



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Fettig Subdivision – Zoning Map Amendment, Major Subdivision Final Plat and Development Agreement

REQUEST:

Public hearing on Ordinance 6580, a zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.

BACKGROUND INFORMATION:

Robert Fettig requests conditional approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat for Fettig Subdivision.

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed, a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2. The proposed plat is located adjacent to city limits.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat, or at a minimum Lots 2 and 3 of the proposed plat, and noted that municipal sanitary sewer is not readily available to the property. At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have prepared a draft development agreement that would require a signed annexation petition for the entire subdivision to be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner. At which point, the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition would be required prior to recording the proposed plat and

finalization of the zoning map amendment. The owner and their consulting engineer have agreed to the provisions outlined in the development agreement.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted 9 to 1 to approve the development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

The City Commission considered the proposed zoning map amendment at their June 11, 2024 meeting and called for a public hearing on this request.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the zoning map amendment as outlined in Ordinance 6580, and take final action on the zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. Fettig Subdivision

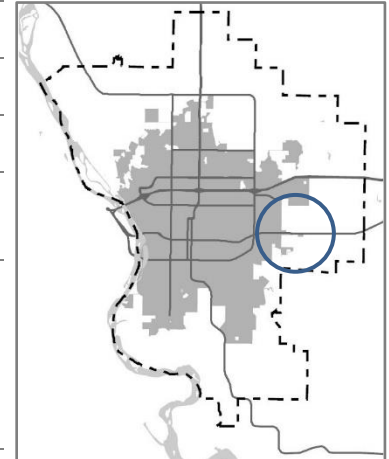
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2023-014**
FPLT2024-002

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	East of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of all of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apples Creek Township)
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Plat and rezone property for development of a single-family dwelling in conjunction with commercial use
<i>Staff Recommendation:</i>	Approve with conditions
<i>Planning & Zoning Commission:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and 2 parcels	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Commercial (hotel) and single-family	<i>Land Use:</i>	Commercial (hotel), single-family, and single-family in conjunction with commercial use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agricultural CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/1978
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	07/2009 (Highway Subdivision)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	N/A

Project Narrative

Robert Fettig is requesting approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat titled Fettig Subdivision.

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed; a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2.

Due to the proximity of corporate limits, its location in the Expansion Future Area, and the location of municipal water, staff have indicated to the applicant that support of the proposed zoning map amendment and proposed plat would be contingent on annexation of the proposed plat or at a minimum Lot 2 and Lot 3 of the proposed plat to meet the goals and objectives of the Comprehensive Plan.

The proposed plat is adjacent to corporate limits and in an area that is partially zoned CG – Commercial. Pre-zoning and annexation in anticipation of future development were common practices in the 1970s and 1980s prior to the adoption of a Future Land Use Plan.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat or at a minimum Lots 2 and 3 of the proposed plat and noted that municipal sanitary sewer is not readily available to the property. The consultant also suggested that the owner would be amenable to a development

agreement that would specify conditions of annexation based on availability of municipal sanitary sewer.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have created a development agreement that would require a signed annexation petition for the entire subdivision be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition and development agreement would be required prior to recording the proposed plat and finalization of the zoning map amendment.

The owner and their consulting engineer have agreed to the provisions outlined in the development agreement.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

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At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission voted 9 to 1 to approve the development agreement, zoning map

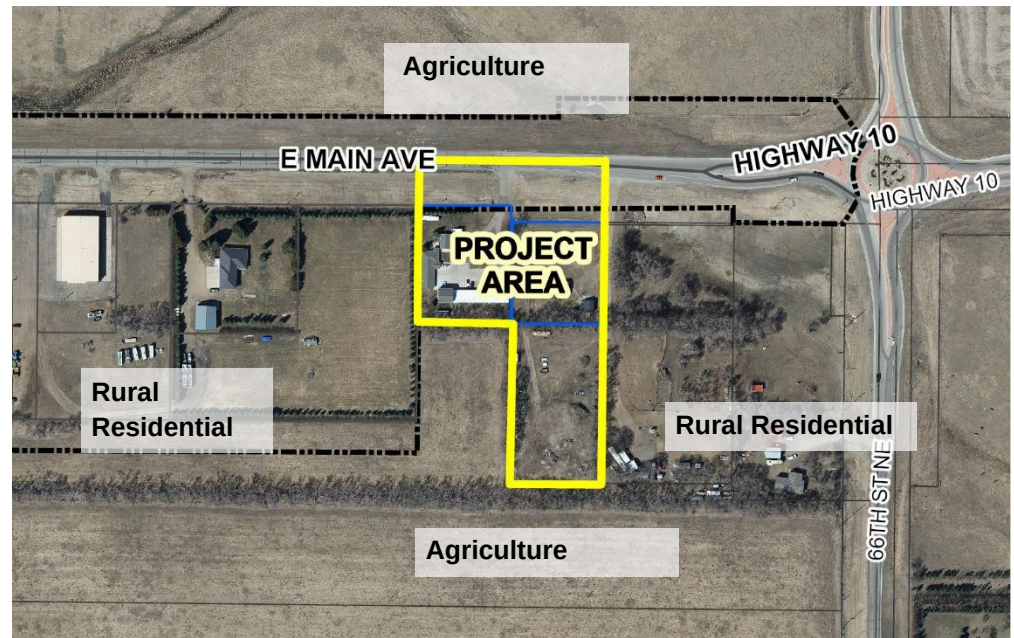
amendment and major subdivision final plat for Fettig Subdivision.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



