed:</b> One unit/40 acres	<b>Maximum Density Allowed:</b> One unit/65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>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.</li> <li>The proposed subdivision is located within the Urban Service Area Boundary (USAB); however, the applicant has requested a waiver from the USAB requirement including the requirement to ghost plat the proposed lots. The applicant cited that the proposed subdivision is surrounded by existing subdivisions that were not required to ghost plat. This request seems reasonable recognizing that the proposed subdivision surrounded by existing subdivisions that were not required to ghost plat.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>All technical requirements for consideration of a preliminary plat have been met.</li> <li>The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies 84<sup>th</sup> Avenue NE as an arterial roadway and 76<sup>th</sup> Avenue NE as the north-south collector roadway for this section.</li> </ol>	

1. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, and partially-developed rural residential to the south and west.
2. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to both 71<sup>st</sup> Avenue NE and 41<sup>st</sup> Street NE via internal streets; therefore, the proposed subdivision would not place an undue burden on public services.
3. The proposed subdivision would not adversely affect property in the vicinity.
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
5. 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 Oakland Subdivision, including the granting of a waiver from the ghost platting requirement.

# Proposed Plat Oakland 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: June 28, 2013 (h/b)

Source: City of Bismarck



# PRELIMINARY PLAT OF OAKLAND SUBDIVISION

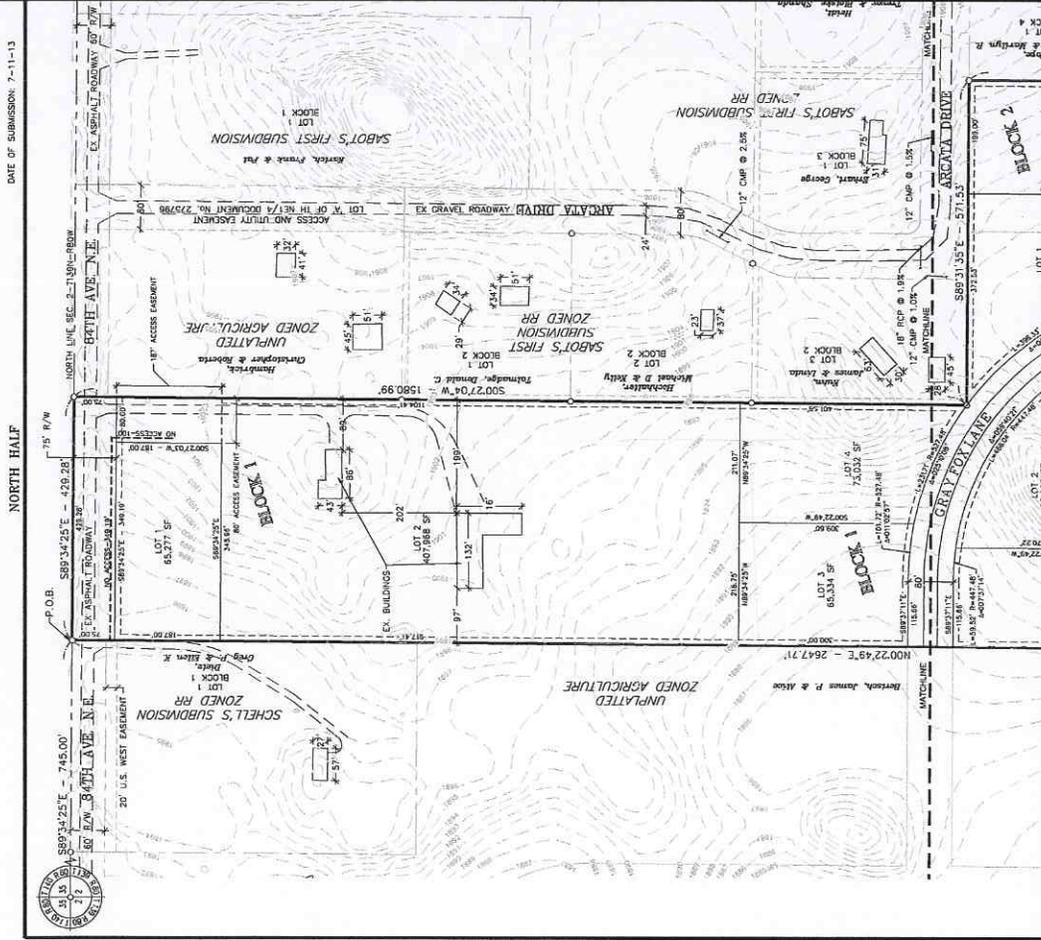
A PORTION OF THE NORTH EAST QUARTER OF SECTION 2, T139N, R80W OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA

**DRAWN BY:**  
THOMAS AND ANGELA OAKLAND  
LOWRY ENGINEERING  
BISMARCK, ND 58503

**ENGINEER:**  
LOWRY ENGINEERING  
3330 FARMCO, NO. 58103  
BISMARCK, ND 58503

DATE OF SUBMISSION: 7-1-13

NORTH HALF



### DESCRIPTION

A PORTION OF THE NORTH EAST QUARTER OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:  
Commencing from the North West Corner of the North East Quarter of said Section 2; thence S89°34'25"E along the north line of said Section 2 a distance of 745.00 feet to the Northeast Corner of Schell's Subdivision Lot 1 Block 1; the Point of Beginning; thence continuing S89°34'25"E along said North line a distance of 429.28 feet, thence S00°27'04"W to the South West Corner of Lot 3 Block 1 of Sabot's First Subdivision; thence S89°31'35"E a distance of 151.53 feet to the West Corner of Lot 1 Block 1 of Sabot's First Subdivision; thence S00°17'26"W a distance of 1055.39 feet to the South West Corner of Lot 4 Block 4 of Sabot's First Subdivision; thence S89°51'42"W a distance of 1050.00 feet on the lot line of Lot 8 Block 1 of Fourteen First Subdivision; thence N00°22'49" a distance of 2047.71 feet to the Point of Beginning.

SAID OAKLAND SUBDIVISION CONTAINS 39.91 ACRES, MORE OR LESS, AND IS DIVIDED INTO THREE(3) BLOCKS CONTAINING SEVENTEEN(17) LOTS.

### SURVEYOR'S CERTIFICATE

I, COLE A. NESSET, HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT IS THE CORRECT REPRESENTATION OF THE SURVEY SHOWN HEREON, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

DATE: \_\_\_\_\_

COLE A. NESSET  
REGISTERED PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO. 15-2513

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BEFORE ME A NOTARY PUBLIC FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, THE PERSON DESCRIBED HEREIN, AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED.

DATE: \_\_\_\_\_

NOTARY PUBLIC  
CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

### LEGEND

- IRON MONUMENT PLACED
- 5/8" BAR CAPPED LS-7513 IRON MONUMENT FOUND
- PLAT BOUNDARY
- LOT LINES
- EX. LOT LINES
- UTILITY EASEMENT LINE (U.E.)
- DRAINAGE EASEMENT LINE (D.E.)
- NON ACCESS LINE
- CHORD BEARING SPIRAL CURVE
- (CB) CHORD BEARING SPIRAL CURVE
- (D) DEEDED DISTANCE

### PLAT INFORMATION

- 4 BLOCKS
- 17 LOTS
- 39.91 ACRES
- 4 BLOODS 2016: RURAL, RESIDENTIAL
- LOT ACRES = 39.91
- P.M. ACRES = 39.91
- TOTAL ACRES = 39.91
- TOTAL ACRES = 39.91

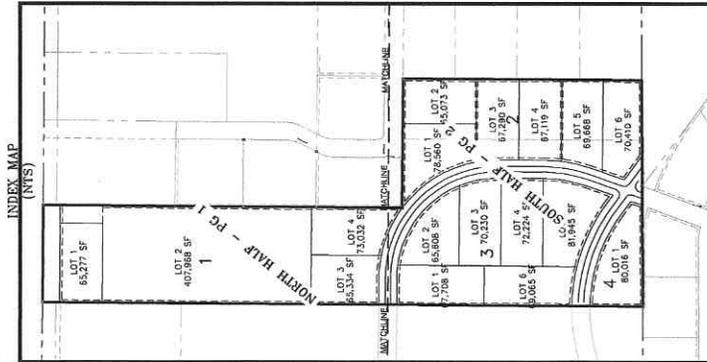
### SURVEY INFORMATION

DATE OF SURVEY: MAY, 2013  
BASIS OF SURVEY: MEASUREMENTS MADE IN THE FIELD BY THE SURVEYOR  
BENCHMARK USED: 1849.86

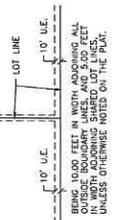
CITY OF BISMARCK GORE CONTROL TIES	GRID NORTH	GRID EAST
B45-2	443,175.7086	1,955,712.6807
B57-1	448,844.6919	1,911,072.4150
B58-3	448,433.2559	1,950,673.0895

SCALE FACTOR: 0.9998515 FROM GRID TO GROUND

### INDEX MAP (NTS)



3330 FARMCO DRIVE, SUITE 102 FARMCO, NORTH DAKOTA 58103  
PHONE: 701-251-1818

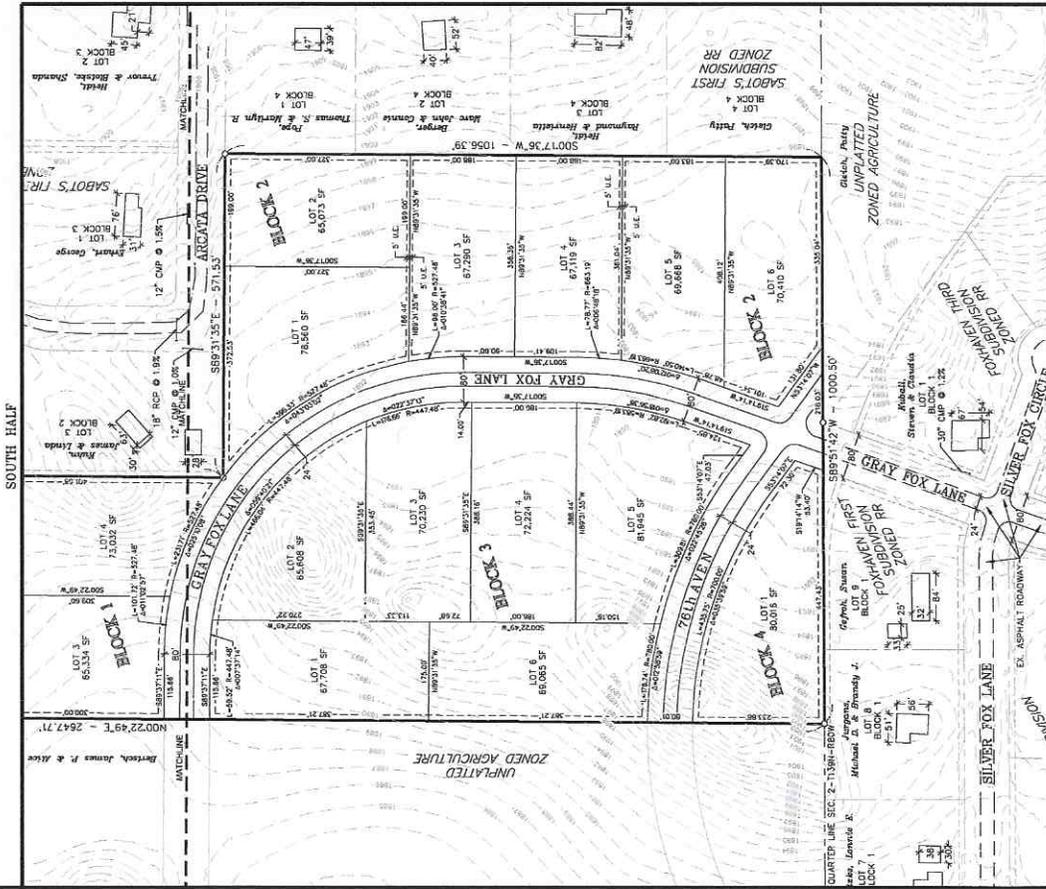


BEING 10.00 FEET IN WIDTH, ADJOINING ALL SIDES OF THE PLAT, AND BEING 10.00 FEET IN WIDTH, ADJOINING ALL SIDES OF THE PLAT, UNLESS OTHERWISE NOTED ON THE PLAT.

1 OF 2

# PRELIMINARY PLAT OF OAKLAND SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 2, T139N, R80W OF THE  
FIFTH PRINCIPAL MERIDIAN, COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA



**APPROVAL OF BOARD OF CITY COMMISSIONERS**

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS REVIEWED THE PRELIMINARY PLAT OF THE OAKLAND SUBDIVISION, AND HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEKED PLAT, AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARIES OF THE ANNEKED PLAT. THE BOARD OF CITY COMMISSIONERS OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION, APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

W. C. WICKEN  
CITY ADMINISTRATOR

**APPROVAL OF CITY ENGINEER**

I, MELVIN J. BILLINGER, P.E., CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "OAKLAND SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEKED PLAT.

MELVIN J. BILLINGER  
BISMARCK CITY ENGINEER

**APPROVAL OF CITY PLANNING COMMISSION**

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEKED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF, I HAVE HEREBY SIGNED AND SEALED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, AS CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER  
SECRETARY

**APPROVAL OF BOARD OF COUNTY COMMISSIONERS**

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS REVIEWED THE PRELIMINARY PLAT OF THE OAKLAND SUBDIVISION, AND HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEKED PLAT, AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARIES OF THE ANNEKED PLAT. THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION, APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

DOUG SHONERT  
CHAIRMAN

**OWNER'S CERTIFICATE AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS AND ANSELA OAKLAND BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN ON THE ANNEKED PLAT HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "OAKLAND SUBDIVISION", BISMARCK, NORTH DAKOTA AND DO SO DEDICATE AS SHOWN THEREON AND HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARIES OF THE ANNEKED PLAT. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

THOMAS J. OAKLAND  
3605 84TH AVE. NE  
BISMARCK, ND 58503

ANSELA OAKLAND  
3605 84TH AVE. NE  
BISMARCK, ND 58503

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BEFORE ME A NOTARY PUBLIC FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THOMAS AND ANSELA OAKLAND, THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN ON THE ANNEKED PLAT AND THEY CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "OAKLAND SUBDIVISION", BISMARCK, NORTH DAKOTA AND DO SO DEDICATE AS SHOWN THEREON AND HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARIES OF THE ANNEKED PLAT. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

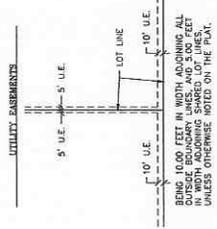
NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

DATE: \_\_\_\_\_



**LEGEND**

- IRON MONUMENT PLACED
- 5/8" BAR CAPPED LS-7513
- PLAT BOUNDARY
- LOT LINES
- EX. LOT LINES
- UTILITY EASEMENT LINE (U.E.)
- DRAINAGE EASEMENT LINE (D.E.)
- NON ACCESS LINE
- CHERIC BEARING SPIRAL CURVE
- (CB) CHERIC BEARING SPIRAL CURVE
- (D) DEEDED DISTANCE



**LOWRY**  
ENGINEERING  
3319 FRIEDMAN DRIVE, SUITE 101, FAIRMONT, NORTH DAKOTA 58540  
PHONE: 701-285-9189

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

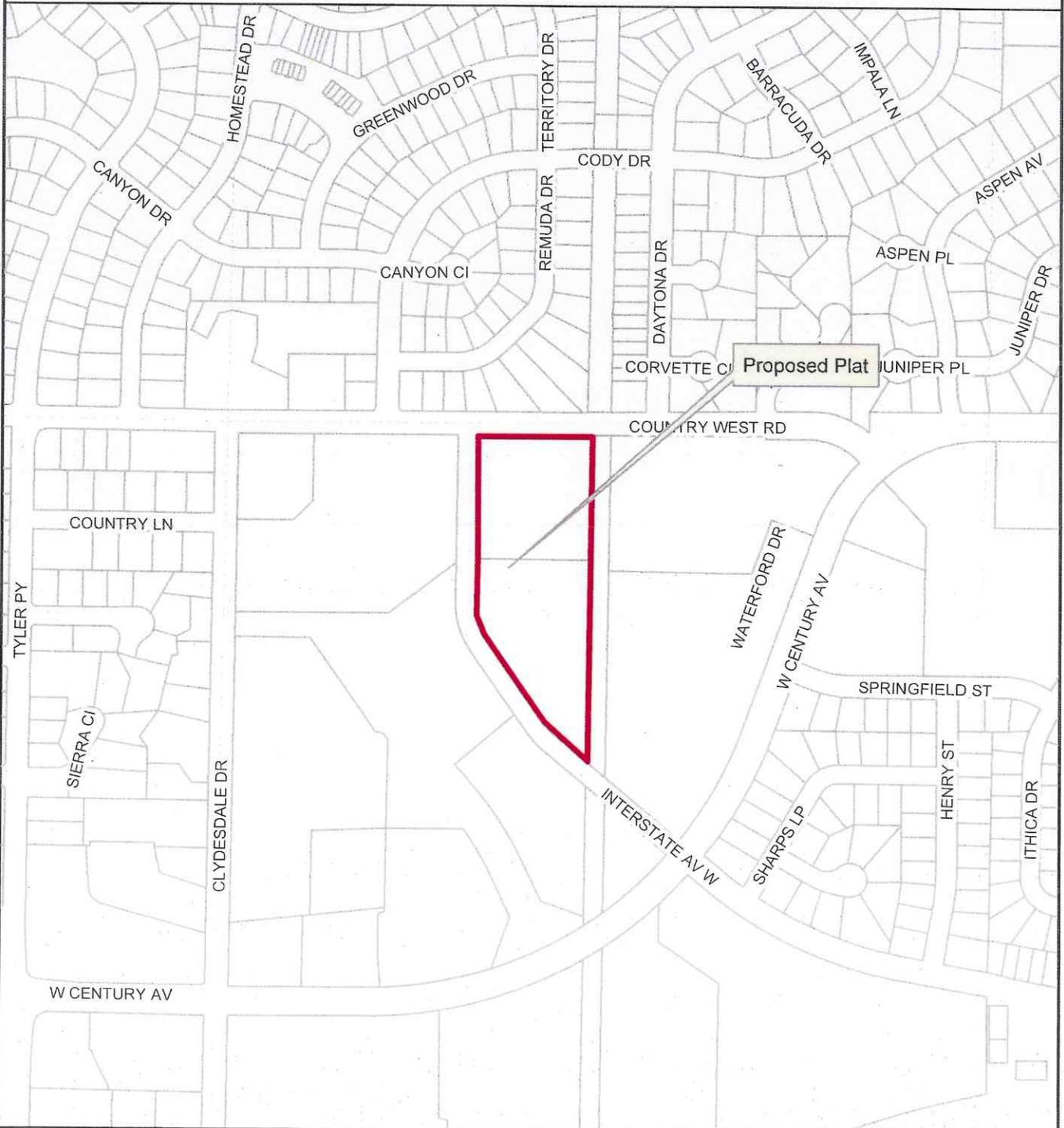
<b>BACKGROUND:</b>		
<b>Title:</b> Pinehurst 9 <sup>th</sup> Addition – Zoning Change (RT to RT & PUD)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> JPR Investments, LLC	<b>Engineer:</b> BKBM Engineers	
<b>Reason for Request:</b> To plat and rezone property for a full-service, 4-story, 120-room hotel project (Lot 2, Block 1) and an office building (Lot 1, Block 1).		
<b>Location:</b> In west Bismarck between East Century Avenue and Country West Road along an extension of West Interstate Avenue (part of the NW ¼ of Section 29, T139-R80W/Hay Creek Township).		
<b>Project Size:</b> 8.3 acres +/-	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RT – Residential	<b>Land Use:</b> 4-story, 120-room hotel project (Lot 2) Office building (Lot 1)	
<b>Uses Allowed:</b> RT – multi-family residential, offices, medical offices and banks	<b>Zoning:</b> RT – Residential (Lot 1) PUD – Planned Unit Development (Lot 2)	
<b>Maximum Density Allowed:</b> RT – 30 units per acre	<b>Uses Allowed:</b> RT – multi-family residential, offices, medical offices and banks PUD – uses specified in the PUD ordinance	
	<b>Maximum Density Allowed:</b> RT – 30 units per acre PUD – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 07/1998	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The applicant has indicated the hotel development project would precede the office building project. The current zoning allows for the office use on Lot 1, Block 1. The current zoning of Lot 2, Block 1 does not permit a hotel. (The necessary zoning to support a hotel is CG – Commercial. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses.) Planning staff recommended the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed.</li> <li>The required written PUD statement was not submitted with the application and will be required prior to a public hearing being scheduled on this request.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed zoning change lies outside the boundaries of the Land Use Plan.</li> </ol>		
<i>(continued)</i>		

2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark assisted living center to the east, and the Pinehurst retail development to the south.
3. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, the Touchmark assisted living center would be directly adjacent to the east. The Touchmark facility offers independent and assisted living quarters for individuals above 55 years of age. The size and scale of the proposed development would be compatible with the assisted living center and the architectural design of the proposed hotel would generally be compatible with the existing structures in the area, provided adequate screening between the proposed hotel and the existing assisted living center.
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 from the RT-Residential zoning district to the RT-Residential zoning district and PUD-zoning district for Pinehurst 9<sup>th</sup> Addition with the understanding that Planning staff will work with the applicant to develop appropriate PUD regulations and adequate screening between the proposed hotel and the existing assisted living center.

# Proposed Plat and Zoning Change (RT to RT & PUD) Pinehurst 9th 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: June 26, 2013 (hib)

Source: City of Bismarck



Existing zoning: RT  
 Proposed Zoning: PUD

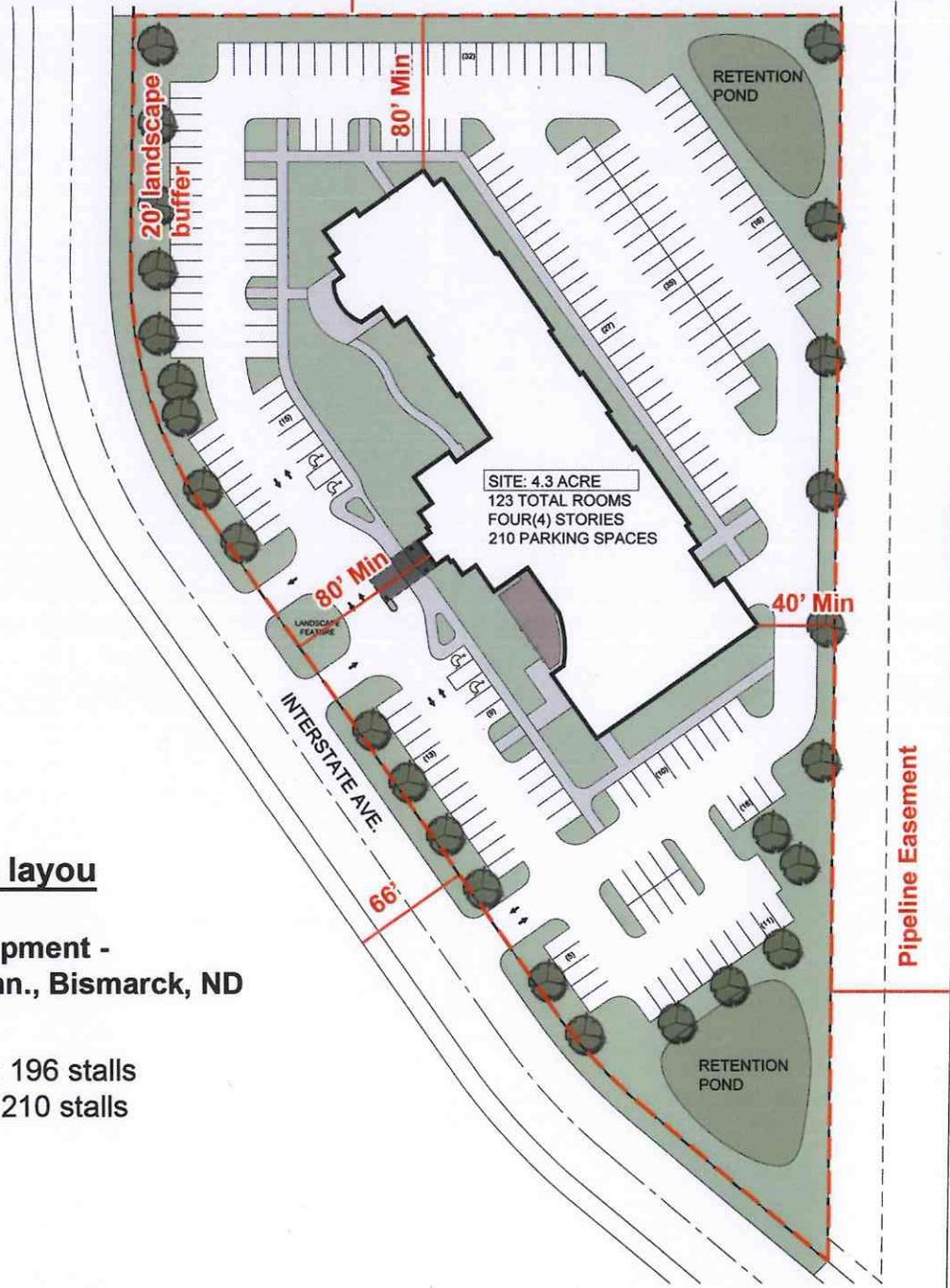
Site Area = 4.3 Acre

Zoned RT

420' to COUNTRY WEST ROAD

Zoned RT

Zoned PUD



SITE: 4.3 ACRE  
 123 TOTAL ROOMS  
 FOUR(4) STORIES  
 210 PARKING SPACES

**Proposed Site layout**

**Pinhurst Development - Hilton Garden Inn., Bismarck, ND**

Parking required: 196 stalls  
 Parking Provide: 210 stalls

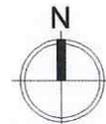
**NOTES:**

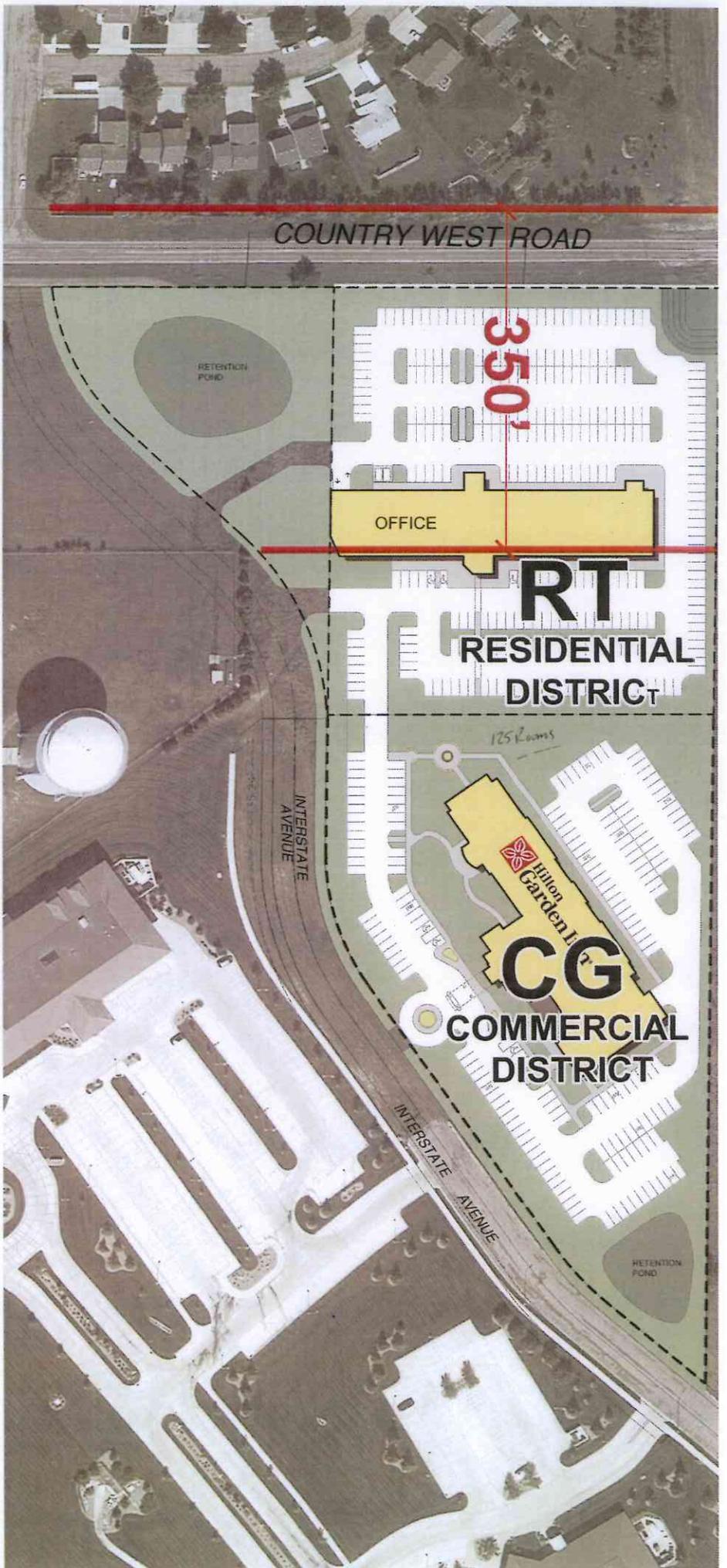
1. Refer to Architectural Plans for Structural Layout
2. Refer to Civil Plans for:
  - a. Utility Services
  - b. Drainage Design

0 25 50 100 200



1" = 100'





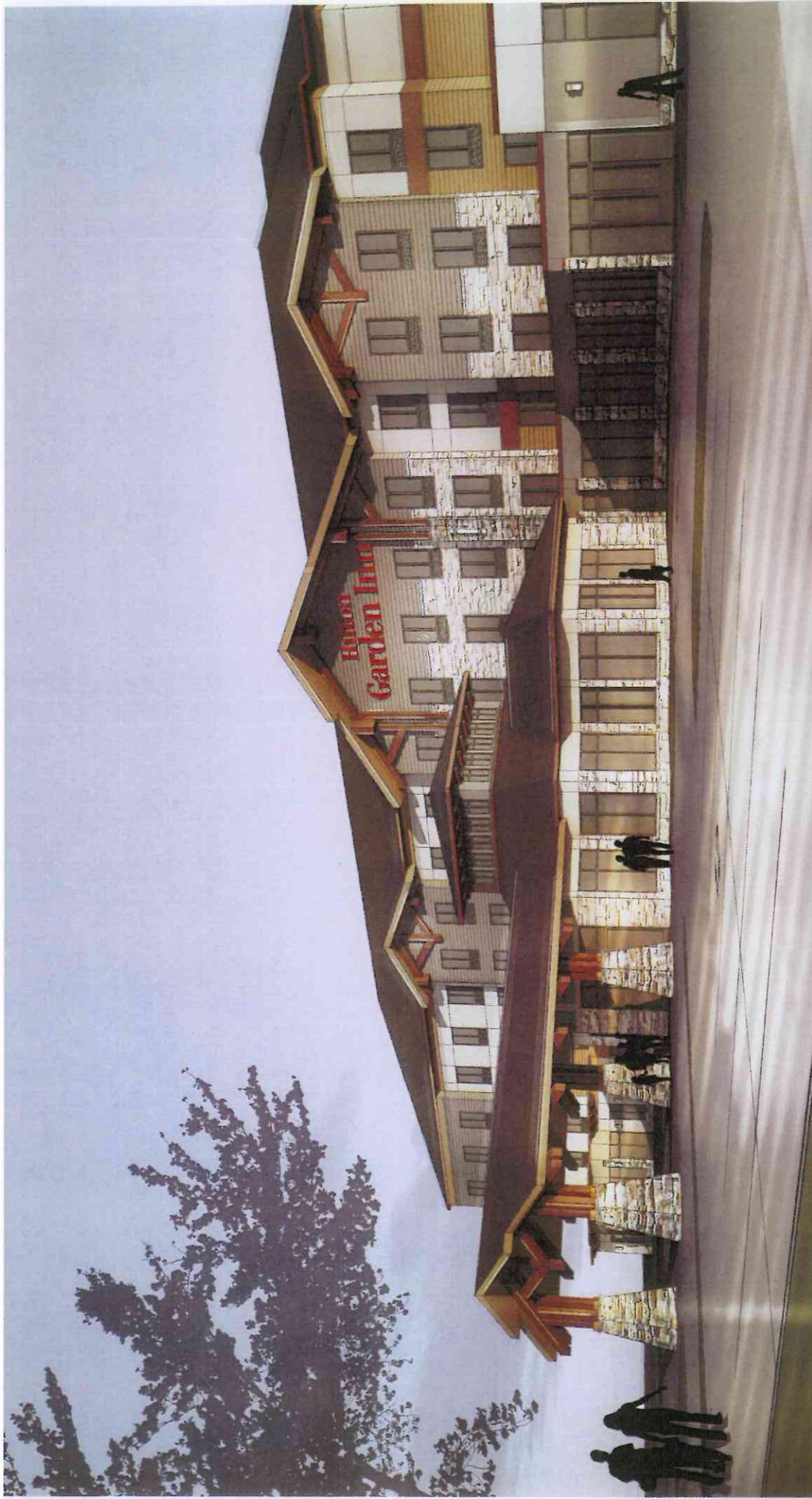
**ROERS**

Building success.

