



Community Development Department

DATE: February 13, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Sonnet Heights Subdivision Ninth Replat – Minor Subdivision Final Plat and Zoning Map Amendment

REQUEST:

J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment from the RM30 – Residential zoning district to a planned unit development (PUD) on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Ninth Replat. The applicant (also the developer) wishes to develop the area with a duplex and a tri-plex, with each unit on their own lot rather than the one lot that currently exists, with shared access and utilities.

BACKGROUND INFORMATION:

The applicant initially planned to sell the proposed units as condos on a common lot in the existing RM30 – Residential district, and a site plan for this development was approved in June 2023. However, the developer then decided to sell each unit on their own lot instead.

A minor subdivision final plat is required because the developer was proposing to split the one existing lot into five lots. The creation of more than three new lots from one existing lot triggers the minor plat process. With the newly created lots, a PUD is required to accommodate the need for minor reductions to certain setbacks on some of the lots.

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

A public hearing at the Planning and Zoning Commission meeting was held on January 24, 2024. At the end of the public hearing, the Planning and Zoning Commission approved the plat and the zoning map amendment unanimously. An overview of the discussion at the Planning and Zoning Commission hearing is provided in the staff report. This minor subdivision final plat appeared before the Planning and Zoning Commission public hearing with the title “Sonnet Heights Subdivision Eighth Replat”. After the public hearing, it was brought to staff’s attention that a subdivision with the name “Sonnet Heights Subdivision Eighth Replat” already exists and is recorded. As such, the name of the proposed minor subdivision final plat was changed to “Sonnet Heights Subdivision Ninth Replat”.

RECOMMENDED CITY COMMISSION ACTION:

Consider the request for Ordinance 6571 to amend zoning from the RM30 – Residential district to a Planned Unit Development (PUD) for Sonnet Heights Addition Ninth Replat and call for a public hearing.

STAFF CONTACT INFORMATION:

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

ATTACHMENTS:

1. Sonnet Heights Subdivision 9th Replat

STAFF REPORT

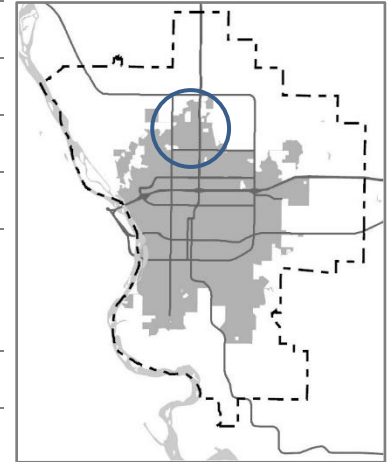
February 13, 2024

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

Project ID: **ZC2023-012**
MPLT2023-006

Project Summary

<i>Title:</i>	Sonnet Heights Subdivision Ninth Replat
<i>Status:</i>	Board of City Commissioners - Consideration
<i>Property Owner(s):</i>	J & D Construction
<i>Project Contact:</i>	Andra Marquardt, Toman Engineering
<i>Project Location:</i>	In North Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive
<i>Project Size:</i>	1.15 acres, more or less
<i>Applicant Request:</i>	Replat of all of Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat, and the adjacent Normandy Street Right-of-Way, and rezone to a PUD for future development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family and row house residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Sonnet Heights

Property History

<i>Zoned:</i>	05/2007
<i>Platted:</i>	05/2017
<i>Annexed:</i>	05/2007

(continued)

Project Narrative

J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment from the RM30 – Residential zoning district to a planned unit development (PUD) on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Ninth Replat. The applicant would develop the area with a duplex and a tri-plex, each on their own lot rather than the one lot that currently exists, with shared access and utilities. The primary needs for the PUD request are to reduce the side yard and rear setbacks for one of proposed duplex lots, to reduce the front yard setback for the tri-plex, as well as to include the private access, water and sewer easements.