Comprehensive Plan

Goals and objectives of the Comprehensive Plan as they relate to the zoning map amendment and final plat are referenced in review standards below.

Future Land Use Plan

The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas.

The property is also located in the Expansion Future area of the Growth Phasing Plan. This plan is a map that shows when areas of Bismarck and its extraterritorial area are expected to annex and develop based on proximity and availability of city services. Expansion Future areas may not be easily serviced with existing infrastructure and municipal services, but annexation is expected as

the city expands, and infrastructure and municipal services become available. Municipal water is available and located within the right-of-way of East Main Avenue.

Access

Access to all three lots within the proposed plat would be from an existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Infrastructure

The City and South Central Regional Water District (SCRWD) entered into an agreement in 1996, which was revised in 2019. This agreement that allows the City to provide municipal water to SCRWD and for SCRWD to sell this water to rural

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residents. As part of this agreement, the City must approve of and agree to SCRWD providing water to properties within 2-miles of corporate limits. Municipal water was extended within the East Main Avenue right-of-way recently; however, SCRWD is currently providing water to adjacent properties and to Lot 1 and Lot 2 of the proposed plat.

Municipal sanitary sewer is not currently available in this location and there are existing individual private sewer systems located on each lot. Typically, these private sewer systems are not located on property that is annexed; however, as sewer is not available at this time, staff have indicated that the existing private sewer systems could remain, and a new private sewer system could be installed on Lot 3 until the provisions in the development agreement have been met.

Public Engagement

Apple Creek Township was notified of this request on April 19, 2024.

Planning and Zoning Commission

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and 19, and 16 letters were mailed to the owners of nearby properties on April 12, 2024.

The Planning and Zoning Commission held a continued public hearing on these requests on May 22, 2024. At the conclusion of the continued public hearing and based on the findings listed below, the Planning and Zoning Commission recommended approval of the draft development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

At the continued public hearing, the applicant's representative spoke. However, no other members of the public spoke at the hearing. No written comments were submitted.

City Commission

The public was duly notified of this request. A notice was published in the Bismarck Tribune on June 12 and June 19, 2024.

All written comments received by staff prior to the public hearing will be distributed to the City Commission prior to the June 25, 2024, meeting and summarized by staff during the oral presentation.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the construction of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. Development that may be anticipated from the proposed zoning

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would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The property is zoned both A – Agriculture and CG – Commercial. The CG – Commercial zoning district was established in 1978 and conditions have changed since this time. The proposed zoning map amendment is being requested to allow the development of Lot 3 to include a single-family dwelling in conjunction with a commercial use.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

No. The proposed amendment may impede the goals and objectives of the Comprehensive Plan. Specifically, without annexation of the plat, the following goals would not be advanced.

Objective G5(a) states:

“Preserve the ability of the City to expand its boundaries by strictly limiting rural development within the Urban Service Area of the Growth Phasing Plan, unless future urbanization is clearly feasible and agreed to by all parties”

Objective G3(c) states:

“Provide all municipal services, including roadways, water, sewer, stormwater,

police, and fire protection equitably to all annexed land, unless certain service connections are clearly not feasible in the immediate future and both City and landowner mutually agree to forgo such services temporarily until readily available”

Lots within this plat would have access to municipal water which is located within the East Main Avenue right-of-way. The City has agreed that lots within the plat can be serviced by an individual septic tank and drain field until such a time that municipal sanitary sewer is available.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

No. City of Bismarck staff find that the proposed zoning map amendment would adversely impact the public health, safety, and general welfare. In particular, without annexation of the proposed plat, the ability of the city to expand its

(continued)

boundaries and extend municipal services would be limited.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A

complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail could be incorporated into the right-of-way for East Main Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

(continued)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, access easements have been added to the proposed plat to provide future access to adjacent properties.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Access to all three lots within the proposed plat would be from one existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA),

also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

No, unless the proposed plat is annexed and a development agreement is created and approved by the Bismarck City Commission. Public costs associated with provision of municipal water and future sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the draft development agreement, zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district, and major subdivision final plat for Fettig Subdivision, with the following condition:

1. A signed annexation petition is submitted prior to recording the proposed plat.
2. A development agreement is approved by the City Commission prior to recording the proposed plat.

