



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Centennial Park First Addition First Replat - Minor Subdivision Final Plat

REQUEST:

Donald and Cynthia Klym are requesting approval of a minor subdivision final plat titled Centennial Park First Addition First Replat. The proposed replat would encompass the entirety of Lot A of Lot 4, Block 4, Centennial Park First Addition, increasing the number of lots from one to two to allow for separate businesses to operate under two different land descriptions.

BACKGROUND INFORMATION:

The area adjacent to the north of the property was granted to the City of Bismarck in 1982 for public street purposes, and the installation and operation of water, sewer, and utilities. As this public right-of-way has not been previously platted, it is indicated on this proposed replat as Revere Place.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the minor subdivision final plat for Centennial Park First Addition First Replat with the following condition: A petition and development agreement between the City of Bismarck and the property owners detailing the future construction of Revere Place must be signed prior to the recordation of the proposed plat.

RECOMMENDED CITY COMMISSION ACTION:

Consider the minor subdivision final plat and take final action on the request.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. CD - Centennial Park First Addition

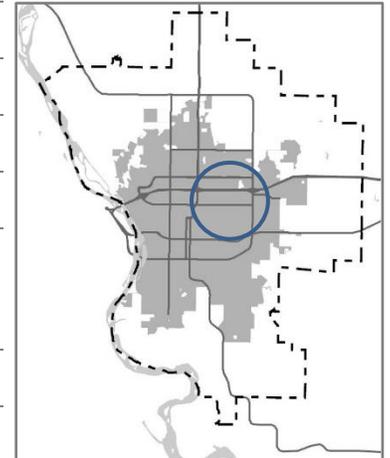
STAFF REPORT

Application for: **Minor Plat**

Project ID: **MPLT2023-007**

Project Summary

<i>Title:</i>	Centennial Park First Addition First Replat
<i>Status:</i>	Board of City Commissioners
<i>Property Owner(s):</i>	Donald and Cynthia Klym
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In southeast Bismarck, south of Interstate 94, and east of North Bismarck Expressway along the southeast side of Revere Drive
<i>Project Size:</i>	4.4 Acres
<i>Applicant Request:</i>	Replat property to allow for future development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	2 Lots in 1 Block
<i>Land Use:</i>	Industrial	<i>Land Use:</i>	Industrial
<i>Future Land Use:</i>	Industrial (IND)	<i>Future Land Use:</i>	Industrial (IND)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	East Divide Commerce

Property History

<i>Zoned:</i>	Pre-1980s
<i>Platted:</i>	02/1979
<i>Annexed:</i>	Pre-1980s

Project Narrative

Donald and Cynthia Klym are requesting approval of a minor subdivision final plat titled Centennial Park First Addition First Replat.

The proposed replat would encompass the entirety of Lot A of Lot 4, Block 4, Centennial Park First Addition, increasing the number of lots from one to two to allow for separate businesses to operate under two different land descriptions. The MA – Industrial zoning, which allows light industrial, general commercial, warehouses, manufacturing, and shop condos, would not change.

The area adjacent to the north of the property was granted to the City of Bismarck in 1982 for public street purposes, and the installation and operation of water, sewer, and utilities. As this public right-of-way has not been previously platted, it is indicated on this proposed replat as Revere Place.

The Planning and Zoning Commission held a public hearing on this request on December 20, 2023. At the conclusion of the public hearing and based on the findings listed below, the Planning and Zoning Commission recommended conditional approval of this request.

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.



The property has been identified as mainly Industrial (IND) with a small area of Parks and Open Space (PKOS) in the Future Land Use Plan. The industrial areas are centers of research, production, and distribution. The parks and open space areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem.

Public Engagement

The public was duly notified of this request prior to the public hearing at the Planning and Zoning Commission meeting. A notice was published in the Bismarck Tribune on December 8 and December 15, and 8 letters were mailed to the owners of nearby properties on December 8.

Basic project information, with the ability to contact staff for more details, has been provided

(continued)

publicly online through the Community Development Activities map.

At the December 20 public hearing, the contact for the applicant spoke. However, no other member of the public spoke at the public hearing. No written comments submitted.