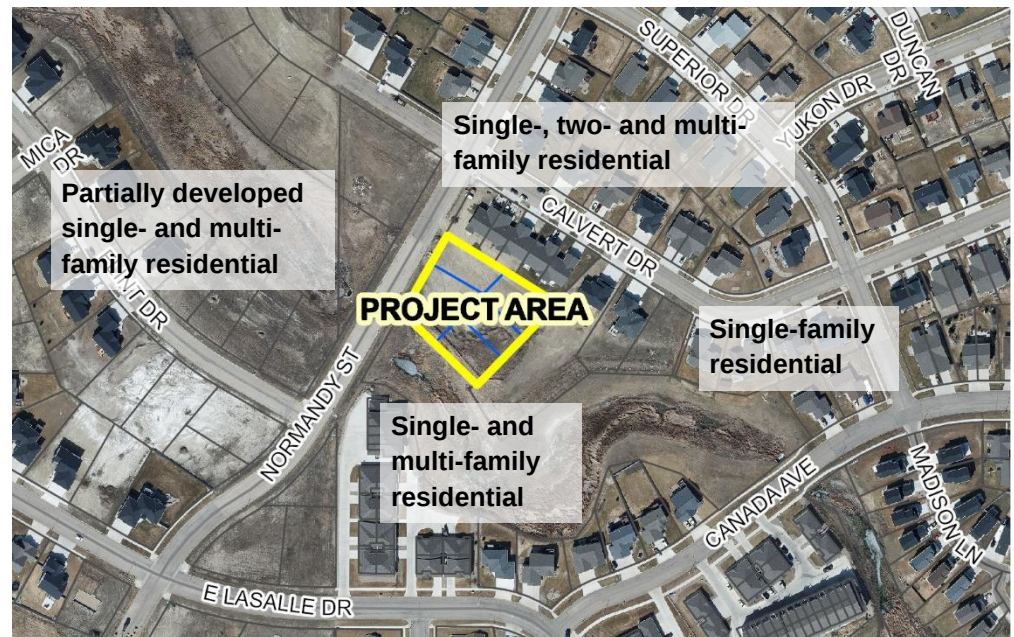
The Planning and Zoning Commission considered this request at their meeting of December 20, 2023, and held a public hearing on the minor subdivision final plat and zoning map amendment on January 24, 2024.

This minor subdivision final plat appeared before the Planning and Zoning Commission public hearing with the title “Sonnet Heights Subdivision **Eighth** Replat” (bold for emphasis only). After the public hearing, it was brought to staff’s attention that a subdivision with the name “Sonnet Heights Subdivision Eighth Replat” already exists and is recorded. As such, the name of the proposed minor subdivision final plat was changed to “Sonnet Heights Subdivision **Ninth** Replat” (bold, again, for emphasis only).

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 Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places of quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats and

zoning map amendments are referenced in review standards below.

The project area is surrounded by a mixture of land zoned R5 – Residential, R10 – Residential and RM30 – Residential. The adjacent land uses

(continued)

include single-family, two-family, and some multi-family residential areas.

The applicant initially planned to sell the proposed units as condos on a common lot in the existing RM30 – Residential district, and a site plan for this development was approved in June 2023. However, the developer then decided to sell each unit on their own lot instead.

A minor subdivision final plat is required because the developer was proposing to split the one existing lot into five lots; the creation of more than three new lots from one existing lot triggers the minor plat process. With the newly created lots, a PUD is required to accommodate the need for some minor reductions to setbacks on some of the lots.

Public Engagement

The public has been duly notified of this request at the Planning and Zoning Commission level. A notice was published in the Bismarck Tribune on January 13 and January 19, 2024, and 58 letters were mailed to the owners of nearby properties on January 12, 2024.

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

No members of the public spoke at the hearing. One written comment by a collective group of four nearby households was received by staff prior to the public hearing on January 24, 2023, was distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

The signatories of the written public comment expressed concern over how the newly created lots would be accessed, how stormwater would be managed, and how the proposed development would impact access to the backyards of the commenting property owners.

These comments were addressed by the applicant and their consultant representative stating that the proposed lots would all be accessed via Normandy St, the development has a conditionally approved post construction stormwater management plan from City Engineering staff, and that there have never been explicit access points to the adjacent property owners via this project area because the two areas have always been private property boundaries.

Additional public engagement, in the form of publications in the Bismarck Tribune, will commence if the Board of City Commissioners calls for a public hearing on this request. Any public comments received before the public hearing at the Board of City Commissioners will be summarized in the staff report.

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 Urban Neighborhood (UN) 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 a twin home and a three-unit

(continued)

rowhouse. Development that may be anticipated from the proposed zoning 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 current zoning district of RM30 – Residential was established in May 2007. Conditions have changed since this time.

This area has been replatted multiple times over several decades, primarily to address geographic constraints. With each replat, the area of the existing lot shrunk to its current size. The proposed zoning map amendment would allow for development that would fit the geography and be consistent with existing nearby developments.

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 enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

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.

Planned Unit Development

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. the following objectives of the plan would be advanced through the proposed PUD.

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.

G1: Encourage infill and redevelopment of land already connected to municipal services.

T3: Ensure that the variety and quality of housing in aligned with the needs of the community.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

Natural features of the site would be preserved, insomuch as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. Directly adjacent to the project area, to the southwest, there is a coulee used for stormwater detention. The proposed PUD incorporates these existing natural features into the design of the development to the greatest extent feasible. Development would be adjacent to the coulee but would not take place within the coulee itself.

(continued)

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed PUD is served by Normandy Street and a private access easement to the three units on the eastern side of the PUD.

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

Yes. The proposed PUD contains only residential land uses, specifically a twin home and a three-unit rowhouse. These uses, as designed and laid out in the proposed layout in the proposed PUD, would be compatible and harmonious with the surrounding area.

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

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

Minor Subdivision Final Plat

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. The proposed PUD reduces the side yard setback for one unit, while all other setbacks are consistent with these building types in their standard zoning districts.