Attachments

1. Draft Development Agreement
2. Draft Zoning Ordinance
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Growth Phasing Plan Map
6. Preliminary Plat
7. Final Plat
8. Draft Rural Water Agreement

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

DEVELOPMENT AGREEMENT – 2024

The City of Bismarck (the “City”) and Robert Fettig, their successors and assigns (the “Developer”), make this Development Agreement (“Agreement”) with regard to future annexation of lands into the corporate limits of the City, such lands described as follows:

Lots 1-3, Block 1, Fettig Subdivision, Burleigh County, North Dakota.

The **Developer** desires to develop the land known as Fettig Subdivision, which lies within one-quarter mile of **City’s** corporate limits and is thus not subject to restrictions on agreements to annex in 40-47-01.2 (City Zoning) of North Dakota Century Code. The **City** desires to preserve its ability the grow in an orderly and efficient manner in the future.

In exchange for the mutual performance of the parties under this Agreement, the parties hereby agree to the following terms, conditions and obligations:

1. The **Developer** will file with the **City** a duly executed petition for annexation of Fettig Subdivision, contemporaneously with the execution of this agreement. The petition for annexation shall remain binding on any successors to interest in the above described property and shall be a covenant running with the land.
2. The **City** shall hold said petition until no less than twenty (20) years after the date of this agreement or at such time when **City** sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.
3. Upon receipt of the annexation petition, the **City** will authorize the plat for Fettig Subdivision for recordation with the Burleigh County Recorder’s Office

Notary Public

Dated this ____ day of _____, 2024.

City of Bismarck

Michael T. Schmitz
President, Board of City
Commissioners

Attest: _____
Jason Tomanek
City Administrator

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____ 2024, before me personally appeared
_____ known to be to be the person who is described
in, and who executed the within and foregoing instrument, and severally
acknowledged to me that they executed the same.

Notary Public

CITY OF BISMARCK

ORDINANCE NO. 6580

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), 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 – Agriculture and CG – Commercial zoning districts and included in the CG – Commercial zoning district:

Lots 1-3, Block 1, Fettig Subdivision

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

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



Zoning and Plan Reference Map

FETTIG SUBDIVISION

PPLT2023-004

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
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