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.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

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. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

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. The applicant

has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing occurred before the Planning and Zoning Commission for this request, and all requirements for notice of this hearing were met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due prior to recordation of the proposed plat.

The proposed plat includes previously dedicated right of way to the north of the plat. A signed petition and development agreement between the City of Bismarck and the property owner(s) for the future construction of Revere Place is required prior to the recordation of the proposed plat. The purpose of this agreement is to establish that the property owners will not protest and will help pay to construct Revere Place if, or when, this right-of-way is needed.

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.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Centennial Park First Addition First Replat with the following conditions:

1. A petition and development agreement for the construction of Revere Place is signed prior to the recordation of the proposed plat.

(continued)

Attachments

1. Zoning and Plans Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov



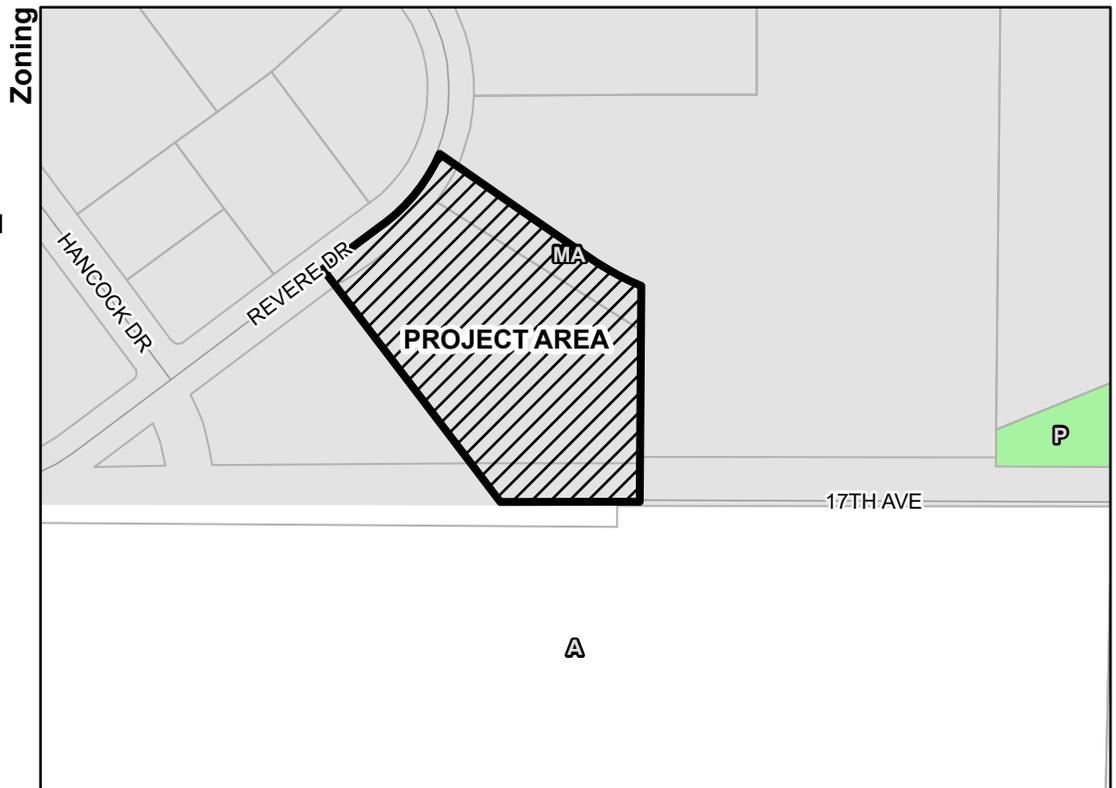
Zoning and Plan Reference Map

MPLT2023-007

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

Zoning Districts

A	Agriculture
RR	Rural Residential
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 Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term



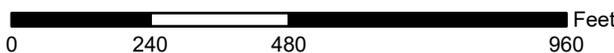
Active Mobility Plan

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.



