Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA
May 27, 2015

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

Item No. | Page

MINUTES

1. Consider approval of the minutes of the April 29, 2015 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Tract 207 of the NW¼ of Section 2, T138N-R80W/Lincoln Township** – Zoning Change (P to MA) (JT) 1

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

3. **Lot 16, Block 17, Sonnet Heights Subdivision** – Zoning Change (R5 to R10) (JW) 5

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

4. **Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition** – Zoning Change (R5, RT & PUD to PUD) (JT) 7

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

5. **Lot 1A of Lot 1, Block 1, Kilber North Addition** – Zoning Change (RM30 to Conditional RT) (Klee) 21

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

6. **Tract 304 of Block 9, Tracts 420, 422 and 500, All of Blocks 41, 43, 45, 47, 67, 69 & 71, and Lots 1-18, Block 65, Original Plat, and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition** – Zoning Change (CG to DC) (JT) 23

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

7. **Subdivision Regulations/Improvements** – Zoning Ordinance Text Amendment (Klee) .. 27

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

RECONSIDERATION

The following items are requests for reconsideration of previous action and forwarding to the City Commission.

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

a. Annexation 43

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

b. Zoning Change (A to R5) 47

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

c. Final Plat 51

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

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

a. Annexation 57

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

b. Zoning Change (A to R5, R10, RM15 & P) 61

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

c. Final Plat 67

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.

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

a. Annexation 75

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

b. Minor Subdivision Final Plat 79

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

PUBLIC HEARINGS

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

11. Hamilton's First Addition First Replat (JT)

a. Zoning Change (RM15 & PUD to R10, RM15 & PUD) 85

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

b. Minor Subdivision Final Plat 97

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

12. Reuter's Addition (JW)

a. Zoning Change (R5 to R5 & PUD) 103

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

b. Final Plat 111

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

13. JMAC Industrial Park Addition (JT)

a. Zoning Change (A to MA & P) 121

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

b. Final Plat 125

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

14. Benedictine First Subdivision (Klee)

a. Zoning Change (A to Conditional RM) 131

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

b. Final Plat 137

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

15. Lot 1A of Lot 1, Block 1, Pebble Creek Eighth Addition –
Zoning Change (RT to CA) (Klee) 143

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

16. Auditor's Lots D, E, N & R 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) 147

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

17. **Madison Lane Addition** – PUD Amendment (JT) 151

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

18. **Appeals Process/Special Use Permits** – Zoning Ordinance Text Amendment (Klee)..... 161

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

19. **P Public Use Zoning District** – Zoning Ordinance Text Amendment (Klee)..... 165

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

PUBLIC INPUT

20. **Public Input Opportunity** - Policy for Dedication of Easements and Rights-of-Way Required for Orderly Development 167

OTHER BUSINESS

21. **Other**

ADJOURNMENT

22. **Adjourn.** The next regular meeting date is scheduled for Wednesday, June 24, 2015.

Enclosures: Meeting Minutes of April 29, 2015
Building Permit Activity Report for April 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Tract 207 of the NW ¼, Section 2, Lincoln Township – Zoning Change (P to MA)	
Status: Planning Commission – Consideration	**Date:** May 27, 2015
Owner(s): Wade French & Brandi Lynch	**Engineer:** N/A
Reason for Request: Rezone property to allow the continuation of light industrial land uses.	
Location: In east Bismarck, south of East Main Avenue along the east side of South 26th Street (Tract 207 of the NW ¼ of Section 2, T138N-R80W/Lincoln Township).	
Project Size: 0.76 acres/33,218 square feet	**Number of Lots:** One tract
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Industrial/warehouse	**Land Use:** Industrial/warehouse
Zoning: P – Public	**Zoning:** MA – Industrial
Uses Allowed: Public uses included parks, trails and stormwater facilities	**Uses Allowed:** Light industrial uses including storage facilities and manufacturing
Maximum Density Allowed: N/A	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:		
Zoned: Pre-1980	**Platted:** N/A	**Annexed:** 07/1974

ADDITIONAL INFORMATION:

1. The property was initially part of the BNSF right-of-way. This tract was purchased from the BNSF Railway in 2010 by Praxair, Inc. The current owners/applicant recently purchased the property from Praxair, Inc. Due to the location of the property within the railroad right-of-way and the adjacency of this property to the North Dakota State Penitentiary, the property was zoned a P – Public prior to BNSF selling the property in 2010.

FINDINGS:

1. This 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 office and industrial land uses to the north and west, the North Dakota State Penitentiary to the east and the City of Bismarck Public Works facility to the south.
3. The parcel is already annexed; therefore, the proposed 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.

(continued)

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

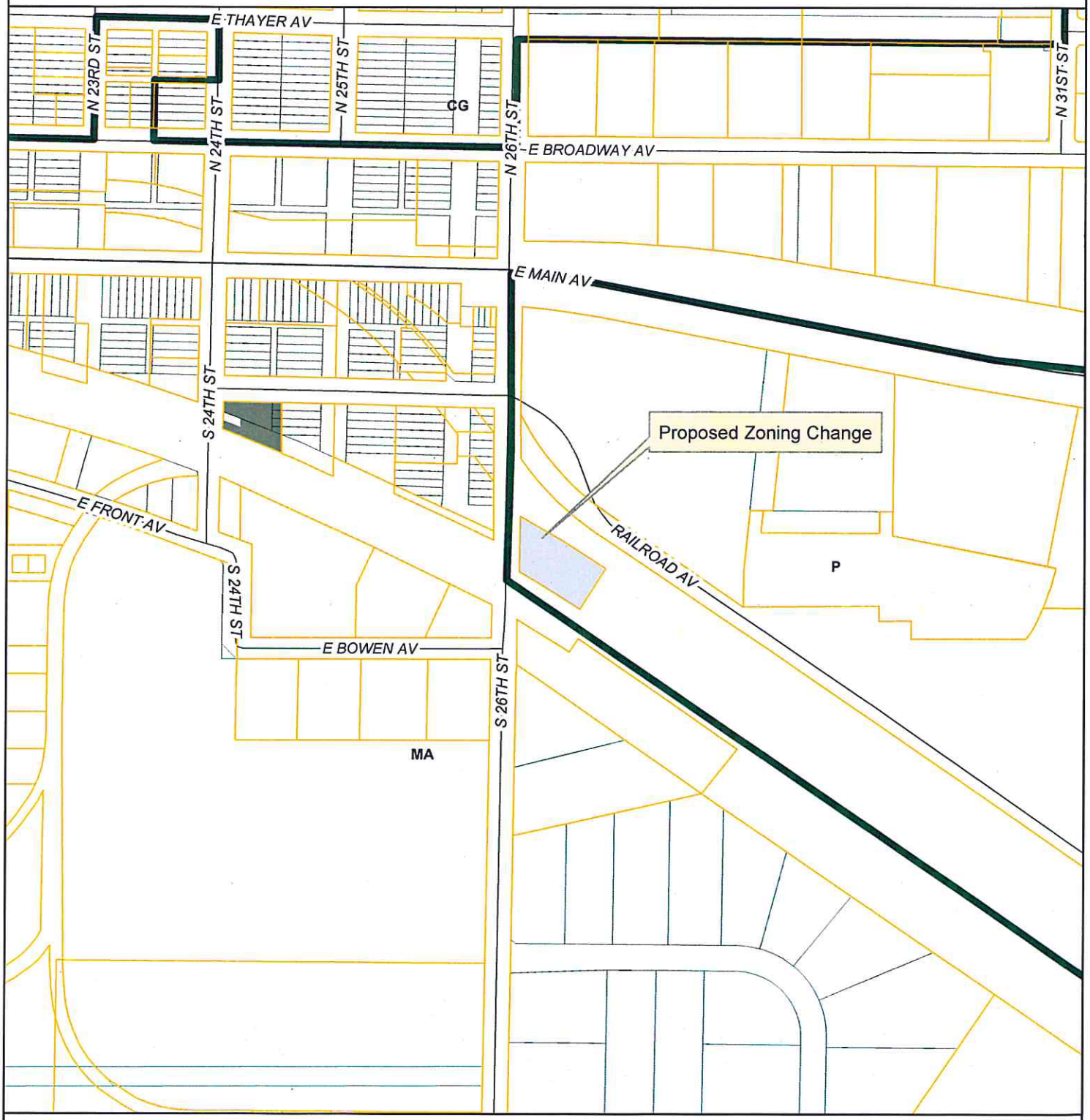
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 207 of the NW ¼ of Section 2 T138N-R80W/Lincoln Township.

/jt

Proposed Zoning Change (P to MA)
Tract 207 of the NW1/4 of Section 2, T138N-R80W
Lincoln Township



March 5, 2015 (hlb)

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 16, Block 17, Sonnet Heights Subdivision – Zoning Change (R5 to R10)	
Status: Planning Commission – Consideration	**Date:** May 27, 2015
Owner(s): Jadranka and Danko Buzakovic	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Rezone property to allow for the development of a twinhome.	
Location: In northeast Bismarck, west of US Highway 83, along the north side of Bremner Avenue and west side of Windsor Street.	
Project Size: 14,557 square feet, more or less	**Number of Lots:** 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Two-family residential
Zoning: R5 – Residential	**Zoning:** R10 – Residential
Uses Allowed: Single-family residential	**Uses Allowed:** Single and two-family residential
Maximum Density Allowed: 5 units/acre	**Maximum Density Allowed:** 10 units/acre

PROPERTY HISTORY:		
Zoned: 12/1980	**Platted:** 12/1980	**Annexed:** 03/2007

FINDINGS:

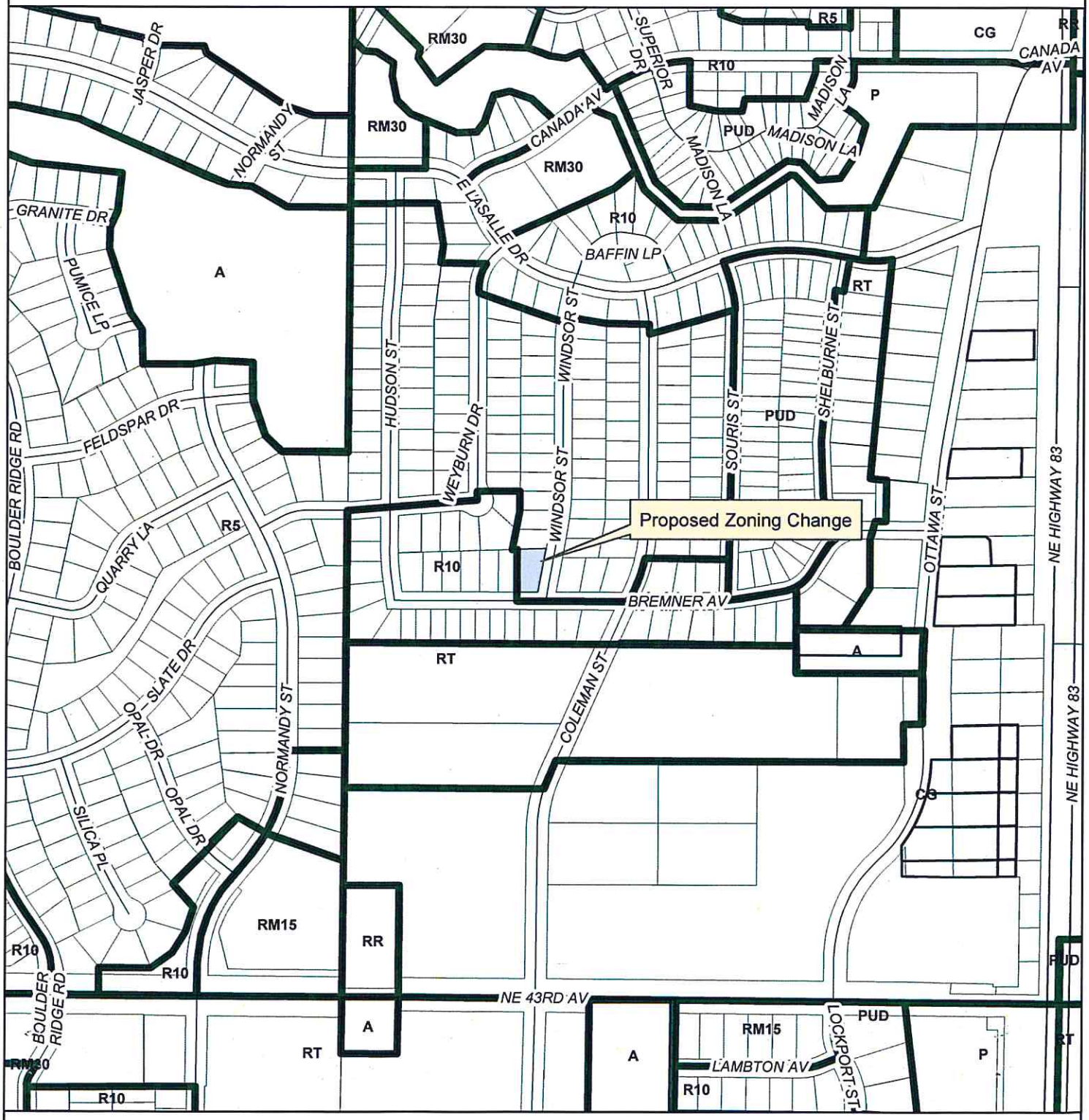
1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing R10 – Residential property to the west and south and developing R5 – Residential property to the north and east across Windsor Street.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 16, Block 17, Sonnet Heights Subdivision.

/JW

Proposed Zoning Change (R5 to R10)
Lot 16, Block 17, Sonnet Heights Subdivision



March 5, 2015 (hlb)

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition – Zoning Change (R10, RT, & PUD to PUD)

Status: Planning Commission – Consideration	**Date:** May 27, 2015
Owner(s): Edward & Barbara Danks (L5-6, B8, Fisher Addition) First International Bank & Trust (remaining parcels)	**Engineer:** Consolidated Construction Company, Inc.

Reason for Request:
To allow the development of a multi-story office/mixed-use building.

Location:
Along the east side of State Street just south of East Divide Avenue.

Project Size: 3.96 acres	**Number of Lots:** 5 lots in 3 blocks

EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped (Capital View Addition) Multi-family/office (Capitol Place) Three single-family dwellings (Fisher Addition)	**Land Use:** Two multi-story mixed-use office buildings
Zoning PUD-Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: As specified by the PUD	**Uses Allowed:** As specified by the PUD
Maximum Density Allowed: N/A	**Maximum Density Allowed:** As specified PUD

PROPERTY HISTORY:

Zoned: 09/2010	**Platted:** 05/09	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The initial PUD in 2009 permitted an 84-foot tall, mixed-use office building with two dwelling units on the top floor.

2. The PUD was amended, at the request of the property owner, in 2010 to allow the construction of a 3-story hotel. That plan has been abandoned by the owner in lieu of this request. The proposed use would be two multi-story, mixed-use buildings with supporting parking structures to allow a mix of uses including a bank, offices and a restaurant. The applicant has acquired the office/apartment buildings to the south and will be acquiring three single-family homes to the east to allow for ingress and egress to and from the site from the east and to allow for the proposed parking structures.

3. The PUD for Capital View Addition was amended in February 2015 to allow a 5-story office building with underground parking and a financial institution with a drive-through.

FINDINGS:

1. The proposed use would be compatible with adjacent land uses. Adjacent land uses include the Capitol grounds to the west, commercial uses to the north, single and two-family residential to the south and east.

(continued)

2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services

3. The proposed zoning change and subsequent development would not adversely affect property in the vicinity provided the landscape buffer yard is installed in conjunction with site development and exterior lighting of the building and the off-street parking areas is designed in a manner to limit the amount of ambient light that is cast onto the adjoining residential properties.

4. The proposed zoning change and subsequent development is consistent with the general intent and purpose of the zoning ordinance.

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

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10, RT and PUD zoning districts to the PUD – Planned Unit Development District for Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition, as outlined in the attached PUD document.

/jt

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 CA – Commercial district and the R10 – Residential district and included within the PUD – Planned Unit Development District.

Lot 1, Block 1, Capitol View Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this PUD:

   a. Office-bank group.

   b. Two (2) residential dwelling units

   All other uses not included in this list shall be prohibited.

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. Drive-in or retail or service establishment.

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

3. *Dimensional Standards.*

   a. Front Yard Setback. The minimum front yard setback is 25 feet along 12th Street North, 13th Street North and Divide Avenue.

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

c. Rear Yard Setback. The minimum rear yard setback is 20 feet.

d. Height. The maximum building height is 85 feet.

e. Lot Coverage. The maximum lot coverage for buildings and required parking is 75% of the total lot area.

4. *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. The design of the building shall generally conform to the submitted architectural renderings submitted with the application. The building's primary exterior treatments shall be composed of brick or a similar material, precast panels or a similar material, metal panels or a similar material and glass windows.

5. *Development Standards.*

a. Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.

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 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.

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. Buffer yards shall be provided along the south and east property lines and shall generally conform to the site plan that was submitted with the application. The buffer yard plantings must be within the buffer yard easements shown on the face of the plat. The entire landscape buffer yard shall be installed within one (1) year of the date the certificate of occupancy is issued.

e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections 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 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. A pylon sign may not exceed 40 feet in height.

g. Lighting. Exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts.

h. All other development standards shall be as outlined in Section 14-04-08, RT-Residential District, of the City Code of Ordinances.

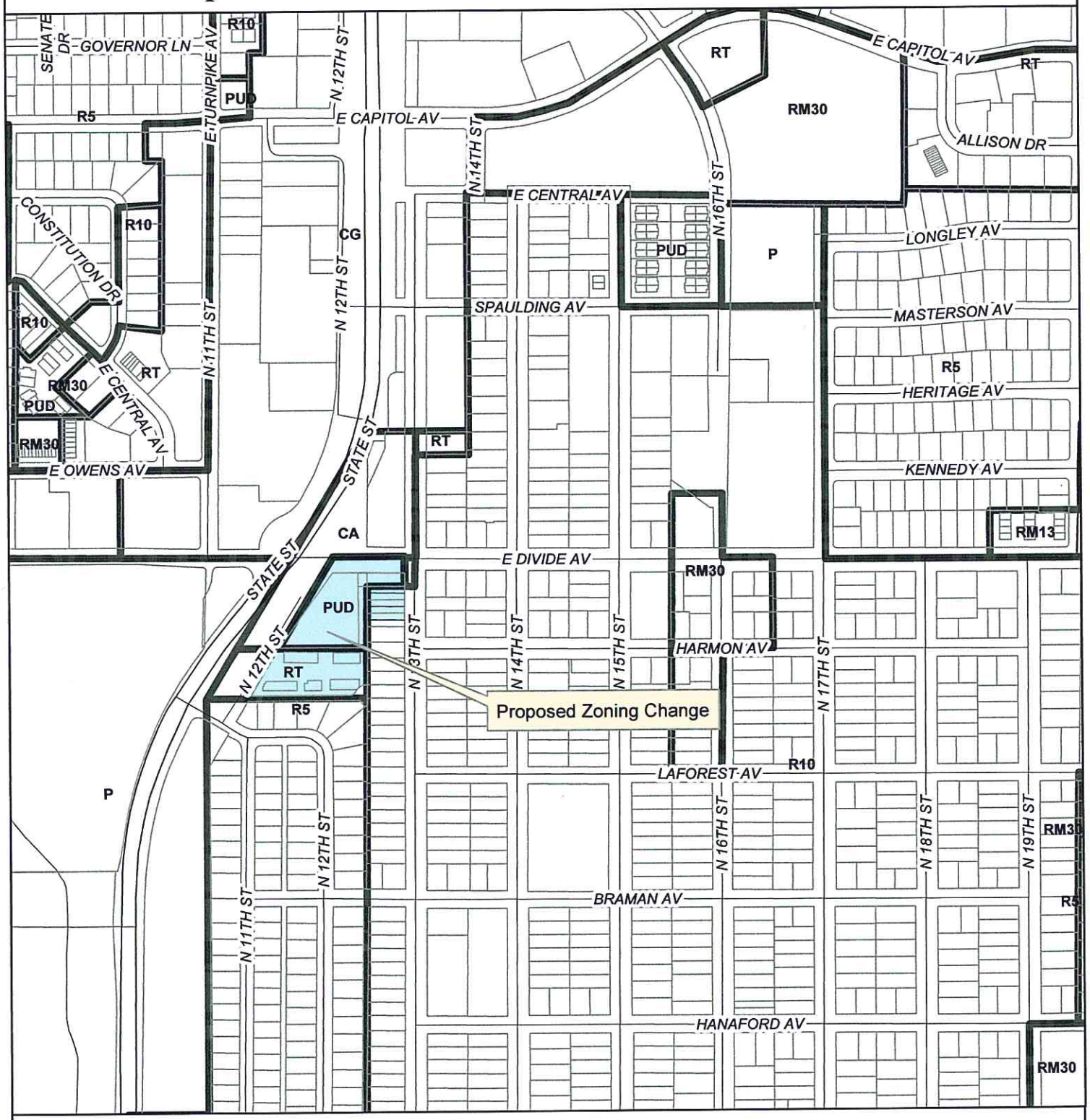
7. *Site Plan Review.* The site plan submitted with the application does not constitute an official site plan. Prior to development the proposed development is subject to the City's Site Plan Review Process and must meet the established regulations and guidelines.

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

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

Proposed Zoning Change (R5, RT & PUD to PUD)
Lot 1, Block 1, Capital Vew Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition



May 21, 2015 (klee)

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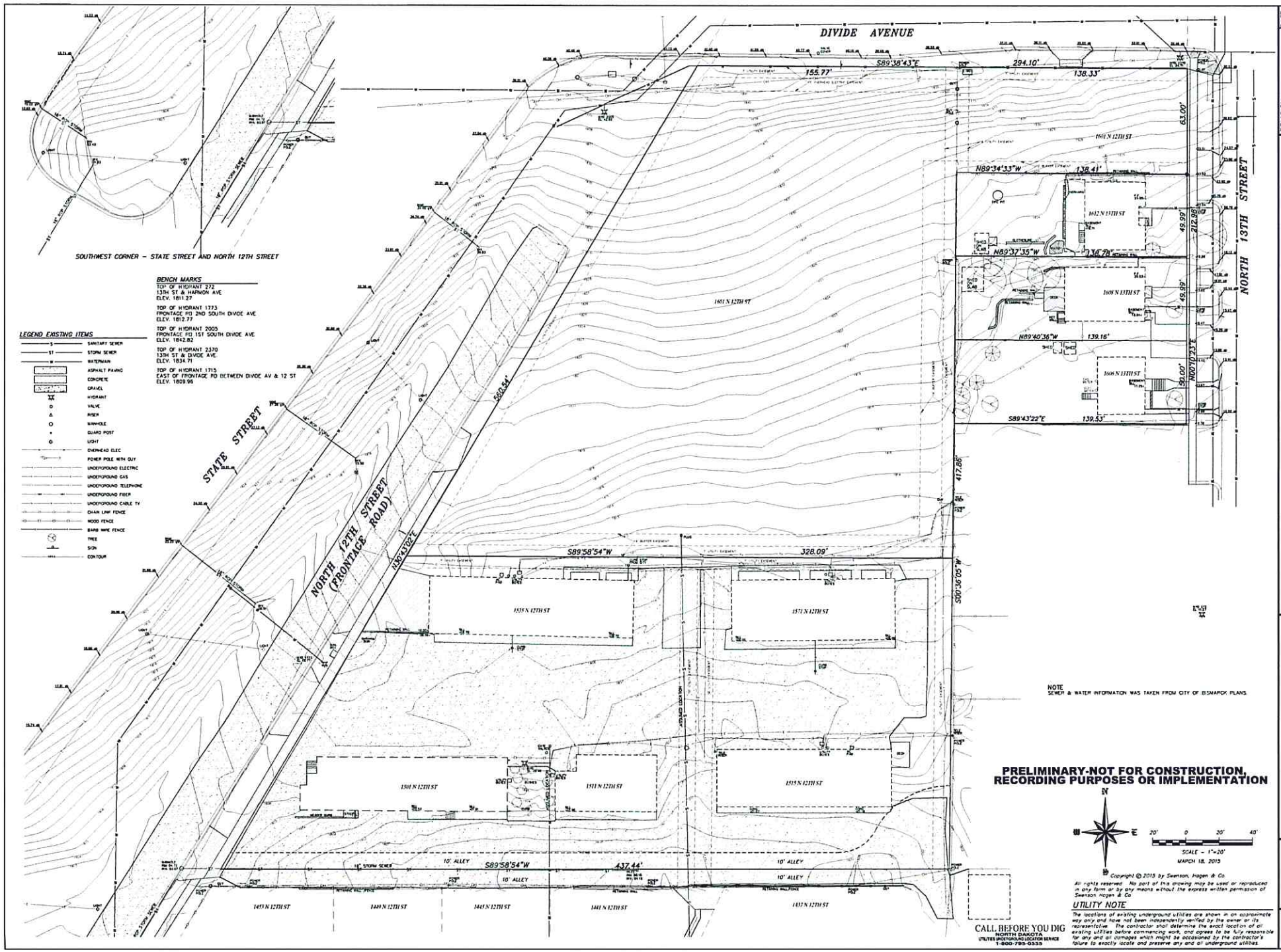

DATE

REVISION

PROJECT

SITE SURVEY
LOT 1 BLOCK 1 CAPITAL VIEW ADD, LOT 1 BLOCK 1 CAPITOL PLACE & LOTS 5-10 BLOCK 8 FISHER ADDITON
BISMARCK, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrography
Mapping
Civil Engineering
Landscape Architecture
Construction Management
1811 Bloom Avenue
Bismarck, North Dakota 58504
www.swenson-hagen.com
Phone (701) 223-2686
Fax (701) 223-2686

DRAWN BY: TF
CHECK BY: LFT
DATE: 3/18/2015
FILE DESC: CAPITAL VIEW ADDITION
COMPUTER FILE: LOT 1 BK 1 SURVEY FILE

SHEET
C1.0

Option 2 - Phase 1

Floor Level	Useable Area	Mech /Circulation	Gross Area
1st	5,440 s.f.	2,660 s.f.	8,100 s.f.
2nd	5,200 s.f.	1,200 s.f.	6,400 s.f.
3rd	5,200 s.f.	1,200 s.f.	6,400 s.f.
4th	5,400 s.f.	1,200 s.f.	6,600 s.f.
5th	5,400 s.f.	1,200 s.f.	6,600 s.f.
6th	4,400 s.f.	1,200 s.f.	5,600 s.f.
Total	**31,040 s.f.**	**8,660 s.f.**	**39,700 s.f.**

Parking Summary

Restaurant: 1 stall for each 60 s.f.

4,400 s.f. / 60 = 74 stalls required

Office: 1 stall for each 250 s.f.

26,640 s.f. / 250 s.f. = 107 stalls required

Total parking required = 181 stalls

Surface parking provided = 61 stalls

Ramp parking provided = 136 stalls

Total parking provided = 197 stalls

Option 2 - Phase 2

Floor Level	Useable Area	Mech /Circulation	Gross Area
1st	5,440 s.f.	2,660 s.f.	8,100 s.f.
2nd	5,200 s.f.	1,200 s.f.	6,400 s.f.
3rd	5,200 s.f.	1,200 s.f.	6,400 s.f.
4th	5,400 s.f.	1,200 s.f.	6,600 s.f.
5th	5,400 s.f.	1,200 s.f.	6,600 s.f.
6th	4,400 s.f.	1,200 s.f.	5,600 s.f.
Total	**31,040 s.f.**	**8,660 s.f.**	**39,700 s.f.**

Parking Summary

Office: 1 stall for each 250 s.f.

31,040 s.f. / 250 s.f. = 125 stalls required

Total parking required = 125 stalls

Surface parking provided = 60 stalls

Ramp parking provided = 70 stalls

Total parking provided = 130 stalls

SITE OPTION 3

SCALE: 1" = 30'-0"

PROPOSED SITE DEVELOPMENT

Bismarck, North Dakota

Project No. 039402 Date: 3/24/2015

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PROPOSED SITE DEVELOPMENT

Bismarck, North Dakota

Project No. 039402 Date: 4/23/2015

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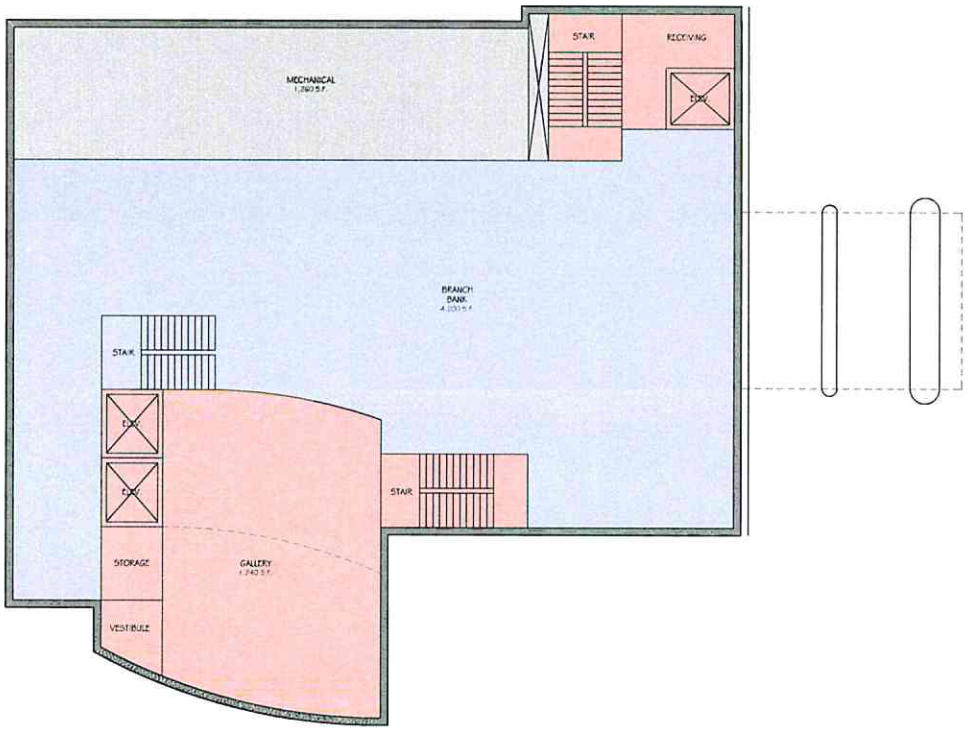
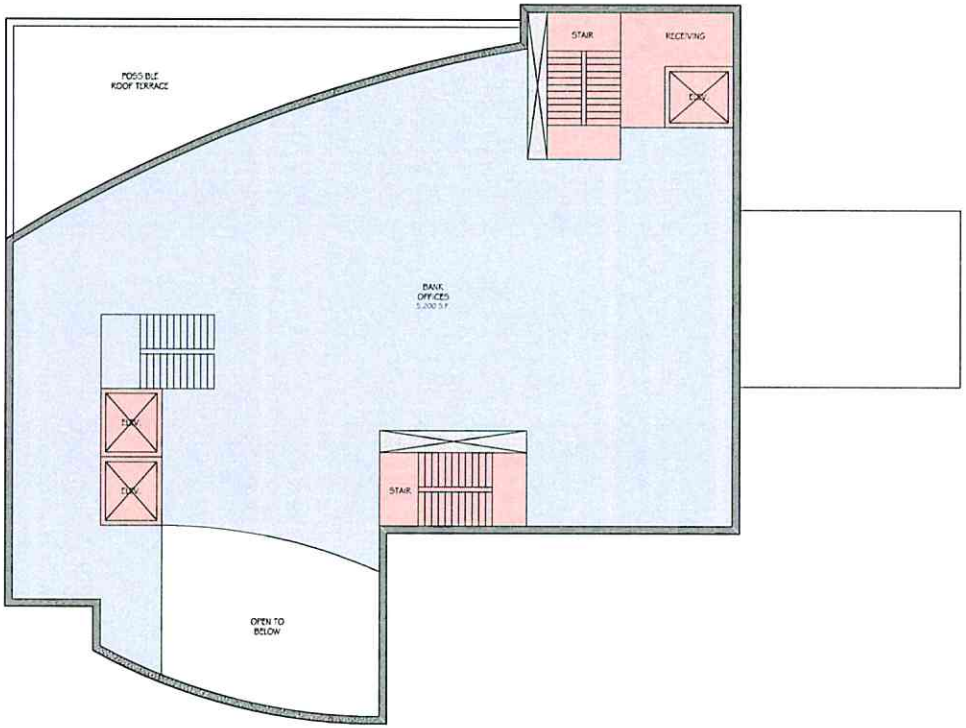


GROUND FLOOR

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



SECOND FLOOR

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

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PROPOSED SITE DEVELOPMENT

Bismarck, North Dakota

Project No. 039402 Date: 3/24/2015

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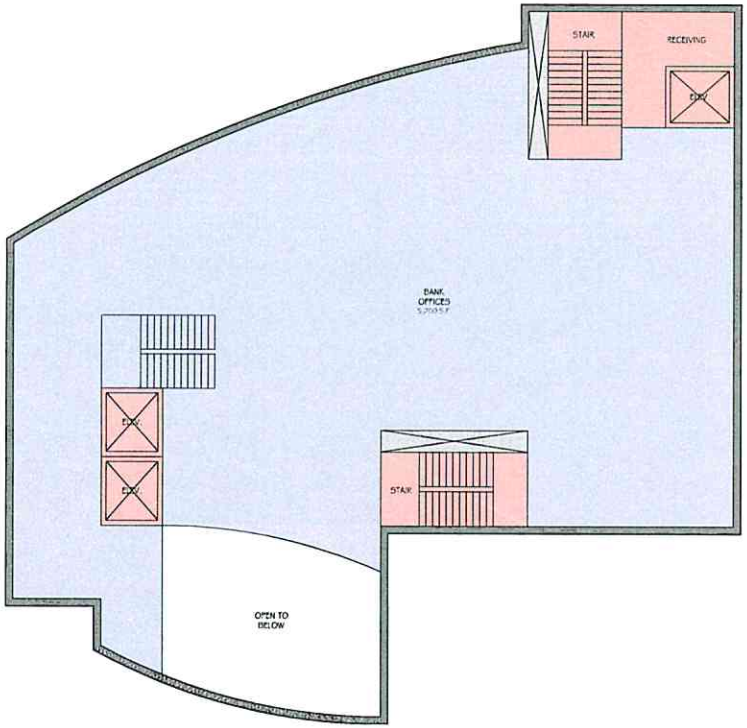
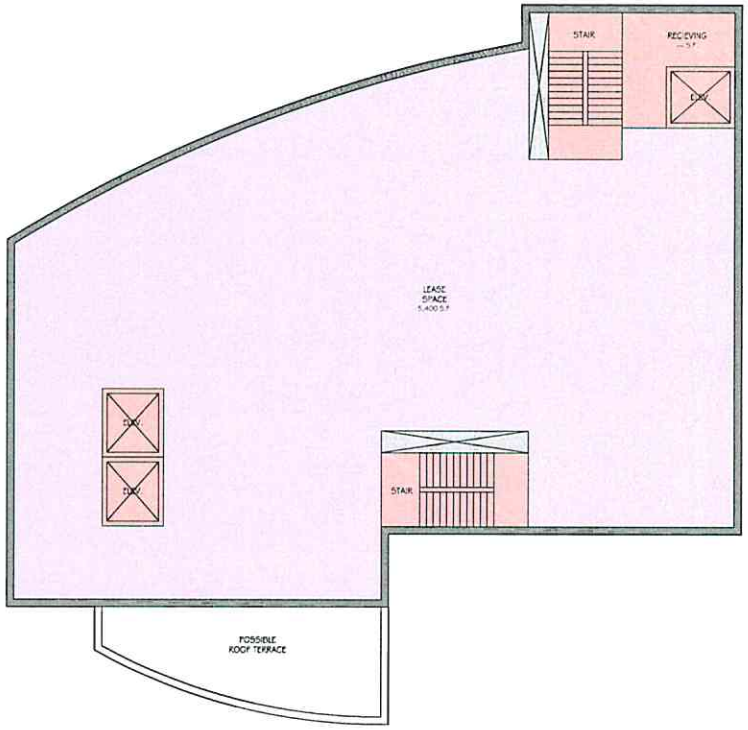


THIRD FLOOR

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



FOURTH FLOOR

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

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PROPOSED SITE DEVELOPMENT

Bismarck, North Dakota

Project No. 039402 Date: 3/24/2015

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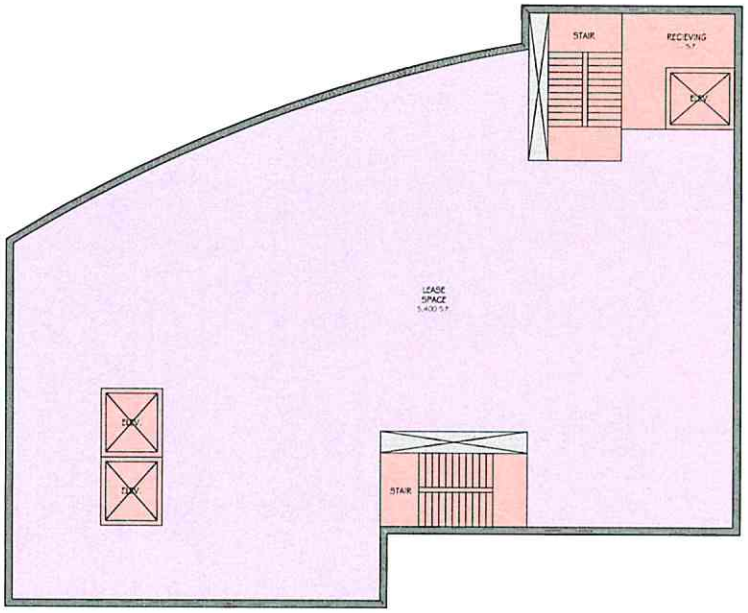
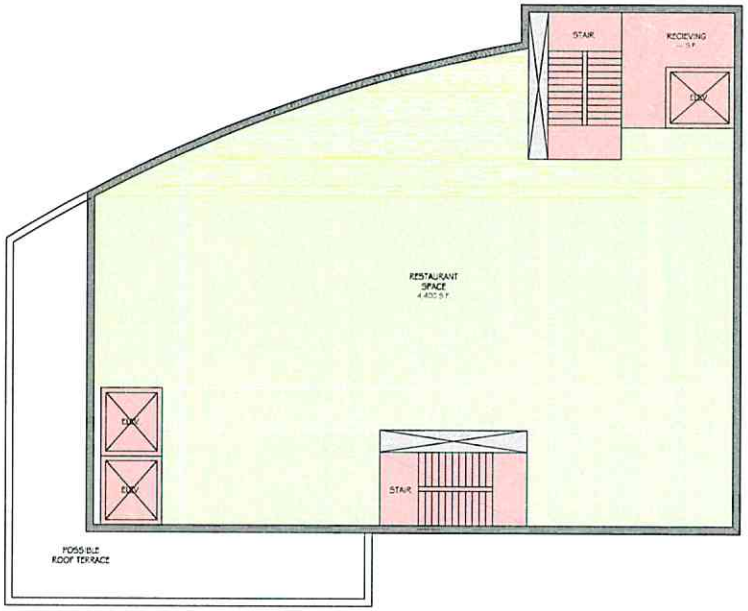


FIFTH FLOOR

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



SIXTH FLOOR

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

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PROPOSED SITE DEVELOPMENT

Bismarck, North Dakota

Project No. 039402 Date: 3/24/2015

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Appleton, WI / Milwaukee, WI / Bismarck, ND

CONSOLIDATED
CONSTRUCTION CO. INC.

