



Community Development Department

DATE: February 27, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Public hearing on Ordinance 6571

REQUEST:

Public hearing on Ordinance 6571, a request for zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Sonnet Heights Subdivision Ninth Replat and associated Minor Subdivision Final Plat, where the Planning and Zoning Commission recommends approval.

BACKGROUND INFORMATION:

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 project area is located in north Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive.

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.

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 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. No members of the public spoke at the hearing. Staff received one public comment via email from a collective of four nearby property owners expressing concern over access to the

proposed lots, 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 separate private properties.

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" (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).

The Board of City Commissioners considered this item at their meeting on February 13, 2024.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the request for Ordinance 6571 for a zoning map amendment from the RM30 – Residential district to a Planned Unit Development (PUD) for Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat and take final action. Also consider the request for a minor subdivision final plat titled "Sonnet Heights Subdivision Ninth Replat, on the same area as the zoning map amendment, and take final action.

STAFF CONTACT INFORMATION:

Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. Sonnet Heights Ninth_ZC2023-012 & MPLT2023-006_022724

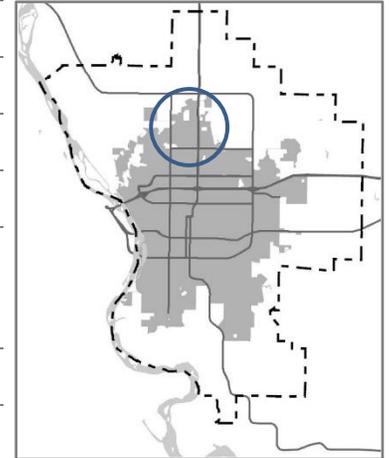
STAFF REPORT

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 – Public Hearing
<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>	Approve



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

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	05/2007
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	05/2017
<i>Neighborhood:</i>	Sonnet Heights	<i>Annexed:</i>	05/2007

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,

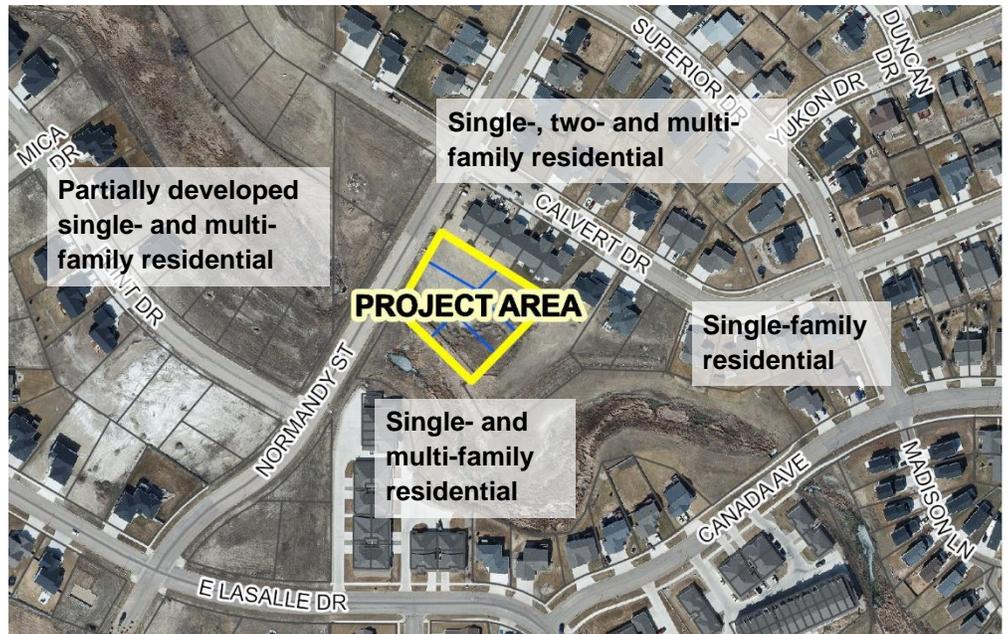
2023 and held a public hearing on the minor subdivision final plat and zoning map amendment on January 24, 2024. At the end of the public hearing, the Planning and Zoning Commission approved both items unanimously.