City of Bismarck
 Community Development
 Planning Division
 December 13, 2023

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL PARK FIRST ADDITION AND PART OF REVERE DRIVE
 RIGHT-OF-WAY OF SECTION 25
 TOWNSHIP 139 NORTH RANGE 80 WEST
 OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL PARK FIRST ADDITION AND PART OF REVERE DRIVE RIGHT-OF-WAY OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE WESTMOST CORNER OF SAID LOT A; THENCE NORTH 36 DEGREES 48 MINUTES 56 SECONDS WEST, ON THE EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT A, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF REVERE DRIVE RIGHT-OF-WAY; THENCE NORTH 53 DEGREES 09 MINUTES 06 SECONDS EAST, ON SAID CENTERLINE, A DISTANCE OF 109.98 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ON SAID CENTERLINE, AN ARC LENGTH OF 152.08 FEET TO THE NORTHEASTERLY LINE OF GRANT DR. 43411R; THENCE SOUTH 55 DEGREES 16 MINUTES 40 SECONDS EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 322.70 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ON SAID NORTHEASTERLY LINE, AN ARC LENGTH OF 84.47 FEET TO THE WEST LINE OF EAST DIVIDE INDUSTRIAL PARK; THENCE SOUTH 00 DEGREES 31 MINUTES 02 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 372.41 FEET TO THE SOUTHWESTERLY LINE OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 89 DEGREES 47 MINUTES 27 SECONDS EAST, ON SAID SOUTHWEST LINE, A DISTANCE OF 214.68 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT A; THENCE NORTH 36 DEGREES 48 MINUTES 56 SECONDS WEST, ON SAID SOUTHWESTERLY LINE, A DISTANCE OF 468.43 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 191,623 SF MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 202__, 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.

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

TERRY BALTZER
 PROFESSIONAL LAND SURVEYOR
 N.D. REGISTRATION NO. 3395

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 _____, 202__, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS. IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
 BEN EHRHART - 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 ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS. IN WITNESS WHEREOF ARE SET THE HANDS OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 202__.

ATTEST
 KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
 CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONALD C. KLYM & CYNTHIA J. KLYM, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREIN TO BE SURVEYED AND PLATTED AS "CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE-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 UTILITY 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 EASEMENTS.

THEY FURTHER GRANT ACCESS AND WATERMAIN EASEMENTS TO THE ADJOINING LAND OWNERS OF CENTENNIAL PARK FIRST ADDITION FIRST REPLAT, 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 EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY HEREAFTER DESCRIBED.

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 DESIGNATED 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 THERE TO 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.

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)
 DONALD C. KLYM
 4330 E. CALGARY AVE
 BISMARCK, ND 58503

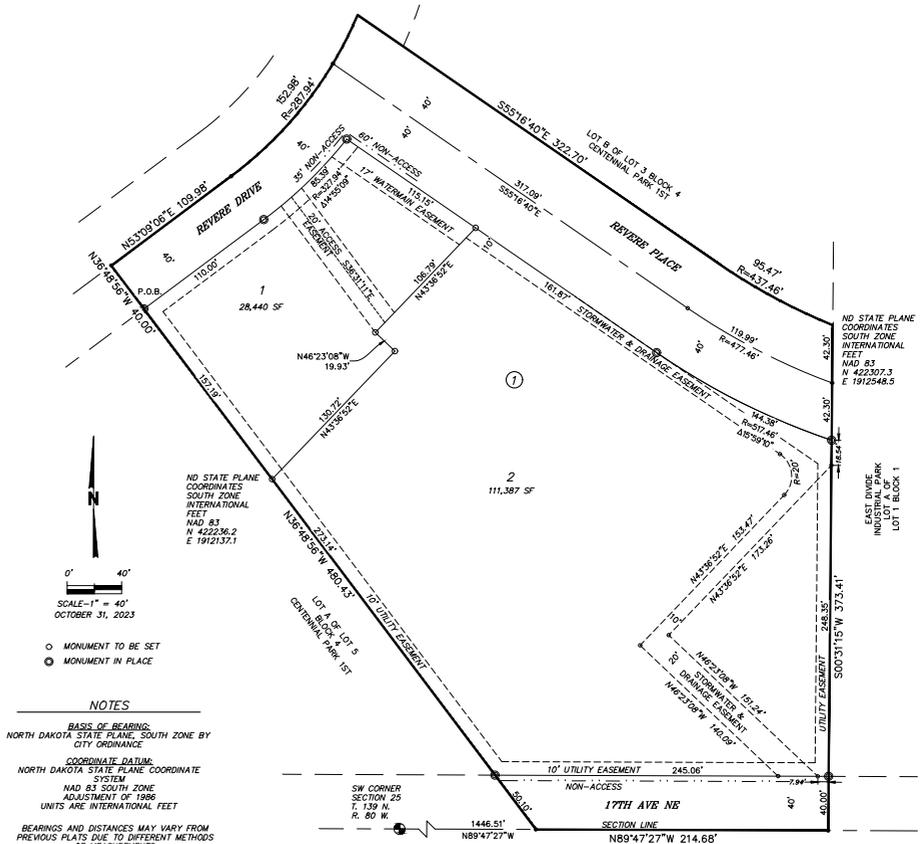
ON THIS _____ DAY OF _____, 202__, BEFORE ME PERSONALLY APPEARED DONALD C. KLYM, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH)
 CYNTHIA J. KLYM
 4330 E. CALGARY AVE
 BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 202__, BEFORE ME PERSONALLY APPEARED CYNTHIA J. KLYM, 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 _____

