Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA
April 29, 2015

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

Item No. | Page

MINUTES

1. Consider approval of the minutes of the March 25, 2015 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **JMAC Industrial Park Addition** – Reconsideration (JT)

   a. Zoning Change (A to MA) 1

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

   b. Preliminary Plat 5

   Staff recommendation: tentative approval ☐tentative approval ☐table ☐deny

3. **Lot 1A of Lot 1, Block 1, Pebble Creek Eighth Addition** –
   Zoning Change (RT to CA) (Klee) 9

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

4. **Auditor's Lots D, E, N & Q of Lot 1, Block 1, Northern Plains Commerce Centre, Auditor's Lots A, B & C of Lot 2, Block 1, Bismarck Airport Addition and Blocks 8 and 9, Airport Industrial Park 4th Addition** –
   Zoning Change (MA & P to MB) (Klee) 13

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

5. **Madison Lane Addition** – PUD Amendment (JT) 17

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

6. **Appeals Process/Special Use Permits** – Zoning Ordinance Text Amendment (Klee)..... 27

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

7. **P Public Use Zoning District** – Zoning Ordinance Text Amendment (Klee)..... 31

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

REGULAR AGENDA

FINAL CONSIDERATION

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

8. **Part of Eagle Crest Fourth Addition** – Annexation (Klee) 37

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

9. **Lot 2, Block 1 and the adjacent Northern Sky Drive right-of-way, Northern Sky Addition**– Annexation (Klee) 39

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

10. **Various Lots & Tracts in Sections 19 & 20, T139N-R80W/Hay Creek Township, including parts of High Meadows 3rd and 4th Additions** – Annexation (Klee) 41

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

11. **Tracts 9 and 10 (of Tract 7) of Tract C of Zoller's Subdivision in the NE¼ of Section 26, T139N-R80W/Hay Creek Township** – Annexation (Klee) 45

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

FINAL CONSIDERATION/PUBLIC HEARINGS

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

12. **Ash Coulee Estates Addition** (Klee)

a. Annexation..... 49

Staff recommendation: continue ☐approve ☐continue ☐table ☐deny

b. Zoning Change (R5 to R5 & PUD) 53

Staff recommendation: continue ☐approve ☐continue ☐table ☐deny

c. Minor Subdivision Final Plat..... 65

Staff recommendation: continue ☐approve ☐continue ☐table ☐deny

13. **Heritage Ridge Addition** (JT)

a. Annexation 69

Staff recommendation: continue □approve □continue □table □deny

b. Zoning Change (A to R5) 73

Staff recommendation: continue □approve □continue □table □deny

c. Final Plat 77

Staff recommendation: continue □approve □continue □table □deny

14. **Heritage Park Addition** (JT)

a. Annexation 83

Staff recommendation: continue □approve □continue □table □deny

b. Zoning Change (A to R5, R10, RM15 & P) 87

Staff recommendation: continue □approve □continue □table □deny

c. Final Plat 93

Staff recommendation: continue □approve □continue □table □deny

PUBLIC HEARINGS

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

15. **Metro Industrial Park Third Subdivision** (JW)

a. Zoning Change (A & MA to MA) 101

Staff recommendation: continue □approve □continue □table □deny

b. Final Plat 105

Staff recommendation: continue □approve □continue □table □deny

16. **Hamilton's First Addition First Replat** (JT)

a. Zoning Change (RM15 & PUD to R10, RM15 & PUD) 113

Staff recommendation: continue □approve □continue □table □deny

b. Minor Subdivision Final Plat 129

Staff recommendation: continue □approve □continue □table □deny

17. **Lot 1A of Lot 1, Block 1, Sunrise Town Centre Addition –**
Special Use Permit (drive-through) (JW) 135

Staff recommendation: approve □approve □continue □table □deny

18. **Lot C in the NE¼ and SE¼ of Section 5, T138N-R79W/Apple Creek Township –**
Special Use Permit (accessory building side wall height) (JW) 141

Apple Creek Township

Staff recommendation: approve □approve □continue □table □deny

19. **N ½ of the NW ¼, Section 5, T138N-R79W/Apple Creek Township –**
Special Use Permit (accessory building size and side wall height) (JW) 147

Apple Creek Township

Staff recommendation: approve □approve □continue □table □deny

20. **Off-street Parking –** Zoning Ordinance Text Amendment (Klee) 153

Staff recommendation: approve □approve □continue □table □deny

21. **Special Uses/Temporary Uses –** Zoning Ordinance Text Amendment (Klee) 167

Staff recommendation: approve □approve □continue □table □deny

22. **Special Uses/Drive-In/Drive-Through Establishments –**
Zoning Ordinance Text Amendment (Klee) 171

Staff recommendation: approve □approve □continue □table □deny

23. **CR- Commercial District/Parking & Loading –**
Zoning Ordinance Text Amendment (Klee) 175

Staff recommendation: approve □approve □continue □table □deny

OTHER BUSINESS

24. **Other**

ADJOURNMENT

25. **Adjourn.** The next regular meeting date is scheduled for Wednesday, May 27, 2015.

Enclosures: Meeting Minutes of March 25, 2015
Building Permit Activity Report for March 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: JMAC Industrial Park Addition – Zoning Change (A & CG to MA & P)	
Status: Planning Commission – Reconsideration	**Date:** April 29, 2015
Owner(s): Redland, LLC	**Engineer:** Bartlett & West
Reason for Request: Plat, zone and annex property for light industrial land uses.	
Location: North of Bismarck along the south side of 71st Street NE approximately ¼ mile east of US Highway 83 (A replat of Auditor's Lots A & B in the NW1/4 of Section 10, T139N-R80W/Hay Creek Township).	
Project Size: 78.45 acres	**Number of Lots:** 13 lots in 3 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Industrial and public open space/Hay Creek
Zoning: A – Agricultural CG – Commercial	**Zoning:** MA – Industrial P – Public
Uses Allowed: A – Agriculture CG – General commercial uses	**Uses Allowed:** MA – Light industrial uses including a ready-mix concrete plant, storage facilities and manufacturing P – Public uses including parks, open space, trails and storm water facilities
Maximum Density Allowed: A – One unit/40 acres CG – 42 units/acre	**Maximum Density Allowed**: MA – N/A P – N/A

PROPERTY HISTORY:		
Zoned: 1979 (portion)	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The proposed plat and zoning change were initially considered by the Planning & Zoning Commission in March of 2013. Several outstanding issues prevented the preliminary plat and zoning change from moving forward. Many of the outstanding issues have been resolved and the project will likely move forward. Due to the length of elapsed time since the initial consideration, the proposed plat and zoning change have been placed on the consent agenda for reconsideration.

2. The applicant has indicated a desire to annex the property and receive public services including water and sanitary sewer. It is reasonable to consider the City of Bismarck's ability to extend public services to the property. It is anticipated that water service will be extended along the west side of US Highway 83 north of 57th Avenue one-mile to the intersection of ND Highway 1804/71st Avenue and US Highway 83. The sanitary sewer service line would likely follow the Hay Creek corridor along the east side of US Highway 83.

3. Lot 3, Block 1 and Lot 7, Block 2 are intended to follow the Hay Creek corridor and allow for the continued conveyance of the creek and storm water. The applicant has indicated the lots could be dedicated to the Bismarck Parks & Recreation District to allow for trails and open space. Staff will work with the applicant's engineer, the City of Bismarck Public Works Department and the Bismarck Parks & Recreation District staff to work toward an agreement acceptable to all parties involved.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would generally be compatible with adjacent land uses; provided the adjacent property to the east, when developed, includes adequate zoning transitions to help buffer the existing rural residential property to the east. Adjacent land uses include industrial and commercial land uses to the west, agricultural uses to the north, south and east. A fully developed 15 lot rural residential subdivision is located approximately 1/8 mile east of the proposed plat. The Canadian Pacific Railway borders the west boundary of the rural residential subdivision and provides separation between the proposed zoning change and the existing rural residential land use to the east.

3. The proposed subdivision is not annexed; however, City water services can be extended to the site and would be in place prior to development of the subdivision. Therefore, it would not place an undue burden on public services and facilities

4. The proposed zoning change would not adversely affect property in the vicinity, provided adjacent property to the east, when developed, includes adequate zoning transitions to help buffer the existing rural residential property to the east.

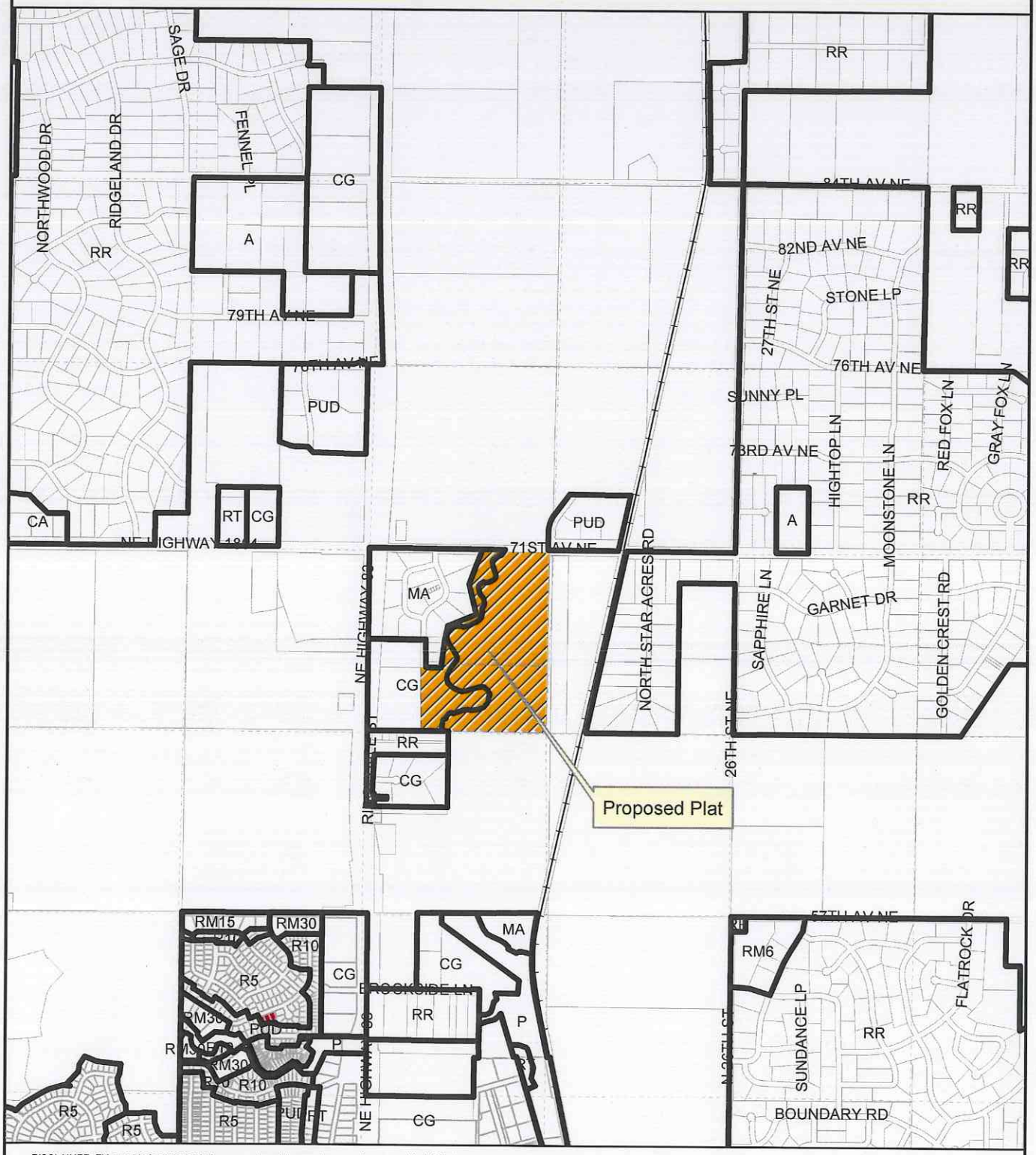
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

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

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A-Agriculture and CG-Commercial zoning districts to the MA-Industrial zoning district for JMAC Industrial Park Addition.

Proposed Plat & Zoning Change
JMAC Industrial 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 heron.
Map was Updated/Created: January 31, 2013 (hlb)

Source: City of Bismarck

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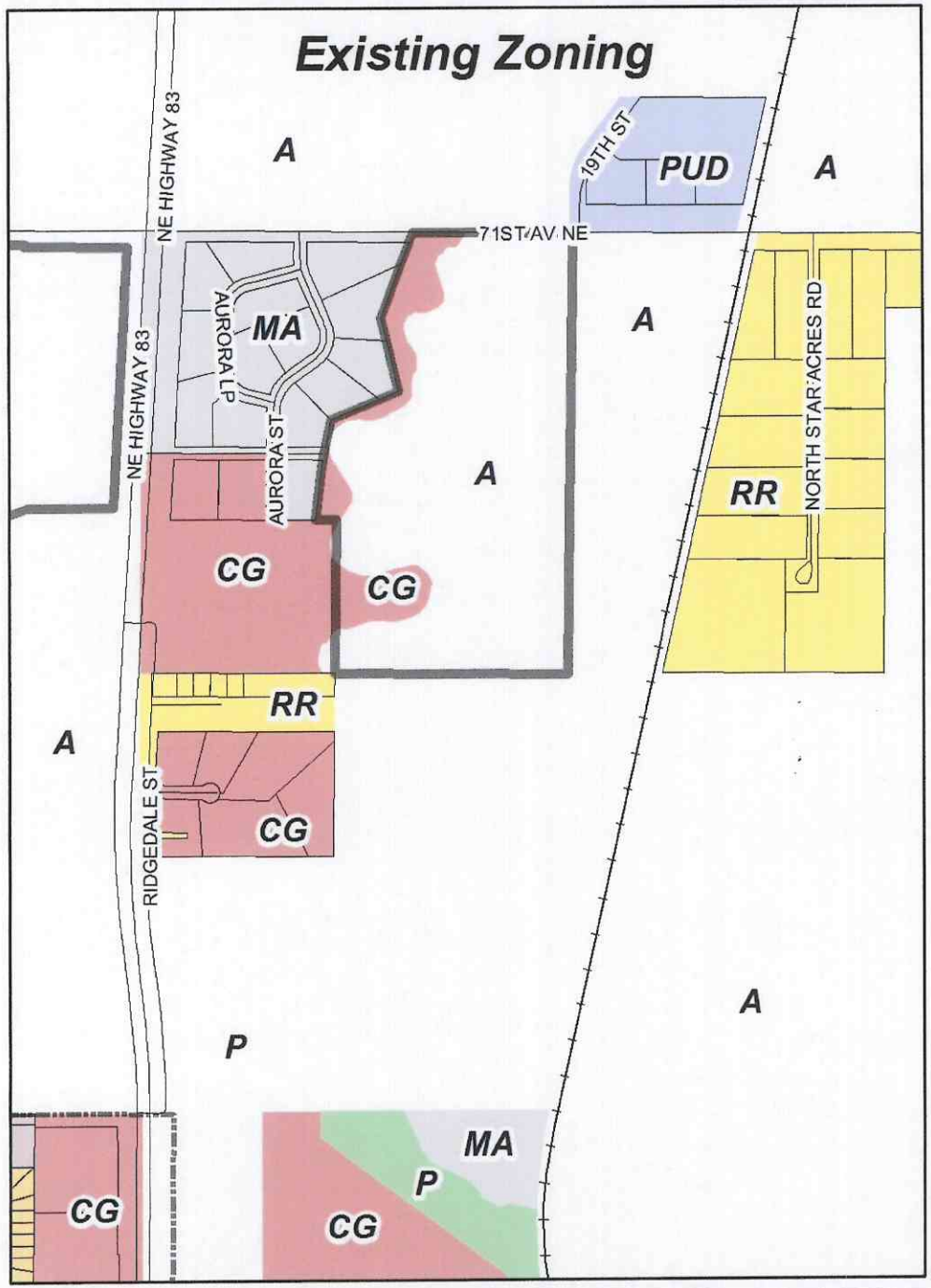
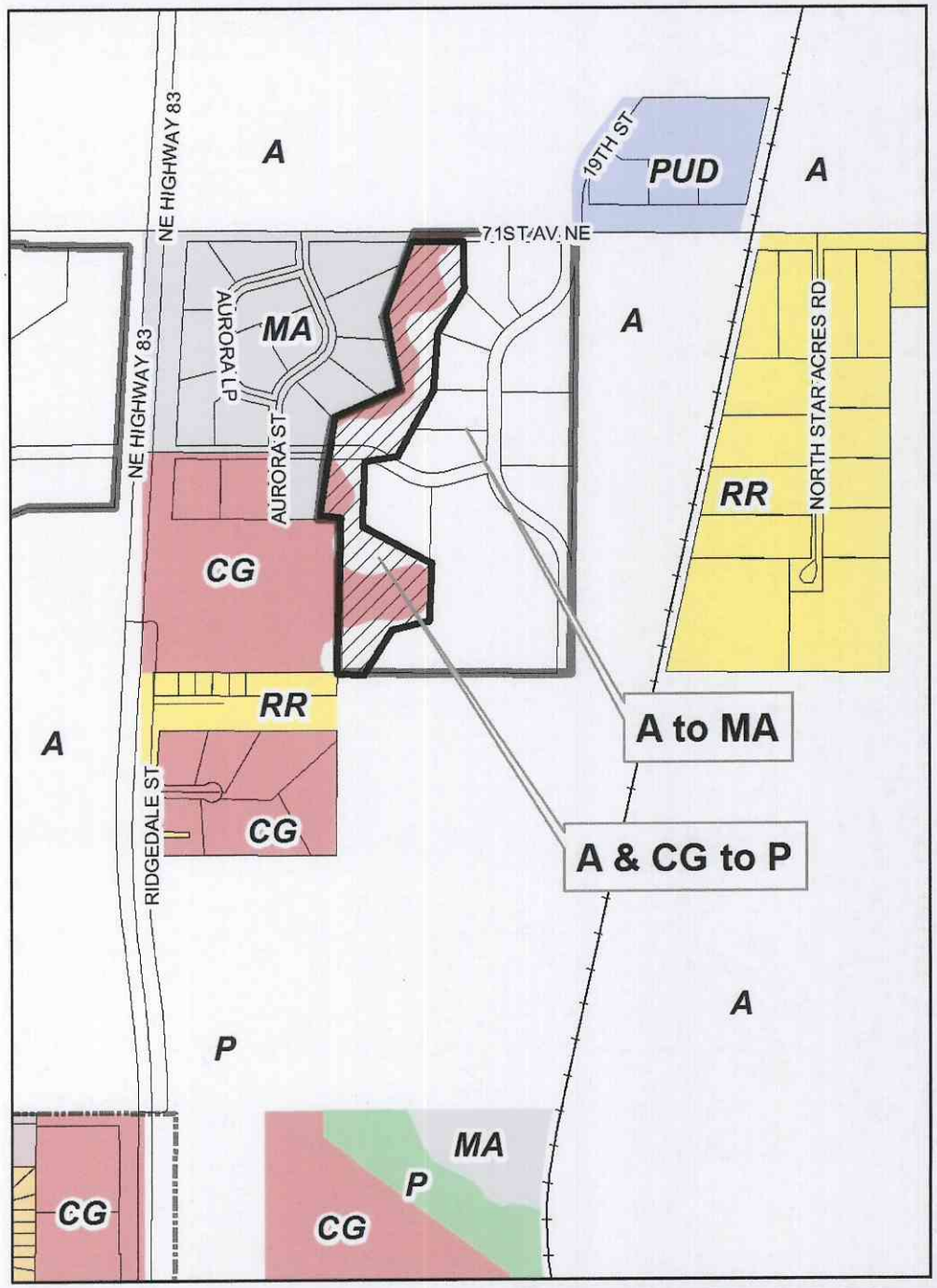
JMac Industrial Park Subdivision - Zoning Change





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February 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 COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: JMAC Industrial Park Addition – Preliminary Plat	
Status: Planning Commission – Reconsideration	**Date:** April 29, 2015
Owner(s): Redland, LLC	**Engineer:** Bartlett & West
Reason for Request: Plat, zone and annex the property for light industrial land uses.	
Location: North of Bismarck along the south side of 71st Street NE approximately ¼ mile east of US Highway 83 (A replat of Auditor's Lots A & B in the NW1/4 of Section 10, T139N-R80W/Hay Creek Township).	
Project Size: 78.45 acres	**Number of Lots:** 13 lots in 3 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Industrial and public open space/Hay Creek
Zoning: A – Agricultural CG – Commercial	**Zoning:** MA – Industrial P – Public
Uses Allowed: A – Agriculture CG – General commercial uses	**Uses Allowed:** MA – Light industrial uses including a ready-mix concrete plant, storage facilities and manufacturing P – Public uses including parks, open space, trails and storm water facilities
Maximum Density Allowed: A – One unit/40 acres CG – 42 units/acre	**Maximum Density Allowed**: MA – N/A P – N/A

PROPERTY HISTORY:		
Zoned: Pre-1979 (portion)	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The proposed plat and zoning change were initially considered by the Planning & Zoning Commission in March of 2013. Several outstanding issues prevented the preliminary plat and zoning change from moving forward. Many of the outstanding issues have been resolved and the project will likely move forward. Due to the length of elapsed time since the initial consideration, the proposed plat and zoning change have been placed on the consent agenda for reconsideration.

2. The applicant has indicated a desire to annex the property and receive public services including water and sanitary sewer. It is reasonable to consider the City of Bismarck's ability to extend public services to the property. It is anticipated that water service will be extended along the west side of US Highway 83 north of 57th Avenue one-mile to the intersection of ND Highway 1804/71st Avenue and US Highway 83. The sanitary sewer service line would likely follow the Hay Creek corridor along the east side of US Highway 83.

3. Lot 3, Block 1 and Lot 7, Block 2 are intended to follow the Hay Creek corridor and allow for the continued conveyance of the creek and storm water. The applicant has indicated the lots could be dedicated to the Bismarck Parks & Recreation District to allow for trails and open space. Staff will work with the applicant's engineer, the City of Bismarck Public Works Department and the Bismarck Parks & Recreation District staff to work toward an agreement acceptable to all parties involved.

FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.

2. The proposed subdivision is generally consistent with the 2014 Fringe Area Road Master Plan/ for this section, which identifies 19th Street North as the north-south collector roadway for this section.

3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include industrial and commercial land uses to the west, agricultural uses to the north, south and east. A fully developed 15 lot rural residential subdivision is located approximately 1/8 mile east of the proposed plat. The Canadian Pacific Railway borders the west boundary of the rural residential subdivision and provides separation between the proposed subdivision and the existing rural residential subdivision to the east.

4. The proposed subdivision is not annexed; however, City water services can be extended to the site and would be in place prior to development of the subdivision. Therefore, it would not place an undue burden on public services and facilities.

5. The proposed subdivision would not adversely affect property in the vicinity.

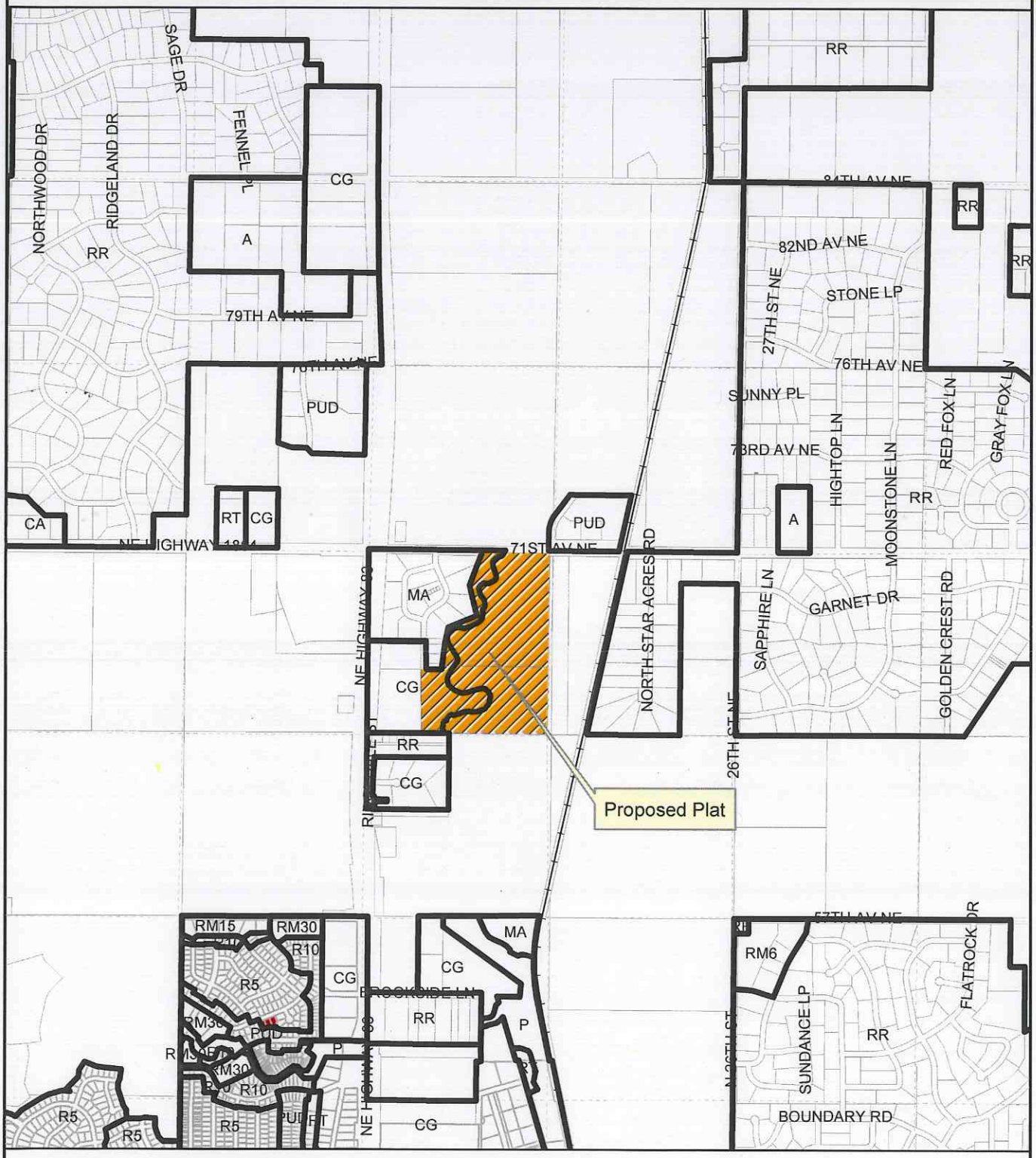
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

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

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of JMAC Industrial Park Addition.

Proposed Plat & Zoning Change
JMAC Industrial Park



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Map was Updated/Created: January 31, 2013 (hlb)

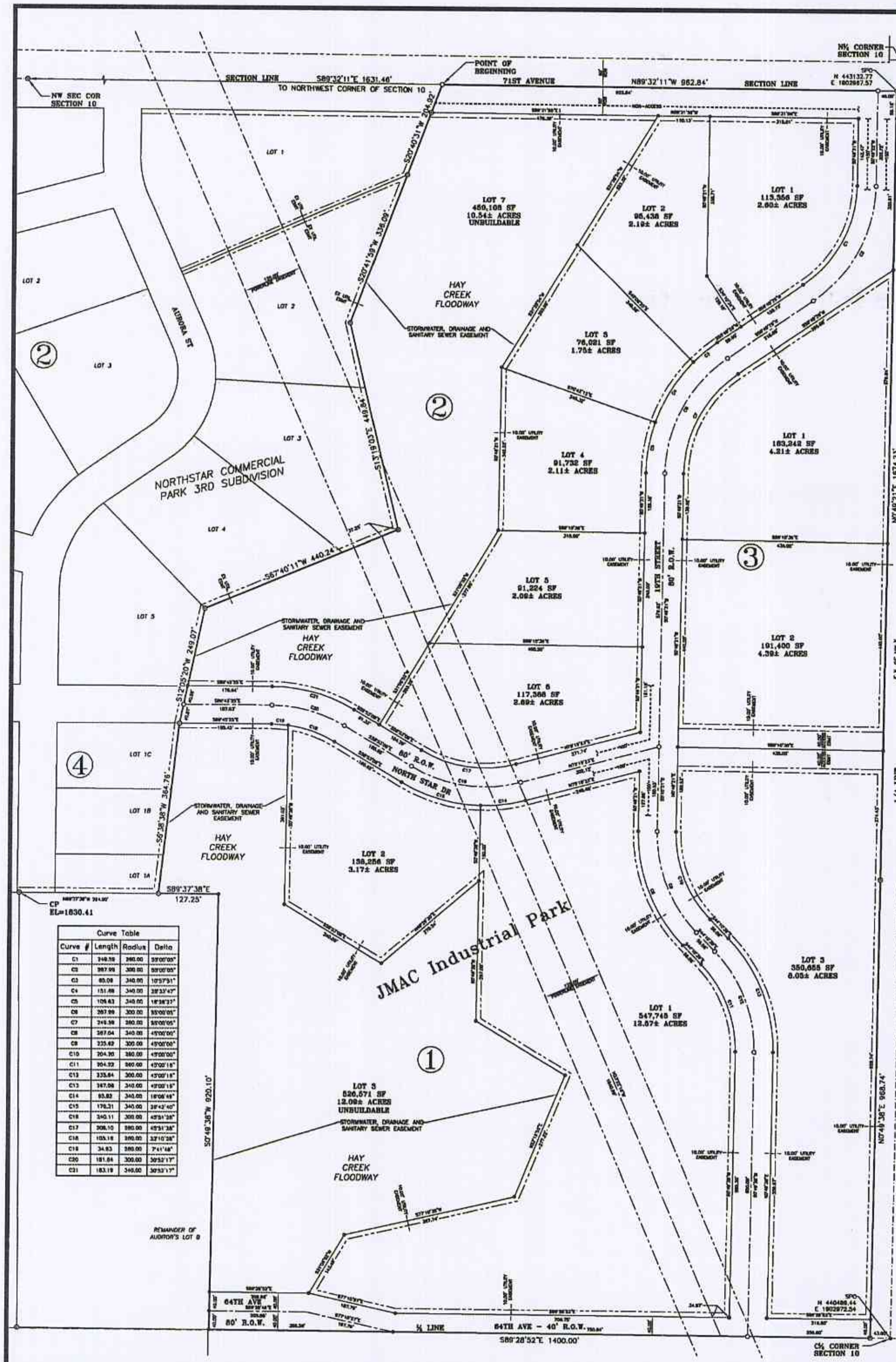
Source: City of Bismarck

N

0 1,500 3,000 Feet

PLAT OF JMAC INDUSTRIAL PARK

A REPLAT OF AUDITORS LOTS A & B, LYING IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA TO BE HEREAFTER KNOWN AS: LOTS 1 THROUGH 3, BLOCK 1; LOTS 1 THROUGH 7, BLOCK 2; AND LOTS 1 THROUGH 3, BLOCK 3 OF JMAC INDUSTRIAL PARK LYING IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA.



Curve Table			
Curve #	Length	Radius	Delta
C1	249.59	260.00	55°00'05"
C2	287.99	300.00	55°00'05"
C3	65.08	340.00	10°57'51"
C4	151.88	340.00	25°33'47"
C5	109.63	340.00	18°28'27"
C6	287.99	300.00	55°00'05"
C7	249.59	260.00	55°00'05"
C8	267.04	340.00	45°00'00"
C9	235.62	300.00	45°00'00"
C10	204.20	260.00	45°00'00"
C11	204.22	260.00	45°00'18"
C13	235.64	300.00	45°00'18"
C13	267.06	340.00	45°00'18"
C14	93.82	340.00	16°08'49"
C15	170.31	340.00	28°42'40"
C16	240.11	300.00	45°51'28"
C17	208.10	260.00	45°51'28"
C18	105.18	260.00	23°10'28"
C19	34.93	260.00	7°41'48"
C20	161.84	300.00	30°52'17"
C21	183.19	340.00	30°52'17"

OWNER'S DEDICATION

I, the undersigned, hereby certify that I am the owner of the land which is included in this plat, this plat being entitled: A Plat OF JMAC Industrial Park, being a replat of Auditors Lots A & B, lying in the Northwest Quarter (NW ¼) OF Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota to be hereafter known as: Lots 1 through 3, Block 1; Lots 1 through 7, Block 2; and Lots 1 through 3, Block 3 of JMAC Industrial Park lying in the Northwest Quarter (NW ¼) of Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota, that the plat has been made at my request and under my direction, for the purpose of defining and describing the property as shown by this plat.

I hereby dedicate to the public, for public use forever as such, the streets, access easements, storm sewer easements, sanitary sewer easements and watermain easements as shown and marked on this plat, including the sewer, culverts, water and other public utility lines. I also hereby dedicate the 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".

In witness whereof I have hereunto set my hand this, the ____ day of ________.

JMAC RESOURCES, INC.

By ________________ Title Authorized Agent / Member
Art Thompson

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

On this, the ____ day of ________, before me, the undersigned officer, personally appeared Art Thompson, Authorized Agent / Member of JMAC Resources, Inc., and that he, as such being authorized to do so, executed the foregoing Owner's Dedication by signing the name of the corporation by himself as Authorized Agent / Member.

My commission expires ________ ________________ Notary Public

OWNER'S DEDICATION

I, the undersigned, hereby certify that I am the owner of the land which is included in this plat, this plat being entitled: A Plat OF JMAC Industrial Park, being a replat of Auditors Lots A & B, lying in the Northwest Quarter (NW ¼) OF Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota to be hereafter known as: Lots 1 through 3, Block 1; Lots 1 through 7, Block 2; and Lots 1 through 3, Block 3 of JMAC Industrial Park lying in the Northwest Quarter (NW ¼) of Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota, that the plat has been made at my request and under my direction, for the purpose of defining and describing the property as shown by this plat.

I hereby dedicate to the public, for public use forever as such, the streets, access easements, storm sewer easements, sanitary sewer easements and watermain easements as shown and marked on this plat, including the sewer, culverts, water and other public utility lines. I also hereby dedicate the 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".

In witness whereof I have hereunto set my hand this, the ____ day of ________.

TERRA NOVA DEVELOPMENT, LLC

By ________________ Title Authorized Agent / Member

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

On this, the ____ day of ________, before me, the undersigned officer, personally appeared Art Thompson, Authorized Agent / Member of JMAC Resources, Inc., and that he, as such being authorized to do so, executed the foregoing Owner's Dedication by signing the name of the corporation by himself as Authorized Agent / Member.

My commission expires ________ ________________ Notary Public

APPROVAL OF COUNTY PLANNING COMMISSION

The subdivision of land as shown on this plat has been approved by the Planning Commission of Burleigh County, on the ____ day of ________, 20___ in accordance with the laws of the State of North Dakota, ordinances of the County of Burleigh and regulations adopted by said Planning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning Commission of Burleigh County.

David Andahl – Chairman
Neil Effertz – Vice Chairman

Kevin Glatt – Secretary

APPROVAL OF COUNTY ENGINEER

I, Marcus Hall, County Engineer of the Burleigh County, North Dakota, hereby approve this plat of JMAC INDUSTRIAL PARK, as shown on this plat.

Dated this ____ day of ________

Marcus Hall, P.E.
County Engineer

APPROVAL OF BOARD OF COUNTY COMMISSION

The Board of County Commissioners of Burleigh County, North Dakota, has approved the subdivision of land as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the master plan of Burleigh County, North Dakota

The foregoing action of the County Commissioners of Burleigh, North Dakota was taken by resolution approved the ____ day of ________, ____.

David Andahl – Chairman
Neil Effertz – Vice Chairman

Attest
Kevin Glatt – County Auditor

SURVEYOR'S CERTIFICATE

I, Bruce P. Zelmer, a Professional Land Surveyor in and for the State of North Dakota, do hereby certify that at the request of JMAC Resources, Inc. as owners and under their direction, did on or prior to December 13rd, 2013, survey the land described as follows: A Plat OF JMAC Industrial Park, being a replat of Auditors Lots A & B, lying in the Northwest Quarter (NW ¼) OF Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota to be hereafter known as: Lots 1 through 3, Block 1; Lots 1 through 7, Block 2; and Lots 1 through 3, Block 3 of JMAC Industrial Park lying in the Northwest Quarter (NW ¼) of Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota.

I also hereby certify that this plat is a correct representation of the survey made under my direct supervision, and that the monuments shown thereon are accurate, the required monuments have been set and that the dimensional and geodetic details are correct, and that this plat is to the best of my knowledge and belief, in all respects, a true description of said property.

Dated this ____ day of ________, 20___.

Bruce P. Zelmer, LS 3756

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

On this, the ____ day of ________, 20___, before me, the undersigned, a Notary Public, personally appeared Bruce P. Zelmer, a Professional Land Surveyor in and for the State of North Dakota, known to me to be the person whose name is subscribed to the foregoing Surveyor's Certificate, and I hereby acknowledge that he executed the foregoing instrument.

My commission expires ________ ________________ Notary Public

BASIS OF BEARINGS & HORIZONTAL DATUM
BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH ZONE, REFERENCED FROM THE CITY OF BISMARCK GPS CONTROL MONUMENTS.

OWNERS
Redland LLC.
1505 Miller Street, Suite 260
Wenatchee, WA 98801

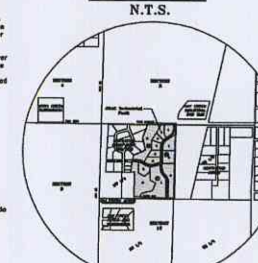
SURVEYOR
Bruce P. Zelmer PLS
Bartlett & West Inc.
3456 East Century Ave
Bismarck, ND 58503

TOTAL ACREAGE WITHIN
78.45± Acres

ACREAGE OF LOTS
68.54± Acres

ACREAGE OF STREETS
9.91± Acres

LOCATION MAP
N.T.S.



SECTION 10
T 139 N, R 80 W

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

VERTICAL DATUM
THE CITY OF BISMARCK VERTICAL CONTROL NETWORK, NGVD29

LEGEND

- ◉ FOUND IRON MONUMENT, PROPERTY CORNER
- • TO BE SET, 5/8"x18" REBAR W/ L.S. CAP STAMPED "ZELMER #3756"
- o COMPUTED ROADWAY POINT
- ----- NON ACCESS LINE

A Plat OF JMAC Industrial Park, being a replat of Auditors Lots A & B, lying in the Northwest Quarter (NW ¼) OF Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota to be hereafter known as: Lots 1 through 3, Block 1; Lots 1 through 7, Block 2; and Lots 1 through 3, Block 3 of JMAC Industrial Park lying in the Northwest Quarter (NW ¼) of Section 10, Township 139 North, Range 80 West of the 5TH P.M., Burleigh County, North Dakota and being more particularly described as follows:

Beginning at the Northwest Section Corner of said Section 10; thence S89°32'11"E along the north section line of said Section 10, a distance of 1631.46 feet to the Point of Beginning; thence S20°40'31"W along the easterly line of Northstar Commercial Park 3rd Subdivision, a distance of 204.92 feet; thence S20°41'59"W, along said easterly line, a distance of 336.09 feet; thence S13°19'03"E, along said easterly line, a distance of 449.84 feet; thence S67°40'11"W, along said easterly line, a distance of 440.24 feet; thence S12°05'20"W along said easterly line, a distance of 249.07 feet to the south right of way line of North Star Drive; thence S06°38'38"W along said easterly line, a distance of 364.76 feet to the south line of said Northstar Commercial Park 3rd Subdivision; thence S89°37'38"E, a distance of 127.25 feet; thence S00°49'38"W, a distance of 920.10 feet to the east/west quarter line of said Section 10; thence S89°28'52"E, along said quarter line, a distance of 1400.00 feet to west line of the east 43.00 feet of said Northwest Quarter; thence N00°49'38"E along said west line a distance of 968.74 feet; thence N00°49'21"E, along said west line, a distance of 1674.23 feet to said north section line; thence N89°32'11"W along said north section line, a distance of 962.84 feet to the Point of Beginning and containing 78.45 acres, more or less.

BURLEIGH COUNTY RECORDER

DATE
March 22, 2013

Prepared By:
BARTLETT & WEST
3456 E. Century Ave.
Bismarck, North Dakota 58503
701-258-1110
FAX 701-258-1111
www.bartwest.com

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1A of Lot 1, Block 3, Pebble Creek Eighth Addition – Zoning Change (RT to CA)	
Status: Planning Commission - Consideration	**Date:** April 29, 2015
Owner(s): Dakota Sand & Gravel Co.	**Engineer:** N/A
Reason for Request: Change zoning for development purposes.	
Location: Along the north side of Century Avenue and east of Nebraska Drive.	
Project Size: 7.25 acres	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Limited commercial uses
Zoning: RT – Residential	**Zoning:** CA – Commercial
Uses Allowed: Multi-family residential	**Uses Allowed:** Limited commercial uses, offices and multi-family residential
Maximum Density Allowed: 30 units per acre	**Maximum Density Allowed:** 30 units per acre

PROPERTY HISTORY:		
Zoned: 11/2003	**Platted:** 07/2003	**Annexed:** 07/2003

ADDITIONAL INFORMATION

1. This property was originally zoned as CA – Commercial when the property was platted in July 2003. In November 2003, the City approved a zoning change from the CA – Commercial zoning district to the RT – Residential zoning district.

2. Lot 1B of Lot 1 was split off from the property and combined with the property to the north, which was subsequently rezoned and replatted as part of Pebble Creek 10th Addition.

FINDINGS:

1. The proposed zoning change is outside of the area included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a multi-family residential to the northwest, mixed-density residential to the west, a cemetery to the south and light industrial uses to the east and northeast.

3. The property is already annexed and services are in place; therefore, it would not place an undue burden on public services and facilities.

4. The proposed zoning change would not adversely affect property in the vicinity.

(continued)

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 RT – Residential zoning district to the CA – Commercial zoning district on Lot 1A of Lot 1, Block 3, Pebble Creek 8th Addition.

/Klee

Proposed Zoning Change
Lot 1A of Lot 1, Block 1, Pebble Creek 8th Addition
(RT to CA)

March 5, 2015 (hlb)

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

0 200 400 800 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Part of Lot 1, Block 1, Northern Plains Commerce Centre, part of Lot 2, Block 1, Bismarck Airport Addition and Blocks 8 and 9, Airport Industrial Park 4th Addition – Zoning Change (MA & P to MB)

Status: Planning Commission - Consideration	**Date:** April 29, 2015
Owner(s): Mariner Construction, Inc – pt L1, B1, NPCC Pt L2, B1, BAA John Erickson – B8, AIP4th City of Bismarck – pt L1, B1, NPCC Pt L2, B1, BAA B8, AIP4th	**Engineer:** N/A

Reason for Request:
Rezone property to clarify boundaries of MB zoning district and allow the development of an asphalt batch plant on property along the west side of Yegen Road.

Location:
In southeast Bismarck, along both sides of Yegen Road north of the intersection with Rifle Range Drive.

Project Size: 15 acres, more or less	**Number of Lots:** Six parcels
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Heavy industrial uses
Zoning: MA – Industrial P – Public Uses	**Zoning:** MB – Industrial
Uses Allowed: MA – Light industrial uses P – Public uses, including airports	**Uses Allowed:** MB – Heavy industrial uses
Maximum Density Allowed: N/A 30 units per acre	**Maximum Density Allowed:** N/A 30 units per acre

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
09/1984 (AIP4th) 06/2005 (NPCC) 12/2009 (BAA)	09/1984 (AIP4th) 06/2005 (NPCC) 12/2009 (BAA)	----

FINDINGS:

1. A portion of the proposed zoning change is designated as Industrial in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan and a portion of the proposed zoning change is outside of the area included in the FLUP.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of light and heavy industrial uses to the north, east, west and south.

3. The property is already annexed and services are in place; therefore, it would not place an undue burden on public services and facilities.

(continued)

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.

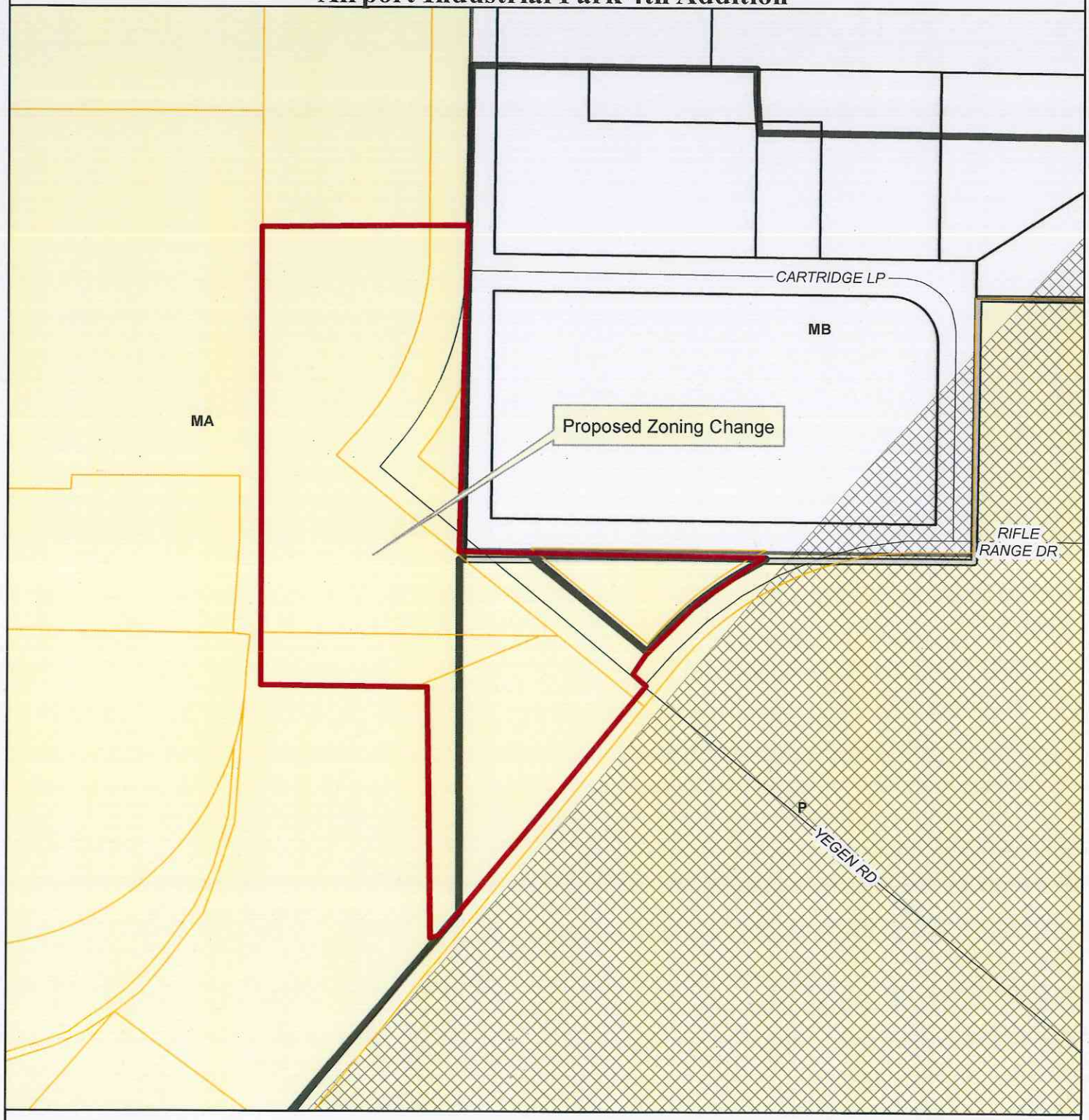
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the MA – Industrial and P – Public Use zoning districts to the MA – Industrial zoning district on Auditor's Lots D, E, N & Q of Lot 1, Block 1, Northern Plains Commerce Centre, Auditor's Lots A, B & C of Lot 2, Block 1, Bismarck Airport Addition, and Blocks 8 and 9, Airport Industrial Park 4th Addition.