Project: First International Bank & Trust
Location: 1601 N. 12 St., Bismarck, ND
Lot 1 Block 1 Capital View Add.

This document is to serve as a written statement for a PUD Amendment Application for the following properties:

- 1601 N. 12th St. (Lot 1 Block 1 Capital View ADD), 1501, 1511, 1515, 1535, & 1571 N. 12th St. (Lot 1 Block 1 Capitol Place) Owned by First International Bank.
- Lots 5-10 Block 8 Fisher Addition
    - 1606 N. 13th St. & 1608 N. 13th St. Owned by First International Bank
    - 1612 N. 13th St. Owned by Edward M & Barbara L Danks & Mathew Danks

The purpose of this PUD Amendment is to incorporate one single owned property from the above listed properties for a multi-building office development owned by First International Bank & Trust.

The property will consist of two Multi-Story Office buildings (Approximately 39,700sf each), two parking structures for a total of approximately 206 stalls and paved surface parking.

Chris Sievert

Project Director
Consolidated Construction Company

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1A, Block 1, Kilber North Addition – Zoning Change (RM30 to Conditional RT)	
Status: Planning Commission – Consideration	**Date:** May 27, 2015
Owner(s): Kilber Investments, LLC	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Rezone property to allow development of office uses on southern portion of previously platted lot.	
Location: Along the south side of 43rd Avenue NE between Montreal Street and Boulder Ridge Road.	
Project Size: 2.07 acres	**Number of Lots:** Part of 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Office use
Zoning: RM30 – Residential	**Zoning:** Conditional RT – Residential
Uses Allowed: RM30 – Multi-family residential	**Uses Allowed:** RT – Offices and multi-family residential
Maximum Density Allowed: RM30 – 30 units/acre	**Maximum Density Allowed:** RT – 30 units/acre

PROPERTY HISTORY:		
Zoned: 05/2012	**Platted:** 05/2012	**Annexed:** 05/2012

FINDINGS:

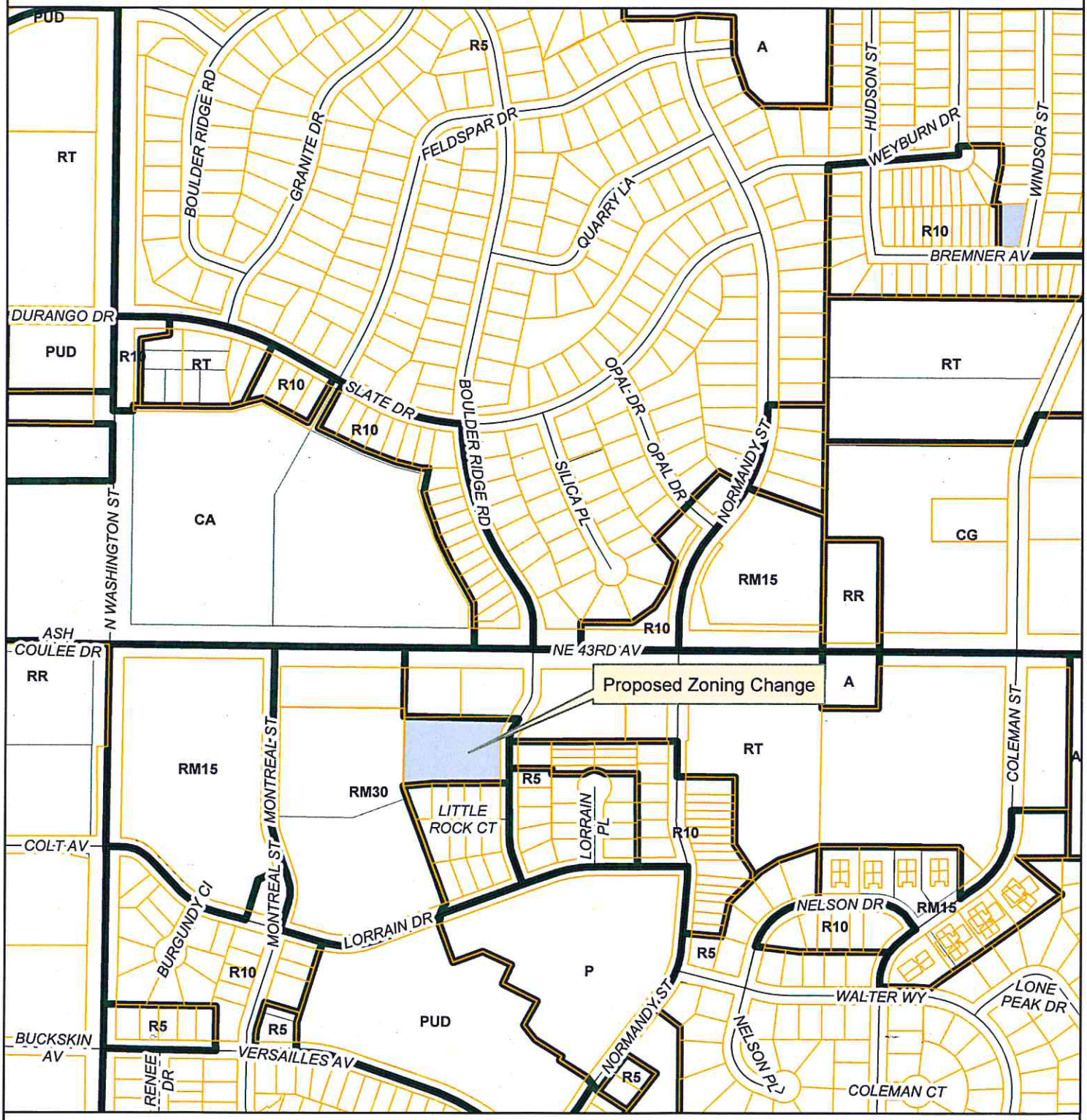
1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family and institutional uses to the west, undeveloped R10 – Residential zoned property to the south, developing R10-Residential and office uses to the to the east across Boulder Ridge Road and developing office uses to the north.
3. The property is already annexed and municipal services are in place; therefore, the proposed 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 conditions were placed on the RM30 zoning to limit the size and height on buildings on the site.
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 RM30 – Residential zoning district to the Conditional RT – Residential zoning district for Lot 1A, Block 1, Kilber North Addition.

/Klee

Proposed Zoning Change (RM30 to RT)
Lot 1A of Lot 1, Block 1, Kilber North Addition



May 1, 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:
Tract 304 of Block 9; Tracts 420, 422 and 500; All of Blocks 41, 43, 45, 47, 67, 69, 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition – Zoning Change (CG to DC)

Status: Planning Commission – Consideration	**Date:** May 27, 2015
Owner(s): Pressdough of Bismarck, LLC, Bismarck Parks & Recreation District, Bismarck Arts & Galleries Association, City of Bismarck, MDU, William & Alva Townsend, Dakota Surgery & Laser Center, Dakota Eye Institute and Bismarck Futures, LLC	**Engineer:** N/A

Reason for Request:
To extend the DC – Downtown Core zoning district to allow for future development opportunities and treat the area as an extension of the downtown core of the community.

Location:
In central Bismarck, south of Main Avenue between South of 3rd Street and South 7th Streets

Project Size: 40.73 acres	**Number of Lots:** 20 parcels in 12 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Mixed-use development	**Land Use:** Mixed-use development
Zoning CG – Commercial	**Zoning:** DC – Downtown Core
Uses Allowed: General commercial	**Uses Allowed:** Mixed-use development including retail, multi-family residential, commercial and office uses
Maximum Density Allowed: 42 units/acre	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:

Zoned: Pre-1980	**Platted:** Pre-1980	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The City of Bismarck is initiating the proposed zoning change request to facilitate future development in areas identified by the 2013 Downtown Bismarck Sub Area Study as opportunities to create mixed-use buildings to provide new multi-family housing, retail, office and hotel facilities in the downtown area. The proposed zoning change to the DC – Downtown Core zoning district would allow for an increase in lot coverage up to 100%, the require no building setbacks and it would also require the architectural review of any new construction or exterior modifications to buildings within the district by the Downtown Design Review Committee. The DC – Downtown Core zoning district also utilizes a land use table identifying compatible and complementary land uses in the downtown area. The DC – Downtown Core zoning district supports and strongly encourages pedestrian-friendly design, active ground floor uses such as retail, restaurants and taverns, and entertainment uses with integrated uses on upper floors including offices and residential uses.

FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a mix of retail, entertainment, service uses to the north, east and west and Kirkwood Mall to the south

2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services

3. The proposed zoning change and subsequent development would not adversely affect property in the vicinity.

4. The proposed zoning change and subsequent development is consistent with the general intent and purpose of the zoning ordinance.

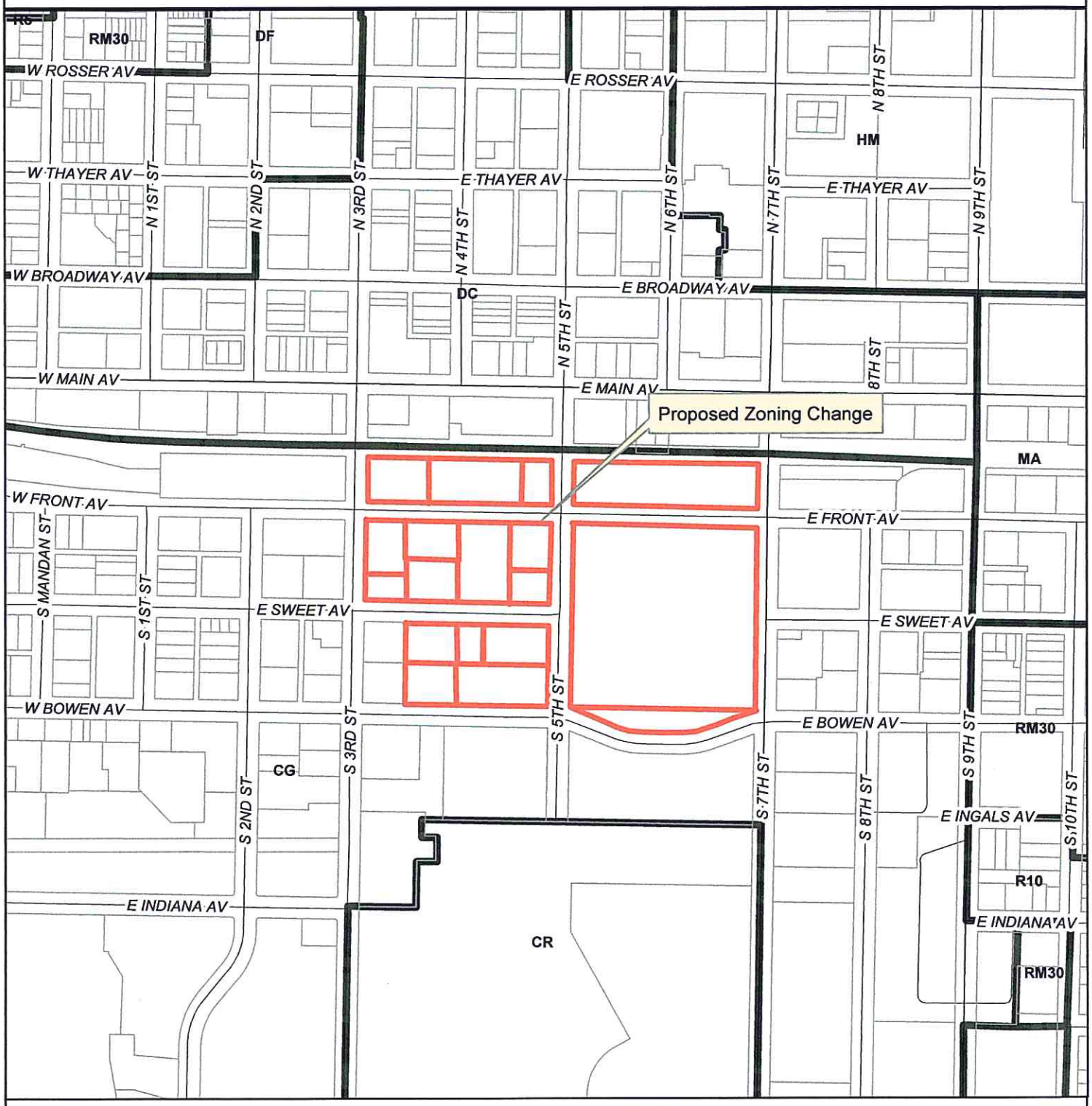
5. The proposed zoning change and subsequent development is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from CG – Commercial zoning district to the DC – Downtown Core zoning district for Tract 304 of Block 9; Tracts 420, 422 and 500; All of Blocks 45, 47, 67 & 69 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition.

/jt

Proposed Zoning Change (CG to DC)
Tract 304 of Block 9, Tracts 420, 422 and 500,
All of Blocks 41, 43, 45, 47, 67, 69 & 71, and Lots 1-18, Block 65, Original Plat,
and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition



May 21, 2015 (klee)

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CITY OF BISMARCK
Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-05 AND 14-09-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND, DESIGN STANDARDS AND IMPROVMENTS.

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

Section 1. Amendment. Section 14-09-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Design Standards is hereby amended and re-enacted to read as follows:

14-09-05. Design Standards.

1. Streets and alleys:

a. The arrangement, character, extent, width, grade, and location of all streets shall conform to the master plan and shall be considered in relation to existing and planned streets, to topographical conditions, and to the proposed uses of lands to be served thereby.

b. Where it is now shown on the master plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing arterial and collector streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the planning commission to

meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

c. Local streets shall be so laid out that their use by through traffic is discouraged.

d. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission shall limit access to the arterial street and may require reverse frontage of lots with a screen planting contained in a non-access reservation along the rear property lines, deep lots with rear services alleys, or other treatment that it deems advisable to limit such access and to give adequate protection to residential properties and to afford separation of through and local traffic.

e. Private streets are discouraged but may be permitted provided that the plat of any subdivision with private streets shall clearly establish or indicate private easement on such streets for the benefit of those who may become owners of lots in such subdivision, and further shall provide use of such private street easements 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 private street easements are not properly maintained or are obstructed by the owners of property in the subdivision. Private streets shall meet, at a minimum, the requirements of the International Fire Code (IFC)and shall not become a maintenance liability for the city or county, depending on the location. Detailed written justification for the use of private streets in proposed subdivision plats shall be provided as part of the plat application process. Each private street shall be evaluated by the city or county, depending on the location, during the subdivision review and approval process.

f. Nonaccess lines shall be placed along all arterial streets and at the intersections ~~thereof~~ of all streets, with the dimensions of same to be approved by the planning commission.

g. Street jogs should be avoided.

h. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

i. When connecting street lines deflect from each other by more than ten (10) degrees they shall be connected by a curve of adequate radius to insure clear visibility for vehicles.

j. Intersecting streets shall be laid out at as nearly right angles as possible, and no such angle of intersection shall be less than sixty (60) degrees.

k. In all areas within the corporate limits of the City of Bismarck, unless otherwise shown on the master plan, right-of-way and roadway widths shall be as follows:

Functional Classification	Minimum Right-of-Way (in feet)	Typical Roadway Width (in feet)
Principal Arterial	150	63
Minor Arterial	120	51
Collector	80	44
Local	66	40
Local (mountable curb only)	60	37

If demonstrated by the developer that special circumstances exist, the City Engineer may recommend adjusted minimum required right-of-way and roadway widths during the subdivision review and approval process.

l. In all areas outside the corporate limits but within the ~~two-mile~~ extraterritorial area of the City of Bismarck, unless otherwise shown on the master plan, right-of-way and roadway widths shall be as follows:

Functional Classification	Minimum Right-of-Way (in feet)	Typical Roadway Width (in feet)

Principal Arterial	150	40
Minor Arterial	150	36
Collector	~~120~~ 80	30
Local	80	26

If demonstrated by the developer that special circumstances exist, the County Engineer may recommend adjusted minimum required right-of-way and roadway widths during the subdivision review and approval process.

~~Private streets shall meet, at a minimum, the requirements of the city fire code and shall not become a city maintenance liability. Each private street shall be evaluated by the city prior to installation.~~

~~l~~m. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other standards of these regulations, and where the planning commission finds it will be practicable to require the dedication of the other half-street when the adjoining property is subdivided. Wherever there exists a half-street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

~~m~~n. Cul-de-sacs. The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process. In such cases where cul-de-sacs are accepted by the City, the following standards shall apply:

1. Length. The maximum overall length of a cul-de-sac shall be seven hundred-fifty (750) feet. The minimum throat length of a cul-de-sac

shall be two hundred-thirty (230) feet. Such lengths shall be measured from the centerline intersection with the through street to the center point of the turnaround.

2. Turnaround Dimension. One of the following sets of dimensional standards shall apply:

a. Circular cul-de-sac turnarounds shall have a dedicated right-of-way diameter of at least one hundred twenty-two (122) feet and a paved diameter of at least ninety-six (96) feet. Such paved diameter shall be measured from face to face of the curb.

b. Irregular cul-de-sac turnarounds shall provide a minimum inside radius of twenty-eight (28) feet to the face of the curb and a minimum outside turning radius of forty-eight (48) feet to the face of the curb. Additional area beyond the minimum outside radius will need to be provided if parking is allowed.

3. Lot Width. In the R5 and R10-Residential zoning districts, each lot located on a cul-de-sac street shall have a minimum width of forty (40) feet, measured at the front property line and in addition, shall have a minimum width of sixty (60) feet, measured at the front setback line.

4. Multi-use Paths. Access easements may be required to provide current and/or future access connections from the turnaround terminus area to other streets, schools, neighborhood activity centers, or open space areas. Such access easements shall be included in a maintenance agreement with either a neighborhood association or governmental entities, subject to review and approval by the City and recorded as part of the subdivision plat approval process.

5. Islands/Medians. Islands or medians within a cul-de-sac are subject to the following standards:

a. Maintenance. Landscaped islands or medians may be permitted provided a neighborhood association assumes responsibility for curb and vegetation maintenance. Maintenance agreements shall be reviewed and approved by the City and recorded as part of the subdivision plat approval process.

b. Parking. Islands and medians may provide off-street parking areas. All such parking shall be subject to review and approval by the City.

c. Snow storage. Islands or medians, including any adjacent parking area shall be available for snow storage purposes by the City.

d. The design of such proposed islands or medians shall be subject to review and approval by the City during the subdivision plat approval process. Landscaping within islands or medians shall be subject to the City's landscape permit approval process.

6. Street Surface Width. The minimum width of street surface on a cul-de-sac shall be forty (40) feet, or if separated by an island or median, each lane shall be at least twenty (20) feet in width. If constructed with mountable curbs, the minimum street surface width may be reduced to thirty-seven (37) feet and the minimum width of each lane may be reduced to eighteen and one-half (18.5) feet. If fire hydrants are located along a cul-de-sac, all such lane widths shall be at least twenty-six (26) feet.

~~n~~o. No street names will be used that will duplicate or be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of the existing streets. ~~The city shall make at least general recommendations for street names.~~ Numbered street names may only be used for arterial roadways. Directional indicators shall be included in all street names.

~~o~~p. All streets shall have a grade of not less than three-tenths (0.3) per cent. No arterial street shall have a grade in excess of five (5) per cent, and no other street shall have a grade in excess of ten (10) per cent except that roadways with grades not meeting these standards may be allowed where topography makes it impossible to meet normal standards.

p. Alleys shall be avoided in residential districts but may be required in commercial and industrial districts.

q. The width of all alleys shall be no less than twenty (20) feet.

r. Dead-end alleys should be avoided, but if unavoidable, shall be provided with adequate turnaround facilities at the closed end.

s. On rural road sections within the corporate limits of the City of Bismarck the following standards shall apply:

1. Adequate culverts shall be installed to handle all drainage, with a minimum size of eighteen (18) inches in diameter or equivalent. The owner shall present to the city engineer ~~of the appropriate jurisdiction~~ two (2) copies of a report proposing the size, type, and location of all drainage structures. All drainage structures shall conform to current North Dakota ~~State Highway~~ Department of Transportation standard specifications. For drainage structures with drainage areas of over forty (40) acres, the report shall include acceptable engineering calculations for the required hydraulic capacity. Written approval shall be obtained from the city engineer ~~of the appropriate jurisdiction~~ prior to the installation of drainage structures.

2. Gravel surfacing, where permitted, shall be in accordance with the standards and specifications of the city engineer ~~of the appropriate jurisdiction (city, township, or county)~~.

Rural subdivision roadways must be paved in accordance with the standards and specifications of the city engineer ~~of the appropriate jurisdiction (city, township or county)~~.

All approaches shall be graveled in accordance with the standards and specifications of the city engineer ~~of the appropriate jurisdiction (city, township, or county)~~.

3. All drainage under streets, private drives, and approaches must have culverts installed where required by the city ~~engineer of the appropriate jurisdiction or superintendent of roads~~.

4. All streets must be constructed to an adequate height to insure proper snow clearance and removal. Any deviation from the minimum road section must have written approval of the city engineer ~~of the appropriate jurisdiction prior to construction~~. Protective covenants shall be filed by the owner to preserve the backslopes extending onto the lots.

5. The city engineer ~~of the appropriate jurisdiction or superintendent of roads~~ will inspect the completed roads in each subdivision before assuming responsibility and maintenance of the roads and streets to insure that the above standards, and those of the zoning and subdivision regulations, have been complied with.

6. No more than two (2) approaches onto an arterial or section line ~~county or township~~ road in any one thousand three hundred twenty (1,320) feet of distance will be allowed without prior approval of ~~the board of county commissioners and~~ the city engineer ~~of the appropriate jurisdiction~~. No approach may be constructed without first having obtained an approach permit from the city engineer ~~of the respective jurisdiction~~.

t. On rural road sections outside the corporate limits but within the extraterritorial area of the City of Bismarck the following standards shall apply:

1. Adequate culverts shall be installed to handle all drainage, with a minimum size of eighteen (18) inches in diameter or equivalent. The owner shall present to the county engineer two (2) copies of a report proposing the size, type, and location of all drainage structures. All drainage structures shall conform to current North Dakota Department of Transportation standard specifications. For drainage structures with drainage areas of over forty (40) acres, the report shall include acceptable engineering calculations for the required hydraulic capacity. Written approval shall be obtained from the county engineer prior to the installation of drainage structures.

2. Gravel surfacing, where permitted, shall be in accordance with the standards and specifications of the county engineer. Gravel surfacing shall be spread the full width of the roadway. The depth of the gravel surfacing shall not be less than six (6) inches when compacted in place. Aggregates for gravel surfacing shall conform to North Dakota Department of Transportation specifications for Class 5 Aggregate.

All costs for sampling and testing shall be the responsibility of the developer.

3. Rural subdivision roadways must be paved in accordance with the standards and specifications of the county engineer. Minimum depth of hot bituminous pavement shall be six (6) inches in the MA or MB zoning district and four (4) inches in all other zoning districts compacted in place with proper base and subgrade.

All approaches shall be graveled with Class 5 or Class 3 aggregate to an uncompacted depth of two (2) inches. Gravel shall extend from the edge of the roadway to the property line.

3. All drainage under streets, private drives, and approaches must have culverts installed where required by the county engineer.

4. All streets must be constructed to an adequate height to insure proper snow clearance and removal. Any deviation from the minimum road section must have written approval of the county engineer. Protective covenants shall be filed by the owner to preserve the backslopes extending onto the lots.

5. The county engineer will inspect the completed roads in each subdivision before assuming responsibility and maintenance of the roads and streets to insure that the above standards have been complied with.

6. No more than two (2) approaches onto an arterial or section line road in any one thousand three hundred twenty (1,320) feet of distance will be allowed without prior approval of the board of county commissioners and the county engineer. No approach may be constructed without first having obtained an approach permit from the county engineer.

* * * * *

Section 2. Amendment. Section 14-09-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Improvements is hereby amended and re-enacted to read as follows:

14-09-06. Improvements.

1. Improvements Required within the Corporate Limits. Before issuing a building permit for any structure within the city limits, the city will require that the following improvements are either:

a. Constructed and in place;

b. Assured of completion by the deposit with the City of Bismarck of a certified check in an amount

sufficient to construct such improvements, the amount to be determined by the city engineer; or,

c. Assured of completion by the posting of a bond with the City of Bismarck, in an amount sufficient to construct such improvements, the amount to be determined by the city engineer, and the form and surety of the bond to be approved by the city legal officer. The improvements required shall be:

1) Street and alley grading.

2) Sanitary sewers, except where, in the opinion of the city engineer, the provision of sanitary sewers is impractical, in which case individual lots will comply with the size requirements of these regulations and will be provided with approved septic tanks and disposal fields prior to or at the time of construction of any buildings on such lots.

3) Watermains, except where, in the opinion of the city engineer, connection to a public water supply is impractical, in which case individual lots will comply with the size requirements of these regulations.

4) Monuments, as required by the North Dakota Century Code.

5) Fences shall be provided along the boundary of any subdivision at all points at which the subdivision abuts or adjoins interstate highway right-of-way or any open drainage facility where required. Said fence shall meet the requirements of the North Dakota Department of Transportation where applicable, and the city engineer.

2. Procedure for Improvements within the Corporate Limits.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to and approved by the city engineer.

b. At the time such plans, profiles and specifications are submitted for review, the city engineer shall prepare an estimate of cost for office checking and field inspection of all improvements. The subdivider shall thereupon deposit with the ~~city auditor~~ Director of Finance an amount of money equal to said estimated cost. All work done by the city engineer in connection with checking, computing and correcting such plans for improvements and in connection with field inspection of the construction thereof, shall be charged to such deposit. If during the progress of the work, it shall appear that the cost thereof will exceed the amount so deposited, the city engineer shall notify the subdivider of this fact and shall do no further work in connection with such review or field inspection until the subdivider has deposited the additional amount of money necessary to cover the cost of the work.

c. Upon completion of the work of checking plans and inspecting the construction of improvements, the city engineer shall forward to the ~~city auditor~~ Director of Finance a statement of the amount of the engineering and inspection costs to be charged against the deposit made by the subdivider. The ~~city auditor~~ Director of Finance shall thereupon refund to the subdivider any unexpended balance of such deposits. If such engineering and inspection charges shall for any reason exceed the amount of the deposits, the ~~city auditor~~ Director of Finance shall collect the balance due and shall issue a statement that such charges have been paid.

~~3~~d. At the time of filing an application for a building permit the applicant will submit either (a) a certificate signed by the city engineer that all required improvements are in place or (b) a certificate signed by the city engineer that plans, specifications, and profiles for such improvements have been filed with and approved by him, and a certificate signed by the ~~city auditor~~ Director of Finance that a certified check or satisfactory performance bond has been posted for completion of improvements. Where part of the improvements has been completed, appropriate certification will be filed.

~~4~~e. Other improvements which may be required by the city after a building permit is issued include:

~~a~~1. Crosswalks;

~~b~~2. Street and alley paving;

~~c~~3. Sidewalks;

~~d~~4. Curb and gutter;

~~e~~5. Storm sewers, culverts and bridges;

~~f~~6. Street lights.

~~5~~3. Improvements Required within the Extraterritorial Area.

a. A building permit for any structure within a platted subdivision within the extraterritorial area may not be issued until all improvements described in ~~paragraph b. of~~ this section are constructed and accepted by the County Engineer.

b. The improvements required are:

1. The grading of all roadways within the subdivision;

2. The paving of all roadways within the subdivision, unless this requirement was specifically waived by both the board of city commissioners and the board of county commissioners in conjunction with the approval of the subdivision;

3. The installation of the storm water management facilities required to manage storm water in accordance with the approved storm water management plan and submittal of a statement from the consulting engineer that certifies that the facilities were built in accordance with the approved storm water management plan; and

4. The construction of any other required facilities, such as turning lanes or bridges.

c. Improvements that are required within a right-of-way under the jurisdiction of the North Dakota Department of Transportation must be accepted by the NDDOT District Engineer.

d. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.

(Ord. 4914, 06-09-98; Ord. 5477, 12-13-05)

4. Procedure for Improvements within the Extraterritorial Area.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to and approved by the County Engineer in accordance with the Burleigh County Highway Department Subdivision Road Design and Construction Policy.

b. Before any improvements are installed, the developer shall submit a County Development Permit Application to the County Engineer. Once the Development Permit Application has been reviewed and approved by the County Engineer, the developer may proceed with the construction of the road subgrades within the subdivision.

c. Upon satisfactory completion of all required roadways, the County Engineer will notify the City in writing.

* * * * *

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: Heritage Ridge Addition – Annexation	
Status: Planning Commission – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for single-family residential development.	
Location: In northwest Bismarck, north of 57th Avenue NW and west of North Washington Street (part of 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:** Single-family 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 Planning & Zoning Commission previously considered the annexation of Heritage Ridge Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the annexation request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main pipe connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

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

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, provided 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. However, the developer has indicated a willingness to construct a temporary sanitary lift station and force main pipe connection that would be extended to provide sanitary sewer service to the development. The temporary sanitary services would be extended from the northern end of the existing sanitary main at LaSalle Drive and North Washington Street.

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.

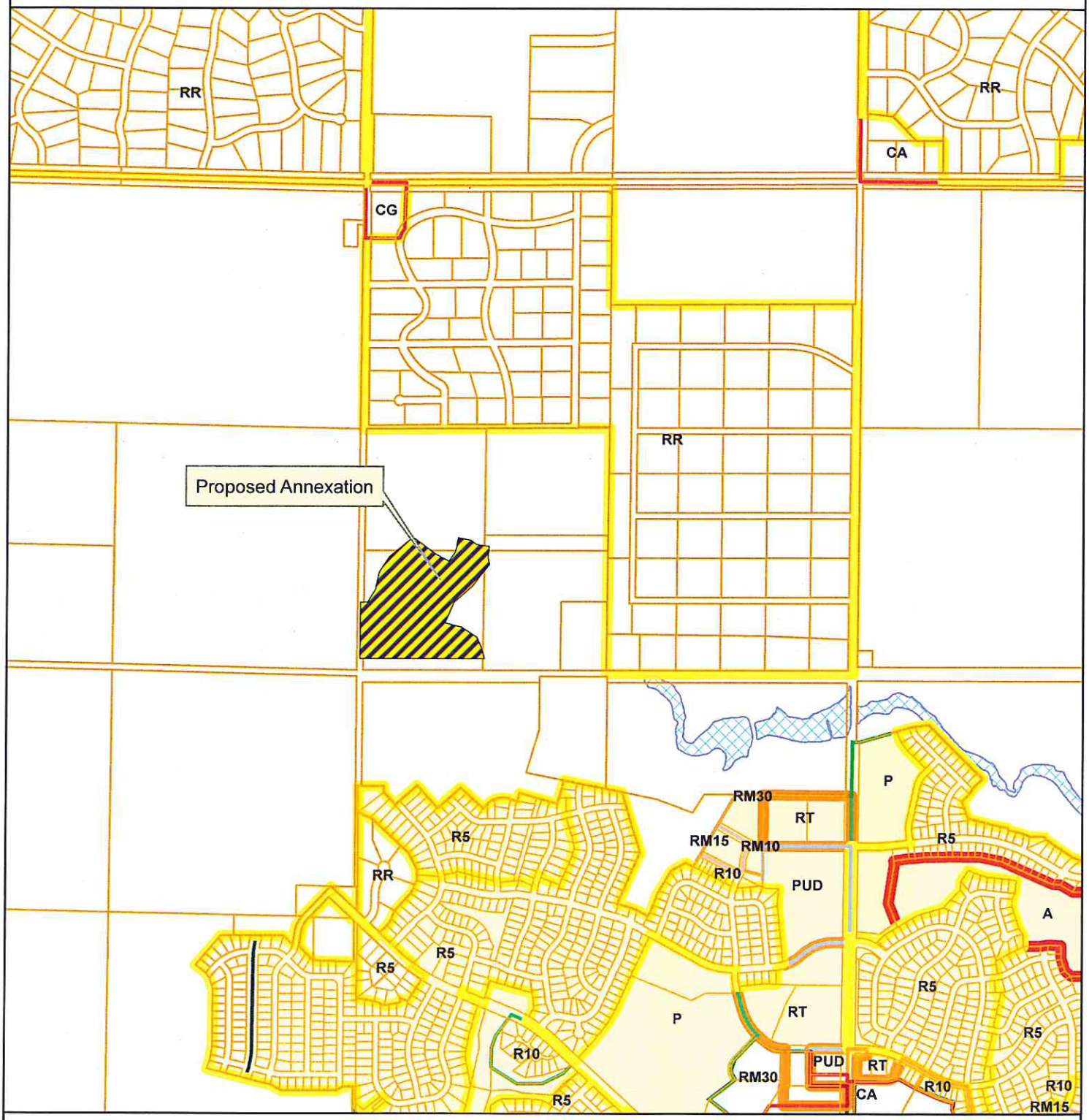
5. The proposed annexation is somewhat consistent with the master plan, other adopted plans, policies and planning practice; however, the area proposed for annexation is not directly adjacent to the existing corporate limit. It is reasonable to consider that the undeveloped land that separates the current 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.

/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 – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for single-family residential development.	
Location: In northwest Bismarck, north of 57th Avenue NW and west of North Washington Street (part of 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:** Single-family 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 Planning & Zoning Commission held a public hearing on the zoning change request for Heritage Ridge Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

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 and municipal services would be extended to the property prior to development; therefore, the zoning change would not place an undue burden on public services.