Future Land Use Plan

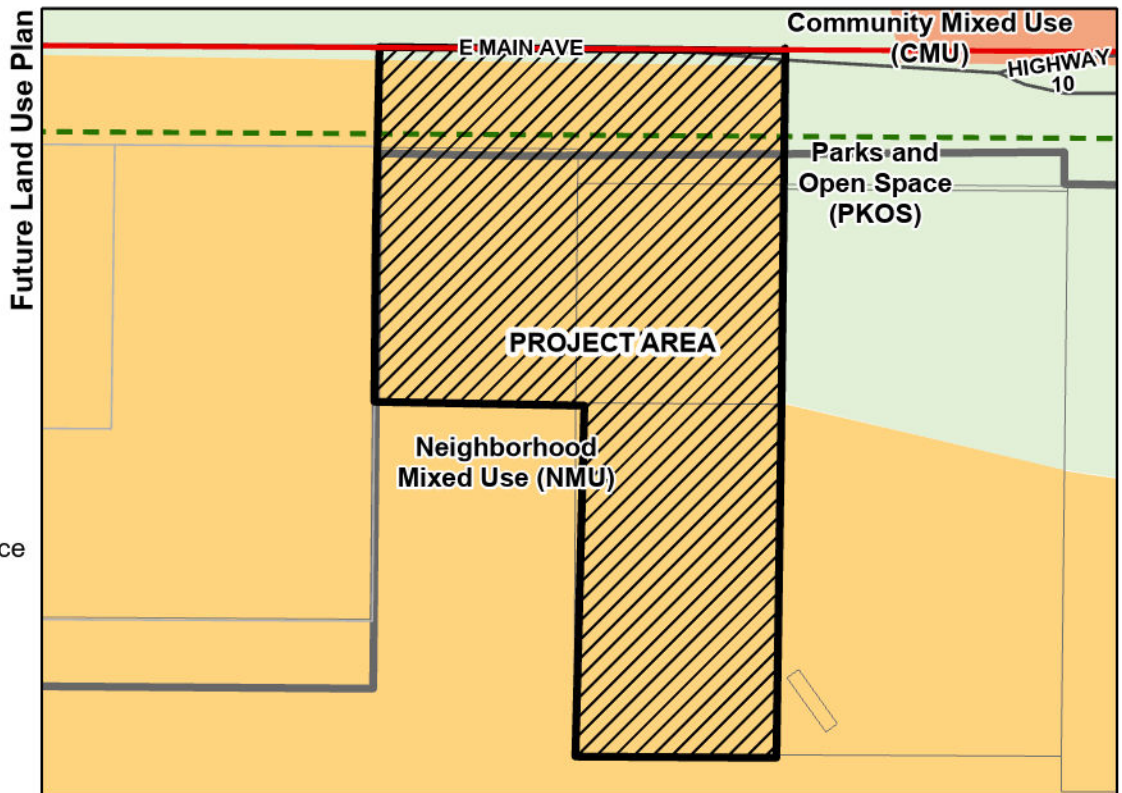
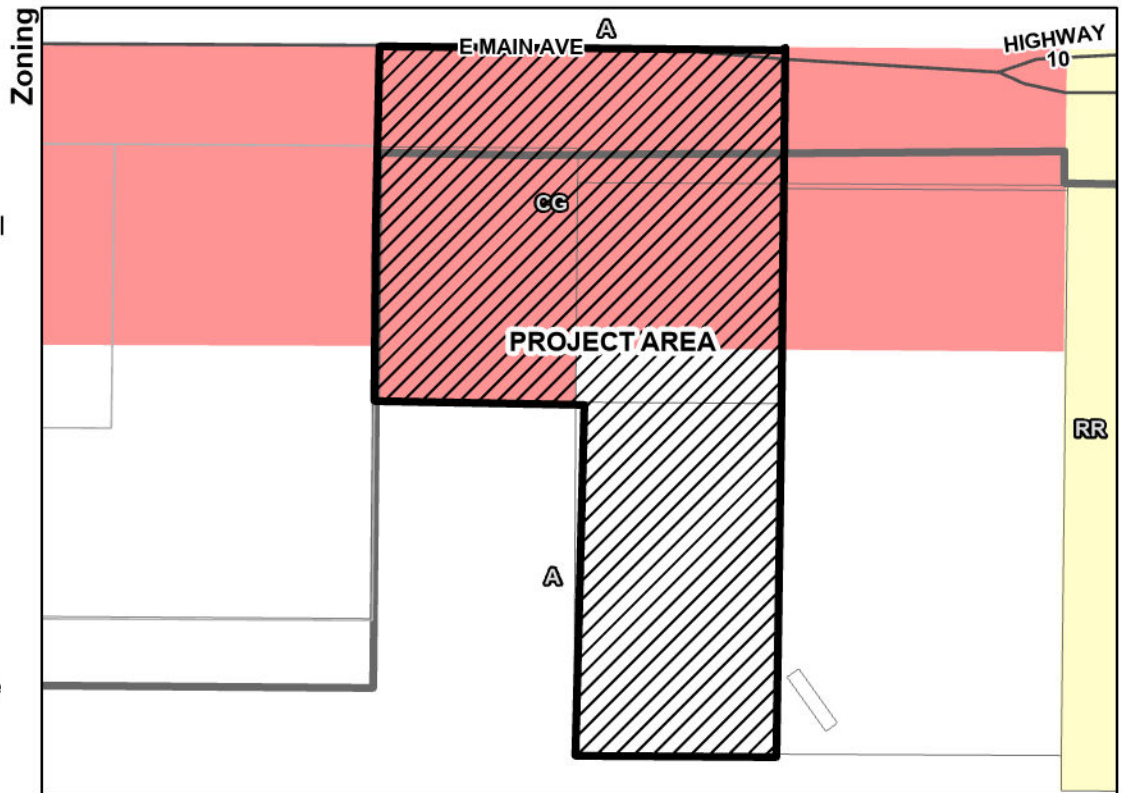
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate



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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City of Bismarck
Community Development
Planning Division
February 20, 2024