/Klee

Proposed Zoning Change (MA & P to MB)
Part of Lot 1, Block 1, Northern Plains Commerce Centre, part of Lot 2, Block 1, Bismarck Airport Addition and Blocks 8 & 9, Airport Industrial Park 4th Addition



March 5, 2015 (hlb)

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

0 115 230 460 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Madison Lane Addition – PUD Amendment	
Status: Planning Commission – Consideration	**Date:** April 29, 2015
Owner(s): Verity Homes of Bismarck, LLC	**Engineer:** Swenson, Hagen & Co.
Reason for Request: To amend the existing Planned Unit Development (PUD) to modify the minimum lot size for the construction of a twinhome.	
Location: In north Bismarck, approximately ¼ mile west of US Highway 83 between Canada Avenue and LaSalle Drive along the private roadway, Madison Lane.	
Project Size: 6.51 acres	**Number of Lots:** 3 lots in 1 block (amendment) 41 lots in 1 block (entire subdivision)
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Single-family dwellings and a private park	**Land Use:** 38 single-family dwellings, 1 twinhome and a private park for area residents
Zoning: PUD – Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: Uses specified in PUD	**Uses Allowed:** Uses specified in PUD, as amended
Maximum Density Allowed: Specified in PUD (5 units/acre)	**Maximum Density Allowed**: Specified in PUD (38 single-family units and one twinhome – 5.83 units/acre), as amended

PROPERTY HISTORY:		
Zoned: 04/2012 12/2014 (Amendment)	**Platted:** 04/2012	**Annexed:** 04/2007

ADDITIONAL INFORMATION

1. The original PUD was approved in April 2012 and included provisions to allow 40 single-family dwelling units. The area was recently remapped by FEMA and a portion of the subdivision has been included in the Special Flood Hazard Area or 100-year floodplain. An amendment to the PUD to allow the construction of a twinhome was approved by the Planning & Zoning Commission on December 17, 2014.

2. The PUD amendment on December 17, 2014 did not adjust the minimum lot size from 5,000 SF to 3,500 SF to allow the twinhome to be built. The proposed amendment would reflect the minimum lot size allowed in an R10 – Residential zoning district for a twinhome. Planning staff has initiated the PUD amendment to allow for the construction of a proposed twinhome on Lots 33A and 33B, Block 1, Madison Lane Addition in accordance with the applicant's original request.

(continued)

FINDINGS

1. The proposed PUD amendment is compatible with adjacent land uses. Adjacent land uses include single and two-family residential to the north and mixed density residential uses to the south, east and west.

2. The entire property is located within City limits; therefore the proposed PUD amendment would not place an undue burden on public services.

3. The proposed PUD amendment would not adversely affect property in the vicinity.

4. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.

5. The proposed PUD amendment 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 Planned Unit Development amendment for Madison Lane Addition, as outlined in the attached PUD amendment document.

/jt

MADISON LANE ADDITION PUD AMENDMENT
ORDINANCE NO. 5877 (Adopted April 24, 2012)
MAJOR PUD AMENDMENT (Adopted December 17, 2014)
MAJOR PUD AMENDMENT (Adopted XXXX, 2015)

WHEREAS, Ordinance No. 5877 was adopted by the Board of City Commissioners on April 24, 2012; and

WHEREAS, Ordinance No. 5877 was amended by the Planning & Zoning Commission on December 17, 2014; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development Madison Lane Addition.

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:

Madison Lane Addition

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

1. *1. Uses Permitted.* Permitted uses include 38 single-family dwellings, 1 twinhome and a private park and playground area.

2. *General Development Standards.* Each buildable lot shall have an area of not less than 5,000 square feet <u>for a single family dwelling and not less than 3,500 for one-half of a twinhome</u>, a front property line width of not less than 40 feet measured 40 feet from the property line, and a front yard setback of 20 feet measured from the edge of the access easement. Each buildable lot shall have two side yards with a minimum side yard setback of six feet on each side of the home. All other development standards, including lot coverage and height limits shall be the same as the R5-Residential standards.

3. *Density.* The maximum allowable density shall be 38 single-family units and one twinhome unit.

4. *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.

14-04-18. Planned Unit Developments.

It is the intent of this section 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.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
    a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
    b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

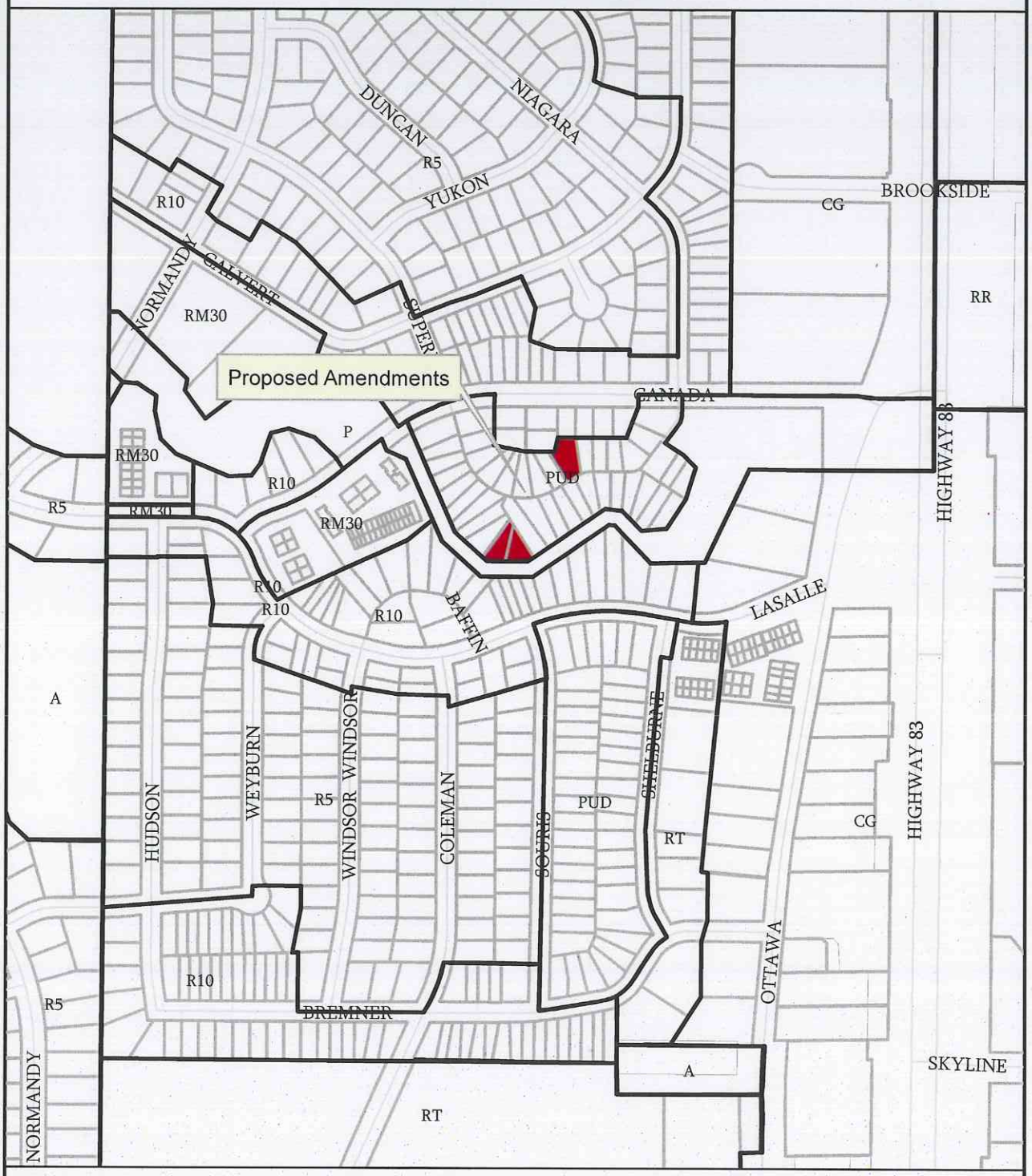
zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
    a. Proposal conforms to the comprehensive plan.
    b. Buffer areas between noncompatible land uses may be required by the planning commission.
    c. Preservation of natural features including trees and drainage areas should be accomplished.
    d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
    e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

        2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

Proposed PUD Amendment
Lots 10-11 and 33, Block 1
Madison Lane 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 heron.
Date: 10/21/2014(klb)

Source: City of Bismarck

N

0 437.5 875 Feet

MADISON LANE ADDITION

BEING A REPLAT OF LOTS 3-36 BLOCK 2 OF SONNET HEIGHTS SUBDIVISION FIRST REPLAT SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST BISMARCK, NORTH DAKOTA

AREA

LOTS	283,655 S.F.	6.51 ACRES

CURVE TABLE

NUMBER	ARC LENGTH	DELTA ANGLE	TANGENT	RADIUS
A	40.51'	36°50'24"	20.98'	63.00'
B	46.39'	53°09'38"	25.02'	50.00'
C	55.92'	32°02'18"	28.71'	100.00'
D	372.83'	106°48'24"	269.33'	200.00'

NOTES

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

BENCHMARK: CANADA DRIVE 15' EAST OF SUPERIOR DRIVE ELEV = [illegible]

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

VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929

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

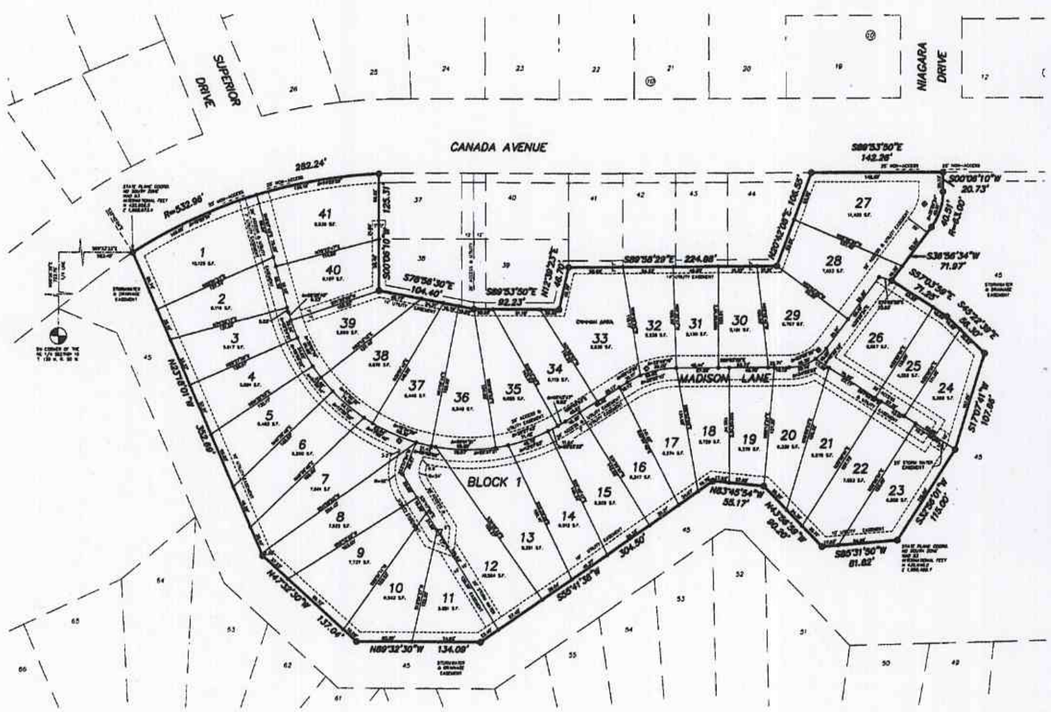
○ MONUMENT TO BE SET
● MONUMENT IN PLACE

DESCRIPTION

BEING A REPLAT OF LOTS 3-38 BLOCK 2 OF SONNET HEIGHTS SUBDIVISION FIRST REPLAT, SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SW CORNER OF THE NE 1/4 OF SAID SECTION 16; THENCE NORTH 00 DEGREES 26 MINUTES 38 SECONDS EAST, ALONG THE WEST LINE OF SAID NE 1/4, A DISTANCE OF 723.76 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 22 SECONDS EAST, A DISTANCE OF 983.48 FEET TO THE NE CORNER OF THE WESTERLY ARM OF LOT 45 BLOCK 2 OF SAID SONNET HEIGHTS FIRST REPLAT AND ON THE SOUTHERLY RIGHT-OF-WAY OF CANADA AVENUE AND THE POINT OF BEGINNING; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID SOUTHERLY RIGHT-OF-WAY, ON A 532.96 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 32 DEGREES 40 MINUTES 04 SECONDS EAST, AN ARC LENGTH OF 282.24 FEET TO THE NW CORNER OF LOT 37 OF SAID BLOCK 2; THENCE SOUTH 00 DEGREES 06 MINUTES 10 SECONDS WEST, ALONG THE WEST BOUNDARY OF SAID LOT 37 & 38, A DISTANCE OF 125.31 FEET TO THE SW CORNER OF SAID LOT 38; THENCE SOUTH 78 DEGREES 56 MINUTES 30 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF SAID LOT 38, A DISTANCE OF 104.40 FEET TO THE SE CORNER OF SAID LOT 38 ; THENCE SOUTH 89 DEGREES 53 MINUTES 50 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF LOT 39 OF SAID BLOCK 2, A DISTANCE OF 92.23 FEET TO THE SE CORNER OF SAID LOT 39; THENCE NORTH 12 DEGREES 39 MINUTES 23 SECONDS EAST, ALONG THE EASTERLY BOUNDARY OF SAID LOT 39, A DISTANCE OF 46.70 FEET TO THE SW CORNER OF LOT 41 OF SAID BLOCK 2; THENCE SOUTH 89 DEGREES 58 MINUTES 29 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF LOTS 41, 42, 43 AND 44, A DISTANCE OF 224.86 FEET TO THE SE CORNER OF SAID LOT 44; THENCE NORTH 20 DEGREES 42 MINUTES 08 SECONDS EAST, ALONG THE EASTERLY BOUNDARY OF SAID LOT 44, A DISTANCE OF 106.55 FEET TO SAID SOUTHERLY RIGHT-OF-WAY OF CANADA AVENUE; THENCE SOUTH 89 DEGREES 53 MINUTES 50 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 142.26 FEET TO THE NW CORNER OF THE EASTERLY ARM OF LOT 45 OF SAID BLOCK 2; THENCE SOUTH 00 DEGREES 06 MINUTES 10 SECONDS WEST, ALONG THE WEST BOUNDARY OF SAID LOT 45, A DISTANCE OF 20.73 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 63.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 40.51 FEET; THENCE SOUTH 38 DEGREES 56 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 71.97 FEET; THENCE SOUTH 57 DEGREES 03 MINUTES 59 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 71.25 FEET; THENCE SOUTH 45 DEGREES 22 MINUTES 39 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 58.30 FEET; THENCE SOUTH 17 DEGREES 07 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 107.66 FEET; THENCE SOUTH 32 DEGREES 58 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 115.00 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 45; THENCE SOUTH 85 DEGREES 31 MINUTES 50 SECONDS WEST, ALONG THE NORTHERLY BOUNDARY OF SAID LOT 45, A DISTANCE OF 81.82 FEET; THENCE NORTH 43 DEGREES 56 MINUTES 59 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 90.20 FEET; THENCE NORTH 83 DEGREES 45 MINUTES 54 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 55.17 FEET; THENCE SOUTH 55 DEGREES 41 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 304.50 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 134.09 FEET; THENCE NORTH 47 DEGREES 32 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 137.04 FEET; THENCE NORTH 23 DEGREES 18 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 352.69 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS CONTAINS 6.51 ACRES



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 APRIL 13, 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)
)SS
COUNTY OF BURLEIGH)

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

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

ON THIS 9th DAY OF [illegible] 2012, 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
State of North Dakota
My Commission Expires Aug. 24, 2016

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 28 DAY OF March, 2012, 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. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 24 DAY OF April 2012.

ATTEST
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT REDDOOR HOMES OF BISMARCK, LLC BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "MADISON LANE ADDITION", BISMARCK, NORTH DAKOTA.

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

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

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES. SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
)SS
COUNTY OF [illegible])

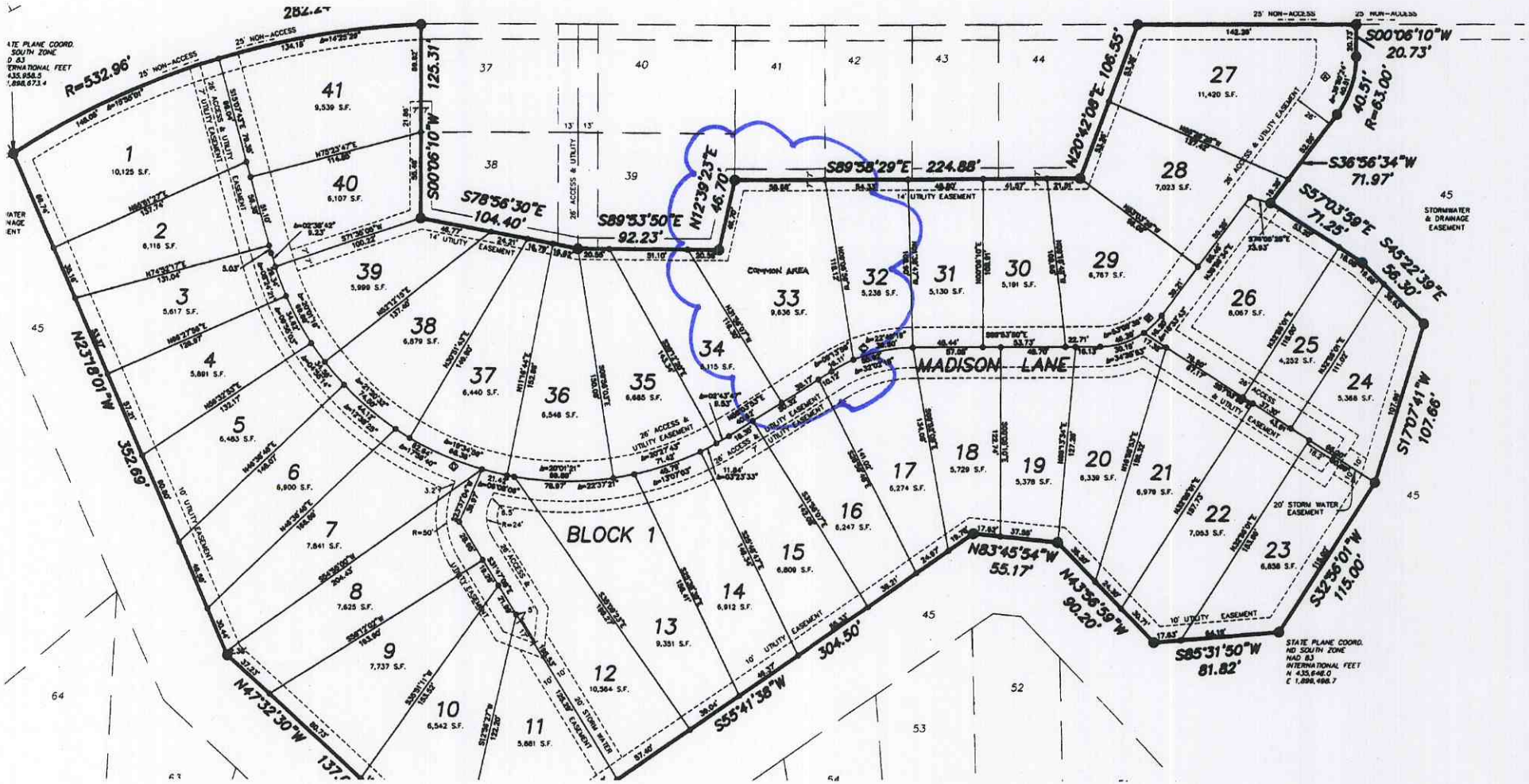
ART GOLDAMMER
REDDOOR HOMES OF BISMARCK LLC
3000 NORTH 14TH STREET
BISMARCK, N.D. 58503

ON THIS 18th DAY OF [illegible] 2012, BEFORE ME PERSONALLY APPEARED ART GOLDAMMER OF REDDOOR HOMES OF BISMARCK, LLC KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

NOTARY PUBLIC
[illegible] COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES [illegible]

SWENSON, HAGEN & COMPANY P.C.



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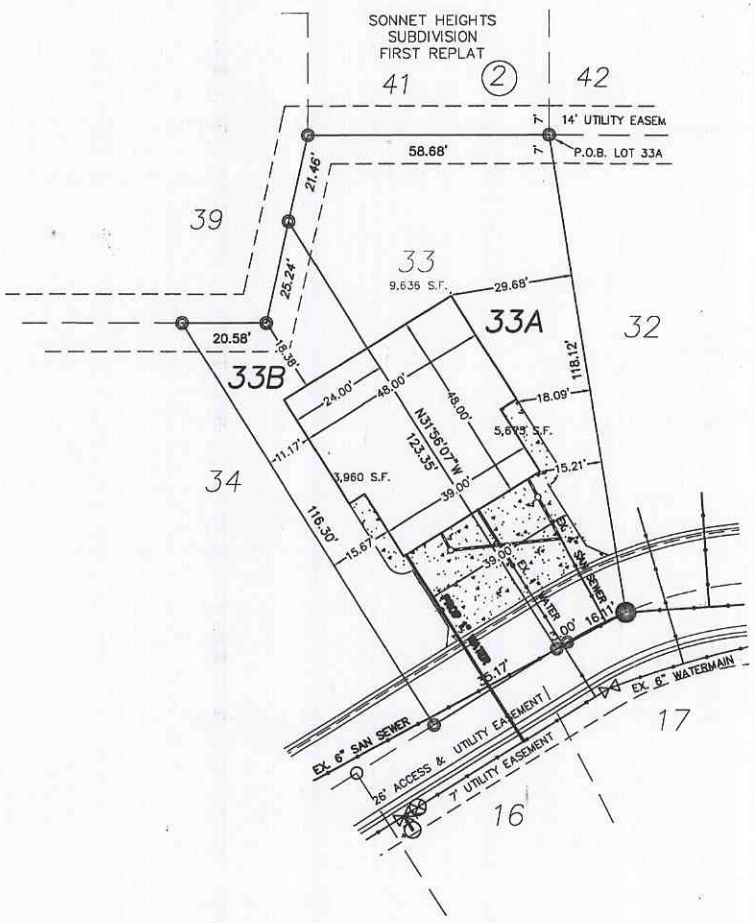
LOT 33 BLOCK 1 MADISON LANE ADDITION



DESCRIPTION

LOT 33 BLOCK 1, MADISON LANE ADDITION,
BISMARCK, NORTH DAKOTA, CONTAINING 9,636 S.F., MORE OR LESS.

BUILDING (2 UNIT)

EAST UNIT 1086 SQ. FT. (INCLUDING GARAGE)
WEST UNIT 1086 SQ. FT. (INCLUDING GARAGE)
BUILDING CONSTRUCTION WOOD FRAME
WOOD BUILDING WITH ONE HOUR FIRE WALL BETWEEN
EACH UNIT. NO FIRE SUPPRESSION SYSTEM IN BUILDING.

BUILDER:

VERITY HOMES
ART GOLDAMMER
PO BOX 4267
BISMARCK, ND 58502-4267
701-663-4117

ZONING

ZONED PUD
FRONT YARD 20 FEET FROM EASEMENT
SIDE YARD 20% OF AVERAGE WIDTH BUT NOT LESS THAN 6 FEET
REAR YARD 20 FEET AVERAGE BUT NOT LESS THAN 15 FEET
HEIGHT NOT TO EXCEED 40 FEET

CONSTRUCTION NOTES

ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY, STATE AND FEDERAL CODES.

ALL SITE CONSTRUCTION SHALL CONFORM TO THE MOST RECENT EDITION OF THE CITY OF BISMARCK CONSTRUCTION SPECIFICATIONS FOR MUNICIPAL PUBLIC WORKS IMPROVEMENTS AS MODIFIED BY THE ATTACHED PLANS.

CONTRACTOR MUST BE BONDED BY THE CITY OF BISMARCK FOR ALL CONSTRUCTION IN CITY RIGHT OF WAY OR WHICH CONNECTS TO A CITY UTILITY.

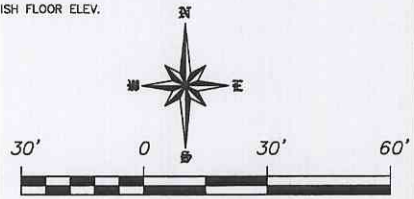
CONTRACTOR WILL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS.

IT WILL BE NECESSARY TO HAVE A PRIVATE ENGINEERING AND/OR TESTING FIRM SET GRADES, DO COMPACTION TESTS AND PREPARE RECORD DRAWINGS FOR THE SEWER LINES. THE CITY ENGINEERING DEPARTMENT WILL REQUIRE TEST REPORTS AND RECORD DRAWINGS PRIOR TO ACCEPTING THE PROJECT AFTER COMPLETION.

SEWER SERVICE STUB LOCATION TAKEN FROM PLAN.
VERIFY WITH CITY.

MAINTAIN A MINIMUM OF 10' BETWEEN SEWER AND WATER SERVICE.

CONTRACTOR WILL DETERMINE FINISH FLOOR ELEV.

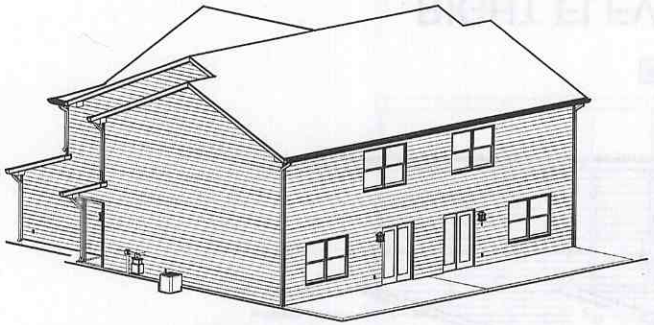


SCALE – 1"=30'
NGVD 29
OCTOBER 8, 2014

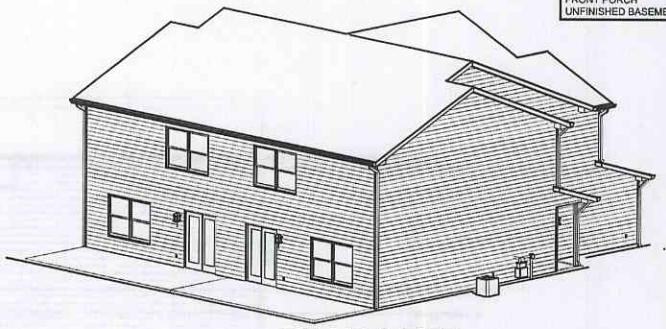
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shengr@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

OCT 17 2014

RECEIVED
OCT 17 2013

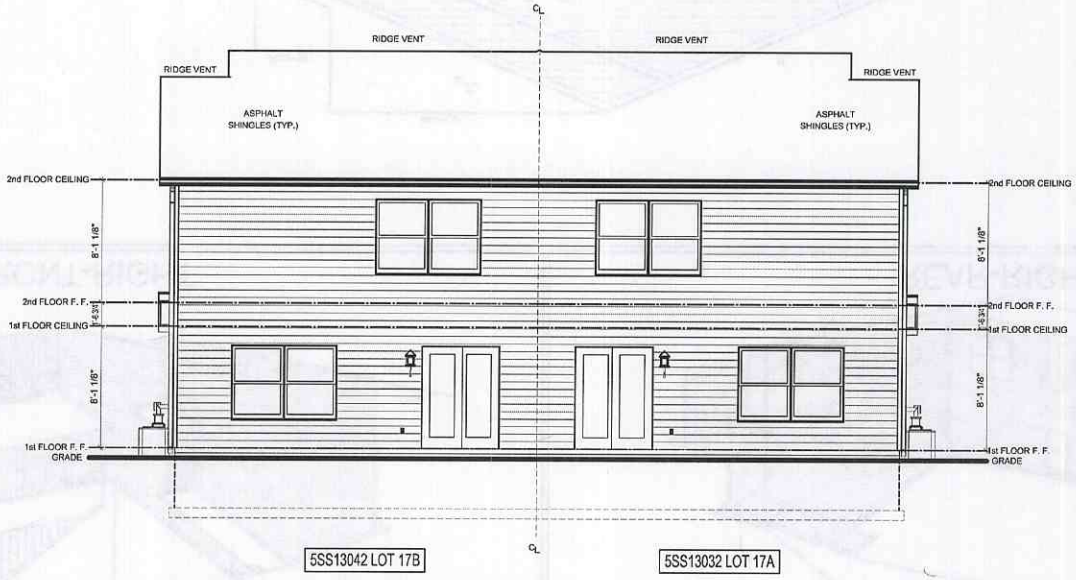


REAR-RIGHT



REAR-LEFT

1st. FLOOR (ABOVE GRADE)	641	SQ.FT.
2nd. FLOOR (ABOVE GRADE)	901	SQ.FT.
FINISHED BASEMENT	0	SQ.FT.
Total Heated:---------	1542	SQ.FT.
GARAGE	424	SQ.FT.
FRONT PORCH	20	SQ.FT.
UNFINISHED BASEMENT	0	SQ.FT.



REAR ELEVATION

SCALE: 1/8"=1'-0"

GRADE SHOWN MAY VARY FROM ACTUAL AS BUILT CONDITIONS

REV. NO.	DATE	REMARKS
5	09/10/2013	Revision: Eliminated sprinkler in back, replaced with hosebib
4	04/25/2013	Revision: Updated closet on 2nd and added WP GFI
3	04/07/2013	Revision: Foundation Schedules Updated
2	03/20/2013	Construction Set (As Built)
1	03/14/2013	Permanent Plan Set
0	02/15/2013	Preliminary Plan Set

VERITY HOMES
BUILT WITH INTEGRITY

PRINT DATE:
06/11/2013

5SS13032-042 / SAKAKAWEA / 5002

FOR: Howard L. Malloy or Assignees

LOCATION: 808 Bremner Ave

LOT #: L17 B17 Sonnet Height

SHEET NUMBER
1.02

View_Sheets1.02.vxp

© CG Visions 2012 PLAN CREATION DATE 09/06/2012

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-01-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO APPEAL PROCESS OF COMMISSION.

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

Section 1. Amendment. Section 14-01-056 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Appeal Process of Commission is hereby amended and re-enacted to read as follows:

14-01-06. Appeal Process of Commission. Any final decision of the city planning and zoning commission may be appealed to the city commission by either the aggrieved applicant or the applicant's representative or by any officer, department, board, or bureau of the city. Notice of appeal in writing shall be delivered to the office of the city administrator or to the community development department within 10 calendar days of the city planning and zoning commission's decision. A hearing shall be set before the city commission within 30 days of the receipt of the notice of appeal unless otherwise agreed by the applicant.

1. For an appeal from the denial of a zoning change ordinance or a zoning ordinance text amendment or for any item requiring a public hearing at the city commission, the hearing on appeal will only consider the question of whether or not to reverse the decision of the planning and zoning commission, introduce the ordinance, if necessary, and call for a public hearing on the zoning change ordinance, text amendment ordinance or other item requiring a public hearing. At the hearing, only the aggrieved applicant or their

representative, a person entitled to receive mailed written notice of the application or an officer, department, board or bureau of the city may argue for or against the appeal. No new evidence may be presented and the review is limited to the record as received from the planning and zoning commission and the arguments at the hearing.

2. After the hearing, the city commission shall decide the appeal on its merits and shall issue its written decision containing its findings and an appropriate order. The written decision shall be issued within 10 calendar days of the close of the hearing. If the city commission decides to reverse the decision of the planning and zoning commission and call for a public hearing and second reading on the zoning change ordinance, the zoning ordinance text amendment, or any other item requiring a public hearing, a hearing will be set for a date that allows the public hearing to be appropriately noticed pursuant to the North Dakota Century Code and this code of ordinances. The written decision shall be issued within 10 days of the close of the hearing.

3. The public hearing resulting from an appeal shall be conducted in accordance with Section 14-07-02(6-8).

4. For all appeals from the denial of a request prior to a public hearing at the planning and zoning commission, the hearing on appeal will only consider whether or not to require a public hearing or further action at the planning and zoning commission and shall be conducted pursuant to paragraphs 1 and 2 of this section. The action of the city commission regarding the appeal is limited to denying the appeal and upholding the planning and zoning commission or reversing the planning and zoning commission and sending the matter back to the planning and zoning commission for further action.

5. For all other appeals from a final decision of the planning and zoning commission for which the decision of the city commission will be final, the ~~hearing shall be conducted according to Section 14-07-02(6-8)~~ board of city commissioners shall fix a time for the hearing of the appeal and shall give due

notice of the hearing to the parties pursuant to paragraph 1 of this section. The appeal shall be decided and a written decision shall be issued within 10 calendar days of the close of the hearing unless otherwise stipulated by the commission. Any party to the appeal may appear in person or by representative or by attorney at the hearing before the board of city commissioners. New evidence and arguments may be presented and the review is not limited to the record as received from the planning and zoning commission. The board of city commissioners may reverse or affirm the decision of the planning and zoning commission, in whole or in part, or may modify decision or determination appealed.

A final decision of the city commission on an appeal from a decision of the planning and zoning commission may be appealed to the district court in the manner provided in NDCC Section 28-34-01.

Reference: NDCC Sec. 40-47-01.1, Home Rule Charter for the City of Bismarck, Article 3, Section 11. (Ord. 4486, 04-27-93; Ord. 4501, 04-27-93; Ord. 5446, 07-26-05; Ord. 6042, 04-22-14)

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.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-16 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE "P" PUBLIC USE DISTRICT.

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

Section 1. Amendment. Section 14-04-16 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the "P" Public Use District is hereby amended and re-enacted to read as follows:

14-04-16. "P" Public Use District. In any P public use district the following regulations shall apply.

1. General description. The P public use district is established as a district in which the predominant use of land is for public uses. For the P public use 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 public recreation, education and other government services.

b. To prohibit residential, commercial and industrial uses of the land, and to prohibit any use of the land which would diminish its value in serving the needs of the public.

2. Uses permitted. The following uses are permitted.

a. Education group.

b. Public recreation group.

c. Water treatment plant.

d. Buildings and necessary on-site facilities required for conduct of government.

e. Commercial recreation group occupying public owned lands.

f. Sewerage treatment plant.

g. Municipal landfill.

h. Parking lots.

i. Gift shop occupying public owned lands.

j. Food service establishment exclusive of drive-in restaurant, occupying public owned lands.

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

a. Airport.

b. Cemetery.

3. Lot coverage. The lot coverage of the principal building and all accessory buildings shall not exceed thirty (30) per cent of the lot.

4. Front yard. Each lot shall have a front yard of not less than twenty-five (25) feet in depth.

5. Side yards. Each lot shall have two (2) yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall be not less than twenty (20) per cent of the average width of the lot. On any lot having an average width of sixty (60) feet or less, each side yard shall be not less than ten (10) per cent of the width of the lot, and in no case shall a side yard be less than five (5) feet in width. On any lot having an average width greater than sixty (60) feet neither side yard shall be less than six (6) feet in width; provided, however, that for a building thirty-five (35) feet or less in height,

neither side yard is required to exceed fifteen (15) feet in width.

6. Rear yard. Each lot shall have a rear yard not less than twenty (20) feet in depth.

7. Height limits. No principal building shall exceed ~~fifty (50)~~ seventy-five (75) feet in height, unless said principal building is within three hundred (300) feet of a residential zoning district, in which case no principal building shall exceed fifty (50) feet in height. For each one foot or fraction thereof that a building exceeds thirty-five (35) feet in height there shall be added four (4) feet to the minimum width of each side yard, two (2) feet to the minimum depth of front yard, and two (2) feet to the minimum depth of rear yard required by this section. Any accessory building that exceeds twenty-five (25) feet in height shall be considered a principal building for the purpose of figuring yards and distance from lot boundary lines.

8. Additional Development Standards for Land Abutting the Missouri River. In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River which is outside of the corporate limits of the City of Bismarck and within the Extraterritorial Area (ETA):

a. Structure Setbacks. All structures shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.

b. Design Criteria. Structures should be placed and designed in a manner as to reduce visibility as viewed from the river and adjacent shoreland by vegetation, topography or the color of the structure, assuming summer, leaf-on conditions.

c. Impervious Surface Coverage. The percentage of lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent of the lot area.

d. On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.

e. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements: 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on posts/pilings or placed in the ground, provided they are designed and built in a manner that controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.

f. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.

g. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.

h. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

i. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted in order to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

j. Topographic Alterations Above the Ordinary High Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued

permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards: 1) alterations shall not adversely affect adjacent or nearby properties; and 2) alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

k. Topographic Alterations Below the Ordinary High Water Mark. All topographic alterations below the ordinary high water mark must be approved by the United States Army Corps of Engineers.

(Ord. 4384, 07-30-91; Ord. 5486, 02/28/06)

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.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lots 1-13, Block 2, Lots 2-7, Block 4, and Lots 1-4, Block 5, Eagle Crest Fourth Addition – Annexation	
Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): Greg & Melissa Feser – L9, B2 Michael & Linda Schoepp – L2, B4 Knutson Estates, LTD – remainder	**Engineer:** Swenson Hagen & Co.
Reason for Request: Annex previously platted & zoned property for single-family residential development.	
Location: Along both sides of Round Top Road, west of Valley Drive.	
Project Size: 9.90 acres, more or less	**Number of Lots:** 22 lots in 3 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Single-family residential
Zoning: R5 – Residential	**Zoning:** R5 – Residential
Uses Allowed: Single-family residential	**Uses Allowed:** Single-family residential
Maximum Density Allowed: 5 units/acre	**Maximum Density Allowed:** 5 units/acre

PROPERTY HISTORY:		
Zoned: 08/2011	**Platted:** 08/2011	**Annexed:** N/A

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

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 the zoning ordinance.

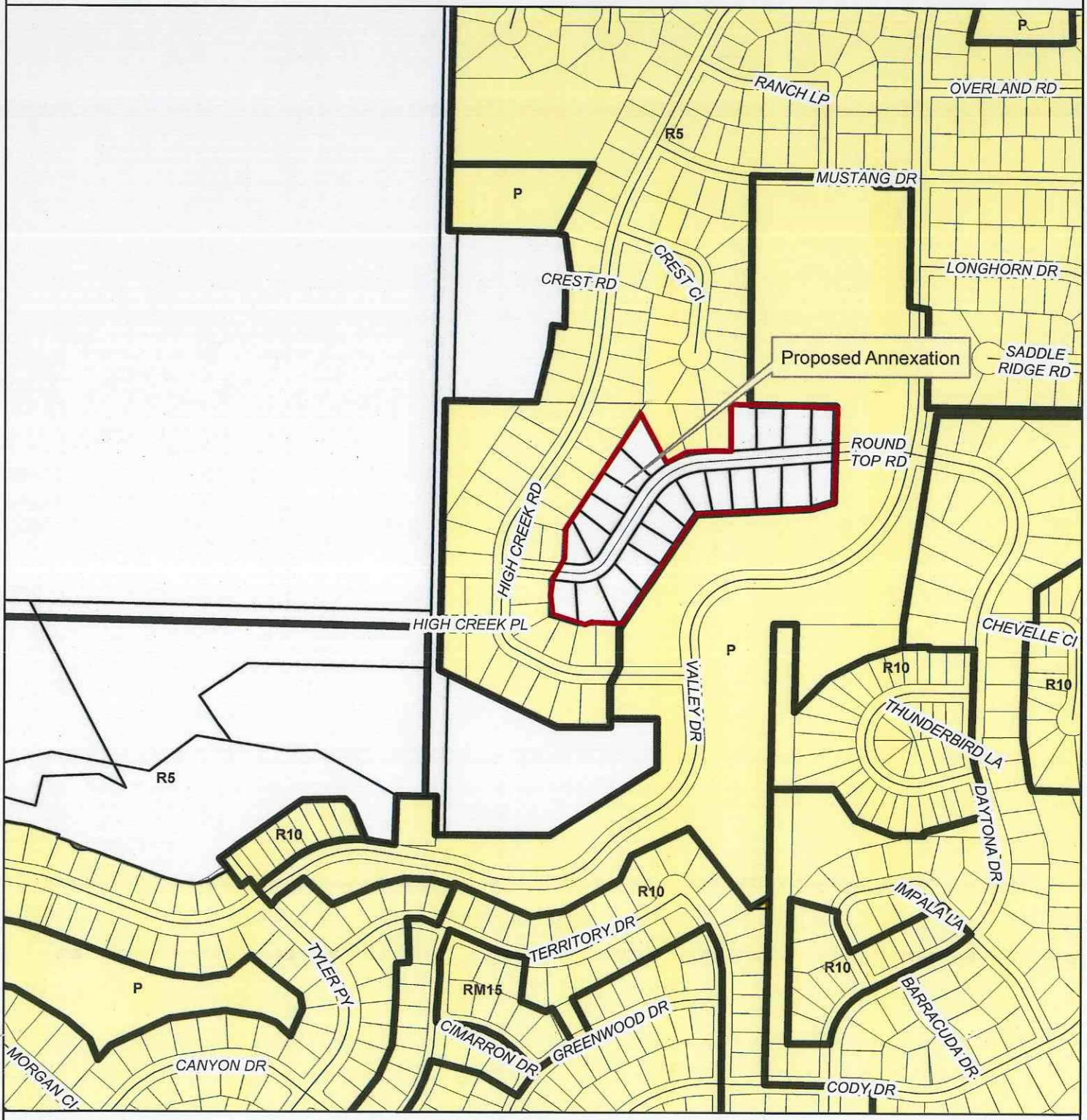
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of that portion of Eagle Crest 4th Addition not previously annexed (Lots 1-13, Block 2, Lots 2-7, Block 4, and Lots 1-4, Block 5).

/Klee

Proposed Annexation
Lots 1-13, Block 2, Lots 2-7, Block 4 and Lots 1-4, Block 5
Eagle Crest 4th Addition



March 5, 2015 (hlb)

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.

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 2, Block 1 and all of the Northern Sky Drive right-of-way adjacent to Lot 2, Block 1, Northern Sky Addition – Annexation	
Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): Wilment Properties, LLC	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Annex previously platted and zoned lot along with adjacent right-of-way for neighborhood commercial development.	
Location: In north Bismarck, along the south side of Durango Drive, west of North Washington Street.	
Project Size: 3.18 acres, more or less	**Number of Lots:** 1 lot and all of the adjacent right-of-way
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light commercial and office uses
Zoning: CA – Commercial	**Zoning:** CA – Commercial
Uses Allowed: Limited commercial uses, offices and multi-family residential	**Uses Allowed:** Limited commercial uses, offices and multi-family residential
Maximum Density Allowed: 30 units per acre	**Maximum Density Allowed:** 30 units per acre

PROPERTY HISTORY:		
Zoned: 08/2012	**Platted:** 08/2012	**Annexed:** N/A

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

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 the zoning ordinance.