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 was held for this request, and all requirements for notice of this hearing were met, as documented in this report above.

If the Board of City Commissioners calls for a public hearing, staff will meet the additional requirements for public engagement 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. Utility capital charges will be due prior to recordation of the plat.

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

(continued)

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 calling for a public hearing of the zoning map amendment from the RM30 – Residential zoning district to a Planned Unit Development (PUD) and a minor subdivision final plat for Sonnet Heights Subdivision Ninth Replat.

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations
7. Minor Plat
8. Original Plat with Replatted Area Highlighted

Attachments

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6571

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 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, BURLEIGH COUNTY, 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 RM30 – Residential zoning district and included in the PUD – Planned Unit Development zoning district:

Lots 1-5, Block 1, Sonnet Heights Subdivision Ninth Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. One rowhouse building with two (2) units (i.e., twin home)
 - ii. One rowhouse building with three (3) units.
3. *Special Uses*. No uses shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
- a. *Lot Dimensions.* Minimum lot size dimensions shall conform to the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).
 - b. *Front Yards.* The minimum front yard setback from Normandy Street shall be twenty-five (25) feet. The minimum front yard setback from the shared access easement shall be twenty (20) feet.
 - c. *Side Yards.* All buildings shall have side yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a side yard which at no point measures smaller than three (3) feet.
 - d. *Rear Yards.* All buildings shall have rear yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a rear yard which at no point measures smaller than three (3) feet.
 - e. *Height.* All buildings shall have a height limit in accordance with the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).

- ii. Row house buildings with three (3) to eight (8) units:
Section 14-04-07(2)e (RM Residential District).

5. *Development Standards.* The following development standards shall apply to all development within the district.

- a. *Off-Street Parking and Loading.* All off-street parking and loading must conform to the submitted site plan and be in full compliance with Section 14-03-11 of the City Code of Ordinances (Off-Street Parking and Loading).
- b. *Landscaping and Screening.* Street trees and buffer yard landscaping must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

6. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications 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.



Zoning and Plan Reference Map

SONNET HEIGHTS SUBDIVISION NINTH REPLAT

MPLT2023-006

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

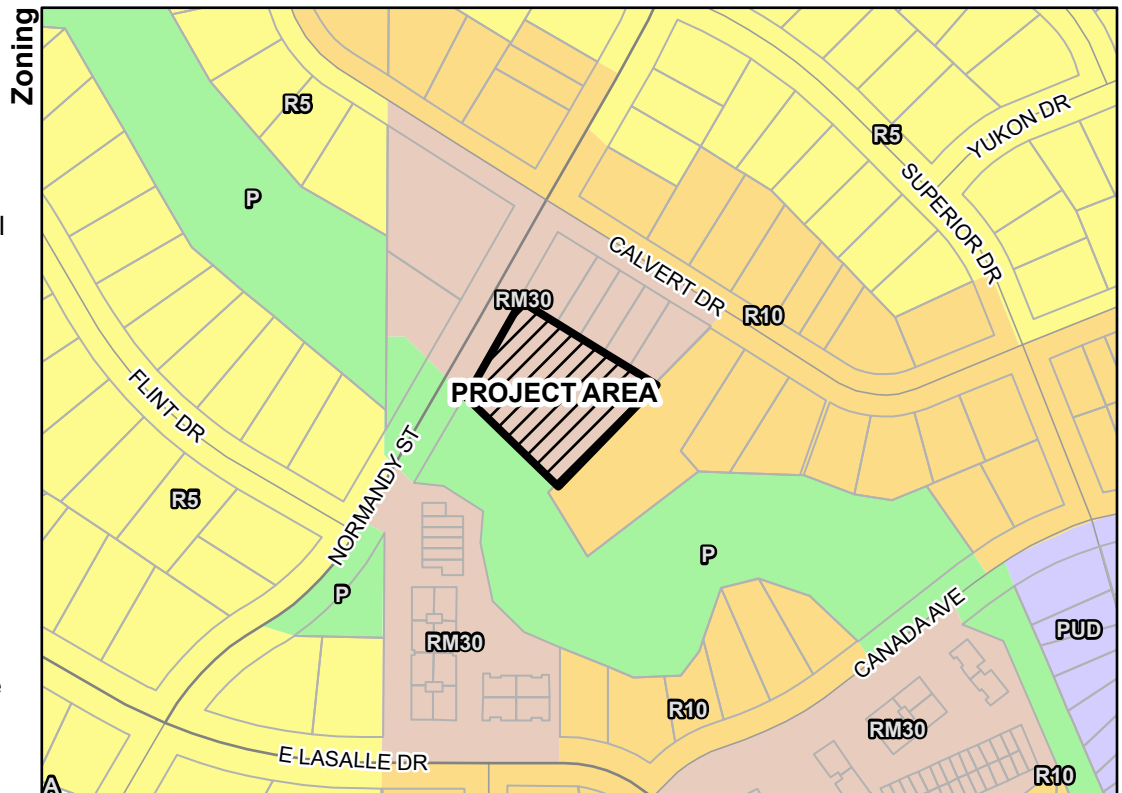
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

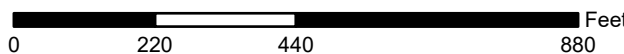
Future Shared Trail

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 herein.



