



Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: First Responders Addition – Major Subdivision Final Plat

REQUEST

161 Commercial, LLC is requesting approval of a major subdivision final plat for First Responders Addition. This action would allow the development of light industrial uses on the property, which is zoned Conditional MA – Industrial and within the corporate limits.

The property is located in east Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the west side of 52nd Street SE (part of Auditor's Lot 6 of the E½, and part of Lot 7B of Auditor's Lot 7 of the SE¼ of Section 1, T138N-R80W/City Lands).

Please place this item on the July 14, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on this item on June 24, 2020.

No residents spoke at the public hearing; however, several inquiries were received prior to the meeting regarding the proposed use and the buffer yard.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the major subdivision final plat for First Responders Addition.

RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the major subdivision final plat for First Responders Addition and take final action on the request.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Jenny Wollmuth, AICP, CFM | Planner, 355-1845 or jwollmuth@bismarcknd.gov



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

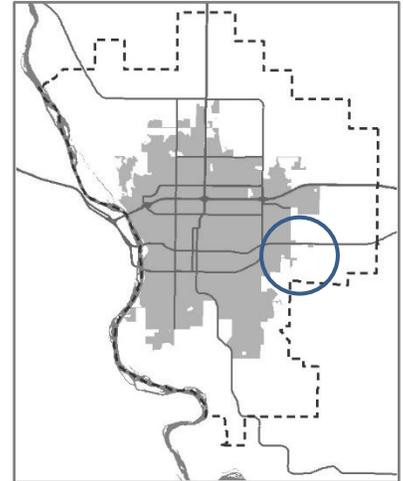
June 24, 2020

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2020-007

Project Summary

Title:	First Responders Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	161 Commercial, LLC
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	In east Bismarck, between East Main Avenue / County Highway 10 and Apple Creek Road, along the west side of 52 nd Street SE (part of Auditor’s Lot 6 of the E½, and part of Lot 7B of Auditor’s Lot 7 of the SE¼ of Section 1, T138N-R80W/City Lands)
Project Size:	4.65 acres
Request:	Plat property for future light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	1 lot in 1 block
Land Use:	Undeveloped	Land Use:	Light Industrial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional MA – Industrial	Zoning:	Conditional MA – Industrial
Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards	Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards
Max Density Allowed:	Conditional MA – N/A	Max Density Allowed:	Conditional MA – N/A

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Property History

Zoned:	07/2016 (northern portion) 03/2017 (southern portion)	Platted:	N/A	Annexed:	07/2019
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Staff Analysis

161 Commercial, LLC is requesting approval of a major subdivision final plat for First Responders Addition. Approval of the proposed plat would allow for the future development of the one lot plat.

The proposed plat is located within cooperate limits and is zoned Conditional MA – Industrial, which allows certain light industrial uses with additional requirements for building design and a landscape buffer along the eastern edge of the plat.

The Planning and Zoning Commission considered this request at their meeting of April 22, 2020 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 12th and June 19th and 42 letters were mailed to the owners of nearby properties on June 12th.

The proposed plat would be accessed from the south via Midwest Drive, which would be constructed along the southern boundary of this plat in conjunction with site development. The proposed plat also includes a 50-foot landscape buffer along the west side of 52nd Street SE, which will be installed in conjunction with site development.

Adjacent uses include developing light industrial property to the north and undeveloped light industrial property to the west and south, and existing rural residential and developing urban residential to the east across 52nd Street SE.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. As this property is already zoned and annexed, the Public Works Department – Utility Operations Division

has determined that utility capital charges will be due at the time petitions are submitted for street improvements for Midwest Drive.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PSCSMP) with the following conditions: 1) the two proposed ponds outside of the plat are temporary as a permanent area-wide stormwater management system is being planned to include the proposed plat and all unplatted properties adjacent to the plat; and 2) two offsite stormwater and drainage easements are provided and approved by the City Commission and recorded with the Burleigh County Recorder prior to the recordation of final plat;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and,
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for First Responders Addition, with the understanding that required off-site stormwater and drainage easements

(continued)

are approved and recorded prior to recordation of the final plat.