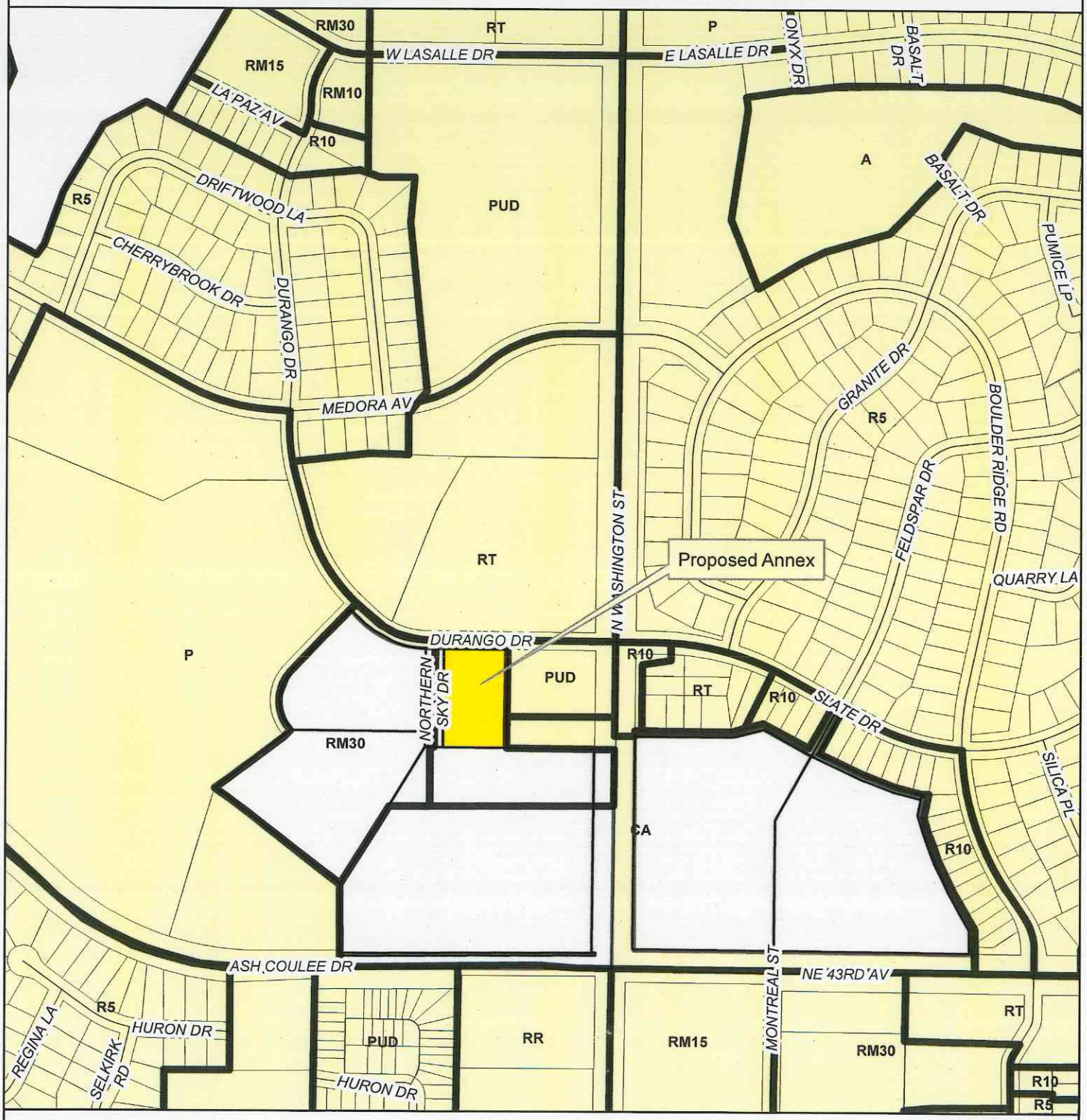
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lot 2, Block 1 and all of the Northern Sky Drive right-of-way adjacent to Lot 2, Block 1, Northern Sky Addition.

/Klee

Proposed Annexation
Lot 2, Block 1, Northern Sky Addition



March 30, 2015 (hlb)

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.

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Various Lots and Tracts in Sections 19 and 20, T139N-R80W/Hay Creek Township, including platted lots in High Meadows 3rd and 4th Additions – City-initiated Annexation

Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): Steve & Clara Lacher – Lot 9A in Sec 19 Larry & Connie Kassian – Lot K in Sec 20 Anderson LP – Part of S½ in Sec 20 Larry & Rose Thompson – AL6A of L10, B2, High Meadows 3rd Sidney & Marlene Backman – AL7A of L10, B2, High Meadows 3rd Carl Klein Jr. – L10 less AL6A & 7A of L10,B2, High Meadows 3rd and W130' of L2, B1, High Meadows 4th	**Engineer:** N/A

Reason for Request:
Annex various unannexed lots and parcels completely surrounded by corporate limits.

Location:
In northwest Bismarck, west of North Washington Street between West Century Avenue/Country West Road and Ash Coulee Drive

Project Size: 3.00 acres, more or less	**Number of Lots:** 7 tracts
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Undeveloped
Zoning: R5 – Residential R10 – Residential	**Zoning:** R5 – Residential R10 - Residential
Uses Allowed: R5 – Single family residential R10 – One and two-family residential	**Uses Allowed:** R5 – Single family residential R10 – One and two-family residential
Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre	**Maximum Density Allowed**: R5 – 5 units/acre R10 – 10 units/acre

PROPERTY HISTORY:

Zoned: ---	**Platted:** 12/1980 (High Meadows 3rd) 12/1991 (High Meadows 4th)	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. All of the parcels included in this City-initiated request are completely surrounded by the corporate limits.

2. Four of the eight parcels function as part of the adjacent residential lot. Upon annexation, the City will administratively combine the newly annexed parcel with the adjacent residential parcel. Because this action will only increase the parcel size, there is not expected to be an increase in the lot value with the addition of the newly annexed parcels.

(continued)

3. All owners have been contacted regarding the City-initiated annexation. To date, no protests have been received regarding the annexation action.

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

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 the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

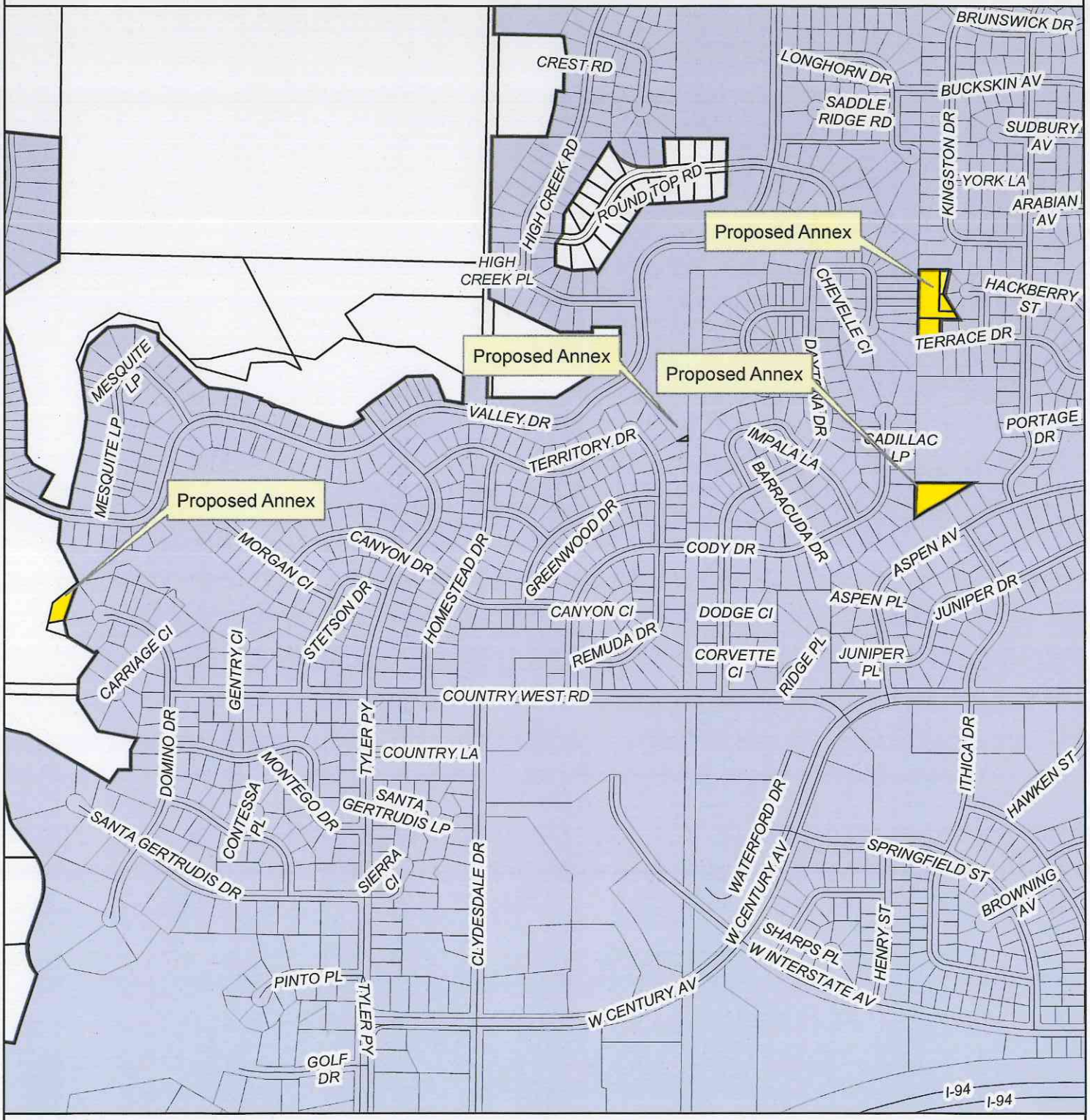
RECOMMENDATION:

Based on the above findings, staff recommends approval of the City-initiated annexation of various unannexed lots and parcels in Section 19 & 20, T139N-R80W/Hay Creek Township, including:

- Lot 9A in the SW¼ of the SE¼ of Section 19
- Lot K in the SW¼ of Section 20
- Part of the S ½ of the SE ¼ of Section 20, less parts taken for Pinehurst 3rd Addition and Pinehurst 4th Addition
- Auditor's Lot 6A of Lot 10, Block 2, High Meadows 3rd Addition
- Auditor's Lot 7A of Lot 10, Block 2, High Meadows 3rd Addition
- Lot 10 less Auditor's Lots 6A and 7A, Block 2, High Meadows 3rd Addition
- West 130 feet of Lot 2, Block 1, High Meadows 4th Addition

/Klee

Proposed Annexation
Mutiple Tracts in Section 19 and 20, Hay Creek Township



March 5, 2015 (hlb)

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

0 335 670 1,340 Feet

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Tracts 9 and 10 (of Tract 7) of Tract C of Zoller's Subdivision – Annexation	
Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): City of Bismarck	**Engineer:** N/A
Reason for Request: Annex recently acquired City-owned parcels used for storm water management.	
Location: Along the north side of Interstate 94, west of Centennial Road.	
Project Size: 6.30 acres, more or less	**Number of Lots:** 2 parcels
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Storm water management	**Land Use:** Storm water management
Zoning: RMH – Residential	**Zoning:** RMH – Residential
Uses Allowed: Manufactured home park	**Uses Allowed:** Manufactured home park
Maximum Density Allowed: 7 families per net acre	**Maximum Density Allowed**: 7 families per net acre

PROPERTY HISTORY:		
Zoned: 07/1977	**Platted:** 11/1964 (Zoller's)	**Annexed:** N/A

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

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 the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Tracts 9 and 10 (of Tract 7) of Tract C of Zoller's Subdivision in the NE ¼ of Section 26, T139N-R80W/Hay Creek Township.

/Klee

Proposed Annexation
Tracts 9 and 10 (of Tract 7) of Tract C, Zoller's Subdivision
(Part of the NE1/4 of Section 26, T139N-R80W/Hay Creek Township)

March 5, 2015 (hlb)

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

0 200 400 800 Feet

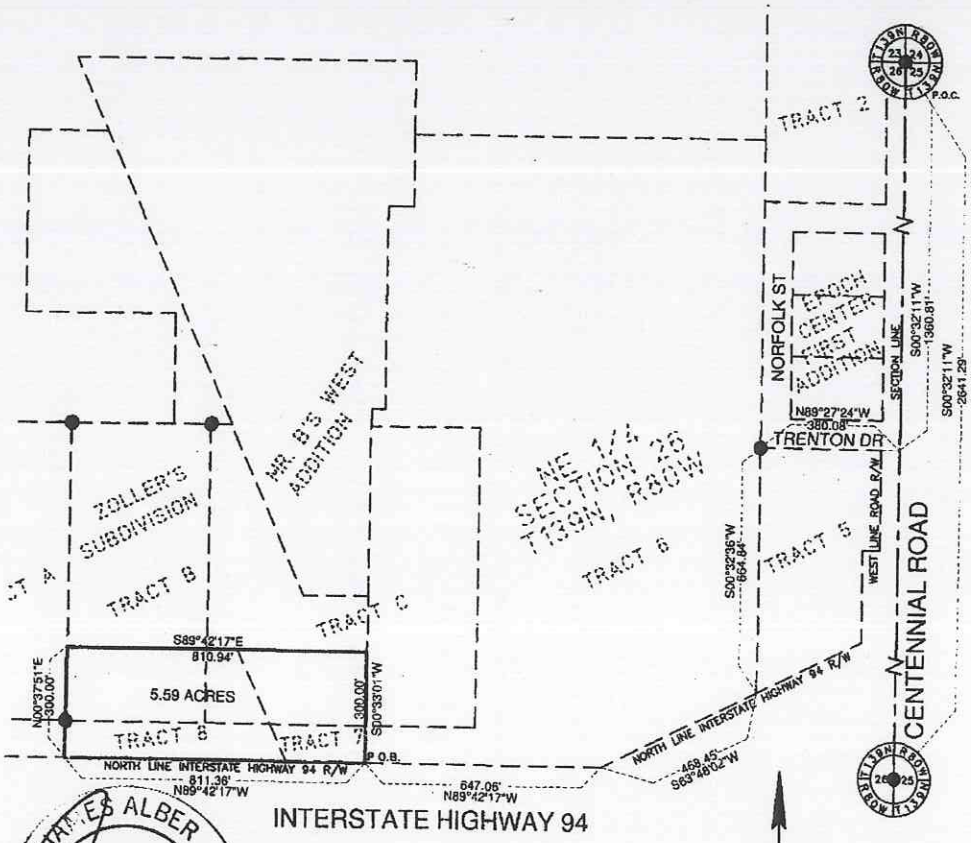
N

PLAT OF IRREGULAR DESCRIPTION: (Sec. 57-02-39-N.D.C.C.)

PLAT OF

TRACT 9 in the NE1/4 Section 26 Township 139 Range 80

Present Owner Real Properties, LLC



JAMES ALBER REGISTERED LAND SURVEYOR LS-4730 8-12-2011 NORTH DAKOTA

SCALE 1" = 400'
DATE: August 11, 2011

Description

TRACT 9 (of) Northeast Quarter Section 26 Township 139

Range 80 described as follows: 31-139.80-00-26270

That part of Tract 7 and Tract 8 of the Northeast Quarter of Section 26, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota being further described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 00 degrees 32 minutes 11 seconds West on the east line of said Northeast Quarter for a distance of 1360.81 feet to the eastern extension of the north line of Tract 5 of said Northeast Quarter; thence North 89 degrees 27 minutes 24 seconds West on the north line and said eastern extension for a distance of 380.08 feet to the northwest corner of said Tract 5 and the east line of Tract 6 in said Northeast Quarter; thence South 00 degrees 32 minutes 36 seconds West on said east line for a distance of 664.84 feet to the southeast corner of said Tract 6; thence South 63 degrees 48 minutes 02 seconds West on the south line of said Tract 6 for a distance of 468.45 feet; thence North 89 degrees 42 minutes 17 seconds West on said south line for a distance of 647.06 feet to the southern extension of the east line of MR. B'S WEST ADDITION to the City of Bismarck and the point of beginning; thence continuing North 89 degrees 42 minutes 17 seconds West for a distance of 811.36 feet to the southern extension of the west line of said Tract B; thence North 00 degrees 37 minutes 51 seconds East on the west line and said southern extension for a distance of 300.00 feet; thence South 89 degrees 42 minutes 17 seconds East for a distance of 810.94 feet to the southern extension of the east line or said Mr. B's West Addition; thence South 00 degrees 33 minutes 01 second West on said southern extension for a distance of 300.00 feet to the point of beginning.

Containing 5.59 acres, more or less.

KEPT IN OFFICE IPLAT

749329

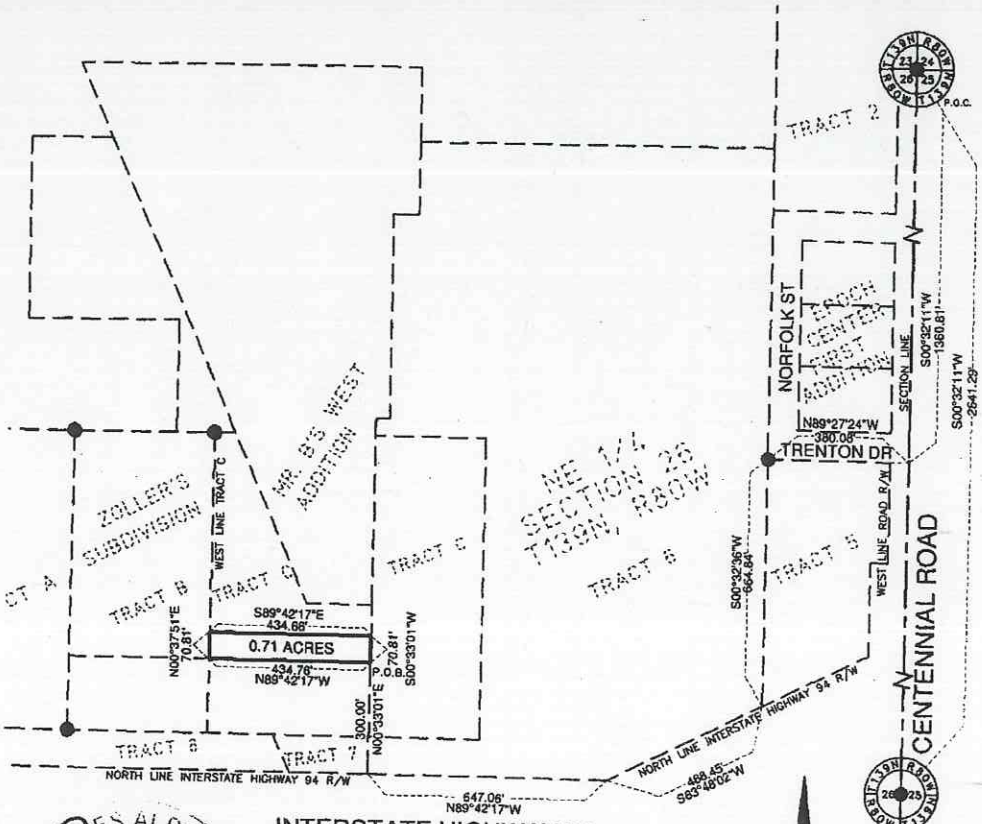
$13.00
Page: 1 of 2
8/19/2011 1:30 PM
Burleigh County

PLAT OF IRREGULAR DESCRIPTION: (Sec. 57-02-39-N.D.C.C.)

PLAT OF

TRACT 10 in the NE1/4 Section 26 Township 139 Range 80

Present Owner Real Properties, LLC



JAMES ALBER
REGISTERED LAND SURVEYOR
LS 4730
NORTH DAKOTA
8-7-2011

SCALE 1" = 400'
DATE: August 11, 2011

Description

TRACT 10 (of) Northeast Quarter Section 26 Township 139

Range 80 described as follows:

31-139-80-0026 272

That part of Tract C of ZOLLER'S SUBDIVISION of the Northeast Quarter of Section 26, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota, being further described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 00 degrees 32 minutes 11 seconds West on the east line of said Northeast Quarter for a distance of 1360.81 feet to the eastern extension of the north line of Tract 5 of said Northeast Quarter; thence North 89 degrees 27 minutes 24 seconds West on the north line and said eastern extension for a distance of 380.08 feet to the northwest corner of said Tract 5 and the east line of Tract 6 in said Northeast Quarter; thence South 00 degrees 32 minutes 36 seconds West on said east line for a distance of 664.84 feet to the southeast corner of said Tract 6; thence South 63 degrees 48 minutes 02 seconds West on the south line of said Tract 6 for a distance of 468.45 feet; thence North 89 degrees 42 minutes 17 seconds West on said south line for a distance of 647.06 feet to the southern extension of the east line of MR. B'S WEST ADDITION to the City of Bismarck; thence North 00 degrees 33 minutes 01 seconds East on the east line and said southern extension for a distance of 300.00 feet to point of beginning; thence North 89 degrees 42 minutes 17 seconds West to the west line of Tract C for a distance of 434.76 feet; thence North 00 degrees 37 minutes 51 seconds East on said west line of Tract C for a distance of 70.81 feet; thence South 89 degrees 42 minutes 17 seconds East to the southerly extension of the east line of said MR. B'S WEST ADDITION for a distance of 434.66 feet; thence South 00 degrees 33 minutes 01 seconds West on said east line for a distance of 70.81 feet to the point of beginning.

Containing 0.71 acres, more or less.

KEPT IN OFFICE

IPLAT

749331

$13.00
Page: 1 of 2
8/19/2011 1:30 pm

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Annexation	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Daryl & Joan Scofield/Leona Kohler – owners Verity Homes of Bismarck, LLC – applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat, rezone and annex property for single-family residential PUD development.	
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).	
Project Size: 9.59 acres	**Number of Lots:** 40 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped w/one rural residence	**Land Use:** Single-family residential
Zoning: R5 – Residential	**Zoning:** R5 – Residential (Lots 1 & 2) PUD – Planned Unit Development (Remainder)
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential PUD – Uses specified in PUD
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed**: R5 – 5 units per acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 11/2014 (replat) 05/1985 (Western Hills)	**Platted:** 11/2014(replat) 05/1985 (Western Hills)	**Annexed:** N/A

ADDITIONAL INFORMATION

1. When the plat and zoning change for Ash Coulee Estates Second Addition were approved by the City Commission in June 2014, it was done with the understanding Lots 1-3 would be combined as one tax parcel to accommodate the existing single-family rural residence, and with the understanding that the parcel will not be split until all three lots are annexed and municipal services provided. Because Lot 3 is being included in the PUD portion of the proposed development, the entire plat must be annexed prior to development.

2. The storm water management plan for the final plat has not been approved by the City Engineer.

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

(continued)

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 the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

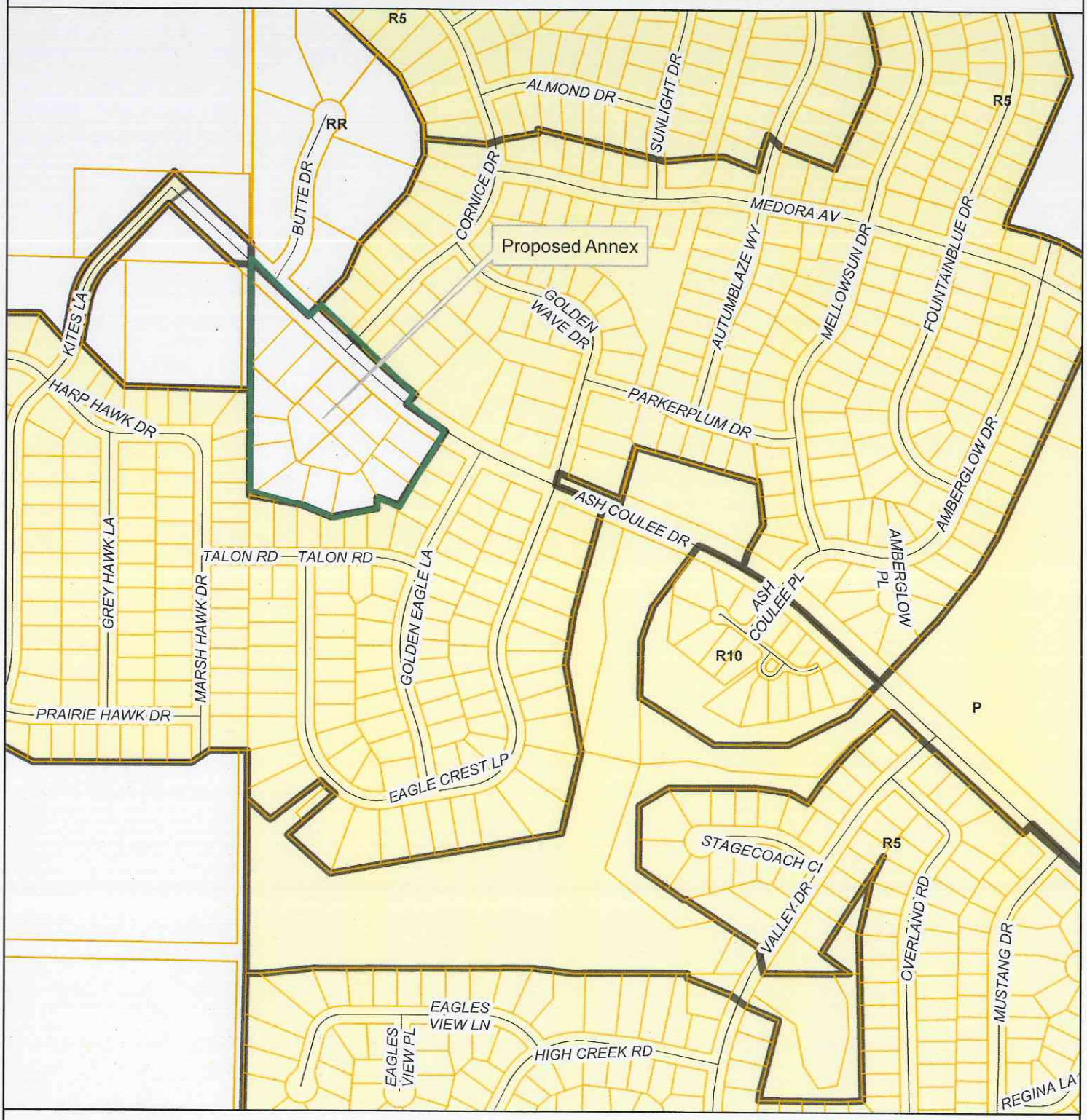
Because the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing final consideration of the annexation of Ash Coulee Estates Addition.

If the storm water management plan for the final plat is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to:

> Based on the above findings, staff recommends approval of the annexation of Lots 1-40, Block 1, Ash Coulee Estates Addition.

/Klee

Proposed Annexation
Ash Coulee Second Addition First Replat



January 21, 2015 (hlb)

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.

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Zoning Change (R5 to R5 and PUD)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Daryl & Joan Scofield/Leona Kohler – owners Verity Homes of Bismarck, LLC – applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat, rezone and annex property for single-family residential PUD development.	
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).	
Project Size: 9.59 acres	**Number of Lots:** 40 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped w/one rural residence	**Land Use:** Single-family residential
Zoning: R5 – Residential	**Zoning:** R5 – Residential (Lots 1 & 2) PUD – Planned Unit Development (Remainder)
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential PUD – Uses specified in PUD
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed**: R5 – 5 units per acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 11/2014 (replat) 05/1985 (Western Hills)	**Platted:** 11/2014(replat) 05/1985 (Western Hills)	**Annexed:** N/A

ADDITIONAL INFORMATION

1. The proposed development would be a single-family residential development with an overall density of 4.07 units per acre including both the R5 and PUD portions of the development. The PUD portion of the development would have a density of 5.4 units per acre, with 37 single-family residential units and a private park.

2. The developer is working on building elevations that would improve the exterior design & quality, in an effort to fit in better with the surrounding Eagle Crest and Horizon Heights developments.

3. The storm water management plan for the final plat has not been approved by the City Engineer.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this area as low density residential.

(continued)

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low density urban residential to the northeast, east and south, and agricultural to the west.

3. The subdivision proposed for this property would be annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.

4. The proposed zoning change would not adversely affect property in the vicinity.

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

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 been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a zoning change.

If the storm water management plan for the final plat is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to:

> Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R5 – Residential zoning district for Lots 1 and 2, and to the PUD – Planned Unit Development zoning district for Lots 3-40, Block 1, Ash Coulee Estates Addition, as outlined in the attached draft PUD ordinance, with the understanding that the developer will develop exterior elevations that are more compatible with the surrounding neighborhood for inclusion with the application prior to the Planning & Zoning Commission making a recommendation on the proposed PUD.

/Klee

ORDINANCE NO.

Introduced by	_____
First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5– Residential District and included within the R5 – Residential District.

Lots 1 and 2, Block 1, Ash Coulee Estates Addition.

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

The following described property shall be excluded from the R5 – Residential District and included within the PUD – Planned Unit Development District.

Lots 3-40, Block 1, Ash Coulee Estates Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 38 single-family residential units on Lots 3-8 and 10-41 and a private park on Lot 9, all in Block 1, Ash Coulee Estates Addition. The configuration of single-family residential units and the private park shall generally conform to the overall development plan for Ash Coulee Estates Addition dated February 20, 2015. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Single-family Residential Development Standards.* Each buildable lot shall have an area of not less than five thousand (5,000) square feet, a minimum

width of not less than thirty (30) feet at the building setback line, a minimum lot depth of one hundred (100) feet, a minimum front yard setback of twenty-five (25) feet from both public streets and private access easements, a minimum side yard setback of five (5) feet, a minimum rear yard setback of twenty (20) feet, and a maximum building height of thirty-five (35) feet.

3. *Single-family Residential Design Standards*. In order to meet the Planned Unit Development requirement of improved design, character and quality, and be more compatible with the adjacent residential developments, the exterior elevations shall be upgraded to incorporate design elements that are consistent with those of the surrounding residential neighborhood.

4. *Private Park.* The development of the private park on Lot 9, Block 1 shall be the responsibility of the developer. On-going repair and maintenance of the private park shall be the responsibility of the home owners association.

5. *Private Roadway Maintenance*. The development and construction of the private roadway (Cornice Loop) shall be the responsibility of the developer. On-going repair and maintenance of the private roadway shall be the responsibility of the home owners association.

6. *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.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

14-04-18. Planned Unit Developments.

It is the intent of this section 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.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
    a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
    b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

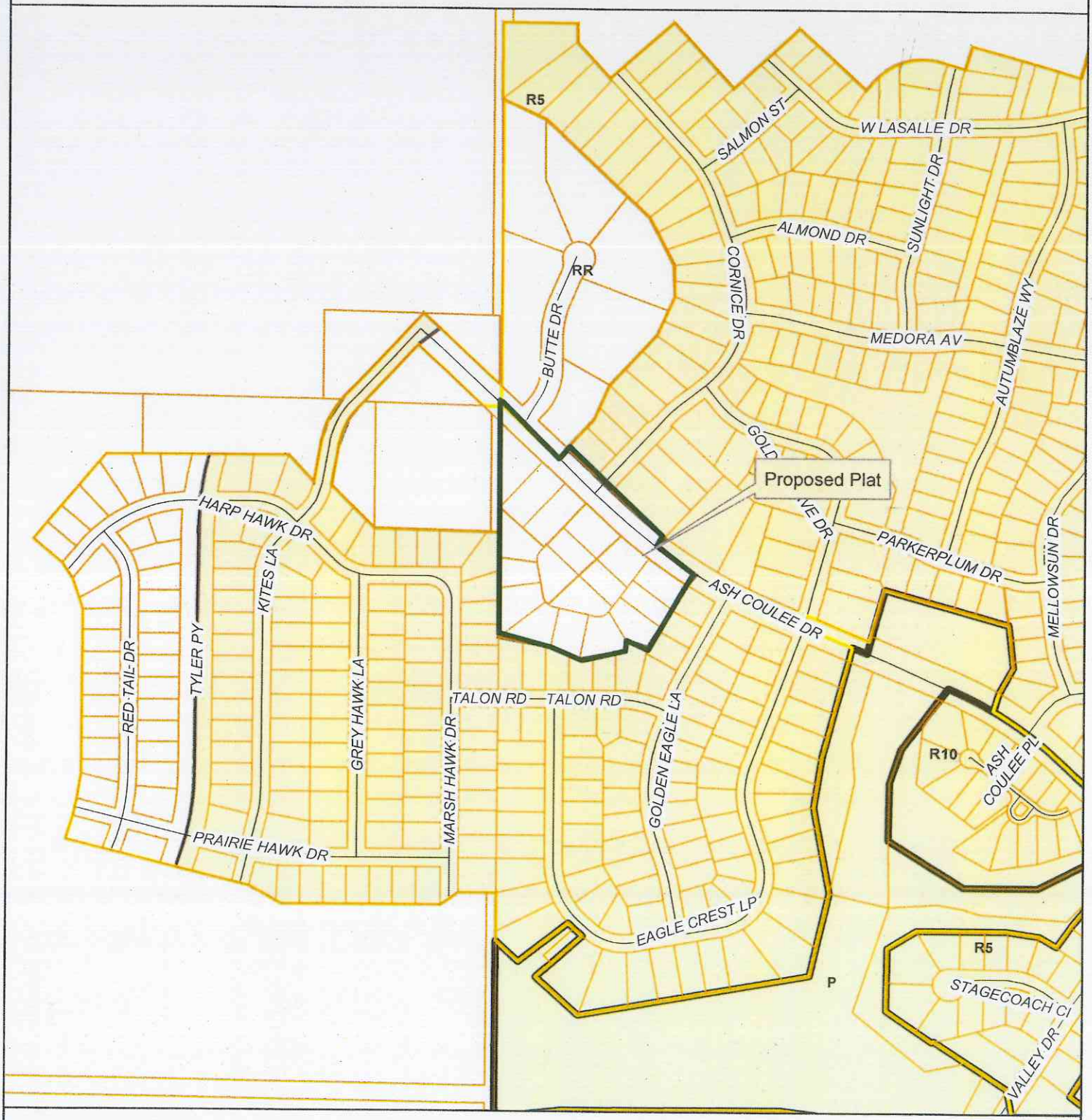
zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
    a. Proposal conforms to the comprehensive plan.
    b. Buffer areas between noncompatible land uses may be required by the planning commission.
    c. Preservation of natural features including trees and drainage areas should be accomplished.
    d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
    e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

        2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

Proposed Minor Plat and Zoning Change (R5 to R5 & PUD)
Ash Coulee Estates Addition



January 21, 2015 (hlb)

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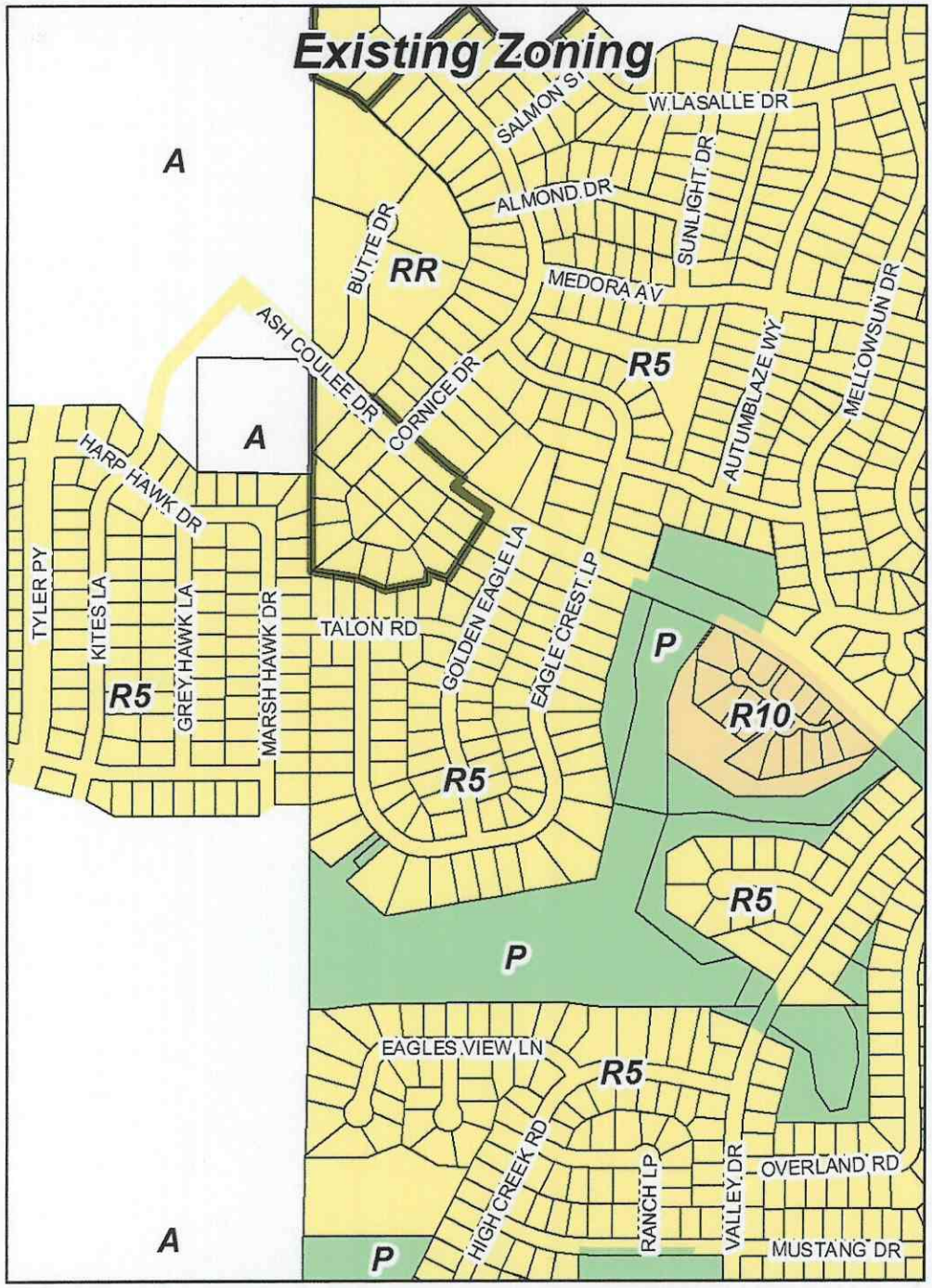
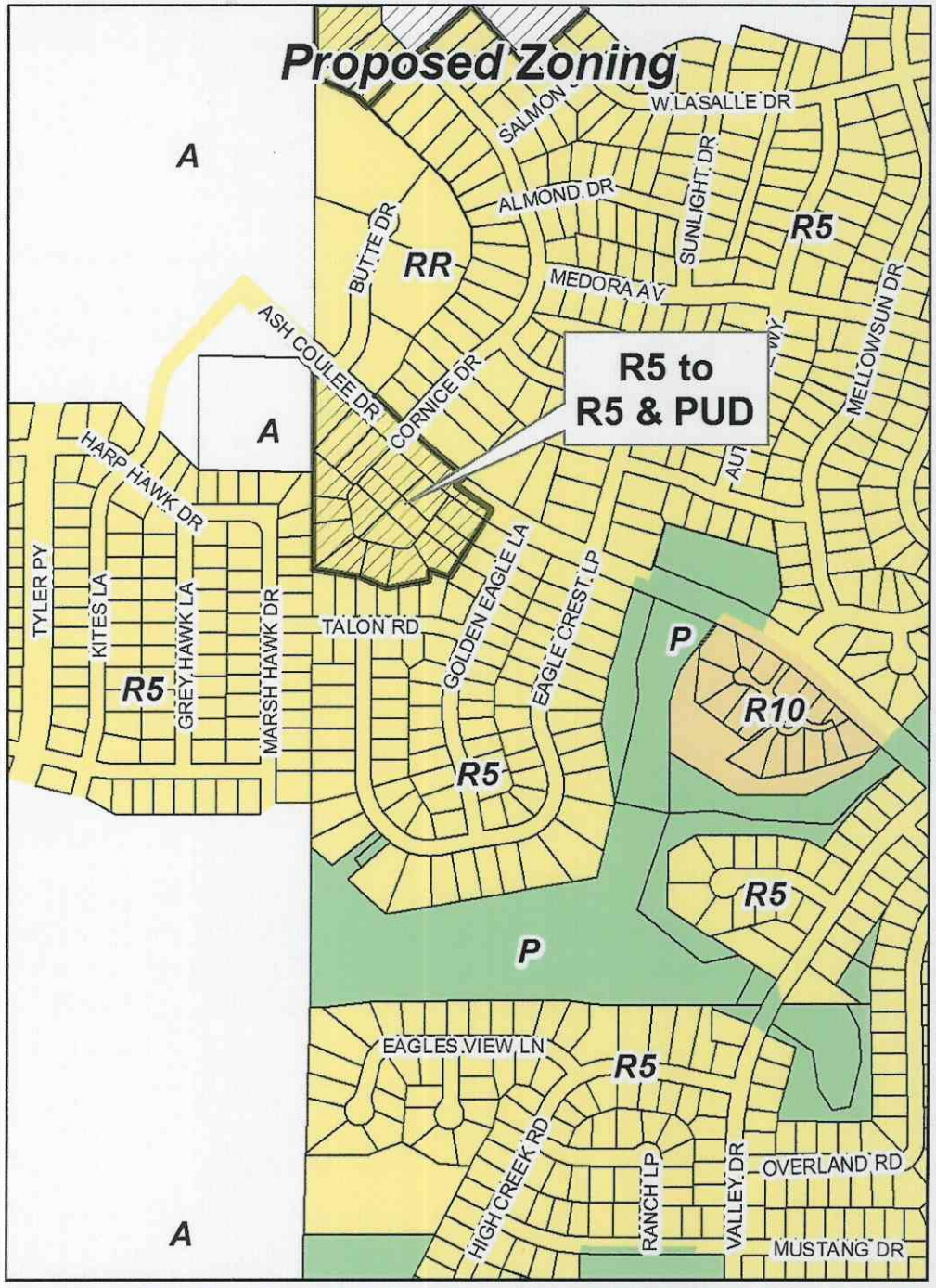
Ash Coulee Second Addition First Replat - Zoning Change



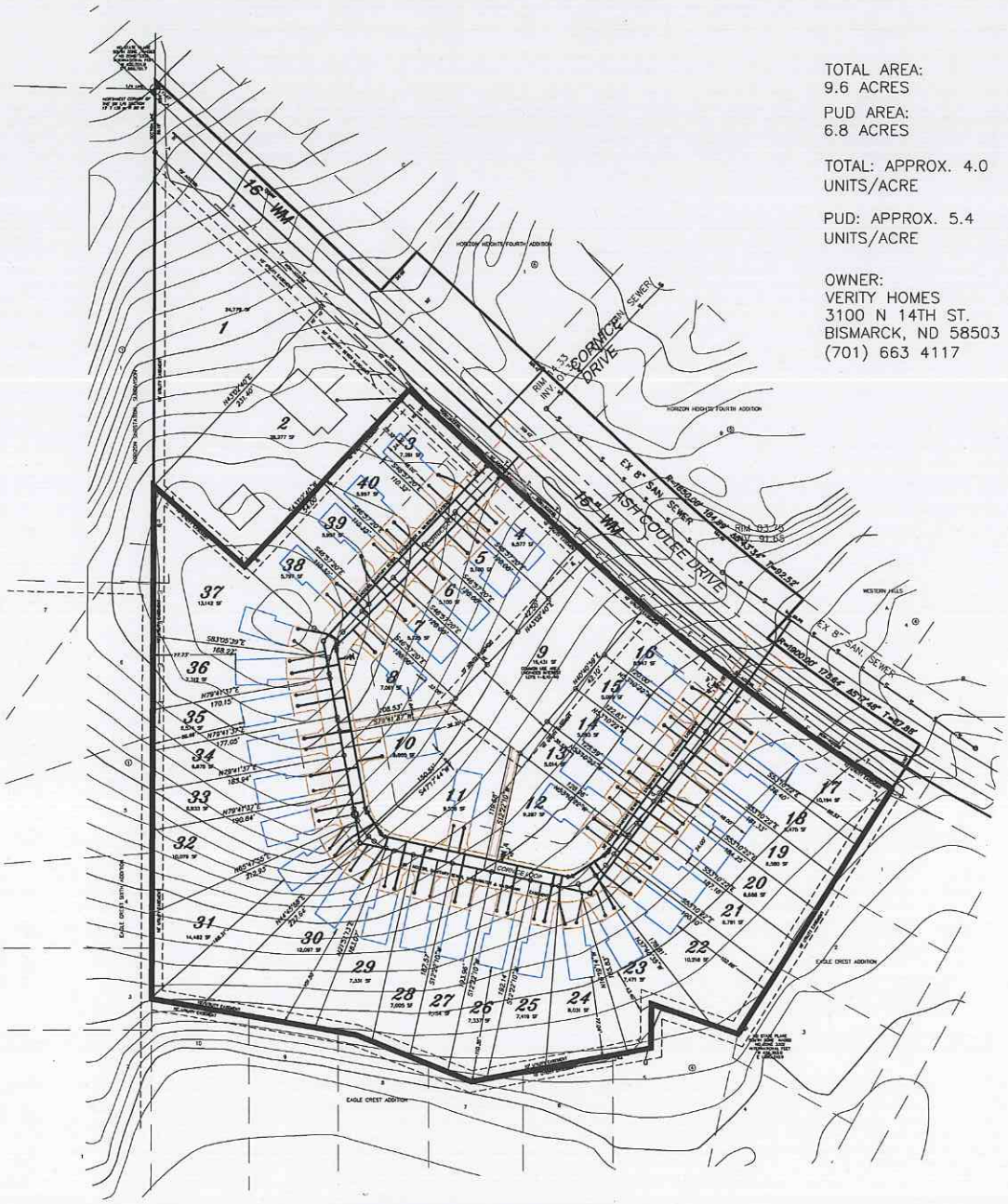


Feet
0 250 500 1,000

March 2015

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.

ASH COULEE ESTATES PUD SITE PLAN



TOTAL AREA:
9.6 ACRES

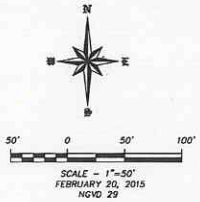
PUD AREA:
6.8 ACRES

TOTAL: APPROX. 4.0
UNITS/ACRE

PUD: APPROX. 5.4
UNITS/ACRE

OWNER:
VERITY HOMES
3100 N 14TH ST.
BISMARCK, ND 58503
(701) 663 4117

EXISTING ZONING: R-5
PROPOSED ZONING: PUD



FRONT YARD SETBACK FROM PUBLIC STREETS TO STRUCTURE	25'
SIDE YARD SETBACK	MINIMUM 5'
REAR YARD SETBACK	20'
MINIMIUM LOT WIDTH IN FRONT AT BUILDING LINE:	30'
MINIMUM LOT DEPTH	100'
MAXIMUM BUILDING HEIGHT:	35'
MINIMUM LOT SIZE:	5,000 sf

38 SINGLE FAMILY HOMES
PRIVATE PARK & STREET

SHEET C1.0

SURVEY FILE:
COMPUTER FILE:
FILE DESC.:
DATE:
CHECK BY:
DRAWN BY: LJ

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shengg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

PUD SITE PLAN & ZONE CHANGE
ASH COULEE ESTATES

REVISION	DATE

ASH COULEE ESTATES ADDITION

(ASH COULEE 2ND ADDITION REPLAT)

Request for Ash Coulee Estates PUD

Verity Homes of North Dakota is proposing to develop approximately 9.6 acres located Southwest of Ash Coulee Drive and East of Eagle Crest 6th Addition. The area is currently platted as Ash Coulee 2nd Addition.