Proposed New Zoning Map

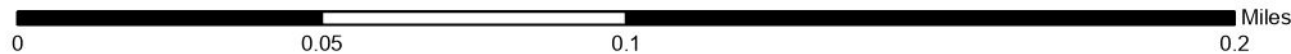
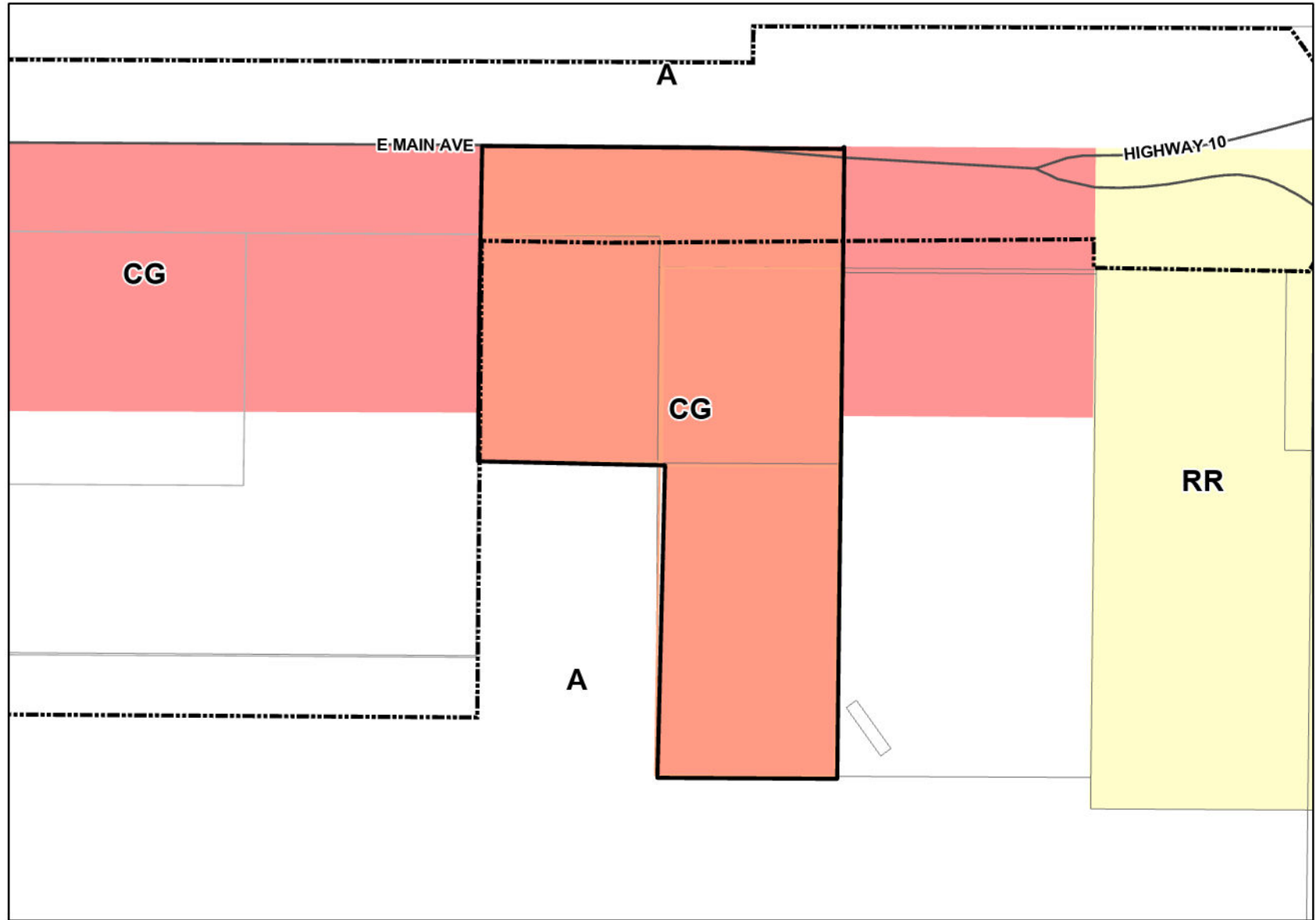
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured
Home Residential
- R10** Residential
- RM** Residential
Multifamily
- 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