Attachments

1. Location Map

2. Aerial Map

3. Zoning and Plan Reference Map

4. Final Plat

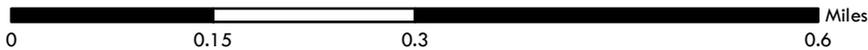
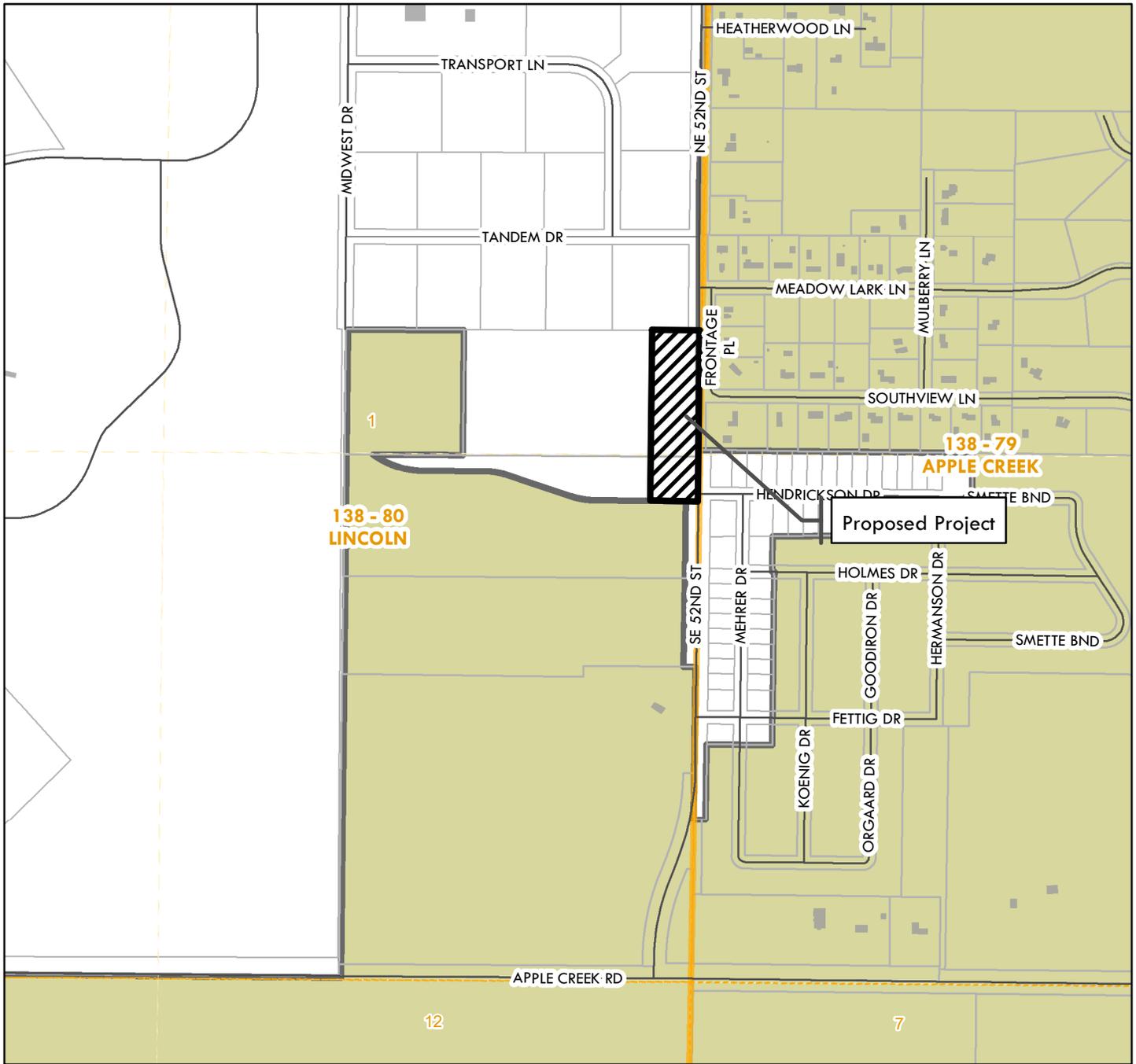
5. Preliminary Plat