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 was 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 separate private properties.

At the City Commission level, the public has been duly notified of this request via publications in the Bismarck Tribune on February 16 and February 23, 2024. 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 the submission 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. Additionally, staff received one public comment prior to the Planning and Zoning Commission hearing, and staff provided copies of the comment to the Commissioners before the meeting and then discussed the comment at the hearing as described above in the Public Engagement section.

All requirements for public engagement at the City Commission level have been 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. Utility capital charges will be due prior to recordation of the plat.

(continued)

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 zoning map amendment from the RM30 – Residential zoning district to a Planned Unit Development (PUD) and a minor subdivision

final plat titled Sonnet Heights Subdivision Ninth Replat.

Attachments

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

Staff report prepared by: Isak Johnson, Planner

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CITY OF BISMARCK

ORDINANCE NO. 6571

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

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 Districts

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

Future Land Use Plan

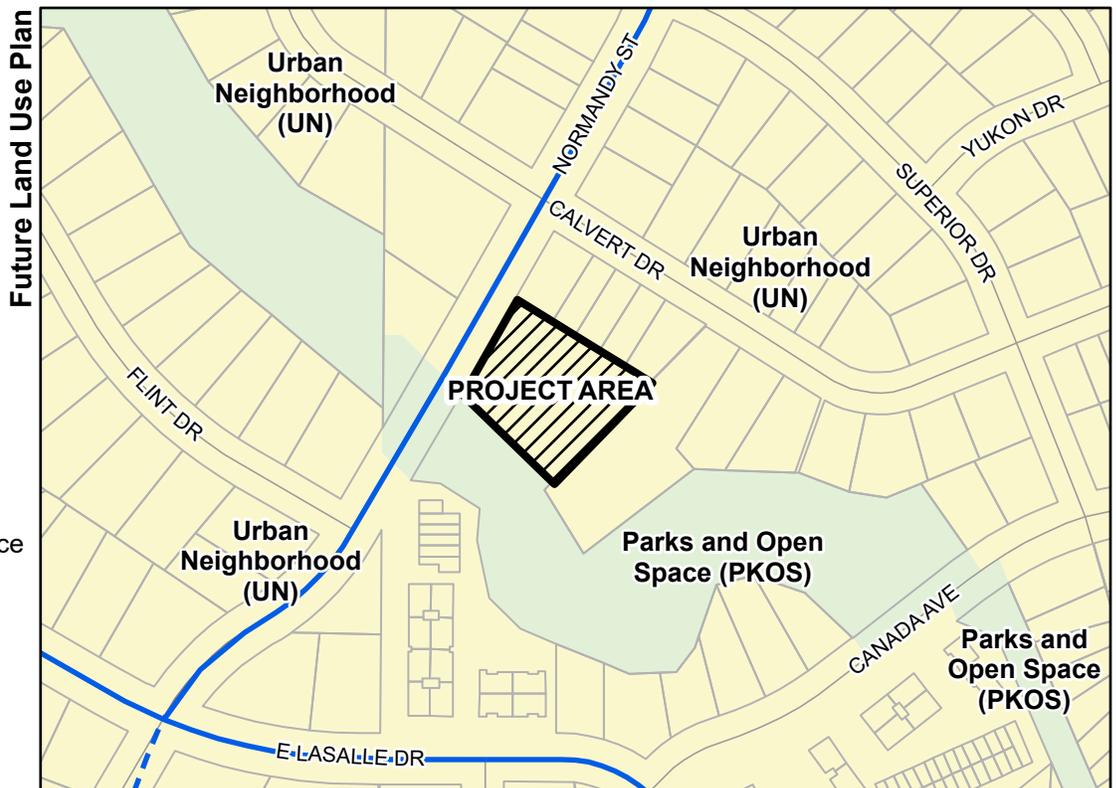
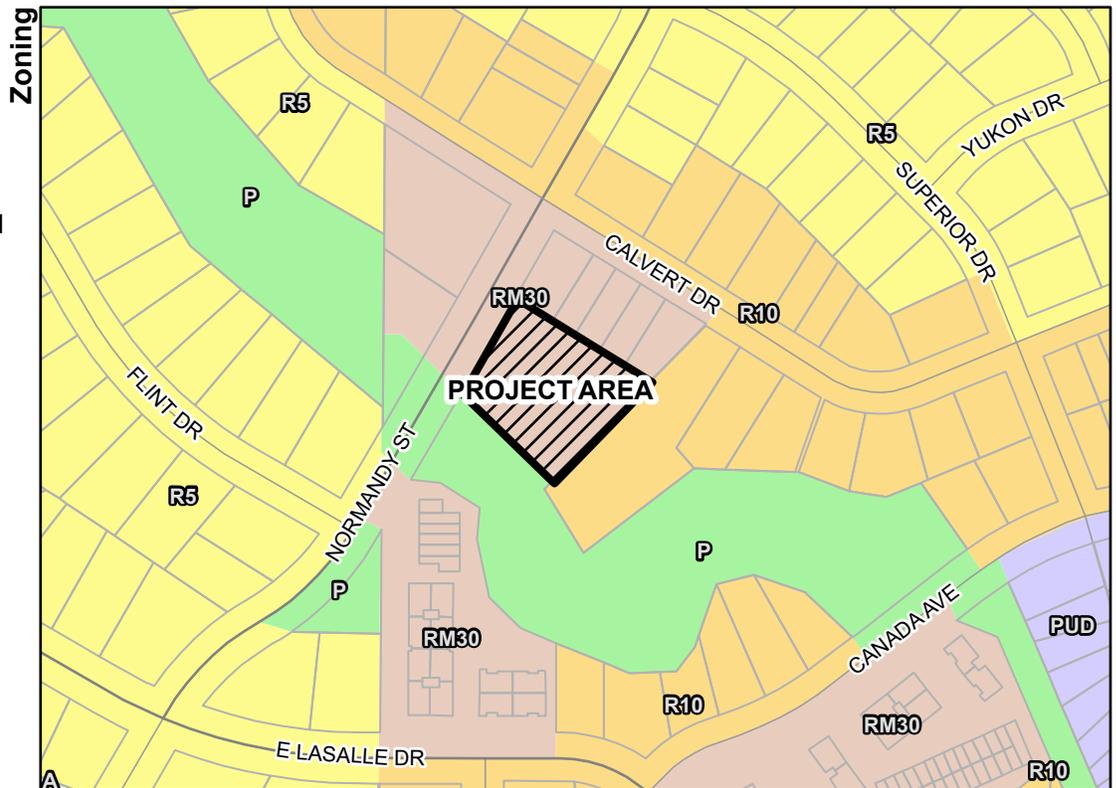
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