**Pinehurst Development Concept**

Bismarck, ND

May 2013



Building success.

# Pinehurst Development Concept

Bismarck, ND

May 2013



South Elevation



Southwest Perspective

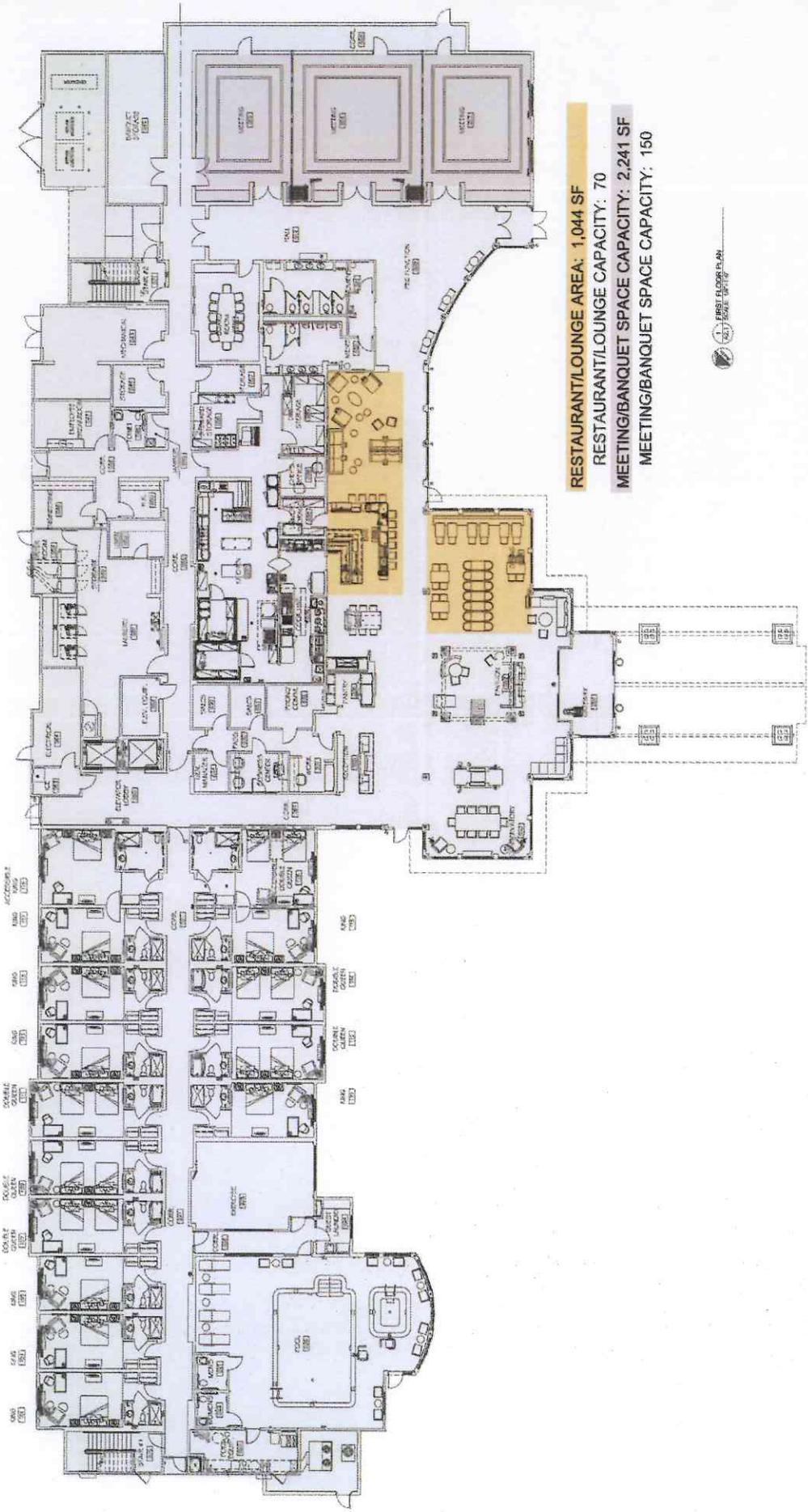


Building success.

# Pinehurst Development Concept

Bismarck, ND

May 2013



RESTAURANT/LOUNGE AREA: 1,044 SF  
 RESTAURANT/LOUNGE CAPACITY: 70  
 MEETING/BANQUET SPACE CAPACITY: 2,241 SF  
 MEETING/BANQUET SPACE CAPACITY: 150



# HILTON GARDEN INN AT PINEHURST

Bismarck, ND

May 2013



Building success.

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

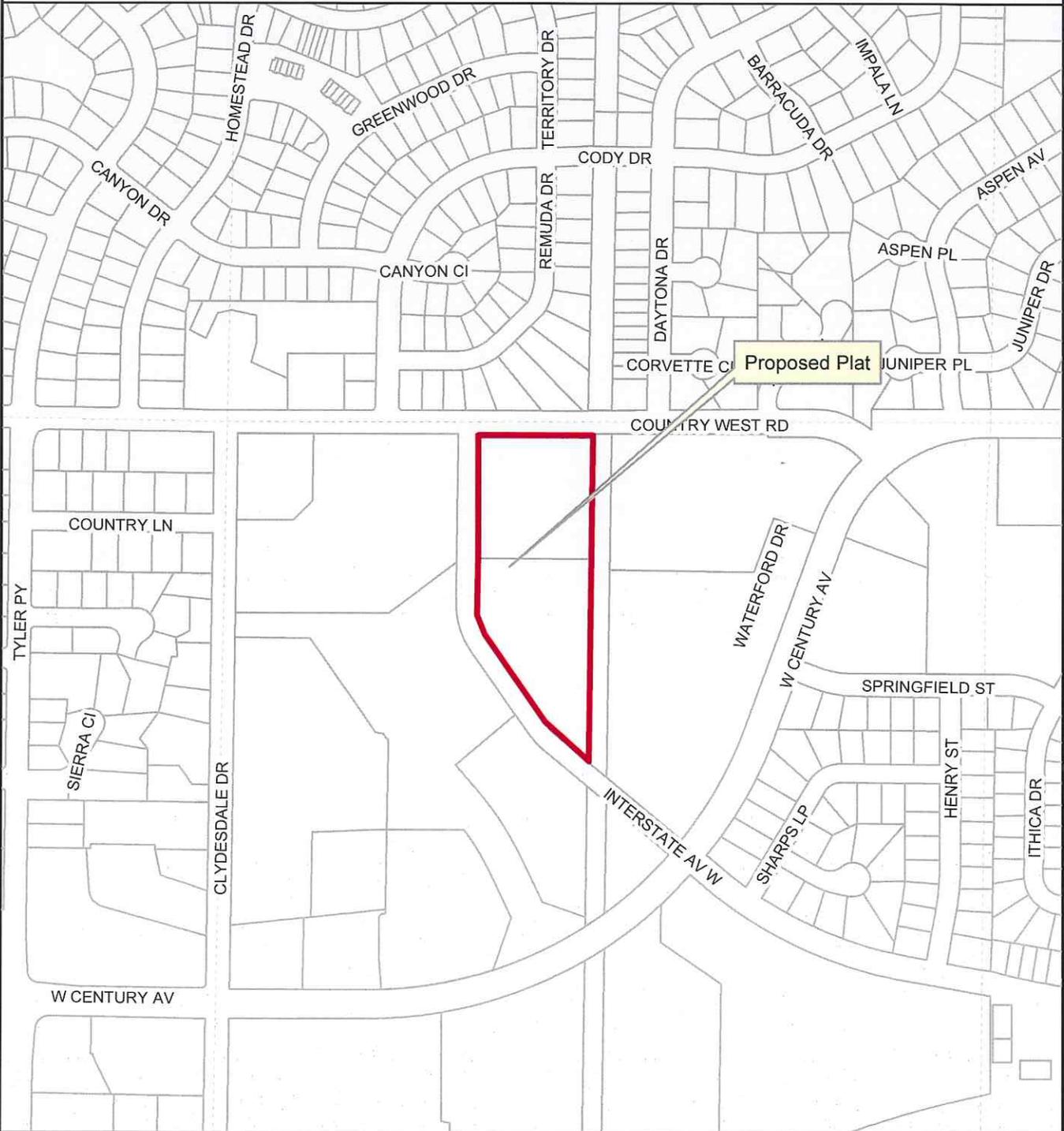
<b>BACKGROUND:</b>		
<b>Title:</b> Pinehurst 9 <sup>th</sup> Addition – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> JPR Investments, LLC.	<b>Engineer:</b> BKBM Engineers	
<b>Reason for Request:</b> To plat and rezone property for a full-service, 4-story, 120-room hotel project (Lot 2, Block 1) and an office building (Lot 1, Block 1).		
<b>Location:</b> In west Bismarck between East Century Avenue and Country West Road along an extension of West Interstate Avenue (Part of the NW ¼ of Section 29, T139-R80W/Hay Creek Township).		
<b>Project Size:</b> 8.3 acres +/-	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> 4-story, 120-room hotel project (Lot 2) Office building (Lot 1)	
<b>Zoning:</b> RT – Residential	<b>Zoning:</b> RT – Residential (Lot 1) PUD – Planned Unit Development (Lot 2)	
<b>Uses Allowed:</b> RT – multi-family residential, offices, medical offices and banks	<b>Uses Allowed:</b> RT – multi-family residential, offices, medical offices and banks PUD – uses specified in the PUD ordinance	
<b>Maximum Density Allowed:</b> RT – 30 units per acre	<b>Maximum Density Allowed:</b> RT – 30 units per acre PUD – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 07/1998	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The applicant has indicated the hotel development project would precede the office building project. The current zoning allows for the office use on Lot 1, Block 1. The current zoning of Lot 2, Block 1 does not permit a hotel. The necessary zoning to support a hotel is CG – Commercial. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses. Planning staff recommended the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>All technical requirements for consideration of a preliminary plat have been met.</li> <li>The proposed subdivision lies outside the boundaries of the Fringe Area Road Master Plan.</li> </ol>		
<i>(continued)</i>		

3. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark assisted living center to the east, and the Pinehurst retail development to the south.
4. The entire property is currently within City limits; therefore the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision will not have an adverse impact on property in the vicinity.
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:**

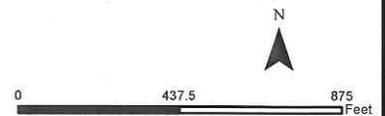
Based on the above findings, staff recommends tentative approval of the preliminary plat for Pinehurst 9<sup>th</sup> Addition.

# Proposed Plat and Zoning Change (RT to RT & PUD) Pinehurst 9th 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: June 26, 2013 (h/b)

Source: City of Bismarck





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

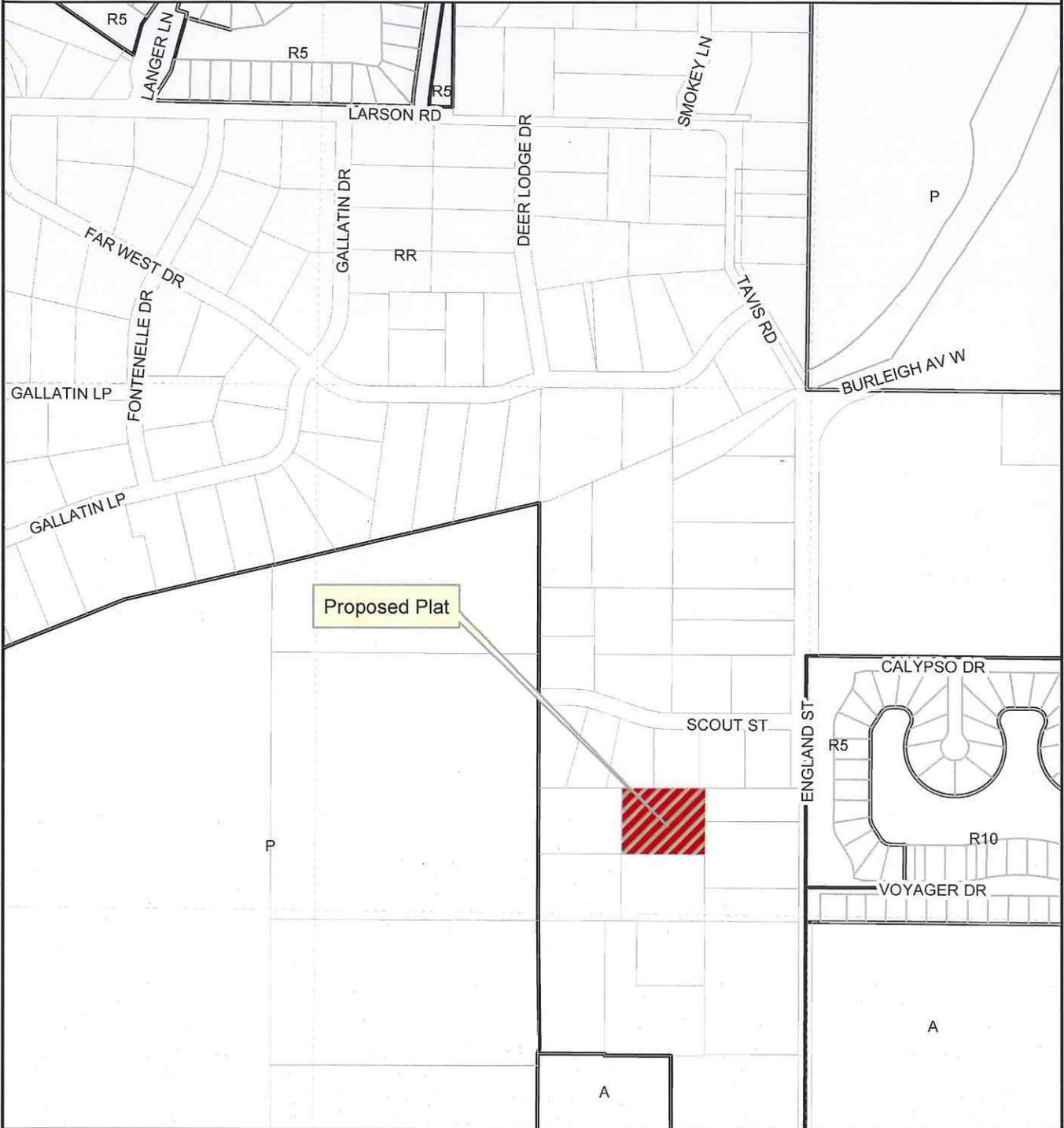
<b>BACKGROUND:</b>	
<b>Title:</b> Fazekas Subdivision – Preliminary Plat	
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013
<b>Owner(s):</b> Michael Fazekas	<b>Engineer:</b> KLJ
<b>Reason for Request:</b> Plat and rezone property to allow development of a two-lot single-family rural residential subdivision.	
<b>Location:</b> West of England Street, south of Scout Street.	
<b>Project Size:</b> 3.128 acres	<b>Number of Lots:</b> 2 lots in 1 block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> RR - Residential	<b>Land Use:</b> Rural residential
<b>Uses Allowed:</b> Rural residential & limited agriculture	<b>Zoning:</b> RR – Residential
<b>Maximum Density Allowed:</b> One unit/65,000 square feet	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>PROPERTY HISTORY:</b>	<b>Maximum Density Allowed:</b> One unit/65,000 square feet
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>The proposed subdivision is located within the Urban Service Area Boundary, (USAB). A waiver has been requested to eliminate the requirement of ghost platting and other USAB requirements. The waiver request seems reasonable, as the property will be developed as a two lot subdivisions in which the owner has no plans to further subdivide.</li> <li>The north half of a future right-of-way was dedicated when the adjacent plat (Wooded Acres Subdivision) was recorded; however, the right-of-way has not been improved. A decision on whether or not a roadway in this location is still desirable prior to the public hearing for the final plat, as this will impact the need for a roadway dedication in this plat</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>All technical requirements for consideration of a preliminary plat have been met.</li> <li>The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies England Street as a north-south arterial roadway.</li> <li>The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north south east and west.</li> <li>The subdivision proposed for the property would be served by South Central Regional Water District and would have access to England Street via an existing roadway; therefore, the proposed subdivision would not place an undue burden on public services.</li> </ol>	
<i>(continued)</i>	

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 Fazekas Subdivision, including the granting of a waiver from ghost platting requirements.

# Proposed Plat Fazekas 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: June 25, 2013 (hnb)

Source: City of Bismarck

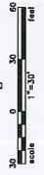


# FAZEKAS SUBDIVISION

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 138 NORTH, RANGE 80 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

**ENGINEER:**  
 M. J. FAZEKAS  
 129 500 1/2 E. 10TH ST.  
 BISMARCK, ND 58101  
 PHONE 701-338-9400

**OWNER:**  
 M. J. FAZEKAS  
 500 DODDING STREET  
 BISMARCK, ND 58104  
 PHONE 701-400-8173



DATE: JUNE 01, 2013  
 BASIS OF BEARING: STATE PLANE  
 TOPOGRAPHIC DATUM: NAVD 83  
 BENCHMARK: GPS ELEV. 1852.06

**ZONING INFORMATION**

EXISTING: RR  
 PROPOSED: RR

**PLAT INFORMATION**

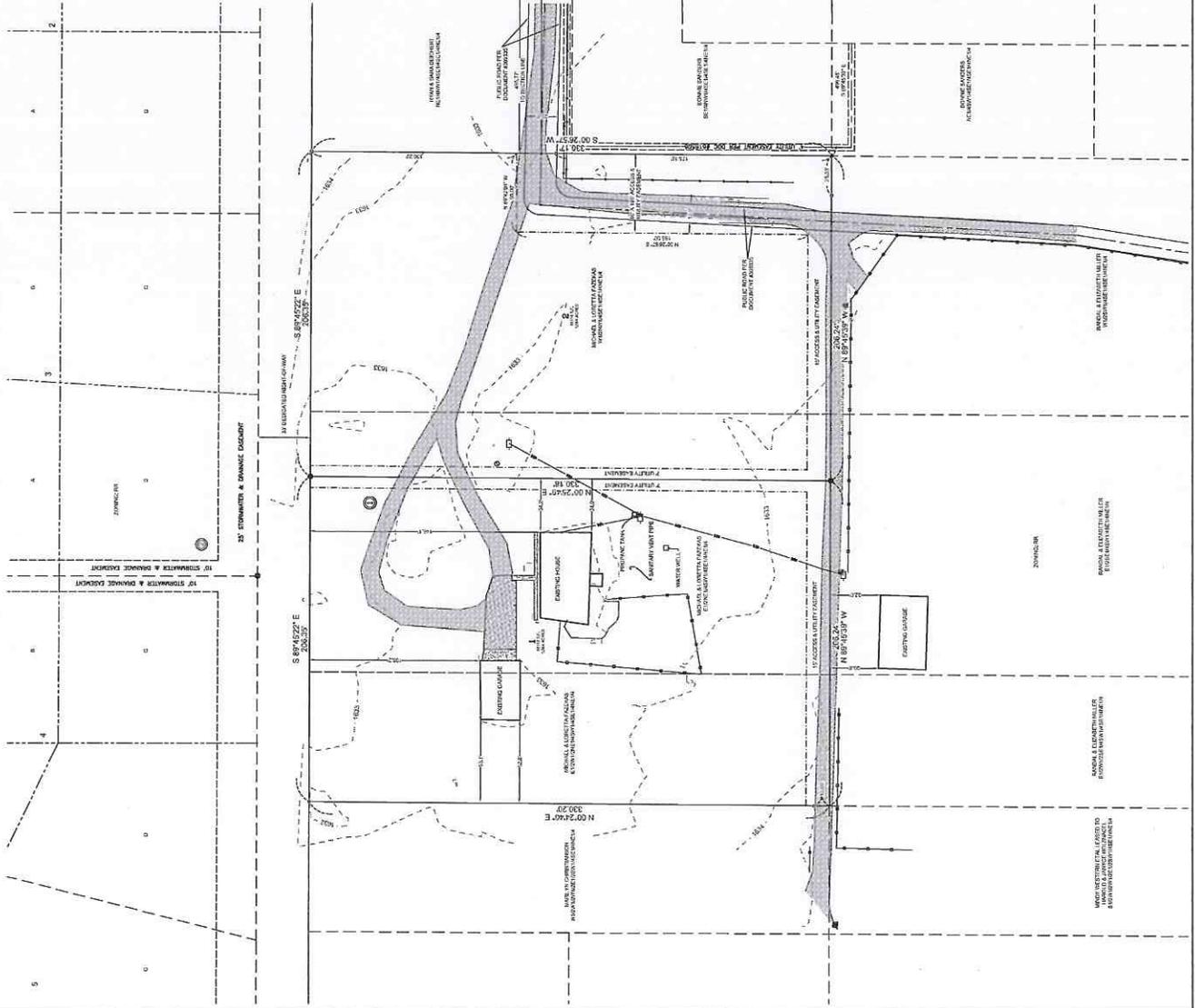
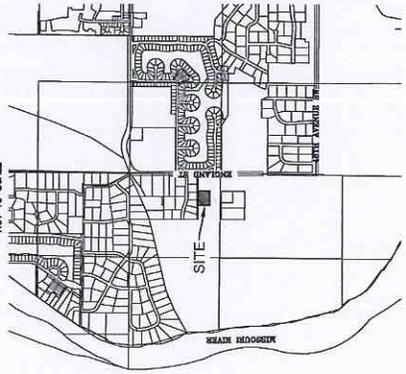
- NUMBER OF LOTS: 2
- LOT AREA: 3.128 ACRES
- E.O.M. ACRES: 0.000 ACRES
- TOTAL ACRES: 3.128 ACRES

**PLAT NOTES:**

THIS SITE LIES WITHIN THE 100 YEAR FLOOD PLAIN, THE 100 YEAR FLOOD PLAIN ARE SHOWN IN 1:10000. ELEVATIONS SHOWN ARE NAVD 83.  
 THERE IS A BLANKET EASEMENT ON THE PROPERTY FOR BURLEIGH WATER USERS COOPERATIVE PER DOCUMENT #350307.

- PLAT LEGEND**
- PROPOSED BOUNDARY LINE
  - PROPOSED EASEMENT LINE
  - EXISTING BOUNDARY LINE
  - EXISTING EASEMENT LINE
  - CENTRELINE OF EASEMENT
  - WOOD FENCE LINE
  - WOOD FENCE LINE
  - CENTRELINE OF ROAD
  - ASPHALT SURFACE
  - ASPHALT EDGE
  - EXISTING OVERHEAD POWER LINE
  - EXISTING POWER POLE
  - EXISTING ELECTRICAL PEDESTAL
  - EXISTING TELEPHONE PEDESTAL
  - GRAVEL SURFACE
  - CONCRETE SURFACE
  - BLOCK/LOT NUMBERS
  - IRON REBAR & LS CAP SET
  - IRON REBAR FOUND
  - IRON REBAR FOUND
  - CALCULATED CORNER

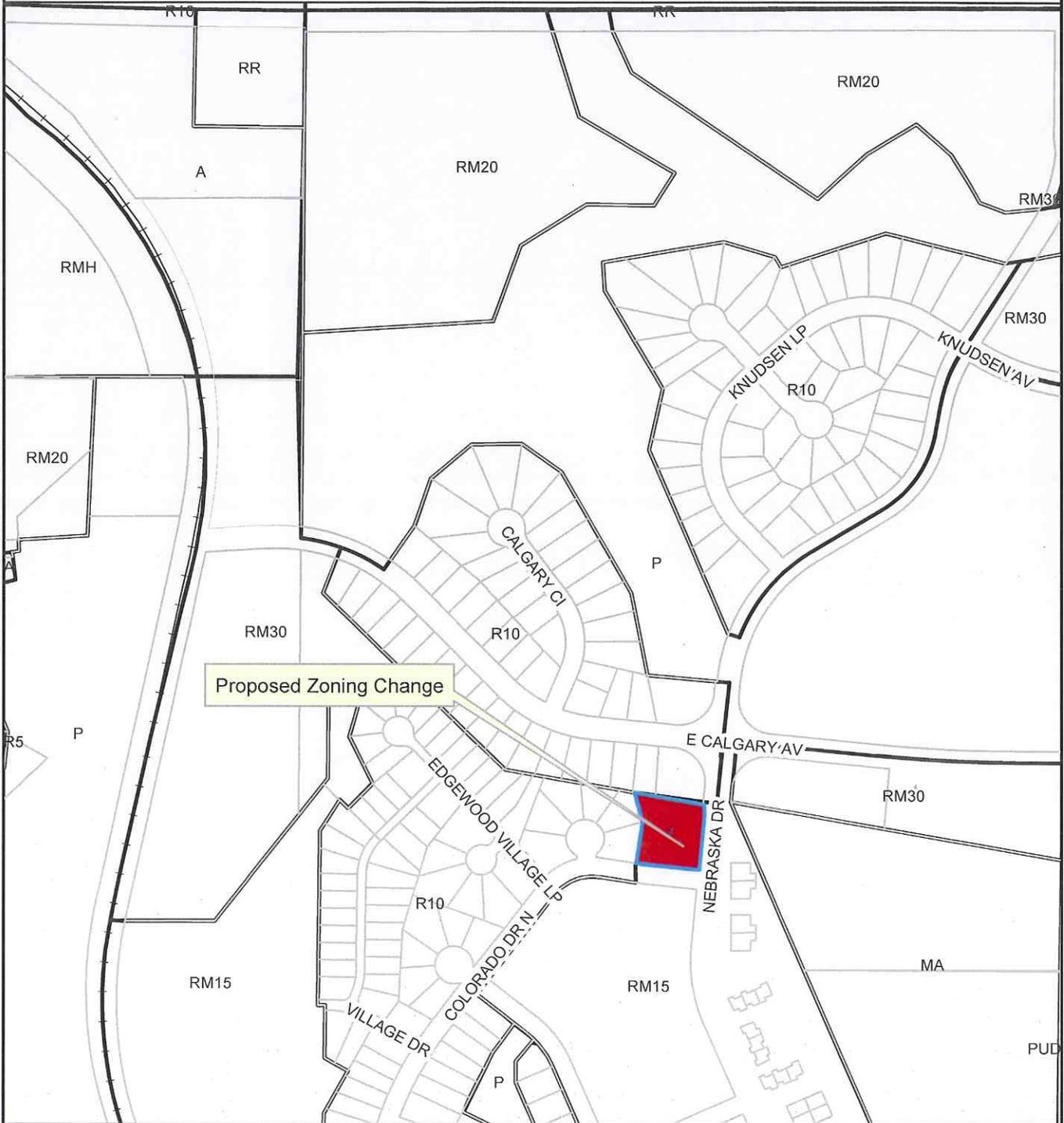
**VICINITY MAP**  
 NOT TO SCALE



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

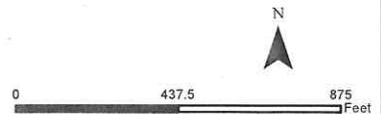
<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 1, Edgewood Village Second Addition – Zoning Change (RM15-R10)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Edgewood Development Group LLC	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Rezone property for future one and two-family development.		
<b>Location:</b> Along the east side of Nebraska drive between North Colorado Drive and East Calgary Avenue.		
<b>Project Size:</b> 10.8 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RM15-Residential	<b>Land Use:</b> One and two-family residential	
<b>Uses Allowed:</b> RM15 – Multi-family Residential	<b>Zoning:</b> R10-Residential	
<b>Maximum Density Allowed:</b> RM15 – 15 units/acre	<b>Uses Allowed:</b> R10 – One and two-family residential	
<b>PROPERTY HISTORY:</b>	<b>Maximum Density Allowed:</b> R10 – 10 units/acre	
<b>Zoned:</b> 09/2007	<b>Platted:</b> 09/2007	<b>Annexed:</b> 09/2007
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long term use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include one and two-family residential to the north and west, multi-family to the east and a senior care center to the south.</li> <li>3. The property is annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM15-Residential zoning district to the R10-Residential zoning district for Lot 1, Block 1, Edgewood Village Second Addition.		