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



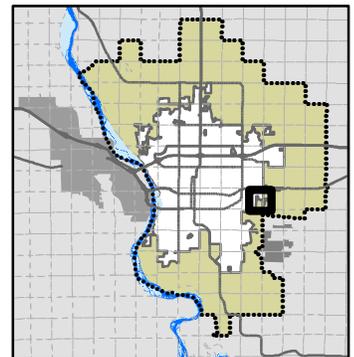
Location Map
First Responders Addition

PPLT2020-003
FPLT2020-007



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 20, 2020 (HLB)

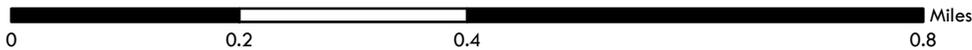
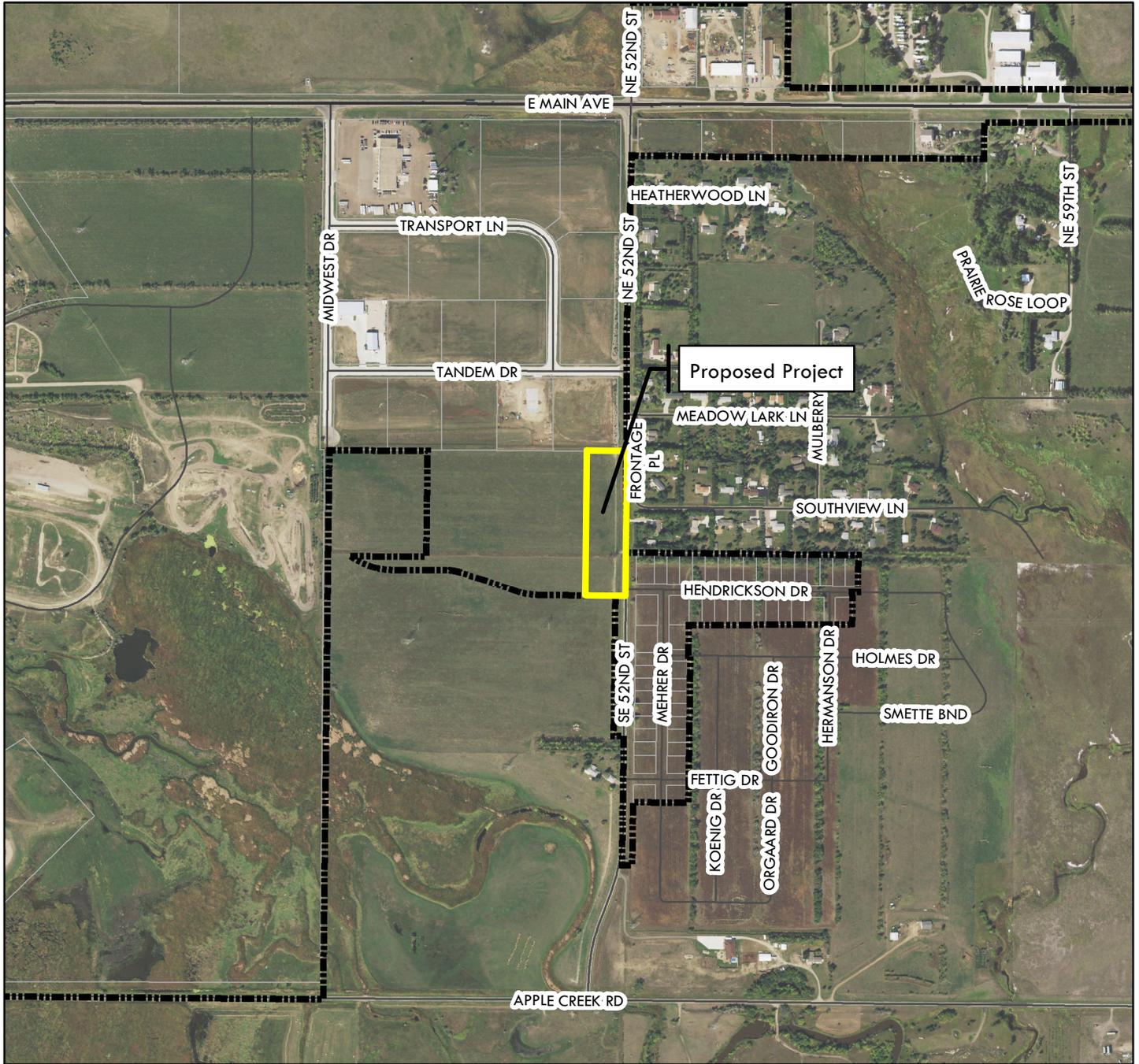
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