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

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

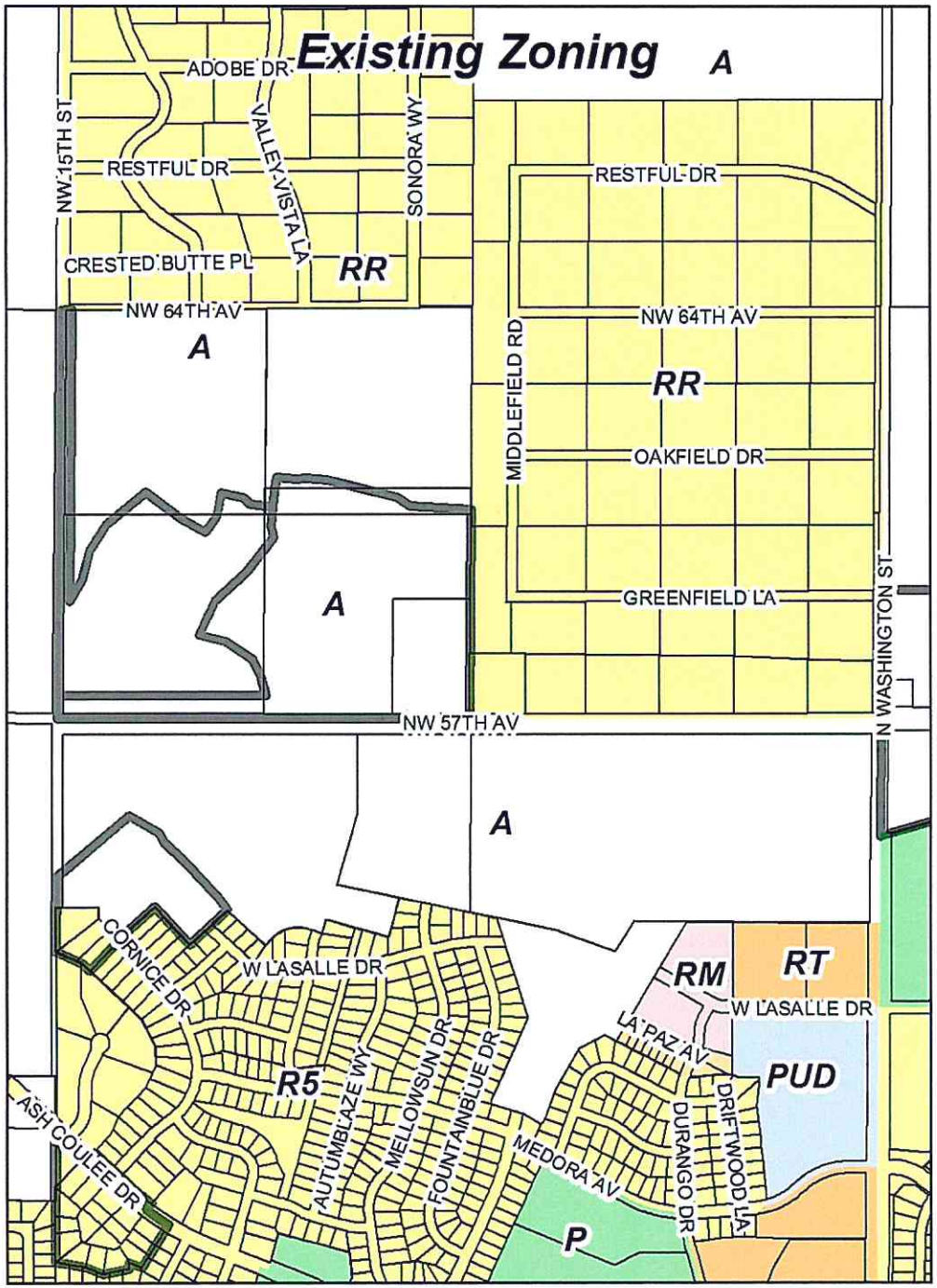
March 5, 2015 (hlb)

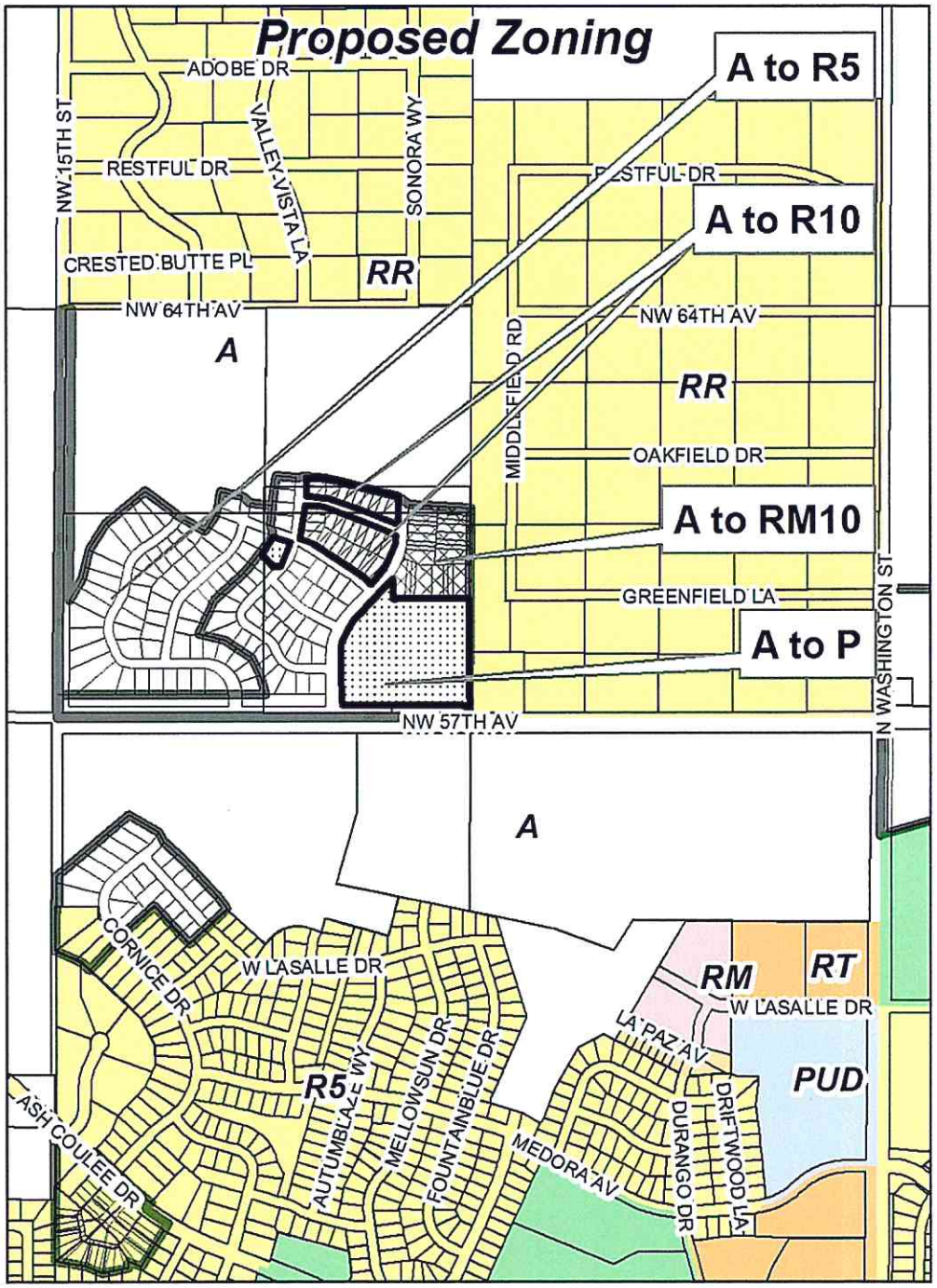
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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 – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – owner Benchmark Developments, LLC – owner/applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat, zone and annex property for single-family residential development.	
Location: In northwest Bismarck, north of 57th Avenue NW and west of North Washington Street (part of 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:** Single-family 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 Planning & Zoning Commission held a public hearing on the final plat for Heritage Ridge Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the annexation request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main pipe connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

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.

3. Due to a lack of a secondary access route to the proposed subdivision, the developer would be required to construct Sonora Way as a secondary form of ingress and egress to the subdivision. The developer has indicated a willingness to construct the roadway with the initial phase of development.

FINDINGS:

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

(continued)

2. The storm water management plan has 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. Sonora Way would be constructed by the owner with the initial phase of development to allow for a secondary access to and from the proposed subdivision

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 permanent sanitary sewer line. The developer has indicated a willingness to construct a temporary sanitary lift station and force main pipe connection that would be extended to provide sanitary sewer service to the development. The temporary sanitary services would be extended from the northern end of the sanitary line at LaSalle Drive and North Washington Street.

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 approval of the final plat of Heritage Ridge Addition with the following conditions:

1. 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.

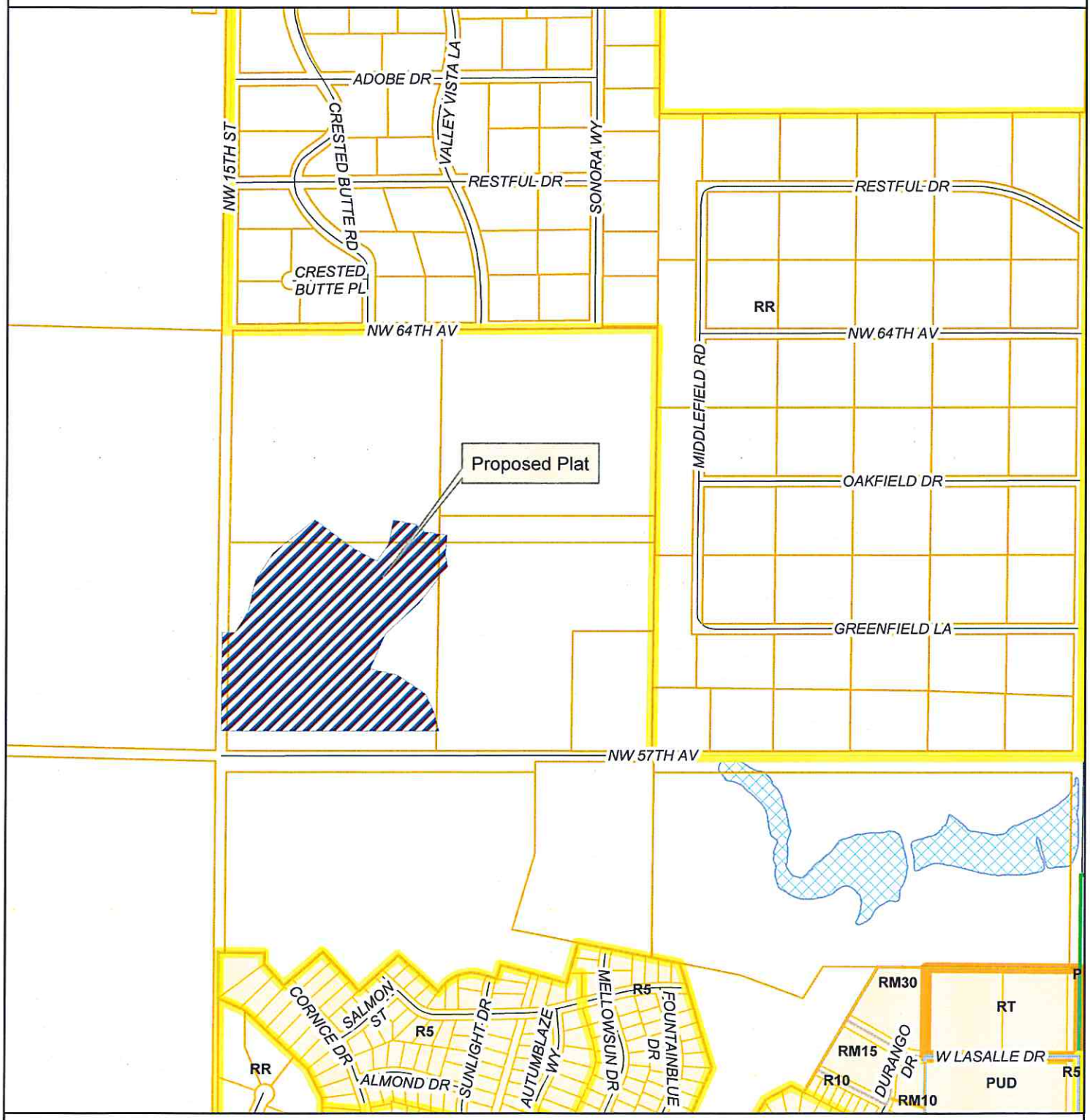
2. Municipal water service will be extended to the property along the 57th Avenue NW right-of-way to allow a connection to City water service.

3. A temporary sanitary lift station and force main connection shall be constructed and operable prior to the issuance of any residential building permits.

4. Sonora Way will be constructed by the developer as a required secondary access road.

/jt

Proposed Plat
Heritage Ridge Addition



January 21, 2015 (hlb)

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0 335 670 1,340 Feet

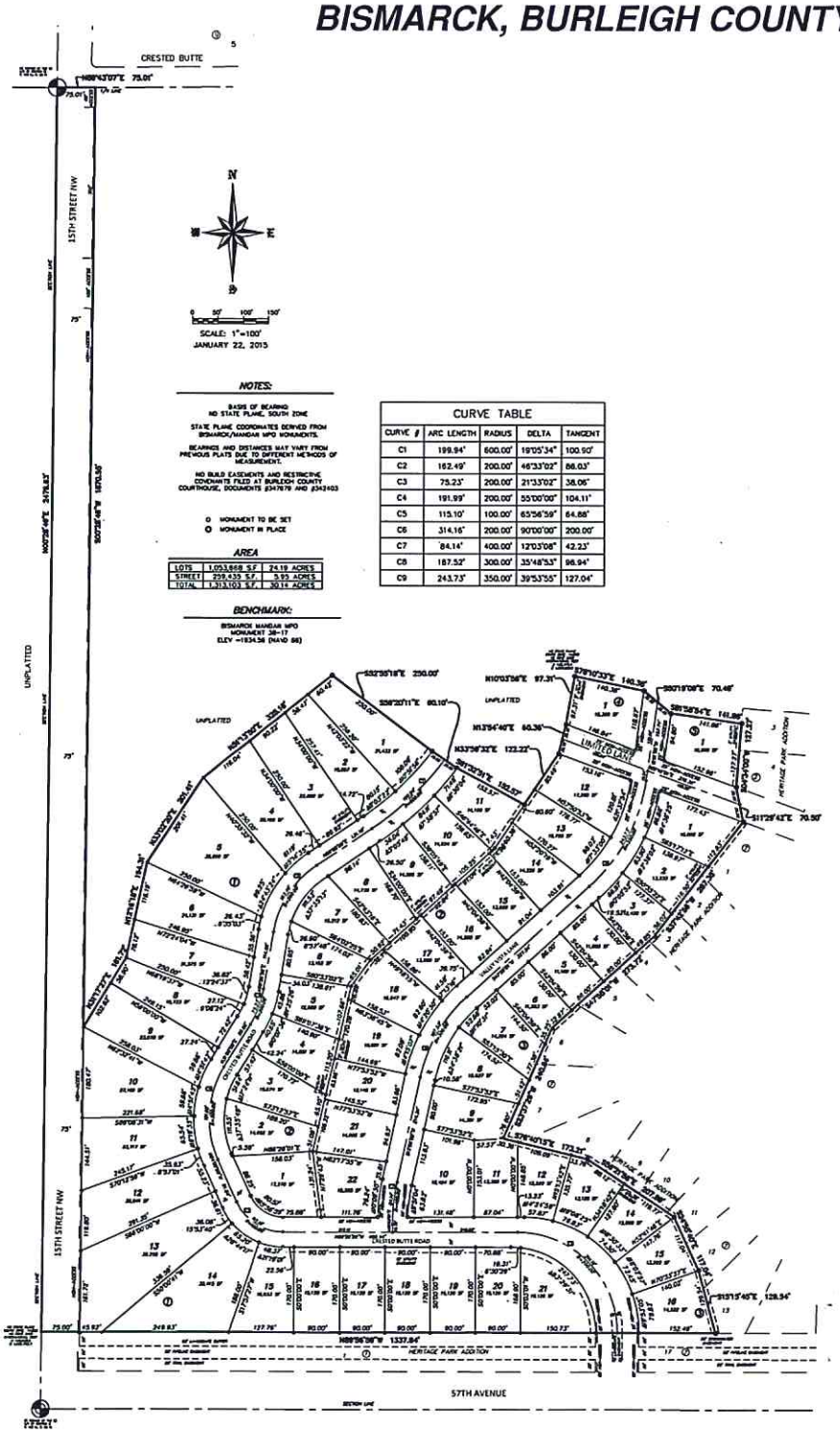
N

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	1,053,868 S.F.	24.19 ACRES
STREET	259,435 S.F.	5.95 ACRES
TOTAL	1,313,103 S.F.	30.14 ACRES

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'

BENCHMARK:

BISMARCK MANDAN MPO
MONUMENT 38-17
ELEV =1834.56 (NAVD 88)

DESCRIPTION

PART OF THE SOUTH 1/2 OF SECTION 8, TOWNSHIP 138 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 48 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 48 SECONDS EAST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 2476.63 FEET TO THE NORTH LINE OF SAID SOUTH 1/2; THENCE NORTH 88 DEGREES 43 MINUTES 07 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 79.01 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 48 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 12 DEGREES 16 MINUTES 18 SECONDS EAST, A DISTANCE OF 184.31 FEET; THENCE NORTH 33 DEGREES 03 MINUTES 20 SECONDS EAST, A DISTANCE OF 201.41 FEET; THENCE NORTH 31 DEGREES 13 MINUTES 50 SECONDS EAST, A DISTANCE OF 325.16 FEET; THENCE SOUTH 32 DEGREES 35 MINUTES 18 SECONDS EAST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 56 DEGREES 20 MINUTES 11 SECONDS EAST, A DISTANCE OF 84.10 FEET; THENCE SOUTH 81 DEGREES 22 MINUTES 51 SECONDS EAST, A DISTANCE OF 152.57 FEET; THENCE NORTH 53 DEGREES 08 MINUTES 32 SECONDS EAST, A DISTANCE OF 1223.72; THENCE NORTH 13 DEGREES 34 MINUTES 40 SECONDS EAST, A DISTANCE OF 66.38 FEET; THENCE NORTH 10 DEGREES 03 MINUTES 56 SECONDS EAST, A DISTANCE OF 67.31 FEET; THENCE SOUTH 78 DEGREES 10 MINUTES 33 SECONDS EAST, A DISTANCE OF 140.36 FEET; THENCE SOUTH 30 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 70.48 FEET; THENCE SOUTH 86 DEGREES 58 MINUTES 54 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE SOUTH 04 DEGREES 34 MINUTES 00 SECONDS WEST; A DISTANCE OF 107.27 FEET; THENCE SOUTH 11 DEGREES 29 MINUTES 42 SECONDS EAST, A DISTANCE OF 70.50 FEET; THENCE SOUTH 37 DEGREES 42 MINUTES 56 SECONDS WEST, A DISTANCE OF 287.35 FEET; THENCE SOUTH 47 DEGREES 36 MINUTES 01 SECOND WEST, A DISTANCE OF 273.72 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES 28 SECONDS WEST, A DISTANCE OF 240.64 FEET; THENCE SOUTH 78 DEGREES 40 MINUTES 15 SECONDS EAST, A DISTANCE OF 172.31 FEET; THENCE SOUTH 88 DEGREES 21 MINUTES 56 SECONDS EAST, A DISTANCE OF 307.88 FEET; THENCE SOUTH 24 DEGREES 58 MINUTES 40 SECONDS EAST, A DISTANCE OF 117.04 FEET; THENCE SOUTH 15 DEGREES 15 MINUTES 45 SECOND EAST, A DISTANCE OF 128.54 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 58 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. 3770

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 AND 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 DRAINAGE 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 PLATS 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. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, 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. BULLINGER
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

DAVID WOLDENHAUER, PRESIDENT
HERITAGE DEVELOPMENT, INC.
PO BOX 7188
BISMARCK, ND 58507

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED DAVID WOLDENHAUER, 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.
909 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223-6600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

RECEIVED
AUG 2 0 2014

HERITAGE RIDGE ADDITION

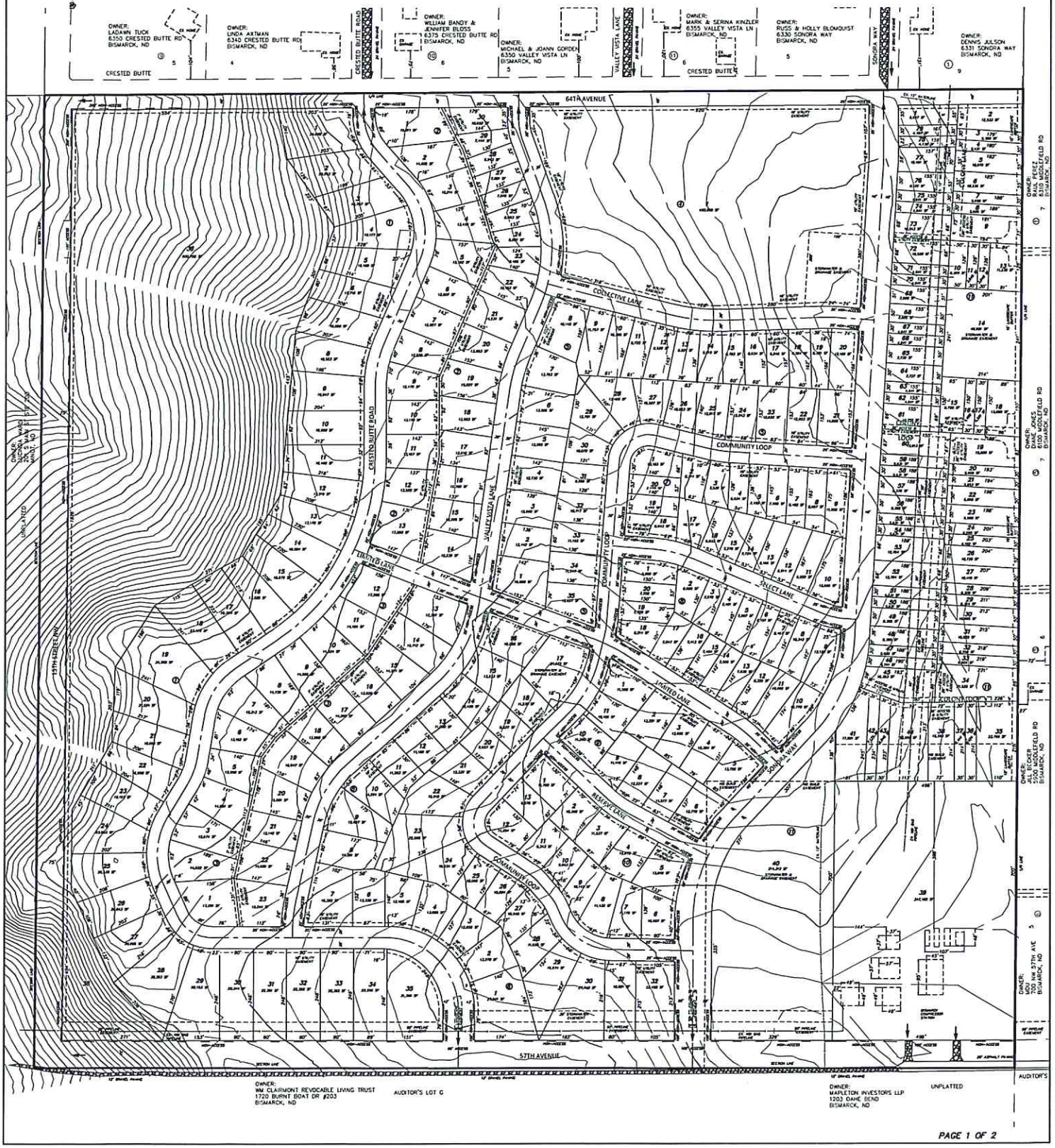
THE SOUTHWEST 1/4
OF SECTION 8, T. 139 N., R. 80 W.

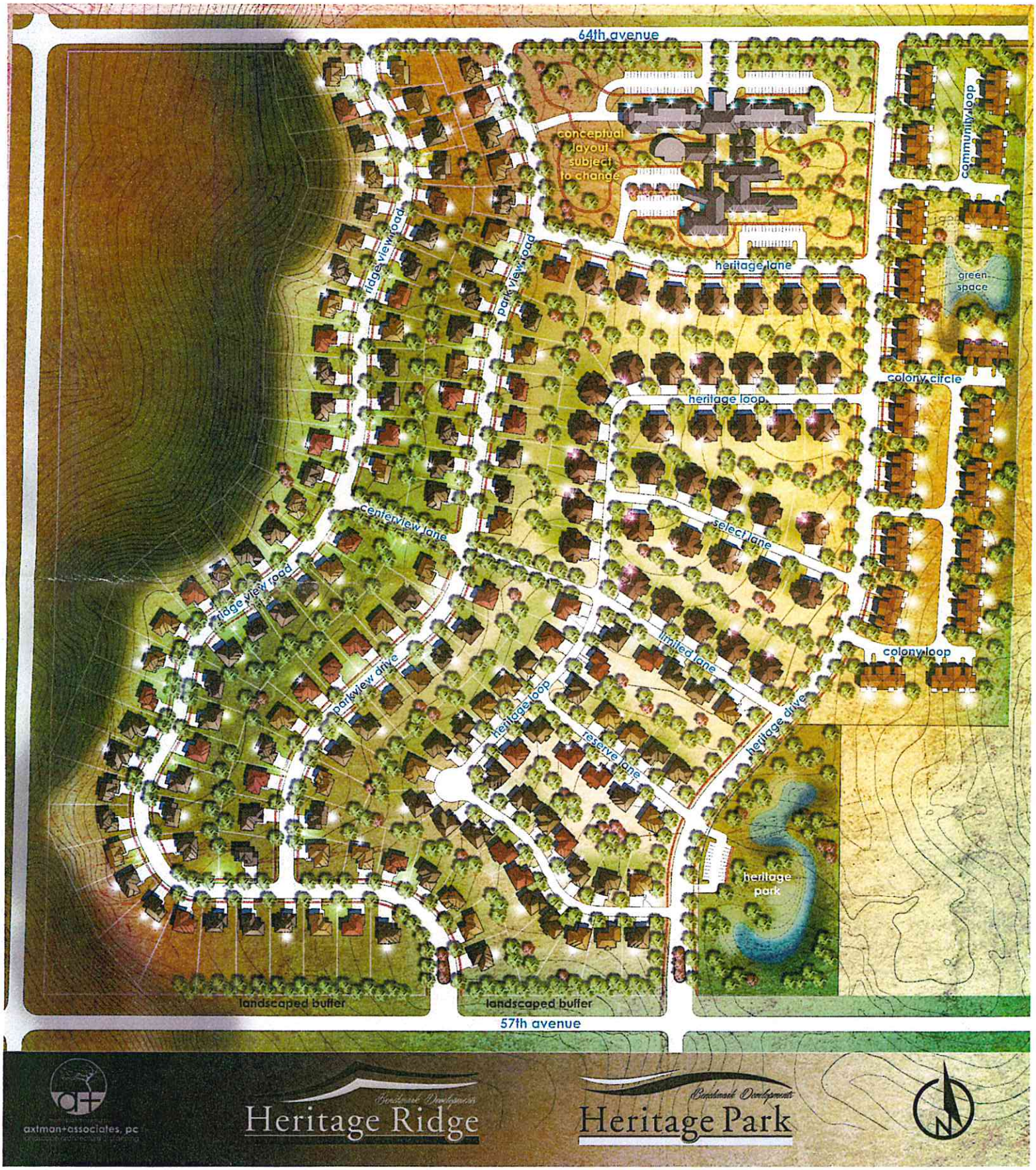
BISMARCK, NORTH DAKOTA

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
reserve lane
heritage drive
heritage park
landscaped buffer
landscaped buffer
57th avenue
axtman+associates, pc
Benchmark Development
Heritage Ridge
Benchmark Development
Heritage Park

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Park Addition – Annexation	
Status: Planning Commission – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – 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 (part of 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 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 Planning & Zoning Commission previously considered the annexation of Heritage Park Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the annexation request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main pipe connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

(continued)

2. 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 ends 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.

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. However, the developer has indicated a willingness to construct a temporary sanitary lift station and force main pipe connection that would be extended to provide sanitary sewer service to the development. The temporary sanitary services would be extended from the northern end of the existing sanitary main at LaSalle Drive and North Washington Street.

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.

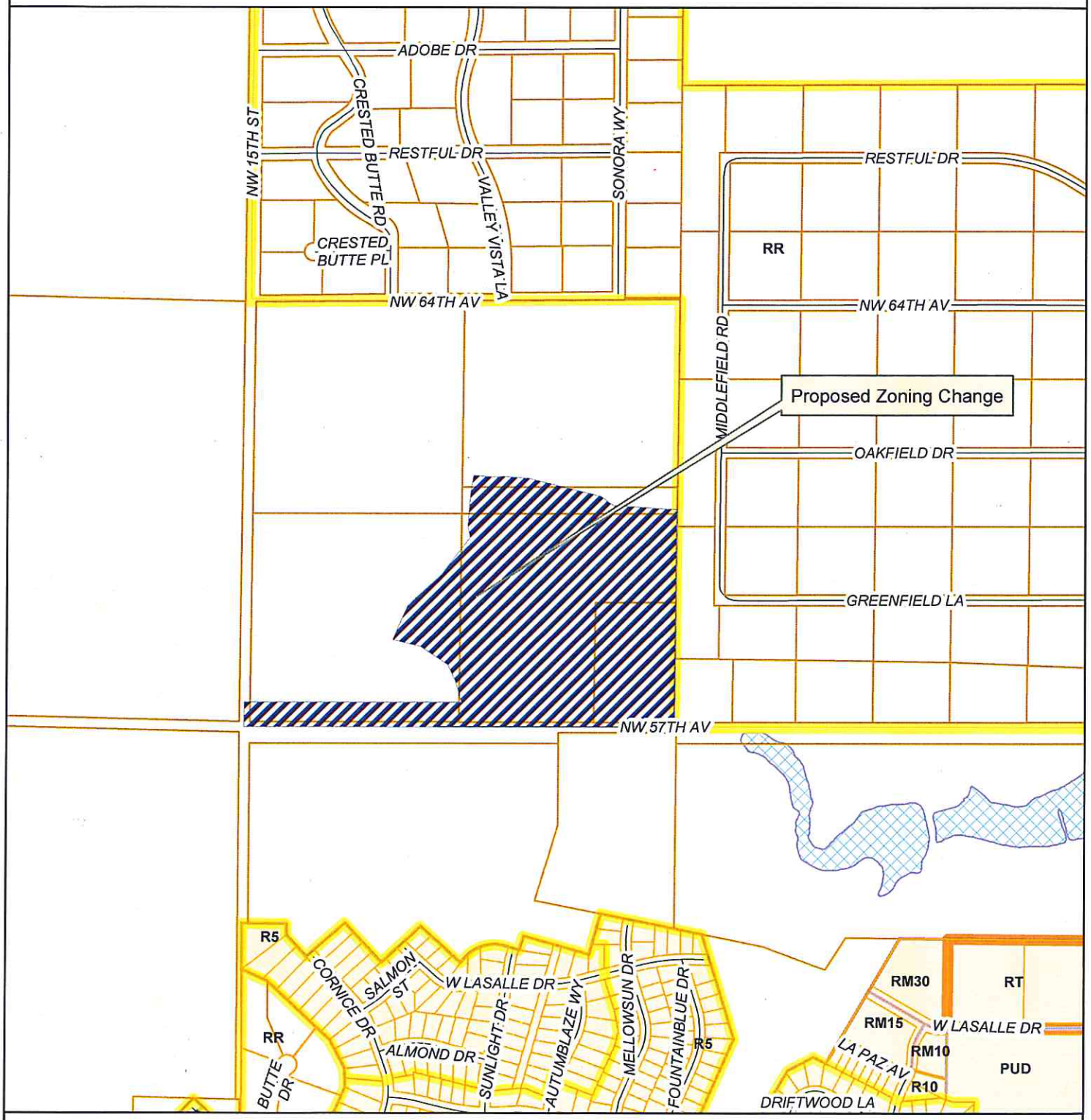
5. The proposed annexation is somewhat consistent with the master plan, other adopted plans, policies and planning practice; however, the area proposed for annexation is not directly adjacent to the existing corporate limit. It is reasonable to consider that the undeveloped land that separates the current 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.

/jt

Proposed Annexation
Heritage Park Addition



January 21, 2015 (hlb)

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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 – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – 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 (part of 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 Planning & Zoning Commission held a public hearing on the zoning change request for Heritage Park Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

(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.

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 and municipal services would be extended to the property prior to development; therefore, the zoning change would not place an undue burden on public services.

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.

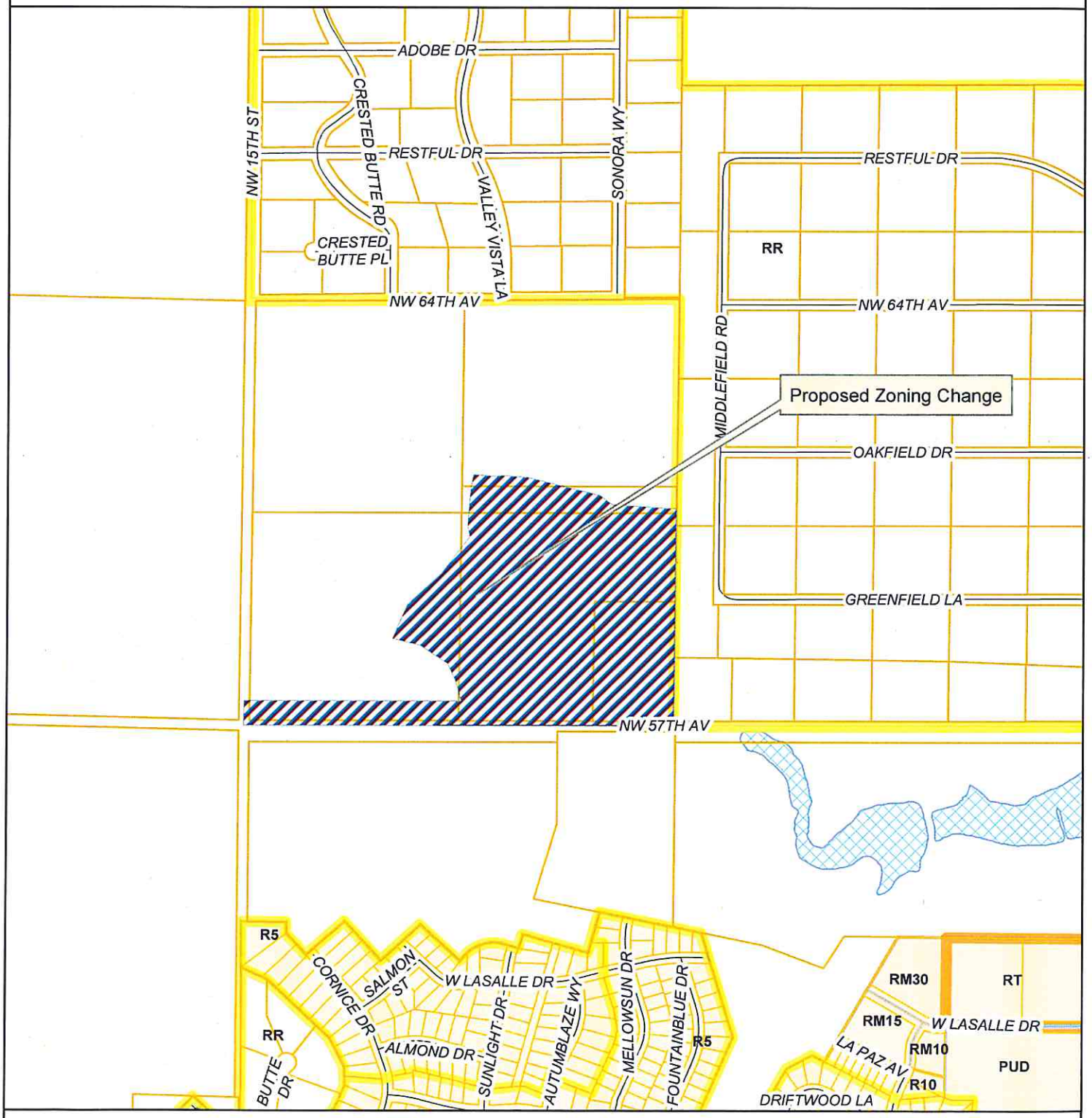
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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 1-3, Block 2, Lots 1-11, Block 5, Lots 1-13, Block 6 and Lots 2-17, Block 7; R10 – Residential zoning district for Lots 1-4, Block 3 and Lots 1-20, Block 4; 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 Park Addition.