Verity Homes is considering developing the property into a residential development with 38 single family homes as a PUD with smaller lots and homes to accommodate the increasing affordable housing needs of the community. Lots 1 & 2 will remain R-5 zoning

The projected density of 5 units per acre and reconfiguration of the lots will allow potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for a private park, driving lanes, emergency access & utility services.

The project will address the housing needs of the community by building modestly priced housing in North Bismarck.

The re-zoning of the area will maintain the city's plans for land use and the neighborhood will not be adversely affected by the new development.

See site plan for PUD specifics.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Minor Subdivision Final Plat	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Daryl & Joan Scofield/Leona Kohler – owners Verity Homes of Bismarck, LLC – applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat, rezone and annex property for single-family residential PUD development.	
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).	
Project Size: 9.59 acres	**Number of Lots:** 40 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped w/one rural residence	**Land Use:** Single-family residential
Zoning: R5 – Residential	**Zoning:** R5 – Residential (Lots 1 & 2) PUD – Planned Unit Development (Remainder)
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential PUD – Uses specified in PUD
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed**: R5 – 5 units per acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 11/2014 (replat) 05/1985 (Western Hills)	**Platted:** 11/2014(replat) 05/1985 (Western Hills)	**Annexed:** N/A

FINDINGS:

1. All technical requirements for approval of a final plat have been met.

2. The storm water management plan has not been approved by the City Engineer.

3. The proposed minor subdivision final plat would be compatible with adjacent land uses. Adjacent land uses include a rural residential to the northwest, low density urban residential to the northeast, east, south and southwest, and agricultural to the west.

4. The property would be annexed and services would be extended in conjunction with development; therefore, the proposed minor subdivision final plat would not place an undue burden on public services and facilities.

5. The proposed minor subdivision final plat would not adversely affect property in the vicinity.

(continued)

6. The proposed minor subdivision final plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

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

RECOMMENDATION:

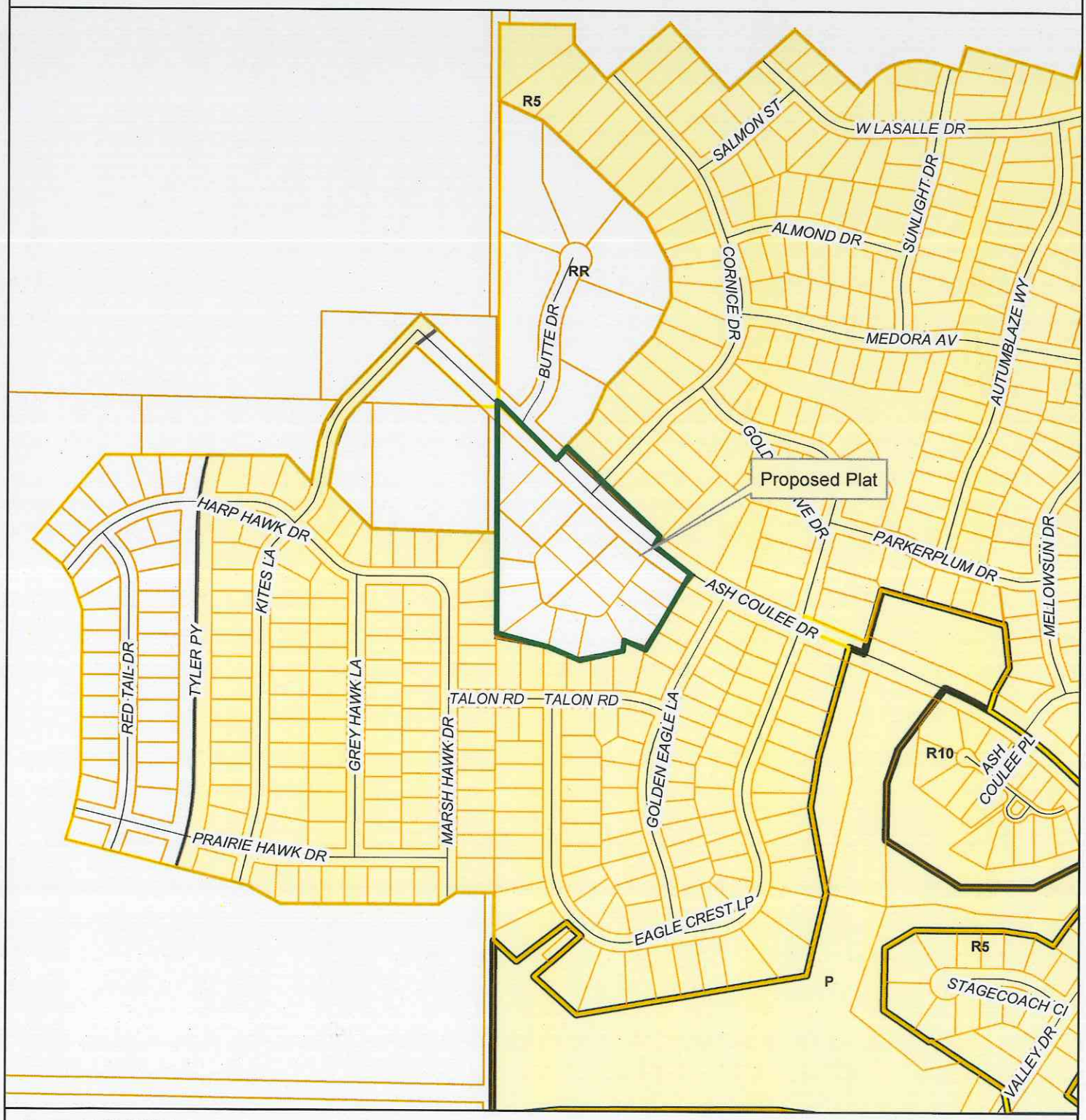
Because the storm water management plan has not been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a final plat.

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

> Based on the above findings, staff recommends approval of the minor subdivision final plat for Ash Coulee Estates Addition.

/Klee

Proposed Minor Plat and Zoning Change (R5 to R5 & PUD)
Ash Coulee Estates Addition



January 21, 2015 (hlb)

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0 200 400 800 Feet

N

MAR 1 1 2015

ASH COULEE ESTATES ADDITION

BEING A REPLAT OF ASH COULEE SECOND ADDITION, PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF SECTION 17, T. 139 N., R. 80 W.,

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

NOTES

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

BENCHMARK:
HYDRANT #2425 EAGLE CREST LOOP
WEST OF GOLDEN EAGLE LANE
ELEV: 1838.86

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

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1929

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

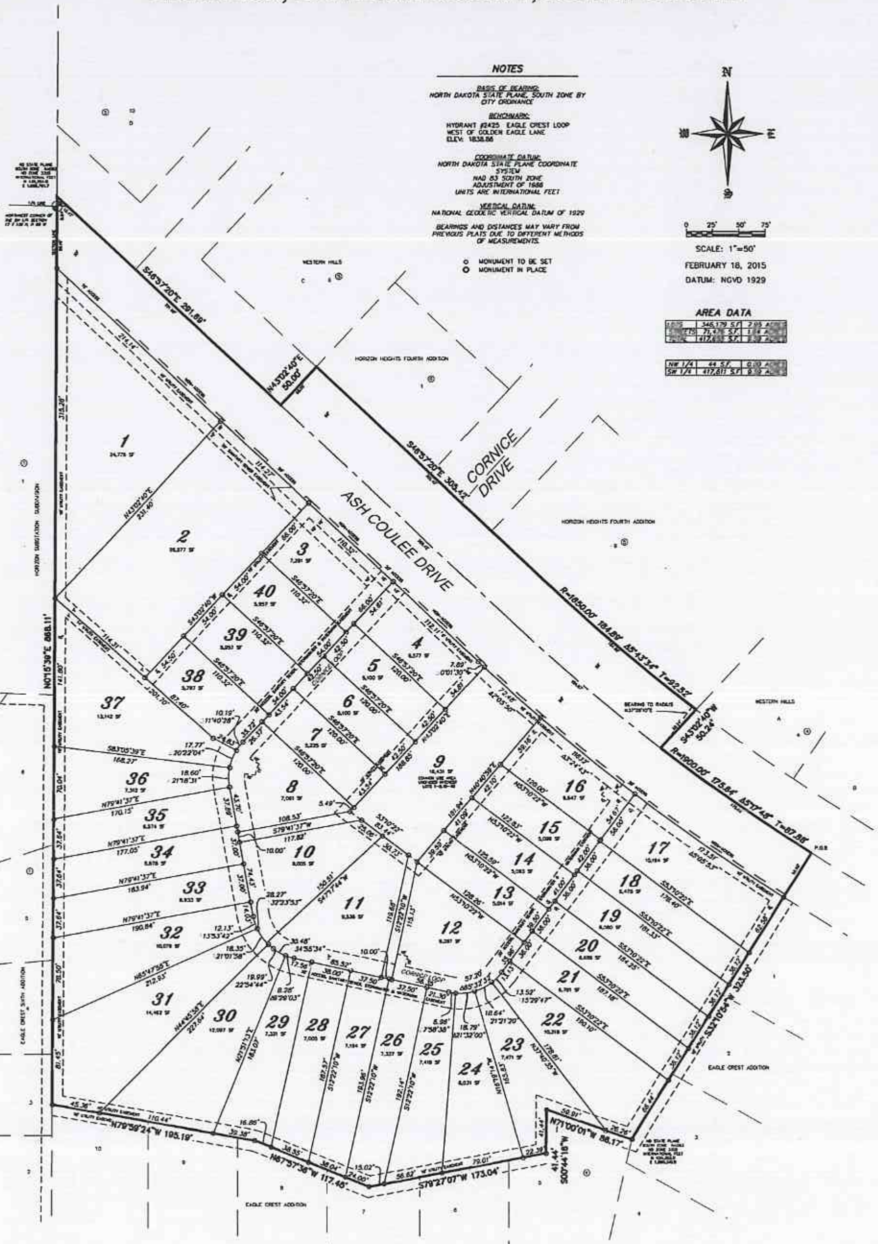
o MONUMENT TO BE SET
O MONUMENT IN PLACE

SCALE: 1"=50'
FEBRUARY 18, 2015
DATUM: NGVD 1929

AREA DATA

LOTS	346,179 S.F.	7.95 ACRES
STREETS	71,478 S.F.	1.64 ACRES
TOTAL	417,6[illegible] S.F.	9.59 ACRES

NW 1/4	44 S.F.	0.00 ACRES
SW 1/4	417,611 S.F.	9.59 ACRES



DESCRIPTION

BEING A REPLAT OF ASH COULEE SECOND ADDITION, A PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, T. 139 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERNMOST CORNER EAGLE CREST ADDITION; THENCE SOUTH 32 DEGREES 10 MINUTES 54 SECONDS WEST, ALONG THE BOUNDARY LINE OF SAID EAGLE CREST ADDITION, A DISTANCE OF 323.50 FEET; THENCE NORTH 71 DEGREES 00 MINUTES 01 SECOND WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 86.17 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 18 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 41.44 FEET; THENCE SOUTH 79 DEGREES 27 MINUTES 07 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 173.04 FEET; THENCE NORTH 67 DEGREES 57 MINUTES 36 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 117.45 FEET; THENCE NORTH 79 DEGREES 59 MINUTES 24 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 195.19 FEET, TO THE EAST LINE OF EAGLE CREST SIXTH ADDITION; THENCE NORTH 00 DEGREES 15 MINUTES 39 SECONDS EAST, ALONG SAID EAST LINE & THE EAST LINE OF HORIZON SUBSTATION SUBDIVISION, A DISTANCE OF 868.11 FEET, TO THE CENTERLINE OF ASH COULEE DRIVE RIGHT-OF-WAY; THENCE SOUTH 46 DEGREES 57 MINUTES 20 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 291.69 FEET, TO THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 1 BLOCK 6 OF HORIZON HEIGHTS FOURTH ADDITION; THENCE NORTH 43 DEGREES 02 MINUTES 40 SECONDS EAST, ALONG SAID EXTENSION LINE, A DISTANCE OF 50.00 FEET, TO THE SOUTHERLY LINE OF SAID HORIZON HEIGHTS FOURTH ADDITION; THENCE SOUTH 46 DEGREES 57 MINUTES 20 SECONDS EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 305.42 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT ON A 1850.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID SOUTHERLY LINE, AN ARC LENGTH OF 184.89 FEET, TO THE EASTERLY LINE OF LOT 9 BLOCK 5 OF SAID HORIZON HEIGHTS FOURTH ADDITION; THENCE SOUTH 43 DEGREES 02 MINUTES 40 SECONDS WEST, ALONG THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 50.24 FEET, TO THE CENTERLINE OF SAID ASH COULEE DRIVE RIGHT-OF-WAY; THENCE SOUTHEASTERLY AND TO THE LEFT ON A 1900.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 37 DEGREES 28 MINUTES 10 SECONDS EAST, ALONG SAID CENTERLINE, AN ARC LENGTH OF 175.64 FEET, TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 9.59 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, 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 JUNE 22, 2014, 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)
)SS
COUNTY OF BURLEIGH)

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

MATTHEW M. STERN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8299

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, 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 SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE ____ DAY OF __________, 2015, 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. HOKENSTAD – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF __________, 2015.

ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VERITY HOMES, LEONA KOHLER, AND DARREL & JOAN SCOFIELD, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ASH COULEE SECOND ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, 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 THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

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

STATE OF NORTH DAKOTA)
)SS
COUNTY OF ______)

VERITY HOMES
ARTHUR GOLDAMMER, CEO
3100 N. 14TH ST
BISMARCK, ND 58503
OWNER OF LOTS

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER OF VERITY HOMES, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

______________ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES __________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF ______)

LEONA KOHLER
800 16TH AVE SE #31
MINOT, ND 58701
CO-OWNER LOTS 1 & 2 BLOCK 1

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED LEONA KOHLER, 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 __________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

DARREL SCOFIELD   JOAN SCOFIELD
1433 ASH COULEE DRIVE   1433 ASH COULEE DRIVE
BISMARCK, ND 58504   BISMARCK, ND 58504
CO-OWNERS OF LOTS 1 & 2 BLOCK 1

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED DARREL SCOFIELD AND JOAN SCOFIELD, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

______________ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES __________

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Ridge Addition – Annexation	
Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for mixed density residential development.	
Location: In northwest Bismarck, north of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 30.14 acres	**Number of Lots:** 61lots in 5 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: R5 – 5 units/acre

ADDITIONAL INFORMATION

1. The proposed subdivision is not contiguous to the existing corporate boundary. However, an annexation route has been determined to allow the extension of municipal water service to the area. The current corporate boundary extends approximately 750 feet south of the intersection of the North Washington Street and 57th Avenue. The annexation route would be extended along North Washington Street and along 57th Avenue NW right-of-way.

2. Sufficient easements are not in place to allow for the extension of a sanitary sewer easement. The applicant/developer has indicated a plan to provide an on-site septic tank is intended to function as a private sanitary service. The tank would be installed, operated and maintained by the applicant/developer until such time as a municipal sanitary sewer line can be extended to the property. If such a system is approved, a maximum of thirty (30) residential units could be permitted in both Heritage Ridge Addition and Heritage Park Addition combined. Another option for sanitary service would include a temporary lift station and piping to connect with the existing municipal sanitary system.

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development, if a temporary lift station is constructed to allow pumping to the existing municipal sanitary sewer system.

(continued)

2. Permanent City sanitary sewer service cannot be extended to the property at this time due to a lack of sufficient easements and unannexed adjacent properties. The second option for sanitary sewer service would include the use of a temporary on-site septic tank and disposal of waste to an off-site disposal area.

3. The proposed annexation would not adversely affect property in the vicinity.

4. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

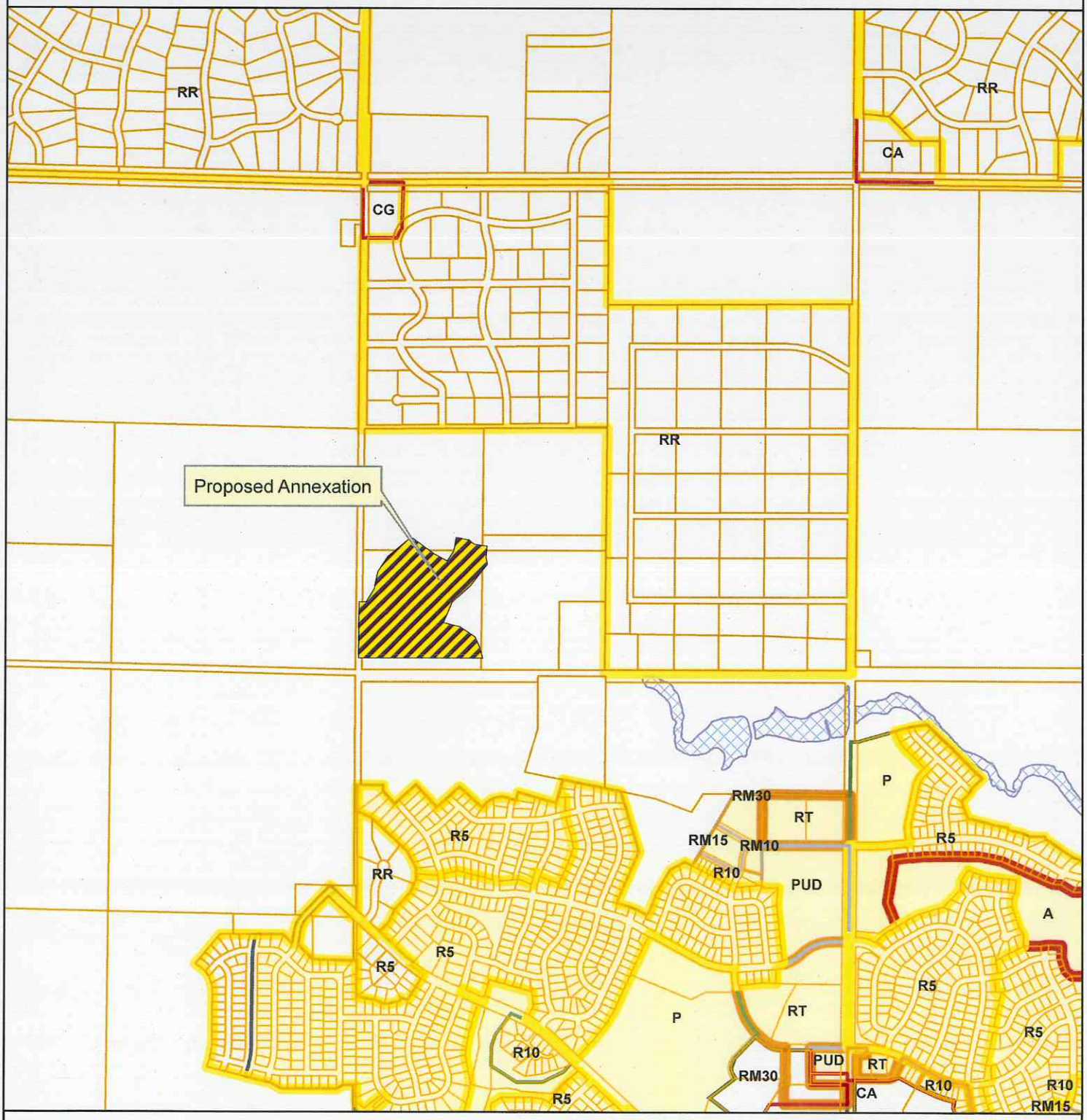
5. The proposed annexation is somewhat consistent with the master plan, other adopted plans, policies and planning practice; however, the area proposed for annexation is not directly adjacent to the existing corporate limit. It is reasonable to consider that the undeveloped land that separates the current corporate limits from the proposed annexed property would be developed in the future, thus providing a contiguous corporate boundary. At this time, Planning staff is not aware of any immediate plans for development by the adjacent land owners and it is unknown how long the undeveloped property would remain outside corporate limits.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Heritage Ridge Addition with the understanding that a development agreement will be drafted to address the issues related to the proposed final plat for Heritage Ridge Addition prior to forwarding to the Board of City Commissioners.

/jt

Proposed Annexation
Heritage Ridge Addition



January 21, 2015 (hlb)

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

0 550 1,100 2,200 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Ridge Addition – Zoning Change (A to R5)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for mixed density residential development.	
Location: North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 30.14 acres	**Number of Lots:** 61 lots in 5 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed:** R5 – 5 units/acre

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The preliminary plat and zoning change request for Heritage Ridge Addition were considered on August 27, 2014 by the Planning & Zoning Commission. The preliminary plat occupied the entire southwest quarter of Section 8, Hay Creek Township. The preliminary plat was laid out as a master plan for the southwest quarter of Section 8, Hay Creek Township. The preliminary plat/master plan demonstrated a mix of single, two and multi-family land uses, a public park and an existing MDU/WBI buried pipeline compressor station in the southeast corner of the proposed subdivision.

2. The original 160-acre preliminary plat for Heritage Ridge Addition has been divided into two proposed subdivisions: Heritage Ridge Addition (30.14 acres) and Heritage Park Addition (52.55 acres). The remaining portion of the quarter section would be developed in subsequent phases.

(continued)

3. Planning staff raised concerns relating to the proposed location of the public park in the southeast corner of the subdivision and proposed multi-family land use in the north east corner of the subdivision. Staff's primary concerns were that the proposed park was not more centrally located and easily accessible by residents; the proposed multi-family land use in the northeast corner would not be an appropriate land use when located directly adjacent to the existing rural residential land uses to the immediate north and east; and the primary route to the multi-family development would require traffic to travel through a low-density residential area. The final plat has been significantly reduced and divided into two separate subdivisions. The concern relating to the proposed multi-family land use in the northeast corner of the master plan is no longer part of this proposed subdivision, that area would be developed with a subsequent phase. The proposed public park location has not been modified; however, it has been included with the Heritage Park Addition final plat.

4. Per the requirements of the Neighborhood Parks and Greenspace Ordinance, the applicant/developer has met with representatives of the Bismarck Parks and Recreation District and the Bismarck Park Board to consider the proposed park land area in the southeast corner of the proposed subdivision. The Park Board voted to accept the proposed park land area at their April 16, 2015 regular meeting.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan Update, which identifies the area as low density residential.

2. The proposed zoning change would generally be compatible with adjacent land uses. Adjacent land uses include existing large lot single-family rural residential to the north and east and agricultural uses to the south and west.

3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services. However, municipal sanitary sewer service cannot be extended to the property due to a lack of sufficient easements and unannexed adjacent properties.

4. The proposed zoning change would not adversely affect property in the vicinity, provided the appropriate landscape buffer yard materials are installed in conjunction with the development of the multi-family zoned lots along the east edge of the subdivision.

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 approval of the zoning change from A – Agriculture to the R5 – Residential zoning district for Heritage Ridge Addition.

/jt

Proposed Zoning Change (A to R5)
Heritage Ridge Addition

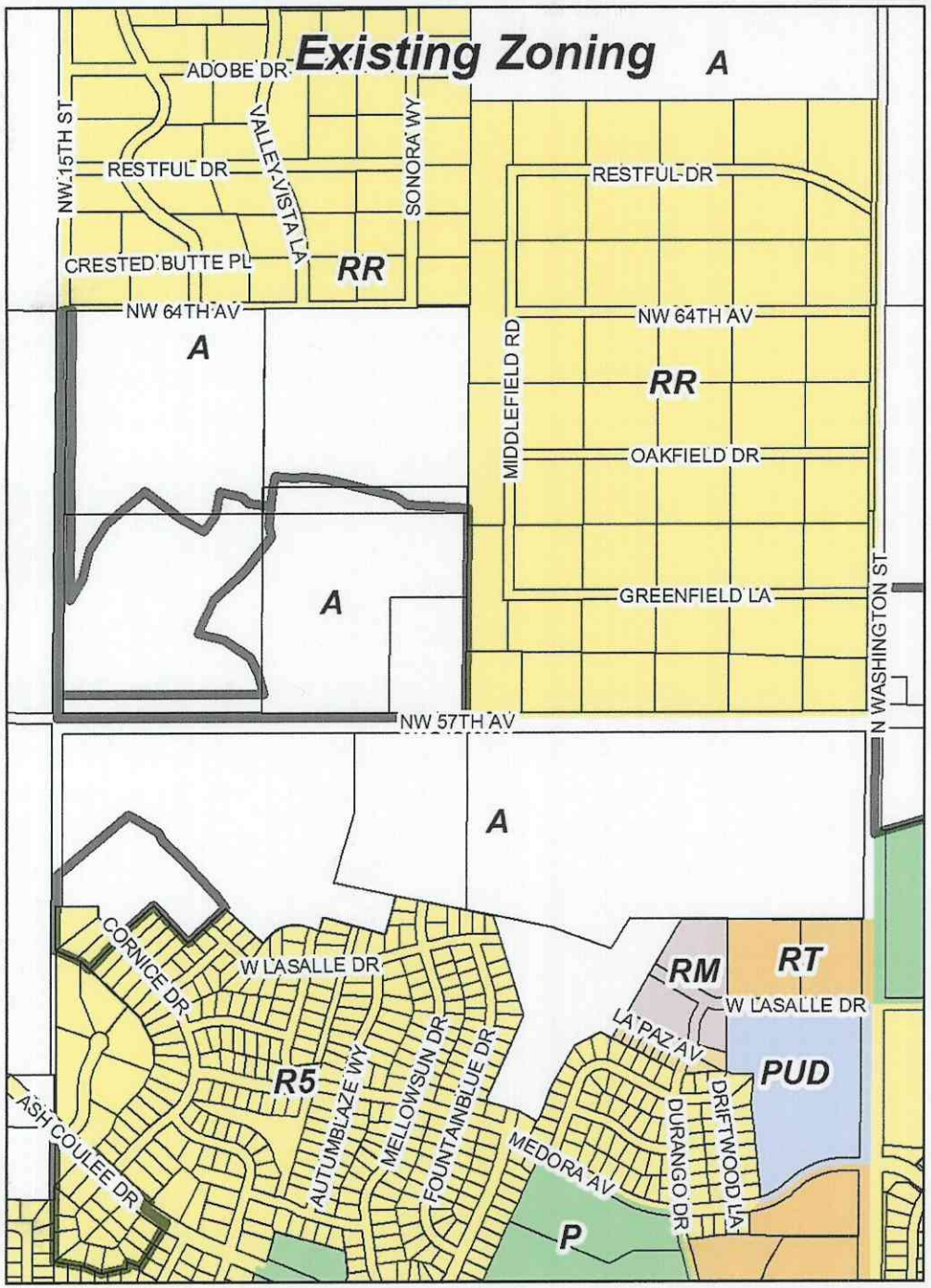
March 5, 2015 (hlb)

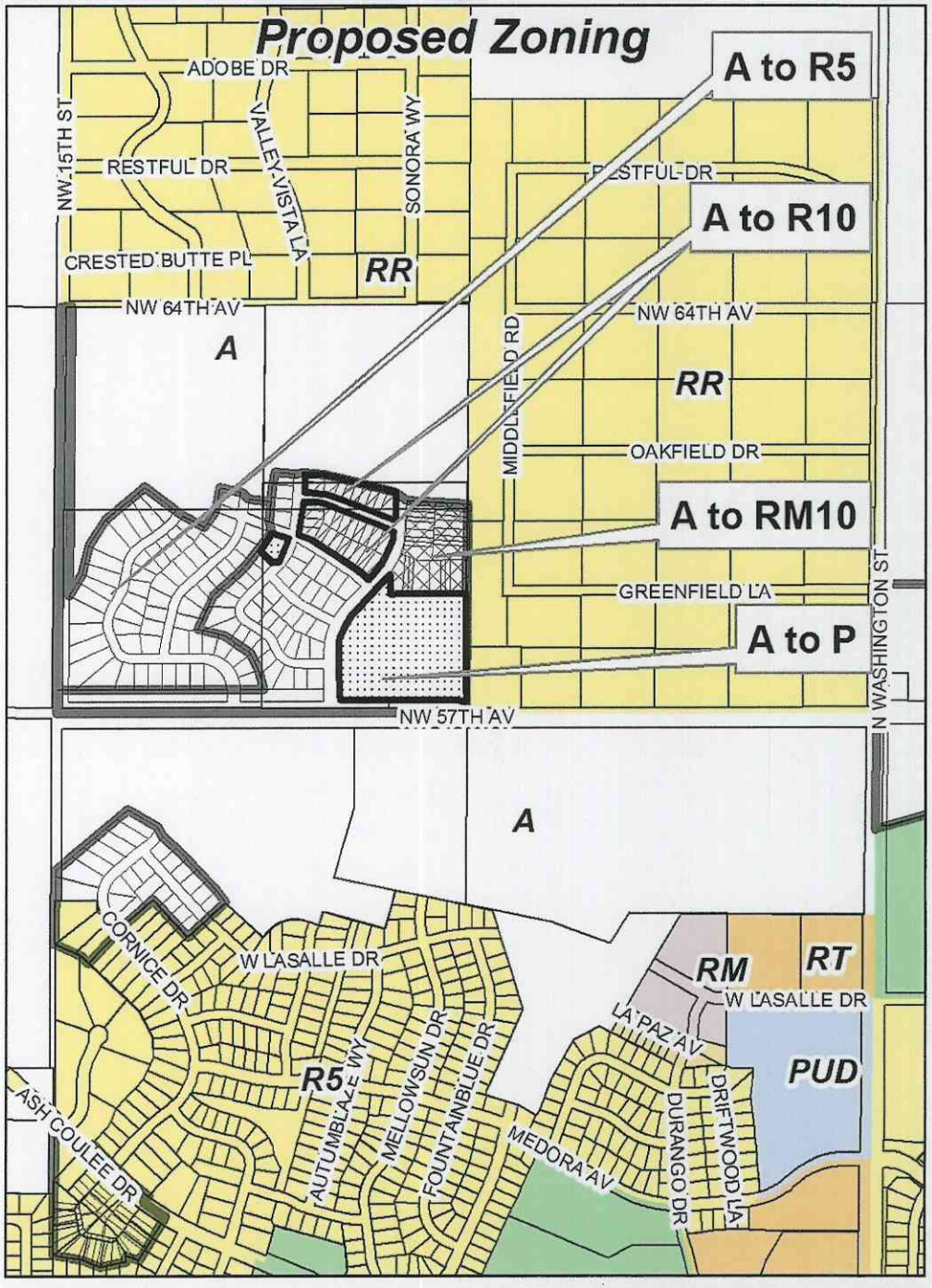
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 335 670 1,340 Feet

N

Heritage Ridge Addition and Heritage Park Addition - Zoning Change





Feet
0 375 750 1,500

April 2015

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 COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Ridge Addition – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for mixed density residential development.	
Location: North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 30.14 acres	**Number of Lots:** 61 lots in 5 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: R5 – 5 units/acre

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The preliminary plat and zoning change request for Heritage Ridge Addition were considered on August 27, 2014 by the Planning & Zoning Commission. The preliminary plat occupied the entire southwest quarter of Section 8, Hay Creek Township. The preliminary plat was laid out as a master plan for the southwest quarter of Section 8, Hay Creek Township. The preliminary plat/master plan demonstrated a mix of single, two and multi-family land uses, a public park and an existing MDU/WBI buried pipeline compressor station in the southeast corner of the proposed subdivision.

2. The original 160-acre preliminary plat for Heritage Ridge Addition has been divided into two proposed subdivisions; Heritage Ridge Addition (30.14 acres) and Heritage Park Addition (52.55 acres). The remaining portion of the quarter section would be developed in subsequent phases.

FINDINGS:

1. All technical requirements for approval of a final plat have been met.

2. The storm water management plan has not been approved by the City Engineer.

(continued)

3. The proposed subdivision generally conforms with the Fringe Area Road Master Plan for this area, which identified 57th Avenue NW as the east-west arterial roadway and Sonora Way as the north-south collector roadway for this section.

4. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include large-lot single-family rural residential to the north and east and agricultural uses to the south and west.

5. The proposed subdivision would be annexed prior to development; however, sufficient easements are not in place at this time to allow for the extension of a sanitary sewer easement. The applicant/developer has indicated a plan to provide a temporary on-site septic tank intended to function as a private sanitary service. The tank would be installed, operated and maintained by the applicant/developer until such time as a municipal sanitary sewer line can be extended to the property. If such a system is approved, a maximum of thirty (30) residential units could be permitted in both Heritage Ridge Addition and Heritage Park Addition combined. Another option for sanitary service would include a temporary lift station and piping to connect with the existing municipal sanitary system.

6. The proposed subdivision would not adversely affect property in the vicinity.

7. The proposed subdivision would generally be 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 the final for Heritage Ridge Addition. If the storm water management plan is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to approval of the final plat of Heritage Ridge Addition, with the following conditions:

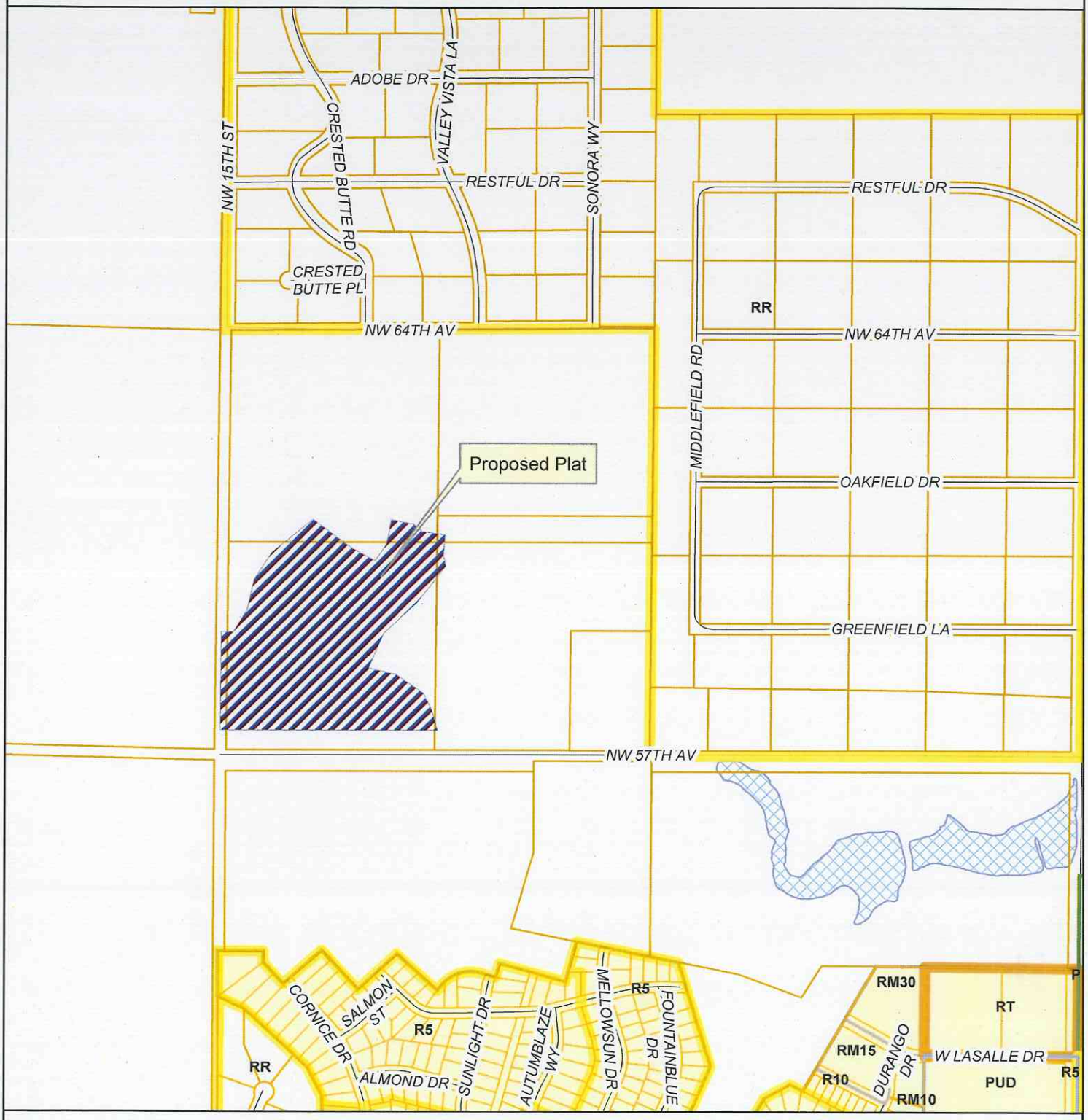
1. City water service will be extended to the property along the 57th Avenue right-of-way to allow a connection to municipal water service.

2. Two options have been presented to handle the sanitary service to the development. Planning staff's preference is that such service provide a temporary lift station adequate to pump the sanitary sewer east along 57th Avenue and south along Washington Street to a connection with the existing municipal sanitary system. The second option is that a private sanitary sewer service be provided until such time as permanent City sanitary sewer service can be extended to the property. This private service would include a temporary community sewer holding tank and trucking of waste material to an off-site disposal area.

3. Until such time as a secondary access road has been provided and the extension of City sanitary sewer to serve the development is in place, the maximum number of residential units allowed in both the Heritage Ridge Addition and the Heritage Park Additions combined shall not exceed thirty (30) units.

/jt

Proposed Plat
Heritage Ridge Addition



January 21, 2015 (hlb)

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

0 335 670 1,340 Feet

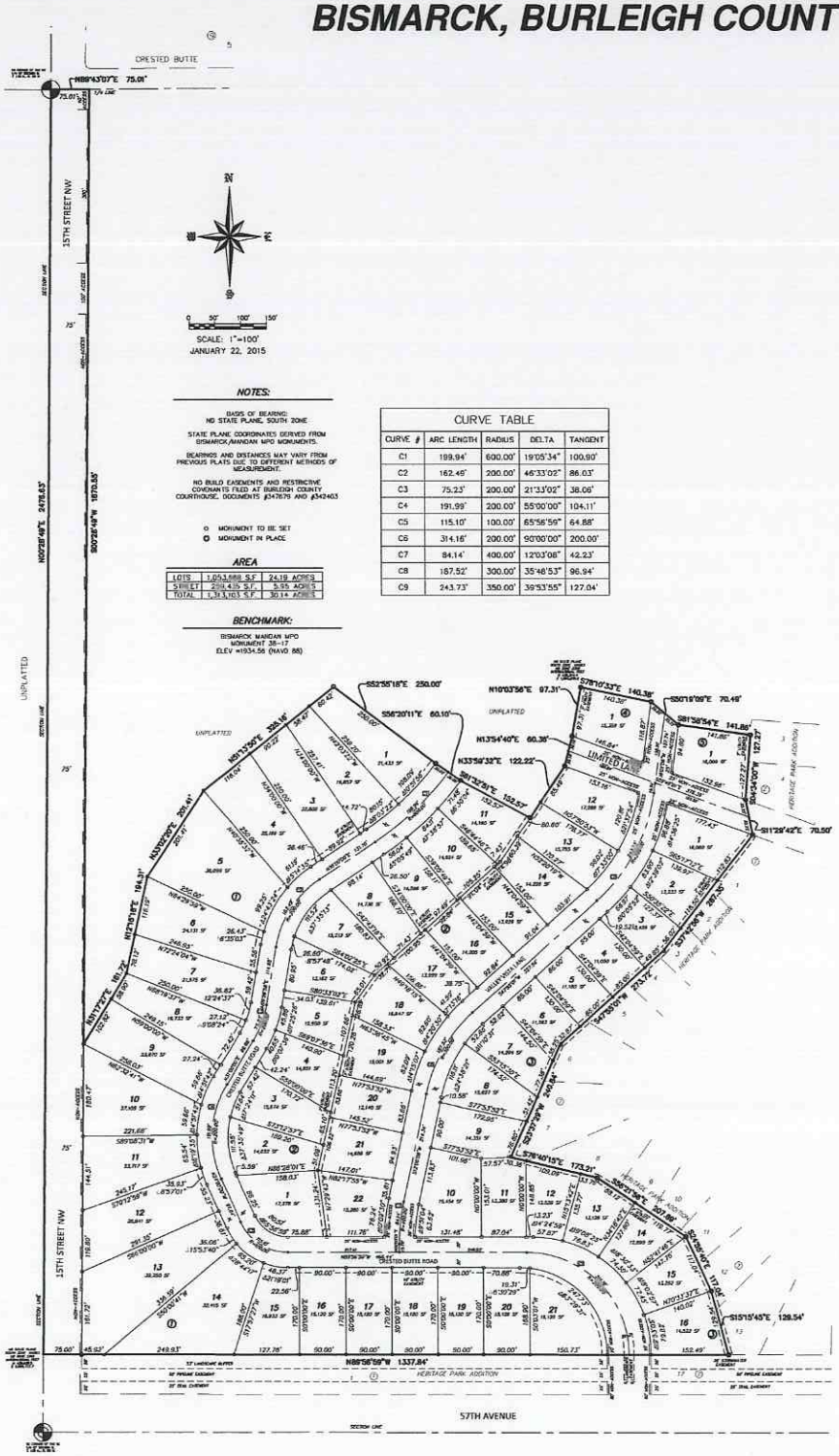
N

RECEIVED
APR 0 8 2015

HERITAGE RIDGE ADDITION

PART OF THE SOUTH 1/2 OF SECTION 8, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES:

BASIS OF BEARING:
NO STATE PLANE, SOUTH ZONE

STATE PLANE COORDINATES DERIVED FROM BISMARCK/MANDAN MPO MONUMENTS.

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

NO BUILD EASEMENTS AND RESTRICTIVE COVENANTS FILED AT BURLEIGH COUNTY COURTHOUSE, DOCUMENTS #347679 AND #342403

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

AREA

LOTS	1,053,869 S.F.	24.19 ACRES
STREET	259,435 S.F.	5.95 ACRES
TOTAL	1,313,103 S.F.	30.14 ACRES

BENCHMARK:

BISMARCK MANDAN MPO
MONUMENT 38-17
ELEV =1934.56 (NAVD 88)

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA	TANGENT
C1	199.94'	600.00'	19°05'34"	100.90'
C2	162.49'	200.00'	46°33'02"	86.03'
C3	75.23'	200.00'	21°33'02"	38.06'
C4	191.99'	200.00'	55°00'00"	104.11'
C5	115.10'	100.00'	65°56'59"	64.88'
C6	314.16'	200.00'	90°00'00"	200.00'
C7	84.14'	400.00'	12°03'08"	42.23'
C8	187.52'	300.00'	35°48'53"	96.94'
C9	243.73'	350.00'	39°53'55"	127.04'

DESCRIPTION

PART OF THE SOUTH 1/2 OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SOUTH 1/2; THENCE NORTH 00 DEGREES 28 MINUTES 49 SECONDS EAST, ALONG THE WEST LINE OF SAID SW 1/4, A DISTANCE OF 153.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 28 MINUTES 49 SECONDS EAST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 2478.63 FEET TO THE NORTH LINE OF SAID SOUTH 1/2; THENCE NORTH 89 DEGREES 43 MINUTES 07 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 75.01 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 49 SECONDS WEST, A DISTANCE OF 1870.55 FEET; THENCE NORTH 31 DEGREES 17 MINUTES 27 SECONDS EAST, A DISTANCE OF 181.72 FEET; THENCE NORTH 13 DEGREES 16 MINUTES 16 SECONDS EAST, A DISTANCE OF 184.31 FEET; THENCE NORTH 33 DEGREES 05 MINUTES 00 SECONDS EAST, A DISTANCE OF 201.41 FEET; THENCE NORTH 54 DEGREES 13 MINUTES 50 SECONDS EAST, A DISTANCE OF 335.16 FEET; THENCE SOUTH 53 DEGREES 55 MINUTES 16 SECONDS EAST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 56 DEGREES 20 MINUTES 11 SECONDS EAST, A DISTANCE OF 60.10 FEET; THENCE SOUTH 61 DEGREES 32 MINUTES 51 SECONDS EAST, A DISTANCE OF 152.57 FEET; THENCE NORTH 33 DEGREES 53 MINUTES 33 SECONDS EAST, A DISTANCE OF 1522.22; THENCE NORTH 13 DEGREES 54 MINUTES 40 SECONDS EAST, A DISTANCE OF 60.36 FEET; THENCE NORTH 10 DEGREES 03 MINUTES 56 SECONDS EAST, A DISTANCE OF 97.31 FEET; THENCE SOUTH 78 DEGREES 10 MINUTES 33 SECONDS EAST, A DISTANCE OF 140.38 FEET; THENCE SOUTH 50 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 70.49 FEET; THENCE SOUTH 81 DEGREES 58 MINUTES 54 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE SOUTH 04 DEGREES 34 MINUTES 00 SECONDS WEST, A DISTANCE OF 127.27 FEET; THENCE SOUTH 11 DEGREES 29 MINUTES 42 SECONDS EAST, A DISTANCE OF 70.50 FEET; THENCE SOUTH 37 DEGREES 43 MINUTES 56 SECONDS WEST, A DISTANCE OF 287.35 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 01 SECOND WEST, A DISTANCE OF 273.72 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES 29 SECONDS WEST, A DISTANCE OF 240.84 FEET; THENCE SOUTH 76 DEGREES 40 MINUTES 15 SECONDS EAST, A DISTANCE OF 173.21 FEET; THENCE SOUTH 56 DEGREES 21 MINUTES 06 SECONDS EAST, A DISTANCE OF 307.69 FEET; THENCE SOUTH 34 DEGREES 55 MINUTES 40 SECONDS EAST, A DISTANCE OF 117.04 FEET; THENCE SOUTH 15 DEGREES 15 MINUTES 45 SECONDS EAST, A DISTANCE OF 123.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 59 SECONDS WEST, A DISTANCE OF 1337.84 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 27.84 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A REGISTERED 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 _____; THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

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

_____
TIM LANGERUD
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, 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.