First Responders Addition

PPLT2020-003
FPLT2020-007

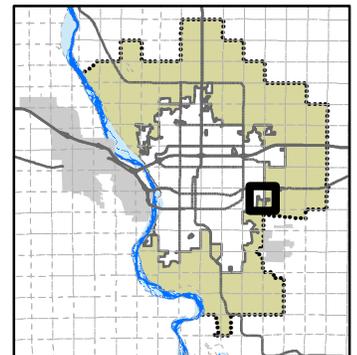


 City Limits
  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
 Community Development Department
 Planning Division
 April 7, 2020

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Zoning and Plan Reference Map

First Responders Addition

PPLT2020-003
FPLT2020-007

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

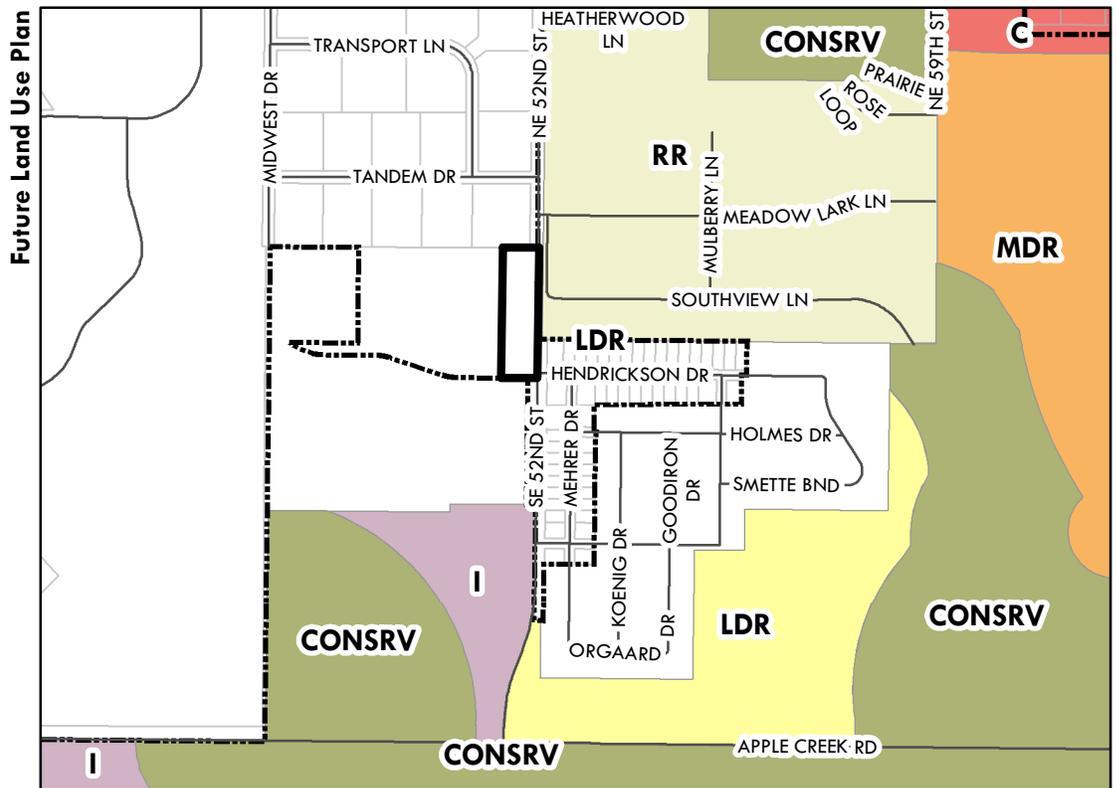
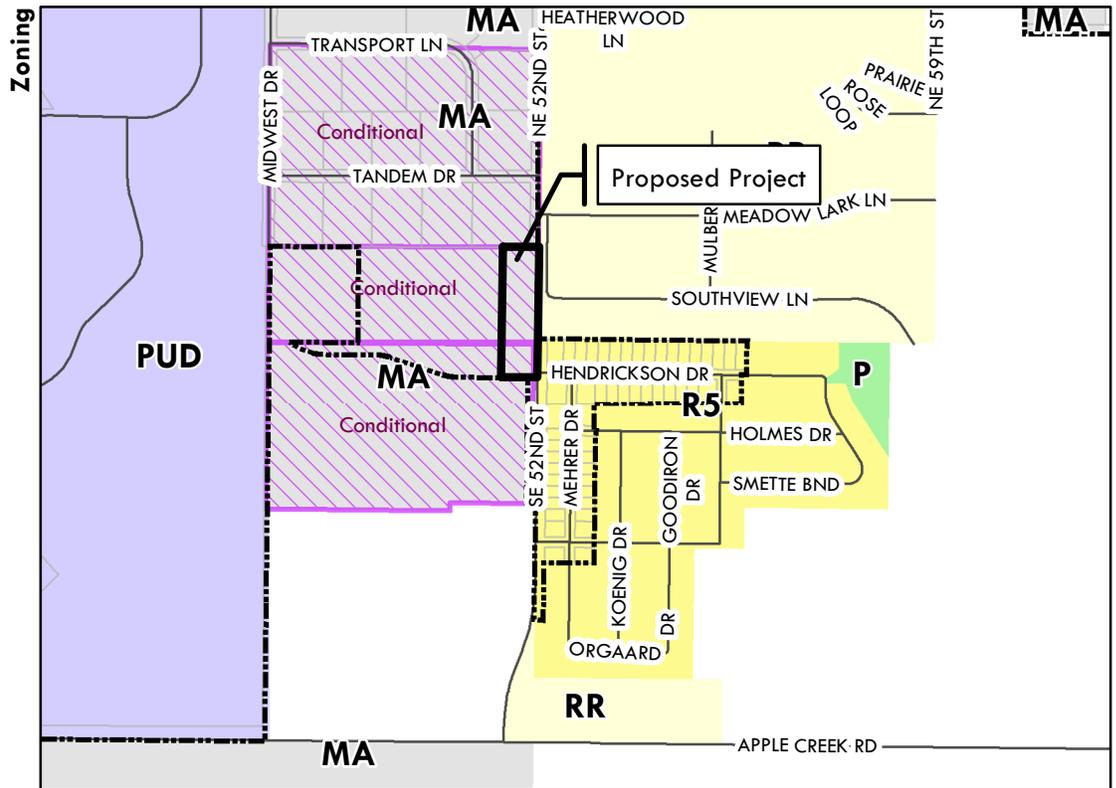
Zoning Districts

- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

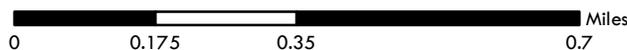
Diagonal lines indicate special condition

Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve



Fringe Area Road Master Plan



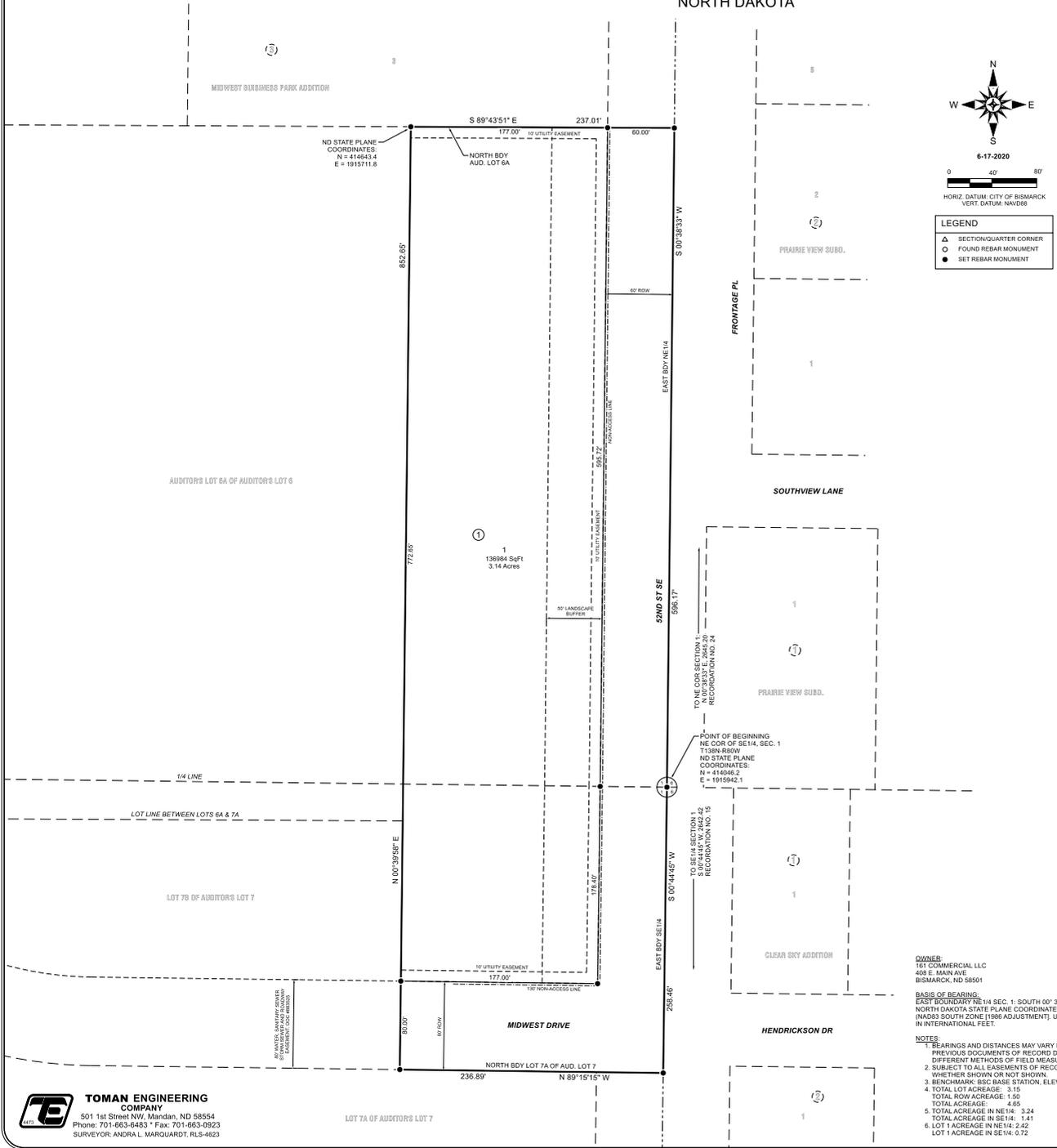
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City of Bismarck
Community Development Dept.
Planning Division
April 7, 2020