/jt

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



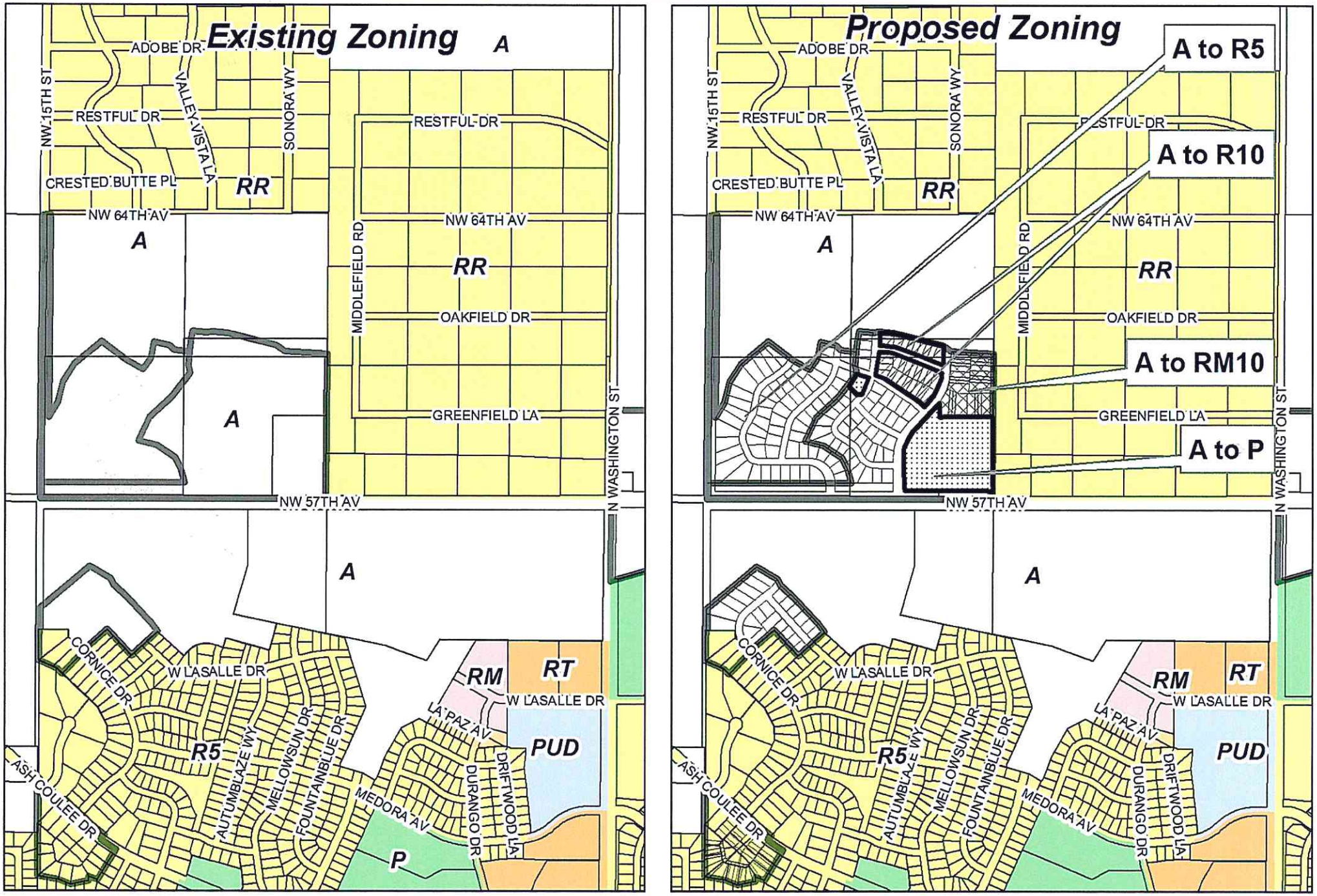
January 21, 2015 (hlb)

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

Heritage Ridge Addition and Heritage Park Addition - Zoning Change



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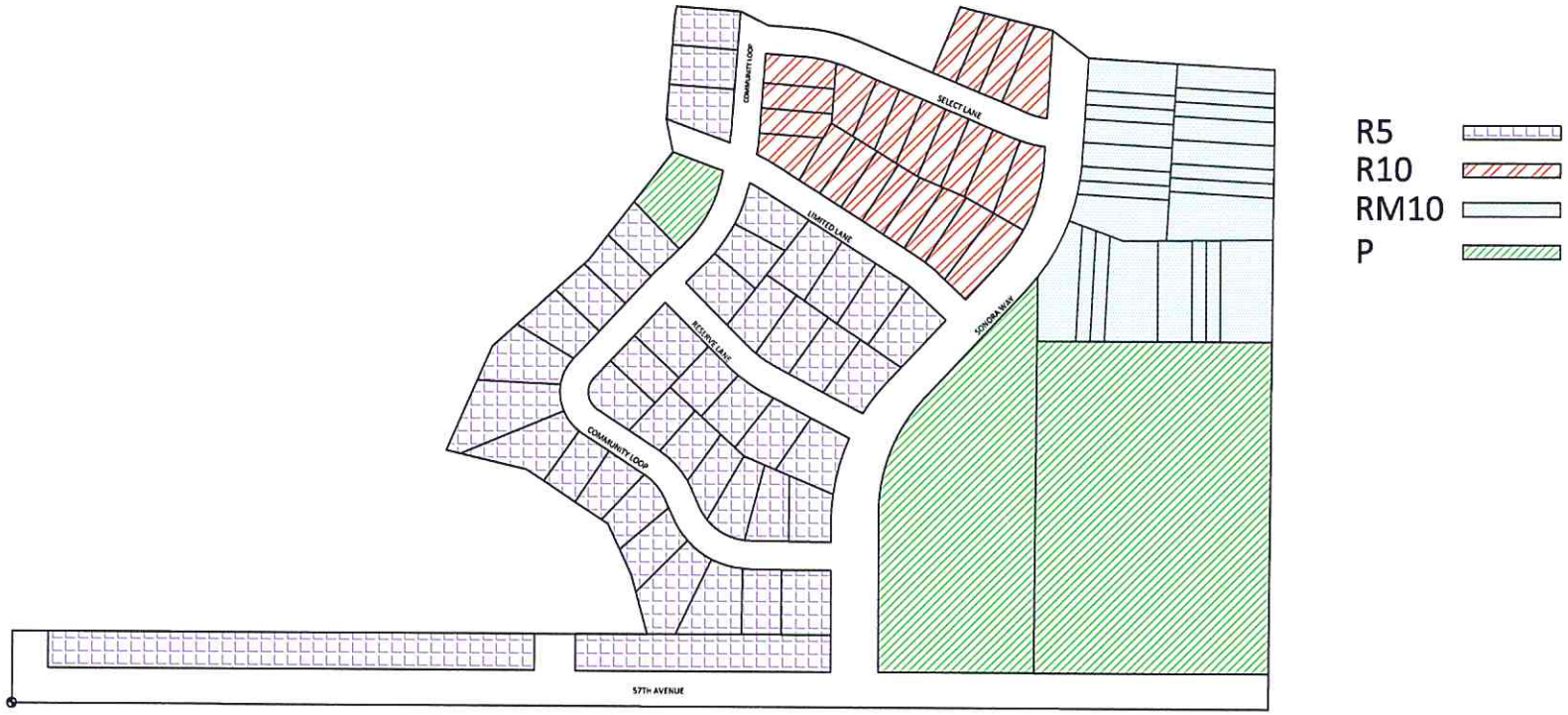


HERITAGE PARK ZONING

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

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Heritage Park Addition – Final Plat	
Status: Planning Commission – Reconsideration	**Date:** May 27, 2015
Owner(s): MDU – 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 north 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 – 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 Planning & Zoning Commission previously held a public hearing on the final plat for Heritage Park Addition on April 30, 2015. Based on the lack of municipal sanitary sewer services, the annexation request was denied. The developer has asked to have the project reconsidered with the understanding that a temporary sanitary lift station and force main pipe connection would be extended and constructed by the developer in conjunction with site development to provide sanitary sewer service to the development.

(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.

3. Due to a lack of a secondary access route to the proposed subdivision, the developer would be required to construct Sonora Way as a secondary form of ingress and egress to the subdivision. The developer has indicated a willingness to construct the roadway with the initial phase of development.

FINDINGS:

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

2. The storm water management plan has been approved by the City Engineer.

3. The proposed subdivision generally conforms 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. Sonora Way would be constructed by the owner with the initial phase of development to allow for a secondary access to and from the proposed subdivision.

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 permanent sanitary sewer line. The developer has indicated a willingness to construct a temporary sanitary lift station and force main connection that would be extended to provide sanitary sewer service to the development. The temporary sanitary services would be extended from the northern end of the sanitary line at LaSalle Drive and North Washington Street

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 approval of the final plat of Heritage Park Addition with the following conditions:

1. 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.

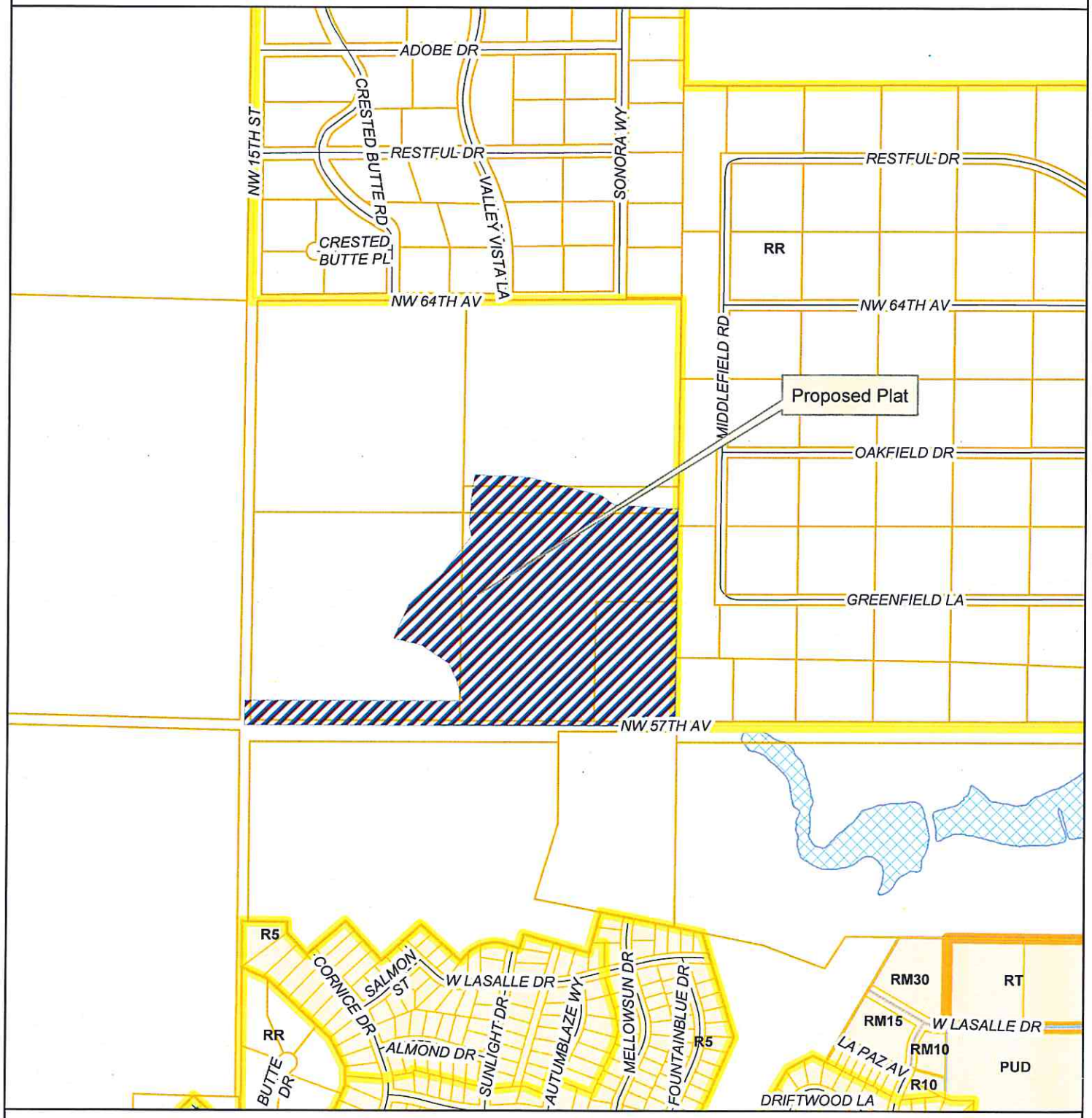
2. Municipal water service will be extended to the property along the 57th Avenue NW right-of-way to allow a connection to City water service.

3. A temporary sanitary lift station and force main connection shall be constructed and operable prior to the issuance of any residential building permits.

4. Sonora Way will be constructed by the developer as a required secondary access road.

/jt

Proposed Plat
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

HERITAGE PARK ADDITION

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

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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 1337.84 FEET; THENCE NORTH 15 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 36 DEGREES 21 MINUTES 56 SECONDS WEST, A DISTANCE OF 207.89 FEET; THENCE NORTH 76 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 173.21 FEET; THENCE NORTH 33 DEGREES 37 MINUTES 26 SECONDS EAST, A DISTANCE OF 140.84 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 01 SECONDS EAST, A DISTANCE OF 273.72 FEET; THENCE NORTH 37 DEGREES 42 MINUTES 56 SECONDS EAST, A DISTANCE OF 287.35 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 218.84 FEET; THENCE NORTH 09 DEGREES 43 MINUTES 38 SECONDS EAST, A DISTANCE OF 21.53 FEET; THENCE SOUTH 85 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 135.91 FEET; THENCE SOUTH 83 DEGREES 53 MINUTES 00 SECONDS EAST, A DISTANCE OF 84.59 FEET; THENCE SOUTH 85 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 78.45 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT ON A 380.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 122.17 FEET; THENCE SOUTH 85 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 184.41 FEET; THENCE NORTH 22 DEGREES 48 MINUTES 23 SECONDS EAST, A DISTANCE OF 146.93 FEET; THENCE SOUTH 78 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 200.58 FEET; THENCE SOUTH 52 DEGREES 37 MINUTES 16 SECONDS EAST, A DISTANCE OF 96.48 FEET; THENCE SOUTH 88 DEGREES 36 MINUTES 14 SECONDS EAST, A DISTANCE OF 394.58 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 31.07 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 PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2019

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
W. C. WOCKEN – 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 MDU 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 MOLDENHAUER, PRESIDENT
HERITAGE DEVELOPMENT, INC.
OWNER OF ALL OF HERITAGE PARK ADDITION
EXCEPT LOT 13 BLOCK 8
PO BOX 7186
BISMARCK, ND 58507

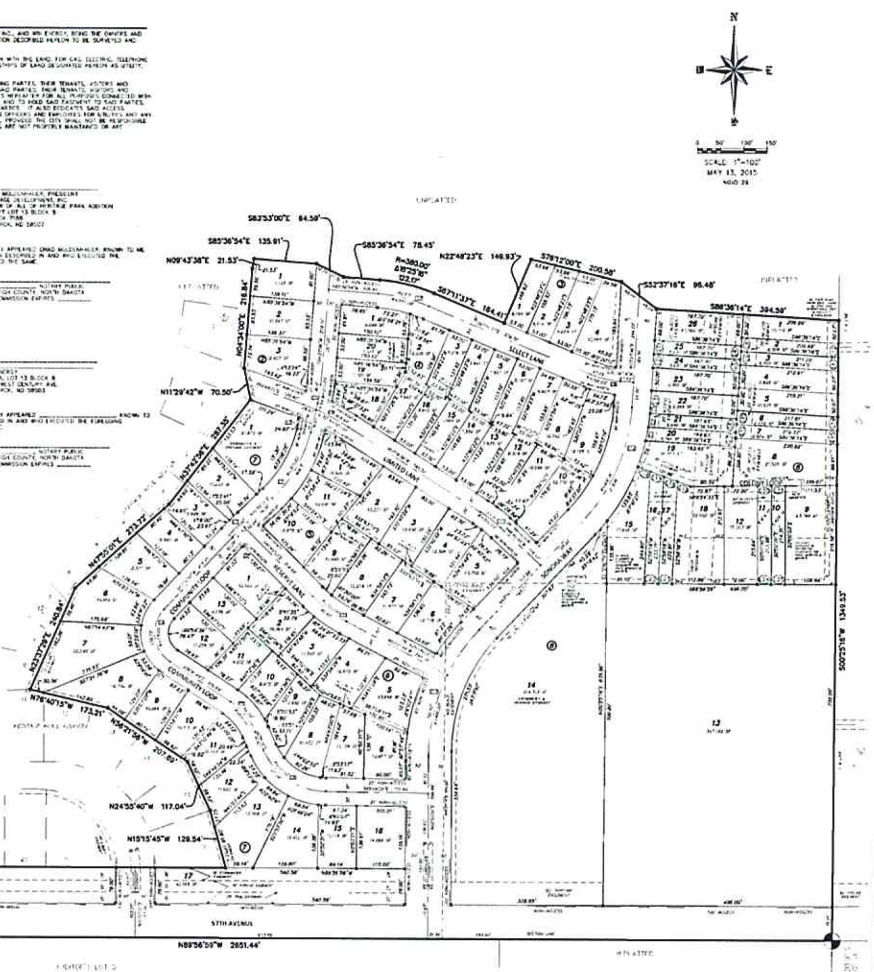
ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED CHAD MOLDENHAUER, KNOWN TO ME TO BE THE PRESIDENT OF HERITAGE DEVELOPMENT, INC., BEING THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

____
__________ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ________

____
MDU ENERGY
OWNER, LOT 13 BLOCK 8
1250 WEST CENTURY AVE
BISMARCK, ND 58503

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED ______________ KNOWN TO ME TO BE THE ________ OF MDU 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 ________



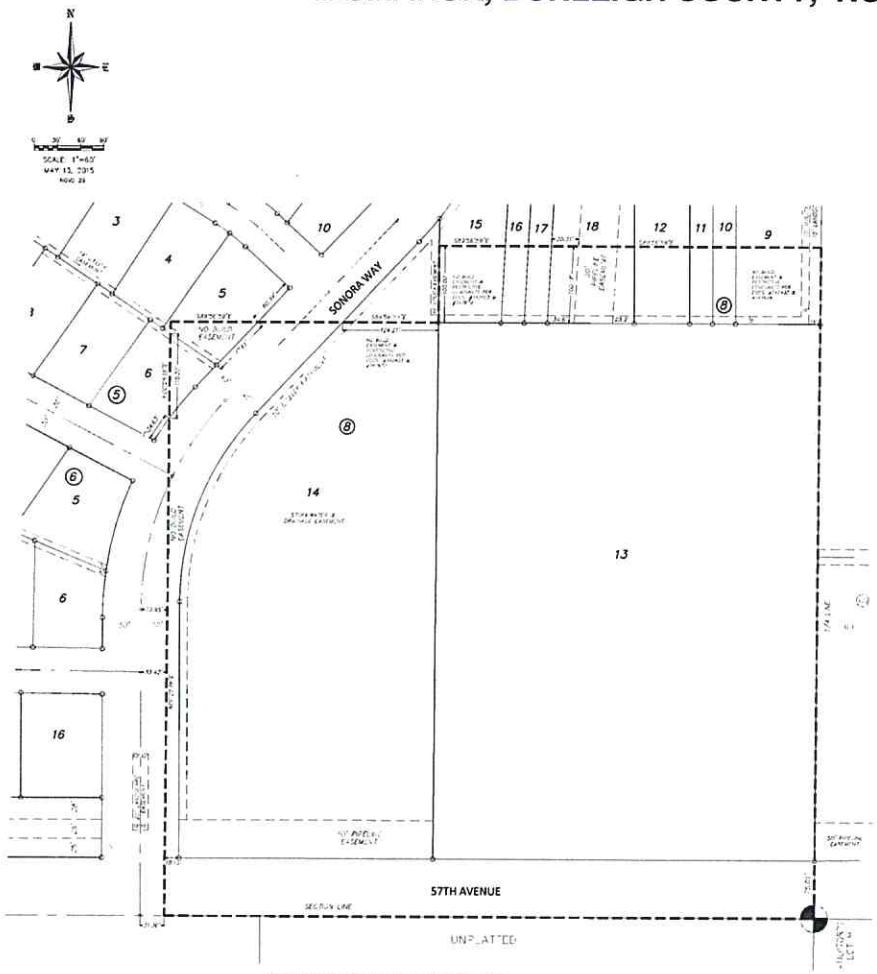
SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

SHEET 1 OF 2

HERITAGE PARK ADDITION

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

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NO BUILD EASEMENT & RESTRICTIVE COVENANTS DETAIL

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 EASEMENT AND RESTRICTIVE COVENANTS
FILED AT BURLEIGH COUNTY COURTHOUSE,
BISMARCK, ARTICLE AND PLATS

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

BENCHMARK:

BISMARCK MANDAN MPO
MONUMENT 38-61
ELEV =1934.56 (NAVD 88)

AREA

LOTS	1,683,266 S.F.	38.64 ACRES
STREET	541,306 S.F.	12.43 ACRES
TOTAL	2,224,574 S.F.	51.07 ACRES

PARCEL CURVE TABLE		
CURVE #	ARC LENGTH	DELTA
S1	10.89'	1°25'01"
S2	30.00'	359°31"
S3	30.25'	359°21"
S4	50.62'	73°37'58"
S5	2.72'	0°19'53"
S6	4.22'	0°14'31"
S7	8.84'	4°49'18"

CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	DELTA	TANGENT
C1	41.16'	250.00'	9°26'00"	20.61'
C2	166.11'	300.00'	32°09'25"	85.33'
C3	47.32'	1000.00'	2°42'41"	23.67'
C4	130.75'	75.00'	99°54'39"	89.24'
C5	86.39'	150.00'	33°00'01"	44.42'
C6	171.35'	150.00'	65°27'49"	96.41'
C7	112.53'	350.00'	18°25'16"	56.75'
C8	67.75'	200.00'	19°24'37"	34.21'
C9	106.99'	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	228.14'	400.00'	39°53'26"	144.96'
C13	301.50'	400.00'	43°11'10"	158.32'

LINE TABLE		
Line #	Length	Bearing
L1	30.00'	N73°24'46"E
L2	30.00'	N73°24'46"E
L3	39.11'	N73°24'46"E
L4	30.00'	N73°24'46"E
L5	30.00'	N73°24'46"E
L6	30.00'	N73°24'46"E
L7	30.00'	N73°24'46"E
L8	30.00'	N73°24'46"E
L9	30.00'	N73°24'46"E
L10	30.00'	N73°24'46"E
L11	30.00'	N73°24'46"E
L12	30.04'	S0°29'16"W
L13	30.04'	S0°29'16"W
L14	30.04'	S0°29'16"W
L15	30.04'	S0°29'16"W
L16	28.65'	S69°41'37"E
L17	31.43'	S69°41'37"E
L18	31.43'	S69°41'37"E
L19	30.35'	S69°41'37"E
L20	30.00'	N89°24'33"E
L21	30.00'	N89°24'33"E
L22	30.04'	S89°56'39"E
L23	30.04'	S89°56'39"E
L24	30.00'	S89°56'39"E
L25	30.00'	S89°56'39"E

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

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AUG 2 0 2014

HERITAGE RIDGE ADDITION

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

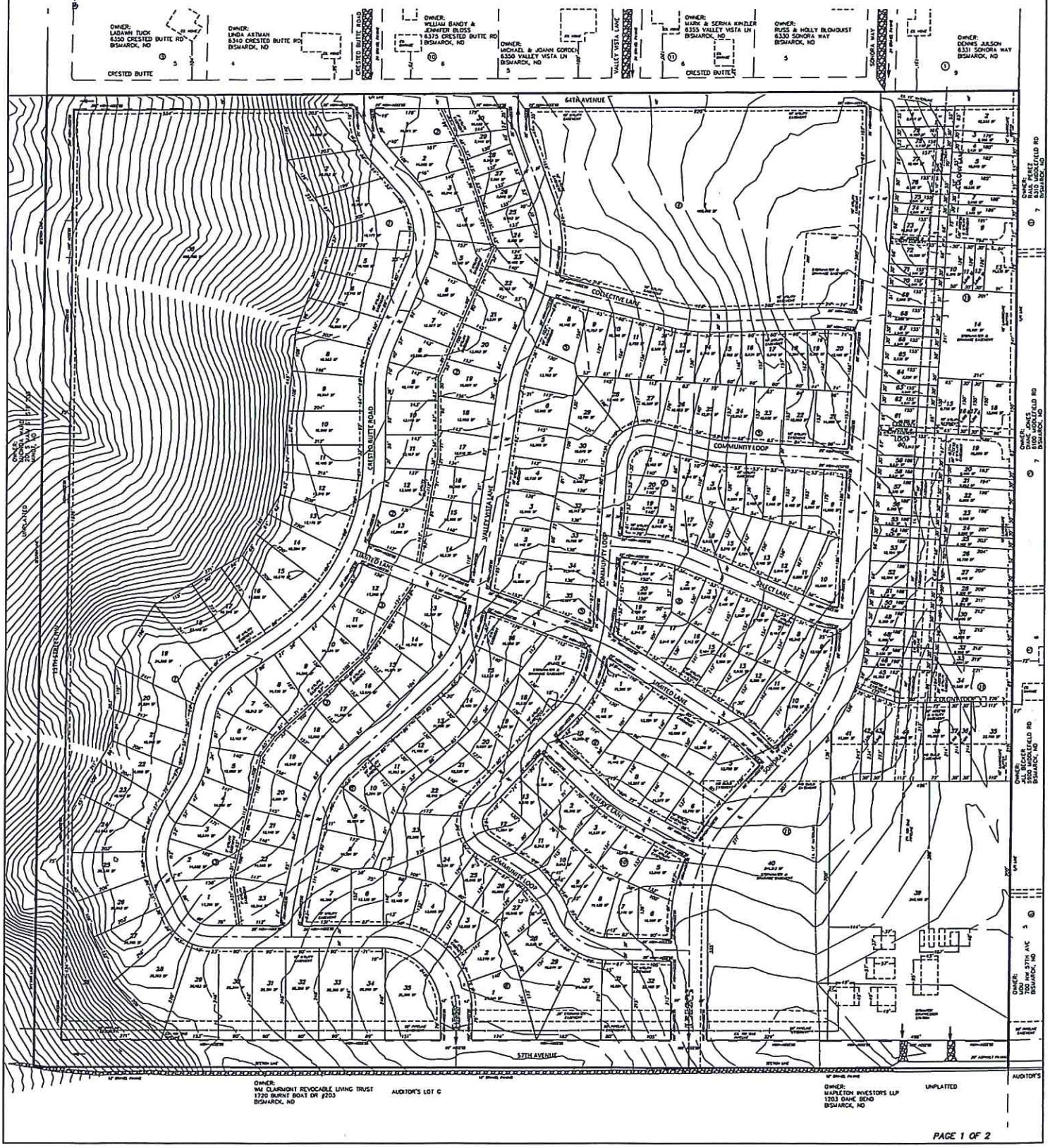
BISMARCK, NORTH DAKOTA

SCALE - 1"=100'

JULY 29, 2014

NAVD 88

SWENSON, HAGEN & COMPANY P.C.



axtman+associates, pc
landscape architecture | planning

Benchmark Developments
Heritage Ridge

Benchmark Developments
Heritage Park

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Annexation	
Status: Planning Commission – Final Consideration (Continued)	**Date:** May 27, 2015
Owner(s): Verity Homes of Bismarck, LLC Daryl & Joan Scofield	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat and annex property for single-family residential development. The PUD request has been withdrawn.	
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
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed:** R5 – 5 units per acre

PROPERTY HISTORY:		
Zoned: 11/2014 (Ash Coulee 2nd) 05/1985 (Western Hills)	**Platted:** 11/2014(Ash Coulee 2nd) 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. As the underlying Lot 3 of Ash Coulee Second Addition will be transferred Verity Homes of Bismarck, LLC, the entire plat must be annexed prior to development.

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.

(continued)

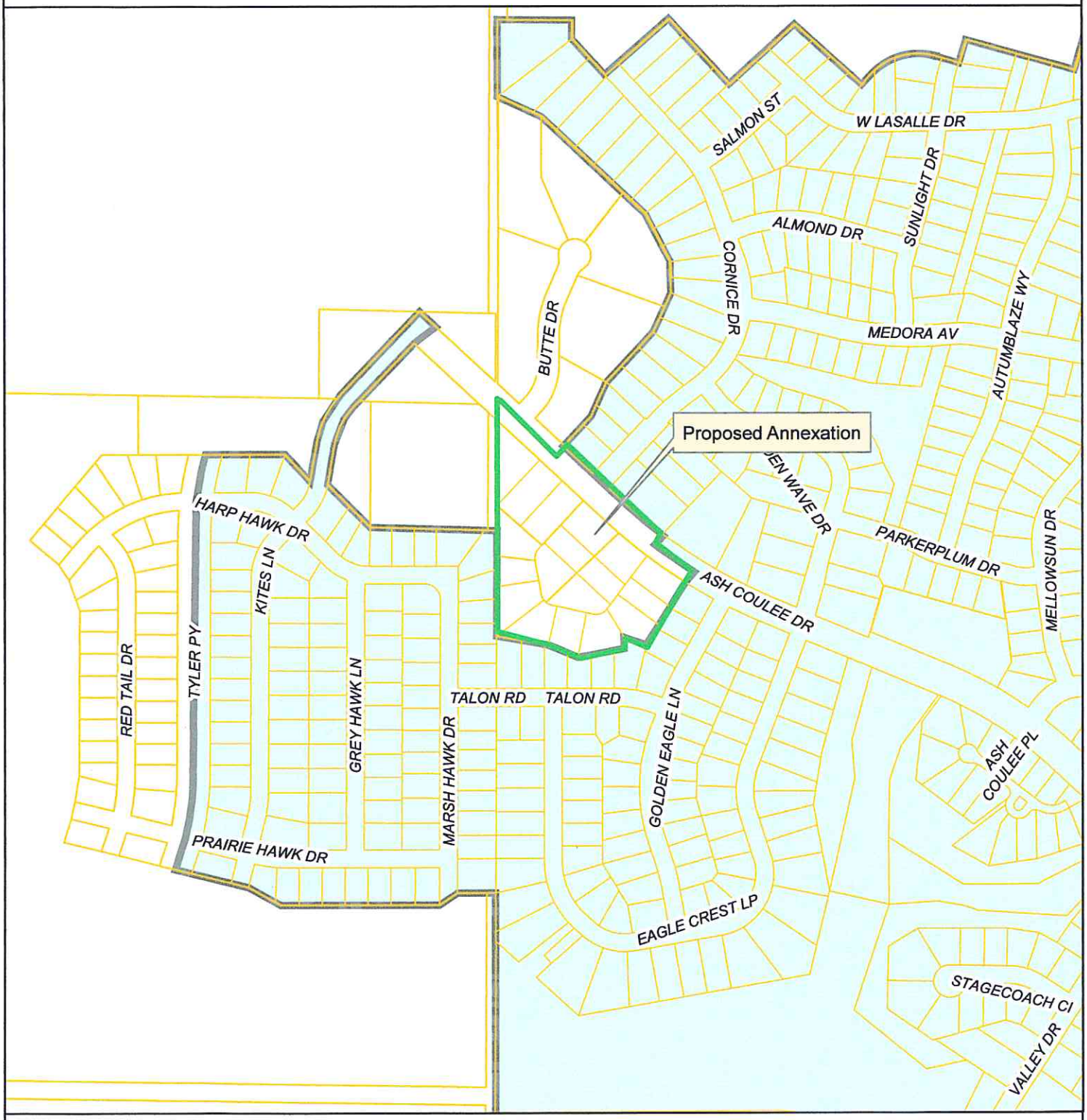
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lots 1-30, Block 1, Ash Coulee Estates Addition.

/Klee

Proposed Annexation
Ash Coulee Estates Addition



May 19, 2015 (klee)

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

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Minor Subdivision Final Plat	
Status: Planning Commission – Public Hearing (Continued)	**Date:** May 27, 2015
Owner(s): Verity Homes of Bismarck, LLC Daryl & Joan Scofield	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat and annex property for single-family residential development. The PUD request has been withdrawn.	
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:** 30 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
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed:** R5 – 5 units per acre

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

ADDITIONAL INFORMATION:

1. A public hearing on this request was held at the Planning and Zoning Commission meeting on April 29, 2015. The Planning and Zoning Commission asked the applicant to work with the adjacent land owners regarding their concerns with the proposed developed. A neighborhood meeting was hosted by Verity Homes on Wednesday, May 13, 2015 in the garage of a home in Eagle Crest Addition.

2. Based on the input received at this meeting, the applicant has withdrawn the request for a zoning change to PUD – Planned Unit Development and has revised the minor subdivision final plat to comply with the requirements of the existing R5 – Residential zoning district. The overall density of the revised plat is 3.13 units per acre.

FINDINGS:

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

2. The storm water management plan has been approved by the City Engineer; a revised storm water management plan is not needed as the overall density has decreased.

(continued)

3. The proposed minor subdivision final plat would be compatible with adjacent land uses. Adjacent land uses include a rural residential to the northwest, single-family 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.

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:

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

/Klee

Proposed Minor Subdivision Final Plat
Ash Coulee Estates Addition

May 19, 2015 (klee)

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.

0 200 400 600 Feet

N

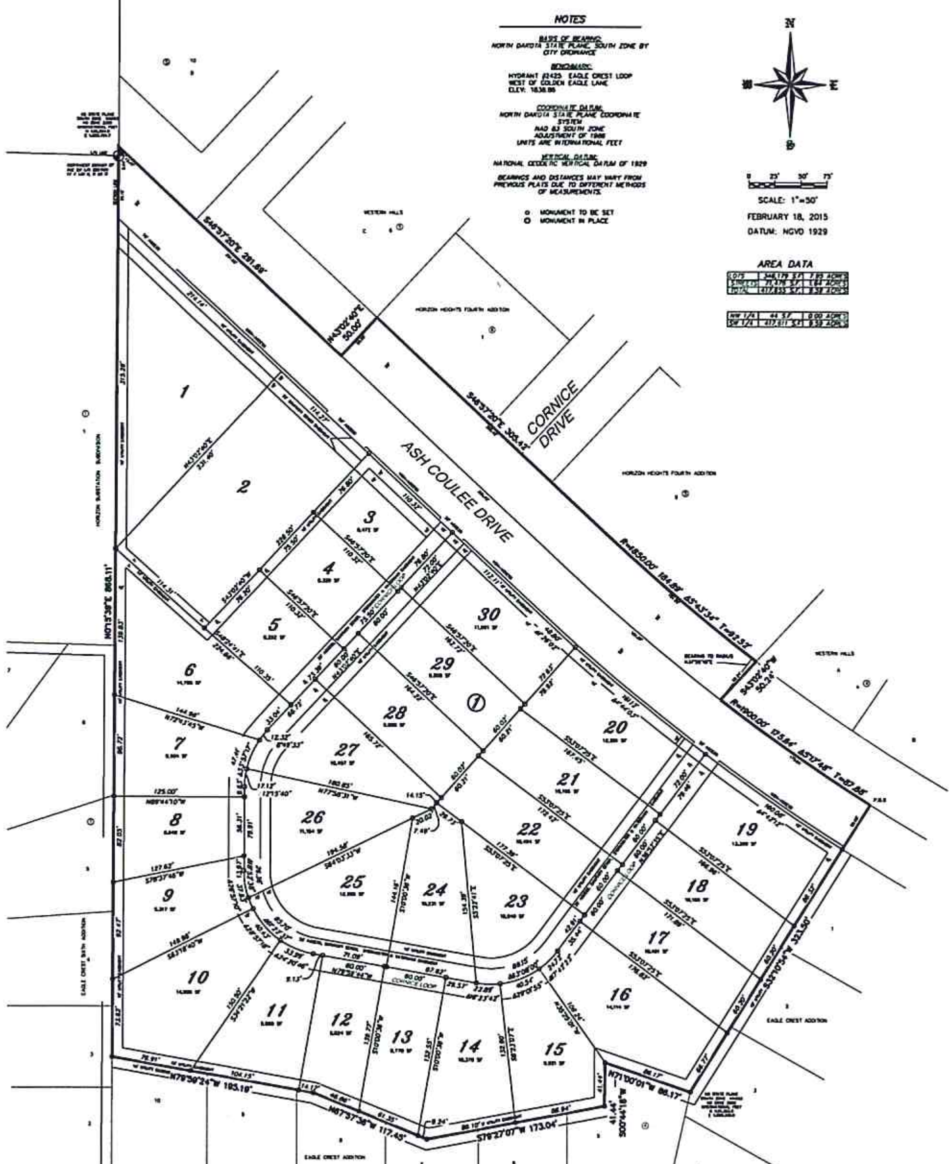
MAY 2 1 2015

REVISED

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



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 87 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 865.11 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 175.84 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, 2018

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 3–30 BLOCK 1

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
1433 ASH COULEE DRIVE
BISMARCK, ND 58504

JOAN SCOFIELD
1433 ASH COULEE DRIVE
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.