City of Bismarck
Community Development
Planning Division
February 5, 2024

Proposed New Zoning Map

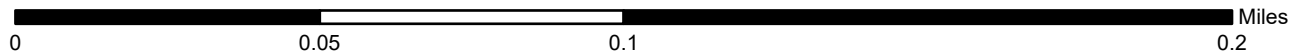
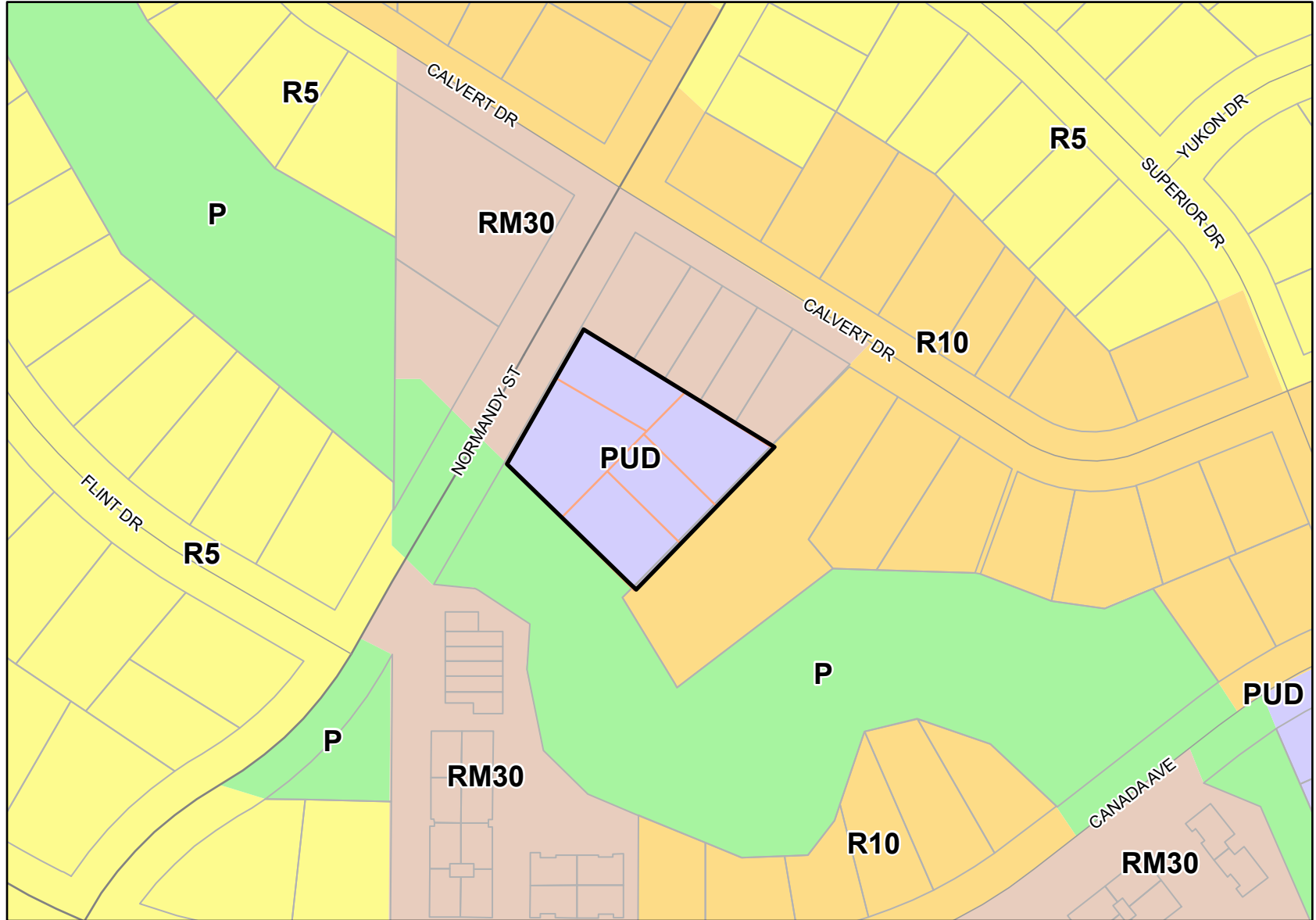
 Project Area
(zoning within
is proposed)