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



*This map is for representational use only and does not represent a survey.
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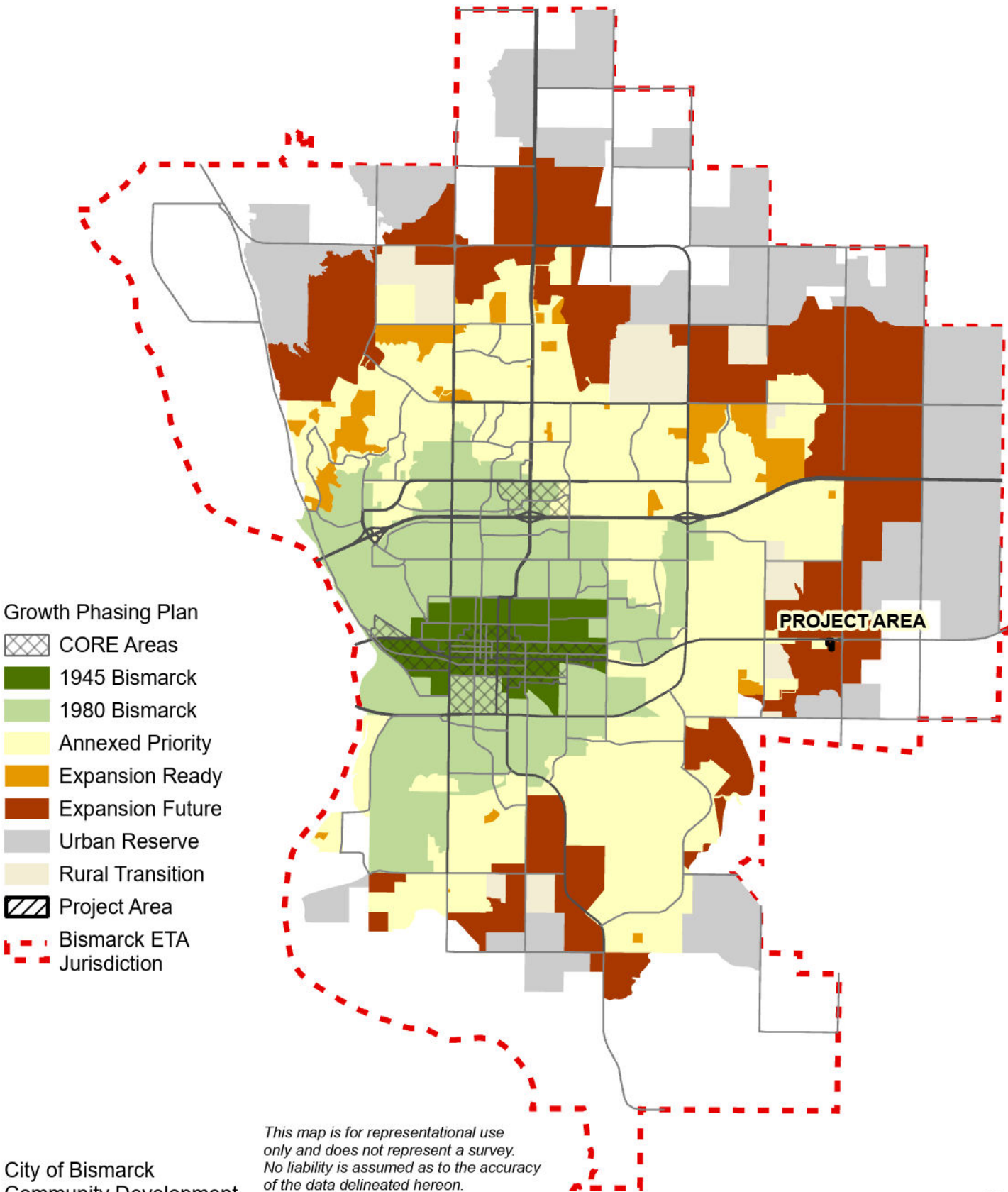