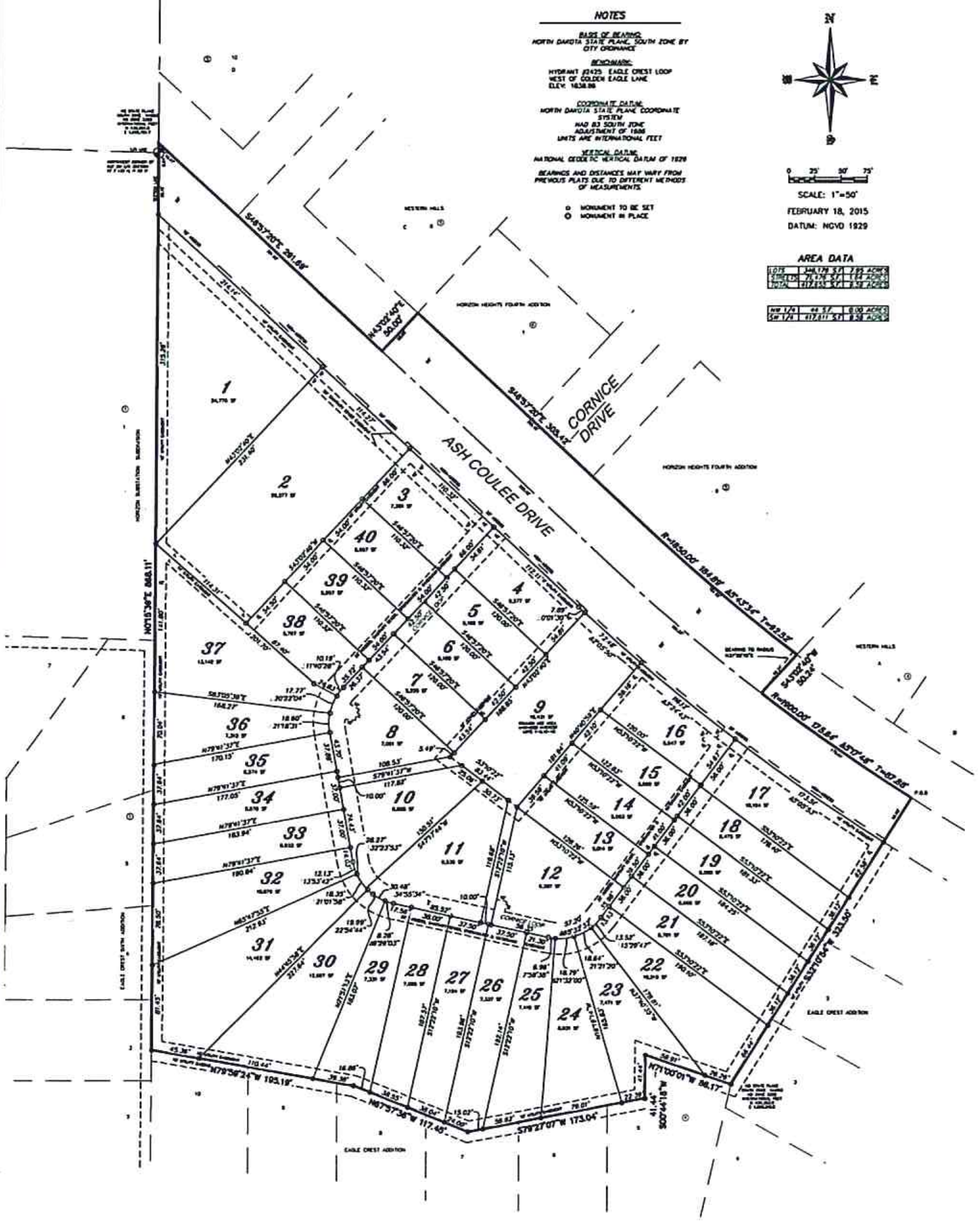
MAR 1 1 2015

ORIGINAL

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



AREA DATA

LOTS	346,179 S.F.	7.95 ACRES
STREETS	71,476 S.F.	1.64 ACRES
TOTAL	417,655 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

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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.

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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
1433 ASH COULEE DRIVE
BISMARCK, ND 58504

JOAN SCOFIELD
1433 ASH COULEE DRIVE
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.

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 (continued)	**Date:** May 27, 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:** 17 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Four 12-unit apartments, seven 2-unit twin homes, one three-unit apartment 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 of 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.

(continued)

2. The site plan that was submitted with the current zoning change request has been modified from the previous submittals. The current site plan reduced the number of twin homes from ten to seven, adds one three-unit apartment building, includes a 6-foot high earthen berm with significant landscaping material along the north and south sides of the berm adjacent to the pipeline easement. The revised site plan increases the separation between the proposed industrial uses to the south and the proposed residential uses along the north side of the buried pipeline easement.

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 be compatible with adjacent land uses, provided appropriate landscaping and an earthen berm are installed in conjunction with site development 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; the northerly portion beyond the pipeline easement of this berm would be removed in conjunction with site development.

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:

Because the storm water management plan submittal requirements have not yet been approved by the City Engineer, staff recommends holding the public hearing on the request, but continuing action on the zoning change from Conditional RM15 – Residential and PUD – Planned Unit Development zoning districts to the RM15 – Residential zoning district for Lots 1 and 16, Block 1for Hamilton's First Addition First Replat, to the R10 – Residential zoning district for Lots 2-15, Block 1 and to the PUD – Planned Unit Development zoning district for Lot 17, Block 1 as outlined in the draft PUD ordinance with the following conditions:

1. The development of Lots 2-15 shall be twinhomes.

2. The earthen berm and landscape materials are installed in conjunction with site development.

/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.

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 PUD – Planned Unit Development district and included within the PUD – Planned Unit Development District.

Lot 17, Block 1, Hamilton's First Addition First Replat.

This PUD is subject to the following development standards:

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

a. ~~Hotel-motel.~~
b. ~~Retail group A.~~
c. ~~Retail group B.~~
d. 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).*
e. 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).*
f. Wholesale group.

h. ~~Railroad or bus passenger station.~~

i. ~~Railroad freight station~~.

j. 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).*

k. ~~Radio or television transmitting station.~~

l. 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).*

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

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 circus/fair/carnival~~.
d. Temporary farm and garden produce sales.
e. ~~Temporary fireworks sales.~~
f. Seasonal nursery and bedding stock sales.
g. ~~Solid waste disposal facility~~.
h. ~~Airport.~~
i. Recreational vehicle park.
j. ~~Filling station~~.
k. ~~Drive-in retail or service establishment.~~
l. ~~Motor vehicle parts salvage yard.~~
m. ~~Small animal veterinary clinic.~~
n. ~~Animal hospital or kennel.~~
o. ~~Golf driving range.~~
p. ~~Junkyard.~~
q. ~~Retail liquor sales.~~
r. ~~Racetracks.~~

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).

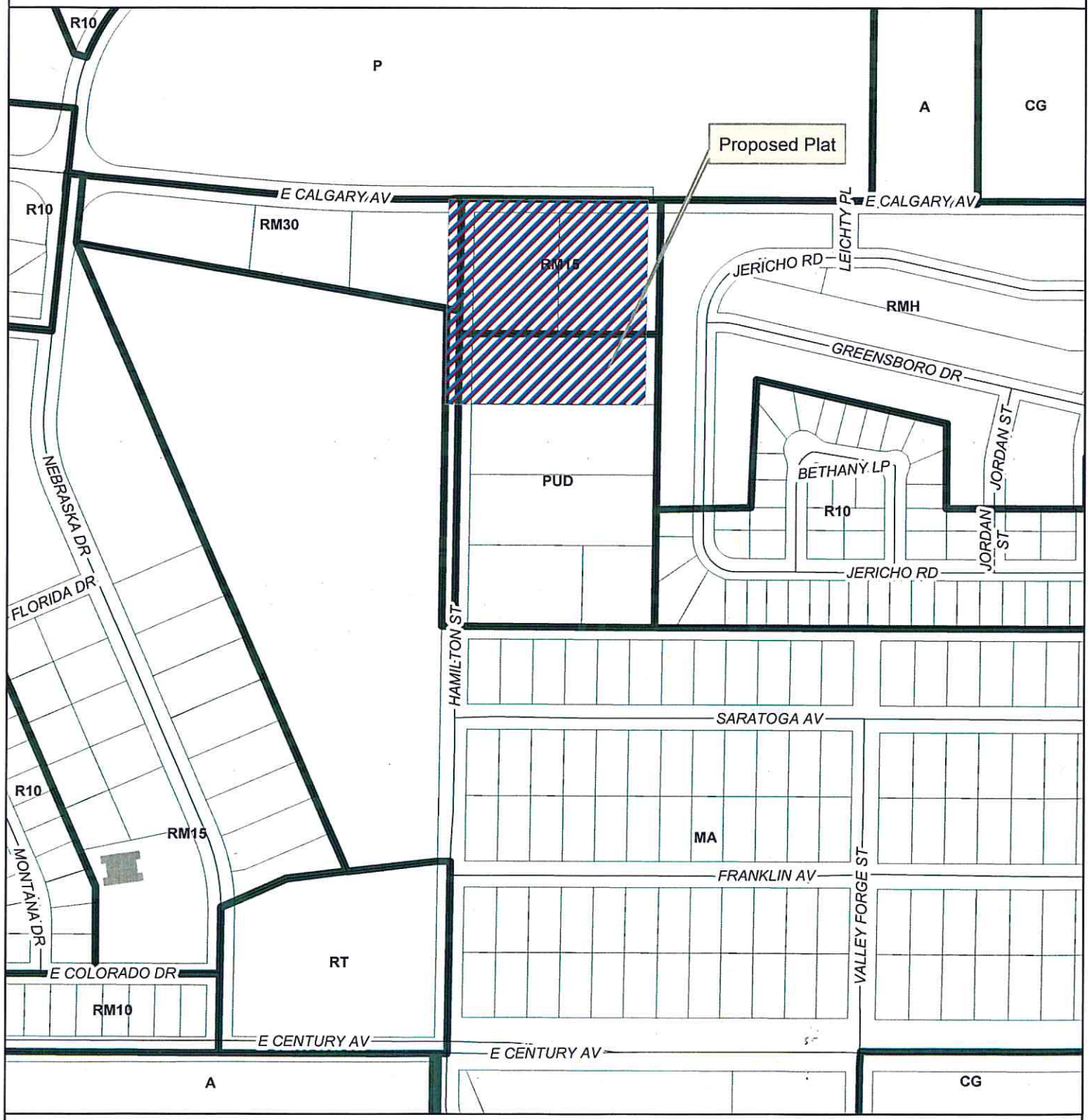
f. Signage. Signage for the development may be installed in accordance with the provisions of Section 14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of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

6. *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.

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.

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PRELIMINARY-NOT FOR CONSTRUCTION, RECORDATION, OR IMPLEMENTATION

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Hamilton's First Addition First Replat – Minor Subdivision Final Plat	
Status: Planning Commission – Public Hearing (continued)	**Date:** May 27, 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:** 17 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Four 12-unit apartments, seven 2-unit twin homes, one three-unit apartment 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 of 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.

(continued)

2. The site plan that was submitted with the current zoning change request has been modified from the previous submittals for this request. The current site plan reduced the number of twin homes from ten to seven, adds one three-unit rowhouse and includes a 6-foot high earthen berm with significant landscaping material along the north and south sides of the berm adjacent to the pipeline easement. The revised site plan increases the separation between the proposed industrial uses to the south and the proposed residential uses along the north side of the buried pipeline easement.

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 be compatible with adjacent land uses, provided the appropriate landscaping and an earthen berm are installed in conjunction with site development 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; the northerly portion beyond the pipeline easement of this berm would be removed in conjunction with site development.

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:

Because the storm water management plan submittal requirements have not yet been approved by the City Engineer, staff recommends holding the public hearing on the request, but continuing action on the zoning change from Conditional RM15 – Residential and PUD – Planned Unit Development zoning districts to the RM15 – Residential zoning district for Lots 1 and 16, Block 1for Hamilton's First Addition First Replat, to the R10 – Residential zoning district for Lots 2-15, Block 1 and to the PUD – Planned Unit Development zoning district for Lot 17, Block 1 as outlined in the draft PUD ordinance with the following conditions:

1. The development of Lots 2-15 shall be twinhomes.

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FINDINGS:

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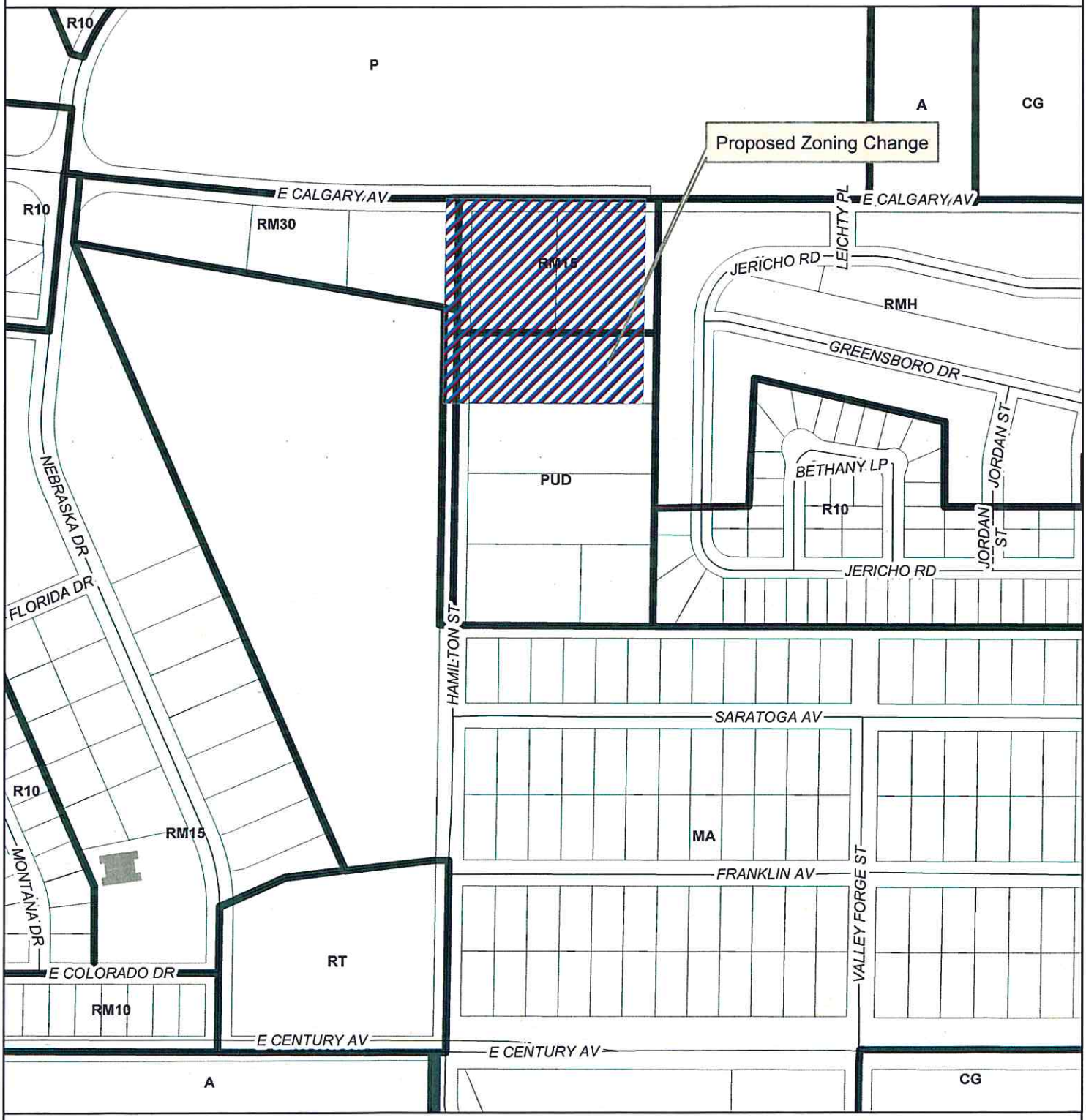
/jt

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



January 21, 2015 (hlb)

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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

N W E S

0 20' 40' 80'

SCALE: 1"=40'
FEBRUARY 20, 2015

NOTES

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

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

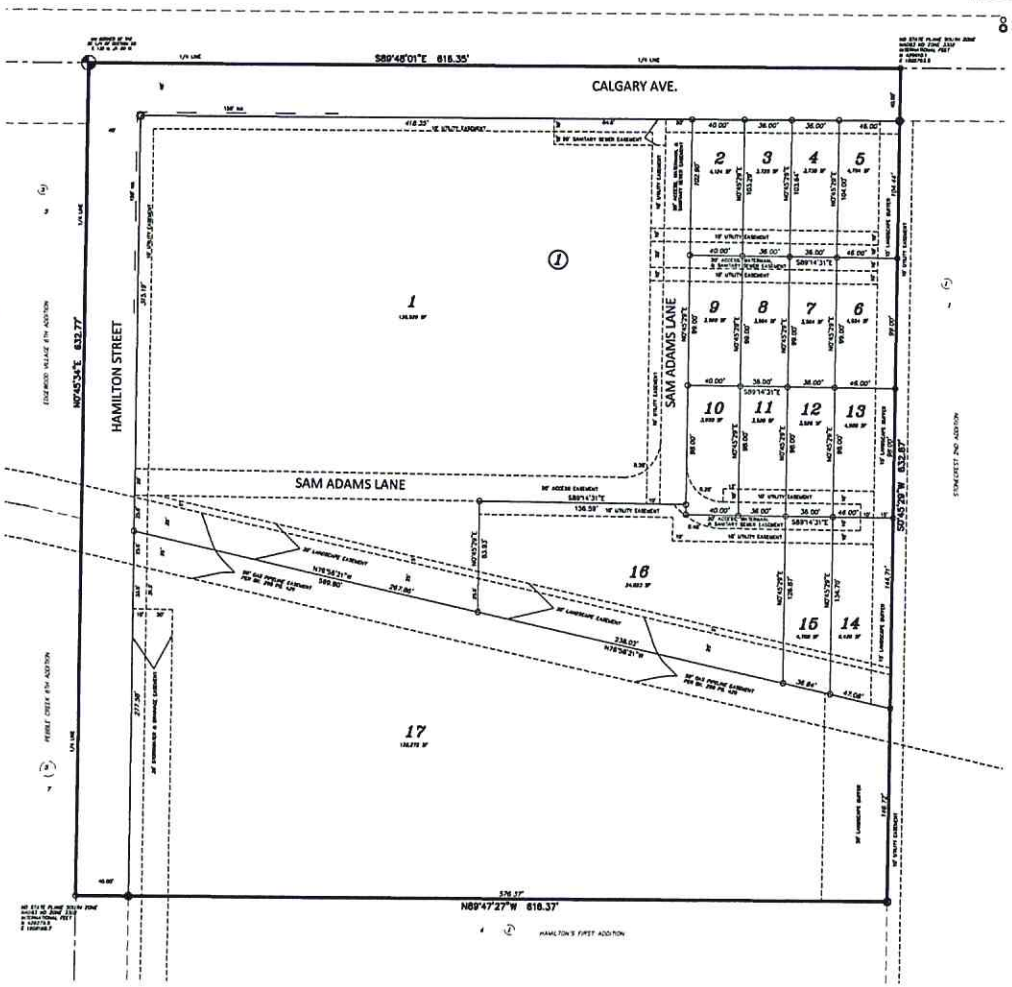
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS

BENCHMARK
HYDRANT #2441
WASHINGTON ST. & BURLEIGH AVE.
ELEV = 1638.77 (NGVD 29)

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

AREA

LOTS	341,865 S.F.	7.84 ACRES
STREETS	48,365 S.F.	1.11 ACRES
TOTAL	390,230 S.F.	8.95 ACRES



DESCRIPTION

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 89 DEGREES 48 MINUTES 01 SECOND EAST, ALONG THE NORTH LINE OF SAID SE 1/4, A DISTANCE OF 618.35 FEET TO THE WEST BOUNDARY OF STONECREST 2ND ADDITION; THENCE SOUTH 00 DEGREES 43 MINUTES 29 SECONDS WEST, ALONG SAID WEST BOUNDARY, A DISTANCE OF 632.87 FEET TO THE NORTH BOUNDARY OF LOT 4 BLOCK 1 HAMILTON'S FIRST ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 27 SECONDS WEST, ALONG SAID NORTH BOUNDARY, A DISTANCE OF 616.37 FEET TO THE WEST LINE OF SAID SE 1/4; THENCE NORTH 00 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 633.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 8.95 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 NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2015, 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.
808 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 PATENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2018

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:
M. 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 FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

_____
MELVIN J. BULLINGER
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL BAUMGARTNER 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 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

_____
MICHAEL BAUMGARTNER, PRESIDENT
MICHAEL BAUMGARTNER CONSTRUCTION, INC.
1414 INDUSTRIAL DR.
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED MICHAEL BAUMGARTNER, KNOWN TO ME TO BE THE PRESIDENT AND CHIEF MANAGER OF MICHAEL BAUMGARTNER CONSTRUCTION, 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

2020

AREA BEING REPLATTED AS HAMILTON'S FIRST ADDITION FIRST REPLAT

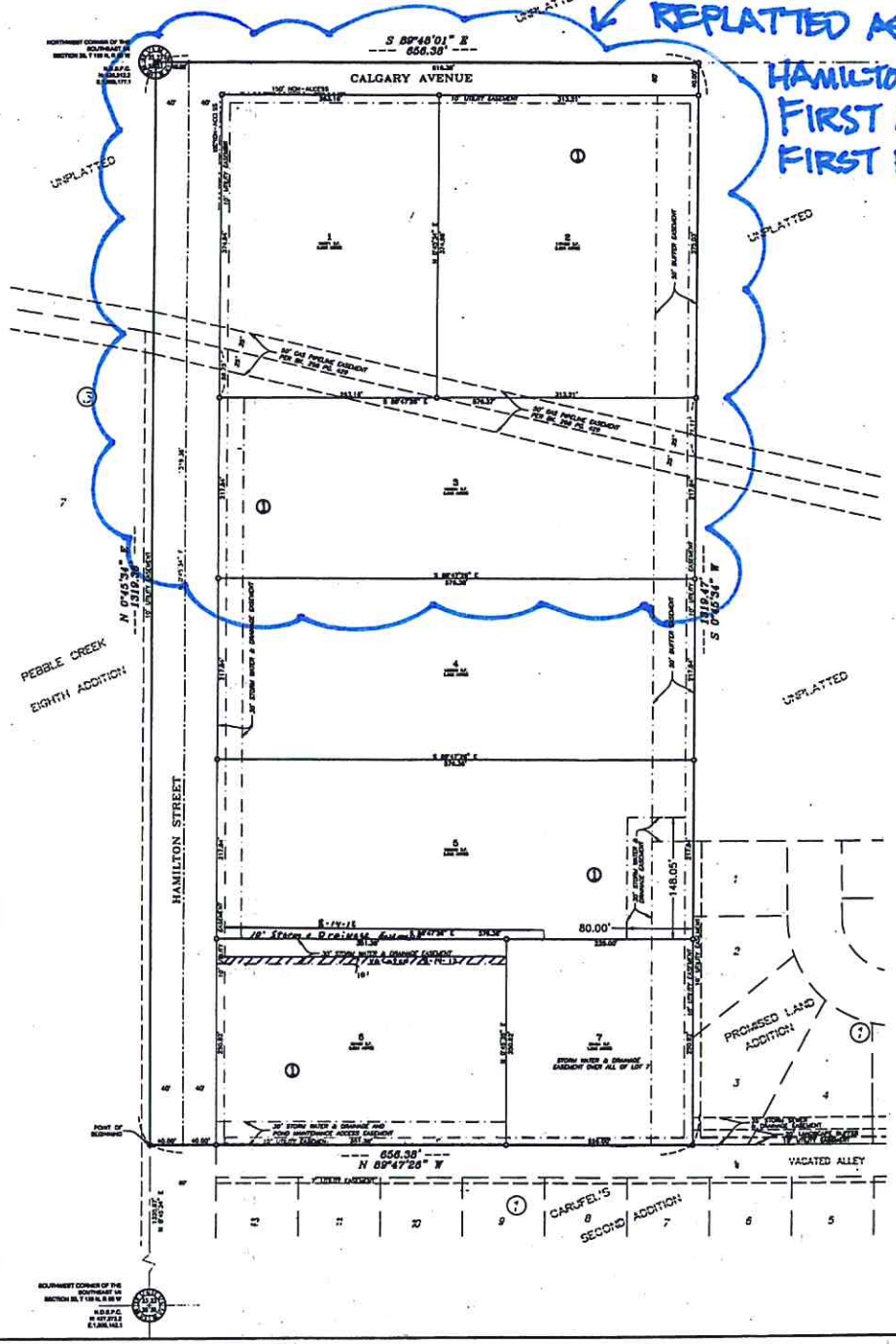
HAMILTON'S FIRST ADDITION

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.
1128 500 LINC DR.
BISMARCK, NORTH DAKOTA 58501
PHONE 888-8488

OWNER:
ATIAS BOUTROUS
3420 GALLATIN LOOP
BISMARCK, ND 58504

OWNER:
RON KNUTSON
555 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 CARLFELT'S SECOND ADDITION, WHICH IS THE POINT OF BEGINNING; THENCE FROM THE SAID POINT OF BEGINNING, S 0°46'34" E, 1319.36 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°54'34" W, 1319.47 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 1, PROPOSED LAND ADDITION; THENCE N 89°47'26" W, 656.38 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 864,000 SQUARE FEET OR 19.840 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, KENT A. DRAK, 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 28TH DAY OF JANUARY, 2020; 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. DRAK
REGISTERED
LS-7147
NORTH DAKOTA
KENT A. DRAK-SURVEYOR
REGISTERED PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 7147
9-8-09

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)ss)

ON THIS 8th DAY OF September, 2009 BEFORE ME PERSONALLY APPEARED KENT A. DRAK, 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.

BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 10-17-2010

DAWN 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 2nd DAY OF MAY 2011

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
PROFESSIONAL ENGINEER
NORTH DAKOTA
10/15/2007

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 11th DAY OF June, 2009, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATION 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 YEADER - CHAIRMAN

CARL B. HOMENSTAD - SECRETARY

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT ATIAS 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
555 HWY 1804 NE
BISMARCK, ND 58503

ATIAS BOUTROUS
3420 GALLATIN LOOP
BISMARCK, ND 58504

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh)ss)

ON THIS 18th DAY OF September, 2009 BEFORE ME PERSONALLY APPEARED ATIAS 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 A. Kaelberer
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES January 2, 2015

KATHLEEN A. KAELBERER
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JAN. 2, 2015

N
W E
S

scale 1"=50' (60 0 60 120 feet)

DATE: APRIL 2009

BASIS OF BEARING - STATE PLANE
BENCHMARK - FH 2019, 1780.75 NGVD 29

LEGEND

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

PLAT INFORMATION

NUMBER OF LOTS: 7

LOT ACREAGE - 16.926 ACRES

R.O.W. ACREAGE - 2.952 ACRES

TOTAL ACREAGE - 19.880 ACRES

PLAT NOTES:

LOTS 1&3, BLOCK 1, ARE UNBUILDABLE UNTIL CALGARY AVENUE IS IMPROVED OR UNDER CONTRACT FOR IMPROVEMENT.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Reuters Addition – Zoning Change (A to R5, R10 & PUD)	
Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Donald & Jeanne Reuter (owner) Verity Homes of Bismarck, LLC (applicant) Diversity Homes, Inc. (applicant)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for mixed-density residential development.	
Location: In northeast Bismarck, along the west side of 52nd Street NE, east of Roosevelt Drive between 43rd Avenue NE and East Century Avenue (the SE¼ of the NE¼ of Section 24, T139N-R80W/Hay Creek Township).	
Project Size: 40 acres	**Number of Lots:** 177 lots in 10 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed-density residential
Zoning: A – Agriculture	**Zoning:** R5 – Residential R10 – Residential PUD – Planned Unit Development P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential R10 – Single and two-family residential PUD – Uses specified in PUD P – Public uses including parks, trails, stormwater detention/retention etc.
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed:** R5 – 5 units/acre R10 – 10 units/acre PUD – Density as specified in PUD P – N/A

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

ADDITIONAL INFORMATION:

1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is, "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

(continued)

2. The required site plan and written statement for the PUD have been submitted by the applicant and are attached. The PUD as proposed would allow for 43 residential units in a mix of 3 to 5-unit row houses. The proposed PUD will have access points along Doubleday Drive. In addition, the proposed PUD will provide the required landscaping outlined in Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) in an effort to provide a visual transition between the proposed multi-family building and the single-family dwellings to the east.

3. The property owner and applicants have indicated their desire to annex the proposed subdivision; however, an annexation route to extend municipal services cannot be achieved at this time. The property owner and applicants are aware that the building permits will not be issued for any of the lots in the final plat until the property is annexed and municipal services are in place or under contract.

4. Staff has raised some concerns regarding the location of the proposed PUD. In particular, higher density land uses are generally located along major roadways so residents of the higher land uses are not driving through a lower intensity land uses to get to their homes. The applicant has stated they are unable to relocate the proposed PUD closer to 52nd Street NE due to topography and have expressed their desire for the PUD to remain at its current location as the future neighborhood park will be an additional amenity to the proposed PUD. This seems reasonable to staff.

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

FINDINGS:

1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this development block as medium-density residential. Medium-density residential land use requires an overall density of 4 to 10 units per acre; the proposed overall density of the subdivision is 4.4 units per acre.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped A-Agricultural zoned land to the north, east and south.

3. The entire subdivision would be annexed prior to development and building permits will not be issued until the final plat is annexed; therefore, the zoning change would not place an undue burden on public services and facilities.

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

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance 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 yet been approved by the City Engineer, staff recommends holding the public hearing on the request because adjacent property owners were notified, but continuing action on the zoning change from the A – Agricultural zoning district to the R5 – Residential, R10 – Residential, P – Public zoning and PUD – Planned Unit Development zoning district as outlined in the attached PUD ordinance, for Reuters Addition.

/jw

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.

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 A – Agricultural zoning district and included within the R5 – Residential zoning district:

Lot 1, Block 1; Lots 2-6, Block 2; Lots 2-5, Block 3; Lots 5-7; Block 4, Lots 1-18, Block 6; Lots 1-19, Block 7; Lots 34-41, Block 8; Lots 1-26, Block 9, Reuters Addition

Section 2.

The following described property shall be excluded from the A – Agricultural zoning district and included within the R10 – Residential zoning district:

Lots 1-14, Block 5; Lots 1-33, Block 8, Reuters Addition

Section 3

The following described property shall be excluded from the A – Agricultural zoning district and included within the P – Public zoning district

Lot 1, Block 2; Lot 1, Block 3, Reuter's Addition

Section 4

The following described property shall be excluded from the A – Agricultural zoning district and included within the PUD – Planned Unit Development District:

Lots 1-4 and lots 8-46, Block 4, Reuters Addition

Section 5

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 43 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Reuters Addition dated November 5, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Multi-family Residential Development Standards.* Each buildable lot shall have an area of not less than fourteen-hundred (1,400) square feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, a minimum rear yard setback of ten (10) feet, and a maximum building height of forty (40) feet. Stairs may extend into front yard setback ten (10) feet. Rear yards are along the private access roads and the front yards are along the courtyard portion of the site except the front yard for the southernmost units adjacent to Pennypacker Drive.

3. *Private Driveway Maintenance.* The development and construction of the private driveways 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.

4. *Landscaping and Screening.* Landscaping and screening shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

5. *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 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Plat and Zoning Change (A to R5, R10, PUD and P)
Reuter's 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: 11/20/2010(klb)

Source: City of Bismarck

N

0 700 1,400 Feet

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Reuters Addition – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Donald & Jeanne Reuter (owner) Verity Homes of Bismarck, LLC (applicant) Diversity Homes, Inc. (applicant)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for mixed-density residential development.	
Location: In northeast Bismarck, along the west side of 52nd Street NE, east of Roosevelt Drive between 43rd Avenue NE and East Century Avenue (the SE¼ of the NE¼ of Section 24, T139N-R80W/Hay Creek Township).	
Project Size: 40 acres	**Number of Lots:** 177 lots in 10 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed-density residential
Zoning: A – Agriculture	**Zoning:** R5 – Residential R10 – Residential PUD – Planned Unit Development P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** R5 – Single-family residential R10 – Single and two-family residential PUD – Uses specified in PUD P – Public uses including parks, trails, stormwater detention/retention etc.
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed:** R5 – 5 units/acre R10 – 10 units/acre PUD – Density as specified in PUD P – N/A

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

ADDITIONAL INFORMATION:

1. The property owner and applicants have indicated their desire to annex the proposed subdivision; however, an annexation route to extend municipal services cannot be achieved at this time. The property owner and applicants are aware that the building permits will not be issued for any of the lots in the final plat until the property is annexed and municipal services are in place or under contract.

(continued)

1. When the proposed plat is annexed it would be considered a new urban residential subdivision and is subject to the provisions of the Neighborhood Parks and Open Space ordinance. The Bismarck Parks and Recreation District has proposed a 2 acre neighborhood park be located partially within the proposed plat as well as in the adjacent properties to the west and northwest. A Park Development Agreement between the Bismarck Parks and Recreation District and the developers (Verity Homes of Bismarck, LLC and Diversity Homes, Inc.) has been approved by the Park Board and a portion of the proposed 2 acre neighborhood park will be located on Lot 1, Block 1 of the proposed subdivision. A site plan showing the proposed neighborhood park and a copy of the Park Development Agreement are attached.

FINDINGS:

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

2. The stormwater management plan has not yet been approved by the City Engineer.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan for this area, which identifies 52nd Street NE as an arterial roadway and East Calgary Avenue as the east-west collector roadway for this section.

4. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped A-Agricultural zoned land to the north, east and south.

5. The entire subdivision would be annexed prior to development and building permits will not be issued until the final plat is annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.

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 holding the public hearing on the request because adjacent property owners were notified, but continuing action on the final plat for Reuters Addition.