FIRST RESPONDERS ADDITION

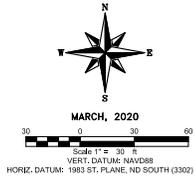
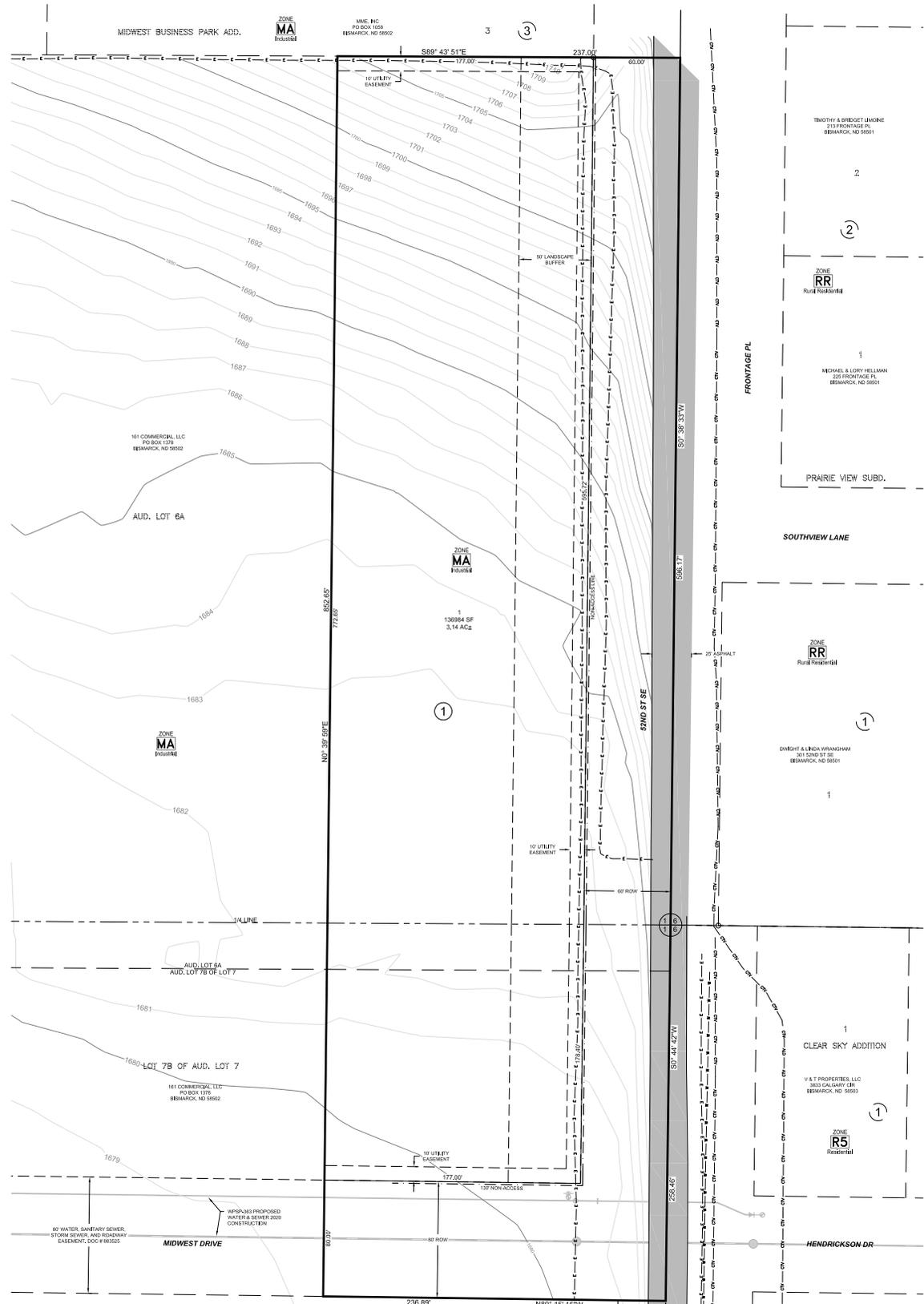
PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2, PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4, AND PART OF 52ND ST SE OF SECTION 1, T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

LOT 7A OF AUDITOR'S LOT 7

PRELIMINARY PLAT OF
FIRST RESPONDERS ADDITION
 TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
 PART OF AUDITOR'S LOT 6 OF THE E1/2 AND PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4 OF SECTION 1,
 T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

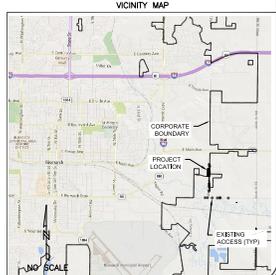


- LEGEND**
- FOUND PROPERTY CORNER
 - △ SECTION/QUARTER CORNER
 - ⊠ ELECTRIC/UTILITY BOX
 - ⊙ POWER POLE
 - FIBER OPTIC LINE
 - CABLE TV
 - UNDERGROUND ELECTRIC
 - OVERHEAD POWER
 - WATERMAIN
 - QUARTER/GOV'T LOT LINE
 - FENCE LINE
 - ASPHALT ROAD

OWNERS:
 161 COMMERCIAL, LLC
 408 E. MAIN AVE
 BISMARCK, ND 58501

BASIS OF BEARING:
 BASIS OF BEARING: EAST BOUNDARY LINE OF THE NW1/4, SECTION 1, T138N-R80W SOUTH 00° 44' 40" EAST.

NOTES:
 1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. TOTAL LOT ACREAGE: 3.14
 TOTAL ROW ACREAGE: 1.51
 TOTAL ACREAGE: 4.65



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161 COMMERCIAL, LLC
 PO BOX 1338
 BISMARCK, ND 58502

LOT 7A OF AUD. LOT 7

FIRST RESPONDERS ADDITION