_____
DAWD PATRENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 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. HOKNSTAD – 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 VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2015.

_____
ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

_____
MELVIN J. BUILINGER
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT HERITAGE DEVELOPMENT, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HERITAGE RIDGE ADDITION", BISMARCK, NORTH DAKOTA.

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

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANCES TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

_____
CHAD MOLDENHAUER, PRESIDENT
HERITAGE DEVELOPMENT, INC.
PO BOX 7188
BISMARCK, ND 58507

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED CHAD MOLDENHAUER, KNOWN TO ME TO BE THE PRESIDENT OF HERITAGE DEVELOPMENT, INC., BEING THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

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AUG 2 0 2014

HERITAGE RIDGE ADDITION

THE SOUTHWEST 1/4
OF SECTION 8, T. 139 N., R. 80 W.

BISMARCK, NORTH DAKOTA

SCALE – 1"=100'
0 50 100 150
JULY 29, 2014
NAVD 88

SWENSON, HAGEN & COMPANY P.C.
600 Basin Avenue
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Phone (701) 223 - 2600
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Surveying
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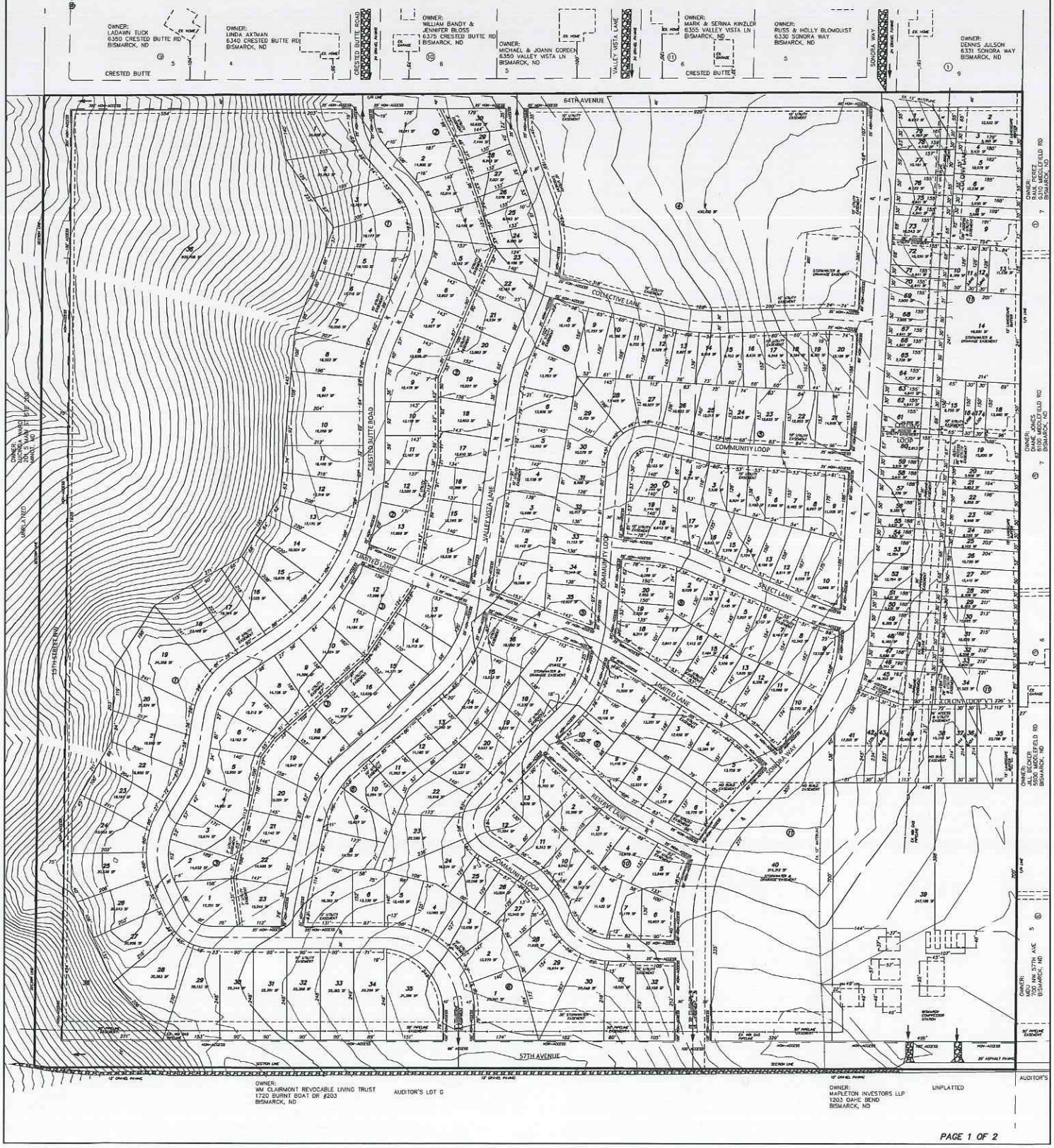
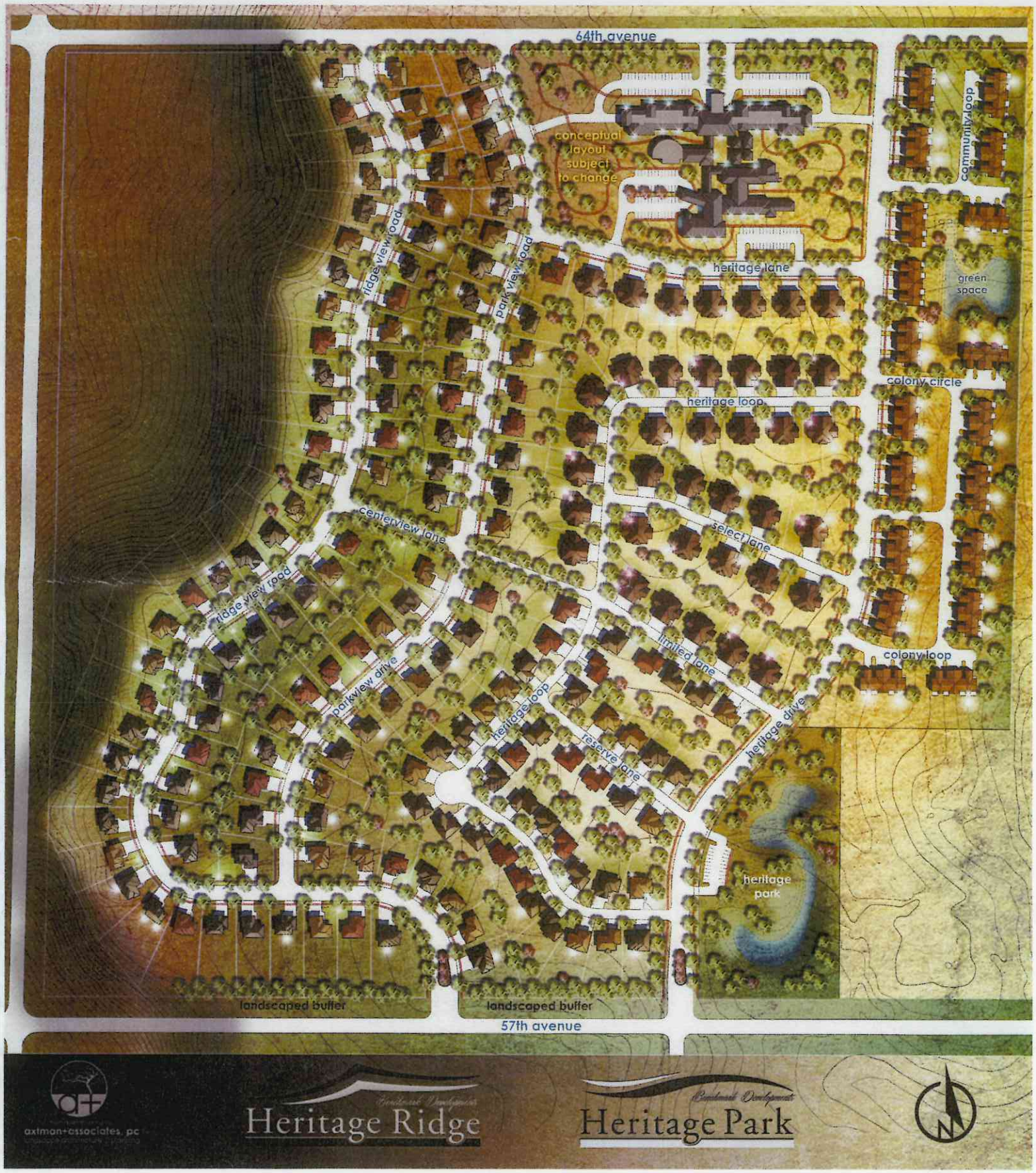



64th avenue
conceptual layout subject to change
community loop
ridge view road
park view road
heritage lane
green space
colony circle
heritage loop
centerview lane
select lane
ridge view road
limited lane
colony loop
parkview drive
heritage loop
heritage drive
reserve lane
heritage park
landscaped buffer
landscaped buffer
57th avenue
axtman+associates, pc
Heritage Ridge
Heritage Park

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Park Addition – Annexation	
Status: Planning Commission – Final Consideration	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for mixed density residential development.	
Location: In northwest Bismarck, north of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 52.55 acres	**Number of Lots:** 102 lots in 8 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential R10 – Residential RM10 – Residential P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential R10 – One- and two-family residential RM10 – Multi-family residential RM15 Conditional – Multi-family residential P – Public uses including parks, trails, storm water detention/retention etc.
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: R5 – 5 units/acre R10 – 10 units/acre RM10 – 10 units/acre P – N/A

ADDITIONAL INFORMATION

1. The proposed subdivision is not contiguous to the existing corporate boundary. However, an annexation route has been determined to allow the extension of municipal water service to the area. The current corporate boundary extends approximately 750 feet south of the intersection of the North Washington Street and 57th Avenue. The annexation route would be extended along North Washington Street and along 57th Avenue NW rights-of-way.

(continued)

2. Sufficient easements are not in place to allow for the extension of a sanitary sewer easement. The applicant/developer has indicated a plan to provide an on-site septic tank is intended to function as a private sanitary service. The tank would be installed, operated and maintained by the applicant/developer until such time as a municipal sanitary sewer line can be extended to the property. If such a system is approved, a maximum of thirty (30) residential units could be permitted in both Heritage Ridge Addition and Heritage Park Addition combined. Another option for sanitary service would include a temporary lift station and piping to connect with the existing municipal sanitary system.

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development, if a temporary lift station is constructed to allow pumping to the existing municipal sanitary sewer system.

2. Permanent City sanitary sewer service cannot be extended to the property at this time due to a lack of sufficient easements and unannexed adjacent properties. The second option for sanitary sewer service would include the use of a temporary on-site septic tank and disposal of waste to an off-site disposal area

3. The proposed annexation would not adversely affect property in the vicinity.

4. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

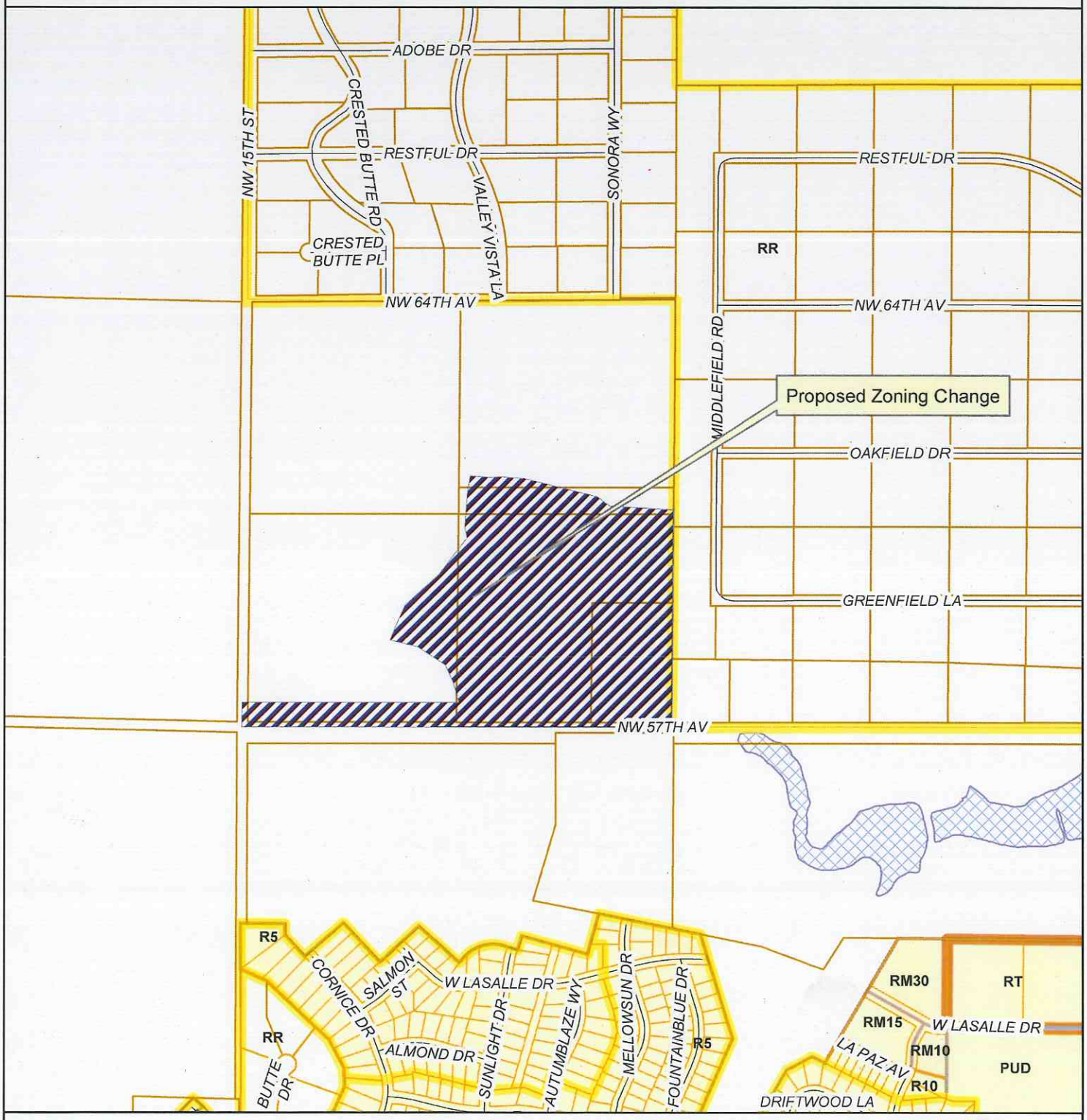
5. The proposed annexation is somewhat consistent with the master plan, other adopted plans, policies and planning practice; however, the area proposed for annexation is not directly adjacent to the existing corporate limit. It is reasonable to consider that the undeveloped land that separates the current corporate limits from the proposed annexed property would be developed in the future, thus providing a contiguous corporate boundary. At this time, Planning staff is not aware of any immediate plans for development by the adjacent land owners and it is unknown how long the undeveloped property would remain outside corporate limits.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Heritage Park Addition with the understanding that a development agreement will be drafted to address the issues related to the proposed final plat for Heritage Park Addition prior to forwarding to the Board of City Commissioners.

/jt

Proposed Annexation
Heritage Park Addition



January 21, 2015 (hlb)

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

0 335 670 1,340 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Park Addition – Zoning Change (A to R5, R10, RM10 & P)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for mixed density residential development.	
Location: North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 52.55 acres	**Number of Lots:** 102 lots in 8 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential R10 – Residential RM10 – Residential P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential R10 – Single and two family-residential RM10 – Multi-family residential P – Public uses including parks, trails, storm water detention/retention etc.
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: R5 – 5 units/acre R10 – 10 units/acre RM10 – 10 units/acre P – N/A

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The preliminary plat and zoning change request for Heritage Ridge Addition were considered on August 27, 2014 by the Planning & Zoning Commission. The preliminary plat occupied the entire southwest quarter of Section 8, Hay Creek Township. The preliminary plat was laid out as a master plan for the southwest quarter of Section 8, Hay Creek Township. The preliminary plat/master plan demonstrated a mix of single, two and multi-family land uses, a public park and an existing MDU/WBI buried pipeline compressor station in the southeast corner of the proposed subdivision.

2. The original 160-acre preliminary plat for Heritage Ridge Addition has been divided into two proposed subdivisions: Heritage Ridge Addition (30.14 acres) and Heritage Park Addition (52.55 acres). The remaining portion of the quarter section would be developed in subsequent phases.

(continued)

3. Planning staff raised concerns relating to the proposed location of the public park in the southeast corner of the subdivision and proposed multi-family land use in the north east corner of the subdivision. Staff's primary concerns were that the proposed park was not more centrally located and easily accessible by residents; the proposed multi-family land use in the northeast corner would not be an appropriate land use when located directly adjacent to the existing rural residential land uses to the immediate north and east; and the primary route to the multi-family development would require traffic to travel through a low-density residential area. The final plat has been significantly reduced and divided into two separate subdivisions. The concern relating to the proposed multi-family land use in the northeast corner of the master plan is no longer part of this proposed subdivision, that area would be developed with a subsequent phase. The proposed public park location has not been modified; however, it has been included with the Heritage Park Addition final plat.

4. Per the requirements of the Neighborhood Parks and Greenspace Ordinance, the applicant/developer has met with representatives of the Bismarck Parks and Recreation District and the Bismarck Park Board to consider the proposed park land area in the southeast corner of the proposed subdivision. The Park Board voted to accept the proposed park land area at their April 16, 2015 regular meeting.

5. Lot 1, Block 7 has been identified as a stormwater and drainage easement area intended for stormwater detention. The applicant has indicated a desire to deed the lot to the City of Bismarck – Public Works Department once the pond has been constructed to City standards.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan Update, which identifies the area as Low Density Residential.

2. The proposed zoning change would generally compatible with adjacent land uses. Adjacent land uses include existing large lot single-family rural residential to the north and east and agricultural uses to the south and west.

3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services. However, municipal sanitary sewer service cannot be extended to the property due to a lack of sufficient easements and unannexed adjacent properties.

4. The proposed zoning change would not adversely affect property in the vicinity, provided the appropriate landscape buffer yard materials are installed in conjunction with the development of the multi-family zoned lots along the east edge of the subdivision.

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

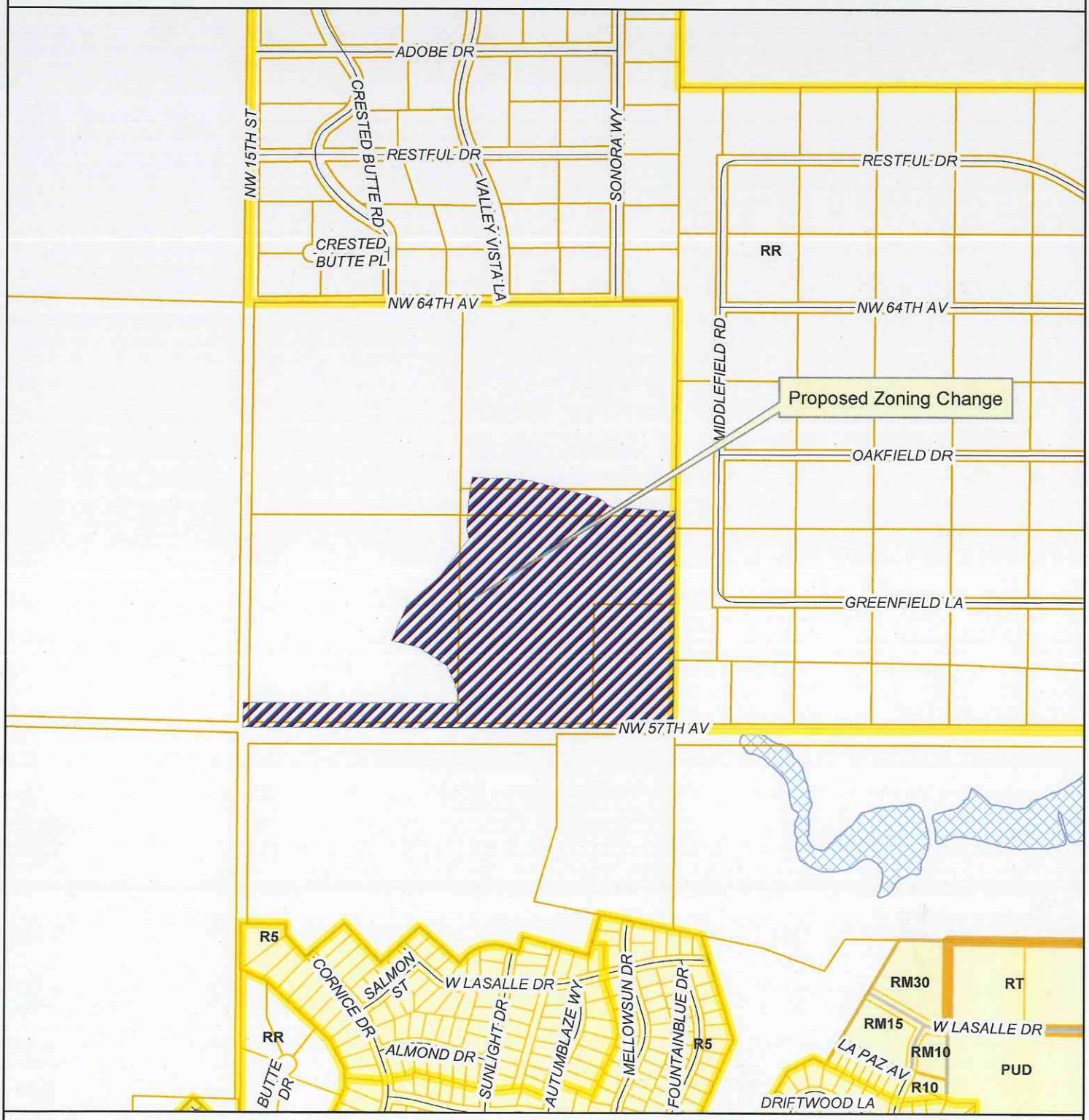
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from A – Agriculture to the R5 – Residential zoning district for Lot 1, Block l, Lots 1-4, Block 2, Lots 1-11, Block 5, Lots 1-13, Block 6 and Lots 2-17, Block 7; R10 – Residential zoning district for Lots 1-10, Block 3 and Lots 1-20, Block 2; RM10 – Residential zoning district for Lots 1-12 and Lots 15-26, Block 8; P – Public zoning district for Lot 1, Block 7 and Lots 13-14, Block 8, Heritage Ridge Addition.

/jt

Proposed Zoning Change (A to R5, R10, RM10 and P)
Heritage Park Addition



January 21, 2015 (hlb)

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0 335 670 1,340 Feet

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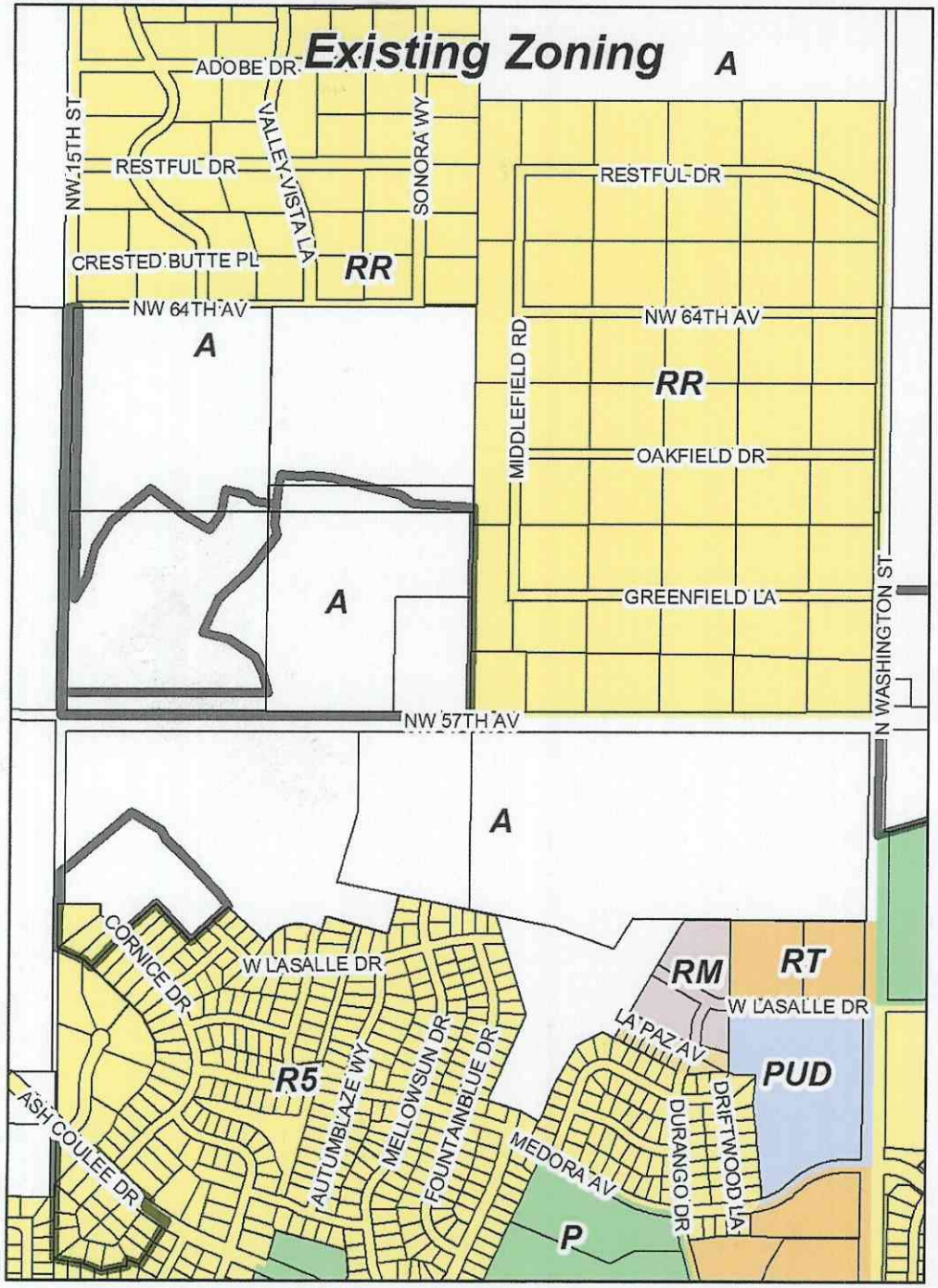
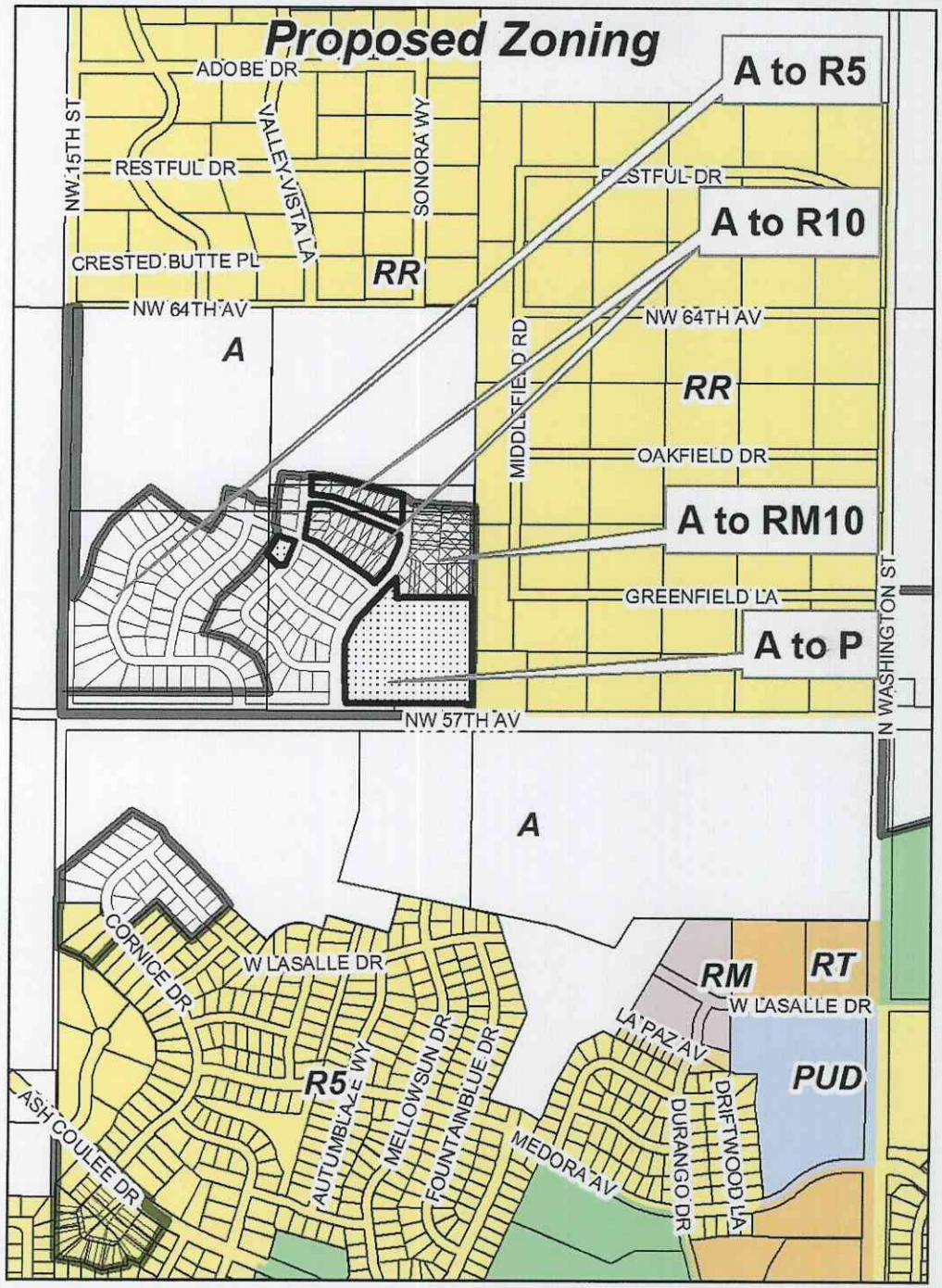
Heritage Ridge Addition and Heritage Park Addition - Zoning Change





Feet
0 375 750 1,500

April 2015

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RECEIVED
APR 0 8 2015

R5
R10
RM10
P

HERITAGE PARK ZONING

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
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Phone (701) 223 - 2600
Fax (701) 223 - 2606

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Park Addition – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): MDU – owner Lucinda Ward et al – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for mixed density residential development.	
Location: North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township).	
Project Size: 52.55 acres	**Number of Lots:** 102 lots in 8 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: A – Agricultural	**Zoning:** R5 – Residential R10 – Residential RM10 – Residential P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential R10 – Single and two family-residential RM10 – Multi-family residential P – Public uses including parks, trails, storm water detention/retention etc.
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: R5 – 5 units/acre R10 – 10 units/acre RM10 – 10 units/acre P – N/A

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The preliminary plat and zoning change request for Heritage Ridge Addition were considered on August 27, 2014 by the Planning & Zoning Commission. The preliminary plat occupied the entire southwest quarter of Section 8, Hay Creek Township. The preliminary plat was laid out as a master plan for the southwest quarter of Section 8, Hay Creek Township. The preliminary plat/master plan demonstrated a mix of single, two and multi-family land uses, a public park and an existing MDU/WBI buried pipeline compressor station in the southeast corner of the proposed subdivision.

(continued)

2. The original 160-acre preliminary plat for Heritage Ridge Addition has been divided into two proposed subdivisions: Heritage Ridge Addition (30.14 acres) and Heritage Park Addition (52.55 acres). The remaining portion of the quarter section would be developed in subsequent phases.

FINDINGS:

1. All technical requirements for consideration of a final plat have been met.

2. The storm water management plan has not been approved by the City Engineer.

3. The proposed subdivision generally conforms with the 2014 Fringe Area Road Master Plan for this area, which identified 57th Avenue NW as the east-west arterial roadway and Sonora Way as the north-south collector roadway for this section.

4. The proposed subdivision would generally compatible with adjacent land uses. Adjacent land uses include large-lot single-family rural residential to the north and east and agricultural uses to the south and west.

5. The proposed subdivision would be annexed prior to development; however, sufficient easements are not in place at this time to allow for the extension of a sanitary sewer easement. The applicant/developer has indicated a plan to provide a temporary on-site septic tank intended to function as a private sanitary service. The tank would be installed, operated and maintained by the applicant/developer until such time as a municipal sanitary sewer line can be extended to the property. If such a system is approved, a maximum of thirty (30) residential units could be permitted in both Heritage Ridge Addition and Heritage Park Addition combined. Another option for sanitary service would include a temporary lift station and piping to connect with the existing municipal sanitary system.

6. The proposed subdivision would not adversely affect property in the vicinity.

7. The proposed subdivision would generally be 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 the hearing for Heritage Park Addition. If the storm water management plan is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to approval of the final plat of Heritage Park Addition, with the following conditions:

1. City water service will be extended to the property along the 57th Avenue right-of-way to allow a connection to municipal water service.

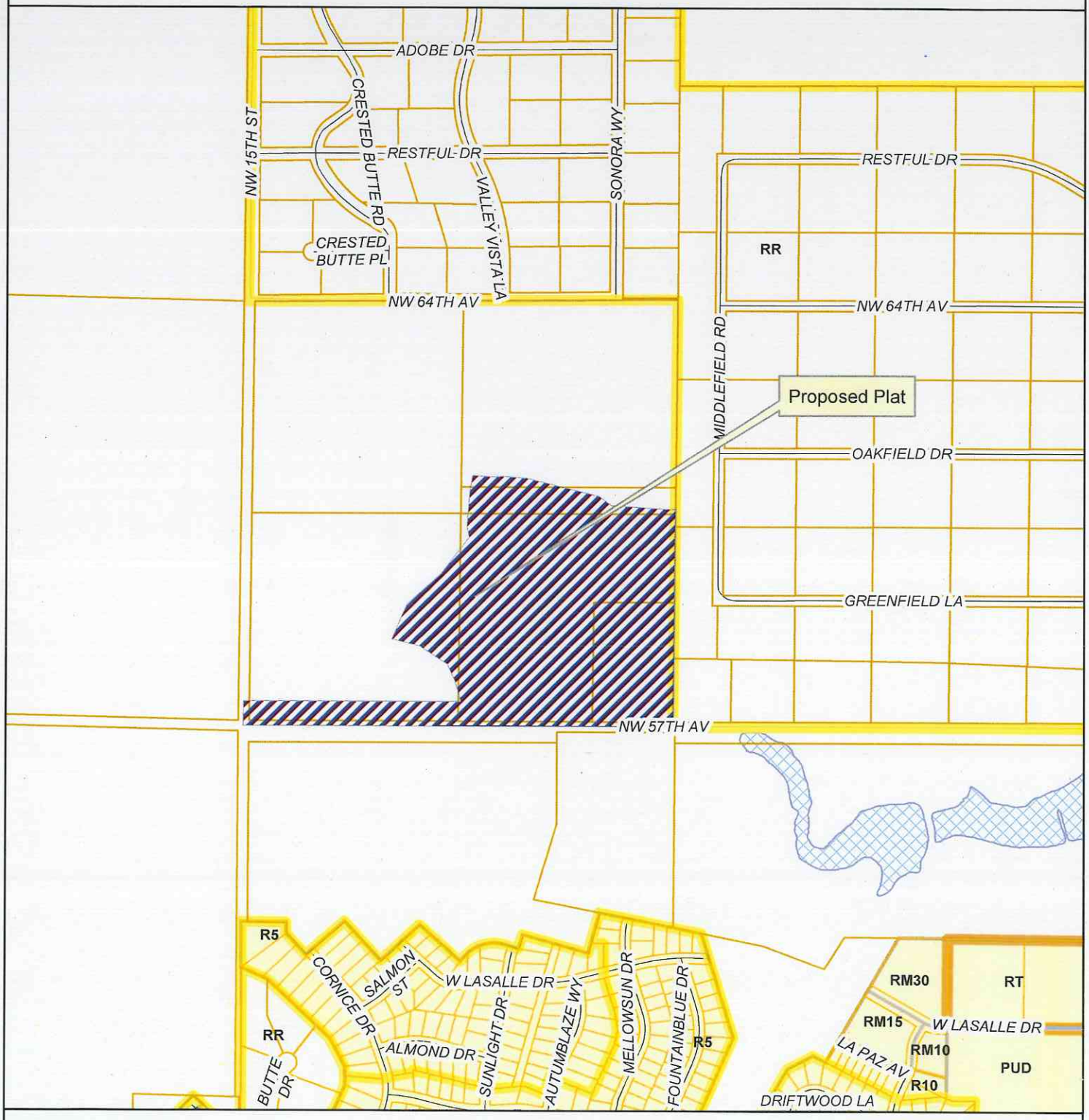
(continued)

2. Two options have been presented to handle the sanitary service to the development. Planning staff's preference is that such service provide a temporary lift station adequate to pump the sanitary sewer east along 57th Avenue and south along Washington Street to a connection with the existing municipal sanitary system. The second option is that a private sanitary sewer service be provided until such time as permanent City sanitary sewer service can be extended to the property. This private service would include a temporary community sewer holding tank and trucking of waste material to an off-site disposal area.

3. Until such time as a secondary access road has been provided and the extension of City sanitary sewer to serve the development is in place, the maximum number of residential units allowed in both the Heritage Ridge Addition and the Heritage Park Additions combined shall not exceed thirty (30) units.

/jt

Proposed Plat
Heritage Park Addition



January 21, 2015 (hlb)

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0 335 670 1,340 Feet

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RECEIVED
APR 0 8 2015

HERITAGE PARK ADDITION

PART OF THE SOUTHWEST 1/4 OF SECTION 8, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

SCALE: 1"=100'
JANUARY 22, 2015
NDIG 29

PARCEL CURVE TABLE		
CURVE #	ARC LENGTH	DELTA
S1	10.89'	1°25'07"
S2	30.06'	3°54'51"
S3	30.25'	3°56'21"
S4	58.62'	7°37'58"
S5	2.72'	0°19'53"
S6	4.22'	0°14'57"
S7	8.84'	4°49'18"

LINE TABLE		
Line #	Length	Bearing
L1	30.00'	N3°23'46"E
L2	30.00'	N3°23'46"E
L3	39.11'	N3°23'46"E
L4	30.00'	N3°23'46"E
L5	30.00'	N3°23'46"E
L6	30.00'	N3°23'46"E
L7	30.00'	N3°23'46"E
L8	30.00'	N3°23'46"E
L9	30.00'	N3°23'46"E
L10	30.00'	N3°23'46"E
L11	30.00'	N3°23'46"E
L12	30.04'	S0°25'16"W
L13	30.04'	S0°25'16"W
L14	30.04'	S0°25'16"W
L15	30.04'	S0°25'16"W
L16	28.65'	S89°41'57"E
L17	31.43'	S89°41'57"E
L18	31.43'	S89°41'57"E
L19	30.35'	S89°41'57"E
L20	30.00'	N89°24'33"E
L21	30.00'	N89°24'33"E
L22	30.04'	S89°56'59"E
L23	30.04'	S89°56'59"E
L24	30.00'	S89°56'59"E
L25	30.00'	S89°56'59"E

CURVE TABLE			
CURVE #	ARC LENGTH	RADIUS	DELTA	TANGENT
C1	41.16'	250.00'	9°26'00"	20.63'
C2	168.11'	300.00'	32°06'25"	86.33'
C3	47.32'	1000.00'	2°42'41"	23.67'
C4	130.78'	75.00'	99°54'39"	89.24'
C5	86.39'	150.00'	33°00'01"	44.43'
C6	171.38'	150.00'	65°27'41"	96.41'
C7	112.53'	350.00'	18°25'16"	56.75'
C8	67.75'	200.00'	19°24'37"	34.21'
C9	108.99'	500.00'	12°29'23"	54.71'
C10	55.31'	300.00'	10°33'49"	27.73'
C11	90.40'	300.00'	17°15'56"	45.55'
C12	278.14'	400.00'	39°50'26"	144.96'
C13	301.50'	400.00'	43°11'10"	158.32'

DESCRIPTION

PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00 DEGREES 28 MINUTES 49 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 153.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 59 SECONDS EAST, A DISTANCE OF 1,337.84 FEET; THENCE NORTH 13 DEGREES 15 MINUTES 45 SECONDS WEST, A DISTANCE OF 129.54 FEET; THENCE NORTH 24 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 117.04 FEET; THENCE NORTH 58 DEGREES 21 MINUTES 54 SECONDS WEST, A DISTANCE OF 207.80 FEET; THENCE NORTH 76 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 173.21 FEET; THENCE NORTH 23 DEGREES 37 MINUTES 29 SECONDS EAST, A DISTANCE OF 240.84 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 01 SECONDS EAST, A DISTANCE OF 273.72 FEET; THENCE NORTH 37 DEGREES 43 MINUTES 56 SECONDS EAST, A DISTANCE OF 287.30 FEET; THENCE 11 DEGREES 29 MINUTES 42 SECONDS WEST, A DISTANCE OF 70.50 FEET; THENCE NORTH 04 DEGREES 34 MINUTES 00 SECONDS EAST, A DISTANCE OF 216.84 FEET; THENCE NORTH 09 DEGREES 43 MINUTES 38 SECONDS EAST, A DISTANCE OF 103.00 FEET; THENCE SOUTH 85 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 128.33 FEET; THENCE NORTH 85 DEGREES 38 MINUTES 56 SECONDS EAST, A DISTANCE OF 60.70 FEET; THENCE SOUTH 85 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 76 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 466.05 FEET; THENCE SOUTH 52 DEGREES 37 MINUTES 16 SECONDS EAST, A DISTANCE OF 96.48 FEET; THENCE SOUTH 86 DEGREES 38 MINUTES 14 SECONDS EAST, A DISTANCE OF 394.50 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 00 DEGREES 25 MINUTES 16 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1349.53 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 89 DEGREES 56 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2651.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 52.55 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A REGISTERED 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 _____; 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)
) SS
COUNTY OF BURLEIGH)

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

TIM LANGERUD
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, 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 PATENOE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 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. HOKENSTAD – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2015

ATTEST
N. C. WOKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HERITAGE PARK 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 HERITAGE DEVELOPMENT, INC., AND MBI ENERGY, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HERITAGE PARK ADDITION", BISMARCK, NORTH DAKOTA.

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

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANCES TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

CHAD HOLDEMHAUER, PRESIDENT
HERITAGE DEVELOPMENT, INC.
OWNER OF ALL OF HERITAGE PARK ADDITION
EXCEPT LOT 13 BLOCK 8
PO BOX 7188
BISMARCK, ND 58507

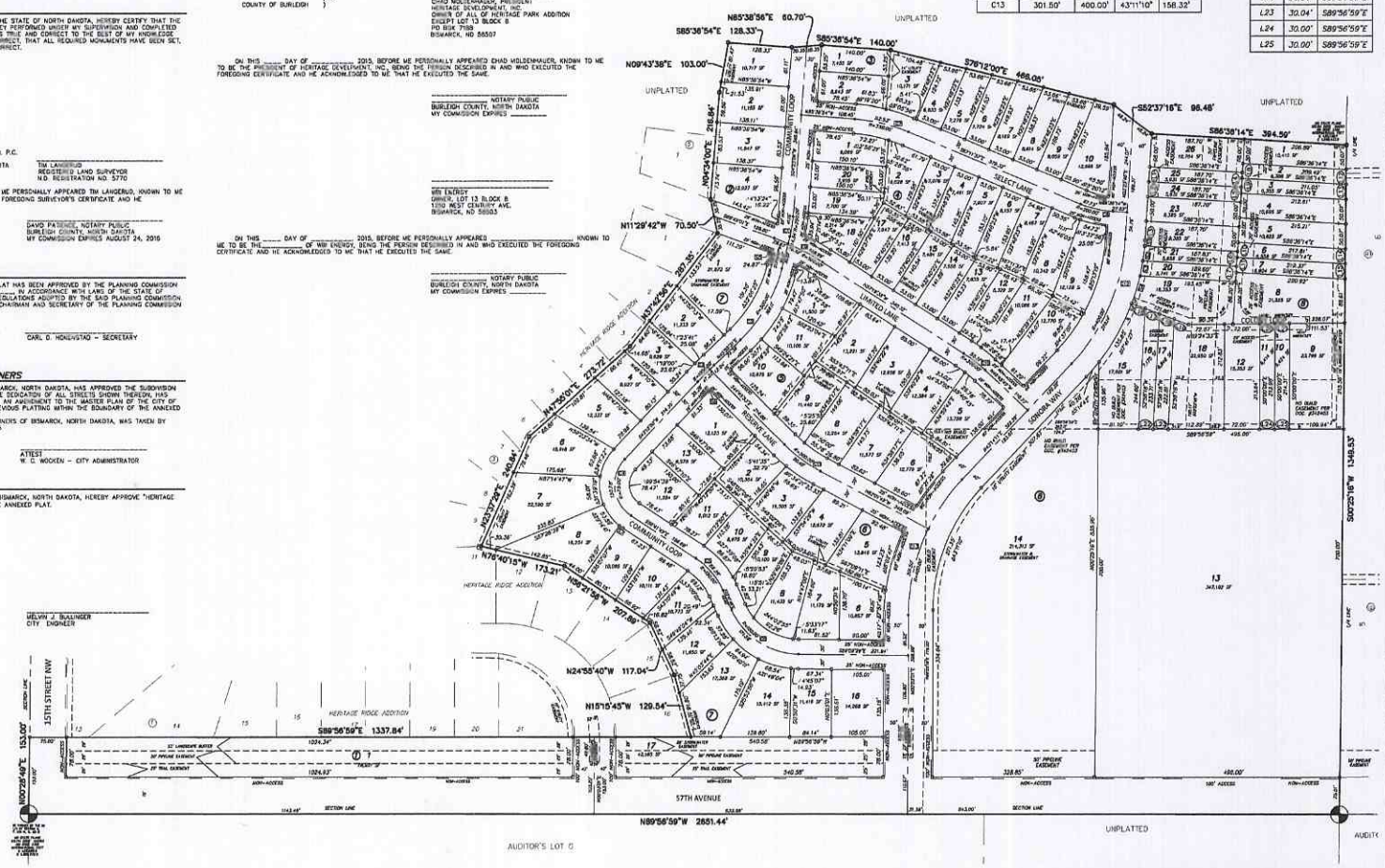
ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED CHAD HOLDEMHAUER, KNOWN TO ME TO BE THE PRESIDENT OF HERITAGE DEVELOPMENT, INC., BEING THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

MBI ENERGY
OWNER, LOT 13 BLOCK 8
1200 WEST CENTURY AVE.
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE _____ OF MBI ENERGY, BEING THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



NOTES:

BASIS OF BEARING:
ND STATE PLANE, SOUTH ZONE

STATE PLANE COORDINATES DERIVED FROM BISMARCK/MANDAN MPO MONUMENTS.