# Proposed Zoning Change (RM15 to R10) Lot 1, Block 1, Edgewood Village Second Addition

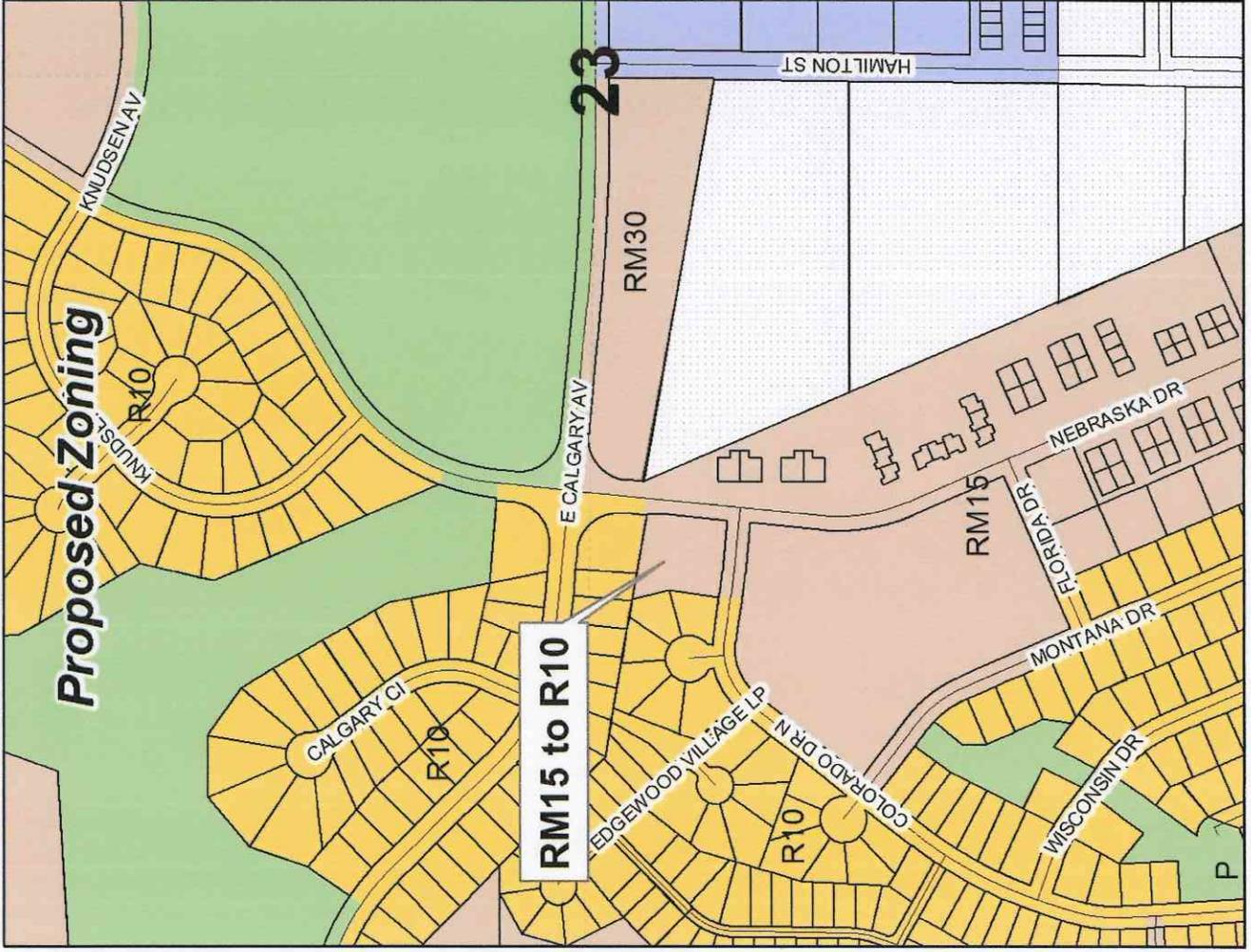
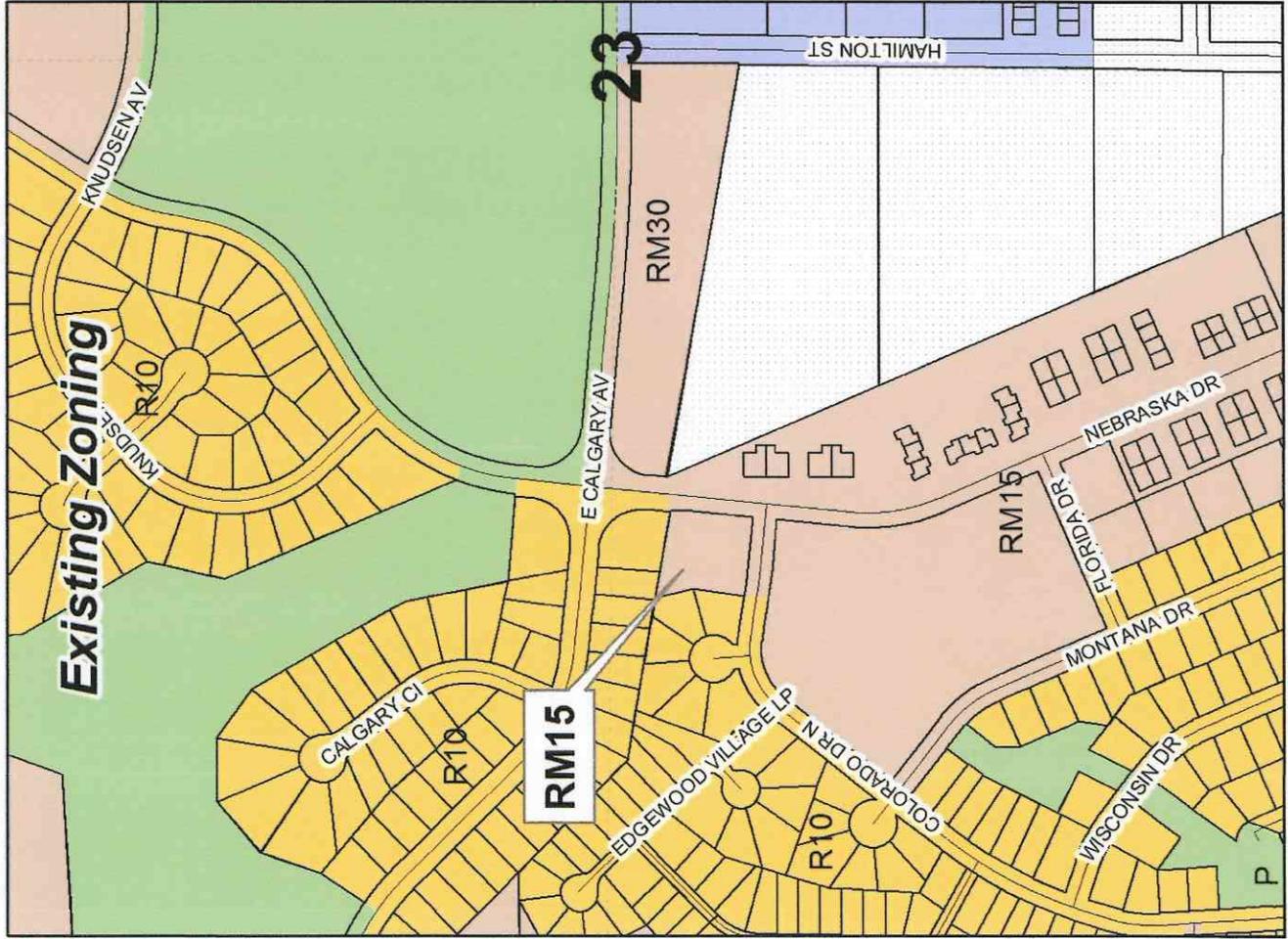


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: June 18, 2013 (hib)

Source: City of Bismarck



# Lot 1, Block 1, Edgewood Village 2nd Addition - 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.

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

<b>BACKGROUND:</b>		
<b>Title:</b> Auditor's Lots 4 & 5, Section 1, Lincoln Township – Zoning Change (A to MA)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> MME, Inc.	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Zone property for future platting and development for light commercial, light industrial, warehouses, distribution facilities, wholesale material sales, shop condos and related office uses.		
<b>Location:</b> In east Bismarck along the south side of County Highway 10 and the west side of 52 <sup>nd</sup> Street SE (Auditor's Lots 4 & 5, Section 1, T138-R80W/Lincoln Township).		
<b>Project Size:</b> 68 acres	<b>Number of Lots:</b> Part of 1 parcel	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Light commercial and industrial uses including warehouse and distribution facilities, wholesale material sales, shop condos and related office uses	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> MA – Warehouses, storage facilities, manufacturing and commercial uses	<b>Uses Allowed:</b> MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	
<b>Maximum Density Allowed:</b> MA – N/A A – One unit per 40 acres	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The City of Bismarck is currently updating its Growth Management Plan. The updated plan makes recommendations regarding urban development in this general location. It suggests that the area between the Missouri Valley Complex and 52<sup>nd</sup> Street SE would be best suited for business park and light industrial land uses. The Plan is a draft and has not been finalized or adopted. Public hearings regarding the Plan will be held in the near future and final adoption of the Plan is anticipated in the fall.</li> <li>2. The applicant has requested a zoning change prior to platting the property. A conceptual layout of the potential development has been provided. The proposed plan indicates a 50-foot vegetative landscape buffer yard with a 6-foot high earthen berm along the east side of the property adjacent to 52<sup>nd</sup> Street SE to help mitigate the impacts of the proposed development on the existing rural residential to the east across 52<sup>nd</sup> Street SE.</li> </ol>		
<i>(continued)</i>		

**FINDINGS:**

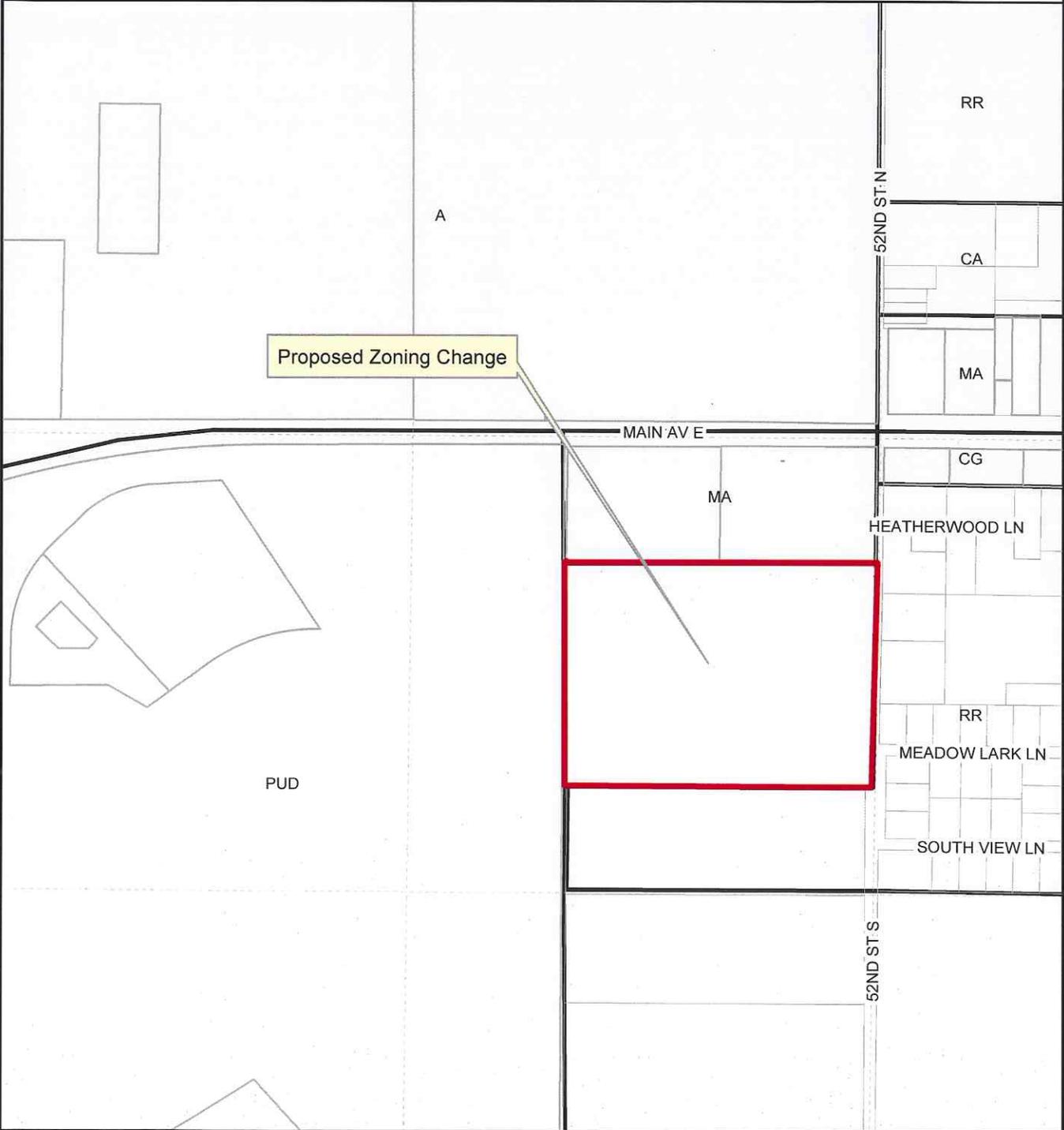
1. The proposed zoning change lies within the boundaries of the Land Use Plan (2007 Bismarck-Mandan Future Regional Land Use Plan). The current Land Use Plan indicates the future land uses include Mixed-Use Commercial and Industrial land uses in addition to Urban Residential land uses.
2. The proposed zoning change would be somewhat compatible with adjacent land uses. Adjacent land uses include the Missouri Valley Complex to the west, undeveloped agriculturally zoned land to the north across East Main Avenue, undeveloped RR-Residential zoned land to the south and existing rural residential to the east across to 52<sup>nd</sup> Street SE.
3. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change may have an adverse impact on property in the vicinity. In particular, residents within the existing rural residential subdivision to the east expressed concerns with industrial land uses in this area when a similar request was considered in 2007. At that time, the adjacent property owner to the south of these parcels had requested a zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district. Planning staff recognizes this request is similar; however, Planning staff is supportive of the vegetative landscape buffer yard and the use of the 6-foot earthen berm to help mitigate the impacts of the incompatible land use by providing additional separation and visual screening of the property. Additionally, staff recognizes that 52<sup>nd</sup> Street SE is an arterial roadway that is intended to carry large volumes of traffic. This roadway also provides physical separation between the proposed use and the existing rural 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 from the A-Agriculture zoning district to the MA-Industrial zoning district for Auditor's Lots 4 & 5, Section 1, Lincoln Township with the following condition:

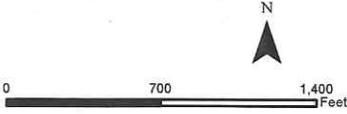
- The applicant meet with residents of the adjacent subdivision to the east prior to the public hearing on this request for the purpose of providing an opportunity for questions from these residents and to provide them additional information relating to the intended uses. Planning staff is willing to facilitate a meeting room and provide information as a resource during the neighborhood meeting.

# Proposed Zoning Change (A to MA) Midwest Business Park



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: June 26, 2013 (hib)

Source: City of Bismarck







**MME, Inc.**

PO Box 1058  
BISMARCK, ND. 58502  
FAX (701)224-1405  
Voice (701)223-1880

June 21, 2013

**To:** Planning Division  
Bismarck Community Development Department  
221 N. 5<sup>th</sup> Street  
Bismarck ND 58501

**From:** John Roswick, President/CEO  
MME, Inc.

**Re:** Request for zoning change

---

Please consider this our request for a zoning change for the following property:

City Lands 138-80  
Block 1 Auditor Lot 4 & 5, less R/W

This property consists of 68 acres, more or less. It is bounded on the north by Midwest Motor Express, which is zoned MA industrial, on the east by 52<sup>nd</sup> Street, on the south by the 20-acre Swenson parcel, which is zoned rural residential, and on the west by the Missouri Valley Fairgrounds Complex.

The subject property lies within the City limits and is presently zoned agricultural. It is owned by MME, Inc. We hereby request that the property be re-zoned MA light industrial, which is the same zoning as the adjacent property to the north, also owned by MME, Inc.

Our plans are to develop the property to meet City standards, including water, sewer and storm water management. We have utilized the services of NorthWest Development Group, Inc., JLG Architects and BKBM Engineers to develop the attached site plan, "Midwest Business Park." Also included are copies of aerial and current zoning maps.

Careful consideration has been given to developing a high-quality light industrial business park providing internal traffic circulation via 48' paved roadways with curb & gutter. The east edge of the development will be visually and acoustically separated from 52<sup>nd</sup> Street by a 75' setback from the centerline of the street and will include a landscaped buffer planted with shelter belt trees.

We have consulted with City and County offices to insure that both 52<sup>nd</sup> Street, and the proposed "Midwest Drive" (on the property line of the Fairgrounds Complex), will be improved to the benefit of the adjacent property owners and will work in coordination with future Main Avenue traffic flows.

Anticipated uses include:

- Light commercial & industrial uses
- Warehouses & distribution facilities
- Wholesale material sales
- Shop condos
- Offices related to the above use groups

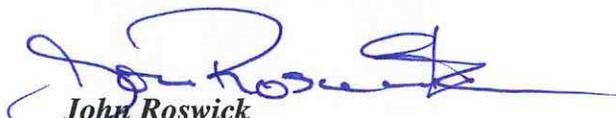
No heavy commercial or industrial establishments will be allowed. Restrictive covenants will ensure attractive landscaping within the development, as well as the use of brick, stone or similar materials on the exterior building facades.

As noted above, the property adjoins the Swenson property to the south. It is our understanding that the Swensons may by separate application request that their property be re-zoned MA light industrial so that it can be included as part of Midwest Business Park. The Swenson property is identified as lots 17 - 21 on the attached site plan.

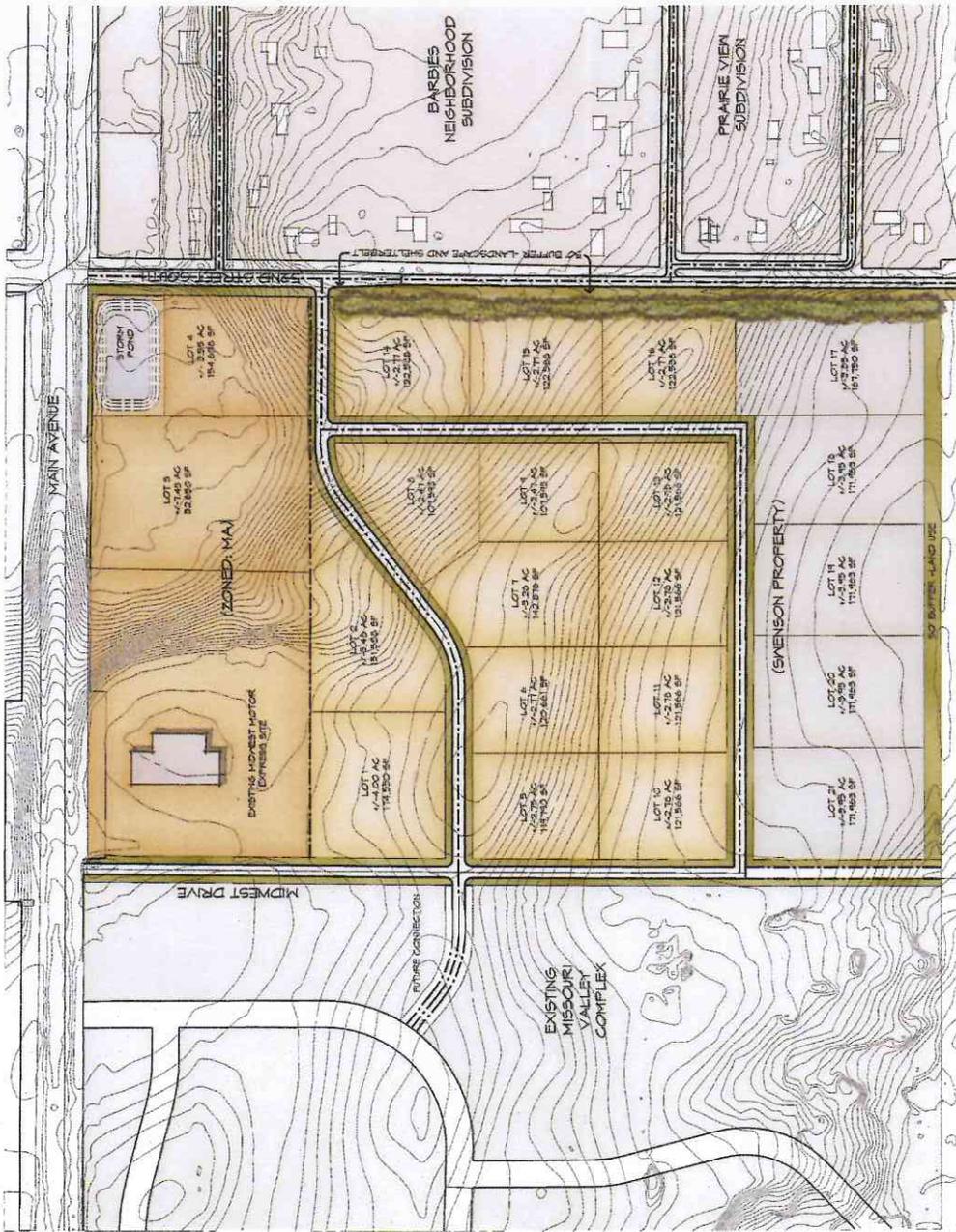
The City of Bismarck is continuing to grow beyond its old boundaries, and there is a need for properly developed, close-in light industrial land. This point is reinforced by the City of Bismarck's forthcoming Growth Management Plan, which is presently being updated by SRF Consulting. The future land use component of the Plan, as presented at a recent public hearing, proposes that the area east of the Fairgrounds Complex, including the subject property, be re-zoned MA.

Midwest Business Park is ideally located in close proximity to two main arterial streets, Main Avenue and the Expressway, it is close to I-94, and it is adjacent to land that is already zoned MA. Re-zoning the property would be consistent with prudent land-use planning and would contribute to the orderly growth of the City.

Thank you for your consideration.



**John Roswick**  
**President/CEO**  
**MME, Inc.**



NorthWest Development Group, Inc.  
**MIDWEST BUSINESS PARK**  
 © 2013 JLIG ARCHITECTS  
 JUNE 21ST, 2013

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

<b>BACKGROUND:</b>		
<b>Title:</b> Part of Lot 1, Block 1, Northern Sky Addition – Zoning Change (CA to PUD)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Wilment Properties, LLC	<b>Engineer:</b> Swenson, Hagan & Co	
<b>Reason for Request:</b> To rezone property for a neighborhood convenience market to include a convenience store with drive through window and car wash.		
<b>Location:</b> In northwest Bismarck along the west side of North Washington Street, and the south side of Durango Drive.		
<b>Project Size:</b> 82,118 square feet	<b>Number of Lots:</b> Part of 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Neighborhood convenience market, including convenience store, drive through and carwash	
<b>Zoning:</b> CA – Commercial	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> CA – Neighborhood commercial, multi-family dwellings and offices	<b>Uses Allowed:</b> PUD – uses specified in the PUD ordinance	
<b>Maximum Density Allowed:</b> CA – 30 units per acre	<b>Maximum Density Allowed:</b> PUD – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/2012	<b>Platted:</b> 06/2012	<b>Annexed:</b> 06/2012
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City’s Planned Unit Development district is, “to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.”</li> <li>2. Although the CA-Commercial zoning district allows the operation of a filling station (convenience store) by special use permit, the necessary zoning to support both a drive through and car wash is CG – Commercial by special use permit. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses. Planning staff suggested the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed.</li> <li>3. A PUD written statement and site plan were submitted with the application are attached.</li> </ol>		

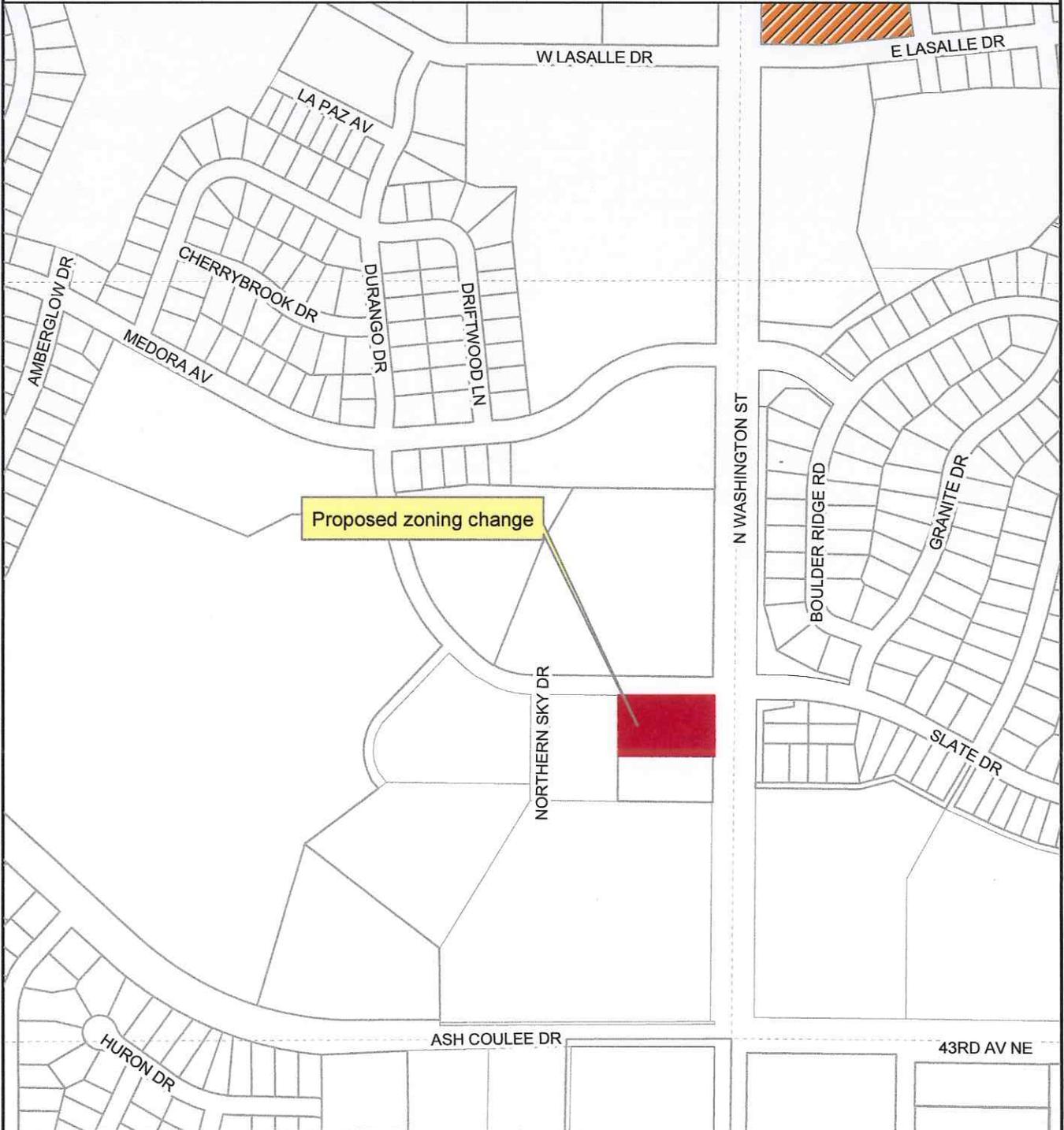
**FINDINGS:**

1. The proposed zoning change is generally consistent with the Land Use Plan, which identifies the long range use of this area as mixed use (Future Land Use Component of the US Highway 83 Transportation Corridor Study). The mixed use land use classification allows for some commercial uses in addition to residential and office uses.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include a religious facility to the north, developing RT-Residential zoned land to the east and undeveloped and unannexed RT-Residential zoned land to the south and west.
3. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change may have an adverse impact on property in the vicinity. In particular, the proposed carwash and drive through may have an adverse impact on the adjacent properties as they are only allowed as special uses in a CG-Commercial zoning district.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice; however, the zoning change will specify the look and character of the proposed neighborhood market including the drive through and carwash facility.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the CA-Commercial zoning district to the PUD-Planned Unit Development on Part of Lot 1, Block 1, Northern Sky Addition.

# Zoning Change (CA to PUD) Lot 1, Block 1, Northern Sky Addition

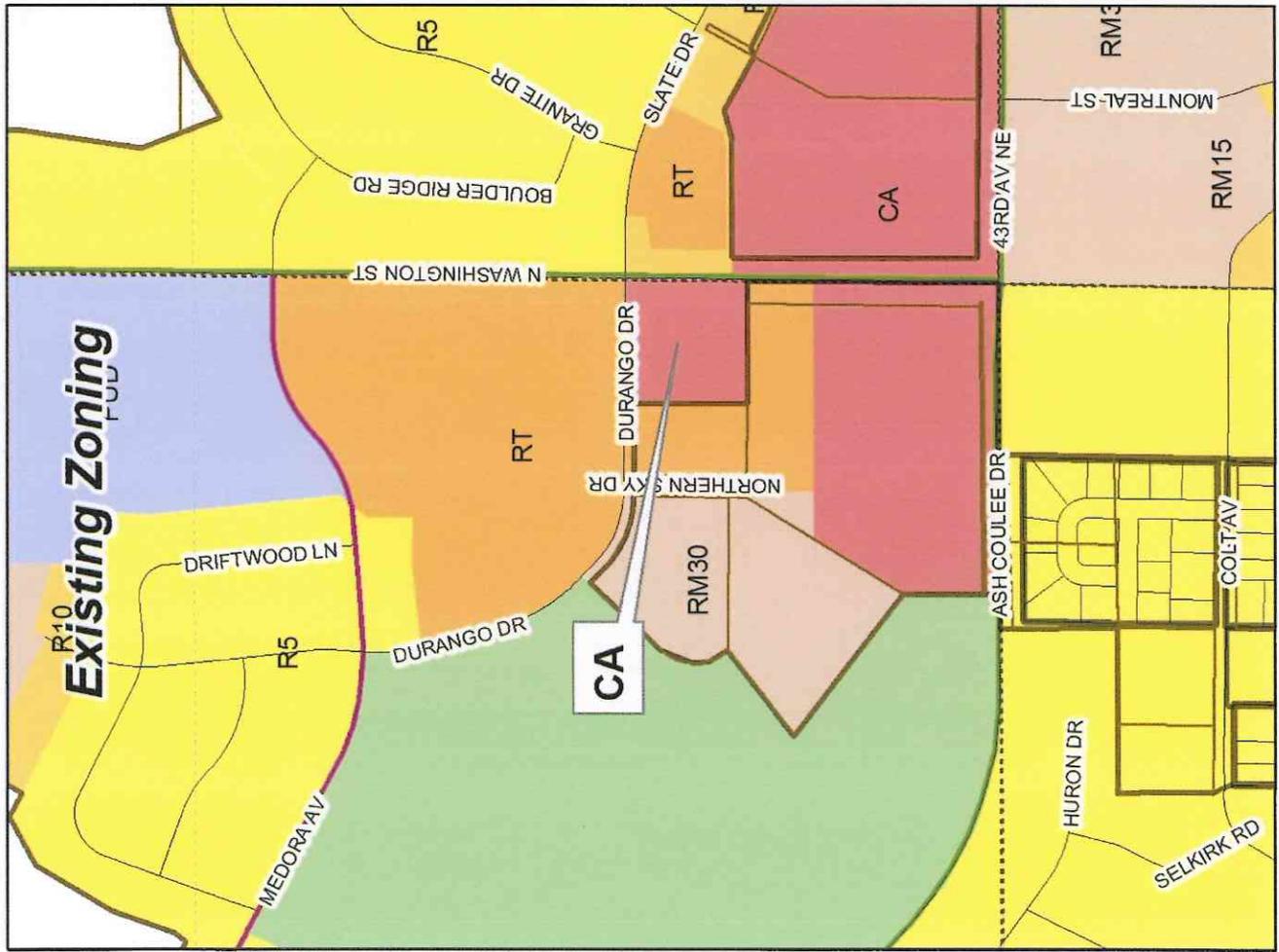
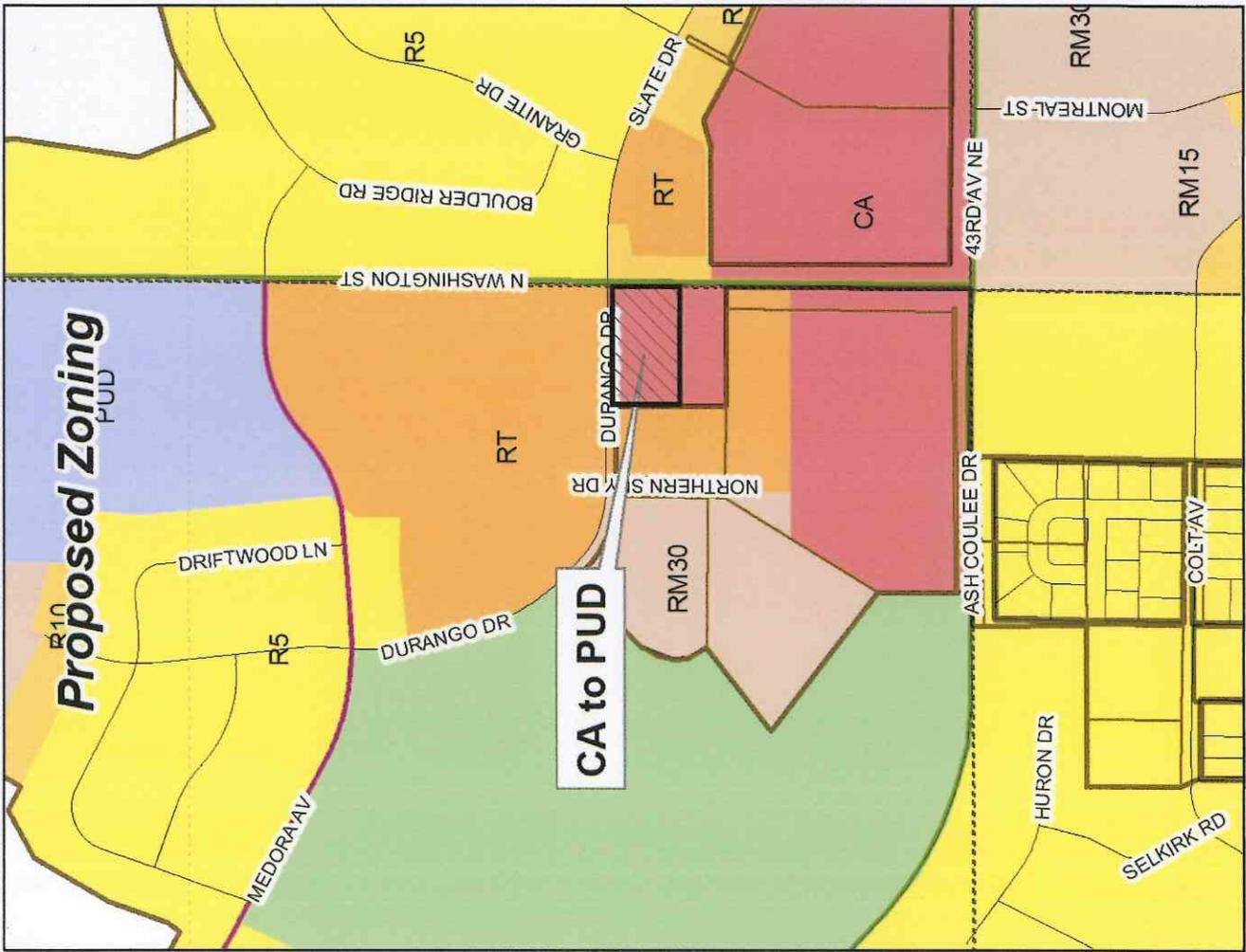


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: June 21, 2013 (hlb)

Source: City of Bismarck



# Part of Lot 1, Block 1, Northern Sky Addition - 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.

Narrative- PUD

The Horizon Market is designed to be a neighborhood convenience market and the building is designed to provide an architectural nature, which is intended to be followed as Wilment Properties, LLC develops the entire thirty-two acres northwest of the Washington Street/ Ash Coulee intersection. Our neighborhood friendly concept features a drive through which is intended to provide the opportunity for customers to purchase approximately 80% of our normal convenience store items, but will also provide customers with full service coffee selection as well as yogurt. The exterior material finishes are metal roof band and panels, cultured stone exterior which will complement the stone that will be used on the interior. The main wall surfaces will be dryvit so that color and texture can be added. Window metal colors will accent the parapet metals.