 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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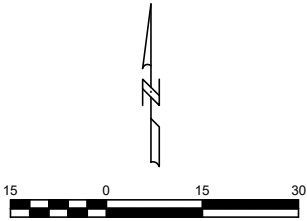
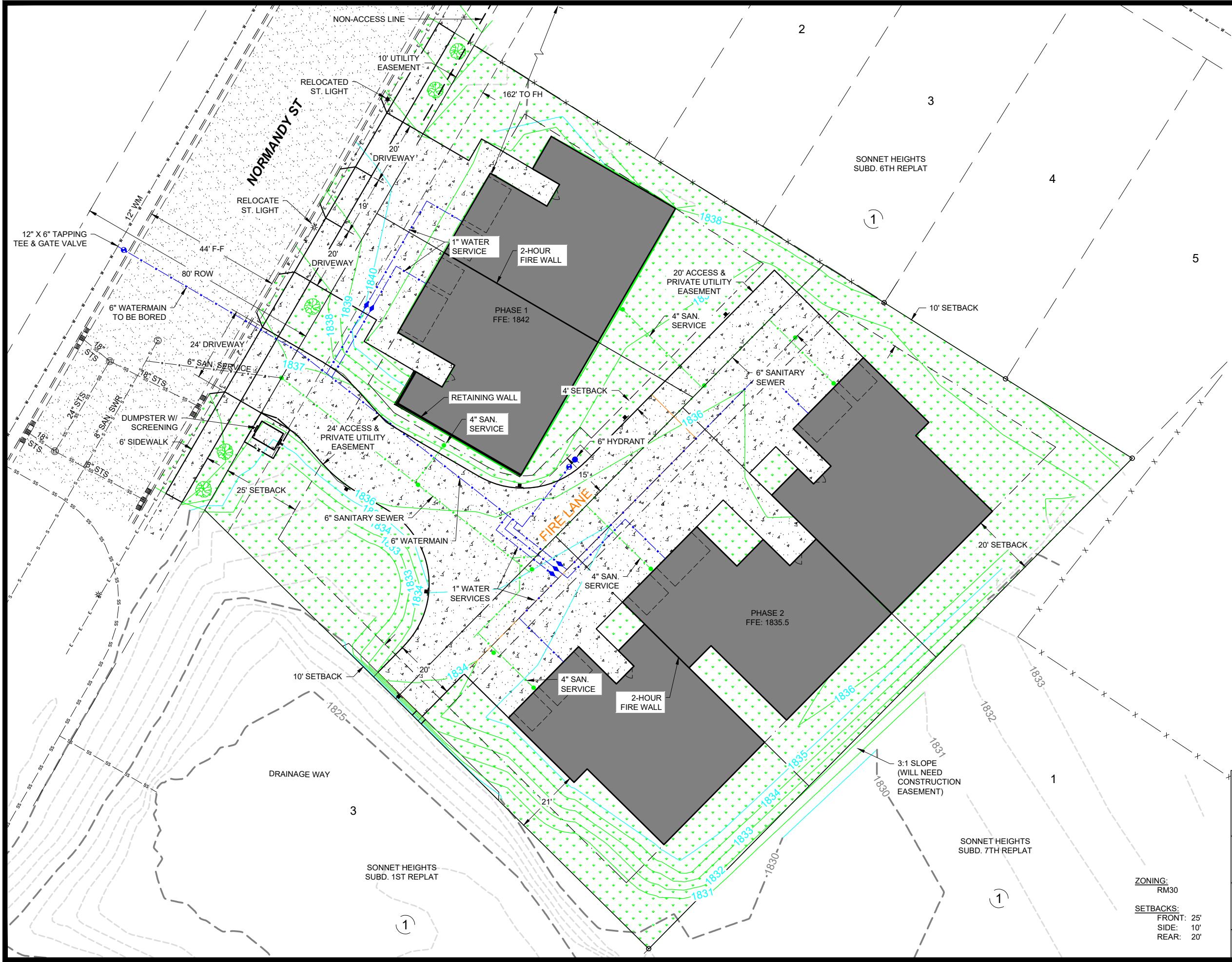


City of Bismarck
Community Development
Planning Division
February 5, 2024

Statement for PUD Request: Sonnet Heights 6th Subdivision 8th Replat

To the City of Bismarck Planning Office:

JD Construction requests a PUD for the purpose of modifying the side yard setbacks abutting the private drive and to include said private drive and private water and sanitary sewer.



VERT. DATUM: NGVD88
HORIZ DATUM: 1983 STATE PLANE, ND
SOUTH (3302)

LEGEND

- PROPOSED SANITARY CLEANOUT
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED WATER SERVICE
- PROPOSED CURB STOP
- PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- RELOCATED LIGHT POLE
- FIRE LANE/NO PARKING SIGN
- PROPOSED CONTOUR
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GRASS
- PROPOSED ROCK RETAINING WALL

ACCOLADE ELM
H=40', S=35'
ulmus davidiana var. japonica (Morton)
SIZE=1 1/2" CALIPER, QUANTITY=5

- NOTES:
- ALL SANITARY SEWER LINES TO BE INSULATED.
 - ACCESS & PRIVATE UTILITY EASEMENT AS SHOWN TO BE DEDICATED VIA A REPLAT OF THIS LOT.