/jw

Proposed Plat and Zoning Change (A to R5, R10, PUD and P)
Reuter's 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: 11/20/2010(klb)

Source: City of Bismarck

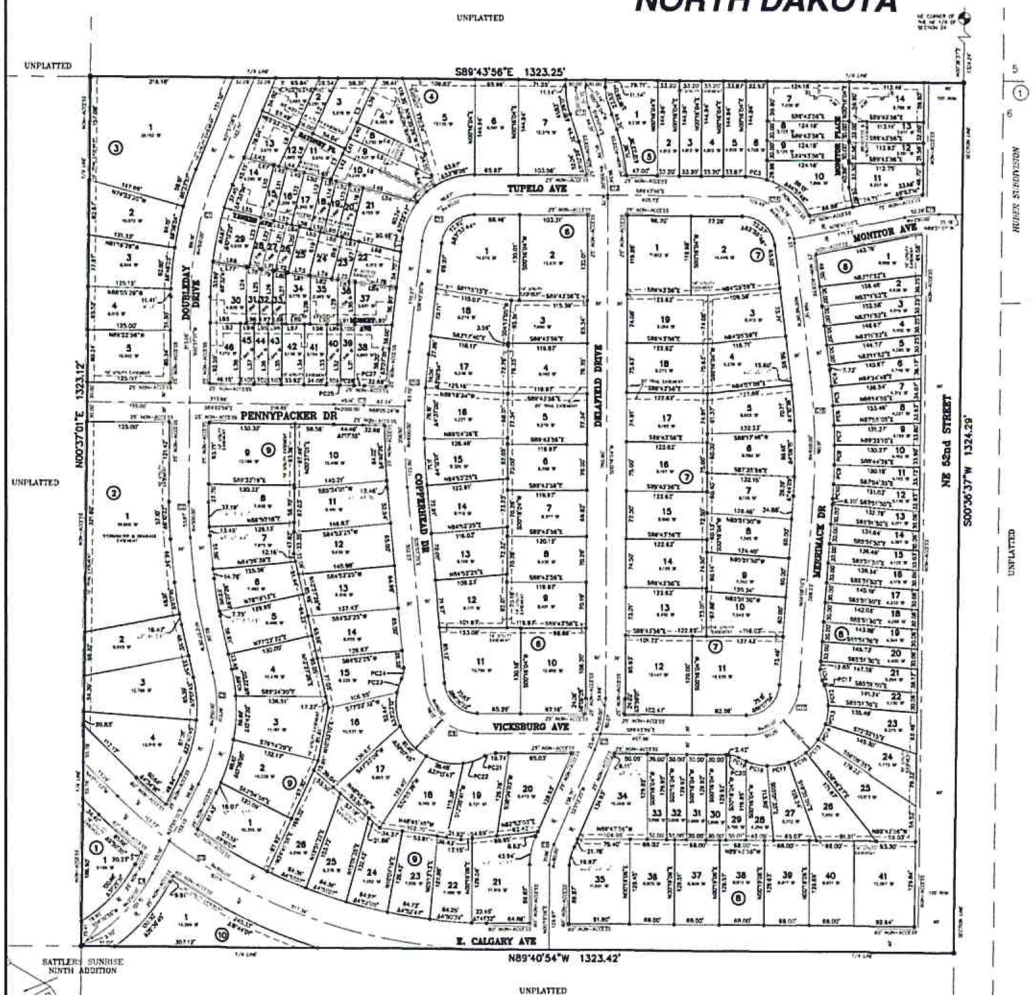
N

0 700 1,400 Feet

REUTER'S ADDITION

THE SE 1/4 OF THE NE 1/4 OF SECTION 24, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY NORTH DAKOTA



Parcel Curve Table		
Curve #	Length	Delta
PC1	20.72'	19°47'36"
PC2	15.46'	8°54'14"
PC3	33.02'	17°12'52"
PC4	34.83'	1°32'36"
PC5	30.08'	1°40'27"
PC6	30.07'	1°40'10"
PC7	29.98'	1°40'04"
PC8	30.08'	1°40'34"
PC9	29.83'	1°38'51"
PC10	21.80'	11°21'45"
PC11	16.85'	20°10'16"
PC12	31.34'	19°52'16"
PC13	26.04'	18°28'15"
PC14	25.27'	16°32'40"
PC15	27.31'	17°53'06"
PC16	30.14'	19°11'17"
PC17	33.53'	31°12'56"
PC17	9.09'	9°07'20"
PC18	33.43'	20°38'30"
PC19	13.83'	8°09'55"
PC20	16.86'	20°18'16"
PC21	17.09'	30°30'38"
PC22	34.81'	23°06'31"
PC23	21.81'	12°53'56"
PC24	17.09'	20°31'39"
PC25	9.38'	3°15'43"
PC26	21.00'	8°35'34"
PC27	19.54'	9°26'16"

Line Table		
Line #	Length	Direction
L1	81.07'	N34°36'25"E
L2	82.84'	N34°36'25"E
L3	117.38'	N34°36'25"E
L4	113.60'	N65°23'35"W
L5	136.36'	N65°23'35"W
L6	139.83'	N65°23'35"W
L7	52.09'	N34°36'25"E
L8	81.71'	N34°36'25"E
L9	88.35'	N34°36'25"E
L10	81.01'	N14°00'24"E
L11	80.84'	N14°00'24"E
L12	80.51'	N14°00'24"E
L13	80.27'	N14°00'24"E
L14	80.20'	N14°00'24"E
L15	80.03'	N14°00'24"E
L16	79.85'	N14°00'24"E
L17	81.89'	N14°00'24"E
L18	84.63'	N14°00'24"E
L19	88.24'	N14°00'24"E
L20	71.84'	N14°00'24"E
L21	73.74'	N14°00'24"E
L22	75.85'	N14°00'24"E
L23	77.96'	N14°00'24"E
L24	85.98'	N0°37'01"E
L25	83.39'	N0°37'01"E
L26	80.80'	N0°37'01"E
L27	78.22'	N0°37'01"E
L28	73.44'	N0°37'01"E
L29	88.06'	N0°37'01"E
L30	84.48'	N0°37'01"E
L31	82.78'	N0°37'01"E
L32	82.55'	N0°37'01"E
L33	82.55'	N0°37'01"E
L34	82.55'	N0°37'01"E
L35	82.55'	N0°37'01"E
L36	82.55'	N0°37'01"E
L37	82.55'	N0°37'01"E
L38	82.55'	N0°37'01"E
L39	73.97'	N34°36'25"E
L40	36.00'	N34°36'25"E
L41	28.04'	N34°36'25"E
L42	43.32'	N34°36'25"E
L43	54.82'	S75°31'14"E
L44	28.41'	S75°31'14"E
L45	54.90'	S75°31'14"E
L46	106.08'	S75°31'14"E
L47	47.38'	S75°31'14"E
L48	20.00'	S75°31'14"E
L49	27.27'	S75°31'14"E
L50	26.07'	S75°31'14"E
L51	21.00'	S75°31'14"E
L52	21.00'	S75°31'14"E
L53	21.00'	S75°31'14"E
L54	84.57'	S75°31'14"E
L55	57.23'	S75°58'36"E
L56	20.00'	S75°58'36"E
L57	27.37'	S75°58'36"E
L58	28.07'	S75°58'36"E
L59	21.00'	S75°58'36"E
L60	21.00'	S75°58'36"E
L61	21.00'	S75°58'36"E
L62	77.19'	S75°58'36"E
L63	20.00'	S75°58'36"E
L64	20.00'	S75°58'36"E
L65	33.25'	S75°58'36"E
L66	34.33'	S75°58'36"E
L67	28.00'	S75°58'36"E
L68	65.45'	S75°58'36"E
L69	55.00'	S82°00'33"E
L70	20.11'	S82°00'33"E
L71	20.11'	S82°00'33"E
L72	20.11'	S82°00'33"E
L73	33.42'	S82°00'33"E
L74	34.42'	S82°00'33"E
L75	38.16'	S82°00'33"E
L76	72.80'	S82°00'33"E
L77	52.03'	S82°00'33"E
L78	20.17'	S82°00'33"E
L79	20.17'	S82°00'33"E
L80	20.17'	S82°00'33"E
L81	36.81'	S82°00'33"E
L82	42.25'	S82°00'33"E
L83	28.22'	S82°00'33"E
L84	63.22'	S82°00'33"E
L85	54.67'	S89°22'30"E
L86	20.00'	S89°22'30"E
L87	20.00'	S89°22'30"E
L88	20.00'	S89°22'30"E
L89	38.60'	S89°22'30"E
L90	41.90'	S89°22'30"E
L91	25.99'	S89°22'30"E
L92	58.66'	S89°22'30"E
L93	48.13'	S89°22'30"E
L94	21.00'	S89°22'30"E
L95	21.00'	S89°22'30"E
L96	21.00'	S89°22'30"E
L97	33.67'	S89°22'30"E
L98	34.08'	S89°22'30"E
L99	21.00'	S89°22'30"E
L100	21.01'	S89°22'30"E
L101	21.00'	S89°22'30"E
L102	21.00'	S89°22'30"E
L103	21.00'	S89°22'30"E
L104	11.72'	S89°22'30"E

Curve Table				
Curve #	Length	Delta	Tangent	Radius
C1	186.19'	21°20'05"	94.18'	500.00'
C2	53.87'	6°10'22"	26.96'	500.00'
C3	173.36'	39°42'30"	90.27'	250.00'
C4	137.13'	31°25'33"	70.32'	250.00'
C5	831.17'	44°09'08"	437.15'	600.00'
C6	31.94'	22°52'13"	16.19'	80.00'
C7	80.37'	22°58'16"	40.58'	200.00'
C8	118.12'	84°36'22"	72.80'	80.00'
C9	45.14'	1°17'38"	22.57'	2000.00'
C10	206.58'	11°49'54"	103.67'	1000.00'
C11	116.67'	83°33'41"	71.48'	80.00'
C12	66.64'	19°36'17"	33.64'	200.00'
C13	32.18'	18°26'17"	16.22'	100.00'
C14	115.79'	82°55'46"	70.68'	80.00'
C15	53.38'	11°54'07"	26.77'	250.00'
C16	190.81'	10°56'16"	95.70'	1000.00'
C17	120.38'	86°07'54"	74.77'	80.00'

NOTES

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

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

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

BENCHMARK
HYDRANT #2230
ROOSEVELT DR. & 43RD AVE
ELEV = 1864.88 (NGVD 29)

AREA

LOTS	1,242,334 S.F.	28.52 ACRES
STREETS	509,356 S.F.	11.69 ACRES
TOTAL	1,751,690 S.F.	40.21 ACRES

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

DESCRIPTION

THE SE 1/4 OF THE NE 1/4 OF SECTION 24, T. 139 N., R. 80 W. BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 00 DEGREES 36 MINUTES 37 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1324.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 36 MINUTES 37 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1324.29 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 89 DEGREES 40 MINUTES 54 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1323.42 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 00 DEGREES 37 MINUTES 01 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 1323.12 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 89 DEGREES 43 MINUTES 56 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1323.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 40.21 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 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 "REUTER'S 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 VERITY HOMES OF BISMARCK, LLC AND DIVERSITY HOMES, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "REUTER'S 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 }

____
ARTHUR GOLDAMMER, PRESIDENT
VERITY HOMES OF BISMARCK, LLC
3100 N. 14TH ST
BISMARCK, ND 58503

ON THIS ____ DAY OF __________ 2015, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER, KNOWN TO ME TO BE THE PRESIDENT AND CHIEF MANAGER OF VERITY HOMES OF BISMARCK LLC 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 ________

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

____
JASON FRANK, PRESIDENT
DIVERSITY HOMES
2101 48TH AVE SE, SUITE 1
MANDAN, ND 58554

ON THIS ____ DAY OF __________, 2015, BEFORE ME PERSONALLY APPEARED JASON FRANK, KNOWN TO ME TO BE THE PRESIDENT AND CHIEF MANAGER OF JASON FRANK, 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

NOV 0 6 2014

REUTERS ADDITION

ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4
OF SECTION 24, T. 139 N., R. 80 W.

BISMARCK, NORTH DAKOTA

PROJECT LOCATION

LOCATION MAP

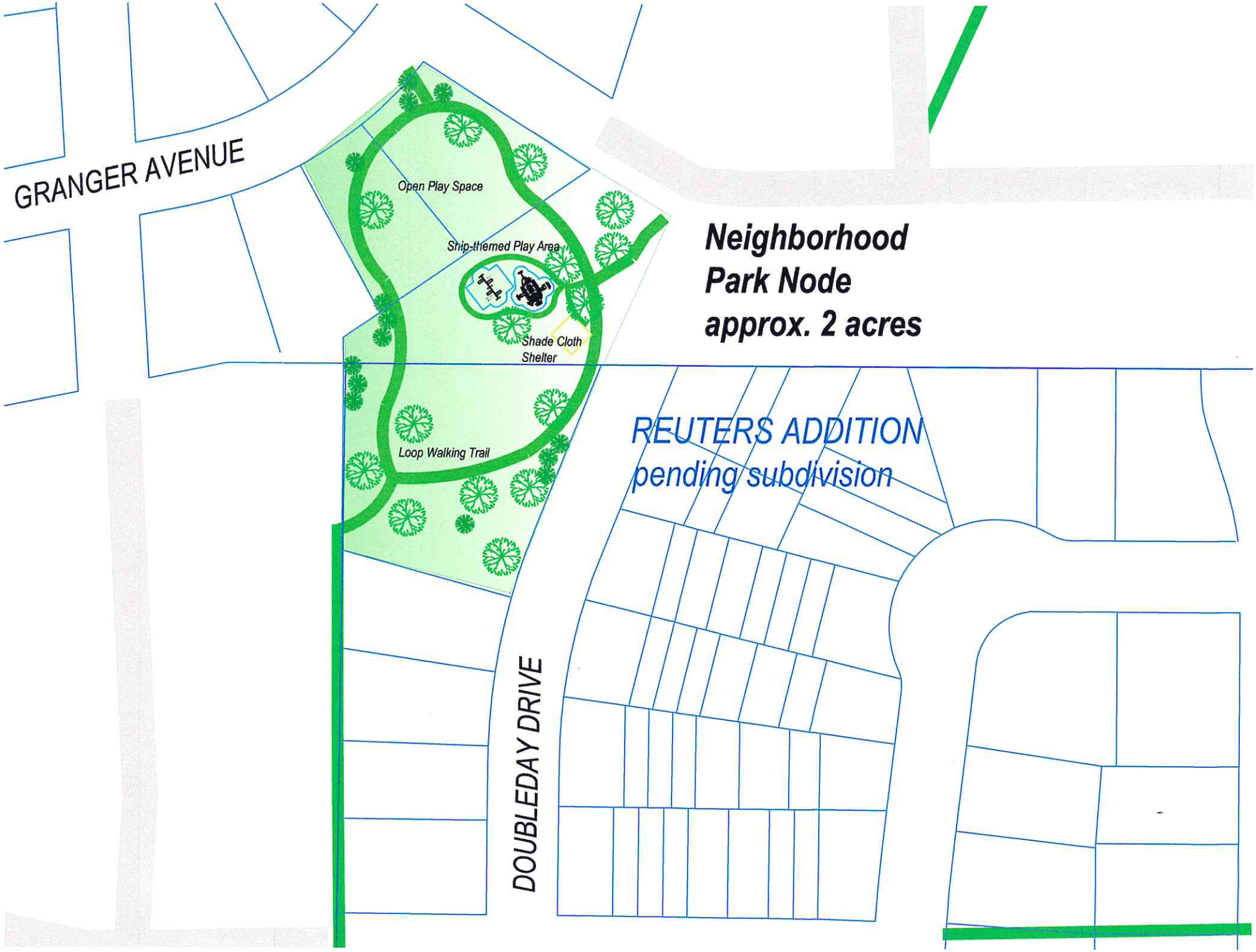
OWNER:
DONALD & JEANNE REUTER
3926 NE 52ND ST
BISMARCK, ND 58503

40.00 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5, R10, PUD, P
177 LOTS

DEVELOPERS:
VERITY HOMES
3100 N 14TH ST., SUITE 1
BISMARCK, ND 58503
701-663-4117

DIVERSITY HOMES
2101 46TH AVE SE, SUITE 1
MANDAN, ND 58554
701-751-3999

SWENSON, HAGEN & COMPANY P.C.


GRANGER AVENUE
Open Play Space
Ship-themed Play Area
Shade Cloth Shelter
Loop Walking Trail
Neighborhood Park Node approx. 2 acres
REUTERS ADDITION pending subdivision
DOUBLEDAY DRIVE

PARK DEVELOPMENT AGREEMENT
Neighborhood Park in Reuters Addition

This Park Development Agreement (the "Agreement") is made and entered into this 4th day of March, 2015, by and between GF Development, LLC, whose post office address is 3100 N. 14th St., Bismarck, ND 58503 ("Developer") and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 ("Park District").

Preliminary Statement

The purpose of the neighborhood parks and open space policy is to maintain and enhance the high quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, open space and recreational facilities are provided for the existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or developer of major urban residential subdivision plats provide for neighborhood parks, playgrounds, open space and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of the life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and open space system.

Developer is the owner of a 40 acre, more or less, tract of real property located in, or planned to be annexed to, the City of Bismarck, Burleigh County, North Dakota (the "Developer Property"), specifically described below and delineated on the plat/survey as attached Exhibit A:

Reuters Addition to the City of Bismarck

Developer is in the process of planning a residential development on the Developer Property in which the Developer desires to include a portion of a neighborhood park of approximately .7 acres on the Developer Property, the location being generally shown on Exhibit A. The remaining two portions of the 2-acre park are located in the development known as Sattler's 10th and land owned by Sam Turnbow. Developer's focus is to create a community with its own character and to provide residential development and recreational amenities for the support of the community and to promote ease of access in and around the community. The Developer intends to develop the area beginning when annexation is approved.

Park District desires to establish an additional neighborhood park in Bismarck and will design the 2 acre tract (the "Park Area"), affect the construction of the park amenities and manage the Park Area, all pursuant to the terms and conditions of this Agreement and the rules and regulations established by the Board of Park Commissioners from time to time.

The Park Area will play a vital role in this development by not only providing recreational amenities for this community and the surrounding area but also to provide the necessary connections throughout the development to other areas in Bismarck. To the extent appropriate and possible, all trails will ultimately connect to current and future Park District parks.

Agreement

NOW, THEREFORE, in consideration of the above preliminary statements, the terms and conditions of this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Scope of Agreement. This Agreement shall not constitute a partnership or a joint venture by and between the Developer and the Park District. Neither party has a right or obligation to bind the other party to any course of action or commitment as it relates to the development of the Developer Property, including the Park Area that is described herein. Each of the parties is an independent contractor and, although they will coordinate their efforts to develop the Park Area, possibly to include elements of design, access and amenities, neither party is assuming any obligation of the other party.

2. Conveyances. On the date of closing, as herein described, Developer shall cause to be transferred and conveyed to the Park District the approximately .7 +/- acres that constitutes this portion of the Park Area, as is in the general location as shown on the site plan attached as Exhibit A and further delineated on Exhibit A-1. The terms of the conveyance are described in the attached Exhibit C, Real Estate Purchase Agreement. The parties acknowledge that the approved plat shall dedicate the Park Area to public use. Closing date is contingent upon Park Development Agreements signed with adjacent property owners providing land for this neighborhood park and will not occur before annexation occurs.

Developer will provide the Park District with an abstract of title to the Park Area no later than ten (10) days prior to closing. In lieu of an abstract of title, the Developer at its option may provide to the Park District an owner's policy of title insurance in an amount equal to the sales price of the Park Area as stated in the Real Estate Purchase Agreement.

3. Developer and Park District Obligations. Developer and Park District acknowledge that they will be responsible for the following amenities to be located on the Developer Property and the Park Area:

a. Specific Neighborhood Park Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Specific Park Amenities assessed against the benefitted Lot Owners/Developer Property as described in Exhibit A-2.

b. Park District District-wide Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Park District District-wide Amenities assessed against the benefitted Park District Property.

c. The Developer shall provide the necessary easements for utilities for the Park Area.

d. The Developer, at its sole cost and expense, shall provide the following with regard to the Park Area:

i. Prepare a complete boundary survey of the Park Area showing all rights-of-way, easements and any other physical burdens that may encumber the Park Area. The Developer shall cause the Park Area to be staked so that it can be later identified by the Park District.

ii. The Developer will provide the Park District with copies of such tests, investigations and reports which may have been completed by the Developer including, but not limited to, any soil boring tests and results of environmental testing. Should such test disclose that the Park Area cannot support the intended park development or if there are environmentally hazardous conditions on the Developer Property and/or Park Area, the Park District will not be required to

close and accept the portion of the Developer Property to be included in the Park Area.

iii. To the best of its ability, the Developer shall provide the Park District with safe access to the Park Area and such areas leading to the Park Area.

4. Park Area Design. The Park District shall develop a design for the Park Area that provides park activities, such as walking trails, shelters and playgrounds. Attached on Exhibit A-1 is the parties' initial concept of the park design. As the Park District designs and plans the Park Amenities for the Park Area, it will provide the Developer with periodic reports.

5. Maintenance. In entering into this Agreement, the Park District contemplates it will maintain the Park Area within its normal park maintenance program and consistent with other parks within the Bismarck area. The Park District will be generally responsible for future maintenance of the Park Area, the trails leading to the Park Area and the equipment and the other Park Amenities in the Park Area. If the Developer and the Park District agree to coordinate access to other trails or parks or provide other amenities, any such other amenities agreed to by and between the Park District and the Developer may require a joint maintenance agreement.

6. Construction. The construction of the Park Amenities described in Section 3 and as shown on Exhibit B are intended to be completed by one calendar year after annexation is approved.

7. Naming Rights. The Park District shall have the right to name the Park Area.

8. General Provisions.

a. This Agreement, together with the other surveys, plans and specifications that have been reviewed by the parties or will later be provided pursuant to this Agreement and the attachments hereto, contain the entire agreement among the parties respecting the matters herein set forth and supersede all prior discussions with respect to such matters. Notwithstanding the above, the parties acknowledge that this is a work in progress and development of the final design for the Park Area will be part of this Agreement.

b. This Agreement shall be binding upon and inure to the benefit of all the parties and their respective successors and assigns.

c. This Agreement shall be construed and enforced in accordance with the laws of the State of North Dakota.

d. This Agreement may be modified only by a written document signed by all parties. A purported oral modification shall not be effective.

e. The Developer shall hold the Park District harmless for any claim or injury to a person or property arising out of, or in the course of, its construction, design, and plan of the Park Area. In like manner, the Park District, once it acquires the Park Area and assumes maintenance responsibility, will hold the Developer harmless for claims arising out of its negligence in maintaining the Park Area.

DEVELOPER:

GF Development, LLC

By: _____ 3.23.15
Jason Frank, Diversity Homes

By: _____ 3/23/15
Arthur Goldammer, Verity Homes

PARK DISTRICT:

THE PARK DISTRICT OF THE CITY OF BISMARCK

By: _____
Its: President of the Board

By: _____
Its: Clerk

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
JMAC Industrial Addition – Zoning Change (A & CG to MA & P)

Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Redland, LLC	**Engineer:** Bartlett & West

Reason for Request:
Plat and zone 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:** Light 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 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.

2. Lot 3, Block 1 and Lot 7, Block 2 are intended to follow the Hay Creek corridor and allow for the continued conveyance of Hay Creek and storm water. The applicant has indicated the lots could be dedicated to the City of Bismarck Public Works Department. The Bismarck Parks & Recreation District has stated a desire to extend multi-use trails along the Hay Creek Corridor. It is reasonable to consider trails within the lots that contain Hay Creek

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 and sanitary services would be extended to the site to allow for future annexation. Development of the subdivision would be limited to a single lot,(Lot 1, Block 1), until such time as water and sanitary sewer services are in place and the subdivision has been annexed. Therefore, it would not place an undue burden on public services and facilities.

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

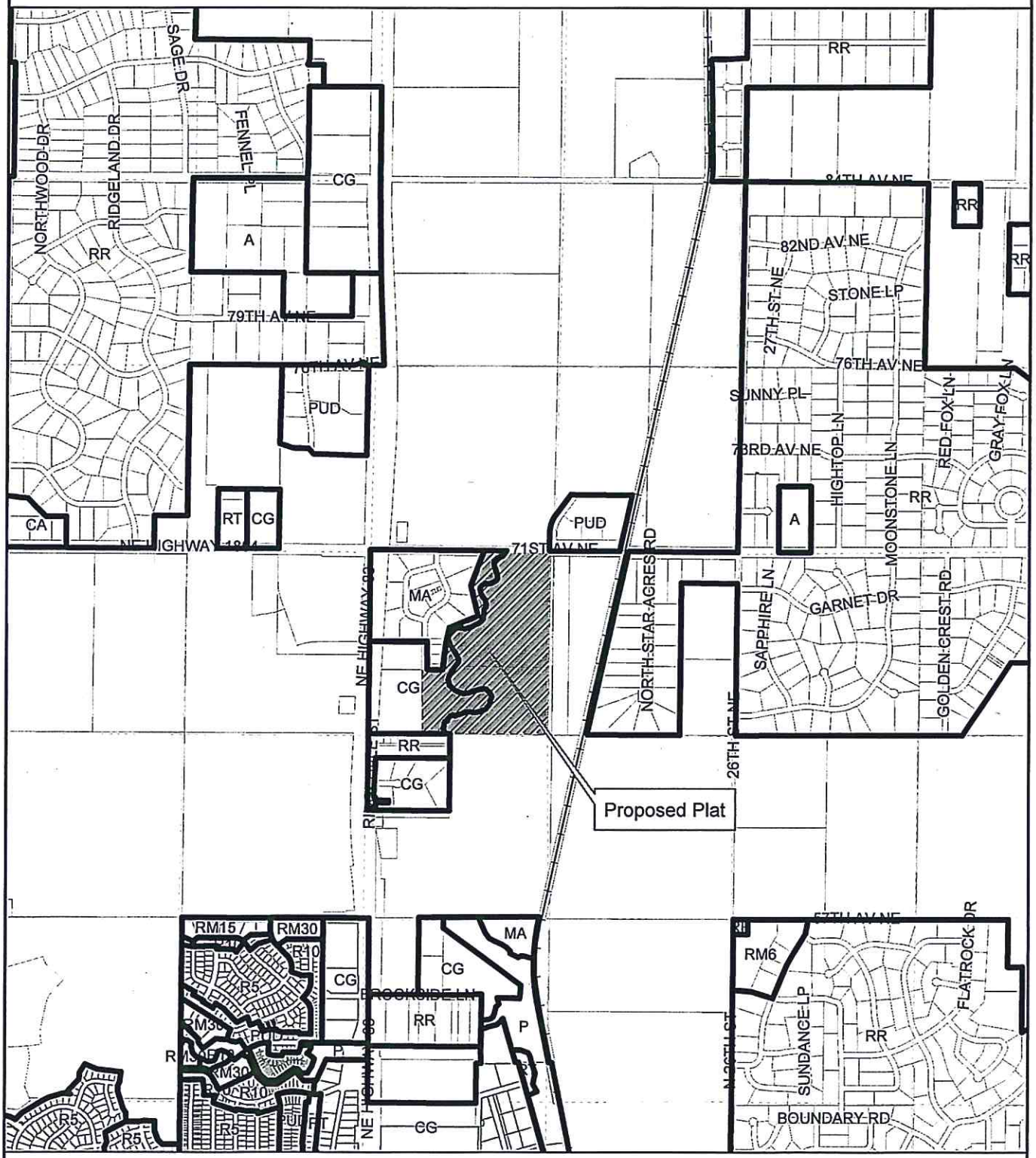
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Because the storm water management plan submittal requirements have not yet been approved by the City Engineer, staff recommends holding the public hearing on the request because adjacent property owners were notified, but continuing action on JMAC Industrial Addition, with the understanding that a development agreement addressing the extension of municipal services and the development of the proposed subdivision would be finalized prior to the plat and zoning change requests being forwarded to the Board of City Commissioners for final action.

/jt

Proposed Plat & Zoning Change
JMAC Industrial Park



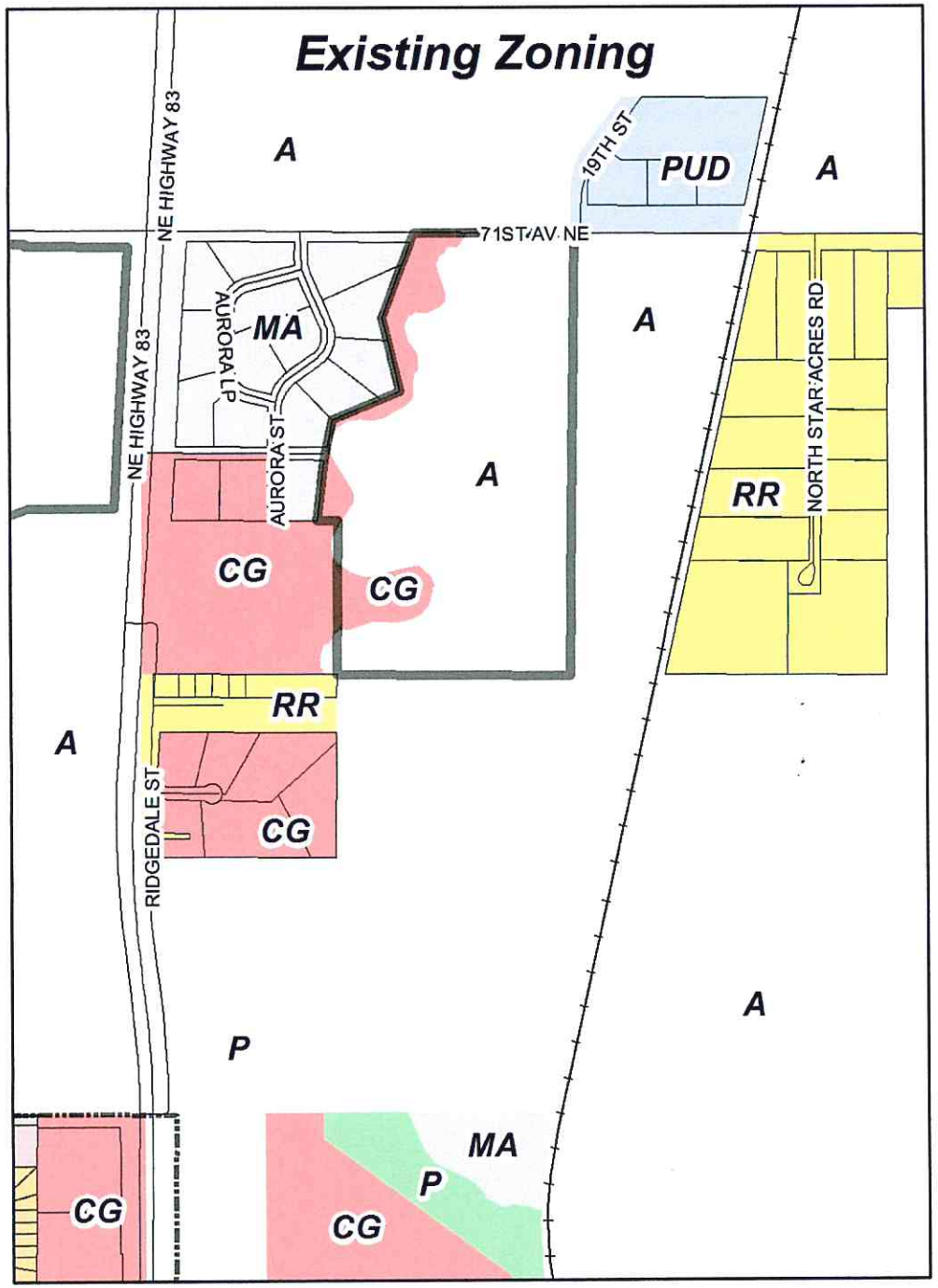
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: January 31, 2013 (hlb)

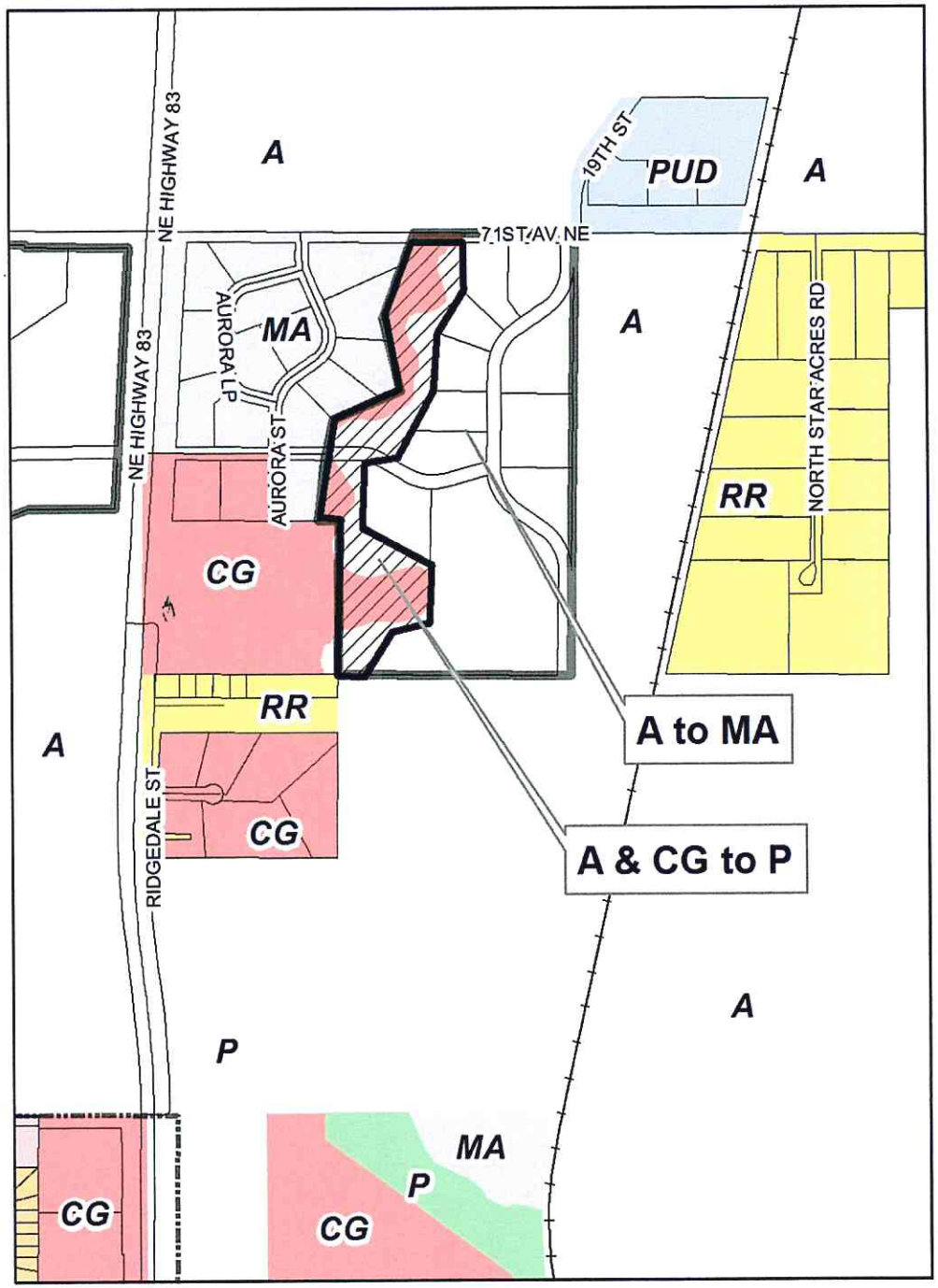
Source: City of Bismarck

N

0 1,500 3,000 Feet

JMac Industrial Park Subdivision - Zoning Change





Feet
0 330 660 1,320

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 Addition – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Redland, LLC	**Engineer:** Bartlett & West
Reason for Request: Plat and zone 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:** Light 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 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.

2. Lot 3, Block 1 and Lot 7, Block 2 are intended to follow the Hay Creek corridor and allow for the continued conveyance of Hay Creek and storm water. The applicant has indicated the lots could be dedicated to the City of Bismarck Public Works Department. The Bismarck Parks & Recreation District has stated a desire to extend multi-use trails along the Hay Creek Corridor. It is reasonable to consider trails within the lots that contain Hay Creek

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 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.

4. The proposed subdivision 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.

5. The proposed subdivision is not annexed; however, City water and sanitary services would be extended to the site to allow for future annexation. Development of the subdivision would be limited to a single lot, Lot 1, Block 1, until such time as water and sanitary sewer services are in place and the subdivision has been annexed. 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, provided adjacent property to the east, when developed, includes adequate zoning transitions to help buffer the existing rural residential property to the east.

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

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

RECOMMENDATION:

Because the storm water management plan submittal requirements have not yet been approved by the City Engineer, staff recommends holding the public hearing on the request because adjacent property owners were notified, but continuing action on the final plat of JMAC Industrial Park Addition with the understanding that a development agreement addressing the extension of municipal services and the development of the proposed subdivision would be finalized prior to the plat and zoning change request being forwarded to the Board of City Commissioners of City Commissioners for final action.