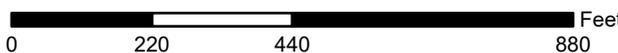
— Future Shared Trail

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 hereon.



Proposed New Zoning Map

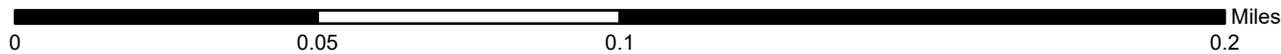
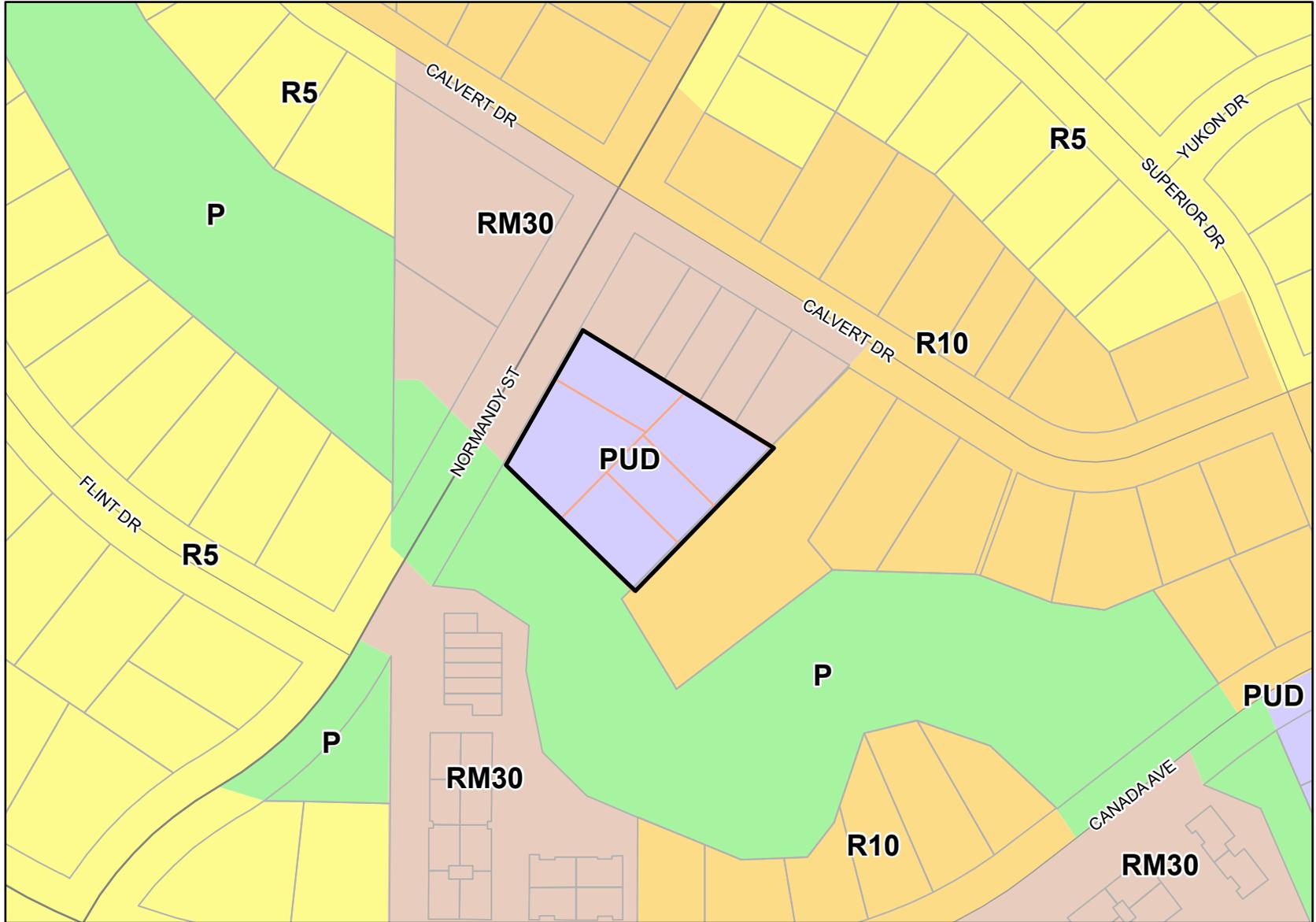
Project Area
(zoning within is proposed)