CAUTION
UTILITY LOCATIONS ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR
VERIFYING LOCATION PRIOR TO
EXCAVATION

TE **TOMAN ENGINEERING**
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

J & D CONSTRUCTION
5305 NORMANDY ST
BISMARCK, NORTH DAKOTA

LOT 6, BLOCK 1, SONNET HEIGHTS
SUBDIVISION 6TH REPLAT
BISMARCK, NORTH DAKOTA
SHEET 2 OF 2

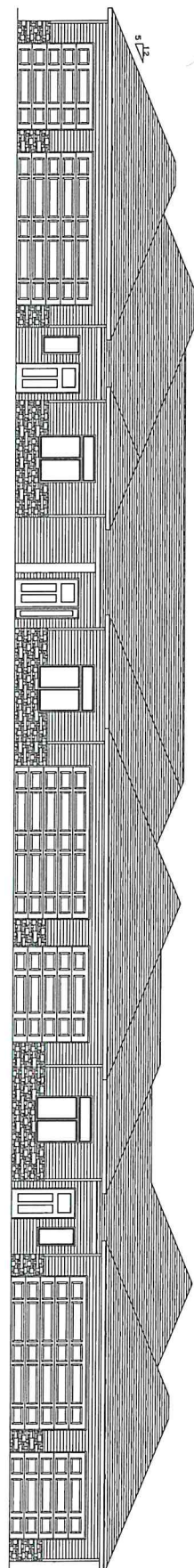
NOVEMBER, 2022

PROPOSED CONDITIONS

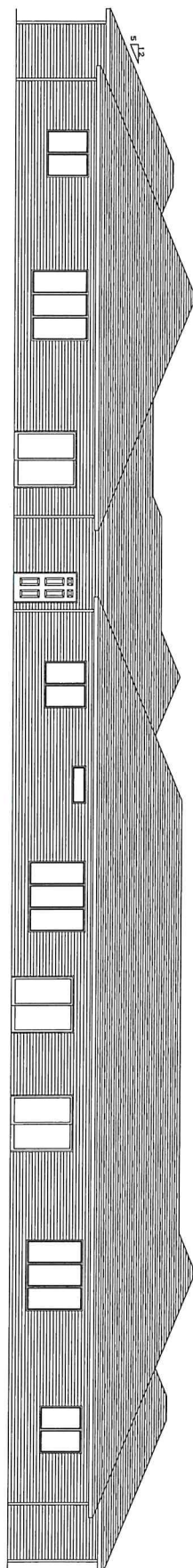
ZONING:
RM30

SETBACKS:
FRONT: 25'
SIDE: 10'
REAR: 20'

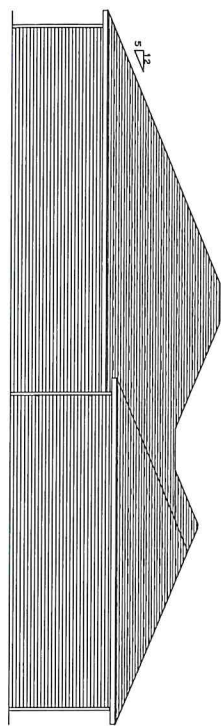
FRONT ELEVATION



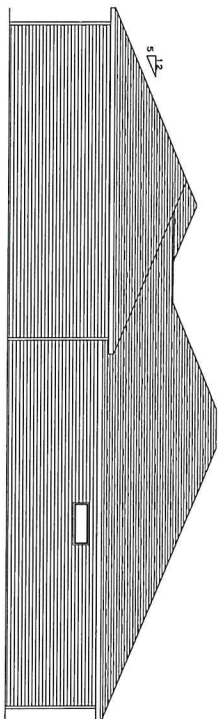
REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



RECEIVED
NOV 17 2023

DRAWN BY:
MARCIE FORNSHELL
DATE: AUGUST 31, 2022
SCALE:
MONDAY, MAY 15, 2023
SCALE:
1/8" = 1'-0"