City of Bismarck
Community Development
Planning Division
February 20, 2024



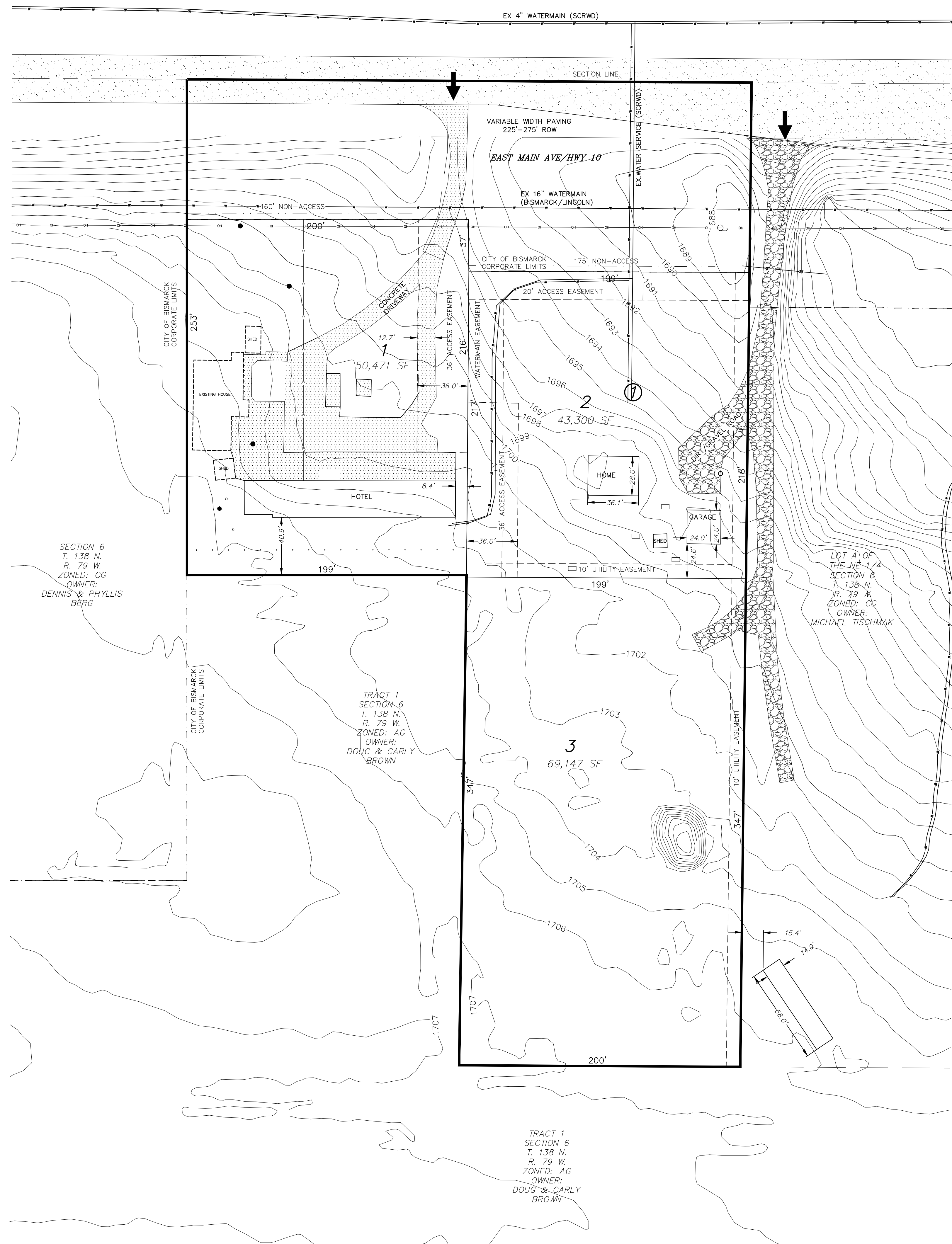
Growth Phasing Plan Map
FETTIG SUBDIVISION

PPLT2023-004



FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA

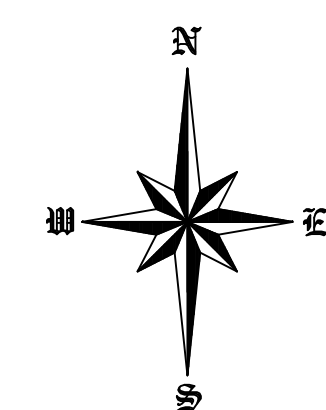


LOCATION MAP

4.8 ACRES
EXISTING ZONING: A/CG
PROPOSED ZONING: CG
3 LOTS
1 BLOCK

OWNER: ROBERT FETTIG

400' ARTERIAL RIGHT-OF-WAY



0 40' 80'

SCALE - 1" = 40'

VERTICAL DATUM: NAVD 88

JANUARY 26, 2024



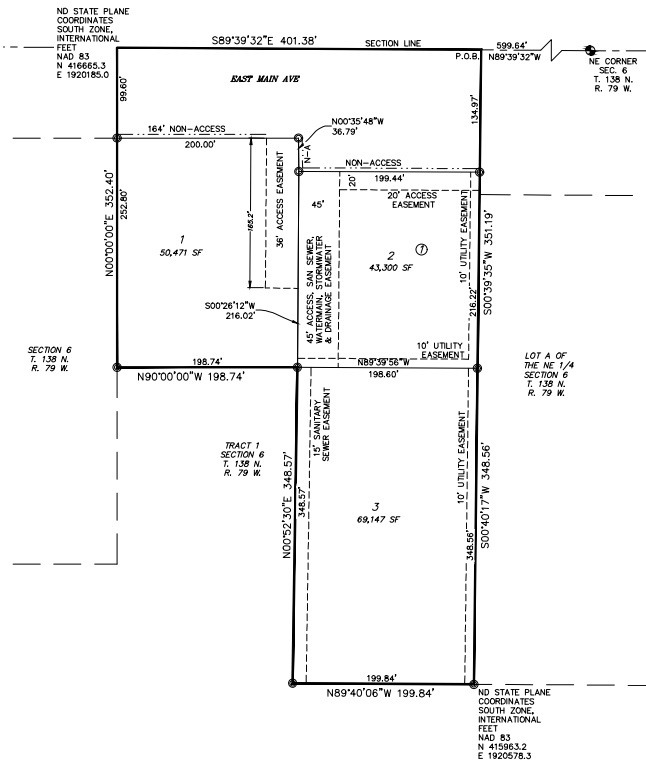
SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