/jt

Proposed Plat and Zoning Change
JMAC Industrial Addition (A & CG to MA & P)

May 21, 2015 (hlb)

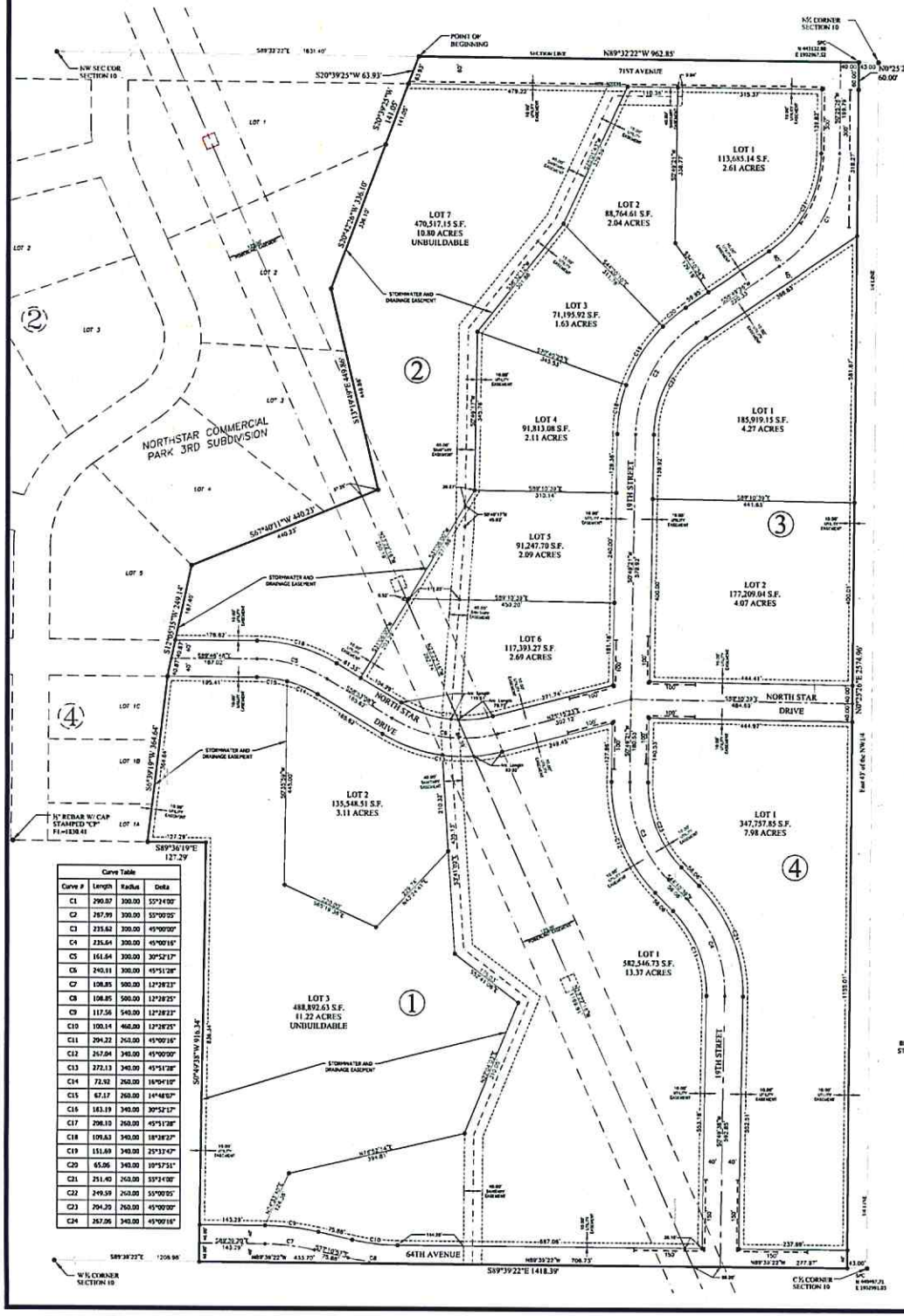
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 335 670 1,340 Feet

N

JMAC INDUSTRIAL ADDITION

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; LOTS 1 THROUGH 2, BLOCK 3; AND LOT 1, BLOCK 4 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	290.87	300.00	55°24'00"
C2	267.99	300.00	55°00'05"
C3	235.62	300.00	45°00'00"
C4	235.64	300.00	45°00'16"
C5	161.64	300.00	30°52'17"
C6	240.11	300.00	45°51'28"
C7	108.85	500.00	12°28'23"
C8	108.85	500.00	12°28'25"
C9	117.56	540.00	12°28'23"
C10	100.14	460.00	12°28'25"
C11	294.22	260.00	45°00'16"
C12	267.04	340.00	45°00'00"
C13	272.13	340.00	45°51'28"
C14	72.92	260.00	16°04'19"
C15	67.17	260.00	14°48'07"
C16	183.19	340.00	30°52'17"
C17	298.10	260.00	45°51'28"
C18	109.63	340.00	18°28'23"
C19	151.69	340.00	25°33'47"
C20	65.06	340.00	10°57'51"
C21	251.40	260.00	55°24'00"
C22	249.59	260.00	55°00'05"
C23	294.20	260.00	45°00'00"
C24	267.06	340.00	45°00'16"

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 ADDITION, 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 ADDITION 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 _____, 2015.

REDLAND, LLC.

BY_____
JON MCCREARY

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS, THE ___ DAY OF _____, 2015, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JON MCCREARY, MANAGING MEMBER OF REDLAND, LLC., A LIMITED LIABILITY COMPANY 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 MANAGING MEMBER.

_____
NOTARY PUBLIC

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS 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 SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER
CHAIRMAN

CARL D. HOKENSTAD
SECRETARY

APPROVAL OF BOARD OF CITY COMMISSION

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

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

_____
W.C. WOCKEN
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF MEADOWLARK COMMERCIAL SIXTH ADDITION, AS SHOWN ON THIS PLAT.

DATED THIS ___ DAY OF _____, 2015

_____
MELVIN J. BULLINGER, P.E.
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, DAYNE SOLEM, 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 15TH, 2013, SURVEY THE LAND DESCRIBED AS FOLLOWS: A PLAT OF JMAC INDUSTRIAL ADDITION, 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; LOTS 1 THROUGH 2, BLOCK 3; AND LOT 1, BLOCK 4 OF JMAC INDUSTRIAL ADDITION 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 _____, 2015.

_____
DAYNE SOLEM, LS 8423

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS, THE ___ DAY OF _____, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED DAYNE SOLEM, 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.

_____
NOTARY PUBLIC

VERTICAL DATUM
THE CITY OF BISMARCK VERTICAL CONTROL NETWORK, NGVD29

BASES 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.

OWNER
REDLAND, LLC
1505 HILLER STREET, SUITE 260
WENATCHEE, WA 98801

SURVEYOR
DAYNE SOLEM, PLS
BARTLETT & WEST INC.
3456 EAST CENTURY AVE
BISMARCK , ND 58503

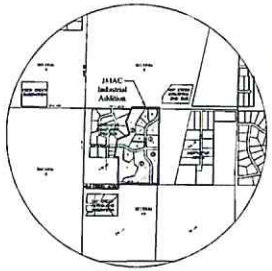
TOTAL ACREAGE WITHIN
78.814 Acres

ACREAGE OF LOTS
68.004 Acres

ACREAGE OF STREETS
10.814 Acres

BURLEIGH COUNTY RECORDER

LOCATION MAP
N.T.S.



SECTION 10
T 139 N, R 80 W

GRAPHIC SCALE

LEGEND

- FOUND MONUMENT
- SET 5/8"x18" REBAR W/ L.S. CAP STAMPED "D. SOLEM PLS 8423"
- COMPUTED POINT
- NON ACCESS LINE

DESCRIPTION

A PLAT OF JMAC INDUSTRIAL ADDITION, 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; LOTS 1 THROUGH 2, BLOCK 3; AND LOT 1, BLOCK 4 OF JMAC INDUSTRIAL ADDITION 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°32'22"E ALONG THE NORTH SECTION LINE OF SAID SECTION 10, A DISTANCE OF 1631.40 FEET TO THE POINT OF BEGINNING; THENCE S20°39'25"W, A DISTANCE OF 63.93 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 71ST AVENUE; THENCE CONTINUING S20°39'25"W, ALONG THE EASTERLY LINE OF NORTHSTAR COMMERCIAL PARK 3RD SUBDIVISION, A DISTANCE OF 141.05 FEET; THENCE S20°42'25"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 336.10 FEET; THENCE S13°19'49"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 449.86 FEET; THENCE S67°40'11"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 440.23 FEET; THENCE S12°05'35"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 249.14 FEET TO THE SOUTH RIGHT OF WAY LINE OF NORTH STAR DRIVE; THENCE S00°39'19"W ALONG SAID EASTERLY LINE, A DISTANCE OF 364.64 FEET TO THE SOUTH LINE OF SAID NORTHSTAR COMMERCIAL PARK 3RD SUBDIVISION; THENCE S89°36'19"E, A DISTANCE OF 127.29 FEET; THENCE S00°49'38"W, A DISTANCE OF 816.34 FEET TO THE EAST/WEST QUARTER LINE OF SAID SECTION 10; THENCE S89°39'22"E, ALONG SAID QUARTER LINE, A DISTANCE OF 1418.39 FEET TO THE EAST LINE OF AUDITOR'S LOT B; THENCE N00°25'26"E, ALONG EAST LINE OF AUDITOR'S LOTS A AND B, A DISTANCE OF 1574.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF 71ST AVENUE; THENCE CONTINUING N00°25'26" E, A DISTANCE OF 60.00 FEET TO THE NORTH LINE OF SECTION 10; THENCE N89°32'22"W, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 962.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 78.81 ACRES, MORE OR LESS.

WESTERN AREA POWER ADMINISTRATION EASEMENT RESTRICTIONS

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS TWO SEPARATE 125 FOOT WIDE EASEMENTS FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT, AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINES.

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENTS, UNLESS REVIEWED AND APPROVED BY WESTERN AREA POWER ADMINISTRATION (IN WRITING).

1. OWNER SHALL NOT ERECT ANY STRUCTURES. STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS, OR SIMILAR FACILITIES.
2. OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
3. OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENT AREA. SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES, AND RECREATION FACILITIES.
4. OWNER SHALL NOT APPRECIABLY CHANGE THE CHARACTER OF EXISTING TOPOGRAPHY. NORMAL GARDENING PRACTICES MAY BE CONDUCTED, HOWEVER, OWNER SHALL NOT PLANT ANY TREES WITHIN THE TRANSMISSION LINE EASEMENTS WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE WESTERN AREA POWER ADMINISTRATION (WAPA) OR ITS ASSIGNS.
5. OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREAS WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WESTERN AND OBTAINING WESTERN'S WRITTEN APPROVAL.
6. OWNER SHALL NOT PLANT TREES WITHIN THE RIGHT-OF-WAY.
7. REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO:

   WESTERN AREA POWER ADMINISTRATION
   NORTH DAKOTA MAINTENANCE OFFICE
   P.O. BOX 1173
   BISMARCK, ND 58502-1173

   PLEASE CONTACT AL WOOD OR JERRY PALASON WITH ANY QUESTIONS AT (701)221-4500

Date: April 23, 2015

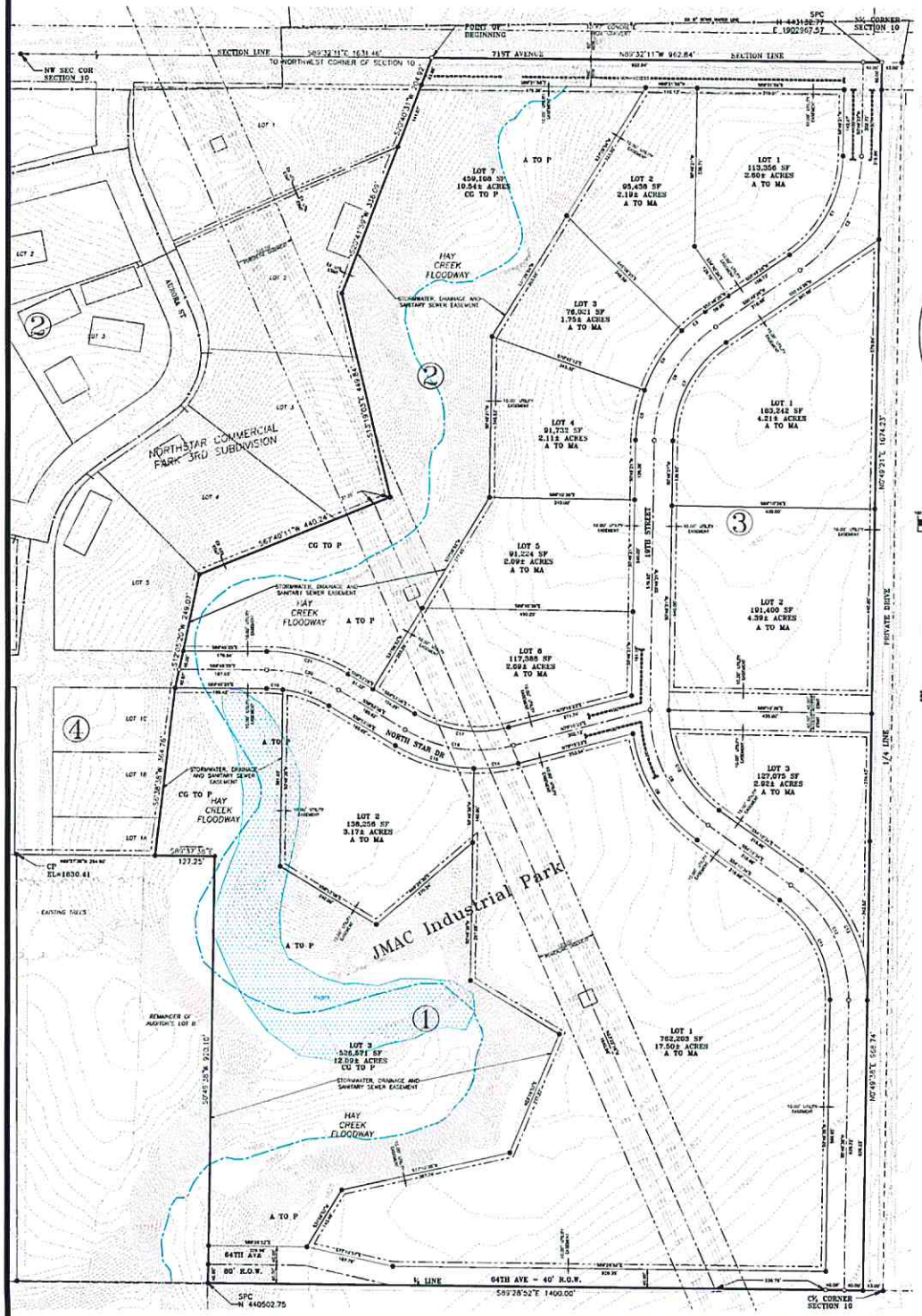
Prepared By:
BARTLETT & WEST
3456 E. Century Ave.
Bismarck, North Dakota 58503
701-258-1110
FAX 701-258-1111
www.bartwest.com

PRELIMINARY 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

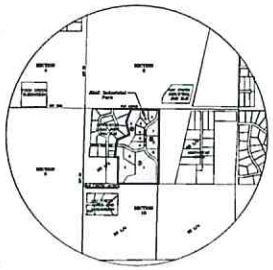
TO BE HEREAFTER KNOWN AS:

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.



LOCATION MAP

N.T.S.



SECTION 10
T 139 N, R 80 W

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

LEGEND

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

Curve Table			
Curve #	Length	Radius	Delta
C1	344.58	280.00	70°30'05"
C2	297.99	300.00	55°90'25"
C3	65.06	340.00	12°57'51"
C4	151.89	340.00	25°33'47"
C5	109.43	340.00	18°28'37"
C6	297.99	300.00	55°90'25"
C7	344.58	280.00	70°30'05"
C8	274.80	340.00	46°16'28"
C9	297.97	300.00	54°34'55"
C10	244.58	280.00	54°34'55"
C11	344.60	280.00	70°30'12"
C12	296.00	300.00	55°30'12"
C13	326.39	340.00	55°30'09"
C14	95.82	340.00	16°08'44"
C15	176.31	340.00	29°42'40"
C16	240.11	300.00	45°51'28"
C17	314.19	280.00	45°51'28"
C18	105.16	280.00	21°10'28"
C19	24.93	280.00	5°41'46"
C20	161.64	300.00	30°53'17"
C21	163.19	340.00	30°53'17"

BURLEIGH COUNTY RECORDER

VERTICAL DATUM
THE CITY OF BISMARCK VERTICAL CONTROL NETWORK, NGVD29

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 CPS CONTROL MONUMENTS.

OWNER
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

DATE
February 22, 2013

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

RECEIVED
MAR 12 2013

RESOLUTION

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

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

WE SUGGEST A BUFFER ZONE ALONG THE EAST SIDE MAY FOLLOW THE RAILROAD TRACKS. THE PRIVATE HOME IN THE NORTH EAST CORNER SHOULD HAVE A BUFFER ON THE WEST AND SOUTH SIDES. ROADS TO MEET COUNTY SPECIFICATIONS, PAVED & CHIP SEALED AND BEFORE BUILDING PERMITS ARE ISSUED.

CHAIRMAN, TOWNSHIP BOARD

ATTEST: TOWNSHIP CLERK

PRIVATE DRIVE ON EAST SIDE OF DEVELOPMENT TO END SHORT OF 71ST AND TIE INTO PARKER LOOP SO THERE SHOULD BE ONLY ONE ACCESS TO 71ST.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Benedictine First Subdivision – Zoning Change (A to Conditional RM)	
Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Benedictine Sisters of the Annunciation	**Engineer:** Axien Engineering, PC
Reason for Request: Plat and zone property for further development of monastery.	
Location: South of Bismarck, along the west side of ND Highway 1804, south and southwest of the University of Mary (Part of the SW¼ of the NW¼ and part of Government Lot 4, Section 2, and part of Government Lots 1 and 2, Section 3, T137N-R80W/Fort Rice Township).	
Project Size: 16.71 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Annunciation Monastery	**Land Use:** Annunciation Monastery
Zoning: A – Agricultural	**Zoning: Zoning:** Conditional RM – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** Group dwelling limited to the Annunciation Monastery
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: One group dwelling on Lot 1
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The plat is being proposed to clean up the underlying legal description and allow the construction of an accessory building for Annunciation Monastery.

2. The applicant originally requested P – Public zoning, as that is what the zoning of the adjacent University of Mary is zoned; however, staff believes a Conditional RM – Residential Zoning is more appropriate given the current use as Annunciation Monastery.

3. A request for a waiver from the storm water management plan submittal requirements for the final plat has been submitted, but has not yet 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 this area as rural residential.

2. The proposed zoning change would only allow the existing use as a monastery; therefore, it would continue to be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north and east, and a combination of agricultural uses and rural residential uses to the south and west across Apple Creek.

(continued)

3. The property would continue to be served by an extension of City water from the campus and a private on-site sewer treatment system through the University of Mary and would have access to ND Highway 1804 via an interior access easement; therefore, the proposed 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, as the use of the property would not change.

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

RECOMMENDATION:

Because the request for a waiver from the storm water management plan submittal requirements has not yet been approved by the City Engineer, staff recommends holding the public hearing on the request because adjacent property owners were notified, but continuing action on the zoning change from the A – Agricultural zoning district to the Conditional RM – Residential zoning district for Benedictine First Subdivision.

/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 A-Agricultural and included in the Conditional RM-Residential zoning district:

Benedictine First Subdivision

This Conditional RM zoning district is subject to the following standards:

2. *Uses permitted. The following uses are permitted.*

~~a. Multifamily dwelling.~~

b. Group dwelling, limited to the Annunciation Monastery.

~~c. Education group.~~

~~d. Public recreation group.~~

~~e. Row houses. Attached single-family dwelling in groups of not more than eight (8) or less than three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.~~

~~f. Health medical group. Only within area bounded by Fourth and Tenth Streets and Avenue A and Boulevard Avenue.~~

~~g. Single-family and two-family dwelling only within the following described area:~~

~~1) Area bounded by Washington Street, Boulevard Avenue, Sixteenth Street and Broadway Avenue;~~

~~2) Area bounded by Ninth Street, Sweet Avenue, Airport Road and Indiana Avenue;~~

~~3) Area bounded by Third Street, Divide Avenue, Fourth Street and Boulevard Avenue.~~

~~h. Townhouses. Attached single-family dwelling in groups of not more than ten (10) or less than four (4).~~

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

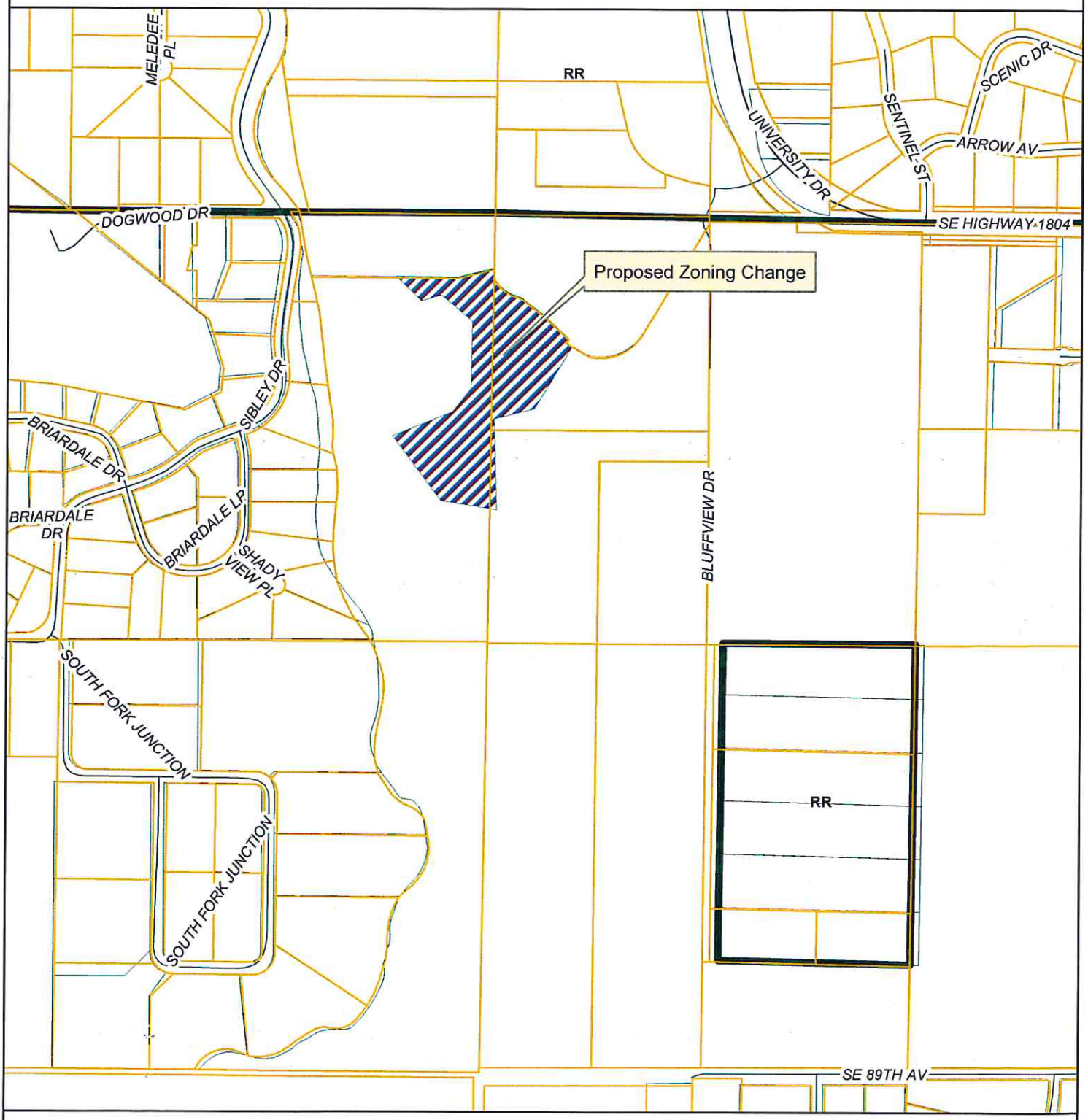
~~a. Child care center.~~

b. Religious institution.

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.

Proposed Zoning Change (A to P)
Benedictine First 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.

0 335 670 1,340 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Benedictine First Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Benedictine Sisters of the Annunciation	**Engineer:** Axien Engineering, PC
Reason for Request: Plat and zone property for further development of monastery.	
Location: South of Bismarck, along the west side of ND Highway 1804, south and southwest of the University of Mary (Part of the SW¼ of the NW¼ and part of Government Lot 4, Section 2, and part of Government Lots 1 and 2, Section 3, T137N-R80W/Fort Rice Township).	
Project Size: 16.71 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Annunciation Monastery	**Land Use:** Annunciation Monastery
Zoning: A – Agricultural	**Zoning: Zoning:** Conditional RM – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** Group dwelling limited to the Annunciation Monastery
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: One group dwelling on Lot 1
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The plat is being proposed to clean up the underlying legal description and allow the construction of an accessory building for the Annunciation Monastery.

FINDINGS:

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

2. A request for a waiver from the storm water management plan submittal requirements has been submitted, but has not yet been approved by the City Engineer.

3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway. There are not any arterial or collector roadways identified within the boundary of the proposed plat.

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north and east, and a combination of agricultural uses and rural residential uses to the south and west across Apple Creek.

(continued)

5. The property would continue to be served by an extension of City water from the campus and a private on-site sewer treatment system through the University of Mary and would have access to ND Highway 1804 via an interior access easement; therefore, the subdivision would not place an undue burden on public services and facilities.

6. The proposed subdivision would not adversely affect property in the vicinity, as the use of the property would not change.

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

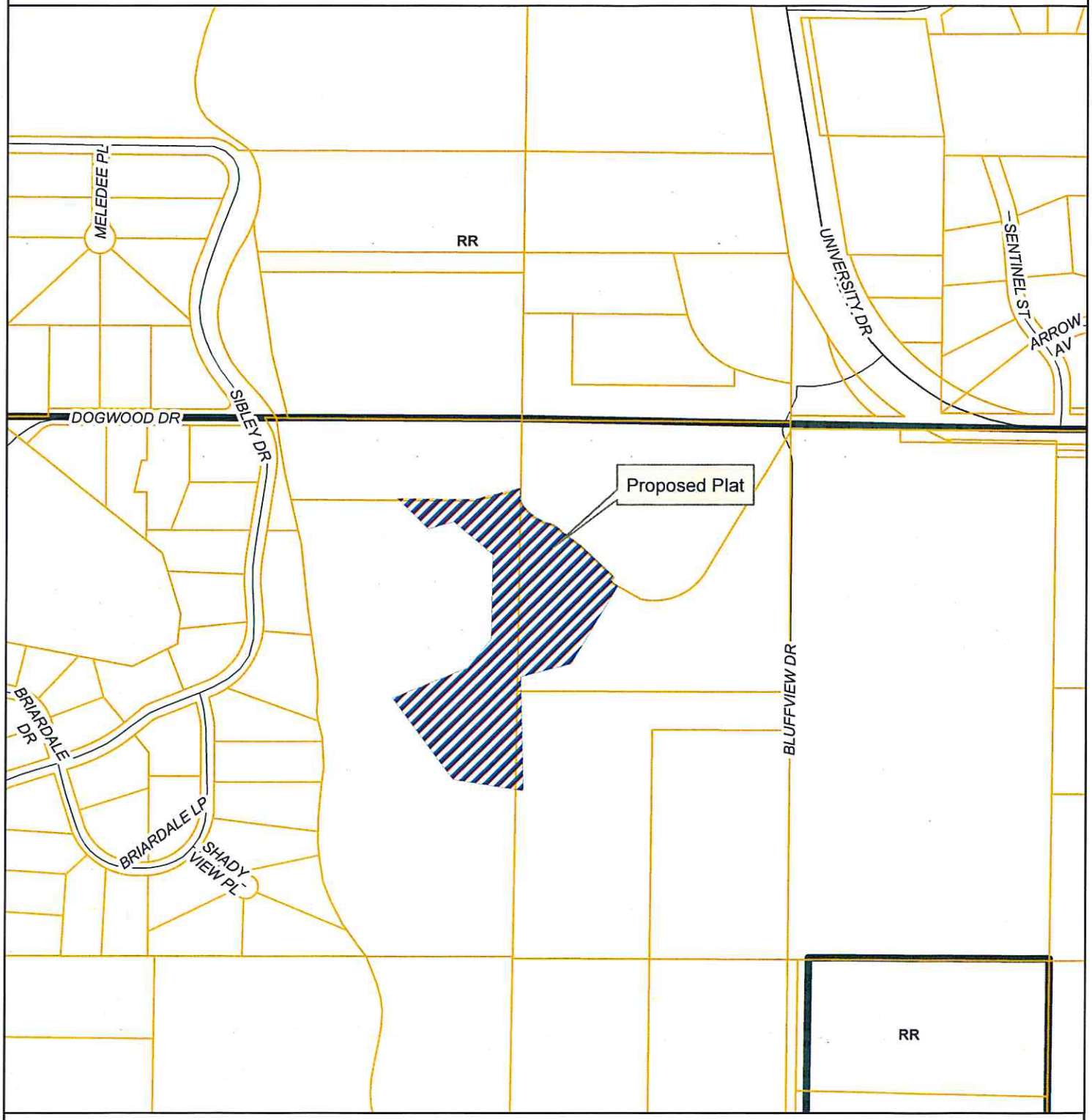
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends holding the public hearing on the request because adjacent property owners were notified, but continuing action on the final plat for Benedictine First Subdivision.

/Klee

Proposed Plat
Benedictine First Subdivision



January 21, 2015 (hlb)

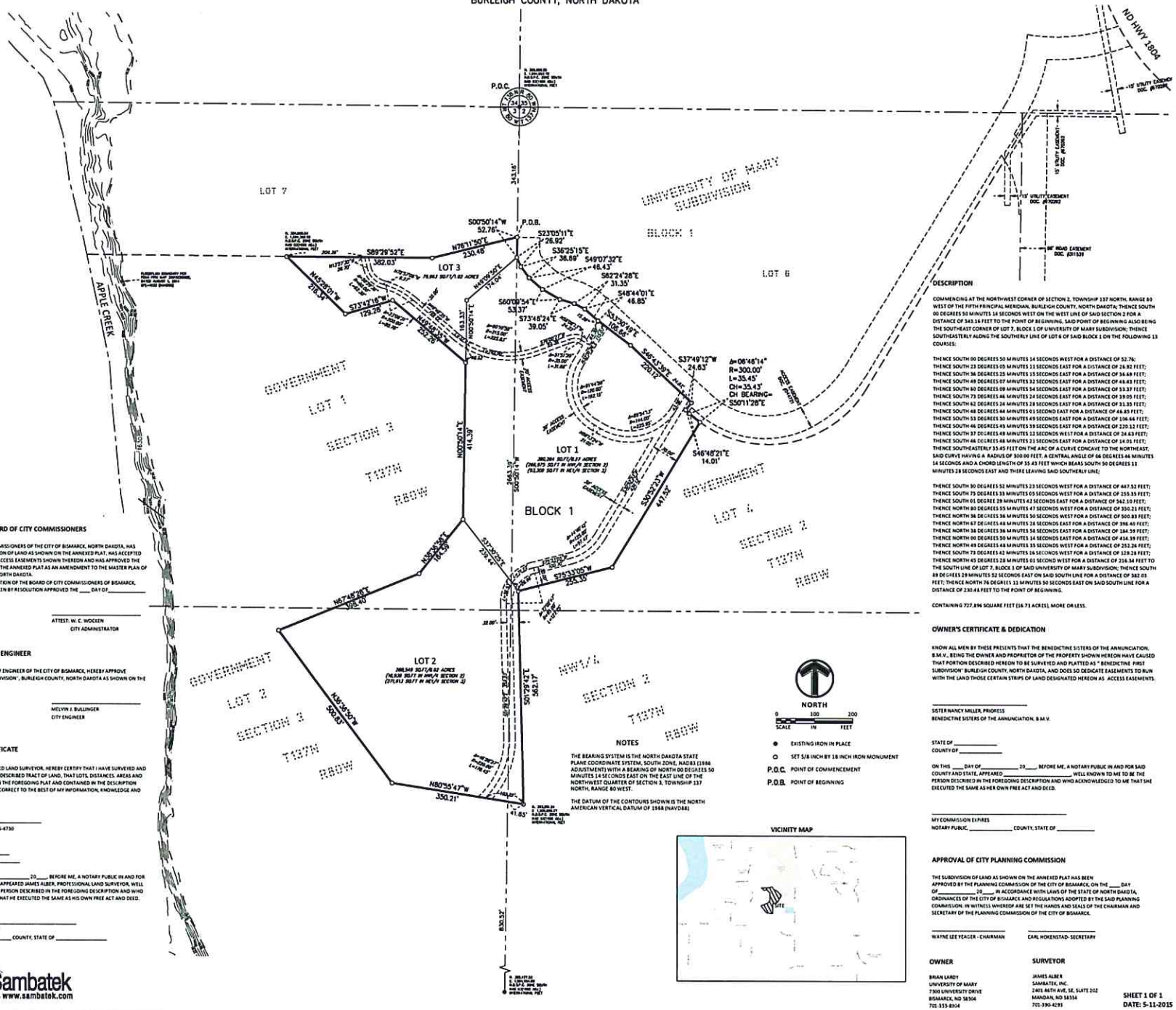
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 270 540 1,080 Feet

N

BENEDICTINE FIRST SUBDIVISION

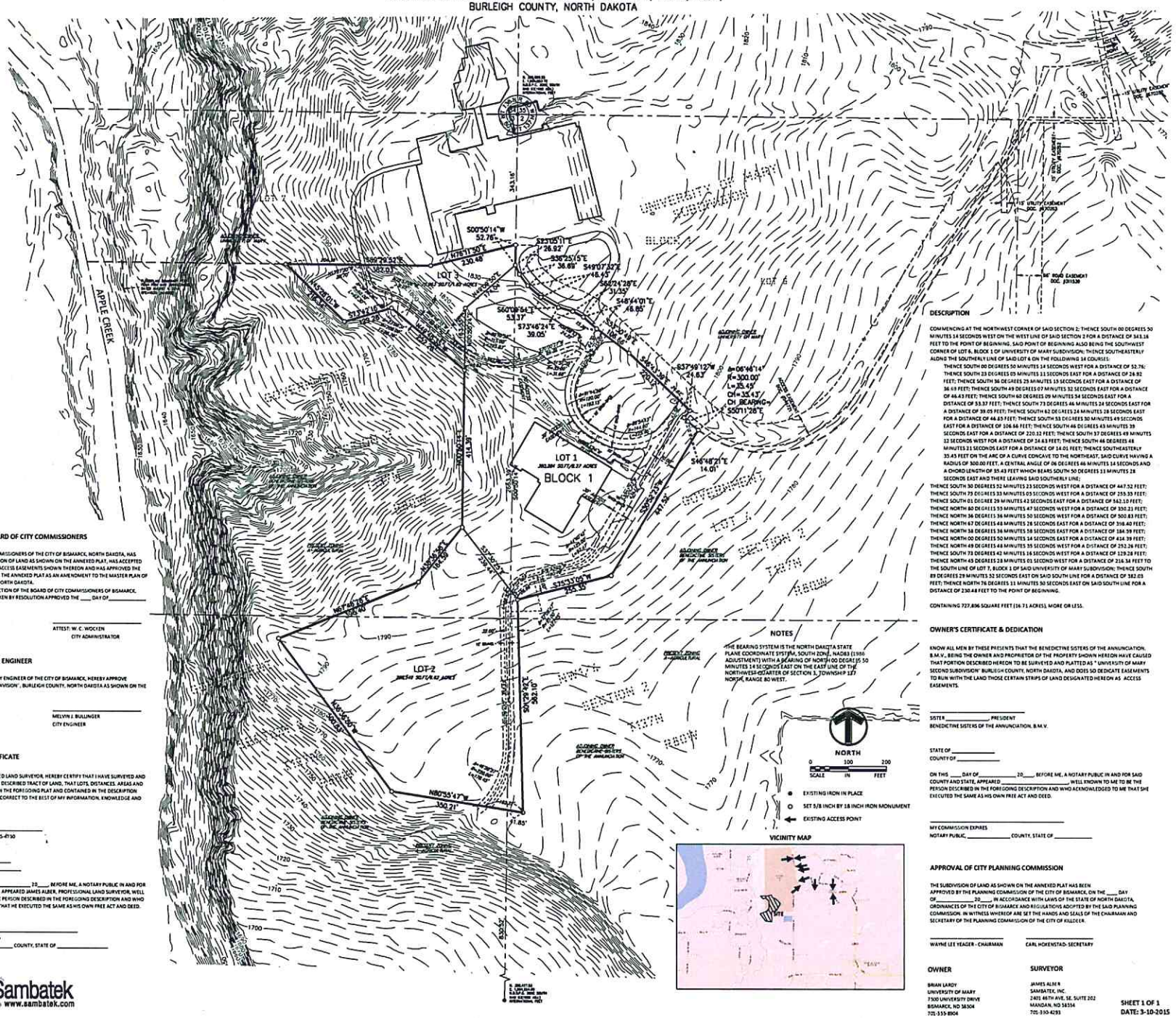
LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF GOVERNMENT LOT 4 OF SECTION 2
AND PART OF GOVERNMENT LOTS 1 AND 2, SECTION 3, T137N, R80W,
BURLEIGH COUNTY, NORTH DAKOTA


P.O.C.
P.O.B.
LOT 7
LOT 3
LOT 6
LOT 1
LOT 2
BLOCK 1
UNIVERSITY OF MARY SUBDIVISION
BLOCK 1
GOVERNMENT LOT 1 SECTION 3 T137N R80W
GOVERNMENT LOT 2 SECTION 3 T137N R80W
GOVERNMENT LOT 4 SECTION 2 T137N R80W
NW1/4 SECTION 2 T137N R80W
APPLE CREEK
ND HWY 1804
S00°50'14"W 52.76'
N76°11'50"E 230.48'
S89°29'52"E 382.03'
S23°05'11"E 26.92'
S36°25'15"E 38.69'
S49°07'32"E 46.43'
S62°24'28"E 31.35'
S46°44'01"E 46.85'
S60°09'54"E 53.37'
S73°48'24"E 39.05'
S37°49'12"W 24.63'
Δ=06°46'14"
R=300.00'
L=35.45'
CH=35.43'
CH BEARING=S50°11'26"E
S46°45'30"E 220.12'
S46°48'21"E 14.01'
S00°33'33"W 641.52'
S75°33'05"W 255.35'
S01°29'42"E 582.17'
N80°35'47"W 350.21'
N67°48'20"W 208.40'
N35°30'50"W 500.83'
N00°50'14"E 414.39'
343.16'
163.33'
163.33'
163.33

BENEDICTINE FIRST SUBDIVISION

MAR 1 1 2015

LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF GOVERNMENT LOT 4 OF SECTIONS 2 AND PART OF GOVERNMENT LOTS 1 AND 2, SECTION 3, T137N, R80W, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE SOUTH 00 DEGREES 50 MINUTES 14 SECONDS WEST ON THE WEST LINE OF SAID SECTION 2 FOR A DISTANCE OF 343.16 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK 1 OF UNIVERSITY OF MARY SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6 ON THE FOLLOWING 14 COURSES:

THENCE SOUTH 00 DEGREES 50 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 52.76; THENCE SOUTH 23 DEGREES 05 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 26.92 FEET; THENCE SOUTH 36 DEGREES 25 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 36.69 FEET; THENCE SOUTH 49 DEGREES 07 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 46.43 FEET; THENCE SOUTH 60 DEGREES 09 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 53.37 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 39.05 FEET; THENCE SOUTH 62 DEGREES 24 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 46.65 FEET; THENCE SOUTH 53 DEGREES 30 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 104.66 FEET; THENCE SOUTH 46 DEGREES 43 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 220.32 FEET; THENCE SOUTH 37 DEGREES 49 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 24.63 FEET; THENCE SOUTH 46 DEGREES 48 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 14.01 FEET; THENCE SOUTHEASTERLY 35.45 FEET ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 06 DEGREES 46 MINUTES 14 SECONDS AND A CHORD LENGTH OF 35.43 FEET WHICH BEARS SOUTH 50 DEGREES 11 MINUTES 28 SECONDS EAST AND THERE LEAVING SAID SOUTHERLY LINE;

THENCE SOUTH 30 DEGREES 52 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 447.52 FEET; THENCE SOUTH 79 DEGREES 33 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 259.33 FEET; THENCE SOUTH 01 DEGREE 29 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 562.10 FEET; THENCE NORTH 80 DEGREES 55 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 350.21 FEET; THENCE NORTH 36 DEGREES 36 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 500.83 FEET; THENCE NORTH 47 DEGREES 48 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 356.40 FEET; THENCE NORTH 58 DEGREES 36 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 184.59 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 414.39 FEET; THENCE NORTH 49 DEGREES 48 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 292.26 FEET; THENCE SOUTH 73 DEGREES 42 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 129.28 FEET; THENCE NORTH 45 DEGREES 28 MINUTES 01 SECOND WEST FOR A DISTANCE OF 216.34 FEET TO THE SOUTH LINE OF LOT 7, BLOCK 1 OF SAID UNIVERSITY OF MARY SUBDIVISION; THENCE SOUTH 89 DEGREES 29 MINUTES 52 SECONDS EAST ON SAID SOUTH LINE FOR A DISTANCE OF 382.03 FEET; THENCE NORTH 76 DEGREES 11 MINUTES 50 SECONDS EAST ON SAID SOUTH LINE FOR A DISTANCE OF 230.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 727,896 SQUARE FEET (16.71 ACRES), MORE OR LESS.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE BENEDICTINE SISTERS OF THE ANNUNCIATION, B.M.V., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS " UNIVERSITY OF MARY SECOND SUBDIVISION" BURLEIGH COUNTY, NORTH DAKOTA, AND DOES SO DEDICATE EASEMENTS TO RUN WITH THE LAND THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS ACCESS EASEMENTS.