DRAWN FOR:
VOEGELE SIGNATURE HOMES
PLAN NAME:
VSH- 2023 NORMADY DR 3 PLEX

DISCLAIMER OF WARRANTY: PLANS FURNISHED BY FRONT STREET MILLWORK & LUMBER, INC. ARE PREPARED BY DRAFTSPERSONS WHO ARE NOT QUALIFIED AS LICENSED ARCHITECTS OR PROFESSIONAL ENGINEERS. FRONT STREET MILLWORK & LUMBER, INC. EXPRESSLY DISCLAIMS ANY LIABILITY WHATSOEVER FOR ERRORS OF ANY KIND WHICH MAY BE FOUND ON THE PLANS. USE OF SUCH PLANS SHALL BE AT THE SOLE RISK OF THE USER. ANY PLANS FURNISHED BY FRONT STREET MILLWORK & LUMBER, INC. ARE FURNISHED WITHOUT ANY WARRANTY BY SAID LUMBER COMPANY THAT THEY ARE SUITABLE FOR ANY GENERAL OR PARTICULAR PURPOSE. RELIANCE BY ANY USER OF THE PLANS AND ALL PERSONS BUILT FOR THE SAME UNDER CALCULATION OF CORRECT STRUCTURAL MATERIALS, SPANS, LOADS, & BEARING THEREON OR APPLICATION OF THE ART OR ARTS OF CONSTRUCTION BASED ON THE PRINCIPLES OF MATHEMATICS, AESTHETICS OR THE PHYSICAL SCIENCES MUST BE THE RESPONSIBILITY OF THE DULDER, THE OWNER, OR THE USER OF THE PLANS.

FRONT STREET MILLWORK & LUMBER INC.
3320 E CENTURY AVE - BISMARCK, ND 58503
PHONE: 701-255-1636 - FAX: 701-222-0500
MARCIE@FRONTSTREETMILLWORK.COM

SONNET HEIGHTS SUBDIVISION NINTH REPLAT

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT INCLUDING A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, T139N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

N1/4 COR
SEC. 16
T139N-R80W
N 00°22'41"E
1202.39'



1-30-2024

COORDINATE DATUM:
NO STATE PLANE COORDINATES
NAD83, 88 ADJUSTMENT
INTERNATIONAL FEET
BENCHMARK: HYDRANT 43109
CALVERT DRIVE & NORMANDY ST
ELEV: 1849.01 (NGVD29)

LEGEND

- SECTION/QUARTER CORNER
- FOUND REBAR MONUMENT
- SET REBAR MONUMENT

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT AND A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION 6TH REPLAT OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THENCE SOUTH 44°34'59" WEST ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 6 FOR 220.73 FEET TO THE SOUTHERNMOST CORNER OF SAID LOT 6; THENCE NORTH 45°21'09" WEST ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID LOT 6 FOR 241.37 FEET TO A POINT ON THE CENTERLINE OF NORMANDY STREET; THENCE NORTH 30°06'37" EAST ALONG SAID CENTERLINE FOR 163.21 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY OF SAID LOT 6; THENCE SOUTH 57°53'29" EAST ALONG SAID NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY FOR 288.98 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.15 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDREA L. MARQUARDT, 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 COMPLETE AS SHOWN, THAT ALL MONUMENTS AND MARKS SET TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

ANDREA L. MARQUARDT, RLS 4623

DATE

OWNER'S CERTIFICATE AND DEDICATION

WE OF J & D CONSTRUCTION, INC. BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "SONNET HEIGHTS SUBDIVISION NINTH REPLAT" 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.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS BETWEEN ALL LOTS OF THIS SUBDIVISION.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

J & D CONSTRUCTION, INC.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF ____ 20__.

_____,
NOTARY PUBLIC
_____, COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING 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 ____ 20__, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST: BEN ERRETH - 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 THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, 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 APPROVED THE ____ DAY OF ____ 20__.

ATTEST:
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS ____ DAY OF ____ 20__.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER:
J & D CONSTRUCTION, INC.
701 CALVERT DR
BISMARCK, ND 58503

BASES OF BEARING:
NORTH BOUNDARY LINE
SOUTH 57° 53' 29" EAST

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. PORTIONS OF LOTS 2 & 3, BLOCK 1, LIE WITHIN THE 100-YEAR FLOOD PLAIN (ZONE AE) PER FEMA PANEL MAP NO. 380160700D, EFFECTIVE DATE 08/04/2014, BFE: 1825.5 (NAVD83).
3. TOTAL LOTS: 1.09 AC (43,499 SF)
TOTAL ROW: 0.15 AC (6,708 SF)
TOTAL AREA: 1.15 AC (50,207 SF)