Horizon Market will carry a full range of convenience store merchandise including health food and beverages. The interior of the market will feature a cozy coffee shop/café which can be accessed either from the main west entrance or the east side door. This entrance is located adjacent to the walking path, which parallels Washington Street. The east side of the building will feature a small patio for patrons to enjoy the weather in the spring, summer, and fall and should feature a view to the east and south of the location. In the coffee shop/café, products will be available much like Starbucks, premade and heated for consumption.

Horizon Market has a supply agreement with Shell and will provide petroleum products under that agreement. The lot is designed to provide twelve pumps with the ability to expand to sixteen if the demand for product dictates. All will be located under a canopy and will feature the ability to provide air, water, and vacuum accessibility.

The car wash facility is located to the extreme west side of the site to allow plentiful room for traffic flow. The car wash is located adjacent to property owned by Wilment Properties, LLC to the west

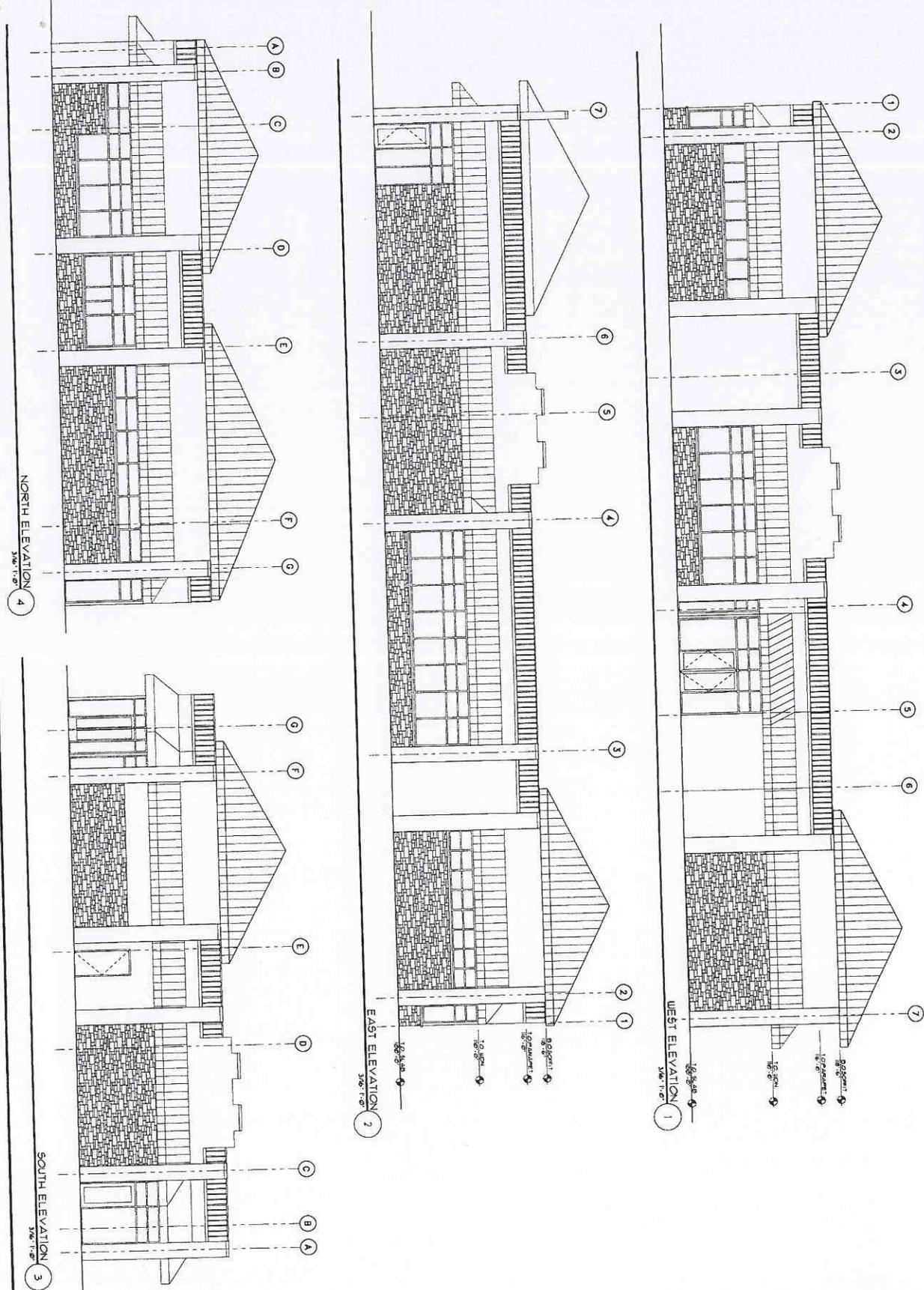
7/11/2013

and south. The car wash is intended to be a self-service facility and will operate in conjunction with the entire project. The exterior of the car wash building, which will be a 30' X 60' structure will be finished and coordinate with the exterior of the store building.

Horizon Market looks forward to providing a convenient shopping opportunity in north Bismarck, an area that currently lacks commercial development.

Horizon Market, LLC will operate the facility and the land and building will be owned by Wilment Properties, LLC and leased to Horizon Market, LLC. Both Horizon Market, LLC and Wilment Properties, LLC have identical ownership.





PROJECT NO.  
AS

DATE  
1/26/2003

PROJECT NAME  
WILMONT PROPERTIES, LLC

Wilmont Properties, LLC  
3250 Rock Island PL #4  
Bismarck, ND 58504

1. Weekly Certified Check  
for Full Fee Required  
By the Owner by  
Date: 1/26/2003  
April 7, 2003  
Daily Required  
Amount:  
Under Plot Lines  
Of The State Of  
North Dakota

1800 North Street  
Lincoln, NE 68503  
612/783-0000

**IA**  
KLICK INTER ARCH DESIGN

**THE CALPIN COMPANY**  
P.O. Box 255  
Fargo, ND 58102-0255  
(701) 298-8745

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

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 1 and 3-18, Block 1, Missouri Valley Complex – Major PUD Amendment		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Burleigh County	<b>Engineer:</b> None	
<b>Reason for Request:</b> Amend PUD to allow auctions as a permitted use on all lots.		
<b>Location:</b> In east Bismarck, along the south side of County Highway 10, the east side of Bismarck Expressway and the north side of Yegen Road and Apple Creek Road.		
<b>Project Size:</b> 162.28 acres	<b>Number of Lots:</b> 18 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> County fairgrounds (various uses)	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Land Use:</b> County fairgrounds (various uses)	
<b>Uses Allowed:</b> Uses specified in PUD	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Maximum Density Allowed:</b> N/A	<b>Uses Allowed:</b> Uses specified by PUD	
	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/06 (PUD amended in 06/06 & 09/09)	<b>Platted:</b> 06/06	<b>Annexed:</b> 11/80
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The Missouri Valley Complex Planned Unit Development was approved by the City of Bismarck in June 2004 and the final plat was recorded in July 2006. The PUD ordinances indicate that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning &amp; Zoning Commission.</li> <li>2. The PUD was amended in July 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles. The PUD was amended again in 2009 to allow utilities on all lots.</li> <li>3. All land uses in a PUD are specified in the PUD ordinance. If a specific type of land use is not specified, it is not allowed. To allow auctions within the PUD, new language is proposed as an addition to the permitted uses for this PUD.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The Missouri Valley Complex Planned Unit Development was approved by the City of Bismarck in June 2004 and the final plat was recorded in July 2006. The PUD ordinances indicate that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning &amp; Zoning Commission.</li> </ol>		
<i>(continued)</i>		

2. The PUD as amended would not create incompatibilities with the existing adjacent land uses, as it adds a use that is similar in scope to other permitted uses. Adjacent land uses include undeveloped State-owned land to the north and southeast, a State prison and other State-owned land to the west, industrial uses to the south and southwest, an industrial uses and undeveloped RR and A-zoned land to the east.
3. The property is already being developed; therefore, the PUD as amended will not place an undue burden on public services.
4. The proposed PUD amendment is consistent with adopted plans, policies and accepted planning practice, provided the auctions are limited to same locations within the PUD that allow similar activities (Lots certain locations within the PUD).

**RECOMMENDATION:**

Based on the above findings, staff recommends calling for a public hearing on the major PUD amendment for Missouri Valley Complex to allow auctions, with the understanding that staff's recommendation would be to limit the location of this activity to Lots 14, 15, 16, 17 & 18, Block 1 as outlined in the attached draft PUD amendment document.

**MISSOURI VALLEY COMPLEX PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 5373 (Adopted November 23, 2004 – effective July 10, 2006)  
MAJOR PUD AMENDMENT (Adopted July 26, 2006)  
MAJOR PUD AMENDMENT (Adopted September 23, 2009)  
MAJOR PUD AMENDMENT (Adopted \_\_\_\_\_)**

WHEREAS, Ordinance No. 5373 was adopted by the Board of City Commissioners on November 23, 2004; and

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

WHEREAS, Burleigh County has requested an amendment to the Planned Unit Development for Lots 1 and 3-19, Block 1, Missouri Valley Complex.

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

Lot 1 and Lots 3-19, Block 1, Missouri Valley Complex

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

*1. Uses Permitted.* Uses permitted include:

Lots 5, 7 & 8 – Perimeter Landscaping and Parking

To be used for landscaping and parking. The east end of Lot 8 and the south end of Lot 5 may include structures to define these locations as entrance points to the Missouri Valley Complex.

Lot 6 – Lift Station

Lot 6 is the site of an existing sanitary sewer lift station and is reserved for continuation of that use.

Lots 11, 12, 14 & 18 – Off-Road Motor Sports

For motorcycle events such as motocross and for other similar motor sports activities including but not limited to ATVs and snowmobiles or bicycle uses.

Lot 19 – Roads

The interior road system is designated as a lot rather than as dedicated streets or access easements. The objective is for the county to retain ownership of the roads and provide maintenance.

#### Lots 1, 3, 4, 9, 10, 11 & 13 – Nature & Recreation

The primary land use objectives for these lots are to preserve and enhance the creek and wetland areas for outdoor recreation, wildlife habitat and flood water storage. Some typical uses would include multi-use trails, environmental education, archery, community gardens, bird watching, a dog agility course, Frisbee golf, non-motorized watercraft, picnic areas and other suitable uses of a similar character. Structures within these lots may include picnic tables, picnic shelters, toilets and similar structures. Lots 4 and 9 could include structures to define these locations as entrance points to the Missouri Valley Complex.

#### Lots 14, 15, 16, 17 & 18 – Multi-Use Activities

An indoor arena for year-round functions such as agricultural and community education, festivals, stock shows, dances, community meetings, auctions, collector meets and other suitable activities.

A grandstand for outdoor entertainment, concerts, trade shows, fairs, collector and swap meets, car shows and other suitable activities.

Active use areas include parking for events such as exhibits, carnival rides, vendor booths, etc.

Buckstop Junction on Lot 16: There is a long-term lease agreement in this area with the Missouri Valley Historical Society. Area is reserved based on the Historical Society plan for expansion of additional streets, building sites and other “town” features. A new parking area is planned to the northwest of the “town”.

A crop maze, historic period agriculture demonstrations or research related agricultural plots may occupy areas within these lots.

The NDSU / Burleigh County Extension / 4H activities and offices are on Lot 17. Part of the 4H program includes a shooting sports component. An indoor shooting range may be constructed on a portion of Lot 17.

The area is also slated for an indoor arena and parking. Part of this area, including Lot 18, may be developed as an outdoor arena for livestock or rodeo activities or other suitable uses such as tractor pulls.

Accessory uses including restroom facilities, registration booths, various concessions such as food and beverage services, beer gardens, and other services and uses normally associated with major events that bring large gatherings of people are allowed throughout the “Multi-Use Activities” area.

Any proposed changes that are inconsistent with these permitted use standards will require an amendment to this PUD.

Lots 11, 12, 14 & 18

Camping is allowed on Lots 11, 12, 14 & 18 when associated with an event such as a rodeo or motocross rally.

#### All lots – Utility Systems

For the benefit of the public, utility systems for gas, water, communication, electrical and sewer are allowed on any lot when the following factors are present:

- 1) The structure or use is necessary for the safe or efficient operation of the utility.
- 2) The utility which the structure or use serves is one available to the general public.
- 3) The design and location of the premises and structures are in compliance with the development standards for this PUD and other applicable codes.
- 4) The use complies with setback regulations specified for this PUD.
- 5) Wherever the lot on which the use is located adjoins a lot in a residential district, there is planted and maintained a landscaped screened planting strip no less than five feet in width adjacent to all lot boundaries so adjoining a lot in a residential district.
- 6) Proper fencing with lot entrances shall be erected at least six (6) feet high and maintained around all installations and structures in which there is any safety hazard whatsoever for children, provided that all structures shall be so located that such safety fence shall be so placed as not to encroach on any front yard.
- 7) The following uses are declared to be typical utilities:
  - a. Electric transformer or substations.
  - b. Electric transmission lines.
  - c. Sewage lift stations.
  - d. Water pumping stations.
  - e. Cell phone, microwave, radio, or communication towers.
  - f. Gas regulator stations, excluding stations emitting noise of more than fifty (50) decibels at any property line adjacent to any residentially zoned area.

#### 2. *Development Standards.*

The primary objective for this PUD area is to promote development consistent with the goals and objectives of the Missouri Valley Fairgrounds Site Strategic Development Plan of October 2001. A parallel objective is to allow flexibility in developing the site by placing a greater emphasis on development concepts and a lesser emphasis on a list of detailed specific uses, locations, arrangements, and numbers of buildings and structures.

Proposed developments in this area are not exempt from construction requirements of building, plumbing, electrical, and fire codes.

Building setback requirements in this PUD are as follows:

Front yard. Each lot shall have a front yard of not less than 25 feet.

Side yard. Each lot shall have side yards of not less than 15 feet.

Rear yard. Each lot shall have a rear yard of not less than 50 feet.

East Boundary. For Lots 4, 9, 10, 11, 12 & 13 of ~~Block 1~~, a building setback of 75 feet shall apply to the east boundary line of those lots.

Lot 19 contains the interior road system. Building setbacks will be measured from the boundary of this lot.

Lot coverage shall not exceed 80 per cent.

Except for utilities as allowed herein, no structure shall exceed 50 feet in height.

For structures or trees within any powerline easement area, written permission from the easement owner is required.

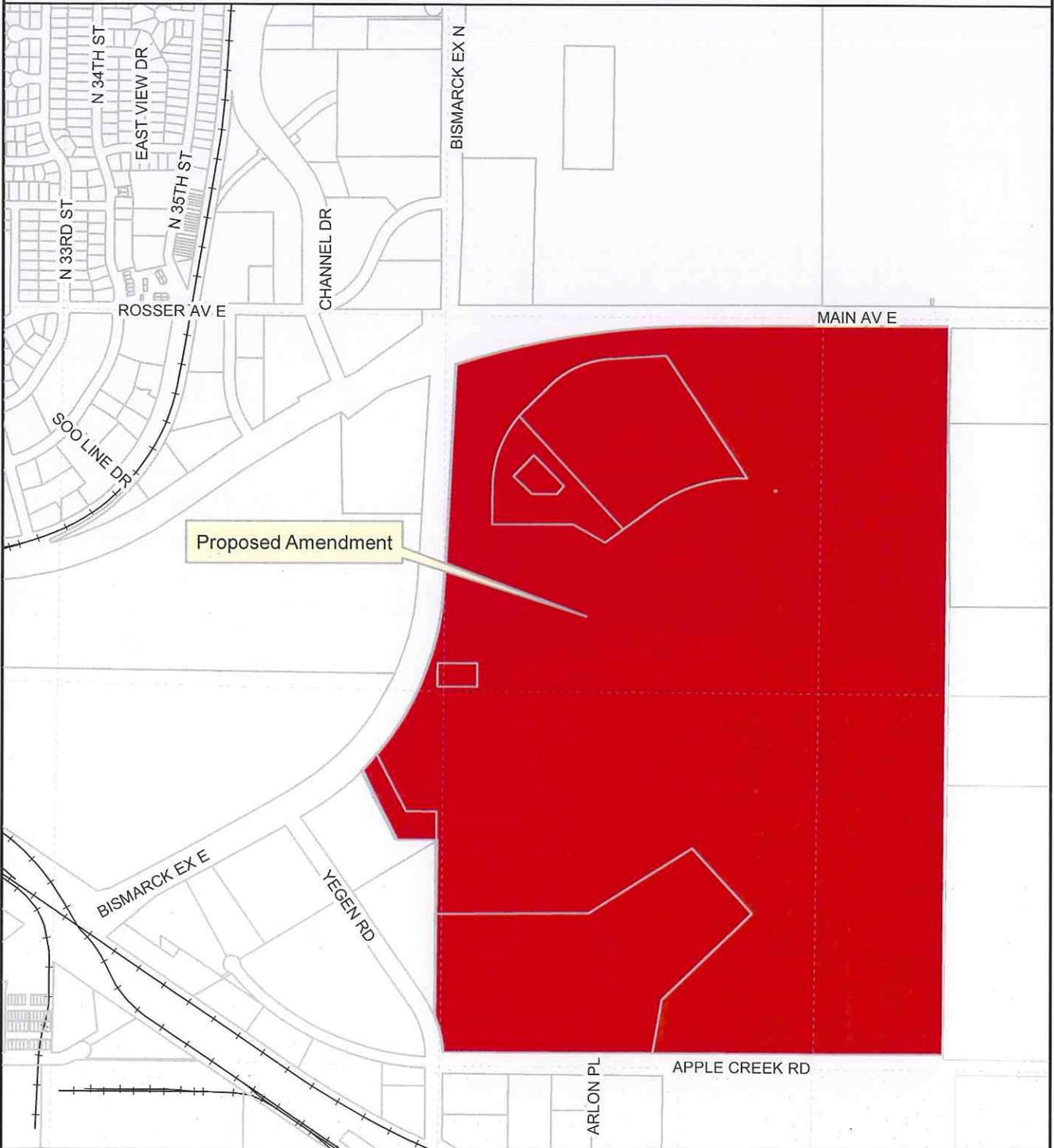
Parking lots will be subject to the requirements of Section 14-03-11 of the Code of Ordinances of the City of Bismarck, North Dakota.

Any proposed changes that are inconsistent with these development standards will require an amendment to this PUD.

### 3. *Changes.*

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

# Proposed PUD Amendment Missouri Valley Complex



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: June 5, 2013 (klee)

Source: City of Bismarck



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

<b>BACKGROUND:</b>	
<b>Title:</b> Lot 1, Block 1, Good Shepherd North Addition – PUD Amendment	
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> July 24, 2013
<b>Owner:</b> IRET Properties, LP	<b>Engineer:</b> N/A
<b>Reason for Request:</b> To modify the existing Planned Unit Development (PUD), to allow for the redevelopment of the former Good Shepherd North church property as an apartment complex. The amendment includes relocating the existing driveway/approach on Medora Avenue approximately 350 feet to the west; decreasing the number of apartment buildings from four to three; adding free-standing garage units; adding on to the existing church facility to provide a swimming pool and vestibule; and reconfiguring the interior roadways. Parking would be provided both underground and as surface parking lots.	
<b>Location:</b> Along the west side of North Washington Street and the north side of Medora Avenue (4916 North Washington Street).	
<b>Project Size:</b> 18.178 acres	<b>Number of Lots:</b> 1 lot in 1 block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Church facility and campus	<b>Land Use:</b> Three apartment buildings and the adaptive re-use of the existing church building to include gymnasium space, a fitness center, community rooms, vending and leasing offices
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD-Planned Unit Development
<b>Uses Allowed:</b> As specified in the PUD	<b>Uses Allowed:</b> As specified in the PUD
<b>Maximum Density Allowed:</b> 16 units per acre (specified in the existing PUD)	<b>Maximum Density Allowed:</b> 16 units per acre based on proposal
<b>ADDITIONAL INFORMATION:</b>	
<p>1. On June 27, 2012 the first public hearing was held regarding the originally proposed zoning change from Conditional RT-Residential to PUD-Planned Unit Development for this parcel of land. Approximately 50 surrounding property owners attended the public hearing and overwhelmingly were not supportive of the original development proposal by the Sand Companies, Inc. The original proposal included the redevelopment of the former Good Shepherd North church property as an apartment complex by maintaining the existing 2-story church building and constructing four, 3-story buildings. The four buildings as proposed consisted of one 50-unit building, two 74-unit buildings and one 82-unit building for a total of 288 units. The project proposed parking would have been provided both underground and on surface lots. This request was denied by Planning &amp; Zoning Commission.</p>	
<i>(continued)</i>	

2. The Sand Companies, Inc. amended the initial plan for the parcel and submitted a second application requesting a zoning change from the Conditional RT – Residential zoning district to the PUD – Planned Unit Development zoning district.

After consideration of the request, The Sand Companies, Inc. met with adjacent property owners prior to the public hearing to understand the concerns of the residents and adequately demonstrated measures to help mitigate the transition between the proposed high density, multi-family development and the existing single-family residences to the east.

On October 24, 2012 a public hearing was held regarding the proposed zoning change for this parcel of land. Again, surrounding property owners attended the public hearing and were still not supportive of the development proposal. The revised proposal included additional landscaping and a raised earthen berm; increased separation between the existing single-family homes to the west and the proposed apartments; portions of the proposed apartment buildings nearest to the existing single-family homes reduced from three-stories to two-stories to help with transitioning from single-family homes to multi-story apartment buildings and underground and off-street parking for residents and guests. The density and proposed number of units did not change from 288 units; the buildings consisted of one, two and three-bedroom unit apartments. According to the applicant's architect, the buildings would range in height from 35 feet to 46 feet (average roof height). The applicant's previous development proposal would have located a 3-story building approximately 80 feet from the nearest property line on the west. The proposal was modified to further separate the proposed southernmost building from the existing single-family dwellings to the west by reducing the footprint of the proposed building. The previous proposal provided approximately 80 feet of separation between the eastern property boundary of the adjacent single-family lots and the proposed 3-story multi-family complex. The revised layout demonstrated 102 feet of separation between the eastern property boundary and the proposed 2-story portion of the southernmost multi-family building. The revised request was unanimously supported by the Planning & Zoning Commission and was forwarded to the Board of City Commissioners with a recommendation to approve.

3. The Board of City Commissioners held a public hearing on the request on November 27, 2012. Again, surrounding property owners attended the public hearing and still were not supportive of the development proposal by the Sand Companies, Inc. The Board of City Commissioners approved the zoning change request with a 3-2 vote with the condition that a traffic impact study be completed to analyze the impacts of the proposed development project along with the new elementary school and a separate development project directly north of the subject property.
4. The City Traffic Engineer had expressed concerns with the existing access point on the south side of the property. In particular, the concerns relate to the steep grade of the interior roadway and the close proximity of the driveway to North Washington Street. A traffic impact study was completed in April 2013 by Midwest Traffic Consulting, which included a recommendation to consider relocating the existing access point on Medora Avenue farther from the intersection of Medora Avenue and North Washington Street. The applicant's revised plan reflects the traffic study recommendation by moving the access point along Medora Avenue approximately 350 feet to the west.
5. The installation of the buffer yard plantings would be required in conjunction with site development. The purpose of the buffer yard is to provide both separation and screening between potentially incompatible land uses. At the request of the adjacent land owners to the west, the applicants are proposing an earthen berm with trees along the western property line between the proposed facilities and the buffer yard plantings required by City ordinance. The buffer yard has been modified to allow for the construction of garages adjacent to the west property line.

*(continued)*

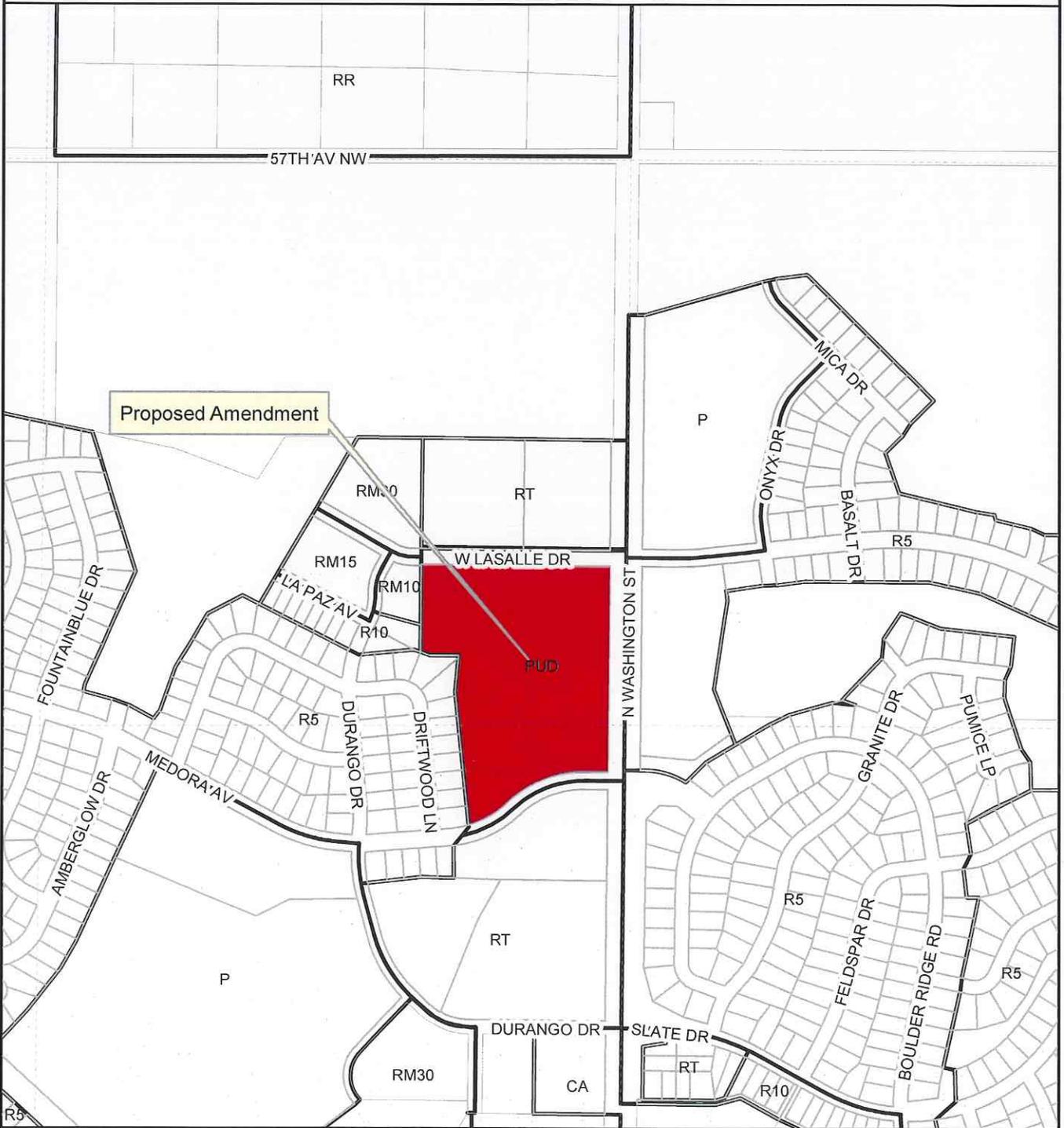
**FINDINGS:**

1. The proposed PUD amendment may not be completely compatible with adjacent land uses. Adjacent land uses include single-family dwellings adjacent to a portion of the site along the west, undeveloped RT-zoned land to the south and north, and undeveloped R10 zone land to the northwest. The proposed landscape buffer yard and the single-story garage buildings would help mitigate the some of the visual impacts along the western property line of Lot 1, Block 1, Good Shepherd North Addition. The buffer yard plant types and quantities would need to be installed in conjunction with site development and would help mitigate incompatibility. Additionally, an earthen berm planted with trees along the western property line between the proposed facilities and the buffer yard plantings required by City ordinance would be incorporated. The minimum height of the berm would be five feet.
2. The property is already annexed; therefore proposed zoning change would not place an undue burden on public services.
3. The proposed PUD amendment may adversely affect property in the vicinity. In particular; the previous development proposal addressed the incompatibility of a multi-family land use adjacent to the existing single-family land use by reducing the height of the westernmost portions of the proposed apartment buildings from three-stories to two-stories when adjacent to the single-family residences to the west. The current proposal demonstrates the proposed building in the northwest corner of the property would have two and three-story portions; however, the southernmost building proposed is entirely three-stories. The applicant has indicated that one-story garage buildings would be located the closest to the existing homes to the west and would function as an appropriate transition and buffer between the proposed multi-family development and the existing single-family residences.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. In particular, multi-family dwellings, commercial uses and developments that have the sizeable structures, large numbers of dwelling units and potential to generate large volumes of traffic, are generally compatible with arterial roadways such as North Washington Street.
5. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, the Land Use Plan was amended on November 27, 2012 to extend the mixed-use land use classification approximately 1,635 feet to the south in part of the E½ of the section (south to the southern edge of Good Shepherd North Addition). The Land Use Plan was amended in conjunction with the Sand Companies, Inc.'s request to rezone the property from the Conditional RT – Residential zoning district to the Planned Unit Development – PUD zoning district. Planning staff was supportive of the Land Use Plan amendment request.
6. The overall site layout as proposed has changed significantly from what was previously approved. The approved configuration of the site, the reduced height of the buildings and the inclusion of a continuous landscape buffer yard and earthen berm helped to mitigate the impacts of incompatible land uses. The change in building configuration and site layout does not adequately address the adjacent property owners' concerns relating to the height of the proposed apartment buildings along the southwestern portion of the parcel. In addition, it does not appear that a complete reconfiguration of the site plan based on recommendations in the traffic impact study was warranted. The access roadway could have been moved to the west without having to modify the building configurations, footprints and overall height as proposed.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the proposed amendment to the PUD-Planned Unit Development amendment, with the understanding that Planning staff will recommend denial of the request.