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

NO BUILD EASEMENT AND RESTRICTIVE COVENANTS FILED AT BURLEIGH COUNTY COURTHOUSE. DOCUMENTS #242403 AND #247879

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

BENCHMARK:

BISMARCK MANDAN MPO
MONUMENT 38-17
ELEV =1934.36 (NAVD 88)

AREA

LOTS	1,742,083 S.F.	39.99 ACRES
STREET	547,173 S.F.	12.56 ACRES
TOTAL	2,289,256 S.F.	52.55 ACRES

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shcmg@swensonhagen.com
Phone (701) 223 - 3600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

RECEIVED
AUG 2 0 2014

HERITAGE RIDGE ADDITION

THE SOUTHWEST 1/4 OF SECTION 8, T. 139 N., R. 80 W.

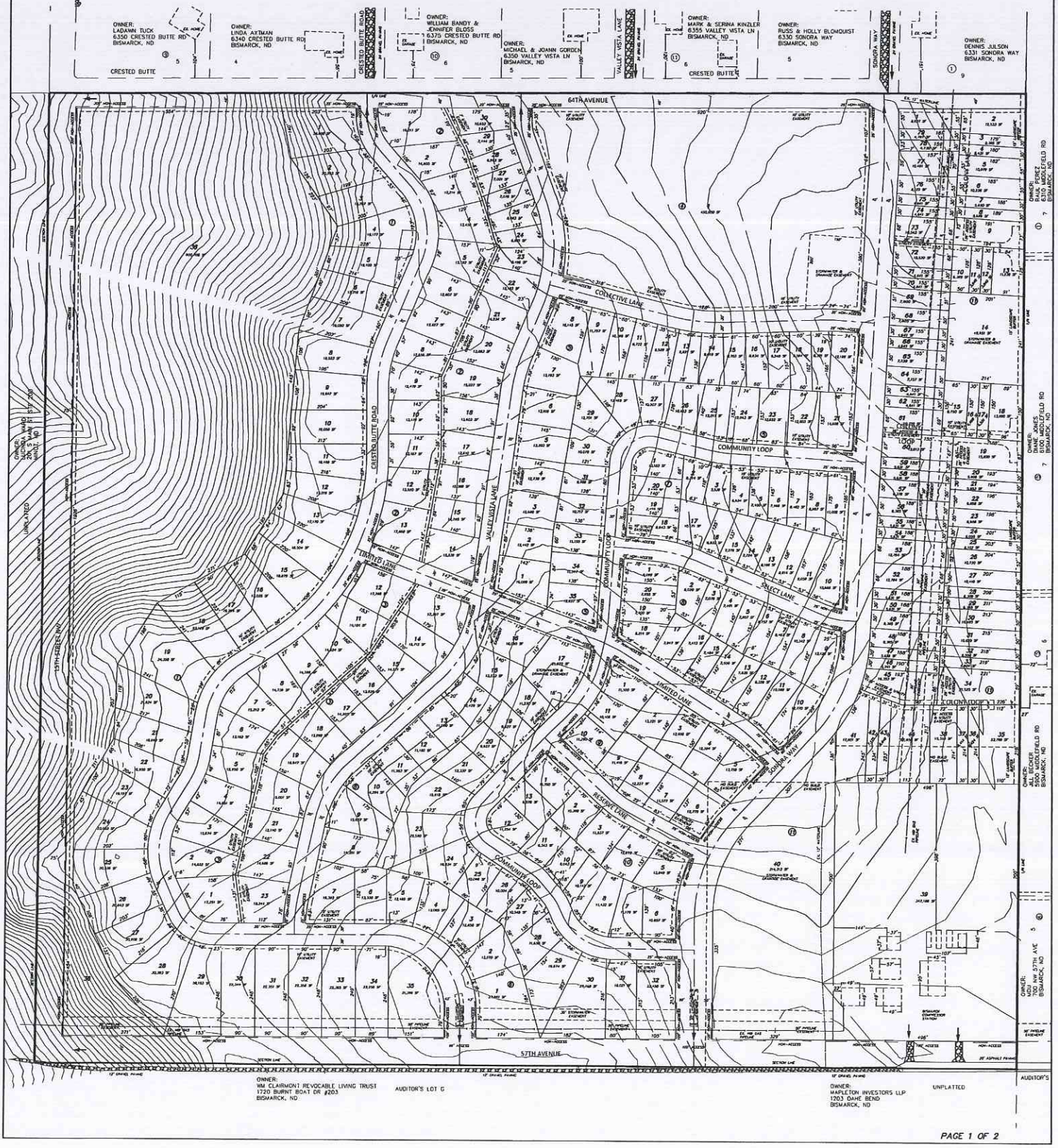
BISMARCK, NORTH DAKOTA

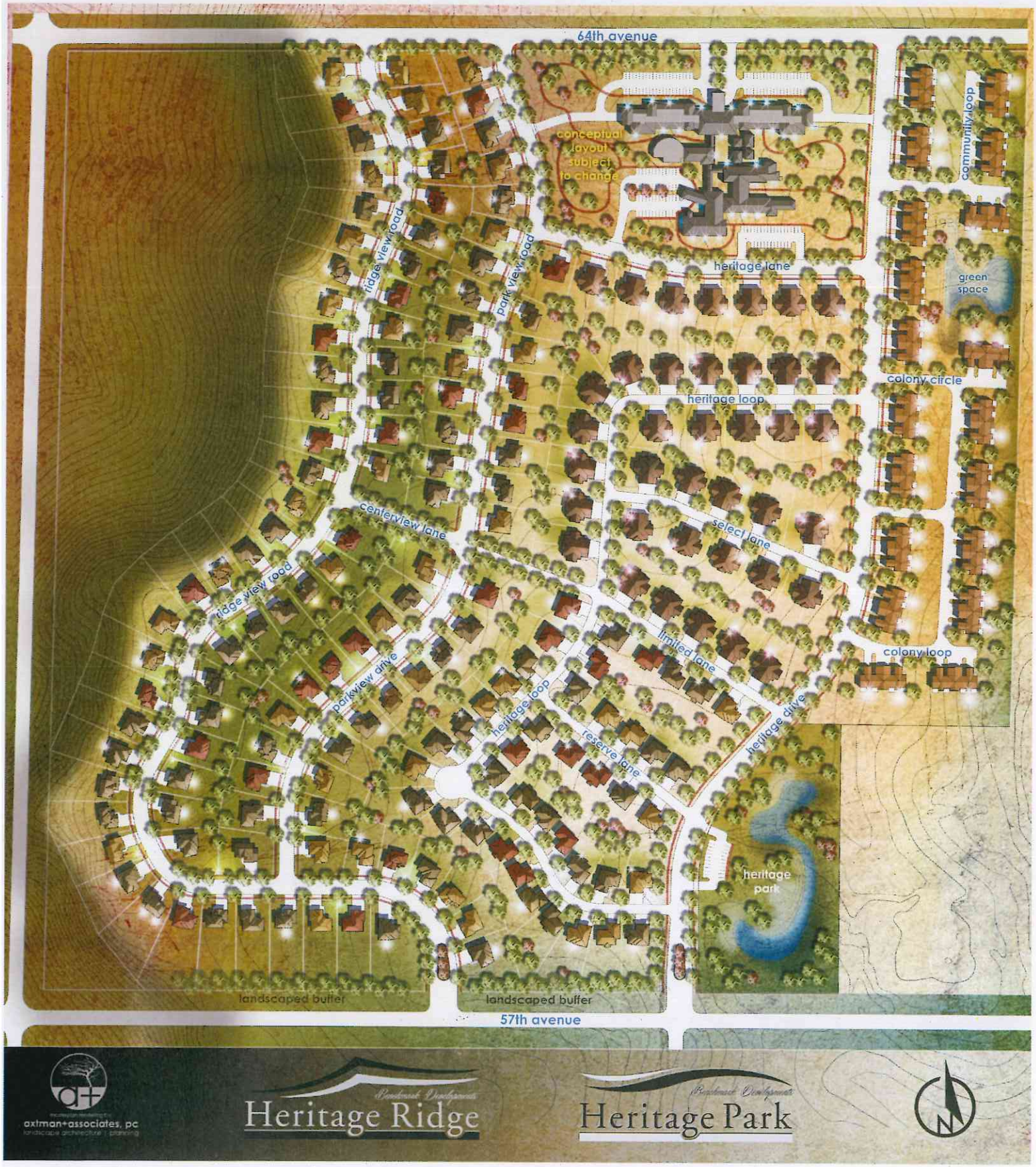
SCALE - 1"=100'

JULY 29, 2014

NAVD 88

SWENSON, HAGEN & COMPANY P.C.




64th avenue
conceptual layout subject to change
community loop
ridge view road
park view road
heritage lane
green space
colony circle
heritage loop
centerview lane
select lane
ridge view road
limited lane
colony loop
parkview drive
heritage loop
heritage drive
reserve lane
heritage park
landscaped buffer
landscaped buffer
57th avenue
axtman+associates, pc
landscape architecture | planning
Benchmark Developments
Heritage Ridge
Benchmark Developments
Heritage Park

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Metro Industrial Park Third Subdivision – Zoning Change (A & MA to MA)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Leona McDonald & Hertz Rental	**Engineer:** Ulteig
Reason for Request: To plat and zone the property in conjunction with an industrial development project.	
Location: South of Bismarck, south and west of ND Highway 1804/University Drive and north of 48th Avenue SE (a replat of Lot 1, Block 2 and Lots 1, 2, 9, 10 and 11, Block 2, Replat of Metro Industrial Park Subdivision and part of the E½ of the SE¼ of Section 22, T138N-R80W/Lincoln Township).	
Project Size: 8.8 acres	**Number of Lots:** 3 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Vacant/Undeveloped	**Land Use:** Industrial
Zoning: A – Agriculture MA - Industrial	**Zoning:** MA – Industrial
Uses Allowed: A – Agriculture MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	**Uses Allowed:** MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos
Maximum Density Allowed: A – 1 unit per 40 acres	**Maximum Density Allowed**: MA – N/A

PROPERTY HISTORY:		
Zoned: 08/2003 (Portion)	**Platted:** 08/2003 (Portion)	**Annexed:** N/A

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan, which identifies this area as industrial.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the Bismarck Municipal Airport to the north and northeast, undeveloped A-Agriculture zoned property to the northwest and west, and industrial uses to the east and south.

3. The proposed subdivision would be served by South Central Regional Water District; therefore the proposed zoning change would not place an undue burden on public services.

4. The proposed zoning change would not have an adverse impact on property in the vicinity.

(continued)

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

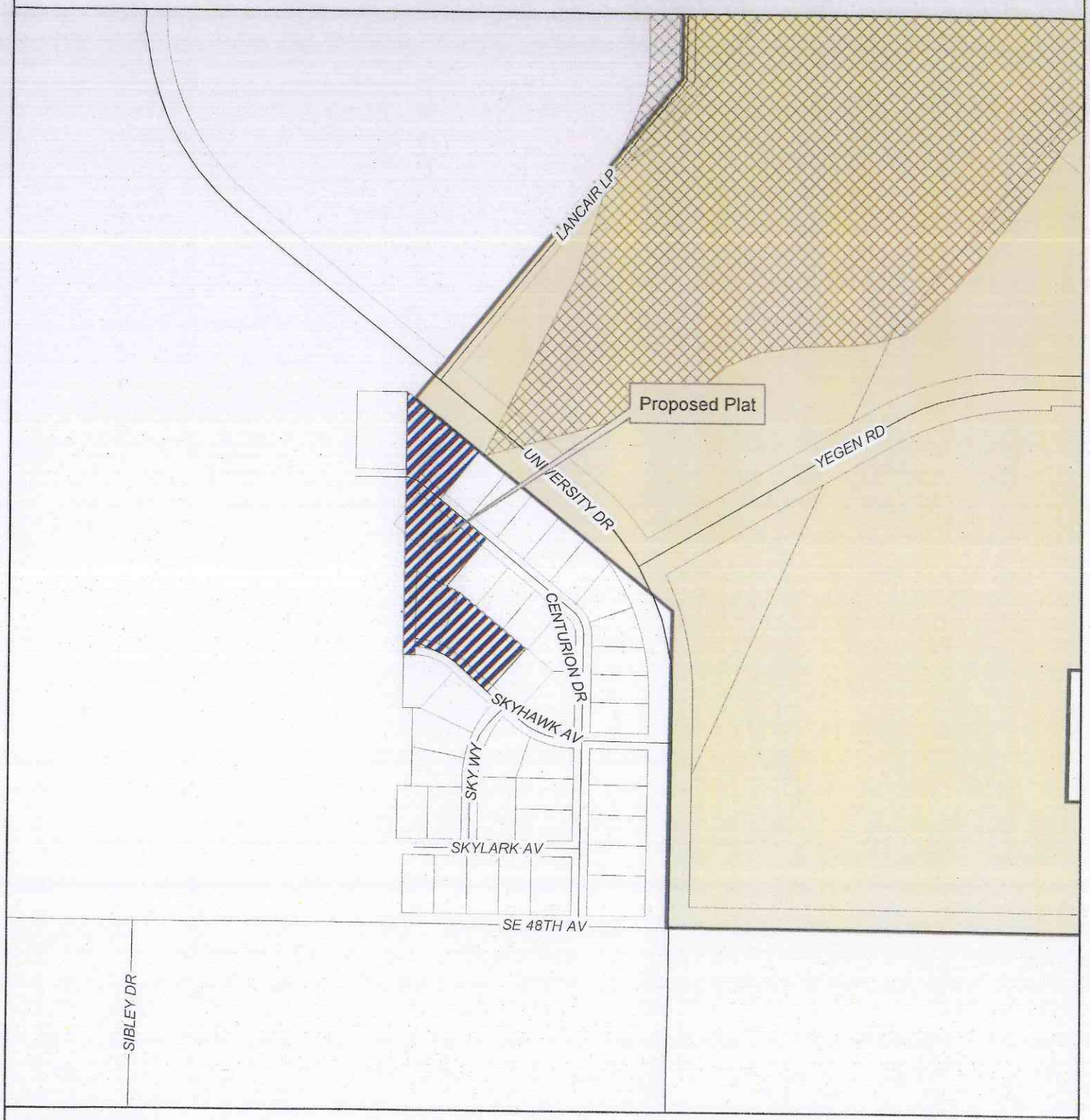
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and acceptable planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends continuing action of the zoning change for Metro Industrial Park Third Subdivision from the A – Agriculture and MA - Industrial zoning districts to the MA – Industrial zoning district until the storm water management plan for the final plat is approved by the City Engineer with written concurrence from the County Engineer.

/JW

Proposed Plat
Metro Industrial Park Third Subdivision



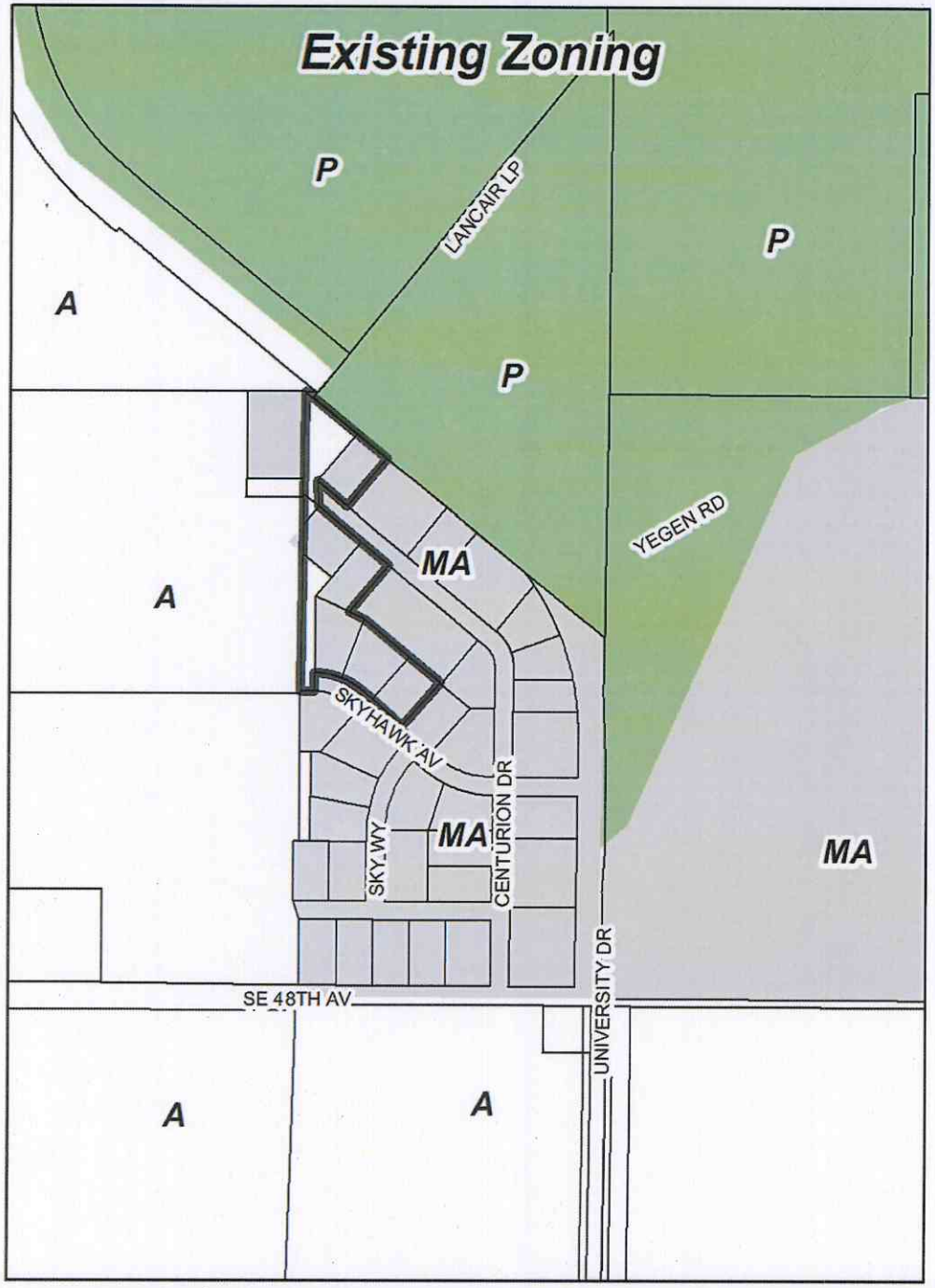
March 5, 2015 (hlb)

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

0 270 540 1,080 Feet

N

Metro Industrial Park 3rd Subdivision - Zoning Change



0 250 500 1,000 Feet

February 2015

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 COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Metro Industrial Park Third Subdivision –Final Plat	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Leona McDonald & Hertz Rental	**Engineer:**
Reason for Request: To plat and zone the property in conjunction with an industrial development project.	
Location: South of Bismarck, south and west of ND Highway 1804/University Drive and north of 48th Avenue SE (a replat of Lot 1, Block 2 and Lots 1, 2, 9, 10 and 11, Block 2, Replat of Metro Industrial Park Subdivision and part of the E½ of the SE¼ of Section 22, T138N-R80W/Lincoln Township).	
Project Size: 8.8 acres	**Number of Lots:** 3 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Vacant/Undeveloped	**Land Use:** Industrial
Zoning: A – Agriculture MA - Industrial	**Zoning:** MA – Industrial
Uses Allowed: A – Agriculture MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	**Uses Allowed:** MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos
Maximum Density Allowed: A – 1 unit per 40 acres	**Maximum Density Allowed**: MA – N/A

PROPERTY HISTORY:		
Zoned: 08/2003 (Portion)	**Platted:** 08/2003 (Portion)	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The applicant has submitted a request to waive the requirement to pave extensions of roadways located within the proposed subdivision (Centurion Drive and Skyhawk Avenue), this request seems reasonable as the existing roadways adjacent to the proposed subdivision are not paved. As the proposed subdivision is located outside city limits, the Burleigh County Commission at their meeting of February 18, 2015 approved the request to waive the requirement to pave the extensions of Centurion Drive and Skyhawk Avenue.

2. The applicant has submitted a request to waive the requirement to install a temporary cul-de-sac with an 80 foot radius along the western portion of Centurion Drive. This request seems reasonable and has been approved by the Burleigh County Engineer as the existing cul-de-sac will be constructed to a through roadway for the extension of Centurion Drive when the adjacent property owner to the west develops his property, and that the existing cul-de-sac provides an adequate turn-around radius for snow removal, roadway maintained and emergency service personal.

FINDINGS:

1. All technical requirements for approval of a final plat have been met.

2. The stormwater management plan has not been approved by the City Engineer with written concurrence from the County Engineer.

3. The proposed subdivision is consistent with the 2015 Fringe Area Road Master Plan for this area, which identifies the extension of Centurion Drive as a collector roadway for this area.

4. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the Bismarck Municipal Airport to the north and northeast, undeveloped A-Agriculture zoned property to the northwest and west, and industrial uses to the east and south.

5. The proposed subdivision would be served by South Central Regional Water District and would have direct access to extensions of Centurion Drive and Skyhawk Avenue; therefore, it would not place an undue burden on public services and facilities.

6. The proposed subdivision would not adversely affect property in the vicinity.

7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided that a waiver is granted by to waive the requirement to pave extensions of Centurion Drive and Skyhawk Avenue located within the proposed subdivision.

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 continuation of the final plat of Metro Industrial Park Third Subdivision.

If the storm water management plan is approved by the City Engineer and written concurrence is received from the County Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to approval of the final plat of Metro Industrial Park Third Subdivision, including granting of a waiver from the requirement of to pave the extensions of Centurion Drive and Skyhawk Avenue located within the proposed subdivision and a waiver to the requirement to install a temporary cul-de-sac along the western portion of Centurion Drive.

/JW

Proposed Plat
Metro Industrial Park Third Subdivision

March 5, 2015 (hlb)

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

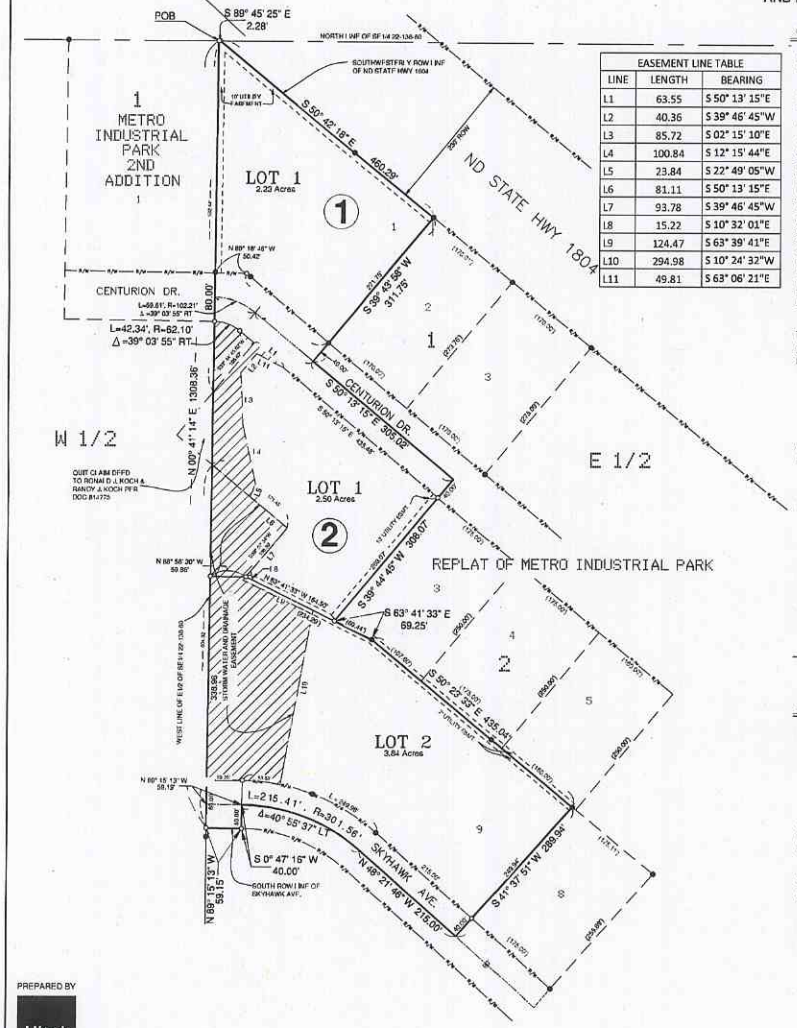
0 270 540 1,080 Feet

N

FINAL PLAT OF

METRO INDUSTRIAL PARK THIRD SUBDIVISION

BEING A RE-PLAT OF LOT 1, BLOCK 1 AND PART OF LOT 1, AND LOTS 2, 9, 10 AND 11, BLOCK 2 REPLAT OF METRO INDUSTRIAL PARK SUBDIVISON
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
AND PART OF THE E1/2 OF THE SE 1/4 OF SECTION 22-T138N-R80W



EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	63.55	S 50° 13' 15"E
L2	40.36	S 39° 46' 45"W
L3	85.72	S 02° 15' 10"E
L4	100.84	S 12° 15' 44"E
L5	23.84	S 22° 49' 05"W
L6	81.11	S 50° 13' 15"E
L7	93.78	S 39° 46' 45"W
L8	15.22	S 10° 32' 01"E
L9	124.47	S 63° 39' 41"E
L10	294.98	S 10° 24' 32"W
L11	49.81	S 63° 06' 21"E

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Hertz Rental Properties L.L.P. whose address is Carson, North Dakota as contract purchase and Leona McDonald, whose address is Bismarck North Dakota, fee owner of the following described property:

Lot 1, Block 1, Part of Lot 1 and Lots 2, 9, 10 and 11, Block 2 REPLAT OF METRO INDUSTRIAL PARK, a duly recorded plat on file and of record in the office of the County Recorder, Burleigh County, North Dakota.

And

That part of the East Half of the Southeast Quarter of Section 22, Township 138, Range 80 West, 5th Principal Meridian, Burleigh County, North Dakota described as follows:

Beginning at the Northwest corner of the East Half of the Southeast Quarter of Section 22,Township 138 North, Range 80 West of the 5th Principal Meridian and running thence South 89 degrees 45 minutes 25 seconds East on and along the North line of said Southeast Quarter of Section 22, a distance of 2.28 feet to a point on the Southwesterly Right of Way of ND State Highway 1804; thence South 50 degrees 42 minutes 18 seconds East on and along said Southwesterly Right of Way a distance of 460.29 feet to the Northeast corner of said Lot 1, Block 1. thence South 39 degrees 43 minutes 58 seconds West on and along the Easterly line of said Lot 1, Block 1 a distance of 311.75 feet to a point on the centerline of Centurion Drive; thence South 50 degrees 13 minutes 15 seconds East on and along said centerline a distance of 305.02 feet to a point; thence South 39 degrees 44 minutes 45 seconds West a distance of 308.07 feet; thence South 63 degrees 41 minutes 33 seconds East a distance of 69.25 feet to a point; thence South 50 degrees 23 minutes 33 seconds East a distance of 435.04 feet to the Northeast corner of Lot 9, Block 2 of said Re-Plat of Metro Industrial Park subdivision; thence South 41 Degrees 37 Minutes 51 Seconds West on and along the Easterly line of said Lot 9, Block 2 a distance of 289.94 feet to a point on the centerline of Skyhawk Avenue; thence North 48 degrees 21 minutes 46 seconds West on and along said centerline a distance of 215.00 feet to the beginning of a tangent curve, concave the left (northwesterly), having a radius of 301.56 feet; thence Northwesterly along said curve a distance of 215.41 feet, through a central angle of 40 degrees 55 minutes 37 seconds to the end of said curve; thence South 00 degrees 47 minutes 16 seconds West a distance of 40.00 feet to a point on the Southwesterly Right of Way of said Skyhawk Avenue; thence North 89 degrees 15 minutes 13 seconds West on and along said Southwesterly Right of Way a distance of 59.15 feet to a point on the West line of the East Half of said Southeast Quarter of Section 22; thence North 00 degrees 41 minutes 14 seconds East on and along said West line a distance of 1,308.39 feet to the point of beginning.

The above describe land contains 9.74 acres, more or less, and is subject to easements of record.

Said owner has caused the above described tract of land to be surveyed and platted as "METRO INDUSTRIAL PARK THIRD SUBDIVISION " to the City of Bismarck, Burleigh County, North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

OWNER:
Gary Hertz

By: _____

Lot 2, Block 2 REPLAT OF METRO INDUSTRIAL PARK SUBDIVISION

State of North Dakota

County of _____

On this _____ day of _____, in the year of 20____, before me, a notary public with and for said County, personally appeared _____, General Partner, Hertz Rental Properties, L.L.P. known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

OWNER:
Leona McDonald

_____

Lot 1, Block 1, and Part of Lot 1 and Lots 2, 9, 10 and 11, Block 2, Replat of Metro Industrial Park Subdivision and Part of the E 1/2 SE 1/4 of 22-138-80

State of North Dakota

County of _____

On this _____ day of _____, in the year of 2015, before me, a notary public with and for said County, personally appeared Leona McDonald, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Gary Holt, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

_____
Gary Holt, Professional Land Surveyor
North Dakota License No.LS-7388

State of North Dakota

County of _____

On this _____ day of _____, 20___, before me, a notary public with and for said County, personally appeared Gregg Streeing, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF BISMARCK ENGINEERING DEPARTMENT APPROVAL

I, Melvin S. Bullinger, City Engineer of Bismarck, North Dakota, hereby approve "Metro Industrial Park Third Subdivision" Bismarck, Burleigh County, North Dakota as shown on the amend plat
Approved by City Engineer this _____ day of _____, 20____.

_____
Melvin S. Bullinger, City Engineer

BISMARCK BOARD OF CITY COMMISSION APPROVAL

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 there on, 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 vacate any previous platting within the boundary of the annexed plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved this _____ day of _____, 2015.

_____
Attest
W.C. Wocken - City Administrator

N
W E
S
0 50 100 200
GRAPHIC SCALE IN FEET

PLAT DATA

TOTAL LOT AREA:	373,133 S.F.+/- (8.57 ACRES+/-)	BASIS OF BEARING: NORTH DAKOTA STATE PLANE, SOUTH ZONE (NAD83)
TOTAL ROADWAY:	51,073 S.F.+/- (1.17 ACRES+/-)	
TOTAL ACREAGE:	424,206 S.F.+/- (9.74 ACRES+/-)	VERTICAL DATUM NAVD 1988

APRIL 8, 2015

SYMBOL LEGEND

●	MONUMENT IN PLACE
O	MONUMENT TO BE SET (5/8" REBAR, CAPPED PLS #4738)
———	EXISTING UTILITY EASEMENT
———	UTILITY AND DRAINAGE EASEMENT DEDICATED ON THIS PLAT
———	QUARTER SECTION LINE
——— ——— ———	EXISTING LOT LINE
———	PLAT BOUNDARY
——— — ———	ROAD CENTERLINE
——— R/W ———	EXISTING RIGHT OF WAY
(0.0)	RECORD

COORDINATE REFERENCE DATA

1. Tie Monument 1 being the East Quarter Corner of Section 22, Township 138 North, Range 80 West.
   Northing: 398259.16
   Easting 1905152.17
   Elevation = 1658.75 (88 NAVD)
2. Tie Monument 2 being the Center of Section 22, Township 138 North, Range 80 West.
   Northing: 398270.37
   Easting 1902508.75
   Elevation = 1645.40 (88 NAVD)
   Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83)

CITY OF BISMARCK PLANNING COMMISSION

The Subdivision of Land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck on the _____ day of _____, 2015, 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 where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Wayne Lee Yeager - Chairman Carl D. Hokenstad - Secretary

LOCATION MAP
NO SCALE

PREPARED BY
Ulteig
Bismarck - Cedar Rapids - Denver - Detroit Lakes
Fargo - Sioux Falls - St. Paul - Williston

SHEET 1 OF 1 SHEET

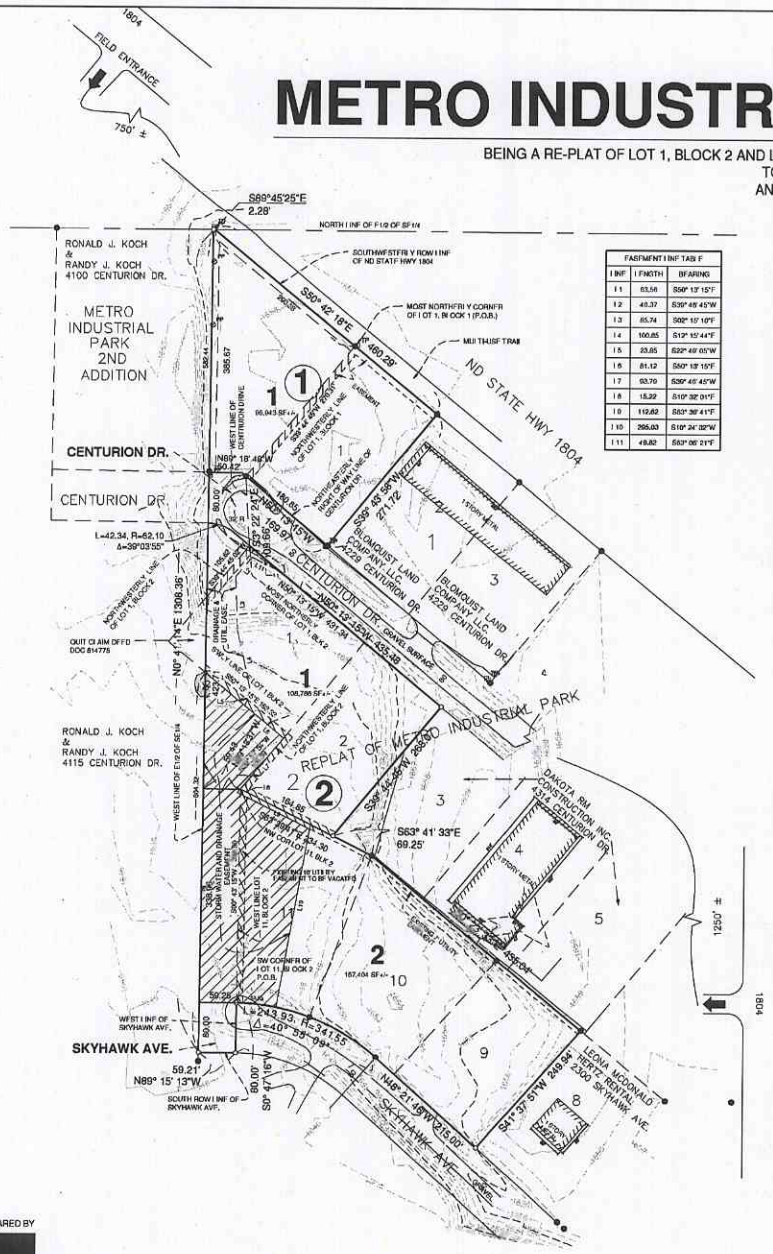
October 8, 2014 14-00531 Final Plat_State_Plane Revt.dwg

FEB 18 2015

PRELIMINARY PLAT OF

METRO INDUSTRIAL PARK THIRD SUBDIVISION

BEING A RE-PLAT OF LOT 1, BLOCK 2 AND LOTS 1, 2, 9, 10 AND 11, BLOCK 2 AND LOT 1, BLOCK 1, REPLAT OF METRO INDUSTRIAL PARK SUBDIVISON
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
AND PART OF THE E1/2 OF THE SE 1/4 OF SECTION 22-T138N-R80W



EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	63.56	S50° 13' 15"E
L2	40.37	S39° 46' 45"W
L3	85.74	S00° 10' 10"E
L4	100.85	S12° 15' 44"E
L5	33.85	S22° 49' 05"W
L6	81.12	S50° 13' 15"E
L7	93.70	S39° 46' 45"W
L8	15.22	S10° 32' 01"E
L9	112.62	S53° 39' 41"E
L10	295.03	S10° 24' 32"W
L11	49.82	S53° 06' 21"E

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Hertz Rental Properties L.L.P. whose address is Carson, North Dakota as contract purchase and Leona McDonald, whose address is Bismarck North Dakota, fee owner of the following described property:

Lot 1, Block 1, Lots 1, 2, 9, 10 and 11, Block 2 and Lot 1, Block 1, REPLAT OF METRO INDUSTRIAL PARK, a duly recorded plat on file and of record in the office of the County Recorder, Burleigh County, North Dakota.

And

That part of the East Half of the Southeast Quarter of Section 22, Township 138, Range 80 West, 5th Principal Meridian, Burleigh County, North Dakota described as follows:

Beginning at the most Northeast corner of the West half of the Southeast Quarter of Section 22, Township 138 North, Range 80 West of the 5th Principal Meridian; thence South 89 degrees 45 minutes 25 seconds East, on and along the north line of said Southeast Quarter of Section 22, a distance of 2.28 feet to the Northwest corner of said Lot 1, Block 1; Thence South 50 degrees 42 minutes 18 seconds East on and along the Southwesterly Right of Way of ND 1804 a distance of 460.29 feet to the Northeast corner of said Lot 1, Block 1. Thence South 39 Degrees 43 Minutes 58 Seconds West on and along the Easterly line of said Lot 1, Block 1 a distance of 271.72 feet to a point on the Northeasterly Right of Way of Centurion Drive; thence North 50 Degrees 13 Minutes 15 Seconds West on and along said Northeasterly Right of Way a distance of 180.85 feet to a point; thence North 89 Degrees 18 Minutes 46 Seconds West a distance of 50.42 feet to a point on the West line of the East half of the Southeast quarter of Section 22, Township 138 North, Range 80 West of the 5th Principal Meridian; thence South 00 Degrees 41 Minutes 14 Seconds West on and along said West line a distance of 80.00 feet to a point on the Southwesterly Right of Way of said Centurion Drive. Said point also being on a non-tangent curve concave to the right (southeasterly). In which the radius point bears South 00 Degrees 42 Minutes 50 Seconds West a distance of 62.10 feet; thence Southeasterly along said curve a distance of 42.34 feet, through a central angle of 39 degrees 03 minutes 49 seconds to the end of said curve; thence South 50 Degrees 13 Minutes 15 Seconds East on and along said Southeasterly Right of Way a distance of 435.48 feet to the Northeast corner of said Lot 2, Block 2; thence South 39 Degrees 44 Minutes 45 Seconds West on and along the Easterly Line of said Lot 2, Block 2 a distance of 268.07 feet to the Southeast corner of said Lot 2, Block 2; thence South 63 Degrees 41 Minutes 33 Seconds East a distance of 69.25 feet to a point; thence South 50 Degrees 23 Minutes 33 Seconds East a distance of 435.04 feet to the Northeast corner of said Lot 9, Block 2; thence South 41 Degrees 37 Minutes 51 Seconds West on and along the Easterly line of said Lot 9, Block 2 a distance of 249.34 feet to a point on the Northeasterly Right of Way of Skyhawk Avenue; thence North 48 degrees 21 minutes 46 seconds West on and along said Northeasterly Right of Way a distance of 215.00 feet to the beginning of a tangent curve, concave the left (northwesterly), having a radius of 341.55 feet; thence Northwesterly along said curve a distance of 243.33 feet, through a central angle of 40 degrees 55 minutes 09 seconds to the end of said curve; thence South 00 degrees 47 minutes 16 seconds West a distance of 80.00 feet to a point on the Southwesterly Right of Way of said Skyhawk Avenue; thence North 89 degrees 15 minutes 13 seconds West on and along said Southwesterly Right of Way a distance of 59.15 feet to a point on said West line of the East Half of the Southeast Quarter of Section 22; thence North 00 degrees 41 minutes 14 seconds East on and along said West line a distance of 1,308.39 feet to the point of beginning.

The above describe land contains 8.68 acres, more or less, and is subject to easements of record.

Said owner has caused the above described tract of land to be surveyed and platted as "METRO INDUSTRIAL PARK THIRD SUBDIVISION " to the City of Bismarck, Burleigh County, North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

OWNER:
Hertz Rental Properties, L.L.P.

By: _____

State of North Dakota

County of _____

On this ____ day of _____, in the year of 20____, before me, a notary public with and for said County, personally appeared _____, General Partner, Hertz Rental Properties, L.L.P, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

OWNER:
Leona McDonald

_____

State of North Dakota

County of _____

On this ____ day of _____, in the year of 2015, before me, a notary public with and for said County, personally appeared Leona McDonald, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Gary Holl, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

_____
Gary Holl, Professional Land Surveyor
North Dakota License No.LS-7389

State of North Dakota

County of _____

On this ____ day of _____, 20___, before me, a notary public with and for said County, personally appeared Gregg Stroeing, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF BISMARCK ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 20___.

_____
City Engineer

CITY OF BISMARCK PLANNING COMMISSION APPROVAL

Approved by the City of Bismarck Planning Commission this ____ day of _____, 20___.

_____ _____
Bismarck Planning Commission

BISMARCK CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 20____.

_____
Mike Seminary, Mayor

Attest: _____
Bill Wocken, City Administrator

N
W E
S

0 50 100 200
GRAPHIC SCALE IN FEET

BASIS OF BEARING:
BIS-MANN PROJECTION

VERTICAL DATUM NAVD 1988

FEB. 10, 2015

SYMBOL LEGEND

- MONUMENT IN PLACE
- MONUMENT TO BE SET (5/8" REBAR, CAPPED PLS #4730)
- EXISTING UTILITY EASEMENT
- EXISTING UTILITY EASEMENT TO BE VACATED ON THIS PLAT
- UTILITY AND DRAINAGE EASEMENT DEDICATED ON THIS PLAT
- QUARTER SECTION LINE
- EXISTING LOT AND RIGHT OF WAY LINES
- PLAT BOUNDARY
- ACCESS POINT

ZONE - MA LIGHT INDUSTRIAL

LOTS TO BE SERVED BY SOUTH CENTRAL WATER DISTRICT

LOTS ARE NOT SERVED BY SANITARY SEWER

PLAT DATA

TOTAL LOT AREA: 373,133 S.F.+/-
TOTAL ROADWAY: 10,388, S.F.+/-
TOTAL ACREAGE: 383,521 S.F.+/- (8.80 ACRES+/-)

PROPOSED ZONING: MA-INDUSTRIAL

LOCATION MAP
NO SCALE

PREPARED BY

Ulteig

Bismarck - Cedar Rapids - Denver - Detroit Lakes
Fargo - Sioux Falls - St. Paul - Williston

SHEET 1 OF 1 SHEET

October 8, 2014 14.00531 pplat.dwg

Print Form

Bismarck

CITY/ETA SUBDIVISION SUBMITTAL REQUIREMENTS WAIVER REQUEST FORM

RECEIVED JAN 23 2015

If any waivers from submittal requirements are being requested, this form must be completed and submitted in conjunction with the unified development application. **For such waivers, approval from the appropriate department must be obtained prior to submitting the application.**

PROPERTY INFORMATION:

Name of Subdivision: Metro Industrial Park Third Addition

Location of Subdivision: East half of the SE 1/4 of Section 22 T138N-R80W

Name of Property Owner/Developer: Gary Hertz Stur-D Products

Contact Person (if different from owner):

REQUESTED WAIVERS FROM SUBMITTAL REQUIREMENTS:

☐ **Area Concept Development Plan**	Prior approval from Director Community Development: (signature & date)
Reason for Request:	
☐ **Preliminary Stormwater Management Plan**	Prior approval from City Engineer: (signature & date)
Reason for Request:	
☐ **Preliminary Municipal Utility Servicing Plan**	Prior approval from Director of Utility Operation: (signature & date)
Reason for Request:	
☐ **USAB Roadway Submittal Requirements**	Prior approval from City Engineer: (signature & date)
Reason for Request:	
☒ **Other (Specify)**	Prior approval from appropriate department head: (signature & date)
Reason for Request:	See Attachment C
☐ **Other (Specify)**	Prior approval from appropriate department head: (signature & date)
Reason for Request:	

Stur-D Products is requesting a variance on Title 14-09-05 Section 1.S.2, 2nd paragraph ...*"roadways must be paved"*. Stur-D Products requests a variance so that they can incorporate recently purchased property into the Metro Industrial Park Third Addition which is a replat of the Replat of Metro Industrial Park.

The variance request is for the western portion of Centurion Drive and Skyhawk Avenue where right-of-way has been dedicated for future street extensions to the west. The locations described above can be seen in the preliminary plat that is included with this request.