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

FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF SAID NE 1/4 THAT IS NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 599.84 FEET FROM THE NE CORNER OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 39 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE AND ITS NORTHERLY EXTENSION OF LOT 1 OF SAID NE 1/4, A DISTANCE OF 351.19 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 348.56 FEET, TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE BOUNDARY OF TRACT 1 OF SECTION 6, A DISTANCE OF 198.84 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 348.57 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 198.74 FEET TO THE WEST LINE OF HIGHWAY SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 352.40 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 401.38 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 4.82 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST:
BEN EHRETH - 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 PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION AND REDEDICATION OF ALL RIGHTS-OF-WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2024.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, ROBERT FETTING, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FETTING SUBDIVISION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

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, 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 THEREON 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 ALSO DEDICATE ACCESS EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND 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 THE PROPERTY IN THE SUBDIVISION.

THEY FURTHER GRANT A WATERMAIN & SANITARY SEWER EASEMENT TO THE CITY OF BISMARCK, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBERT FETTING
6319 E MAIN AVE
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED ROBERT FETTING, 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 _____

NOTES

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

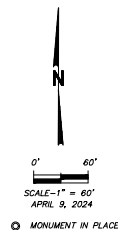
COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

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

VERTICAL BENCHMARK:
SE CORNER FETTING SUBDIVISION
ELEV. 1706.19 (NAVD 88)

AREA DATA

LOTS	162,916 SF	3.74 ACRES
STREETS	16,803 SF	1.06 ACRES
TOTAL	209,811 SF	4.82 ACRES



WATER SERVICE AGREEMENT FOR FETTIG SUBDIVISION

The City of Bismarck (**City**) and South Central Regional Water District (**SCWD**) agree as follows:

Whereas the **City** and **SCWD** have an Agreement (Agreement for the Sale of Water by the City of Bismarck to the Burleigh Water Users Cooperative, now known as South Central Regional Water District, dated 1996) which provides for the sale of Bismarck water to **SCWD** under certain terms and conditions; and

Whereas the Agreement provides that **SCWD** may not provide new service to any platted subdivision within two (2) miles of the Bismarck corporate limits without prior approval by the **City**; and

Whereas Fettig Subdivision is located within two (2) miles of the Bismarck corporate limits and **developer** desires to have **SCWD** provide water to the subdivision.

The **City** grants **SCWD** permission to provide water service to Lots 1-3, Block 1, Fettig Subdivision subject to the following terms and conditions:

1. The **City** agrees that **SCWD** can provide water service to Fettig Subdivision for a period of 5 years from the date of the filing of the plat and thereafter, the City will give **SCWD** a 1-year notice of the **City's** intent to offer service to Fettig Subdivision and for **SCWD** to end service.
2. All service line installations in Fettig Subdivision shall be to current **City** specifications.
3. A note concerning the terms of this agreement shall be included on the plat of Fettig Subdivision. The plat note shall read, "The water service agreement between the City of Bismarck and South Central Regional Water District will allow the provision of water service to Fettig Subdivision for a period of 5 years and subsequent to that time, the City may, upon a 1-year notice, require South Central Regional Water District to discontinue water service if City water service is available."

4. A note concerning the terms of this agreement shall be included in each individual service agreement between **SCWD** and members in Fettig Subdiviison.
5. Any penalties, fees, or costs to a property owner associated with discontinuation of SCWD service related to said annexation and provision of City services after the initial five (5) year term shall be waived by SCWD.

Dated this _____ day of _____, 20__.

City of Bismarck

Attest: _____
Jason Tomanek
City Administrator

By: _____
Michael Schmitz, President
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 20__, before me personally appeared Michael Schmitz, President of the Bismarck City Commission and Jason Tomanek, Bismarck City Administrator, known to me to be the persons described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public

(SEAL)

Dated this _____ day of _____, 20__.

South Central Regional Water District

Attest: _____ By: _____
Alan Smith Larry Kassian
Chief Financial Officer Executive Director

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 20__, before me personally appeared Larry Kirschmann, Executive Director of South Central Regional Water District and Alan Smith, Chief Financial Officer of South Central Regional Water District, known to me to be the persons described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL)

Notary Public