# Proposed PUD Amendment Good Shepherd North 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: June 26, 2013 (hib)

Source: City of Bismarck





366 South Tenth Avenue  
PO Box 727  
Waite Park, MN 56387-0727

www.SandCompanies.com

Planning & Zoning Commission  
221 North 5<sup>th</sup> Street, PO Box 5503  
Bismarck, North Dakota 58506-5503

RE: PUD Amendment Request.  
Lot 1, Block 1, Good Shepherd North Addition.

P: (320) 202-3100  
F: (320) 202-3139

Dear Commission Members:

On November 27, 2012, the Board of City Commissioners granted final approval of the Land Use Plan amendment and request for zoning change for the Good Shepherd apartment development. This approval had a stipulation that the site plan would not be approved without the submittal of a traffic impact study for North Washington Street. Midwest Traffic Consulting, LLC completed the study on April 13, 2013 which was submitted to the City.

One of the findings of the traffic study was the proposed location of the site access to Medora and its close proximity to North Washington Street. Below is an excerpt from the study (page 17):

- The proposed redevelopment of the Good Shepherd site plans to use an existing access driveway to Medora Avenue. This access is less than 200 feet from the North Washington Street & Medora Avenue intersection. In the Full Build 2014 scenario, queues from the intersection could extend to this access driveway in the morning peak hour. With the steep grade and possible impedence from backed up cars, there should be some consideration given to relocating this proposed access farther from the intersection to the extent possible.
- Recommended Improvements: Consider moving the Medora Avenue access driveway farther west if possible.

Also in the Staff Report dated May 23, 2012, the City Traffic Engineer raised concern with the same access point. With these concerns, we felt it was important to address this concern before moving to final site plan approval.

The purpose for our requested PUD amendment is specifically tied to increasing the site access distance from the Medora/North Washington intersection. With this revision, it required a complete redesign of the site. The new location of the access road was specially selected to keep the buildings as far as possible from the single family homes to the west. With the change, we were actually able to move the buildings further from the west property line than was in the prior approved site plan.

***Sand Development, LLC***

*a Subsidiary of Sand Companies, Inc.*

*Equal Opportunity Employer*

366 South Tenth Ave., PO Box 727  
Waite Park, Minnesota 56387-0727  
(320) 202-3100

46 East Fourth Street, Suite 200  
Saint Paul, Minnesota 55101-1137  
(651) 289-0300

22851 Industrial Blvd.  
Rogers, Minnesota 55374-8703  
(320) 202-3100

3831 Tyrone Blvd., Suite 104  
Saint Petersburg, Florida 33709-4114  
(727) 384-4400

To summarize and assist in following our requested changes, below are the development standards from our approved PUD with requested changes as applicable.

1. *Uses Permitted.* The following are permitted within this Planned Unit Development:
  - a. Multifamily dwellings not to exceed 16-units per acre.

**REQUESTED AMENDMENT: NONE.**

- b. Adaptive reuse of the former church facility for gymnasium space, fitness center, other uses for use by the inhabitants of the apartment and the community at large and office facilities for the management company.

**REQUESTED AMENDMENT: NONE.**

2. *Special Uses.* There are no allowed special uses within this Planned Unit Development.

**REQUESTED AMENDMENT: NONE.**

3. *Dimensional Standards.*

- a. Front Yard Setback. The minimum front yard setback is fifteen (15) feet along LaSalle Drive, North Washington Street and Medora Avenue.

**REQUESTED AMENDMENT: NONE.**

- b. Side Yard Setback. The minimum side yard setback is fifteen (15) feet.

**REQUESTED AMENDMENT: NONE.**

- c. Rear Yard Setback. The minimum rear yard setback along the west property line of 38 feet is required for the building located in the northwest corner of the property. The minimum setback of 102 feet is required for the building located in the southwest corner of the property.

**REQUESTED AMENDMENT: The new plan actually has the NW apartment building setback approximately 77 feet (vs. 38') & SW apartment building setback approximately 181 feet (vs. 102').**

- d. Height. The maximum building height is two (2) stories for portions of the buildings adjacent to a residential land use. The maximum building height for portions not directly adjacent to a residential land use is three (3) stories above grade and not more than fifty (50) feet.

**REQUESTED AMENDMENT: The prior SW building was 2 stories along the residential land use & setback 102 feet. With the new road location, the building design would not allow a portion to be two stories. To off-set, we increased the setback from 102 feet to 181 feet. The three story portion of the SW building that was approved with the prior PUD was setback 176 feet and the amended plan has the 3 story portion setback 181 feet. It should also be noted, that there will be areas of the apartment buildings that will have a portion of the parking garage exposed because of grades & so there is access to the garage.**

- e. Lot Coverage. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

**REQUESTED AMENDMENT: NONE.**

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*Equal Opportunity Employer*

4. *Development Standards.*

a. Site Development.

**REQUESTED AMENDMENT: Refer to revised site plan.**

b. Accessory Buildings.

**REQUESTED AMENDMENT: The garages would have separate setbacks per the site plan.**

c. Parking and Loading.

**REQUESTED AMENDMENT: NONE.**

d. Landscaping and Screening.

**REQUESTED AMENDMENT: NONE.**

e. Buffer Yards. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

**REQUESTED AMENDMENT: In the area behind the garages, we are only able to have a berm of approximately 3 to 4 feet as to maintain the required slope. The garages will be able to provide additional screening to off-set the lower berm.**

f. Screening of Mechanical Equipment and Solid Waste Collection Areas.

**REQUESTED AMENDMENT: NONE.**

Below is a summary of the site and building calculations comparing the approved PUD with the proposed amended PUD.

	<b>Approved PUD</b>	<b>Amended PUD</b>
<b>SITE SIZE</b>		
Total Acres	18.17	18.17
Total Square Feet	791,847	791,847
<b>SITE DENSITY</b>		
Total Number of Units	288	288
Units Per Acre	15.9	15.9
<b>BUILDING LOT COVERAGE</b>		
Total Building Square Feet	142,640	166,700
Percent of Total Site	18.0%	21.1%
<b>PARKING LOT COVERAGE</b>		
Total Parking Square Feet	59,760	50,580
Percent of Total Site	7.5%	6.4%

***Sand Development, LLC***

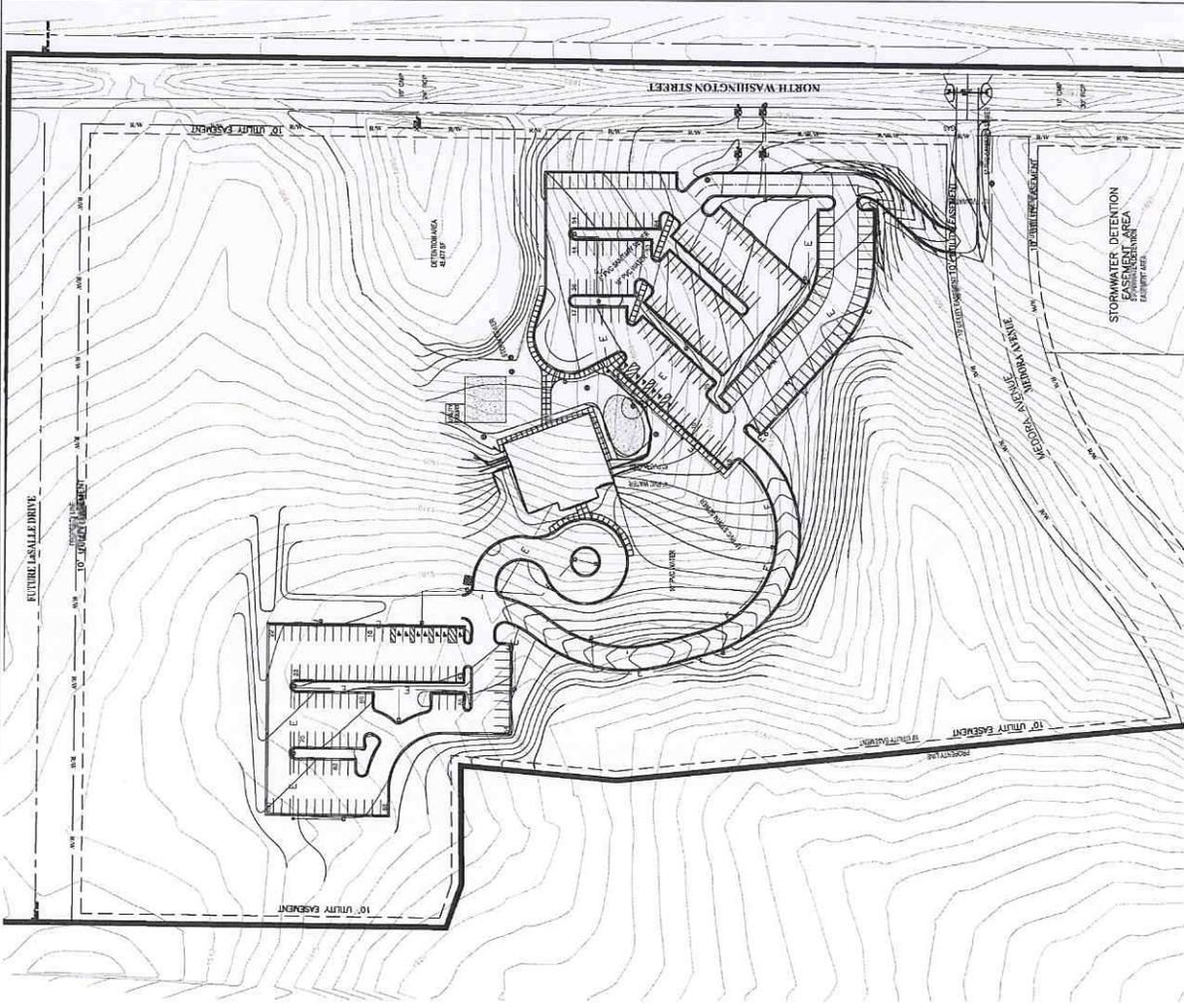
*a Subsidiary of Sand Companies, Inc.*

*Equal Opportunity Employer*

RECEIVED

JUN 20 2013

EXISTING  
CONDITIONS



EXISTING CONDITIONS & UTILITY PLAN  
SCALE: 1/8" = 1'-0"

**Sand Architects, LLC**  
 146 South Tenth Avenue  
 4th Floor  
 White Plains, NY 10610  
 Office: (914) 303-1100  
 Fax: (914) 303-1100  
 Website: www.sandarchitects.com  
 E-Mail: info@sandarchitects.com

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION  
 Project No. 13-001

THE CLIENT HAS REVIEWED AND APPROVED THIS PLAN FOR THE PROJECT AND HAS AGREED TO PAY THE FEES FOR THE SERVICES OF SAND ARCHITECTS, LLC.  
 PROJECT NO. 13-001  
 PROJECT NAME: BISMARCK HOUSING  
 PROJECT LOCATION: GOOD SHEPHERD SITE, BISMARCK, ND  
 PROJECT DATE: 05/2013  
 PROJECT STATUS: PRELIMINARY

**BISMARCK HOUSING**  
 Good Shepherd Site  
 BISMARCK, ND  
 EXISTING PLAN

**A-0.1**





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JUN 20 2013

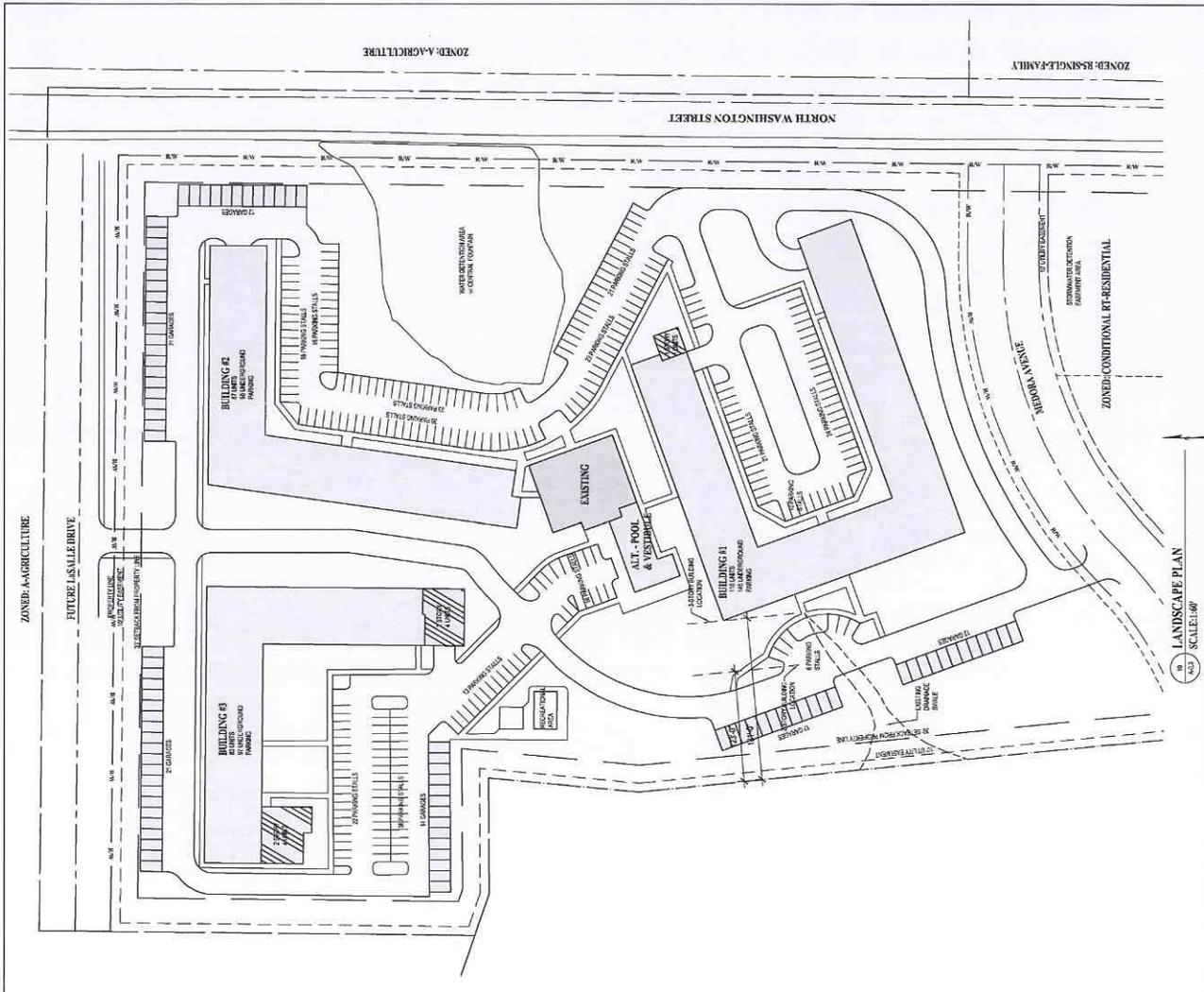
OWNER/APPLICANT  
 REVISED  
 PROPOSAL  
 2013

**Sand Architects LLC**  
 246 South Torch Avenue  
 Maple Park, NC 28127-2737  
 Office: (704) 263-1199  
 Fax: (704) 263-1198  
 Website: www.SandArchitects.com  
 E-Mail: info@SandArchitects.com

**PRELIMINARY CONSTRUCTION**  
 Permit # 13-0003

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
 101 SOUTH CHAPEL STREET, SUITE 100  
 CHAPEL HILL, NC 27514-7170  
 PHONE: (919) 973-2200  
 FAX: (919) 973-2201  
 WWW.PLANNC.COM

**BISMARCK HOUSING**  
 Good Shepherd Site  
 BISMARCK, ND  
 SITE PLAN  
**A-0.2**



**BUILDING KEY**  
 [Hatched Box] = EXISTING BUILDING  
 [White Box] = NEW BUILDING  
 [White Box] = 3-STORY

**BUILDING PLAN CALCULATIONS**

EXISTING BUILDING		NEW BUILDING	
BUILDING #1	118 UNITS	BUILDING #2	87 UNITS
BUILDING #3	83 UNITS	BUILDING #4	83 UNITS
TOTAL UNITS		268	

**PARKING/UNIT RATIO CALCULATIONS**

BUILDING #	UNITS	PROG. UNIT RATIO	COVERED SURFACE	TOTAL SURFACE
BUILDING #1	118	2.2	4	2.2
BUILDING #2	87	1.5	9	2.4
BUILDING #3	83	1.5	7	2.2
TOTAL		2.2	20	2.2

**COVERED PARKING REQUESTED**

- 21 = STUDIO UNITS x 1.1 STALL = 23 STALLS
- 12 = 1-BEDROOM UNITS x 1.1 STALL = 13 STALLS
- 12 = 1-BEDROOM UNITS x 1.5 STALLS = 18 STALLS
- 11 = 2-BEDROOM UNITS x 1.5 STALLS = 16 STALLS
- 41 = 2-BEDROOM UNITS x 2 STALLS = 82 STALLS
- 28 = TOTAL UNITS x 2.2 STALLS = 616 STALLS

**PARKING REQUIRED**

ASSEMBLY	285 STALLS
TOTAL REQUIRED	744 STALLS
PARKING PROVIDED	
SURFACE	241 STALLS
UNDERGROUND	341 STALLS
TOTAL PROVIDED	582 STALLS

**DENSITY:**  
 288 UNITS / 18.77 ACRES  
 = 15.3 UNITS / ACRE

**BUILDING LOT COVERAGE:**  
 TOTAL SF: 1,402,300 SF  
 % OF SITE: 26.9 %

**PARKING LOT COVERAGE:**  
 TOTAL SF: 50,880 SF  
 % OF SITE: 0.96 %

**IMPERVIOUS LOT COVERAGE (LESS PARKING):**  
 1,351,420 SF  
 25.23 %

**TOTAL LOT COVERAGE:**  
 TOTAL SF: 1,453,180 SF  
 % OF SITE: 27.86 %

**GREEN SPACE LOT COVERAGE:**  
 1,111,720 SF  
 21.11 %

**BUILDING FOOTPRINTS:**  
 BUILDING #1: 51,600 SF  
 BUILDING #2: 35,100 SF  
 BUILDING #3: 34,200 SF  
 BUILDING #4: 34,200 SF  
 ALT. POOL & VESTIBULE: 3,780 SF  
 TOTAL: 158,780 SF

**LANDSCAPE PLAN**  
 SCALE: 1"=50'

FUTURE LaSALLE DRIVE



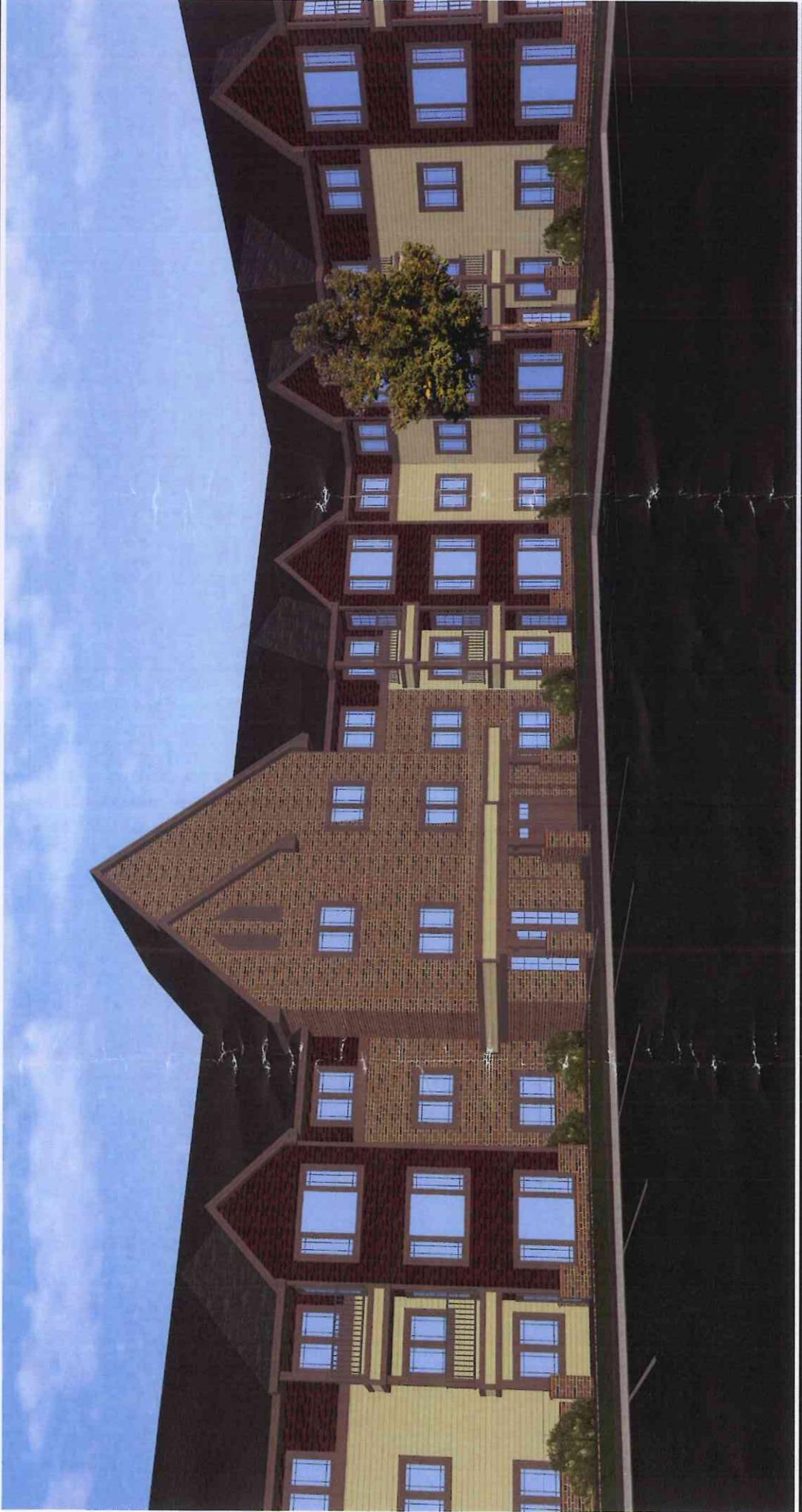
- = Approved PUD
- = Amended PUD



Bismarck Housing - Good Shepherd Site  
 Bismarck, ND

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JUN 20 2013



Bismarck Housing - Good Shepherd Site  
Bismarck, ND

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JUN 20 2013



Bismarck Housing - Good Shepherd Site  
Bismarck, ND

Preliminary - Subject to Change



# CITY OF BISMARCK Ordinance No. XXXX

<b>First Reading</b>	
<b>Second Reading</b>	
<b>Final Passage and Adoption</b>	
<b>Publication Date</b>	

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CA COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CA Commercial District is hereby amended and re-enacted to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

1. General description. The CA commercial district is established as a district in which the predominant use of the land is for commercial and service uses to serve residential districts in the general area. The CA commercial district should be served by arterial or collector streets. For the CA commercial district, in promoting the general purposes of this article, the specific intent of this section is:

- a. To encourage the continued use of the land for neighborhood commercial and services uses.
- b. To prohibit heavy commercial and services uses and industrial uses of the land, and to prohibit any other use which would substantially depreciate the value of residential districts surrounding the CA commercial district.

c. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article.

d. To discourage the expansion of CA commercial districts and the encroachment of such districts into surrounding residential districts.

e. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess of those necessary if the district were developed solely for neighborhood commercial and service uses.

2. Uses permitted. The following uses are permitted:

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

b. Multifamily dwelling.

c. Group dwelling.

d. Row houses/townhouses (subject to RM residential zone regulations).

e. Retail group A.

f. Service group A.

g. Office-bank group.

h. Health-medical group.

i. Public recreation group.

j. Education group.

The following special uses are permitted as per Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

- c. Filling station.
- d. Seasonal nursery and bedding stock sales.
- e. Church.
- f. Child care center.
- g. Drive-in bank.
- h. Retail liquor sales.

\* \* \* \* \*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication after the required comment period under Section 40-47-01.1 of the North Dakota Century Code.

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

<b>BACKGROUND:</b>		
<b>Title:</b> Hay Creek Commercial Addition – Annexation		
<b>Status:</b> Planning Commission – Final Consideration (continued)	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Mandan 94, Investors, LLP Skyline Properties, LLC	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> To plat, zone and annex property for a large-scale commercial development project.		
<b>Location:</b> In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 <sup>rd</sup> Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 37.330 acres	<b>Number of Lots:</b> 2 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture CG – Commercial	<b>Land Use:</b> General commercial	
<b>Zoning:</b> A – Agriculture CG – Commercial	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial, multi-family residential and offices	<b>Uses Allowed:</b> CG – General commercial, multi-family residential and offices	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres CG – 42 units per acre	<b>Maximum Density Allowed:</b> CG – 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/03 (part)	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A public hearing was held on June 26, 2013 regarding the final plat and zoning change request for this project. The Planning &amp; Zoning Commission voted to continue the public hearing for one month and suggested the applicant and/or developer contact the adjacent property owners within the Gussner Acreage Homesites Subdivision to the west for the purpose of informing the residents of the intended development project.</li> <li>2. The storm water management plan has not yet been approved by the City Engineer.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>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.</li> </ol>		
<i>(continued)</i>		

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.

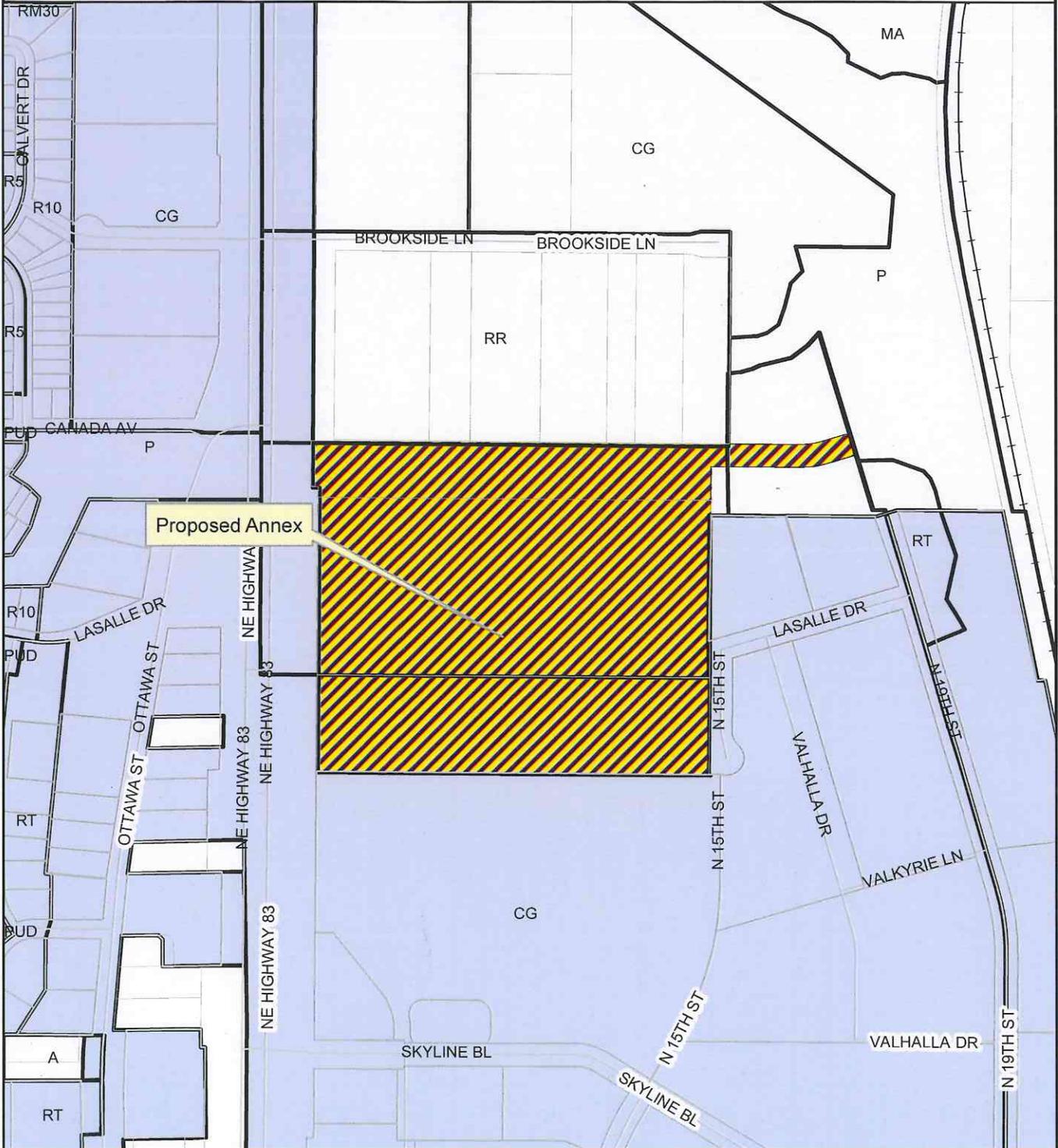
**RECOMMENDATION:**

Because the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the related annexation for Hay Creek Commercial Addition.