The basis for a variance is as follows:
The streets shown in the preliminary plat are existing with gravel surface including the areas being dedicated for street right-of-way. The length of street for each dedication averages approximately 59.7 feet and 59.2 feet for Centurion Drive and Skyhawk Avenue, respectively. In addition, both streets dead end at the west line of the replat and paving this short segment of street would be diminutive compared to what is already in place.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Hamilton's First Addition First Replat – Zoning Change (Conditional RM15 & PUD to R10, RM15 & PUD)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Michael Baumgartner Construction, Inc.	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat and rezone the property to provide for a mix of multi-family, two-family and industrial uses.	
Location: In northeast Bismarck west of Centennial Road along the east side of Hamilton Street and the south side of Calgary Avenue.	
Project Size: 8.95 acres	**Number of Lots:** 22 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Four 12-unit apartments, ten 2-unit twin homes and three multi-tenant industrial buildings
Zoning: Conditional RM15 – Residential PUD – Planned Unit Development	**Zoning:** R10 – Residential RM15 – Residential PUD – Planned Unit Development
Uses Allowed: Conditional RM15 – Multi-family residential PUD – Uses specified in PUD	**Uses Allowed:** R10 – Single and two-family residential RM15 – Multi-family residential PUD – Uses specified in PUD
Maximum Density Allowed: Conditional RM15 – 15 units/acre PUD – Density as specified in PUD	**Maximum Density Allowed**: R10 – 10 units/acre RM15 – 15 units/acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 04/2014 (Lots 1& 2) 05/2009 (Lot 3)	**Platted:** 04/2011	**Annexed:** 04/2011

ADDITIONAL INFORMATION:

1. As a condition of the recent zoning change from PUD to Conditional RM15 for Lots 1 & 2, the owner was required to replat the property as a minor subdivision final plat. Additional conditions include the maximum building height of any building is 35 feet; a site plan was to be submitted for both lots/the entire parcel demonstrating how the proposed residential densities related internally as well as with the adjacent properties; and the existing landscape berm shall remain in place until such time as the applicant submits a formal request to vacate the berm, the Board of City Commissioners would need to consider the request.

2. The site plan submitted with the zoning change request in 2014 showed four 12-unit apartment buildings and four twin homes for a total of 56 units occupying approximately 4.89 acres. The overall density of the proposed development would be approximately 11.5 units per acre.

(continued)

3. The site plan that was submitted with the current zoning change request has been modified from the previous submittal that accompanied the 2014 zoning change request. The current site plan includes one additional lot, Lot 3, Block 1, Hamilton's First Addition. The additional lot is included in the minor subdivision final plat. The modified site plan shows a significant increase in the number of twin homes proposed for the site. In particular, a portion of the additional twin homes would be located adjacent to a series of commercial shops proposed for the area south of the 50 foot wide buried pipeline easement. Planning staff has concerns with the additional twin homes proposed for the area. In particular, the previously submitted site plan allowed for greater separation and increased landscaping and screening material to help mitigate the potential conflicts between incompatible land uses. *Planning staff communicated with the applicant's consultant regarding the concern of limited separation between the proposed shop buildings and the additional twin homes proposed by the applicant; the proposed minor subdivision final plat was not modified.*

FINDINGS:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would generally be compatible with adjacent land uses, on the condition that additional separation is provided between the proposed twin homes and the proposed industrial uses to the south. Existing adjacent land uses include developing single-family homes to the east and industrial/shop uses to the south, industrial and multi-family uses to the west, and Legacy High School to the north across Calgary Avenue. Currently a 50-foot-wide, 6-foot-high earthen berm with trees and shrubs separates the proposed commercial shop uses from the developing single-family dwellings to the east. A 50-foot-wide buried pipeline easement would separate the proposed commercial shop buildings from the proposed apartments and twin homes. In addition to the physical separation, the applicant is proposing to provide landscaping on both sides of the pipeline easement to help separate the two non-compatible land uses.

3. The property is annexed and services would be extended in conjunction with development; therefore, the zoning change would not place an undue burden on public services and facilities.

4. The proposed zoning change would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development.

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 denial of the zoning change for Hamilton's First Addition First Replat with the understanding that Planning staff would be supportive of the initial master plan provided in April 2014 with the applicant's initial zoning change request to amend the zoning district from PUD – Planned Unit Development to Conditional RM15, in which the maximum number of twin homes was four and the maximum number of 12-unit apartment buildings was four, for a total of 56 units.

/jt

14-04-18. Planned Unit Developments.

It is the intent of this section 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.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

   a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
      1) The existing topographic character of the land;
      2) Existing and proposed land uses;
      3) The location of all existing and proposed buildings, structures and improvements;
      4) The maximum height of all buildings;
      5) The density and type of dwelling;
      6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
      7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
      8) Proposed interior buffer areas between uses;
      9) Acreage of PUD;
      10) Utility service plan showing existing utilities in place and all existing and proposed easements;
      11) Landscape plan; and
      12) Surrounding land uses, zoning and ownership.

   b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
      1) A statement of the present ownership and a legal description of all the land included in the planned unit;
      2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
      3) A copy of all proposed condominium agreements for common areas.

   c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
      1) Elevations of the front and one side of a typical structure.
      2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
   a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
   b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

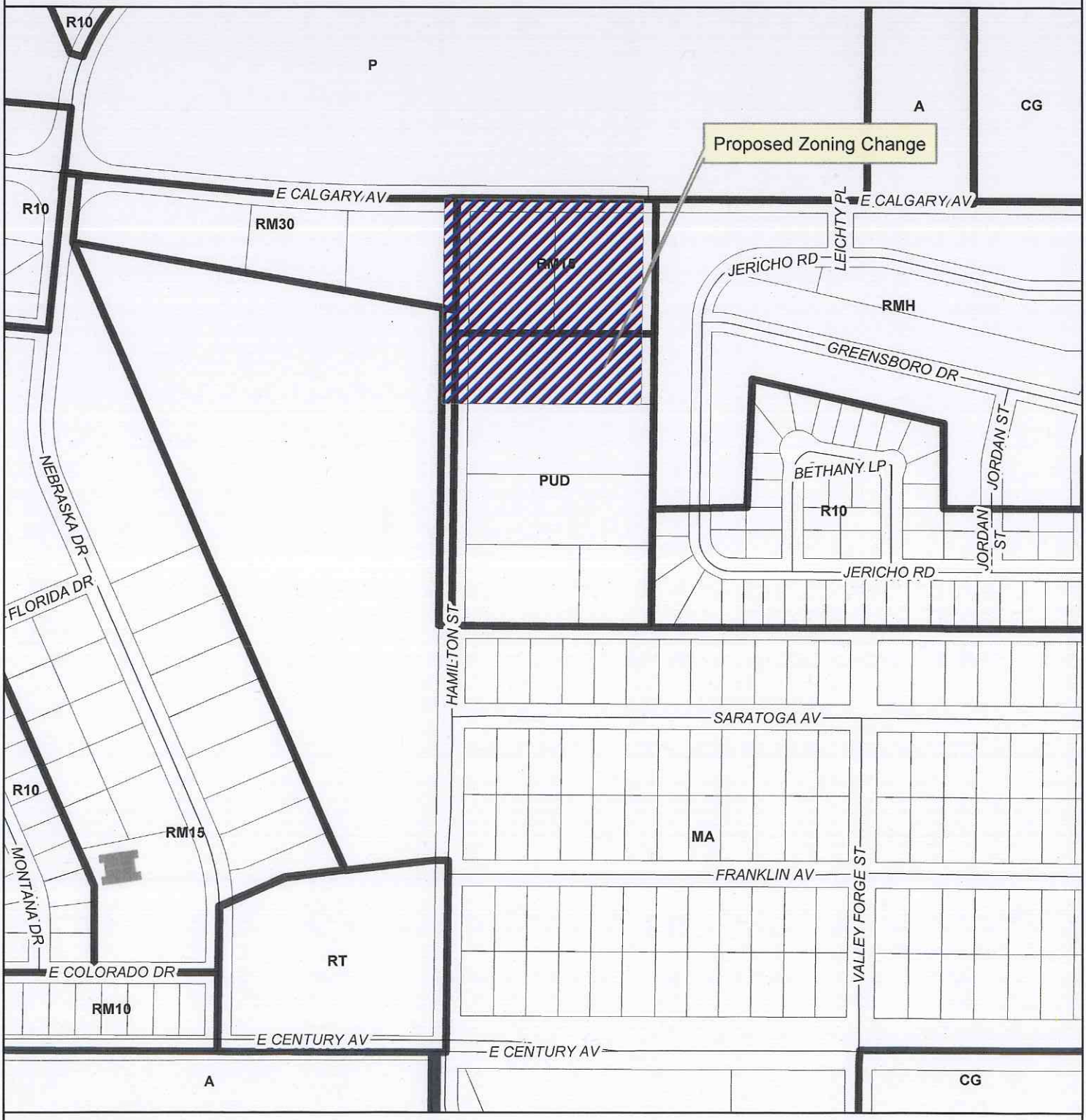
a. Proposal conforms to the comprehensive plan.
b. Buffer areas between non-compatible land uses may be required by the planning commission.
c. Preservation of natural features including trees and drainage areas should be accomplished.
d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.
a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
b. All other changes in the planned unit shall be initiated in the following manner:
1) Application for Planned Development Amendment.
a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

Proposed Zoning Change (RM15 & PUD to R10, RM15 & PUD)
Hamilton's First Addition First Replat



January 21, 2015 (hlb)

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.

Feet
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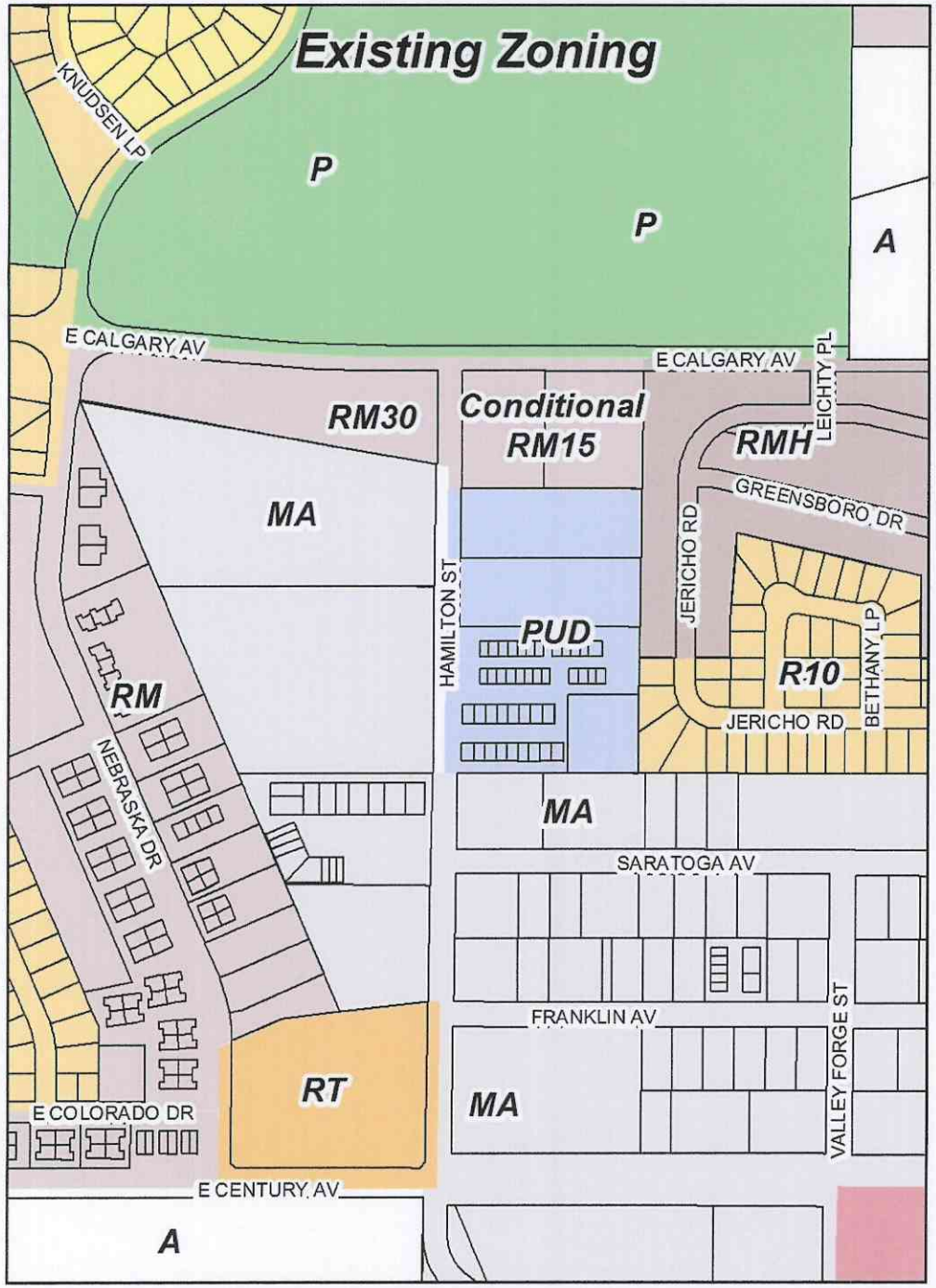
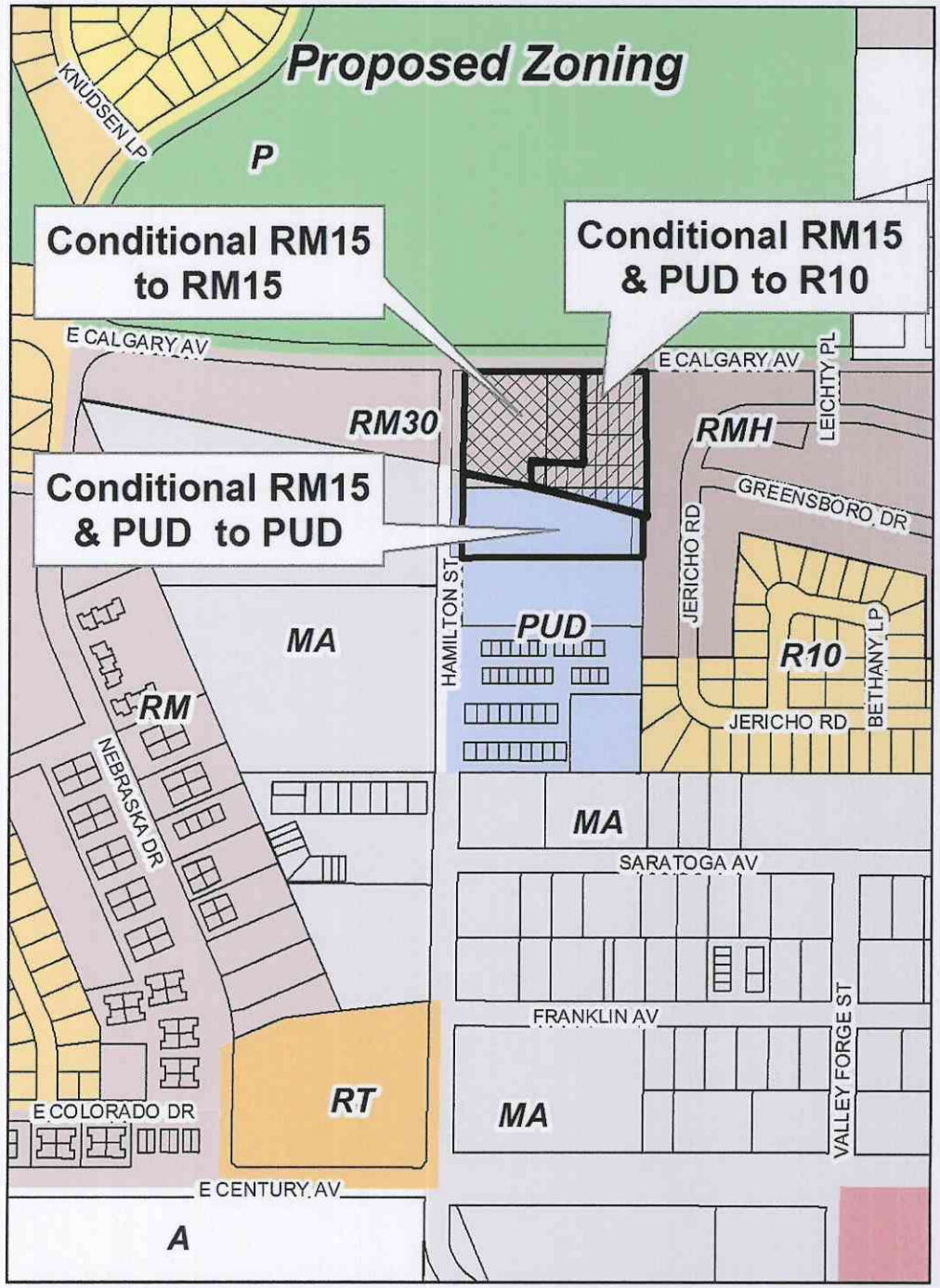
Hamilton's First Addition First Replat - Zoning Change





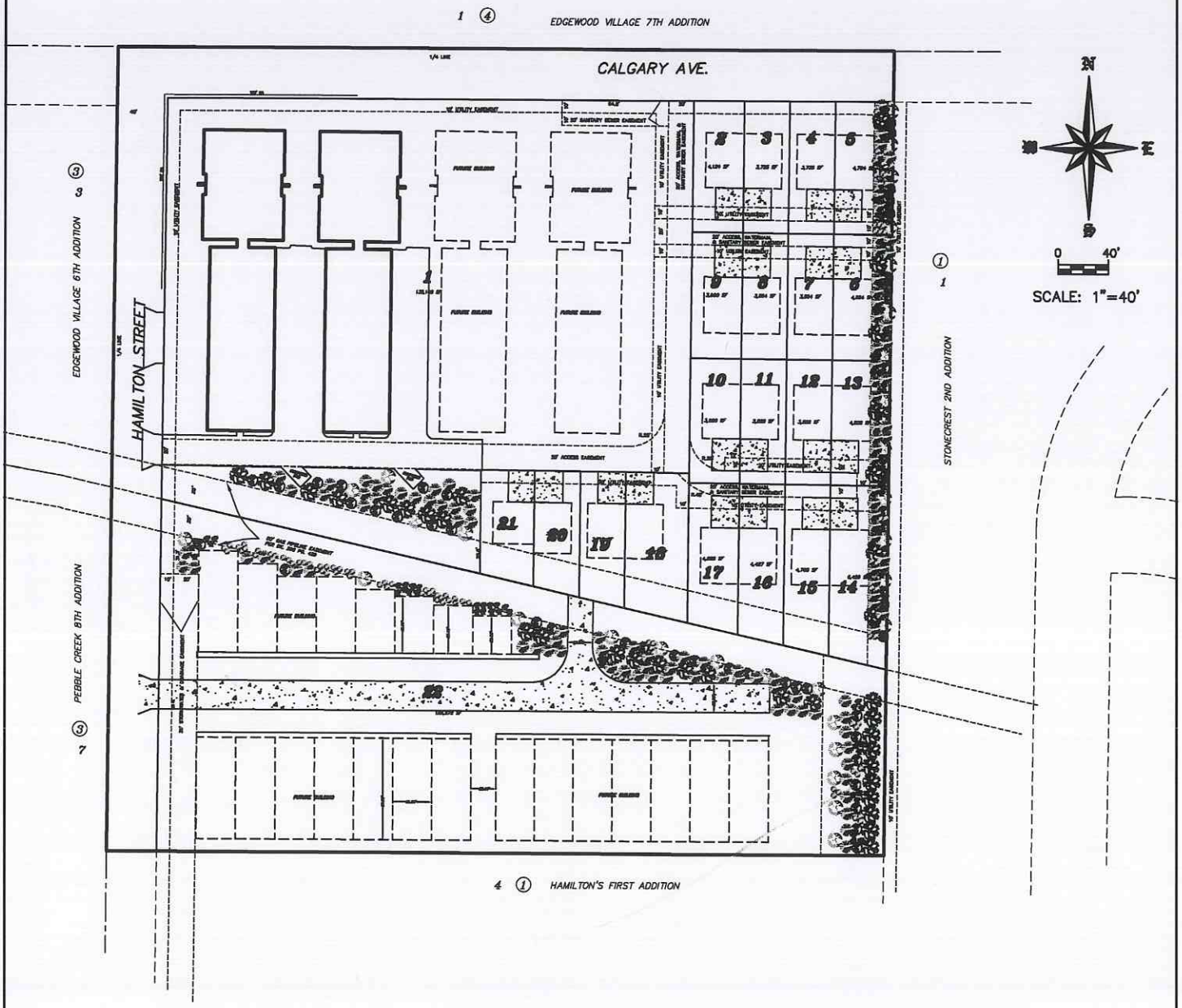
0 250 500 1,000 Feet

March 2015

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.

HAMILTON REPLAT LANDSCAPE PLAN

RECEIVED
FEB 2 0 2015



PLANT PALETTE

	COMMON NAME	SCIENTIFIC NAME	SIZE	QNTY.
TREES	SILVER MAPLE	Acer saccharinum	1 1/2" Cal.	30
	PONDEROSA PINE	Pinus ponderosa	1 1/2" Cal.	37
	MEDORA JUNIPER	Juniperus scopulorum 'Medora'	4' +	111
	PRINCESS KAY PLUM	Prunus nigra 'Princess Kay'	1 1/2" Cal.	48
SHRUBS	AMERICAN CRANBERRY BUSH	Viburnum trilobum 'Bailey's Compact'	2 Gallon	72
	DWARF GLOBE BLUE SPRUCE	Picea pungens 'Glauca Globosa'	2 Gallon	101

- SILVER MAPLE
- PONDEROSA PINE
- MEDORA JUNIPER
- PRINCESS KAY PLUM
- AMERICAN CRANBERRY BUSH
- DWARF GLOBE BLUE SPRUCE

SWENSON, HAGEN & COMPANY P.C.
909 Main Avenue
Bismarck, North Dakota 58504
shcmail@swensonhagen.com
Phone (701) 223 - 3600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

HAMILTON'S FIRST ADDITION FIRST REPLAT

Request for Hamilton's First Addition PUD Amendment

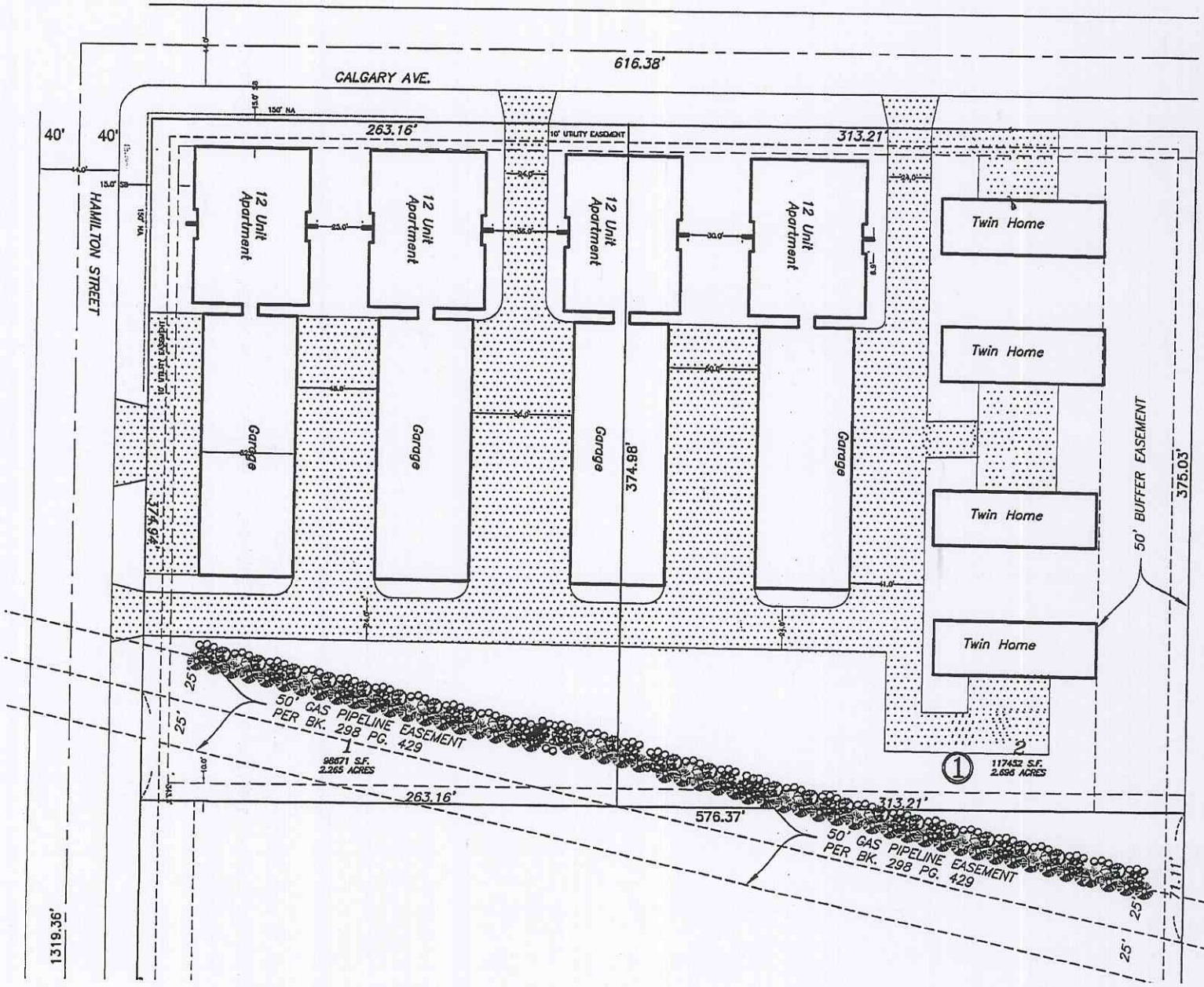
Michael Baumgartner Construction is proposing to amend the PUD currently in effect at Hamilton's First Addition.

The new PUD regulations would change the placement & amount of landscaping required between the various zoning uses in the area. Baumgartner Construction asks that the landscaping requirements for the amended PUD match the attached landscape plan, with the stipulation that reasonable substitutes for proposed species will be allowed.

RECEIVED

JAN 14 2014

ORIGINAL CONCEPT SUBMITTED WITH THE 2014 ZONING CHANGE REQUEST



ORDINANCE NO. 5725

First Reading	*May 12, 2009*
Second Reading	*May 26, 2009*
Final Passage and Adoption	*May 26, 2009*
Publication Date	*May 16 & 23, 2009*

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R10 – Residential district and included within the PUD – Planned Unit Development District.

Lots 1-7, Block 1, Hamilton's First Addition.

This PUD is subject to the following development standards:

1. Uses Permitted. The following uses are permitted within this Planned Unit Development:

a. Service group A, limited to barbershop, beauty shop, dressmaker, tailor, laundry pick-up agency, self-service laundry, radio and appliance repair, food service establishment (exclusive of drive-in restaurants), shoe repair, watch repair, jewelry repair, camera repair, and commercial child care facility for child care not in excess of four (4) hours in any twenty-four (24) hour period *(dry cleaning plants and mortuaries of funeral homes not permitted).*

b. Service group B, limited to commercial school (including business, secretarial, dancing, music, physical culture, technical trade school, adult education or vocational education) and furniture repair and upholstery *(motor vehicle repair, commercial parking lot or structure, tire and battery repair, outdoor advertising sign/billboard and radio, television or communication broadcast and receiving facilities not permitted).*

c. Wholesale group.

d. Industrial group A, excluding ice manufacturing; soft drink bottling plant; the sale, rental or storage of oil and gas well drilling equipment; petroleum bulk plats; and manufacturing or brewery of

alcoholic beverages (storage permitted) *(all other Industrial group A uses would be permitted).*

e. Commercial recreation group, limited to bowling alley, dance hall, pool or billiard hall, roller and ice skating facilities, athletic facility, theater within an enclosed structure, auditorium, coin-operated amusement and game devices, private or fraternal clubs and miniature golf courses *(tavern, saloon and bar not permitted).*

f. Office-bank group, limited to general office *(banks and medical offices not permitted).*

g. Storm water management facilities, including a regional detention pond to be located on Lot 7.

2. *Special Uses.* The following uses are allowed as special uses within this Planned Unit Development, subject to the provisions of Section 14-03-08 of the City Code of Ordinances:

a. Temporary Christmas tree sales.
b. Temporary religious meetings.
c. Temporary farm and garden produce sales.
d. Seasonal nursery and bedding stock sales.
e. Recreational vehicle park.
f. Filling station.
g. Small animal veterinary clinic.
h. Animal hospital or kennel.
i. Golf driving range.

Other special uses identified in Section 14-03-08 but not included in this list shall be prohibited.

3. *Use Standards.* All uses within this planned unit development shall conform to the following requirements:

a. There is no unusual fire, explosion or safety hazard.

b. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.

c. There is no emission of smoke in excess of any density described as No. One as measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. Two on a Ringelmann Chart will be permitted for a period not in excess of four minutes in any thirty-minute period.

d. There is no emission of dust, dirt, or toxic or offensive odors or gas.

e. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.

f. There is no activity which produces electrical, electronic or radio frequency interference beyond the boundaries of the property on which the activity is located.

4. Dimensional Standards.

a. Front Yard Setback. The minimum front yard setback is fifteen (15) feet.

b. Side Yard Setback. The minimum side yard setback is ten (10) feet.

c. Rear Yard Setback. The minimum rear yard setback is ten (10) feet.

d. Height. The maximum building height is thirty-five (35) feet.

e. Lot Coverage. The maximum lot coverage for buildings and required parking is eight (80) percent of the total lot area.

f. Landscape Buffer Setback. The minimum setback from the eastern property line of the subdivision is fifty (50) feet to accommodate the required landscape buffer.

5. Design and Aesthetic Standards.

a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

b. Building Materials. All building facades must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished non-corrugated metal architectural panels. If prefinished metal architectural panels are used, no more than

70% of any elevation facing a public right-of-way may consist of this material.

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

The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right-of-way.

Any building elevation 100 feet or more in width shall be visually broken up through the use of different materials, colors and/or architectural features to lessen the visual mass of the building as viewed from adjacent properties or the public right-of-way.

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

c. Building Colors. Buildings erected within this development will have a three part color scheme.

The main mass of the building shall be of a color shade chosen for consistency with the range of color shades utilized for structures that already exist in the surrounding residential area. Neutral, subtle colors which reflect those found in the natural environment are recommended to help deemphasize the overall mass of building elevation.

The lower level of building shall be of a darker shade, either of the same color or of a complementary color to that utilized for the main mass of building. The lower level color will be applied to help establish a pedestrian scale for the development. For the purpose of this provision, the lower level of building shall be defined as a minimum three (3) foot high band from base of the façade for a one-story building or a minimum six (6) foot high band from base of the façade for a two-story building.

Design features which provide accents to the building façade shall be of a brighter color which is vibrant but not garish, in a shade which complements colors utilized in the main mass and lower level of the building. The building accents color shall be utilized in architectural features provided to visually break up the facade, and lend depth and

harmony to the building's appearance. No more than one accent color should be used per building.

d. Enclosed Building Requirement. All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.

e. Outdoor Storage Areas. Outdoor storage areas shall be placed to the rear or side of the principal structure; shall be subject to the building setback requirements along Calgary Avenue and Hamilton Street; shall not be located over any easement; shall be fenced around the perimeter with a wall or fence not less than six (6) feet in height; shall have a paved or gravel surface; shall be maintained in an orderly fashion; and shall not reduce the amount of required off-street parking on the site. For any portion of an outdoor storage area located along Calgary Avenue or Hamilton Street, the wall or fence must be completely opaque (non-transparent); constructed of wood, masonry or similar materials that complement the exterior of the building (plastic slats in a chain link fence would not be acceptable; and the area between the fence and the property line must be planted with a minimum of two (2) shade trees, two (2) ornamental trees, two (2) large upright coniferous trees or five (5) small upright coniferous trees, and fourteen (14) shrubs per one hundred (100) linear feet of frontage in conjunction with site development, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City's landscaping ordinance. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence.

6. *Development Standards.*

a. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.

b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Loading areas shall be oriented away from the residentially-zoned property to the east of the subdivision.

c. Landscaping and Screening. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

d. Buffer Yards. In accordance with the requirements of Section 14-03-11, a buffer yard for the entire development shall be provided along the entire eastern edge of the PUD. Said buffer yard shall be no less than fifty (50) feet in width and shall be shown on the face of the plat as a landscape easement. The entire landscape buffer yard shall be installed within one (1) year of the subdivision plat being recorded, and shall include a berm no less than six (6) feet in height and be planted with a minimum of four (4) shade trees, three (3) ornamental trees, five (5) large upright coniferous trees and ten (10) small upright coniferous tress per one hundred (100) linear feet, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City's landscaping ordinance. No building permits will be issued for any lot within the subdivision until the landscape buffer yard for the entire subdivision is in place.

e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

f. Signage. Signage for the development may be installed in accordance with the provisions of Section 14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

6. *Approval of Site Plans and Building Elevations.* Prior to the development of any lot within this plat, the proposed site plan and building elevations, including building materials and colors, shall be reviewed by City staff in accordance with the City's site plan review procedure and shall also be approved by the Bismarck Planning & Zoning Commission. The Planning & Zoning Commission shall not approve a proposed site plan and building elevations until a public hearing has been held on the proposal. Notice of the time and place of such hearing shall be given in the official newspaper of the City of Bismarck once per week for two (2) consecutive weeks prior to the date of such hearing and all known property owners within three hundred (300) feet of the plat of Hamilton's First Addition shall be given written notice not less than ten (10) days prior to the date of the public hearing.

7. *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 approval by the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Hamilton's First Addition First Replat – Minor Subdivision Final Plat	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Michael Baumgartner Construction, Inc.	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat and rezone the property to provide for a mix of multi-family, two-family and industrial uses.	
Location: In northeast Bismarck west of Centennial Road along the east side of Hamilton Street and the south side of Calgary Avenue.	
Project Size: 8.95 acres	**Number of Lots:** 22 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Four 12-unit apartments, ten 2-unit twin homes and three multi-tenant industrial buildings
Zoning: Conditional RM15 – Residential PUD – Planned Unit Development	**Zoning:** R10 – Residential RM15 – Residential PUD – Planned Unit Development
Uses Allowed: Conditional RM15 – 15 units/acre PUD – Density as specified in PUD	**Uses Allowed:** R10 – Single and two-family residential RM15 – Multi-family residential PUD – Uses specified in PUD
Maximum Density Allowed: Conditional RM15 – Multi-family residential PUD – Uses specified in PUD	**Maximum Density Allowed**: R10 – 10 units/acre RM15 – 15 units/acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 04/2014 (Lots 1& 2) 05/2009 (Lot 3)	**Platted:** 04/2011	**Annexed:** 04/2011

ADDITIONAL INFORMATION:

1. As a condition of the recent zoning change from PUD to Conditional RM15 for Lots 1 & 2, the owner was required to replat the property as a minor subdivision final plat. Additional conditions include the maximum building height of any building is 35 feet; a site plan was to be submitted for both lots/the entire parcel demonstrating how the proposed residential densities related internally as well as with the adjacent properties; and the existing landscape berm shall remain in place until such time as the applicant submits a formal request to vacate the berm, the Board of City Commissioners would need to consider the request.

2. The site plan submitted with the zoning change request in 2014 showed four 12-unit apartment buildings and four twin homes for a total of 56 units occupying approximately 4.89 acres. The overall density of the proposed development would be approximately 11.5 units per acre.

(continued)

3. The site plan that was submitted with the current zoning change request has been modified from the previous submittal that accompanied the 2014 zoning change request. The current site plan includes one additional lot, Lot 3, Block 1, Hamilton's First Addition. The additional lot is included in the minor subdivision final plat. The modified site plan shows a significant increase in the number of twin homes proposed for the site. In particular, a portion of the additional twin homes would be located adjacent to a series of commercial shops proposed for the area south of the 50 foot wide buried pipeline easement. Planning staff has concerns with the additional twin homes proposed for the area. In particular, the previously submitted site plan allowed for greater separation and increased landscaping and screening material to help mitigate the potential conflicts between incompatible land uses. *Planning staff communicated with the applicant's consultant regarding the concern of limited separation between the proposed shop buildings and the additional twin homes proposed by the applicant; the proposed minor subdivision final plat was not modified.*

FIDINGS:

1. All technical requirements for approval of a minor subdivision final plat have been met.

2. The storm water management plan has not approved by the City Engineer.

3. The property is annexed and services would be extended in conjunction with development; therefore, the zoning change would not place an undue burden on public services and facilities.

4. The proposed subdivision would generally be compatible with adjacent land uses, on the condition that additional separation is provided between the proposed twin homes and the proposed industrial uses to the south. Existing adjacent land uses include developing single-family homes to the east and industrial/shop uses to the south, industrial and multi-family uses to the west, and Legacy High School to the north across Calgary Avenue. Currently a 50-foot-wide, 6-foot-high earthen berm with trees and shrubs separates the proposed commercial shop uses from the developing single-family dwellings to the east. A 50-foot-wide buried pipeline easement would separate the proposed commercial shop buildings from the proposed apartments and twin homes. In addition to the physical separation, the applicant is proposing to provide landscaping on both sides of the pipeline easement to help separate the two non-compatible land uses.

5. The proposed subdivision would not adversely affect property in the vicinity.

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

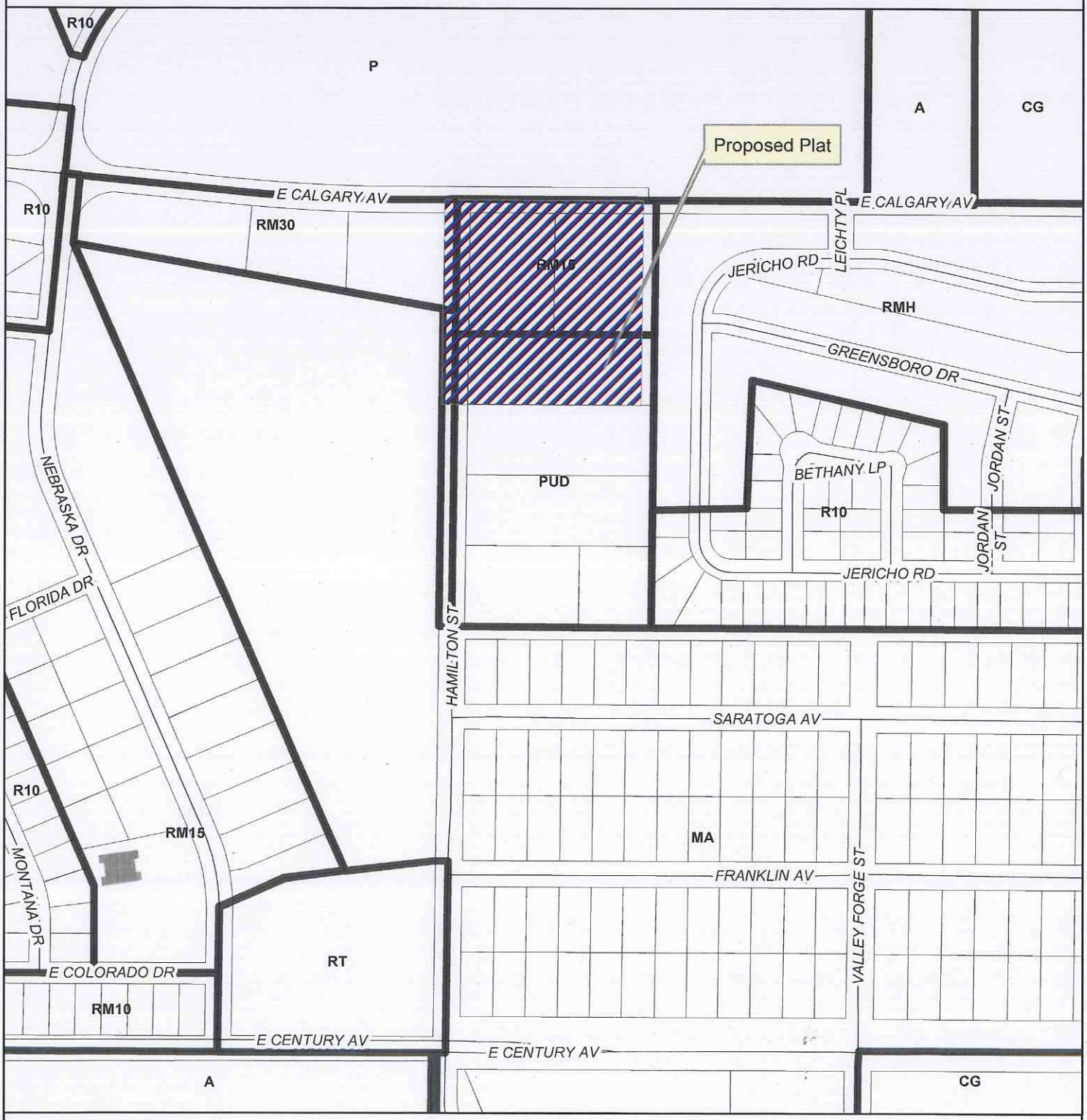
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the minor subdivision final plat for Hamilton's First Addition First Replat with the understanding that Planning staff would be supportive of the initial master plan provided in April 2014 with the applicant's initial zoning change request to amend the zoning district from PUD – Planned Unit Development to Conditional RM15, in which the maximum number of twin homes was four and the maximum number of 12-unit apartment buildings was four, for a total of 56 units.

/jt

Proposed Plat
Hamilton's First Addition First Replat



January 21, 2015 (hlb)

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

0 165 330 660 Feet

N

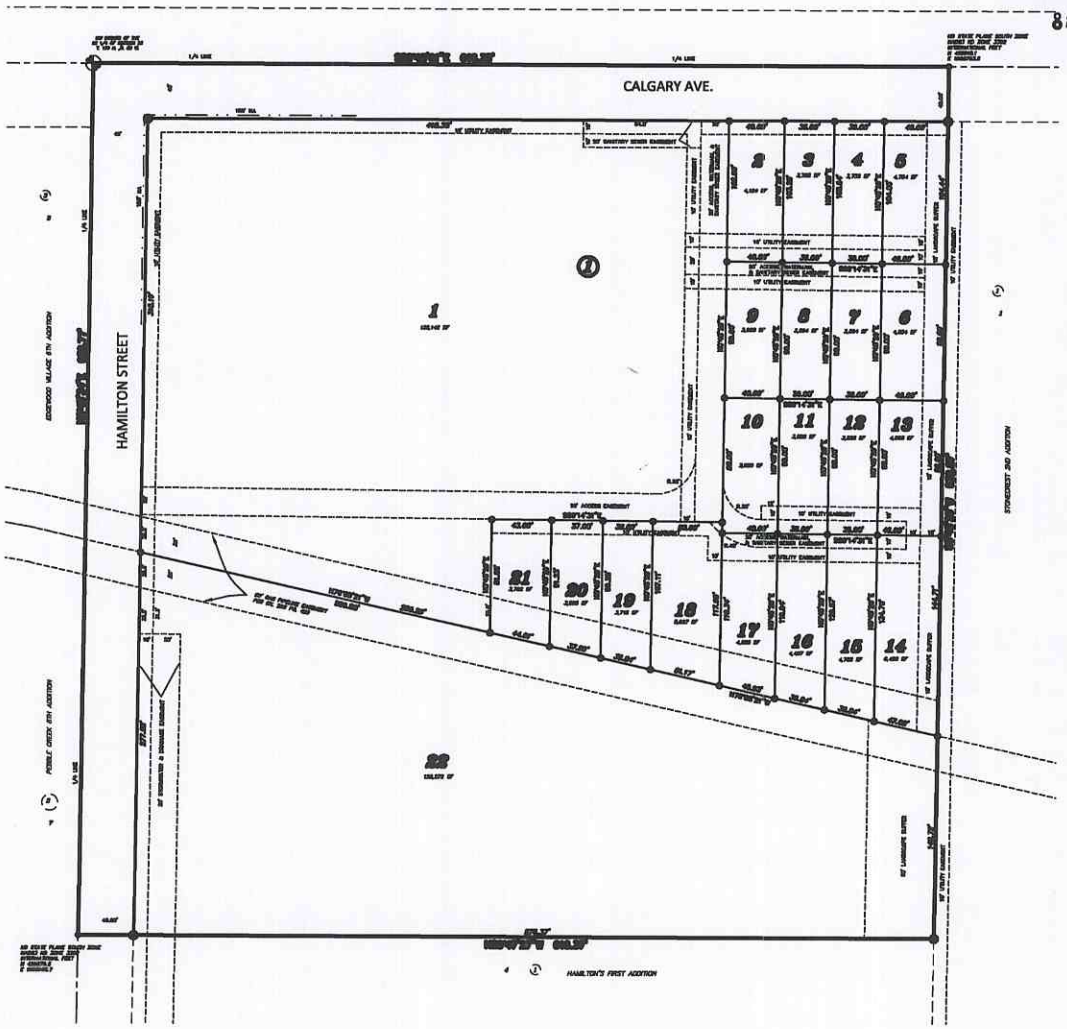
HAMILTON'S FIRST ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 1–3 BLOCK 1 HAMILTON'S FIRST ADDITION & PART OF CALGARY AVENUE & HAMILTON STREET ADJACENT RIGHTS OF WAY OF THE SE 1/4, SECTION 23, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA

SCALE: 1"=40'
FEBRUARY 20, 2015

RECEIVED
FEB 20 2015



OWNER

NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
COORDINATES ARE IN
GROUND UNITS
UNITS ARE INTERNATIONAL FEET

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

LOCATION

SECTION 23
TOWNSHIP 139 N., RANGE 80 W.
WASHINGTON ST. & BURLEIGH AVE.
ELEV = 1633.77 (NAVD 88)

DECLARATION OF COVENANTS AND RESTRICTIONS HAVE BEEN RECORDED ON _____ AS DOCUMENT NO. _____ WITH THE BURLEIGH COUNTY RECORDER

AREA

LOTS	34,400 S.F.	0.79 ACRES
ROW	4,300 S.F.	0.10 ACRES
TOTAL	38,700 S.F.	0.89 ACRES

DEDICATION

BEING A REPLAT OF LOTS 1–3 BLOCK 1 HAMILTON'S FIRST ADDITION & PART OF CALGARY AVENUE & HAMILTON DRIVE ADJACENT RIGHTS OF WAY OF THE SE 1/4, SECTION 23, T. 139 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SE 1/4; THENCE SOUTH 00 DEGREES 40 MINUTES 00 SECOND EAST, ALONG THE WEST LINE OF SAID SE 1/4, A DISTANCE OF 658.38 FEET TO THE WEST BOUNDARY OF STANDARD 2ND ADDITION; THENCE SOUTH 00 DEGREES 40 MINUTES 00 SECOND EAST, ALONG SAID WEST BOUNDARY, A DISTANCE OF 1,316.77 FEET TO THE NORTH BOUNDARY OF LOT 4 BLOCK 1 HAMILTON'S FIRST ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST, ALONG SAID NORTH BOUNDARY, A DISTANCE OF 664.21 FEET TO THE WEST LINE OF SAID SE 1/4; THENCE NORTH 00 DEGREES 40 MINUTES 24 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 658.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 0.89 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE WORK OF A SURVEY PERFORMED BY MY SUPERVISION AND COMPLETED ON _____, 2014. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

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

TIM LANGERUD
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, 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 PATRICK, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2020

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2015, 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 NAMES AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DENISE LEE VEAGER – CHAIRMAN CARL D. HOSHEIDE – 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 VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2015.