City Limits

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

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



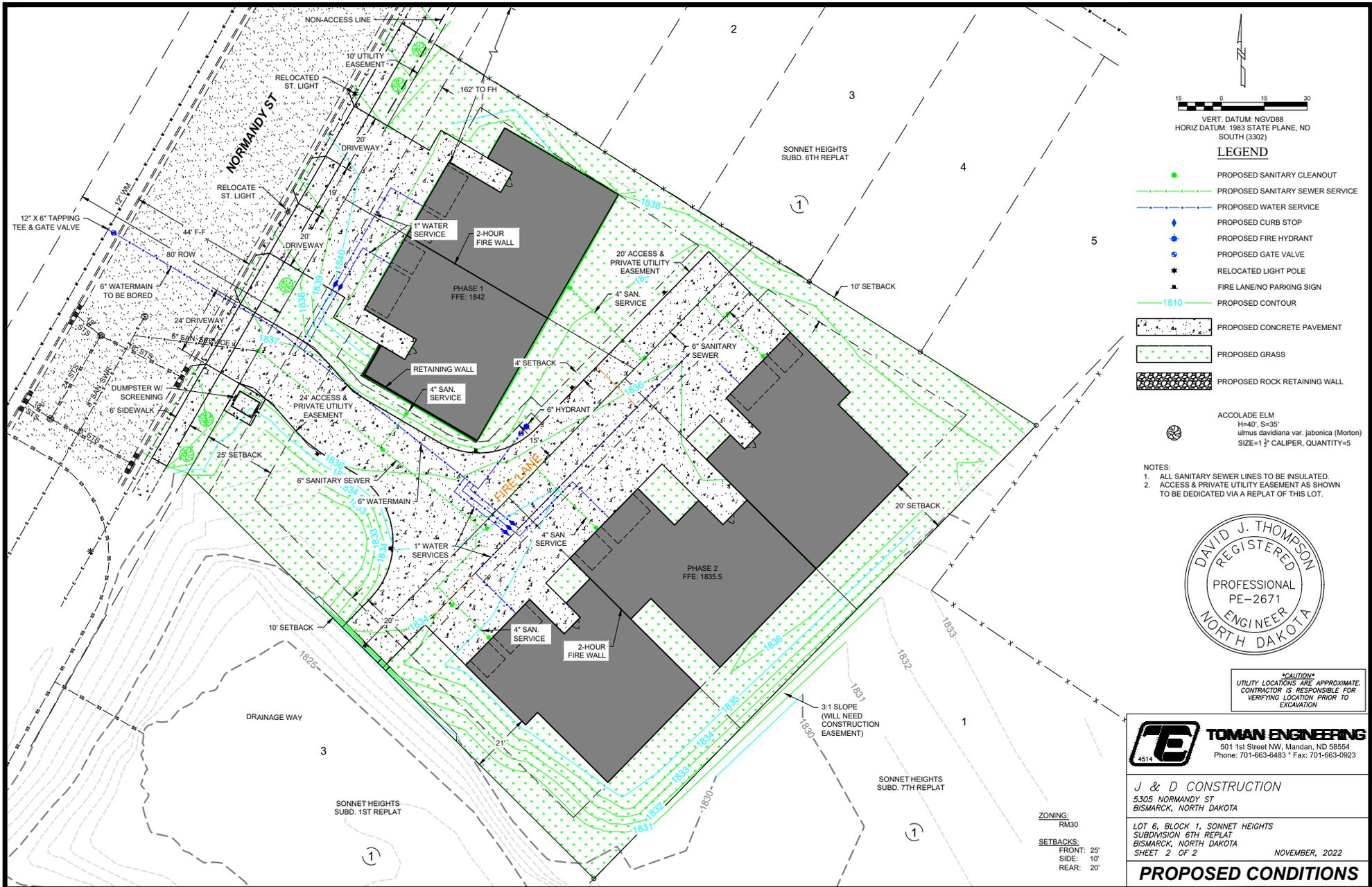
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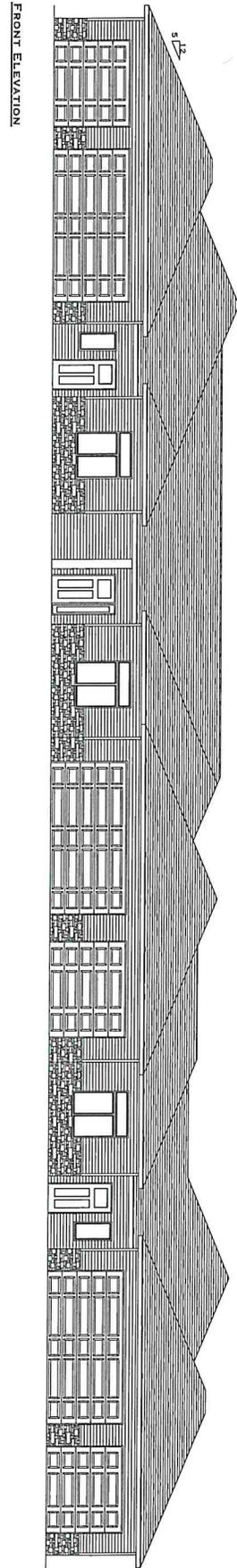