If the City Engineer approves the storm water management plan prior to the public hearing, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the annexation of Hay Creek Commercial Addition.

# Proposed Annex Hay Creek Commercial 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 23, 2013 (hib)

Source: City of Bismarck



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

<b>BACKGROUND:</b>		
<b>Title:</b> Hay Creek Commercial Addition – Zoning Change (A & CG to CG)		
<b>Status:</b> Planning Commission – Public Hearing (continued)	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Mandan 94, Investors, LLP Skyline Properties, LLC	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> To plat, zone and annex property for a large-scale commercial development project.		
<b>Location:</b> In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 <sup>rd</sup> Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 37.330 acres	<b>Number of Lots:</b> 2 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture CG – Commercial	<b>Land Use:</b> General commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial, multi-family residential and offices	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial, multi-family residential and offices	<b>Uses Allowed:</b> CG – General commercial, multi-family residential and offices	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres CG – 42 units per acre	<b>Maximum Density Allowed:</b> CG – 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/03 (part)	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIOINAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A public hearing was held on June 26, 2013 regarding the final plat and zoning change request for this project. The Planning &amp; Zoning Commission voted to continue the public hearing for one month and suggested the applicant and/or developer contact the adjacent property owners within the Gussner Acreage Homesites Subdivision to the west for the purpose of informing the residents of the intended development project.</li> <li>2. The storm water management plan for the final plat has not been approved by the City Engineer.</li> </ol>		
<b>FINDINGS</b>		
<ol style="list-style-type: none"> <li>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.</li> </ol>		

(continued)

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. The entire 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 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. The homes would be separated from the commercial development by a public roadway (East LaSalle Drive) and approximately 550 feet of open space along the southern tier of the residentially zoned property.
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:**

Because the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the related zoning change for Hay Creek Commercial Addition.

If the City Engineer approves the storm water management plan prior to the public hearing, staff will change its recommendation to:

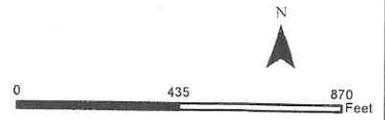
Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district for Hay Creek Commercial Addition.

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

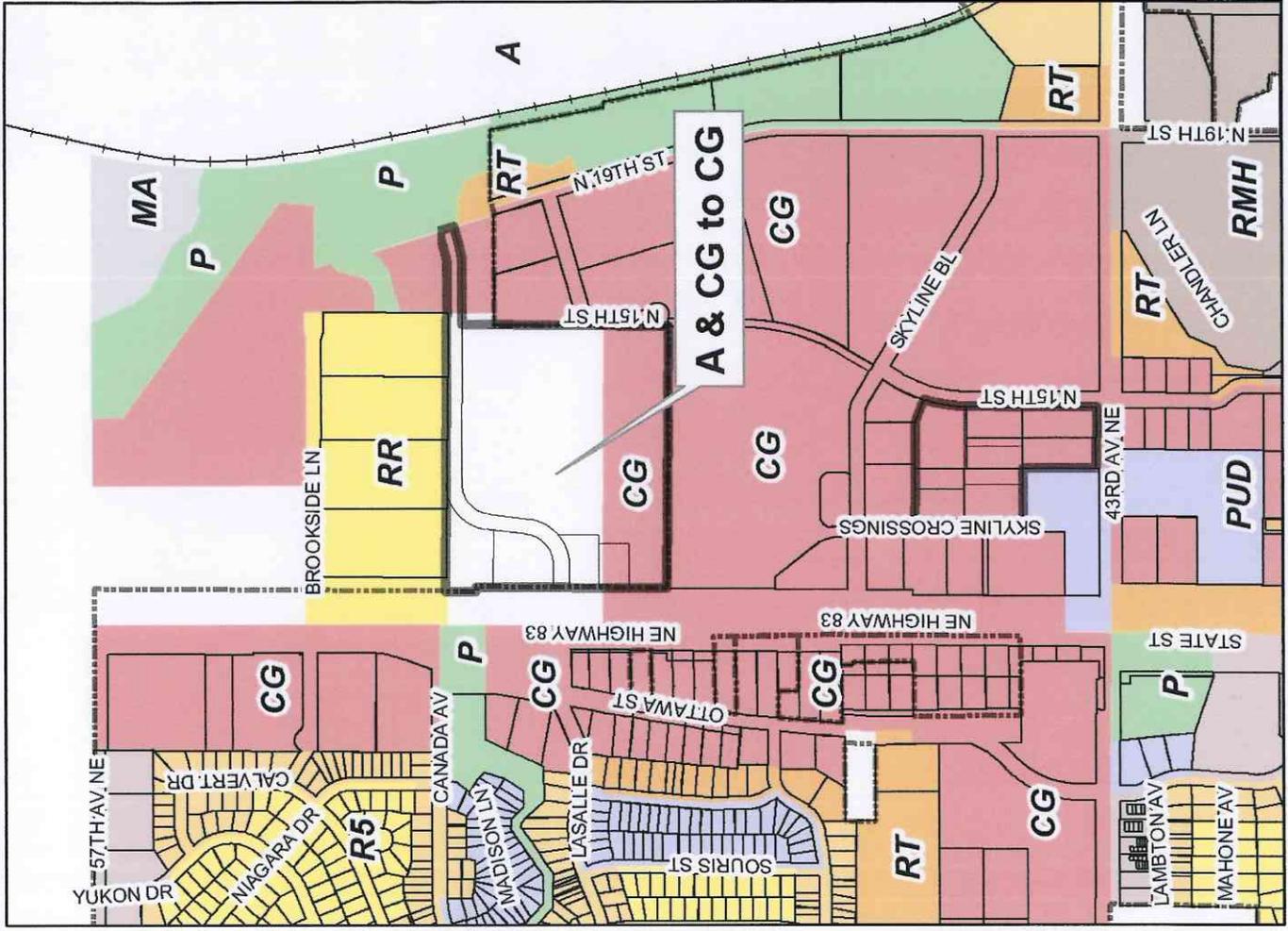
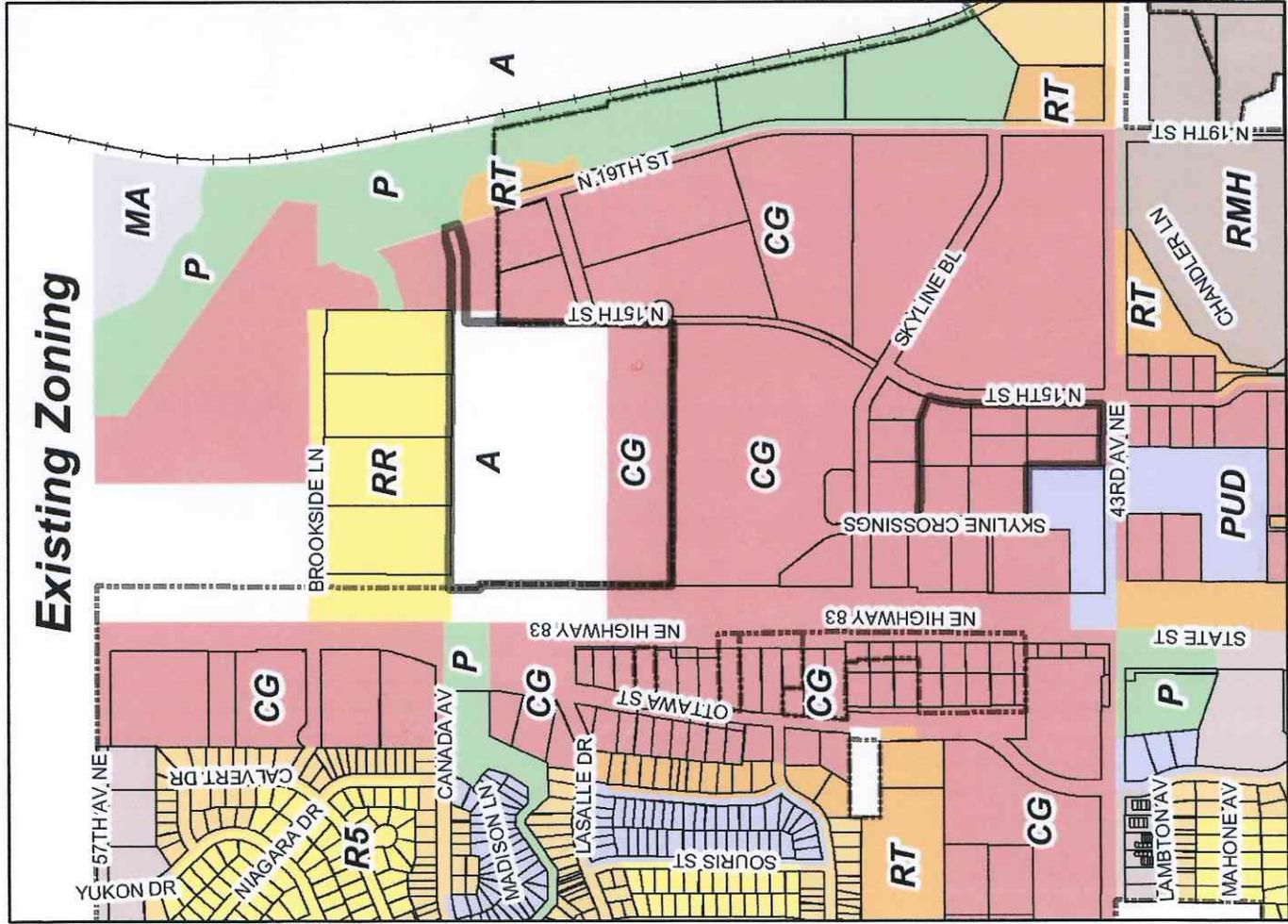


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



# Hay Creek Commercial 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**

<b>BACKGROUND:</b>		
<b>Title:</b> Hay Creek Commercial Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing (continued)	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Mandan 94, Investors, LLP Skyline Properties, LLC	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> To plat, zone and annex property for a large-scale commercial development project.		
<b>Location:</b> In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 <sup>rd</sup> Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 37.330 acres	<b>Number of Lots:</b> 2 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture CG – Commercial	<b>Land Use:</b> General commercial	
<b>Zoning:</b> A – Agriculture CG – Commercial	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial, multi-family residential and offices	<b>Uses Allowed:</b> CG – General commercial, multi-family residential and offices	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres CG – 42 units per acre	<b>Maximum Density Allowed:</b> CG – 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/03	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
1. A public hearing was held on June 26, 2013 regarding the final plat and zoning change request for this project. The Planning & Zoning Commission voted to continue the public hearing for one month and suggested the applicant or developer contact the adjacent property owners within the Gussner Acreage Homesites Subdivision to the west for the purpose of informing the residents of the intended development project. It is our understanding that this meeting was held on July 16, 2013.		
<b>FINDINGS:</b>		
1. All technical requirements for consideration of a final plat have been met.		
2. The storm water management plan has not yet been approved by the City Engineer.		
<i>(continued)</i>		

3. 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.
4. 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 feet, most of which is the homeowners' back yards.
5. 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 feet north of the proposed subdivision. The homes would be separated from the commercial development by a public roadway (East LaSalle Drive) and approximately 550 feet of open space along the southern tier of the residentially zoned property.
6. The proposed subdivision would be annexed prior to development; therefore the proposed subdivision would not place an undue burden on public services.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
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 continuing action on the final plat for Hay Creek Commercial Addition until the storm water management plan has not yet been approved by the City Engineer.

If the City Engineer approves the storm water management plan prior to the public hearing, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the final plat titled Hay Creek Commercial Addition.

# Proposed Plat and Zoning Change (A & CG to CG) Hay Creek Commercial 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 23, 2013 (hlb)

Source: City of Bismarck







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

<b>BACKGROUND:</b>		
<b>Title:</b> High Meadows 12 <sup>th</sup> Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Daniel Haakenson – Lot A of L3, B2 Robert & Nadine Schaff – Lot B of L3, B2 Curt & Diane Wentz – L4, B2	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Re-plat property for further development upon annexation (currently scheduled for 2014).		
<b>Location:</b> In northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue (A replat of Lots A and B of Lot 3, Block 2 and Lot 4, Block 2, KMK Estates Subdivision).		
<b>Project Size:</b> 9.16 acres	<b>Number of Lots:</b> 25 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RR – Residential	<b>Land Use:</b> Single-family residential	
<b>Uses Allowed:</b> RR – Rural residential	<b>Zoning:</b> RR – Residential	
<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	<b>Uses Allowed:</b> RR – Rural residential	
	<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/59	<b>Platted:</b> 11/69	<b>Annexed:</b> ---
<b>ADDITIONAL INFORMATION</b>		
<ol style="list-style-type: none"> <li>The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2<sup>nd</sup> 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.</li> <li>The proposed plat was not accompanied by a zoning change or early annexation request. The applicant is proposing the plat for future development. The plat could not be recorded or the lots developed until the existing accessory buildings located within the proposed public right-of-way were removed and the property was annexed and rezoned to R5-Residential.</li> <li>The proposed plat was reduced in size since consideration of the preliminary plat. The property north of Colt Avenue that was included in the preliminary plat is now in the process of being platted as Koosman Addition and has been removed from this plat.</li> </ol>		
<i>(continued)</i>		

4. The applicant is requesting the use of a cul-de-sac for this development and has submitted written justification for this request. Section 14-09-05(1)(m) of the Subdivision Regulations (Design Standards) states, "The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process." Based on these criteria, staff has no objection to the use of a cul-de-sac in this location.

#### **FINDINGS:**

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 subdivision is outside of the area covered by the Fringe Area Road Master Plan. North Washington Street to the east 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).
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural single-family 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, provided the existing accessory buildings within the proposed Canter Street right-of-way are removed prior to recording the plat.
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, provided the property is annexed and rezoned to R5-Residential prior to the plat being recorded and the new lots sold for development.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

#### **RECOMMENDATION:**

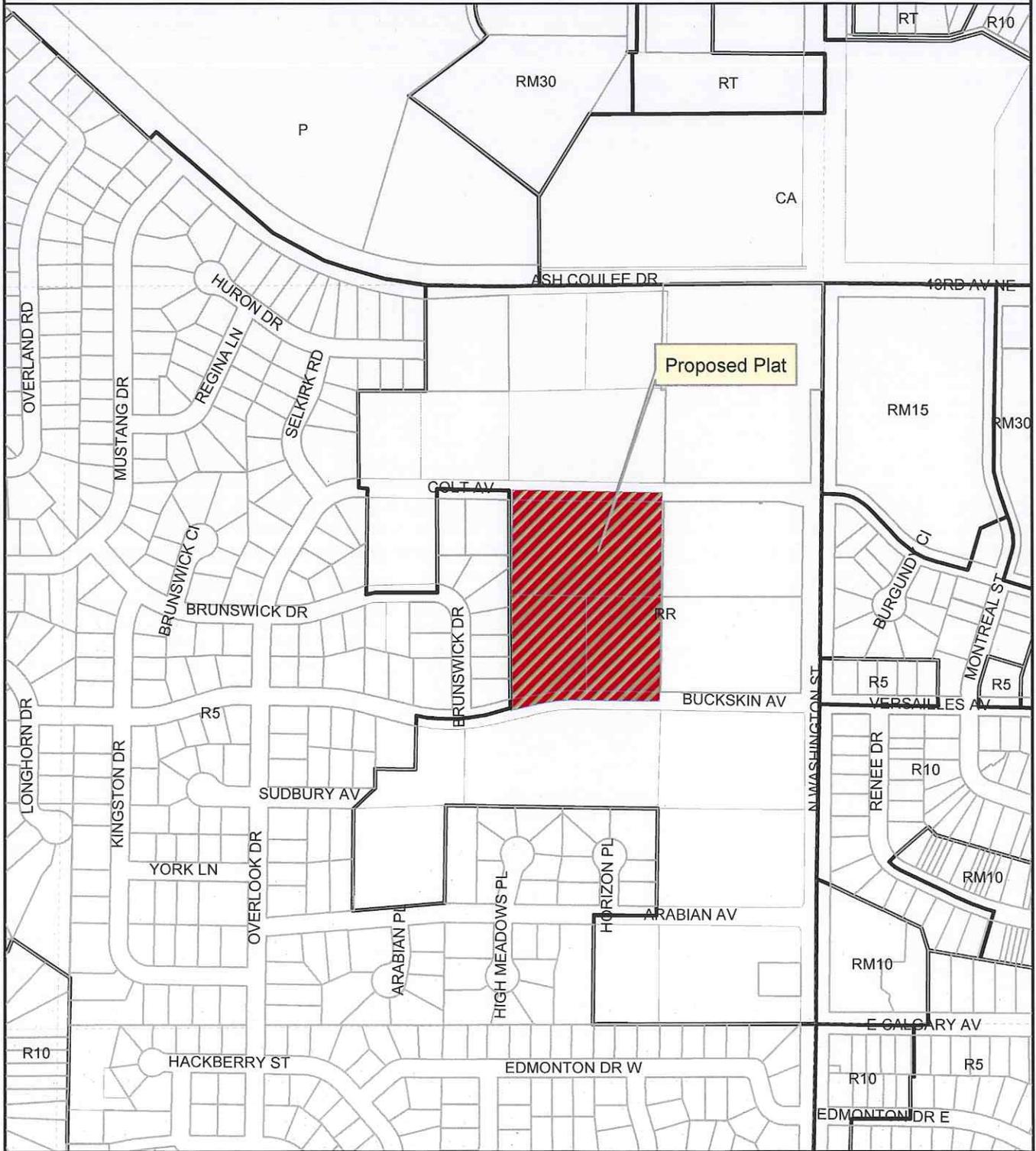
Based on the above findings, staff recommends continuing action on the final plat of High Meadows 12<sup>th</sup> Addition until the storm water management plan has been approved by the City Engineer.

If the City Engineer approves the storm water management plan prior to the public meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the final plat of High Meadows 12<sup>th</sup> Addition, including the granting of a waiver to allow the use of a cul-de-sac, and with the following condition:

1. The mylar for High Meadows 12<sup>th</sup> Addition cannot be recorded until the existing accessory buildings located within the proposed Canter Street public right-of-way and on Lot 12, Block 1 are removed from the property, the property is annexed and the property is rezoned to R5- Residential.

# Proposed Plat High Meadows 12th 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 20, 2013 (klee)

Source: City of Bismarck





RECEIVED

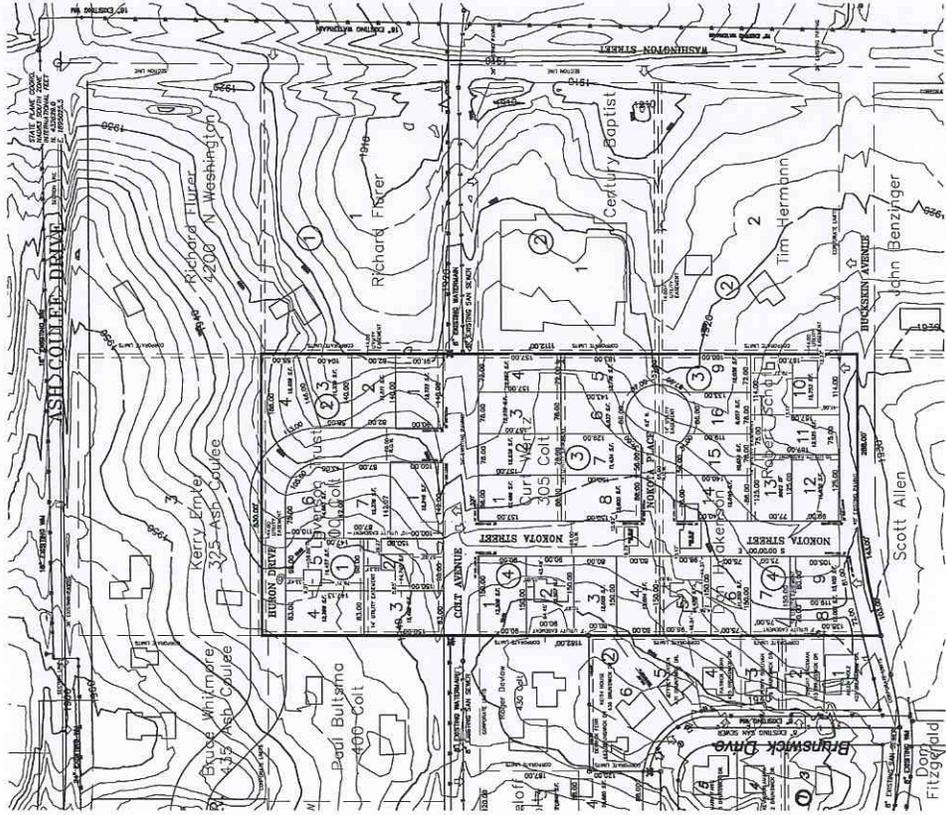
MAR 15 2013

# HIGH MEADOWS 12TH ADDITION

BEING A REPLAT OF LOT 2 BLOCK 1, LOTS A & B OF LOT 3, BLOCK 2, & LOT 4 BLOCK 2 OF KMK ESTATES

PART OF THE SW 1/4 OF THE S 1/2 OF THE NW 1/4 SECTION 20, T. 139, R. 80 W.

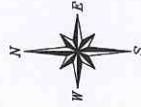
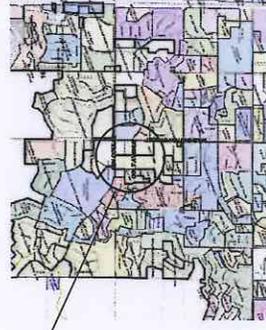
## BISMARCK, NORTH DAKOTA



13.72 ACRES  
 EXISTING ZONING: RR  
 PROPOSED ZONING: R5  
 36 LOTS

**OWNERS:**

- LEVERSON TRUST  
300 COLT AVENUE  
BISMARCK ND 58503 223-9687
- CURT WENTZ  
305 COLT AVENUE  
BISMARCK ND 58503 255-0544
- DAN HAAKENSEN  
300 BUCKSKIN AVENUE  
BISMARCK ND 58503 255-7581
- ROBERT SCHAFF  
250 BUCKSKIN AVENUE  
BISMARCK ND 58503 258-9804



MARCH 13, 2013  
 SCALE - 1"=100'  
 0 40' 80' 120'

NGVD29



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

<b>BACKGROUND:</b>		
<b>Title:</b> Trillium 4 <sup>th</sup> Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> JL Partnership (owner) HD Partnership (developer)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Plat property for light industrial development.		
<b>Location:</b> East of South 26 <sup>th</sup> Street along the north side of Airway Avenue (part of the NW¼ of Section 11, T138N-R80W/Lincoln).		
<b>Project Size:</b> 84.13 acres	<b>Number of Lots:</b> 18 lots in 5 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Light industrial	
<b>Zoning:</b> MA – Industrial	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> Light industrial uses	<b>Uses Allowed:</b> Light industrial uses	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for approval of a final plat have been met.</li> <li>2. The storm water management plan has not yet been approved by the City Engineer.</li> <li>3. The proposed subdivision is consistent with the Fringe Area Road Master Plan for Section 11, T138N-80W/Lincoln Township, as amended, which identifies Morrison Avenue as the east-west collector for this section. Airway Avenue on the south side of the plat is classified as a minor arterial on the MPO's Functional Classification Network (July 2011) and South 26<sup>th</sup> Street on the west side of the plat is classified as a future minor arterial.</li> <li>4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing light industrial to the west, commercial uses to the north, a combination of light and heavy industrial uses to the east and the Bismarck Airport and developing light industrial uses to the south.</li> </ol>		
<i>(continued)</i>		

5. The proposed subdivision is already annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities, provided access via urban section roadways are required prior to development of lots within the development.
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.

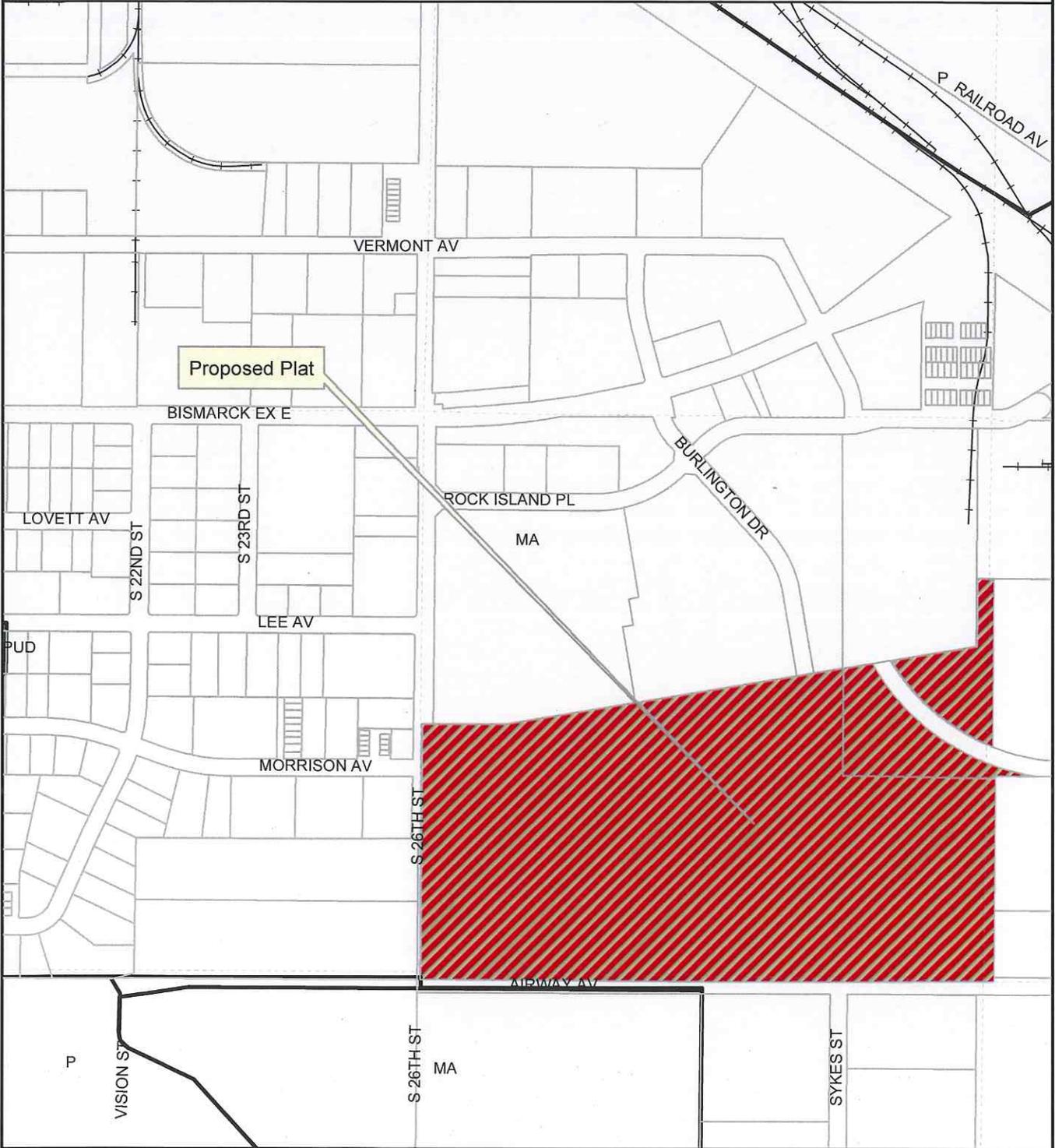
**RECOMMENDATION:**

Based on the above findings, staff recommends continuing action on the final plat of Trillium 4<sup>th</sup> Addition until the storm water management plan is approved by the City Engineer.

If the storm water management plan is approved by the City Engineer prior to the meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the final plat of Trillium 4<sup>th</sup> Addition, with the understanding that individual lots will not be developable until access via an paved roadway is provided and all adjacent roadways are improved to City urban section roadway standards or are under contract for such improvement.

# Proposed Plat Trillium 4th 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 22, 2013 (hib)

Source: City of Bismarck



# TRILLIUM FOURTH ADDITION

PART OF THE NW 1/4 SECTION 11, T. 138 N. R. 80 W.

## BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1"=100'  
 DATE: JUNE 3, 2013  
 DATUM: NAD 83

JUL 12 2013

**NOTES**

**BASE OF RECORDING**  
 NORTH DAKOTA ZONING PLAN, SOUTH ZONE BY CITY ORDINANCE

**BENCHMARK**  
 WISCONSIN BENCH MARK, SOUTH ZONE  
 EAST OF 25th STREET  
 ELEV. 1688.10 ±

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

**FEEDBACK**  
 NATIONAL GEODETIC SURVEY, BATHYM OF 1979  
 REVISIONS AND DISTANCES MAY VARY FROM  
 PREVIOUS PLATS DUE TO DIFFERENT METHODS  
 OF MEASUREMENTS

○ MONUMENT TO BE SET  
 ○ MONUMENT IN PLACE

**AREA DATA**

LOTS	SQ. FT.	ACRES
1	141,000.00	3.21
2	141,000.00	3.21
3	141,000.00	3.21
4	141,000.00	3.21

**CURVE DATA**

LINE	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE	PIE CENTER
1	S89°47'00"E	404.06'	S89°47'00"E	404.06'	100.00'
2	S89°47'00"E	404.06'	S89°47'00"E	404.06'	100.00'
3	S89°47'00"E	404.06'	S89°47'00"E	404.06'	100.00'
4	S89°47'00"E	404.06'	S89°47'00"E	404.06'	100.00'



**DESCRIPTION**

PART OF THE NW 1/4 SECTION 11, T. 138 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NW 1/4, THENCE NORTH 00 DEGREES 41 MINUTES 02 SECONDS EAST, ALONG THE WEST LINE OF SAID NW 1/4, A DISTANCE OF 1190.21 FEET, TO THE SOUTHWEST CORNER OF THE TRILLIUM SECOND ADDITION, THENCE SOUTH 89 DEGREES 47 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHWEST LINE, A DISTANCE OF 404.06 FEET, THENCE NORTH 89 DEGREES 41 MINUTES 11 SECONDS EAST, CONTINUING ALONG SAID SOUTHWEST LINE AND THE SOUTHWEST LINE OF TRILLIUM THIRD ADDITION, A DISTANCE OF 294.28 FEET, TO THE FACE LINE OF SAID TRILLIUM THIRD, THENCE NORTH 00 DEGREES 17 MINUTES 45 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 300.00 FEET, TO THE SOUTH LINE OF REPLAT OF BISHOP'S INDUSTRIAL PARK, THENCE SOUTH 89 DEGREES 42 MINUTES 50 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 300.00 FEET, TO THE WEST LINE OF TRILLIUM FIRST ADDITION, THENCE SOUTH 00 DEGREES 34 MINUTES 09 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1800.73 FEET, TO THE SOUTH LINE OF SAID NW 1/4, THENCE NORTH BY DEGREES 30 MINUTES 56 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2687.31 FEET, TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 84.88 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 A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON \_\_\_\_\_ 2013, 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 CODING DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA )  
 COUNTY OF BURLEIGH ) SS

TERRY BALTZER  
 PROFESSIONAL LAND SURVEYOR  
 N.D. REGISTRATION NO. 3593

**OWNER'S CERTIFICATE & DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT J. PARTNERSHIP AND NORTHERN IMPROVEMENT COMPANY, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON, HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "TRILLIUM FOURTH ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE SAID AS SHOWN HEREON INCLUDING ALL SEWER, COLLECTORS, 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 OR STORM WATER EASEMENTS.