SISTER _____, PRESIDENT
BENEDICTINE SISTERS OF THE ANNUNCIATION, B.M.V.

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED _____, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING DESCRIPTION AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

_____
MY COMMISSION EXPIRES
NOTARY PUBLIC, _____ COUNTY, STATE OF _____

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 ACCESS EASEMENTS SHOWN THEREON AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____ 20____

_____
ATTEST: W. C. WOCKEN
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, HEREBY APPROVE BENEDICTINE FIRST SUBDIVISION , BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

_____
MELVIN J. BULLINGER
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I JAMES ALBER, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOREGOING DESCRIBED TRACT OF LAND, THAT LOTS, DISTANCES, AREAS AND LOCATIONS AS SHOWN ON THE FOREGOING PLAT AND CONTAINED IN THE DESCRIPTION THEREOF, ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

_____
JAMES ALBER, P.L.S. NO. LS-4930

STATE OF _____
COUNTY OF _____

ON THIS ____ DA Y OF _____ 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED JAMES ALBER, PROFESSIONAL LAND SURVEYOR, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING DESCRIPTION AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

_____
MY COMMISSION EXPIRES
NOTARY PUBLIC, _____ COUNTY, STATE OF _____

NOTES

THE BEARING SYSTEM IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (1986 ADJUSTMENT) WITH A BEARING OF NORTH 00 DEGREES 50 MINUTES 14 SECONDS EAST ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 137 NORTH, RANGE 80 WEST.

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 _____ 20____ 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 HOKENSTAD- SECRETARY

OWNER

BRIAN LANDY
UNIVERSITY OF MARY
7300 UNIVERSITY DRIVE
BISMARCK, ND 58504
701-355-8904

SURVEYOR

JAMES ALBER
SAMBATEK, INC.
2401 46TH AVE. SE. SUITE 202
MANDAN, ND 58554
701-330-4293

SHEET 1 OF 1
DATE: 3-10-2015

Sambatek
www.sambatek.com

Print Form

Bismarck

CITY/ETA SUBDIVISION SUBMITTAL REQUIREMENTS WAIVER REQUEST FORM

APR 24 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: Benedictine First Subdivision

Location of Subdivision: Burleigh County (City ETA)

Name of Property Owner/Developer: Benedictine Sisters of the Annunciation BMV

Contact Person (if different from owner): Brian Eiseman, PE

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)** Stormwater plan - hydrologic Analysis	Prior approval from appropriate department head: (signature & date)
Reason for Request:	Minimal impact to hydrology and no intent for development of property
☐ **Other (Specify)**	Prior approval from appropriate department head: (signature & date)
Reason for Request:	

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 – Public Hearing	**Date:** May 27, 2015
Owner(s): Dakota Sand & Gravel Co. – owner Wachter Development – applicant	**Engineer:** N/A
Reason for Request: Change zoning for development purposes.	
Location: In northeast Bismarck, 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.

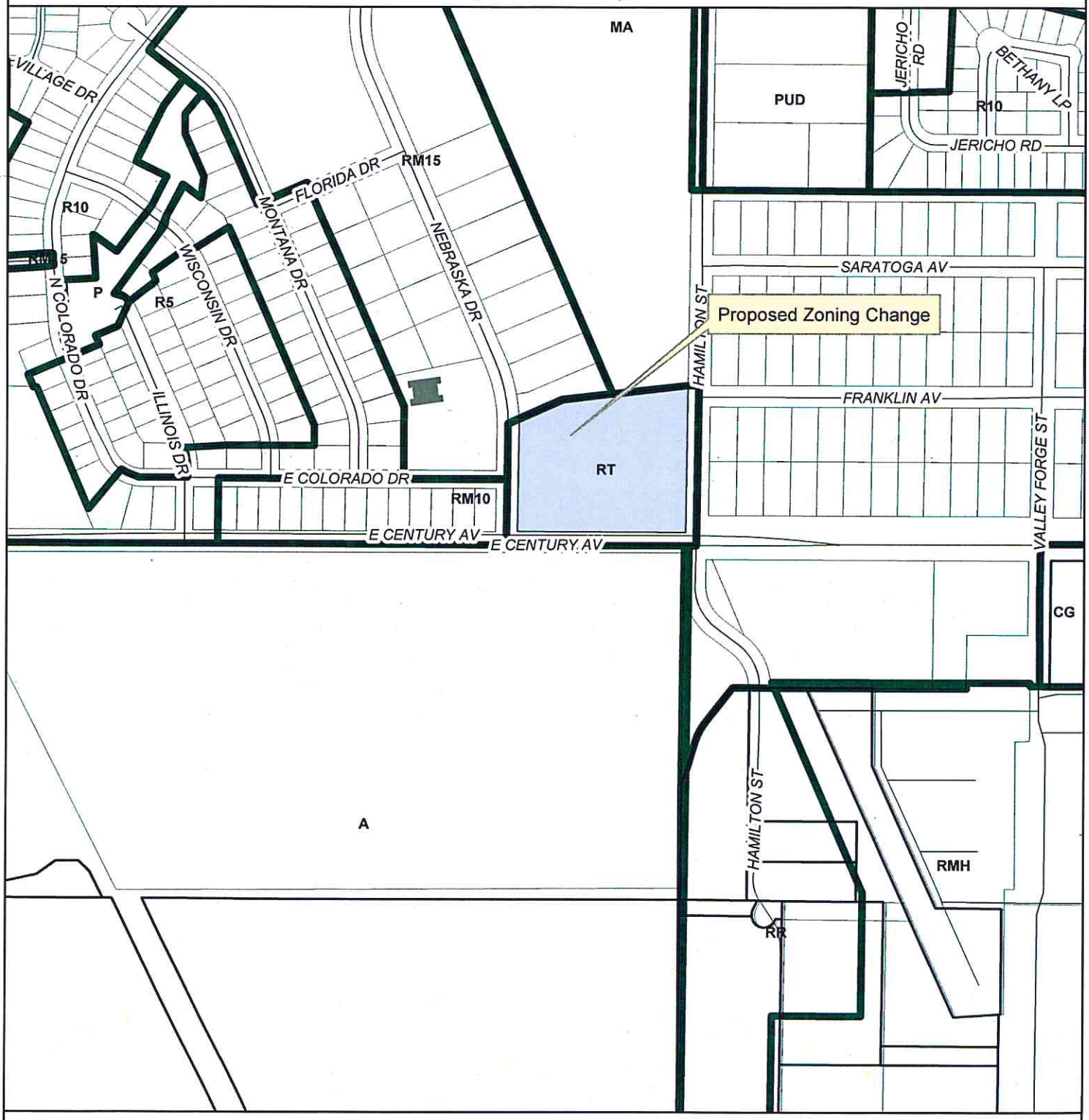
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of 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 A of Lot 1, Block 3, 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.

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Auditor's Lots D, E, N & R 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)

Status: Planning Commission – Public Hearing	**Date:** May 27, 2015
Owner(s): Mariner Construction, Inc – AL D, E & N of L1, B1, NPCC AL A & B of L2, B1, BAA John Erickson – B8, AIP 4th City of Bismarck – AL R of L1, B1, NPCC AL C of L2, B1, BAA B8, AIP 4th	**Engineer:** N/A

Reason for Request:
City-initiated request to rezone property in order to clarify and expand the boundaries of MB – Industrial zoning district and to allow heavy industrial land uses 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, including asphalt batch plants
Maximum Density Allowed: N/A	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
09/1984 (AIP4th) 06/2005 (NPCC) 12/2009 (BAA)	09/1984 (AIP4th) 06/2005 (NPCC) 12/2009 (BAA)	Pre-1980

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.

(continued)

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.

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

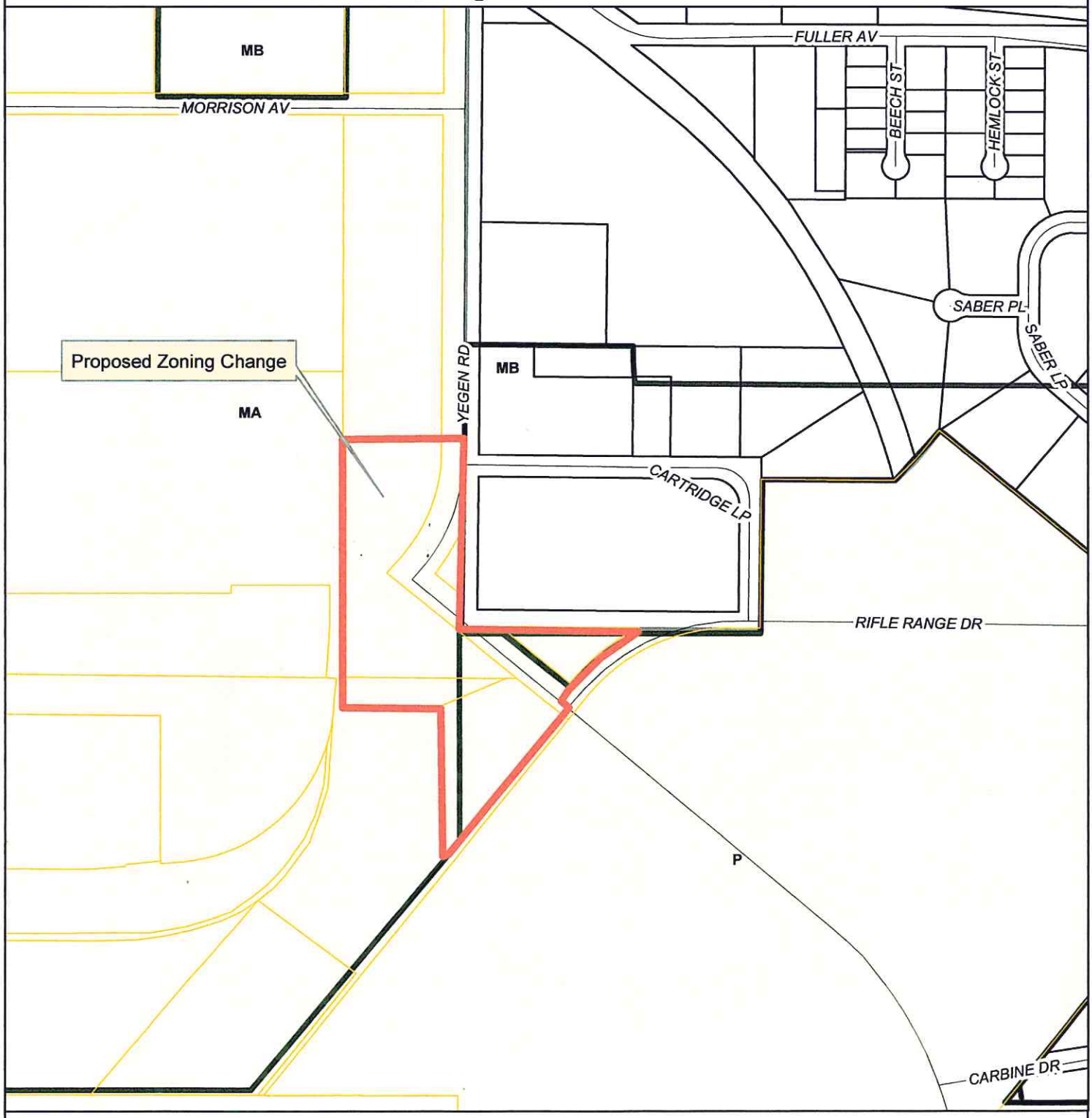
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the MA – Industrial and P – Public Use zoning districts to the MB – Industrial zoning district on Auditor's Lots D, E, N & R 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)
Auditor's Lots D, E, N & R 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 & 9, Airport Industrial Park 4th Addition



May 15, 2015 (klee)

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Madison Lane Addition – PUD Amendment	
Status: Planning Commission – Public Hearing	**Date:** May 27, 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. The previous PUD amendment allowed the construction of a twinhome but did not modify the minimum lot size to accommodate the allowed twinhome. The proposed location and size of the twinhome has not changed from the previously approved amendment.	
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.

(continued)

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.

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

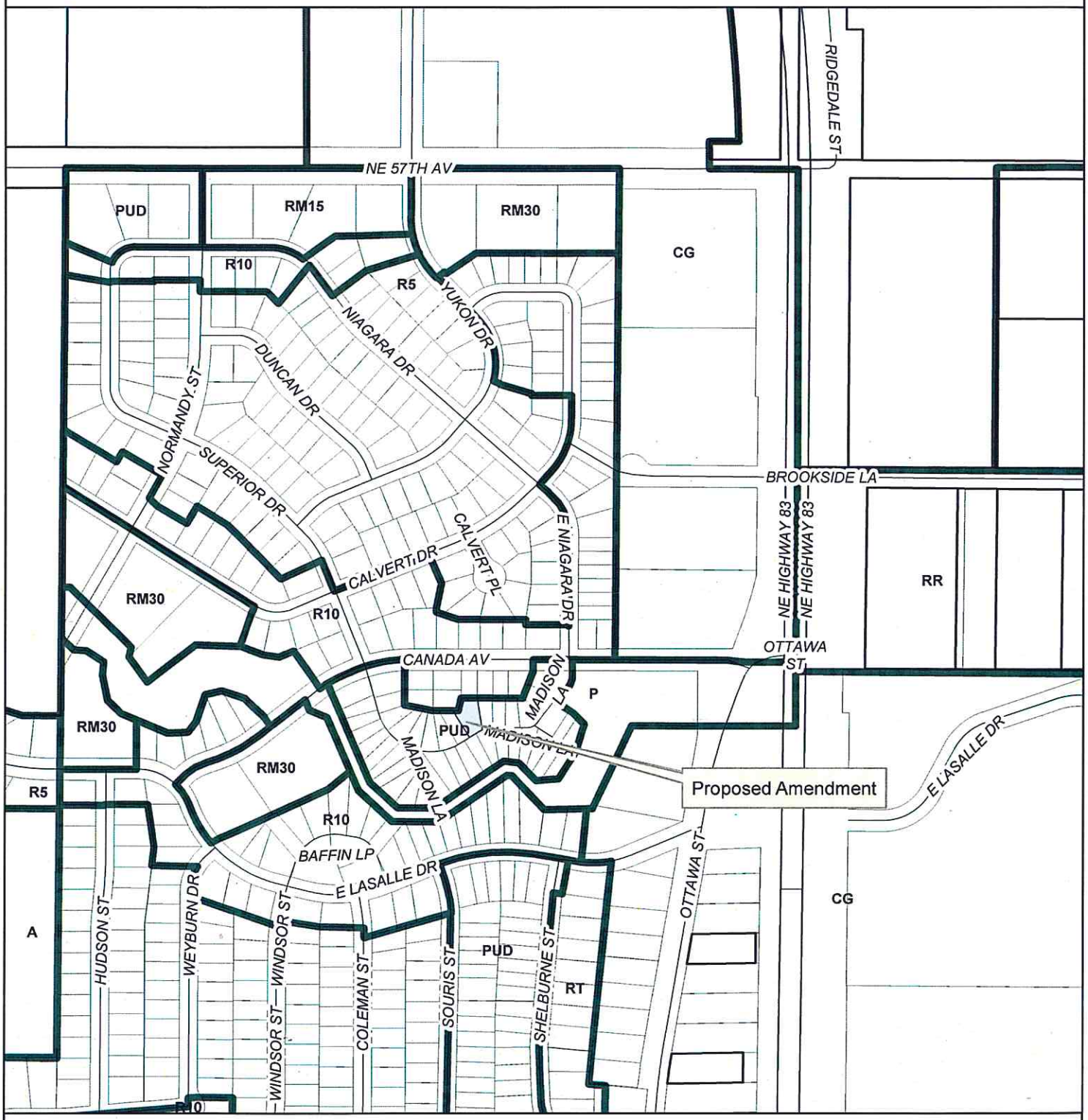
zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

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 33A and 33B, Block 1, Madison Lane Addition



March 5, 2015 (hlb)

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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	283,635 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	46.38'	53°08'38"	25.02'	50.00'
C	55.92'	32°02'18"	28.71'	100.00'
D	372.63'	106°48'24"	266.33'	200.00'

SCALE: 1"=50'
APRIL 24, 2012

NOTES

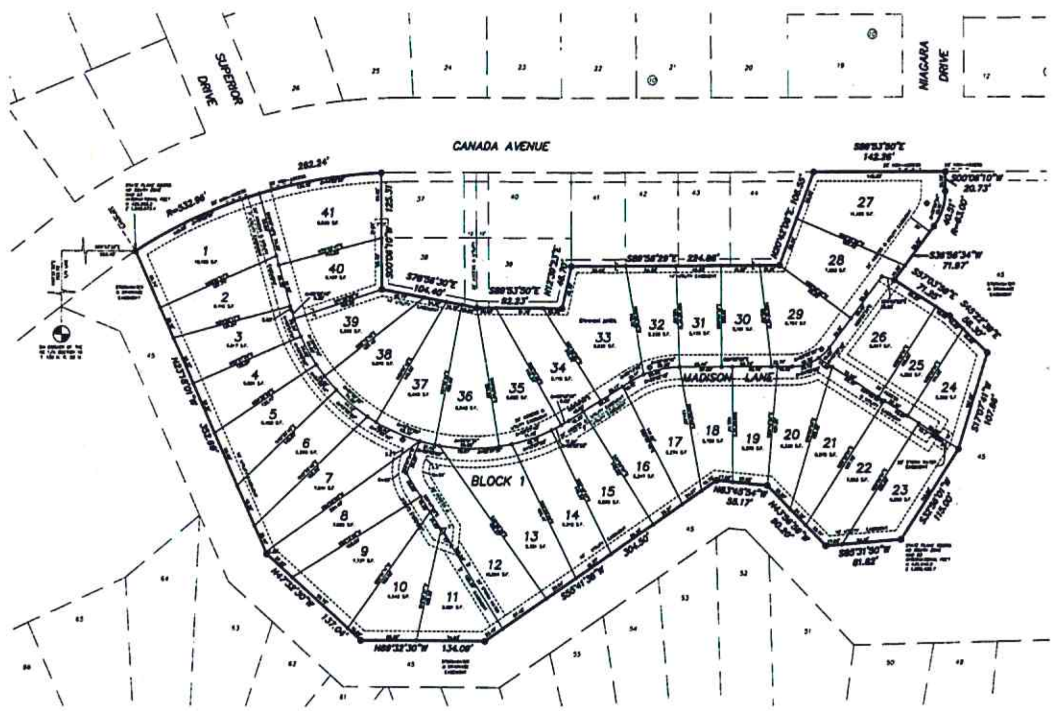
● MONUMENT TO BE SET
◎ MONUMENT IN PLACE

DESCRIPTION

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, 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 963.40 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 08 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 30 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF LOT 39 OF SAID BLOCK 2, A DISTANCE OF 92.33 FEET TO THE SE CORNER OF SAID LOT 39; THENCE NORTH 12 DEGREES 39 MINUTES 33 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 56 MINUTES 29 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF LOTS 41, 42, 43 AND 44, A DISTANCE OF 224.88 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 108.55 FEET TO SAID SOUTHERLY RIGHT-OF-WAY OF CANADA AVENUE; THENCE SOUTH 89 DEGREES 53 MINUTES 30 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 08 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 36 DEGREES 56 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 71.97 FEET; THENCE SOUTH 57 DEGREES 03 MINUTES 58 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 56.30 FEET; THENCE SOUTH 17 DEGREES 07 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 107.86 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 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 35.17 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 352.89 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 June 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
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 2nd 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

7-30-12

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.

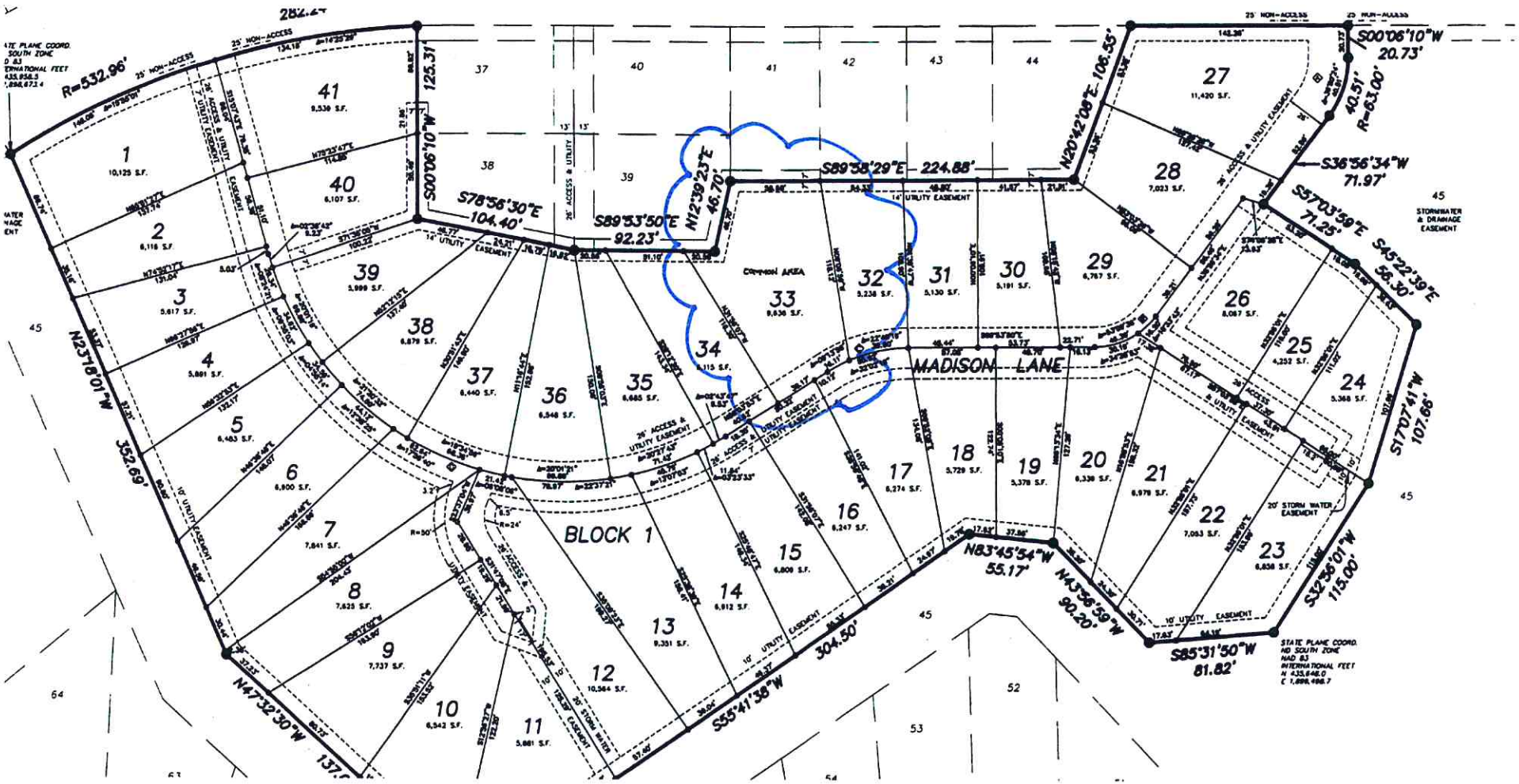
STATE OF NORTH DAKOTA)
)SS
COUNTY OF Burleigh)

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

ON THIS 18th DAY OF May 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.

NOTARY PUBLIC
Burleigh COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES Aug 24 2016

SWENSON, HAGEN & COMPANY P.C.



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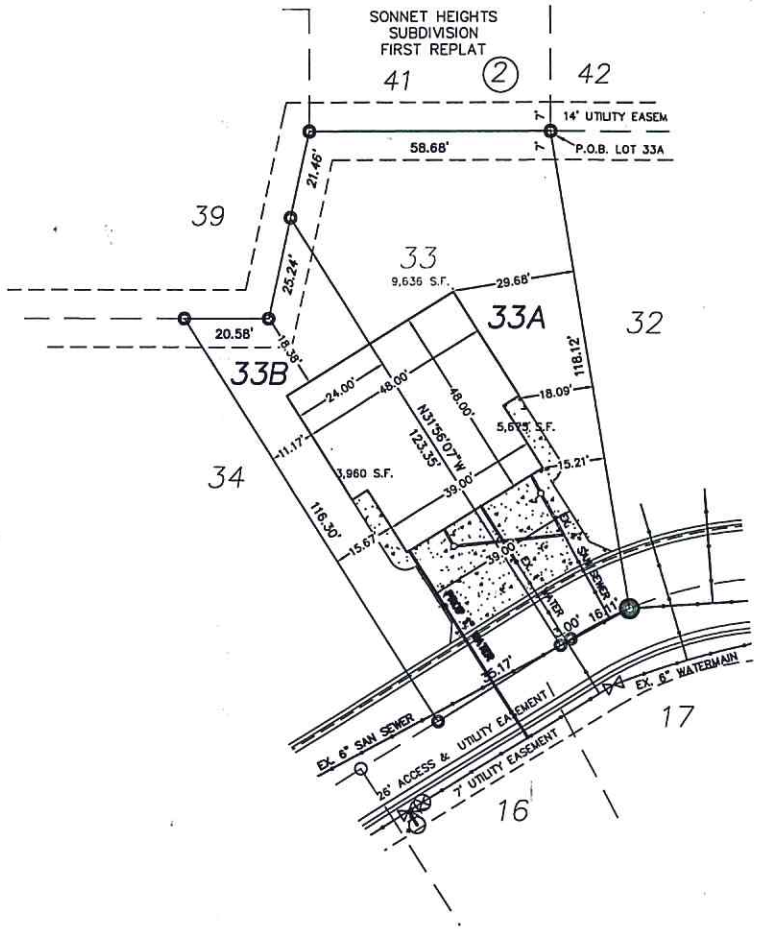
LOT 33 BLOCK 1 MADISON LANE ADDITION



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.

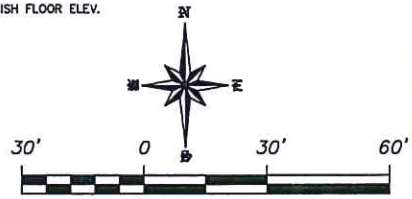
CONTRACTOR WILL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS.

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.

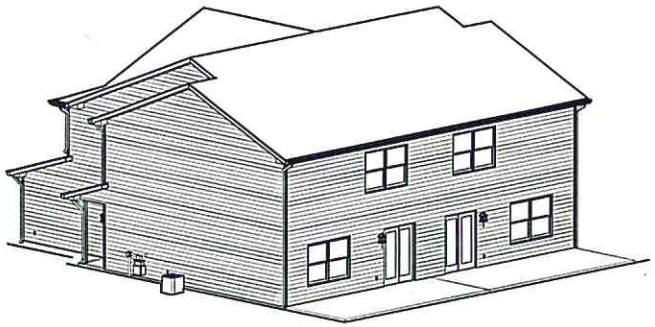
CONTRACTOR WILL DETERMINE FINISH FLOOR ELEV.



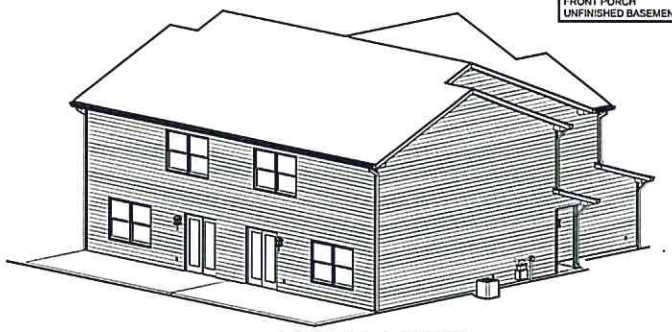
SCALE – 1"=30'
NGVD 29
OCTOBER 8, 2014

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

RECEIVED
OCT 17 2013

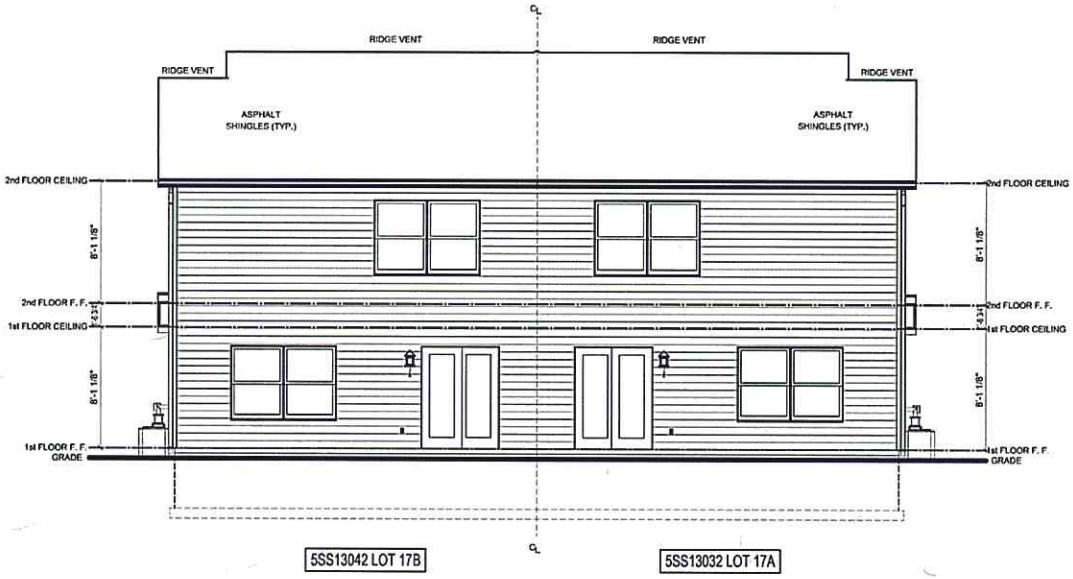


REAR-RIGHT



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	06/10/2013	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_Sheets\1.02.rvp

© 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.

* * * * *

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.

* * * * *

(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.

Item No. 20

Bismarck

Community Development Department

MEMORANDUM

TO: Chair Yeager and Planning Commissioners

FROM: Kim L. Lee, AICP, Planning Manager

DATE: May 21, 2015

SUBJ: Policy for Dedication of Easements and Rights-of-Way Required for Orderly Development

ACTION REQUESTED

Obtain public input and make a recommendation to the Board of City Commissioners regarding the attached draft Policy for Dedication of Easements and Rights-of-Way Required for Orderly. The Planning and Zoning Commission considered this policy in March and agreed that a put hearing or public input session on the policy should be held.

BACKGROUND

The Board of City Commissioners, at their meeting on November 25, 2014, considered a request from Mayor Seminary to discuss the dedication of easements to allow for orderly development. At the conclusion of that discussion, the Board directed the Community Development Department staff to prepare a draft policy and/or ordinance that could be considered by the Board of City Commissioners at a future meeting. Subsequent to that meeting, additional discussions were also held on ways to reduce the City's footprint and to promote orderly development.

The attached policy was drafted by Community Development staff with input from other City staff members in Administration, Engineering, Public Works, Police and Fire. The document outlines the intent and purpose of the policy, the situations where the dedication of easements and rights-of-way could be required beyond the boundary of a proposed plat, and how that decision would be made. The policy as drafted formalizes what staff and the City Commission have conveyed to developers for several years during the plat review and approval process.

A copy of the draft policy was provided to the major developers within the community, as well as consulting engineers. All were asked to review the policy and either provide input at the meeting on May 27th or provide their comments in writing prior to the meeting. Any comments received in writing will be provided to the Planning Commission at the meeting.

CITY OF BISMARCK

POLICY FOR DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY REQUIRED FOR ORDERLY DEVELOPMENT

Effective Date: _____

Intent:

The City of Bismarck finds it necessary and desirable to provide for the dedication of rights-of-way and easements for municipal services to support new development at the earliest stage of the development process.

Purpose:

The purpose of this policy is to outline standards for the dedication of rights-of-way and easements necessary for the orderly development of the community and the efficient provision of municipal services throughout the community.

Policy:

This policy applies to property being subdivided which meets the following criteria: 1) the property being platted is located within or adjacent to the corporate limits; 2) the property being platted, if not already annexed, will be annexed prior to development; 3) the property being platted does not include all contiguous property under the developer/owner's ownership or control; and 4) rights-of-way and/or easements are needed beyond the area being platted in order to provide for the orderly extension of municipal services (water, sanitary sewer, storm water drainage and/or roadways) to the areas beyond the property being platted.

If a proposed plat does not include an entire tract of land or contiguous tracts of land under common ownership or control, the developer/owner may be required to dedicate rights-of-way for the extension of collector and arterial roadways and/or easements for the extension of municipal utilities (water, sanitary sewer and storm water drainage) beyond the outer boundary of the proposed plat, as needed, for the orderly development of the community and the efficient provision of municipal services. The need for such dedications shall be determined on a case-by-case basis during the plat review process and will be presented as a staff recommendation to the Planning and Zoning Commission and the City Commission. The desired location of such dedications shall be determined based on the City's master plans (including utility plans and the Fringe Area Road Master Plan), the developer/owner's master plan for the property and other planning and engineering considerations.

The easements and rights-of-way dedicated under this policy would be used to extend municipal utilities and roadways as needed for the efficient provision of municipal services in an orderly manner. It is not the intent of this policy to require the developer to make improvements beyond the edges of the proposed plat in conjunction with development of said plat, but to provide corridors for the orderly extension of municipal services if needed beyond the edges of the proposed plat.