



Community Development Department

DATE: July 19, 2022

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Paradise Valley Addition – Annexation, Future Land Use Plan Amendment, Zoning Change, Fringe Area Road Master Plan Amendment, Major Subdivision Final Plat, Park Development Agreement, Private Drive and Private Utility Agreement, and Development Agreement – Delay Public Hearings and Final Consideration Until August 9, 2022

REQUEST:

MBR Properties, LLC is requesting approval of an annexation; a Future Land Use Plan amendment to increase the size of the area designated as Commercial Mixed Use (C/MU); a zoning change from the RR – Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts; a Fringe Area Road Master Plan amendment for the realignment of the north-south collector for the section (Boston Drive); and a major subdivision final plat for Paradise Valley Addition. The City Engineer is also requesting approval of a Private Drive and Private Utility Agreement and a Development Agreement in conjunction with these requests. Because this subdivision is an urban residential subdivision, approval of the Park Development Agreement between the developer and the Bismarck Parks and Recreation District is also required. The requested actions would allow the development of a mixed-density residential development with two commercial lots and a public park.

The property is located south of Bismarck, along the south side of East Burleigh Avenue and the east side of South Washington Street (part of the N½ of Section 21, T138N-R80W/Lincoln Township).

Please delay action on this item until the August 9, 2022, City Commission meeting agenda for consideration and associated public hearings.

BACKGROUND INFORMATION:

Public hearings and final consideration of this item were initially identified for the July 26, 2022, City Commission meeting. North Dakota Century Code 40-51.2-05 requires a 15-day

notification to cities, counties, or townships affected by the land area petitioned to be annexed. It was recently determined that the 15-day notification to Burleigh County had not occurred. In order to meet the required 15-day notification period, the earliest the public hearing associated with the annexation petition could occur would be at the August 9, 2022, regular meeting of the Bismarck City Commission.

There are multiple actions associated with the petition for annexation, and staff would recommend keeping all public hearings and associated considerations together.

The applicants have been notified and concur that the item will need to be delayed until the August 9, 2022, meeting for the public hearing and final consideration.

RECOMMENDED CITY COMMISSION ACTION:

Delay action from the July 26, 2022 meeting until the August 9, 2022 meeting of the Board of City Commissioners to – hold a public hearing on the annexation as outlined in Ordinance 6515, the Future Land Use Plan amendment as outlined in the resolution, the zoning change as outlined in Ordinance 6516, and the Fringe Area Road Master Plan amendment as outlined in the resolution; consider approval of the major subdivision final plat, the Park Development Agreement, the Private Drive and Private Utility Agreement and the Development Agreement, and take final action of these eight related items.

STAFF CONTACT INFORMATION:

Annexation, FLUP Amendment, Zoning Change, FARMP Amendment, Final Plat and Park Development Agreement

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Private Drive and Private Utility Agreement and Development Agreement

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