THEY FURTHER DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS 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 IMPROVEMENTS THEREIN 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.

OWNER:  
 J. PARTNERSHIP  
 P.O. BOX 1334  
 BISMARCK, N.D. 58504

STATE OF NORTH DAKOTA )  
 COUNTY OF BURLEIGH ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013, BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ 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.

BURLEIGH COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES \_\_\_\_\_

OWNER:  
 NORTHERN IMPROVEMENT COMPANY  
 3330 EAST CENTURY AVE  
 BISMARCK, N.D. 58502

STATE OF NORTH DAKOTA )  
 COUNTY OF BURLEIGH ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013, BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ 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.

BURLEIGH COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES \_\_\_\_\_

**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 LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN  
 CARL D. HORNSTADT - 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 MAKE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

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

ATTEST:  
 W. C. WOODEN - CITY ADMINISTRATOR

**APPROVAL OF CITY ENGINEER**

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

MELVIN J. BILLINGER  
 CITY ENGINEER

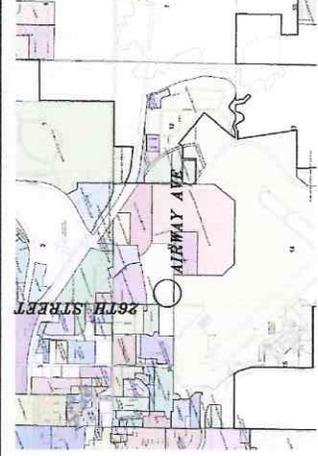
**SWENSON, HAGEN & COMPANY P.C.**

509 Main Avenue  
 Bismarck, North Dakota 58501  
 Phone (701) 223-2400  
 Fax (701) 223-2406

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

# TRILLIUM 4TH ADDITION

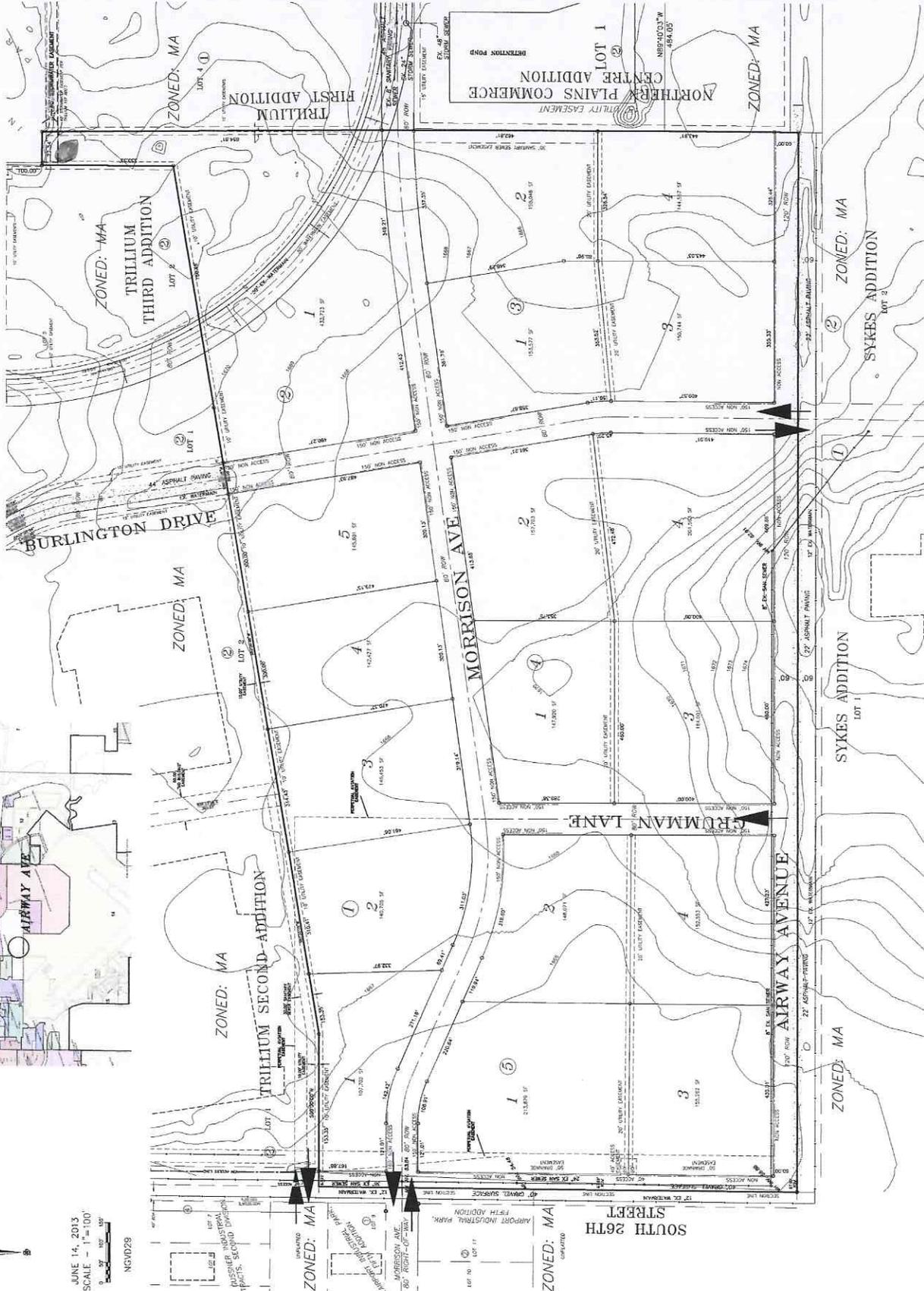
PART OF THE NW SECTION 11, T. 138 N. R. 80 W.  
BISMARCK, NORTH DAKOTA



LOCATION MAP



JUNE 14, 2013  
SCALE - 1" = 100'  
NGVD28



**OWNER:** JL PARTNERSHIP  
**ADDRESS:** PO BOX 1254  
**BISMARCK, ND 58504**  
**PHONE:** 701 223 6695

**DEVELOPER:** HD PARTNERSHIP  
**ADDRESS:** 1102 WESTWOOD ST.  
**BISMARCK, ND 58503**  
**PHONE:** 701 223 6695

**EXISTING ZONING:** MA  
**PROPOSED ZONING:** MA

**84.13 ACRES**  
**18 LOTS**



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

<b>BACKGROUND:</b>		
<b>Title:</b> Liberty Addition – Zoning Change (P to R5 & P)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Bismarck Public Schools	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat and rezone property for elementary school and single-family residential development.		
<b>Location:</b> East of North Washington Street between 43 <sup>rd</sup> Avenue NW and 57 <sup>th</sup> Avenue NW (a replat of Lot 1, Block 9, Boulder Ridge 5 <sup>th</sup> Addition).		
<b>Project Size:</b> 16.15 acres	<b>Number of Lots:</b> 6 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Elementary school (under construction)	<b>Land Use:</b> Elementary school and five single family residential lots	
<b>Zoning:</b> P – Public	<b>Zoning:</b> R5 – Residential P – Public	
<b>Uses Allowed:</b> Public uses, including schools	<b>Uses Allowed:</b> R5 – Single-family residential P – Public uses, including schools	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> R5 – 5 units/acre P – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/13	<b>Platted:</b> 04/13	<b>Annexed:</b> 04/13
<b>ADDITIONAL INFORMATION:</b>		
1. The storm water management plan has not yet been approved by the City Engineer.		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as public (future land use component of US Highway 83 Corridor Transportation Study). The Land Use Plan amendment process allows an administrative amendment when the change is less than 660 feet in depth. In this case, it seems reasonable to allow an administrative amendment to extend the residential land use classification approximately 175 into the public land use classification.</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family residential to the south and east; undeveloped RT-Residential and A-Agricultural zoned property to the west, and undeveloped A-Agricultural zoned property to the north.</li> </ol>		
<i>(continued)</i>		

3. The property is already annexed and municipal services are in the process of being installed; 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:**

Because the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the related zoning change for Liberty Addition.

If the City Engineer approves the storm water management plan prior to the public hearing, staff will change its recommendation to:

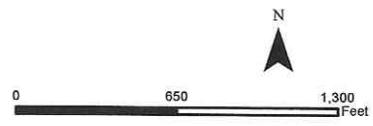
Based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the R5 – Residential and P-Public zoning districts for Liberty Addition.

# Proposed Plat & Zoning Change (P to R5 & P) Liberty Addition



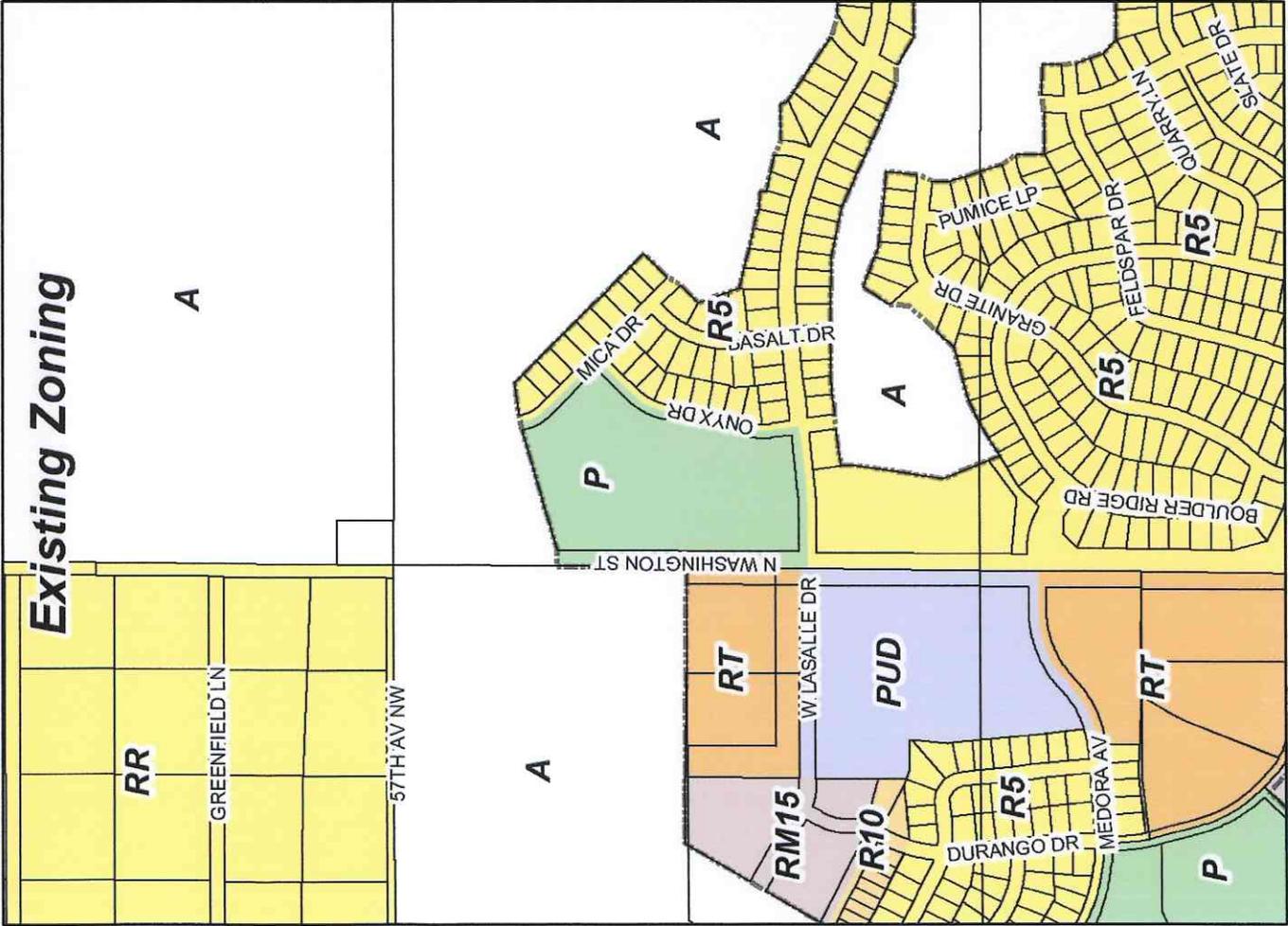
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: July 12, 2013 (Klee)

Source: City of Bismarck

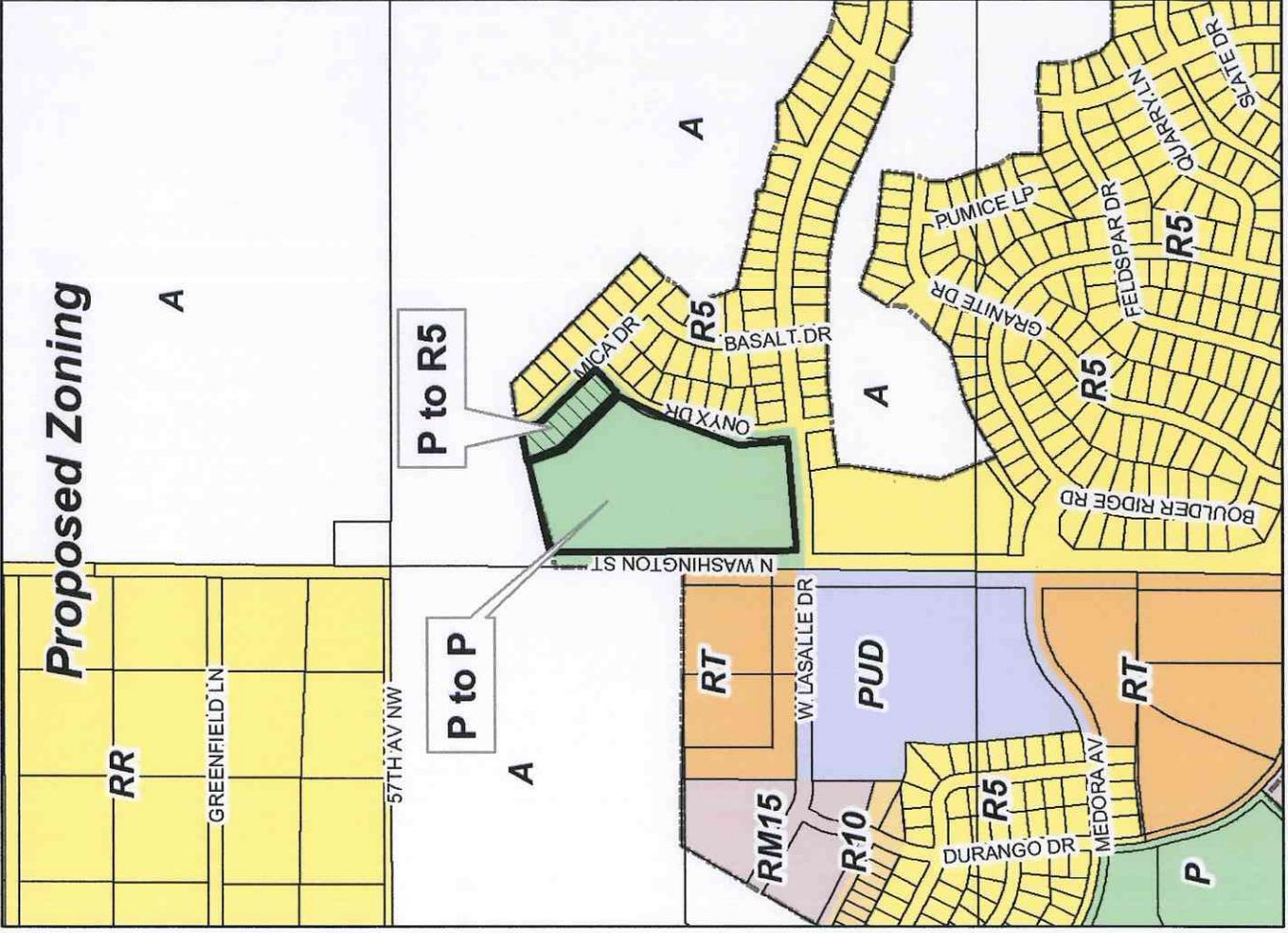


# Liberty Addition - Zoning Change

## Existing Zoning



## Proposed Zoning



June 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**

<b>BACKGROUND:</b>		
<b>Title:</b> Liberty Addition – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Bismarck Public Schools	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat and rezone property for elementary school and single-family residential development.		
<b>Location:</b> East of North Washington Street between 43 <sup>rd</sup> Avenue NW and 57 <sup>th</sup> Avenue NW (a replat of Lot 1, Block 9, Boulder Ridge 5 <sup>th</sup> Addition).		
<b>Project Size:</b> 16.15 acres	<b>Number of Lots:</b> 6 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Elementary school (under construction)	<b>Land Use:</b> Elementary school and five single family residential lots	
<b>Zoning:</b> P – Public	<b>Zoning:</b> R5 – Residential P – Public	
<b>Uses Allowed:</b> Public uses, including schools	<b>Uses Allowed:</b> R5 – Single-family residential P – Public uses, including schools	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> R5 – 5 units/acre P – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/13	<b>Platted:</b> 04/13	<b>Annexed:</b> 04/13
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for approval of a minor subdivision final plat have been met.</li> <li>2. The storm water management plan has not yet been approved by the City Engineer.</li> <li>3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single-family residential to the south and east; undeveloped RT-Residential and A-Agricultural zoned property to the west, and undeveloped A-Agricultural zoned property to the north.</li> <li>4. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> <li>5. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> </ol>		
<i>(continued)</i>		

6. The proposed subdivision would not adversely affect property in the vicinity, provided the modified buffer yard is installed between the institutional and residential uses in the subdivision in conjunction with the construction of the elementary school as proposed.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

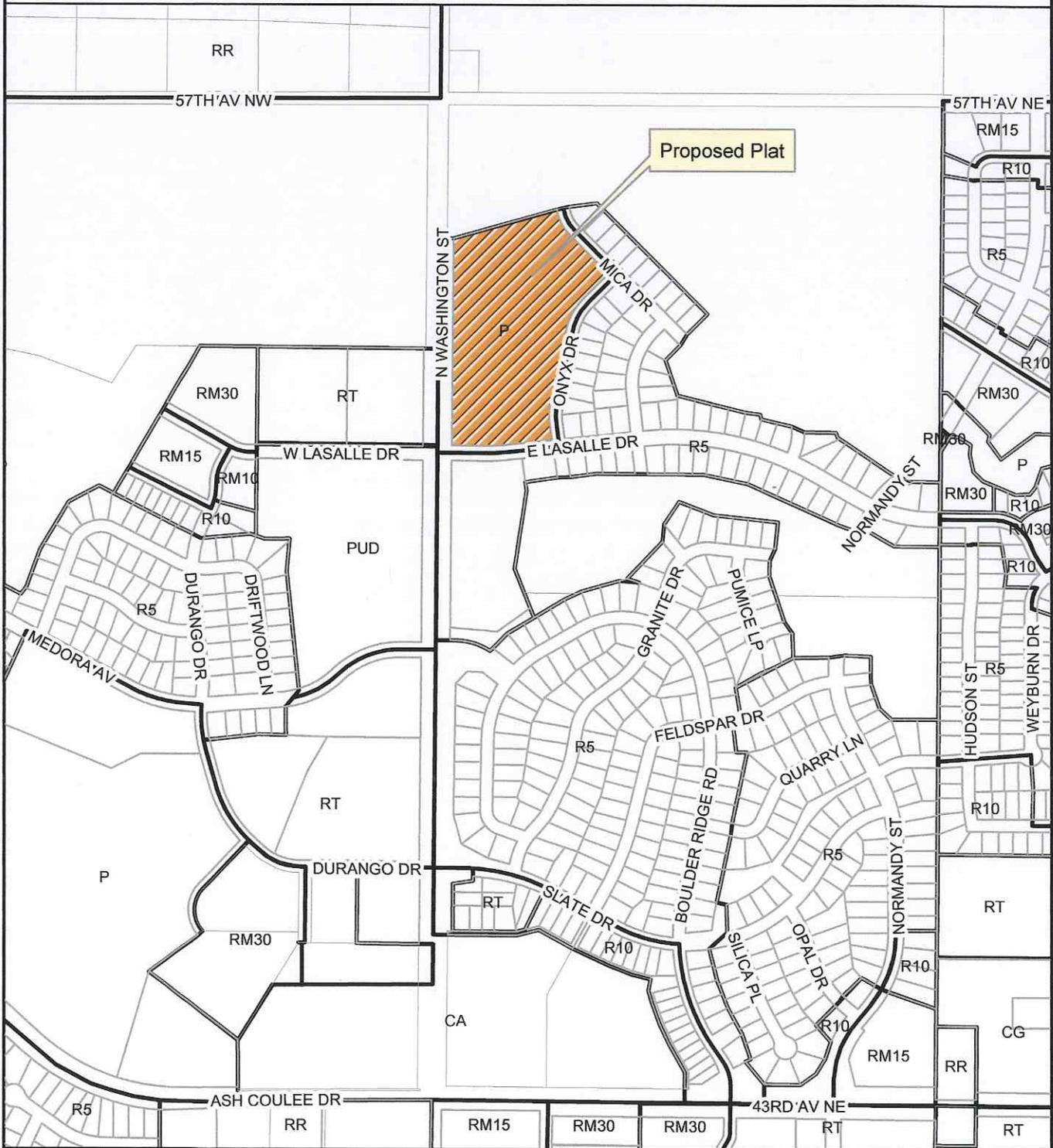
**RECOMMENDATION:**

Based on the above findings, staff recommends continuing action on the minor subdivision final plat for Liberty Addition until the storm water management plan is approved by the City Engineer.

If the storm water management plan is approved by the City Engineer prior to the meeting, staff will change its recommendation to:

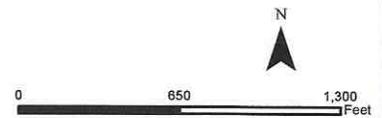
Based on the above findings, staff recommends approval of the minor subdivision final plat for Liberty Addition, with the understanding that the modified buffer yard is installed in conjunction with the construction of the elementary school as proposed.

# Proposed Plat & Zoning Change (P to R5 & P) Liberty 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: July 12, 2013 (Klee)

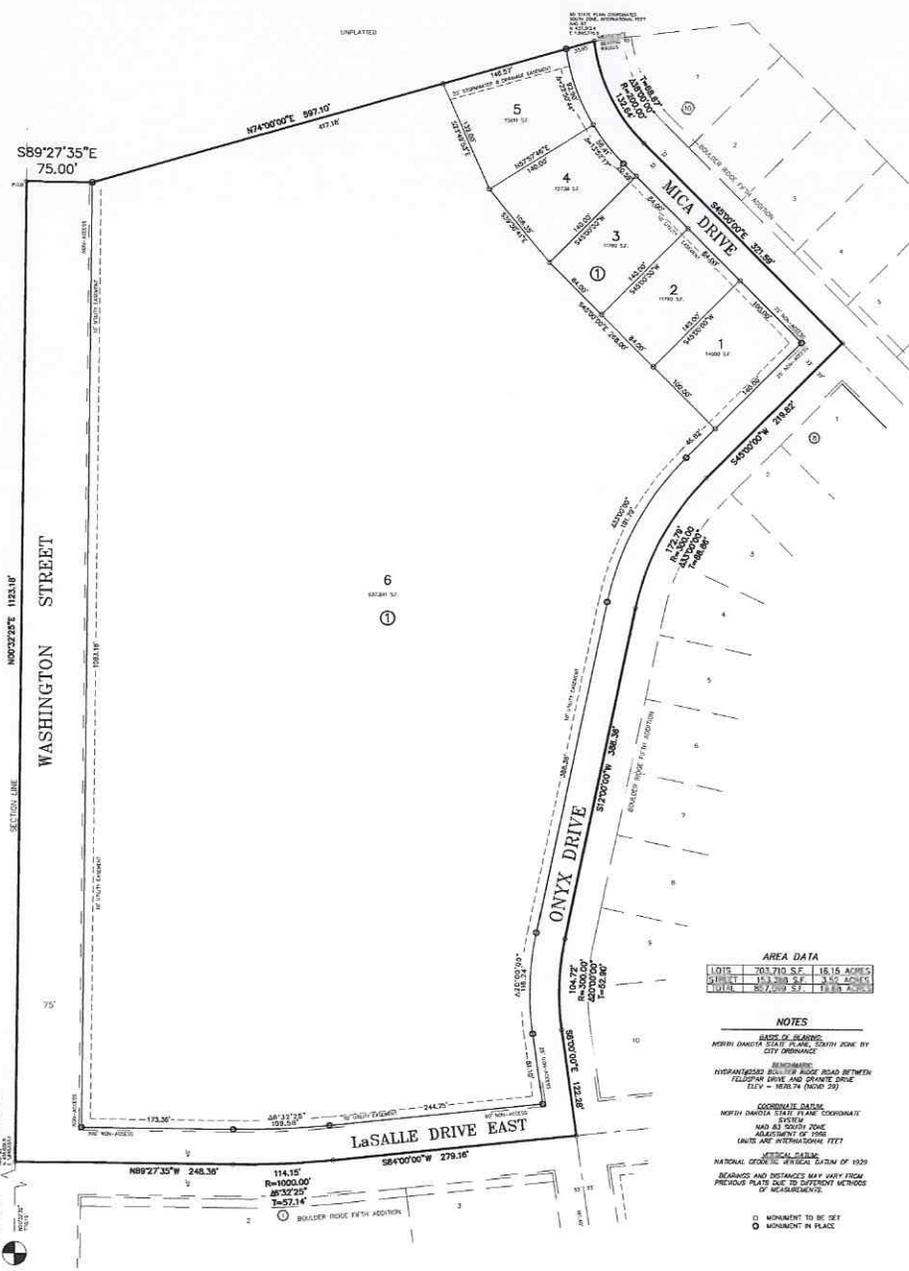
Source: City of Bismarck



JUL 12 2013

# LIBERTY ADDITION

A REPLAT OF LOT 1 BLOCK 9 OF BOULDER RIDGE FIFTH ADDITION AND A REPLAT PART OF WASHINGTON STREET AND PART OF LASALLE DRIVE AND PART OF ONYX DRIVE AND PART OF MICA DRIVE, OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA



### DESCRIPTION

A REPLAT OF LOT 1, BLOCK 9, BOULDER RIDGE FIFTH ADDITION AND A REPLAT OF PART OF WASHINGTON STREET AND PART OF LASALLE DRIVE AND PART OF ONYX DRIVE AND PART OF MICA DRIVE, OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA DESCRIBED AS FOLLOWS:

### 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 MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA ) SWENSON, HAGEN & CO. P.C.  
COUNTY OF BURLEIGH ) 803 BASH AVENUE  
BISMARCK, NORTH DAKOTA  
TERRY BALTZER  
PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO. 3565

ON THIS 23rd DAY OF MAY, 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 PATIENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

### 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 23rd DAY OF MAY, 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WARRIE LEE YEAGER - CHAIRMAN CARL D. HORNSTADT - SECRETARY

### 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 ADOPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN ADDENDUM TO THE WITHIN THE BOUNDARY OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THIS 23rd DAY OF MAY, 2013.

ATTEST  
W. C. WOODEN - CITY ADMINISTRATOR

### APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER  
CITY ENGINEER

### OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BISMARCK PUBLIC SCHOOLS THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "LIBERTY ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DELICATELY, SURELY AND SLOWLY INCLUDING ALL STREETS, ALLEYS, 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 OR FOR LINES OF CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THESE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE FACILITIES TOGETHER WITH NECESSARY APPURTENANCES, REPAIRS, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT 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 )  
TAMARA USELMAN, SUPERINTENDENT  
BISMARCK PUBLIC SCHOOLS  
808 NORTH WASHINGTON STREET  
BISMARCK, ND 58501  
OWNER OF LOT 1 BLOCK 9

ON THIS 23rd DAY OF MAY, 2013, BEFORE ME PERSONALLY APPEARED TAMARA USELMAN, SUPERINTENDENT OF BISMARCK PUBLIC SCHOOLS KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES

AREA DATA

LOTS	703,710 S.F.	16.16 ACRES
SUBJECT	153,208 S.F.	3.50 ACRES
TOTAL	856,918 S.F.	19.66 ACRES

NOTES  
BASED ON PLANING  
MERRI DAKOTA CITY PLANNING ZONE BY  
CITY ORDINANCE  
INVESTIGATES BOULDER RIDGE ROAD BETWEEN  
CLAYTON DRIVE AND GRANITE DRIVE  
ELEV = MERRI (NOOD 25)

COORDINATE DATUM  
NORTH DATUM STATE PLANE COORDINATE  
SYSTEM  
HAD ALL POINTS TO BE  
ADJUSTMENT OF 1985  
UNITS ARE METRIC (METERS FEET)

GENERAL NOTES  
NATURAL GEODETIC TENSION SYSTEM OF 1930  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENT.

MONUMENT TO BE SET  
MONUMENT IN PLACE



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

<b>BACKGROUND:</b>		
<b>Title:</b> Cottonwood Lake 6 <sup>th</sup> Addition Replat – Zoning Change (A to R5) (Now known as Lots 1-8, Block 2, Lots 1-6, Block , Cottonwood Lake 6 <sup>th</sup> Addition)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Sattler Homes, Inc.	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> Rezone the property for a future mixed-density residential development.		
<b>Location:</b> Along the south east side of South Washington Street between Wachter Avenue and Burleigh Avenue (A replat of Lots 1-8, Block 2, Lots 1-6, Block 3, Cottonwood Lake 6 <sup>th</sup> Addition).		
<b>Project Size:</b> 4.93 acres	<b>Number of Lots:</b> 20 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R10 – Residential	<b>Land Use:</b> Two-family residential and two four-unit condos (Lots 1 & 2, Block 1)	
<b>Uses Allowed:</b> R10 – Single and two-family residential	<b>Zoning:</b> R10 – Residential RM10 – Residential	
<b>Maximum Density Allowed:</b> R10 – 10 units per acre	<b>Uses Allowed:</b> R10 – Single and two-family residential RM10 – Multi-family residential	
	<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM10 – 10 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 08/2004	<b>Platted:</b> 08/2004	<b>Annexed:</b> 08/2004
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The property to the north is zoned R5 – Residential. The applicant has indicated he intends to construct two 4-unit condos on Lots 1 &amp; 2, Block 1. The condos would be directly adjacent to the single-family lots to the north. A 15 foot wide landscape buffer yard along the north property line of Lots 1 &amp; 2, Block 1 is required to be installed in conjunction with the development of the condo buildings.</li> <li>The storm water management plan has not yet been approved by the City Engineer.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed zoning change is outside the boundaries of the Land Use Plan.</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north and west; multi-family residential to the south; and undeveloped single-family residentially zoned land to the east.</li> <li>The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> </ol>		
<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.