SONNET HEIGHTS SUBD.
1ST REPLAT

SOUTHERNMOST
COR. LOT 9
NO STATE PLANE COORDINATES:
N = 436115.8
E = 1897956.2

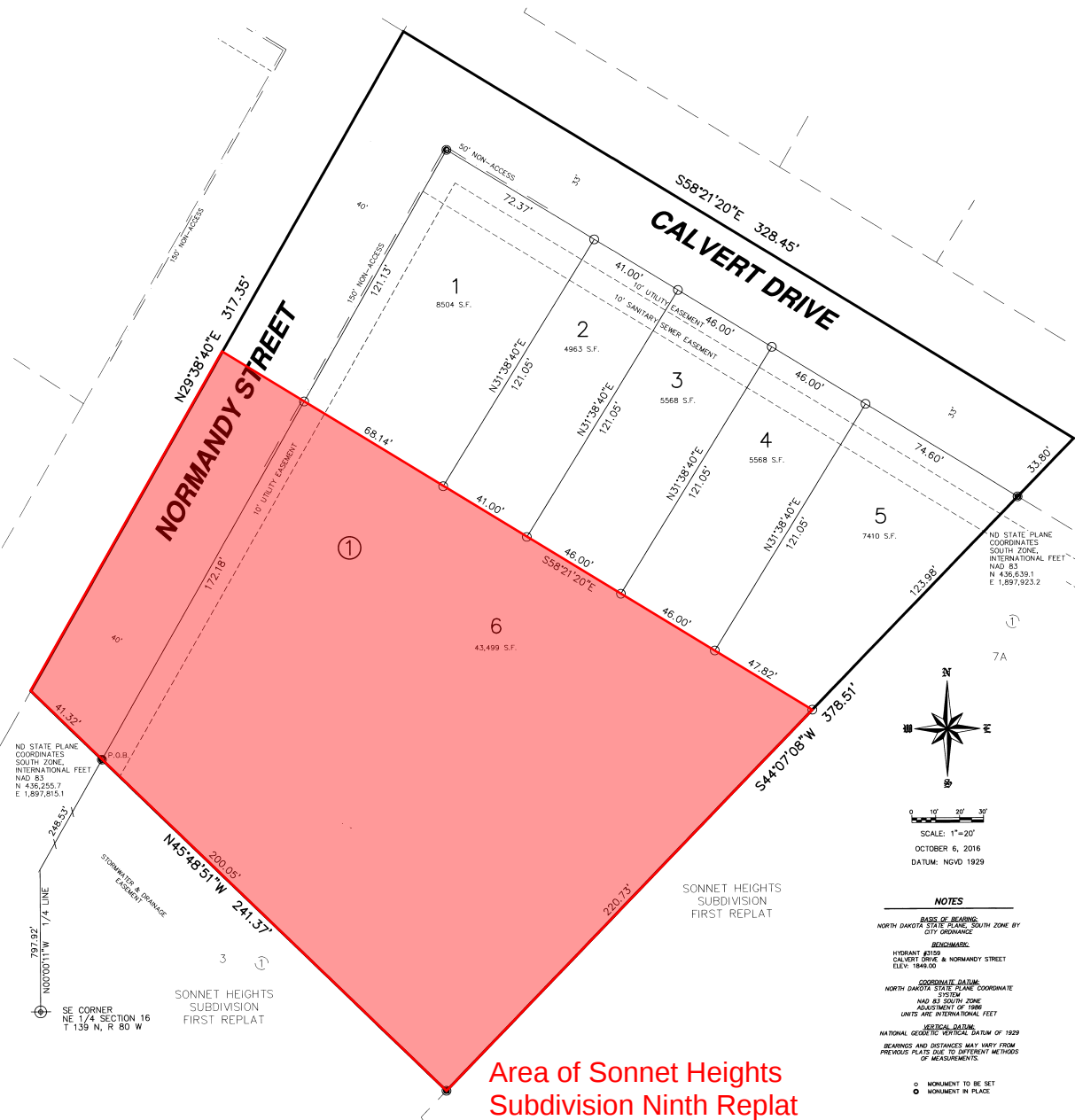


**TOMAN ENGINEERING
COMPANY**
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT
AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY
PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN,

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY, PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA CONTAINING 2.24 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 00 SECONDS WEST, A DISTANCE OF 41.32 FEET TO THE CENTERLINE OF NORMANDY STREET RIGHT OF WAY; THENCE NORTH 29 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 37.45 FEET TO THE INTERSECTION OF THE CENTERLINES OF NORMANDY STREET AND CALVERT DRIVE; THENCE SOUTH 58 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE CENTERLINE OF CALVERT DRIVE RIGHT OF WAY, A DISTANCE OF 328.45 FEET TO THE NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 7A BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE SOUTH 44 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID WESTERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 37.83 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 00 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 200.05 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 2.24 ACRES, MORE OR LESS.

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 AND CORRECT COPY OF THE NOTES AND FIELD BOOKS UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 6, 2016, 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) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 355 909 BASH AVENUE
BISMARCK, NORTH DAKOTA

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

ON THIS 11th DAY OF OCTOBER, 2016, 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.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

Natalie Thiel
NATALIE THIEL
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-8-2022

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 27th DAY OF August, 2016, 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 I SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

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 ADDENDUM 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 27th DAY OF August, 2016.

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHILL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT, BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT."

Gabriel J. Schill
GABRIEL J. SCHILL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT J & D CONSTRUCTION, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT, BISMARCK, 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 EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES 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 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 THEREFOR 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) 355
COUNTY OF BURLEIGH)

Jason Voegle
JASON VOEGLE
J&D CONSTRUCTION
4750 MOST DRIVE
BISMARCK, N.D. 58503

ON THIS 11th DAY OF October, 2016, BEFORE ME PERSONALLY APPEARED JASON VOEGLE, 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.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

Natalie Thiel
NATALIE THIEL
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-8-2022

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