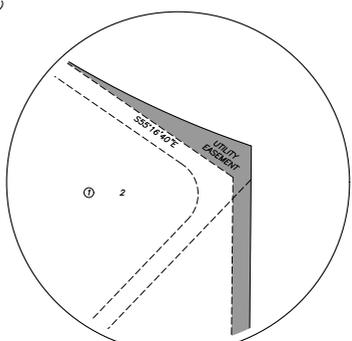


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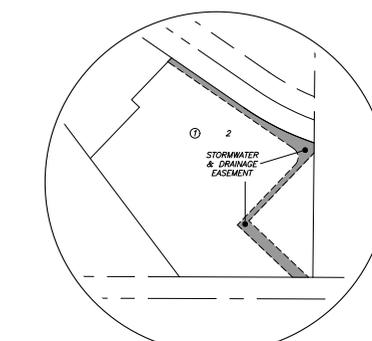
- BASIS OF BEARING: NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE
- COORDINATE DATUM: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
- ADJUSTMENT OF 1986 UNITS ARE INTERNATIONAL FEET
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- VERTICAL BENCHMARK: IVD #1509
 1ST NORTH OF HANCOCK DR (SOUTH)
 ELEV. 1717.69 (NGVD 29)

AREA DATA

LOTS	139,623 SF	3.21 ACRES
STREETS	31,796 SF	1.19 ACRES
TOTAL	191,623 SF	4.40 ACRES



LOT 2 BLOCK 1 UTILITY EASEMENT DETAIL (NOT TO SCALE)



LOT 2 BLOCK 1 STORMWATER & DRAINAGE EASEMENT DETAIL (NOT TO SCALE)