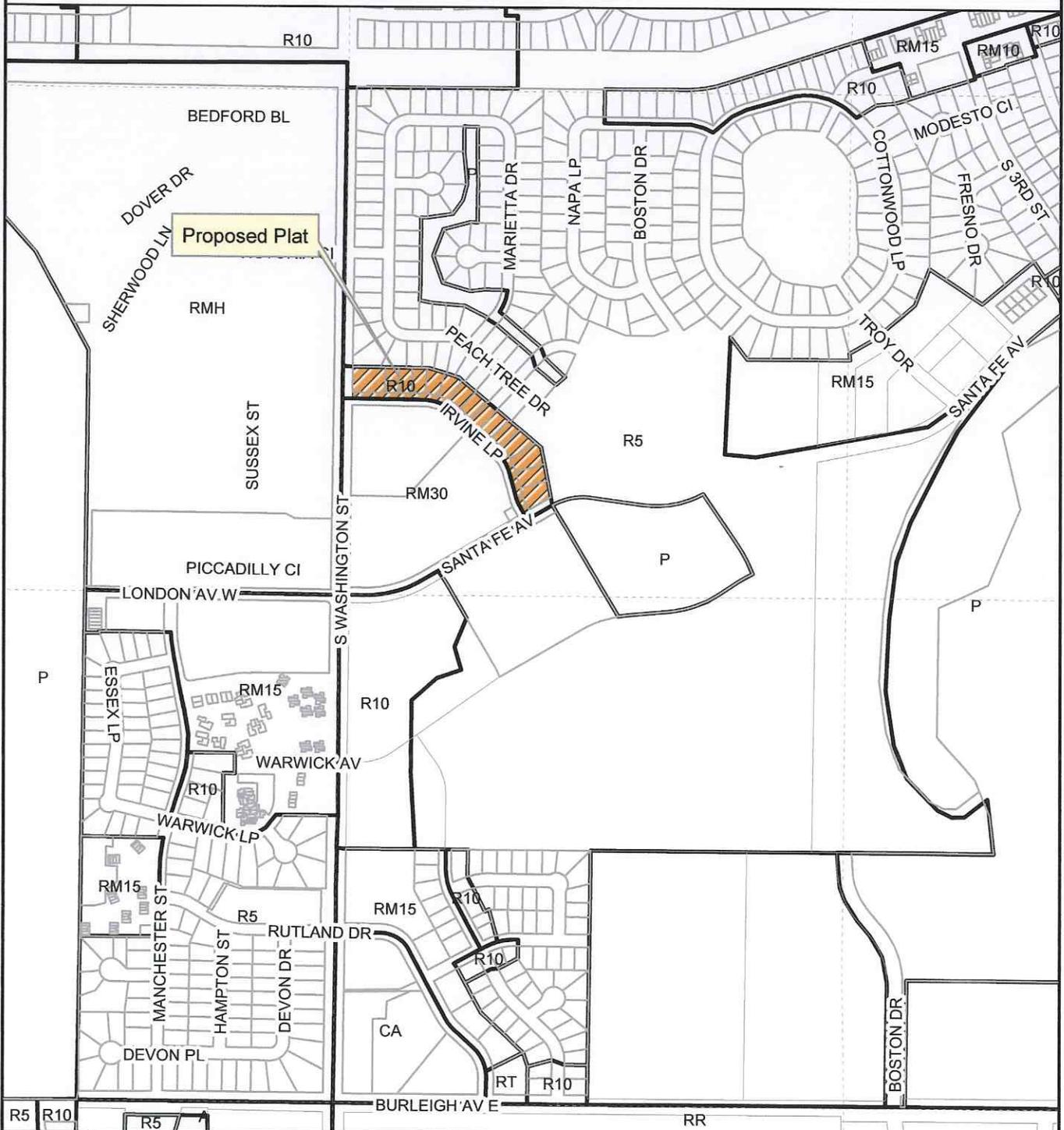
**RECOMMENDATION:**

Because the storm water management plan has not yet been approved by the City Engineer, staff recommends continuing action on the related zoning change for Cottonwood Lake Sixth Addition.

If the City Engineer approves the storm water management plan prior to the public hearing, staff will change its recommendation to:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change for Cottonwood Lake Sixth Addition Replat, a replat of Lots 1-8, Block 2 and Lots 1-6, Block 3, Cottonwood Lake Sixth Addition.

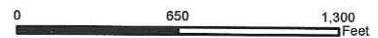
# Proposed Plat & Zoning Change (R10 to R10 & RM10) Cottonwood Lake 6th Addition Replat



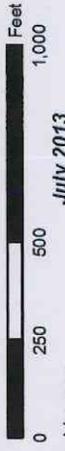
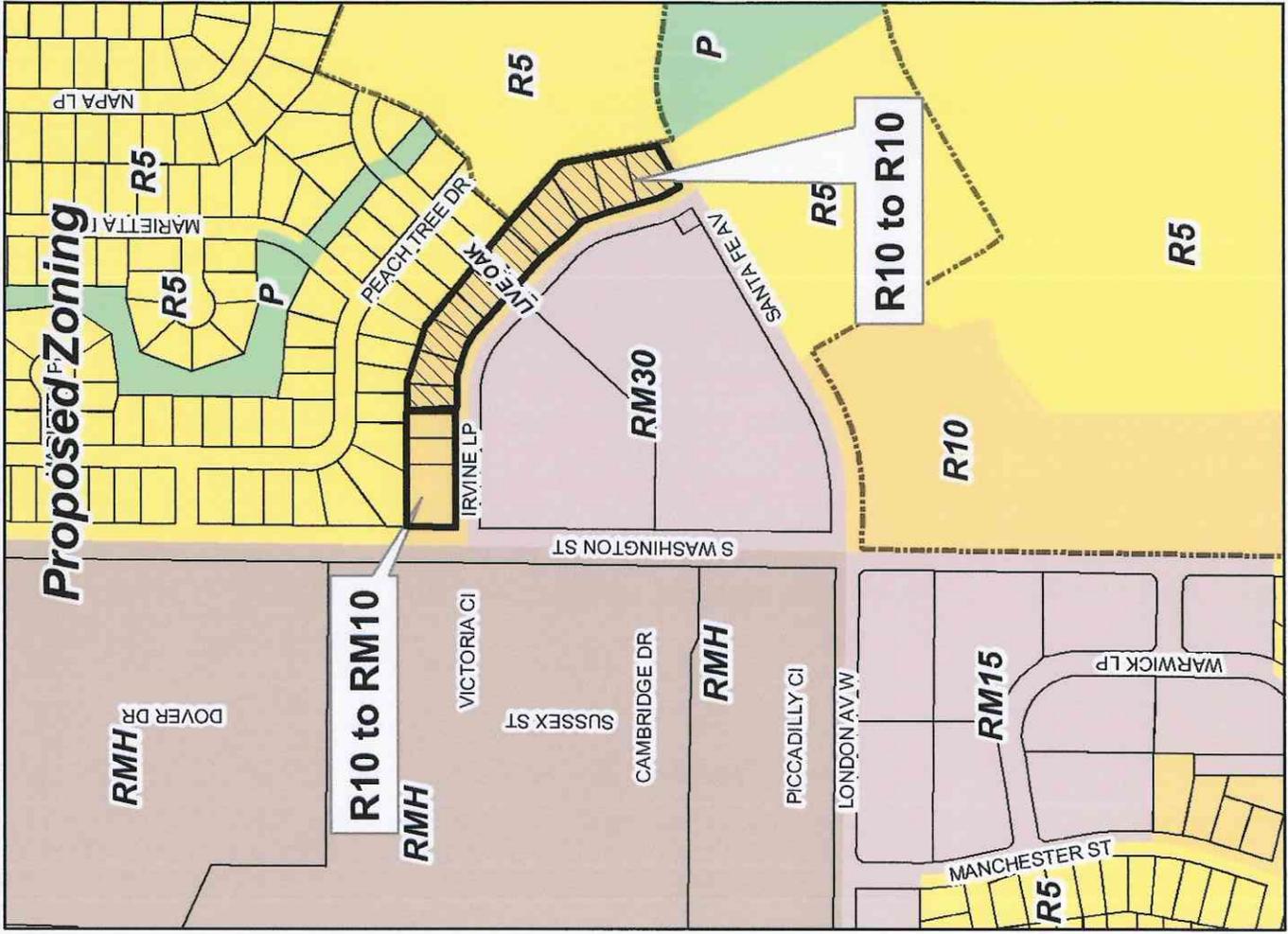
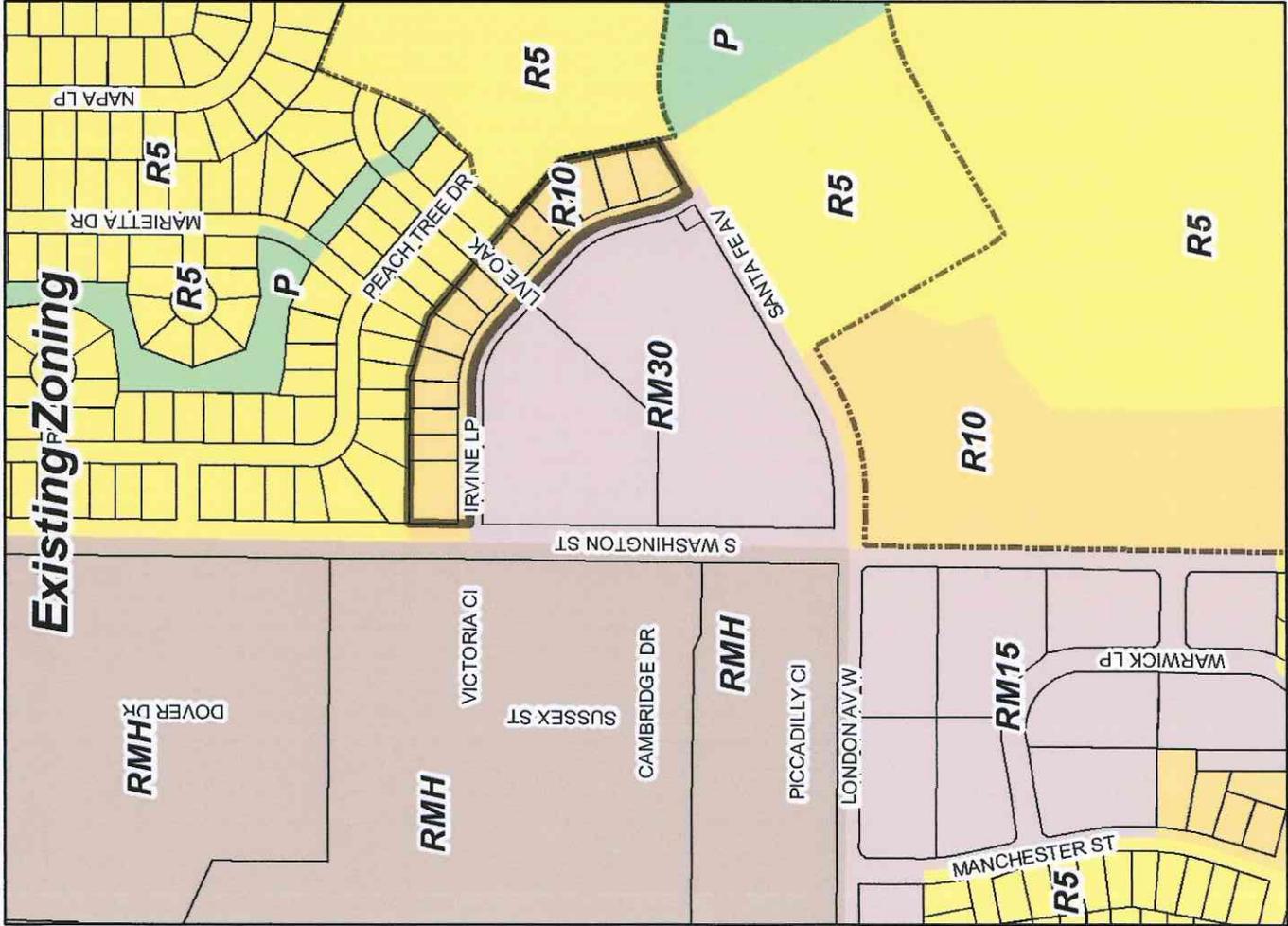
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: July 10, 2013 (Klee)

Source: City of Bismarck

N



# Cottonwood Lake Sixth Addition Replat - Zoning Change



July 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**

<b>BACKGROUND:</b>		
<b>Title:</b> Cottonwood Lake 6 <sup>th</sup> Addition Replat – Minor Subdivision Final Plat (A replat of Lots 1-8, Block 2, Lots 1-6, Block 3, Cottonwood Lake 6 <sup>th</sup> Addition)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Sattler Homes, Inc.	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> Replat and rezone the property for a future mixed-density residential development.		
<b>Location:</b> Along the south east side of South Washington Street between Wachter Avenue and Burleigh Avenue (A replat of Lots 1-8, Block 2, Lots 1-6, Block 3, Cottonwood Lake 6 <sup>th</sup> Addition).		
<b>Project Size:</b> 4.93 acres	<b>Number of Lots:</b> 20 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Two-family residential and two four-unit condos (Lots 1 & 2, Block 1)	
<b>Zoning:</b> R10 – Residential	<b>Zoning:</b> R10 – Residential RM10 – Residential	
<b>Uses Allowed:</b> R10 – Single and two-family residential	<b>Uses Allowed:</b> R10 – Single and two-family residential RM10 – Multi-family residential	
<b>Maximum Density Allowed:</b> R10 – 10 units per acre	<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM10 – 10 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 08/2004	<b>Platted:</b> 08/2004	<b>Annexed:</b> 08/2004
<b>ADDITIONAL INFORMATION:</b>		
<p>1. The property to the north is zoned R5 – Residential. The applicant has indicated he intends to construct two 4-unit condos on Lots 1 &amp; 2, Block 1. The condos would be directly adjacent to the single-family lots to the north. A 15 foot wide landscape buffer yard along the north property line of Lots 1 &amp; 2, Block 1 is required to be installed in conjunction with the development of the condo buildings.</p>		
<b>FINDINGS:</b>		
<p>1. All technical requirements for approval of a minor subdivision final plat have been met.</p> <p>2. The storm water management plan has not yet been approved by the City Engineer.</p> <p>3. The proposed subdivision would be compatible with adjacent land uses, provided the appropriate landscape buffer yard is installed in conjunction with the development of the condo buildings. Adjacent land uses include single-family residential to the north and west; multi-family residential to the south; and undeveloped single-family residentially zoned land to the east.</p>		
<i>(continued)</i>		

4. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
5. The property is already annexed; therefore, the proposed zoning change 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.
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 continuing action on the minor subdivision final plat of Cottonwood Lake Sixth Addition Replat until the storm water management plan is approved by the City Engineer.

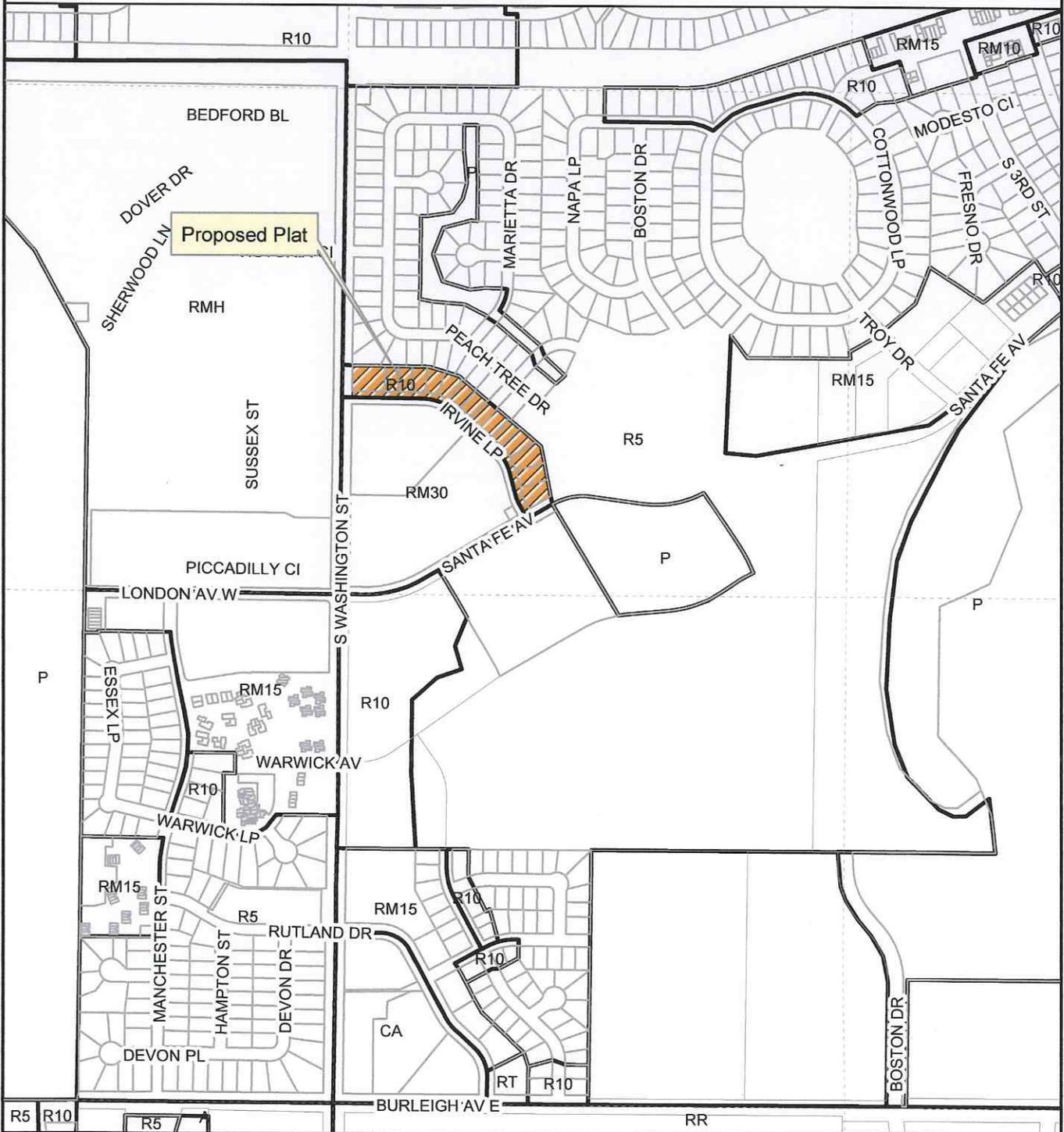
If the storm water management plan is approved by the City Engineer prior to the meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Cottonwood Lake Sixth Addition Replat, with the following conditions:

- The development of Lots 1 & 2, Block ,1 is limited to one four-unit condo on each parcel.
- The development of the remaining lots is for one-half of a twin home unit; the lot widths proposed do not comply with the minimum lot width for a single-family dwelling. Two lots would need to be combined as one parcel to support the minimum lot requirements for a single-family dwelling.



# Proposed Plat & Zoning Change (R10 to R10 & RM10) Cottonwood Lake 6th Addition Replat



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: July 10, 2013 (Klee)

Source: City of Bismarck





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

<b>BACKGROUND:</b>		
<b>Title:</b> The West 200 feet of Lot 1, and Lots 2-3, Block 1, Duemelands 3 <sup>rd</sup> Subdivision – Zoning Change (MA & MB to MB)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013	
<b>Owner(s):</b> Aaron Stenberg, Duemelands Properties, LLLP (Owner)	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Rezone property to bring entire parcel into one zoning district.		
<b>Location:</b> Along the north side of Cartridge Loop and east side of Yegen Road.		
<b>Project Size:</b> (5.26 acres)	<b>Number of Lots:</b> 3 Lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Truck terminal	<b>Land Use:</b> Tuck terminal	
<b>Zoning:</b> MA – Industrial MB – Industrial	<b>Zoning:</b> MB – Industrial	
<b>Uses Allowed:</b> MA – Light industrial and commercial uses MB – General industrial and commercial uses	<b>Uses Allowed:</b> MB – General industrial uses	
<b>Maximum Density Allowed:</b> MA – N/A MB – N/A	<b>Maximum Density Allowed:</b> MB – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Prior to 1980	<b>Platted:</b> 01/1989	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>When this property was platted in 1989, the zoning boundary for the northern half of the plat followed the quarter section line which was previously zoned MA – Industrial prior to 1980.</li> <li>The zoning change request is in conjunction with a site plan for a 3,550 square foot single-story addition to the existing building, (Federal Express Freight terminal facility). During the site plan review process, it was determined that Lots 1-3, Block 1 Duemeland's 3<sup>rd</sup> Subdivision required a lot modification to combine the lots in order for the site plan to be approved.</li> <li>Section 14-09-03 of the City Code of Ordinances (Definitions) defines a Lot Combination as "A combination of two (2) or more platted lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision that meets the following criteria. Does not involve lots within more than one zoning jurisdiction." In order for the lots to be combined, the site plan approved and a building permit issued, the entire parcel must be located within the same zoning district.</li> </ol>		

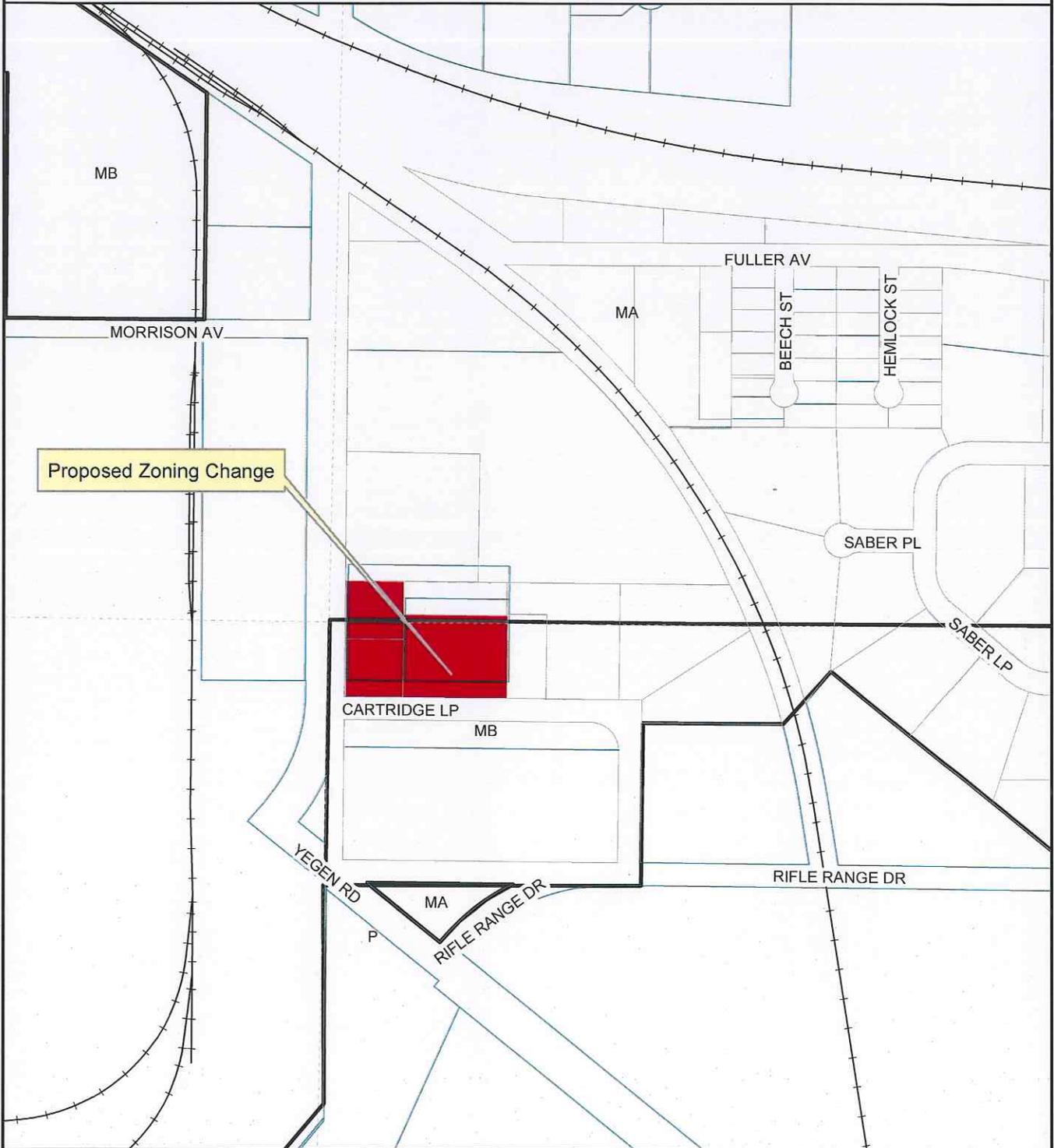
**FINDINGS:**

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include industrial land uses to the north, south, east and west.
2. The property is being served by a private well and septic system and would have access to Yegen Road via Cartridge Loop; 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 MA – Industrial and MB – Industrial zoning districts to the MB – Industrial zoning district on the West 200 feet of Lot 1 and Lots 2-3, Block 1, Duemeland's 3<sup>rd</sup> Subdivision.

**Proposed Zoning Change (MB & MA to MB)  
W200' of Lot 1, Lots 2 & 3, Block 1  
Duemeland's 3rd Subdivision**

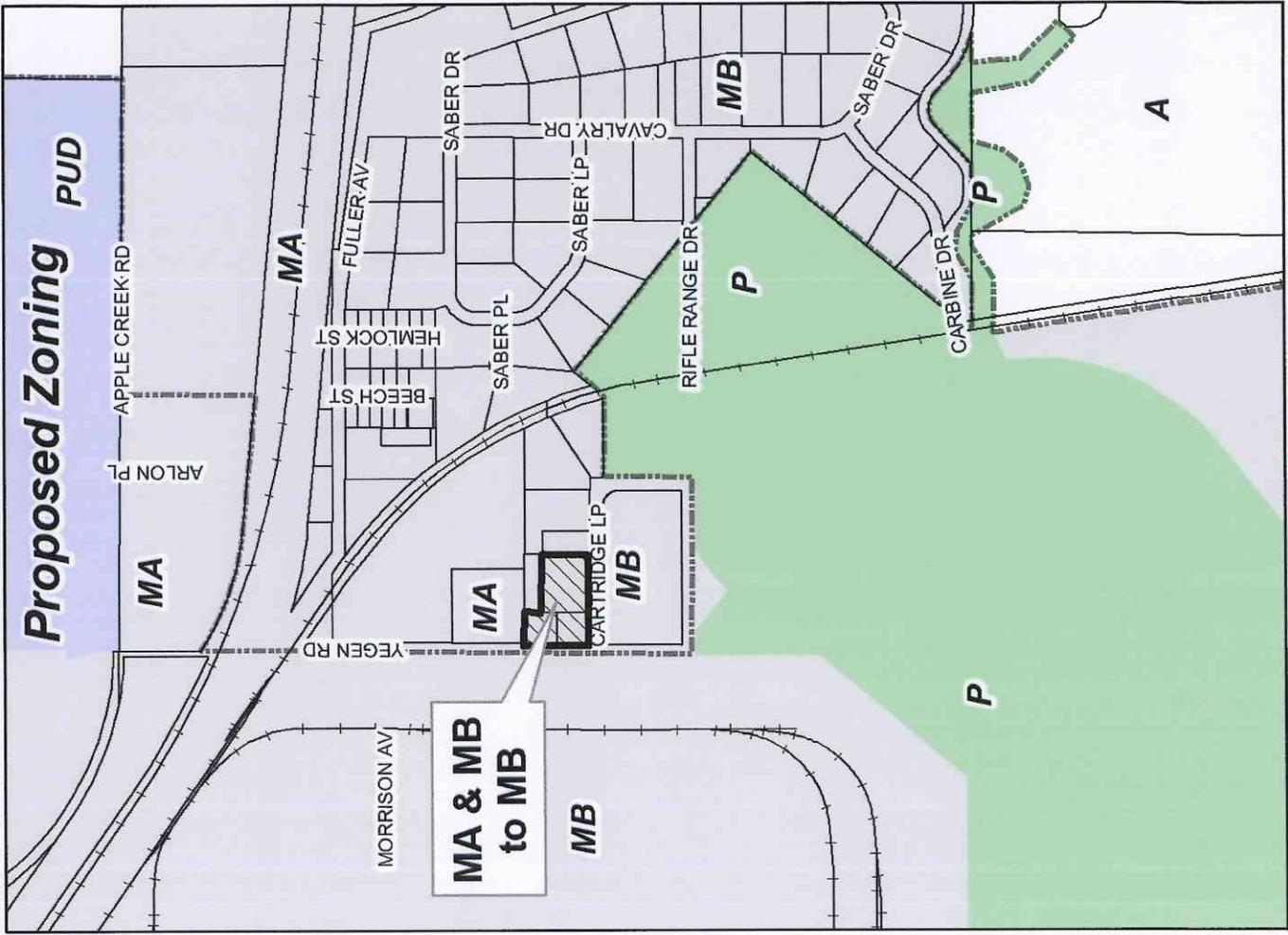


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: June 3, 2013 (hib)

Source: City of Bismarck



**The West 200 Feet of Lot 1, and Lots 2-3, Block 1, Duemelands's 3rd Subdivision - Zoning Change**



0 250 500 1,000 Feet

June 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**

<b>BACKGROUND:</b>	
<b>Title:</b> Lot A of NW¼, Section 1, T139N-R81W/West Hay Creek Township – Land Use Plan Amendment (Urban Residential to Industrial)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> July 24, 2013
<b>Reason for Request:</b> Introduce the light industrial land use classification into an area classified as urban residential.	
<b>Location:</b> Along the north side of Burnt Creek Drive, between ND Highway 1804/River Road and Hawktree Drive, southwest of The Ridge at Hawktree.	
<b>BACKGROUND:</b>	
<ol style="list-style-type: none"> <li>1. The Bismarck-Mandan Regional Land Use Plan was adopted by the Bismarck Planning and Zoning Commission on July 25, 2007 and by the Board of City Commissioners on August 14, 2007. The future land use portion of this document is a component of the Bismarck Land Use Plan (LUP).</li> <li>2. The applicant is requesting an amendment to the land use concept identified for Section 1, T139N-R81W/West Hay Creek Township, to introduce the light industrial land use classification into a 4.97-acre tract located north of Burnt Creek Drive, east of River Road and southwest of The Ridge at Hawktree.</li> <li>3. The proposed amendment would introduce the light industrial land use classification into an area that is classified as urban residential.</li> <li>4. The request is being made in advance of a preliminary plat and zoning change. The proposed use of the property for a storage facility would generally conform to the Land Use Plan if amended.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. The proposed change in the Land Use Plan is not compatible with adjacent land uses. Adjacent land uses include a mix of agricultural uses, rural residential uses and urban-density rural residential uses.</li> <li>2. The proposed Land Use Plan amendment does not reflect a change in conditions since the Land Use Plan was established, nor does it result in an improved Land Use Plan which better responds to the needs of the community.</li> <li>3. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the Land Use Plan at the time the property is developed.</li> <li>4. The proposed Land Use Plan amendment will adversely affect property in the vicinity. In particular, an industrial land use in this location could have an adverse impact on the adjacent residential and agricultural land uses.</li> </ol>	
<i>(continued)</i>	

5. The proposed Land Use Plan is not consistent with the other aspects of the master plan, other adopted plans, policies and planning practice. In particular, introducing an industrial land use classification to a small parcel surrounded by an area designated as urban residential would be the land use planning equivalent of spot zoning.
6. The amendment to the Land Use Plan is not in the public interest and is solely for the benefit of a single property owner.

**RECOMMENDATION:**

Based on the above findings, staff recommends denial of the proposed amendment to the Land Use Plan for Lot A of the NW¼ of Section 1, T139N-R81W/West Hay Creek Township, to introduce a light industrial land use classification into this property.