ATTEST:
B. C. SCHISH – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HAMILTON'S FIRST ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

MADE ALL SEE BY THESE PRESENTS THAT MICHAEL DAUGHERTHER CONSTRUCTION, INC. BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAMILTON'S FIRST ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA.

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

THEY ALSO DEDICATE EASEMENTS FOR ALL LAND OWNERS PARTIES, THEIR HEIRS, HEIRS AND LICENSEES, AND EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR HEIRS, HEIRS AND LICENSEES, IN COMMON WITH ALL OTHER HAVING LIKE RIGHT AT ALL TIMES HEREAFTER, FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS A PUBLIC WAY AND TO HOLD AND PROPERTY TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANCES TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO ALSO FOR USE OF ANY GOVERNMENTAL AGENCY OR OFFICIAL AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO PROVIDE ANY CITY SERVICES IF THOSE ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

MICHAEL DAUGHERTHER, PRESIDENT
MICHAEL DAUGHERTHER CONSTRUCTION, INC.
1414 SOUTHRIDGE DR.
BISMARCK, ND 58504

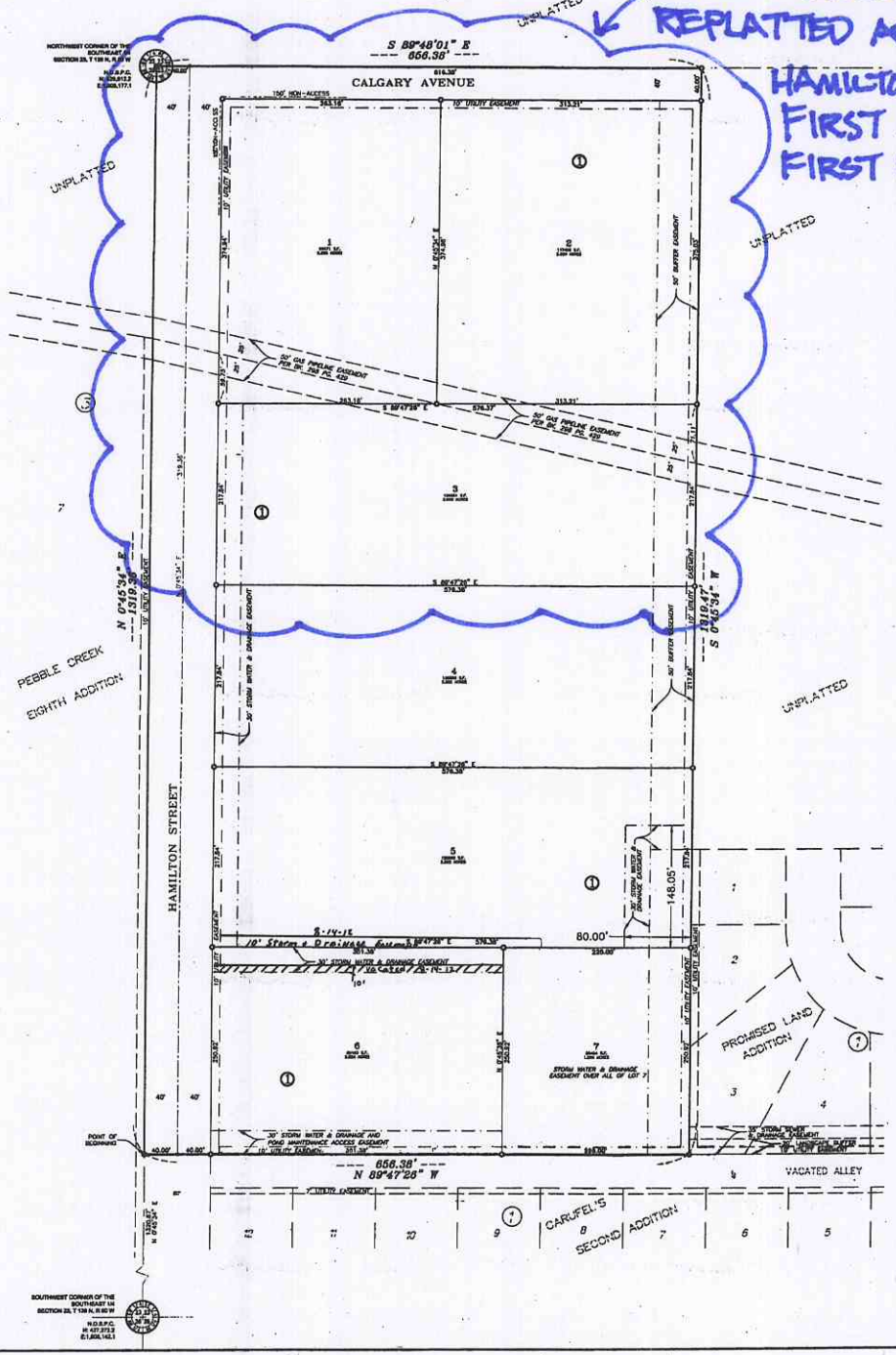
ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED MICHAEL DAUGHERTHER, KNOWN TO ME TO BE THE PRESIDENT AND CHIEF MANAGER OF MICHAEL DAUGHERTHER CONSTRUCTION, INC. AND THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
800 Basin Avenue
Bismarck, North Dakota 58504
shcp@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

2020

AREA BEING REPLATTED AS HAMILTON'S FIRST ADDITION FIRST REPLAT



HAMILTON'S FIRST ADDITION

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA

ENGINEER:
KADRMAS, LEE & JACKSON, INC.
128 SOO LINE DR.
BISMARCK, NORTH DAKOTA 58501
PHONE 888-8486

OWNER:
ATTAS BOUTROUS
3420 GALLATIN LOOP
BISMARCK, ND 58504

OWNER:
RON KNUTSON
553 HWY 1804 NE
BISMARCK, ND 58503

DESCRIPTION

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, N 0°45'34" E, 1320.87 FEET TO THE NORTHWEST CORNER OF CARUFEL'S SECOND ADDITION, WHICH IS THE POINT OF BEGINNING; THENCE FROM THE SAID POINT OF BEGINNING, N 0°45'34" E, 1319.39 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, S 89°48'01" E, 656.38 FEET; THENCE S 0°45'34" W, 1319.47 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 1, PROMISED LAND ADDITION; THENCE N 89°47'26" W, 656.38 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 866,000 SQUARE FEET OR 19.880 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, KENT A. ORWIK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 25TH DAY OF JANUARY, 2009, THAT ALL DISTANCES ARE CORRECT AND MONUMENTS ARE PLACED IN THE GROUND AS SHOWN AND THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT.

KENT A. ORWIK REGISTERED LAND SURVEYOR N.D. REGISTRATION NO. 3960 NORTH DAKOTA — 9-8-09

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS)

ON THIS 8th DAY OF September, 2009, BEFORE ME PERSONALLY APPEARED KENT A. ORWIK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Damon Jorgensen — Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 10-17-2010

DAMON JORGENSEN Notary Public State of North Dakota My Commission Expires Feb. 17, 2010

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.

THE FOREGOING ACTION OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE 24TH DAY OF MAY, 2009.

ATTEST:
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER - CITY ENGINEER

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 21 DAY OF JULY, 2009, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION.

IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT ATTAS BOUTROUS AND RON KNUTSON, BEING THE OWNERS AND PROPRIETORS OF A PORTION OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAMILTON'S FIRST ADDITION", AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND GAS DISTRIBUTION LINES AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

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

RON KNUTSON
553 HWY 1804 NE
BISMARCK, ND 58503

ATTAS BOUTROUS
3420 GALLATIN LOOP
BISMARCK, ND 58504

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) SS)

ON THIS 10th DAY OF September, 2009, BEFORE ME PERSONALLY APPEARED ATTAS BOUTROUS AND RON KNUTSON, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

Kathleen J. Kaelberer — Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES June 4, 2015

N
W E
S

LEGEND

NON-ACCESS LINE
EASEMENT LINE
EXISTING LOT 1 PROPOSED LOT 2 BLOCK/LOT NUMBERS
MONUMENT FOUND
LOT / BLOCK / BOUNDARY CORNER

60 0 60 120
scale 1"=60' feet

DATE: APRIL 2009

BASIS OF BEARING - STATE PLANE
BENCHMARK - FH 2010, 1780.75 NGVD 29

PLAT INFORMATION

NUMBER OF LOTS: 7

LOT ACREAGE - 16.928 ACRES
R.O.W. ACREAGE - 2.952 ACRES
TOTAL ACREAGE - 19.880 ACRES

PLAT NOTES:

LOTS 1&2, BLOCK 1, ARE UNBUILDABLE UNTIL CALGARY AVENUE IS IMPROVED OR UNDER CONTRACT FOR IMPROVEMENT.

J:\Hamilton\1123172 - Hamilton 8b Industrial Park\CADD\PLAT\Final\PLAT-REVISED-12-23-08.D

2C

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1A, Block 1, Sunrise Town Centre Addition – Special Use Permit (drive-through with ATM kiosk)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2014
Owner(s): Gate City Bank	**Engineer:** Wild \ CRG
Reason for Request: Allow a drive-through window and ATM kiosk in conjunction with a financial institution.	
Location: In northeast Bismarck, along the south side of Saratoga Avenue between Centennial Road and Yorktown Drive.	
Project Size: 60,000 square feet	**Number of Lots:** One parcel in One block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Financial institution with a drive- through window with an ATM kiosk
Zoning CG – Commercial	**Zoning:** CG – Commercial
Uses Allowed: General commercial	**Uses Allowed:** General commercial
Maximum Density Allowed: 42 units per acre	**Maximum Density Allowed:** 42 units per acre

PROPERTY HISTORY:		
Zoned: 03/2013	**Platted:** 03/2013	**Annexed:** 03/2013

FINDINGS:

1. A financial institution with a drive-through window is allowed as a special use in the CG - Commercial zoning district, provided specific conditions are met. The proposed drive-through window and ATM kiosk meet all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections the ordinance are attached.

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties.

4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.

5. Adequate public facilities and services are in place.

6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.

RECOMMENDATION:

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window and ATM kiosk in conjunction with a financial institution on Lot 1A, Block 1, Sunrise Town Centre Addition, with the following conditions:

1. The construction and operation of a drive-through and ATM kiosk window must meet all applicable requirements for such a use in the CG- Commercial zoning district.

2. Development of the site must generally conform to the site plan submitted with the application.

/JW

14-03-08(4)

g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:

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

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

3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, an ingress automobile parking reservoir shall be provided on the premises in conformance with section 14-03-10 of this ordinance.

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

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

6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

14-03-10(2)

1. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

Proposed Special Use Permit
Lot 1A of Lot 1, Block 1, Sunrise Town Centre Addition

March 5, 2015 (hlb)

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

0 200 400 800 Feet

N

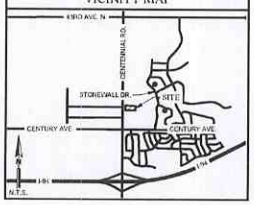
GATE CITY BANK
SUNRISE TOWN CENTRE
BISMARCK, ND

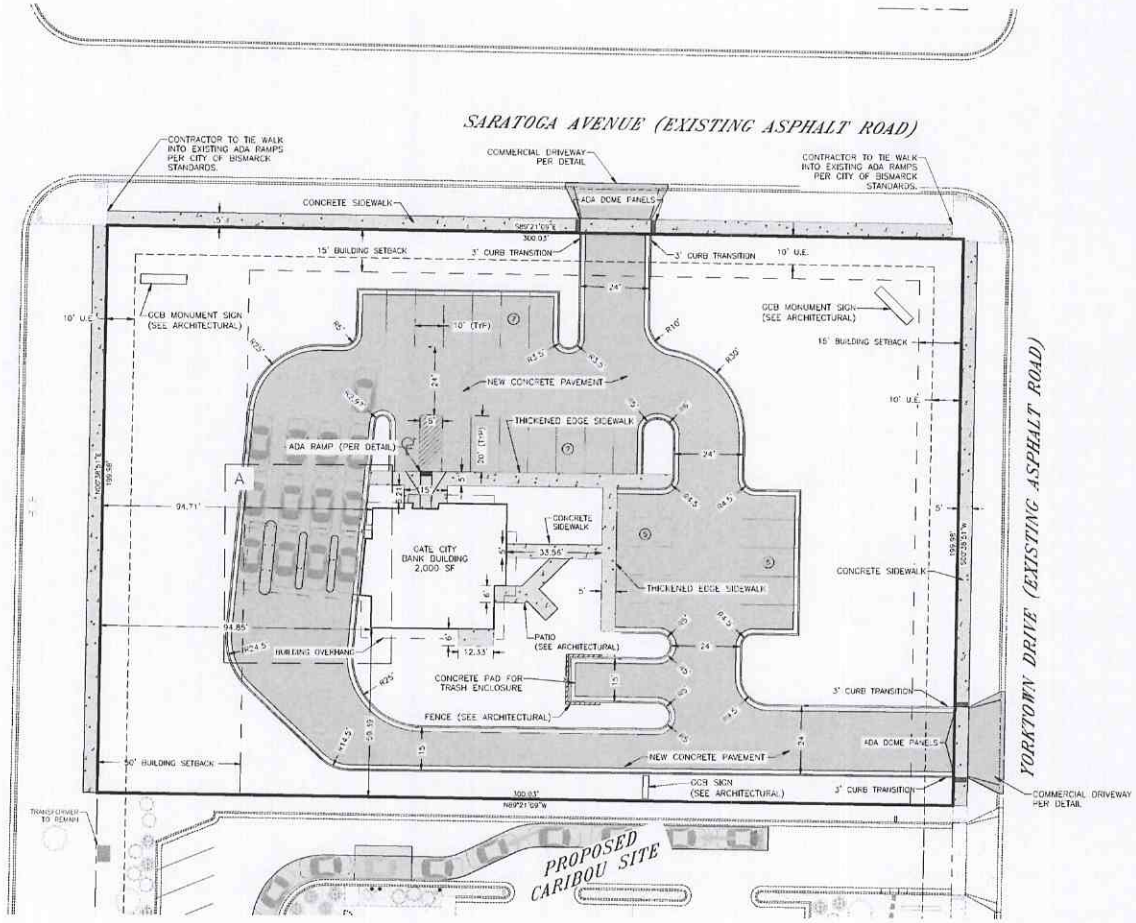
RECEIVED
MAR 10 2015

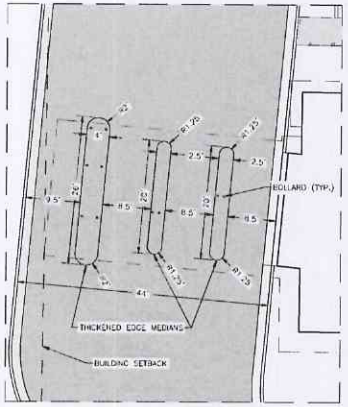
CIVIL ENGINEER
LOWRY ENGINEERING ANDREW THILL, P.E. 3330 FIECHTNER DR. SUITE 102 FARGO, ND 58103 PH: 701-235-0199

SHEET INDEX	
C-1	SITE LAYOUT
C-2	GENERAL NOTES
C-3	SURVEY OVERLAY & DEMOLITION PLAN
C-4	UTILITY PLAN
C-5	GRADING PLAN
C-6	STORMWATER POLLUTION PREVENTION PLAN
C-7	DETAILS
C-8	DETAILS

VICINITY MAP







(A) DRIVE-THROUGH ISLANDS
1"=10'

SITE STATISTICS		
SITE COVERAGE		
ITEM	AREA (SF)	AREA (%)
BUILDING *	2,360	4.0
SIDEWALK	1,367	2.3
CURB & GUTTER	2,706	4.5
PARKING & DRIVES	20,120	33.5
MISC. IMPERVIOUS	41	0.1
TOTAL IMPERVIOUS	26,634	44.4
GREEN SPACE	33,366	55.6
TOTAL AREA	60,000	100
ZONING:	CG: GENERAL COMMERCIAL	
BUILDING SETBACKS		
SARATOGA (FRONT)		15'
YORKTOWN (FRONT)		15'
CENTENNIAL (FRONT)		50'
HEIGHT RESTRICTIONS		130'
PARKING:		
10x20 STALLS (NON ADA)		24
ADA STALLS		1
TOTAL PROVIDED		25
TOTAL REQUIRED:	1 SPACE FOR EACH 250 SF OF GROSS FLOOR AREA	8

* BUILDING COVERAGE INCLUDES FIRST FLOOR FOOTPRINT AND OVERHANG NOT INCLUDING CANOPY OVER DRIVE THROUGH

THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY: ANDREW THILL REGISTRATION No. PE-9148 ON 02/25/15 AND THE ORIGINAL DOCUMENT IS STORED IN THE OFFICE OF LOWRY ENGINEERING

LOWRY
ENGINEERING
3330 FIECHTNER DRIVE - SUITE 102
FARGO, NORTH DAKOTA 58103

wild | crg
architecture | construction
500 2nd Avenue North | Suite 514
Fargo, North Dakota 58102
Phone 701 | 293 | 8106
Fax 701 | 293 | 8118
wildcrg.com

BENCHMARK: FIRE HYDRANT TAG #1650, NW QUADRANT OF CENTENNIAL ROAD AND CENTURY AVE.

ELEV=1782.20 TOP NUT AS PER CITY OF BISMARCK

BASIS OF BEARING: ND STATE PLANE SOUTH ZONE.

N

0 10 20 40

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555

SITE LAYOUT

© Copyright 2015

wild | associates

Date:	3/25/15	Sheet
Project Number:	LE14056	C-1
Drawn by:	BJK	
Reviewed by:	AJT	
Approved by:	AJT	

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot C of part of the NE1/4 and part of the SE1/4 of Section 5, T138N-R79W/Apple Creek Township Special Use Permit (accessory building side wall height)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): John and Shelly Botsford	**Engineer:** None
Reason for Request: To increase the maximum side wall height of an accessory building for a single-family rural residence located on a parcel forty (40) acres or larger in the agricultural zoning district to sixteen (16) feet.	
Location: East of Bismarck, between County Highway 10 and Apple Creek Road, along the west side of 80th Street SE.	
Project Size: 40 acres (parcel size)	**Number of Lots:** One parcel
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: A – Agriculture	**Zoning:** A – Agriculture
Uses Allowed: Large lot single-family dwellings and agriculture	**Uses Allowed:** Large lot single-family dwellings and agriculture
Maximum Density Allowed: One unit per 40 acres	**Maximum Density Allowed:** One unit per 40 acres
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. Section 14-03-06 of the City Code of Ordinances (Incidental Uses) permits a maximum wall height of sixteen (16) feet (a copy of the section of the ordinance is attached), provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).

2. According to information on file with the Building Division, a 1,600 square foot accessory building was constructed in 2000. A fire destroyed the accessory building in February 2015. The applicant is proposing to construct a 3,900 square foot accessory building with sixteen (16) foot sidewalls to replace the destroyed accessory building. The special use is being requested to increase the maximum side wall height to sixteen (16) feet, the size of the proposed accessory building is acceptable and meets the requirements outlined within the A-Agriculture zoning district.

FINDINGS:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The Apple Creek Township Board of Supervisors has recommended approval of the proposed special use.
6. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

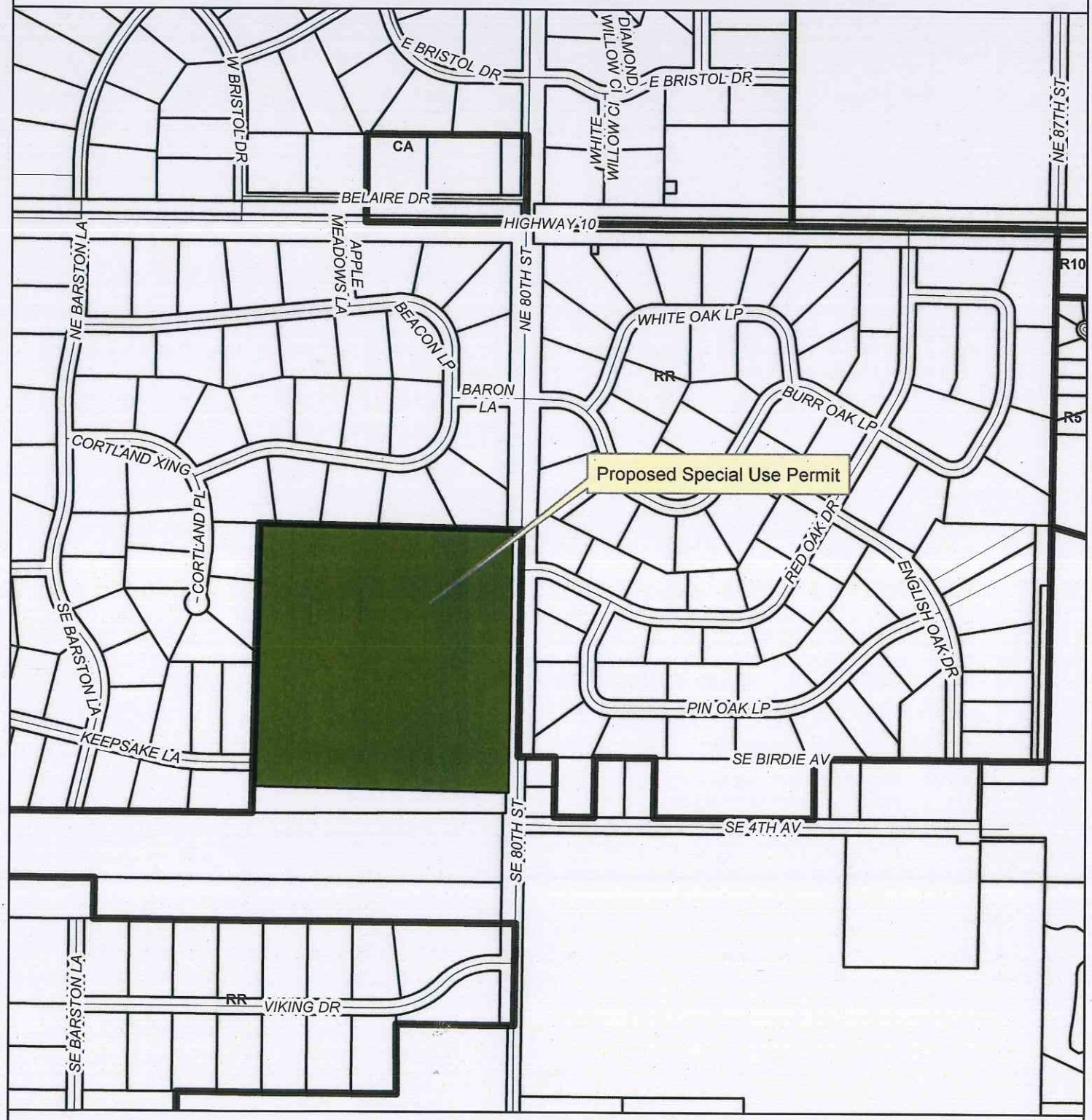
Based on the above findings, staff recommends approval of the special use permit to increase the maximum side wall height of an accessory building for a single-family rural residence located on a parcel forty (40) acres or larger in the agricultural zoning district to sixteen (16) feet on Lot C of part of the NE1/4 and part of the SE1/4 of Section 5, T138N-R79W/Apple Creek Township

/JW

Section 14-03-06 (1) of the City Code of Ordinance (Incidental Uses) (Accessory Building)

6. The allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet and a maximum wall height of sixteen (16) feet provided a special use permit is approved by the planning commission in accordance with the provisions of Section 14-03-08.

Proposed Special Use Permit
Lot C of part of the NE1/4 and part of the SE1/4 of Section 5, T138N-R79W/Apple Creek Township



March 5, 2015 (hlb)

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

0 270 540 1,080 Feet

N

Lot C of the NE 1/4 of the SE 1/4 of Section 5, T138N-R79W/Apple Creek Township
Special Use Permit (maximum side wall height)

0 80 160 320 480 640 Feet

N

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.

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE SPECIAL USE PERMIT FOR LOT C OF THE NE1/4 OF THE SE1/4 OF SECTION 5, T138N/R80W/APPLE CREEK TOWNSHIP SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE (APPROVED)(DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE URLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

_____

_____

_____

_____

Kenneth J. Sefa 4-6-2015

CHAIRMAN, TOWNSHIP BOARD DATE

Ann C. W. Naughtie April 6, 2015

ATTEST: TOWNSHIP CLERK DATE

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: The N½ of the NW¼ of Section 5, T138N-R79W/Apple Creek Township – Special Use Permit (accessory building size and side wall height)	
Status: Planning Commission – Public Hearing	**Date:** April 29, 2015
Owner(s): Brad Roseau	**Engineer:** None
Reason for Request: To increase the total square feet of accessory buildings for a single-family rural residence located on a parcel forty (40) acres or larger in the agricultural zoning district to 7,380 square feet and to increase the maximum side wall height of the accessory building to sixteen (16) feet.	
Location: East of Bismarck, in the southeast quadrant of the intersection of County Highway 10 and 66th Street NE.	
Project Size: 74.8 acres (parcel size)	**Number of Lots:** One parcel
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: A – Agriculture	**Zoning:** A – Agriculture
Uses Allowed: Large lot single-family dwellings and agriculture	**Uses Allowed:** Large lot single-family dwellings and agriculture
Maximum Density Allowed: One unit per 40 acres	**Maximum Density Allowed:** One unit per 40 acres
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. Section 14-03-06 of the City Code of Ordinances (Incidental Uses) permits the area of allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area to be increased to a maximum of seventy-five hundred (7,500) square feet and a maximum wall height of sixteen (16) feet (a copy of the section of the ordinance is attached), provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).
2. According to the Burleigh County Tax Director's office, there is an existing 1,140 square foot accessory building constructed in 2000 located on the property. If approved, the proposed special use would increase the total area of accessory buildings to 7,380 square feet.

FINDINGS:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

(continued)

2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The Apple Creek Township Board of Supervisors has recommended approval of the proposed special use.
6. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total square feet of accessory buildings for a single-family rural residence located on a parcel forty (40) acres or larger in the agricultural zoning district to 7,380 square feet and to increase the maximum side wall height of the accessory building to sixteen (16) feet on the N½ of the NW¼ of Section 5, T138N-R79W/ Apple Creek Township.

/JW

Section 14-03-06 (1) of the City Code of Ordinance (Incidental Uses) (Accessory Building)

6. The allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet and a maximum wall height of sixteen (16) feet provided a special use permit is approved by the planning commission in accordance with the provisions of Section 14-03-08.

Proposed Special Use Permit
All of the N1/2 of the NW1/4 of Section 5
Apple Creek Township

March 5, 2015 (hlb)

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

0 335 670 1,340 Feet

N

Google 155 66th St NE, Bismarck, ND 58501 Sign in

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE SPECIAL USE PERMIT FOR THE N1/2 OF THE NW1/4 OF SECTION 5, T138N-R79W/APPLE CREEK TOWNSHIP SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE (APPROVED)(DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE URLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

_____

_____

_____

_____

Kenneth [illegible] 4-6-2015

CHAIRMAN, TOWNSHIP BOARD DATE

Ann C. Willoughby April 6, 2015

ATTEST: TOWNSHIP CLERK DATE

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-10. Off-Street Parking and Loading.

1. Applicability.

a. New Developments. The off-street parking, stacking and loading requirements of this section shall apply to any new building constructed and to any new use established.

b. Expansion and Alterations. The off-street parking, stacking and loading requirements of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area. The parking, stacking and loading space provided for the existing use prior to the expansion or alteration may not be reduced.

c. Changes of Use. The off-street parking, stacking and loading requirements of this section shall apply to any change of use that would result in a requirement for more parking, stacking or loading

spaces than the existing use. Additional parking, stacking and loading spaces will be required only in proportion to the extent of the change, not for the entire building or use.

In the case of a change of use where the current use does not meet the minimum requirements for off-street parking, stacking and/or loading, and the proposed change of use would require less off-street parking, stacking or loading spaces than the current use, regardless of the number of spaces actually provided on the site, the Zoning Administrator may allow such change of use provided the off-street parking, stacking and loading for the new use is no less conforming than the current use.

~~1~~2. Off-street parking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street parking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. The number of off-street parking spaces shall be provided on the basis of the following minimum requirements:

a. Dwellings:

1) Single-family and two-family dwellings - Two (2) spaces for each dwelling unit.

2) Multiple-family dwellings - One (1) space for each efficiency unit; one and one-half spaces for each one-bedroom unit; two (2) spaces for each two-bedroom unit; two and one-half (2.5) spaces for each three-bedroom unit or larger.

b. Rooming houses: One space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the rooming house.

c. Hotels and motels, including clubs: One space for each guest room. If in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses.

d. Hospitals: One space for each two patient beds plus one additional space for each two employees.

e. Restaurants, including bars, taverns, night-clubs, lunch counters, diners, drive-ins and all other similar dining or drinking establishments: One space for each sixty (60) square feet of gross floor area. Patio area shall be included when calculating gross floor area.

f. Theaters: One space for each sixty (60) square feet of gross floor area.

g. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, zoos, racetracks, fair-grounds, circus grounds, community centers, libraries, museums, and all other similar places of public assembly: One space for each sixty (60) square feet of gross floor area.

h. Retail establishments, including personal service shops, equipment or repair shops:

1) In a RT, CA, CG, CR commercial and MA industrial district - Off-street parking shall be provided in an amount equivalent to one space for each two hundred (200) square feet of gross floor space area on the ground floor, plus one space for each three hundred (300) square feet of gross floor area in a basement or any story above the ground floor; except that a furniture store shall have one space for each six hundred square feet of gross floor area.

2) In a CA, CG, CR commercial and MA industrial district for a multi-tenant shopping center with a minimum of 30,000 square feet of leasable area and a minimum of five tenants - Off-street parking shall be provided in an amount equivalent to one space for each two hundred fifty (250) square feet of gross leasable area, provided the area of all assembly uses within the shopping center do not exceed twenty-five (25) percent of the total leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the Zoning Administrator.

i. Office buildings, adult or vocational education facilities, engraving works, blueprinting, and small animal veterinary clinics, including commercial, governmental and professional buildings, except as otherwise provided for in this section: One space for each two hundred fifty square feet of gross floor area.

j. Manufacturing and industrial plants, public utility buildings, contractor equipment yards, soft drink bottling establishments, fabricating plants and all other structures devoted to similar industrial pursuits: One space for each manufacturing employee on the largest shift, plus sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles, plus one space for each two hundred fifty square feet of office area.

k. Terminal facilities, including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities: Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each employee plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles.

l. Schools, including colleges, elementary schools, junior and senior high schools, whether public, private or parochial: One space for each employee, plus additional space for any places of public assembly in accordance with the requirements set forth in this section for such uses. In addition, all senior high schools and colleges shall provide one space for every five students.

m. Sanitariums, asylums, orphanages, adult or disabled care centers, convalescent homes, and similar institutions: One space for each four patient beds, plus one additional space for each employee.

n. Wholesale, warehouses and storage buildings, lumberyards and all other similar facilities. One space for each six hundred (600) square feet of storage area. Retail and office areas shall meet the requirements of subsections h. and i. of Section 14-03-10 of the Zoning Ordinance.

o. Mortuary or funeral homes: One space for each four seats for patron use or one space for each sixty square feet of building area, whichever is greater.

p. Child care center: One space for each employee and one space for each ten (10) children.

q. Animal hospital: Three spaces per doctor and one and one-half (1-1/2) additional spaces for every employee.

r. Senior Citizen Housing: .65 space for each living unit.

s. Filling stations: Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five spaces for each service stall or bay on the premises.

t. Motor vehicle repair garages: Two spaces per repair stall.

u. Religious institutions: One space for each sixty (60) square feet of gross floor area in the largest assembly area.

~~2~~3. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk

Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

For uses not specified above, the Planning and Zoning Commission shall determine the appropriate number of spaces required based on the requirements for a similar use.

A drive-through facility with vehicle stacking spaces based on one type of use may not be converted to another type of use without the submittal and approval of a new site plan. A new special use permit shall be required for any change to a use with greater vehicle stacking space requirements. A drive-through facility which has been discontinued cannot be re-established unless a new special use permit has been approved.

~~3~~4. Off-street loading. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a plot plan showing the required space or structural design for off-street loading purposes to be provided in connection with such building, improvement or use, in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan. Such off-street loading space shall

be provided in accordance with the following minimum requirements:

a. Each department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment which has an aggregate gross floor area of twenty-five thousand (25,000) square feet or more, arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required Number of Berths
25,000 but less than 40,000.	1
40,000 but less than 100,000	2
100,000 but less than 160,000.	2
160,000 but less than 240,000.	4
240,000 up to and including 320,000.	5
For each additional 90,000	1 Addl

b. Each multifamily dwelling having ten (10) dwelling units - One off-street loading berth for ten (10) up to and including thirty (30) dwelling units, plus one additional off-street loading berth for each additional thirty dwelling units.

c. Each auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, hospital or welfare institution which has an aggregate gross floor area of fifty thousand (50,000) square feet or more used or intended to be used for service to the arranged, intended or designed uses - One off-street loading berth for fifty thousand (50,000) square feet up to and including two hundred fifty thousand (250,000) square feet and one additional berth for each additional two hundred thousand (200,000) square feet of floor area.

d. In computing the ground coverage of the principal building and all accessory buildings for any nonresidential use, sufficient area shall be added to

the actual area of the principal building and all accessory buildings to provide off-street parking as required by section 14-03-10 of this ordinance.

~~4~~5. Uses not specifically mentioned or unique situations. For any use not specifically mentioned in this section or in unique situations, the Zoning Administrator has the authority to modify the number of off-street parking spaces required based on the occupancy load. In such cases, either the Zoning Administrator or the applicant for the certificate of occupancy or building permit may apply to the board of adjustment for an interpretation of the provisions of this article for such off-street parking and off-street loading requirements and the board of adjustment shall render a decision in writing in the manner provided for in this article for such action.

~~5~~6. Continuing character of obligation. The schedule of requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this section to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading spaces apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets with the requirements of and is in compliance with this section. It shall be unlawful for any firm or corporation to use such building without acquiring such land or other suitable land for vehicle parking or loading space which meets with the requirements of and is in compliance with this article.

~~6~~7. Fractional measurements. When units or measurements determining number of required off-street parking and off-street loading spaces result in the requirements of a fractional space, any fraction up to and including one-fourth shall be disregarded, and fractions over one-fourth shall require one off-street parking or off-street loading space.

~~7~~8. Off-street parking and loading requirements in certain zoning districts. In that section of the city

described as follows: Commencing at the intersection of the east line of Ninth Street and Thayer Avenue; thence south on Ninth Street to a point one hundred fifty feet south of the south boundary line of Main Avenue being the center line of the Burlington Northern Railway Company right-of-way; thence west along the said center line of the Burlington Northern Railway Company right-of-way to the west line of Seventh Street extended; thence south to the center line of Bowen Avenue; thence west along the center line of Bowen Avenue to Fifth Street; thence north along the center line of Fifth Street to Front Avenue; thence west along the center line of Front Avenue to Third Street; thence north on Third Street one hundred fifty feet to the center line of the Burlington Northern Railway Company right-of-way; thence west along the center line of the Burlington Northern Railway Company right-of-way to the east line of Washington Street extended; thence north along the east line of Washington Street to the northwest corner of Lot 24, Block 84, Original Plat; thence east from the northwest corner of Lot 24, Block 84, Original Plat to the southwest corner of Lot 6, Block 84, Original Plat; thence north from the southwest corner of Lot 6, Block 84, Original Plat to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the east line of Mandan Street; thence north along the east line of Mandan Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of First Street; thence south along the east line of First Street to the northwest corner of Lot 18, Block 110, Original Plat; thence east from this point to the east line of Second Street; thence north along the east line of Second Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of Third Street; thence north along the east line of Third Street to the south line of Avenue A; thence east along the south line of Avenue A to the east line of Lot 4, Block 26, Northern Pacific Second Addition; thence south from this point along the center line of Block 26, Northern Pacific Second Addition and Block 126, Original Plat to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the west line of Eighth Street; thence south along the west line of Eighth Street to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the point of beginning, the following off-street parking provisions shall apply:

a. For any new building replacing a building existing at the date of this article, a new building being constructed on vacant land or any building in which the floor space is increased by any additions or structural alterations, off-street parking space will not be required under this article, but will be provided by the City of Bismarck, as the governing body of this city may from time to time provide by eminent domain, or other authorized legal means, and assess against the benefited property.

b. Notwithstanding any other requirements of this section relative to off-street parking, off-street loading shall be provided as designated elsewhere in this section.

~~8~~9. Location of required parking and loading facilities. The off-street parking facilities required by this section shall be on the same lot or parcel of land as the structure they are intended to serve; provided, however, when practical difficulties, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred feet (400) of the premises to which they are appurtenant. Off-site parking lots within residential areas are subject to the requirements of Section 14-03-08(4)(x). The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this article. All required off-street parking and loading facilities along with all ingress and egress driveways thereto shall be zoned appropriately for the principal use which they are intended to serve.

~~9~~10. Plan of required off-street parking or loading areas. For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the Zoning Administrator to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided additional area for lanes, alleys, aisles and drives necessary for safe and adequate parking maneuvering. For each off-street

loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or tractor-trailer combinations to back into them from a street or out of them into a street.

~~10~~11. Use of required off-street parking by another building. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage for such structures will not be simultaneous with each other, as determined by the board of adjustment.

~~11~~12. Maintenance of public off-street parking places provided. All off-street parking facilities for the use of the public required pursuant to the provisions of this section shall be paved, drained, lighted and periodically maintained by the owner in accordance with specifications of the city engineer, and such facilities shall be arranged for convenient access and safety of pedestrians and vehicles. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces be reduced except upon the approval of the board of adjustment and then only after proof that, by reason of diminution of floor space, seating capacity, number of employees, or change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this section.

~~12~~13. Collective action relative to off-street parking and loading. Nothing in this title shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this section.

~~13~~14. Mixed uses. In the case of mixed uses, except as provided for in subsection 1(h)(2) of this section for a multi-tenant shopping center, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in subsections 1 and 2 of this section, and the off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

~~14~~15. Nonconforming uses. In the case of nonconforming uses where major repairs, substantial alterations or extensions are made, no such major repairs, substantial alterations or extensions shall be permitted unless and until the off-street parking and off-street loading facility space requirements of this section, so far as they apply to the use to which such building is devoted, shall be fully provided for. Provided, however, this item shall not apply to the rebuilding of nonconforming uses that are being rebuilt according to section 14-03-09 of the zoning ordinance, or to structures located upon lots in districts being assessed for city-operated parking lots.

~~15~~16. Vacant lots. Vacant lots may be used for temporary off-street parking purposes if they meet the following criteria:

a. Location. Lot is located not more than six hundred (600) feet in distance from a parking district boundary.

b. Surfacing. Lot shall be surfaced and said surfacing shall be approved by the city engineer.

c. Access. Lot shall have separate ingress and egress driveways and said driveways shall be approved by the city engineer.

d. Minimum size. Lot shall be of sufficient size to contain not less than ten (10) automobiles, with each parking space at least nine (9) feet wide and twenty feet long, in addition to the ingress and egress driveways required.

e. Permit. Lots shall be authorized by the issuance of a certificate of occupancy from the director of inspection's office following compliance with and receipt of approval of items a, b, c and d described above.

(Ord. 4117, 12-30-86; Ord. 4213, 8-02-88; Ord. 4323, 4-24-90; Ord. 4236, 1-17-89; Ord. 4325 and 4326, 4-24-90 & 5-01-90; Ord. 4333, 6-05-90; Ord. 4332, 6-05-90; Ord. 4336, 7-31-90; Ord. 4770, 06-25-96; Ord. 4821, 02-25-97; Ord. 4863, 08-12-97; Ord. 4936, 09-08-98; Ord. 5206, 10-08-02; Ord. 5207, 10-08-02; Ord. 5247, 04-22-03; Ord. 5295, 02-24-04; Ord. 5501, 04-25-06; Ord. 5527, 06-27-06; Ord. 5693, 09-23-08; Ord. 5728, 05-26-09; Ord. 5852, 11-22-11; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6043, 04-22-14; Ord. 6050, 05-27-14)

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.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES/TEMPORARY USES.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

2. Temporary uses (administrative approval). The Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen days after termination of the use. The following are temporary uses to which such regulations apply:

a. For a religious meeting in a tent or other temporary structure in a CG, MA, MB or A district for a period not to exceed thirty (30) days.

b. For the open lot sale of Christmas trees in a CA, CG, CR, MA, MB or A district for a period not to exceed forty-five (45) days.

c. For seasonal sales of nursery and bedding stock for a period of not more than ninety (90) days in a CA, CG, CR, MA, MB or A district.

d. For sale of fireworks for a period of not more than thirty (30) days in a MA, MB or A district.

e. For sale of locally grown farm or garden produce in a CA, CG, CR, MA, MB or A district of not more than ninety (90) days.

f. For temporary retail sales in a CA, CG, CR or MA district for a period not to exceed sixty (60) days.

~~f~~g. For a show, circus, menagerie or carnival in a CA, CR, CG, MA, MB, A or P Zone for a period of no more than ten days provided that proof of a bond or liability insurance as required by City Ordinance 5-03-08 is provided prior to the first day of the event and that no less than thirty days prior to the first day of the event the applicant shall submit an application for the event to the Zoning Administrator. Such application shall be accompanied by a fee, as established by the City, for each day of the event which shall be in addition to any other license or inspection fees, and a site plan of the event showing at least the following details:

1) General layout with dimensions and legal description.

2) Location and type of sanitary facilities. There shall be at least one toilet facility for each sex for every ten concessions.

3) Circulation plan showing access points, pedestrian areas and parking areas.

4) At least nine hundred square feet of area shall be required for each concession.

5) No public right-of-way shall be utilized for any portion of the event without special permission of the Board of City Commissioners.

6) No noise in excess of sixty decibels may be emitted after 11:00 p.m.

7) No event may begin earlier than 9:00 a.m. nor continue later than 1:00 a.m.

8) Each event which conducts, operates, manages, or sponsors any ferris wheel, merry-go-round, or other amusement ride shall post a $500,000 bond or liability insurance as required by City Ordinance 5-03-08.

9) Shows, circuses, menageries, or carnivals held at the Civic Center or the Missouri Valley Complex do not require a special use permit. Events held at those locations must still comply with all applicable City ordinances and adopted codes.

10) The Zoning Administrator will provide a copy of each application for a temporary special use permit for a show, circus, menagerie, or carnival to the Police Department, Fire Department, the Building Official, the Traffic Engineer, and to the Environmental Health Administrator for events held within the City, and to the Sheriff, the County Engineer, the Building Official, and the Rural Fire Department for events held outside the City.

* * * * *

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.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES AND DRIVE-IN/DRIVE-THROUGH RETAIL AND SERVICE ESTABLISHMENTS.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-

through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, CR, MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

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

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

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

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

5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent

encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.

6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

* * * * *

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.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-13 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE CR COMMERCIAL DISTRICT.

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

Section 1. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to THE CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District.

1. General description. The CR commercial district is established as a district in which the principal use of the land is for regional shopping centers and related services. For the CR commercial district in promoting the general purposes of this article, the specific intent of this section is:

a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.

b. To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the regional area served.

2. Uses permitted. The following uses are permitted:

a. Retail group A.

b. Service group A.

c. Office-bank group.

d. Commercial recreational group.

e. Health-medical group.

f. Religious institution.

The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

c. Seasonal nursery and bedding stock sales.

d. Filling station.

e. Child care center.

f. Drive-in retail or service establishment.

g. Auto laundry - car wash.

h. Retail liquor sales.

3. Lot area. No CR commercial district shall contain less than forty (40) acres.

4. District width. Each CR commercial district shall have an average width of not less than one thousand (1,000) feet and shall have no principal dimension less than five hundred (500) feet in length.

5. Floor area. The gross floor area of the principal building shall be not less than three hundred thousand (300,000) square feet.

6. Setback. A minimum setback of fifty (50) feet shall be required of the principal building except when it

fronts on an interior street within the district. A setback of at least twenty-five (25) feet shall apply for all other buildings.

7. Height limits. No building shall exceed fifty (50) feet in height.

8. Off-street parking. Off-street parking and loading shall be provided ~~in an amount equivalent to five (5) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street~~ in accordance with the provisions of Section 14-03-10 of this Title. A site circulation plan shall be prepared by the shopping center and approved by the Zoning Administrator.

(Ord. 4462, 08-18-92; Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4808, 11-12-96; Ord. 5027, 02-08-00; Ord. 5728, 05-26-09; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14)

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.