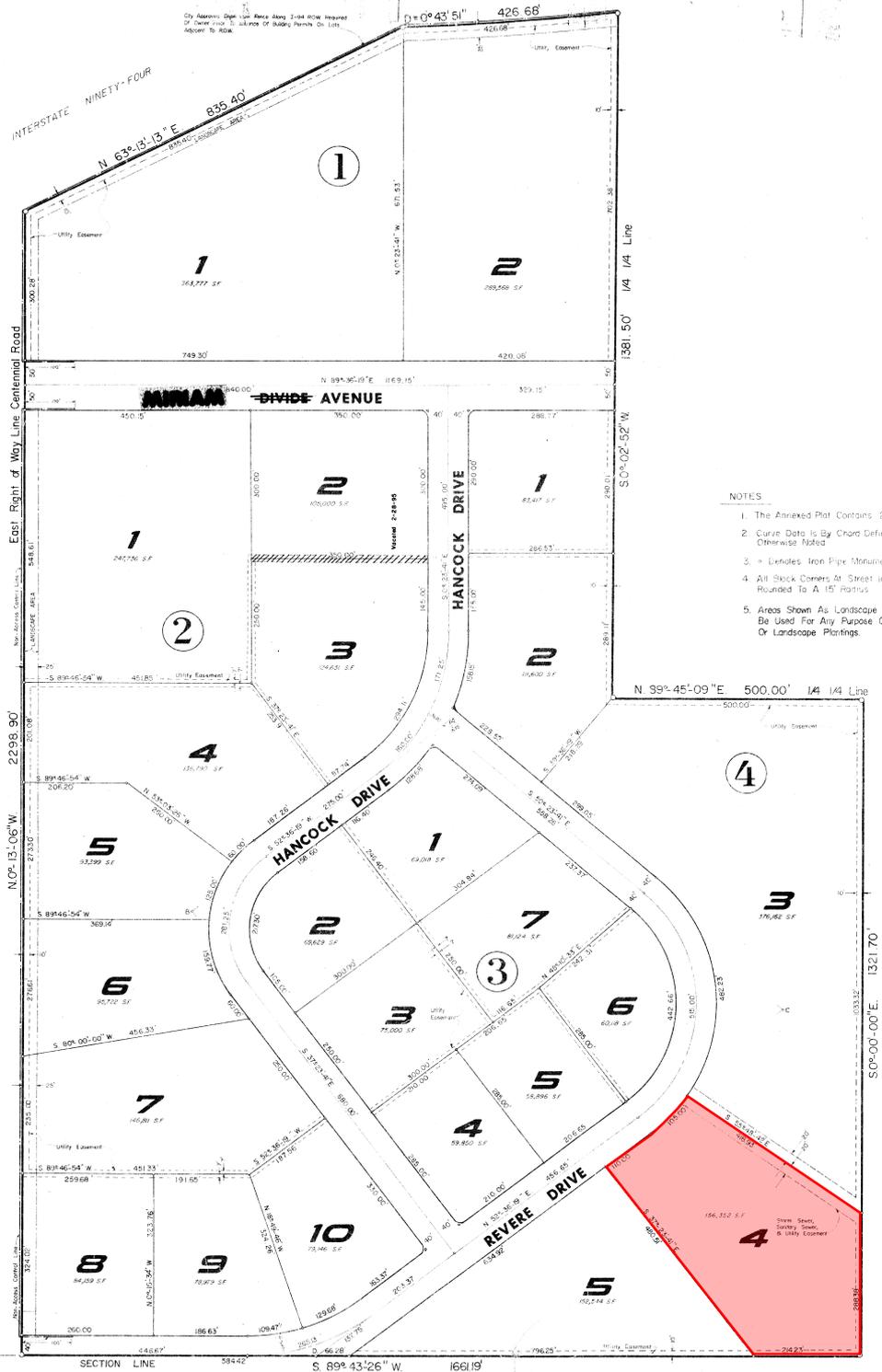
CENTENNIAL PARK FIRST ADDITION

BISMARCK, NORTH DAKOTA

PART OF THE SW 1/4 & THE SE 1/4 OF THE NW 1/4, SECTION 25, T.139N., R.80W.



CURVE DATA						
	Δ	D	T	L	R	EXT
A	INSIDE	18° 01' 13"	159.16	294.71	319.76	3748
	OUTSIDE	161° 00' 00"	179.12	331.25	359.25	42.18
B	INSIDE	41° 22' 50"	141.40	217.30	141.40	58.57
	OUTSIDE	329° 00' 00"	161.40	238.25	161.40	72.44
C	INSIDE	23° 16' 06"	311.70	442.66	247.94	150.35
	OUTSIDE	103° 00' 00"	361.99	515.00	257.94	174.65
D	INSIDE	15° 11' 16"	124.32	238.80	370.28	20.31
	OUTSIDE	174° 45' 03"	15.16	291.17	450.29	24.70



- NOTES
1. The Annexed Plat Contains 24 Lots
 2. Curve Data Is By Chord Definition Unless Otherwise Noted
 3. Δ Denotes Iron Pipe Monument To Be Set
 4. All Street Corners At Street Intersections Are Rounded To A 15' Radius
 5. Areas Shown As Landscape Area Shall Not Be Used For Any Purpose Other Than Lawn Or Landscape Plantings

26 25
3 36

SECTION LINE
N 0° 13' 06\"/>

SECTION LINE
S 89° 43' 26\"/>