Statement for PUD Request: Sonnet Heights 6th Subdivision 8th Replat

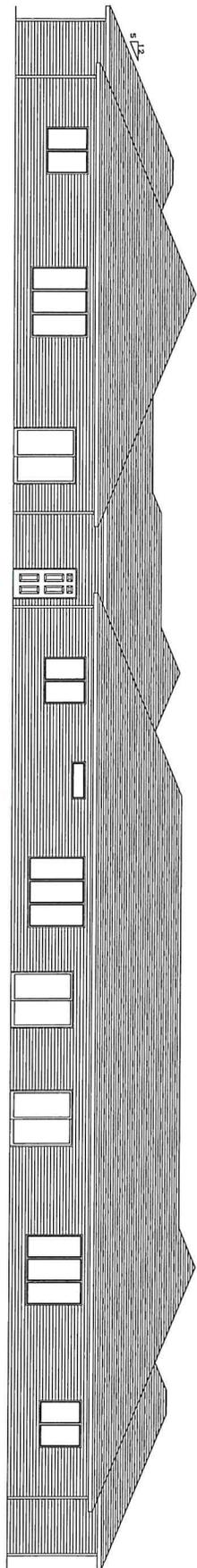
To the City of Bismarck Planning Office:

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.

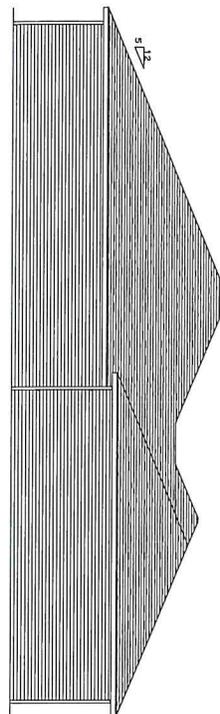




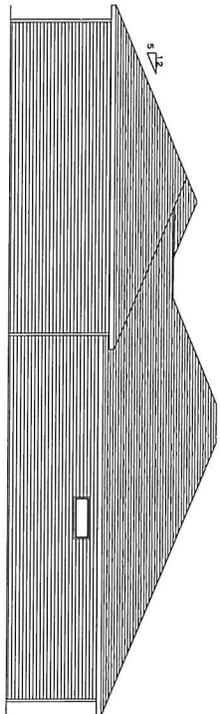
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

RECEIVED
NOV 17 2023

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

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

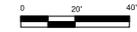
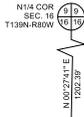
DISCLAIMER OF WARRANTY: Plans furnished by Front Street Millwork & Lumber, Inc. are prepared by Draftspeople who are not qualified as Licensed Architects or Professional Engineers. Front Street Millwork & Lumber, Inc. expressly disclaims any liability whatsoever for errors of any kind which may be found on the plans. Use of these 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 and correct in particular features. Reliance by any user of the plans and all persons building for the same under calculation of contract at material, methods, means, loads & bearing points or application of the art or science of construction based on the principles of mathematics, aesthetics or the physical sciences must be the responsibility of the builder, 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
 MARIE@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



COORDINATE DATUM:
 NO STATE PLANE COORDINATES
 NAD83 BOUNDARY ADJUSTMENT
 INTERNATIONAL FEET
 BENCHMARK: HYDRANT #3109
 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 19 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°21'00" 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°06'57" 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°33'29" EAST ALONG SAID NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY FOR 288.98 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.16 ACRES, MORE OR LESS.

SURVEYORS 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 RECREATED.

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
 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 _____

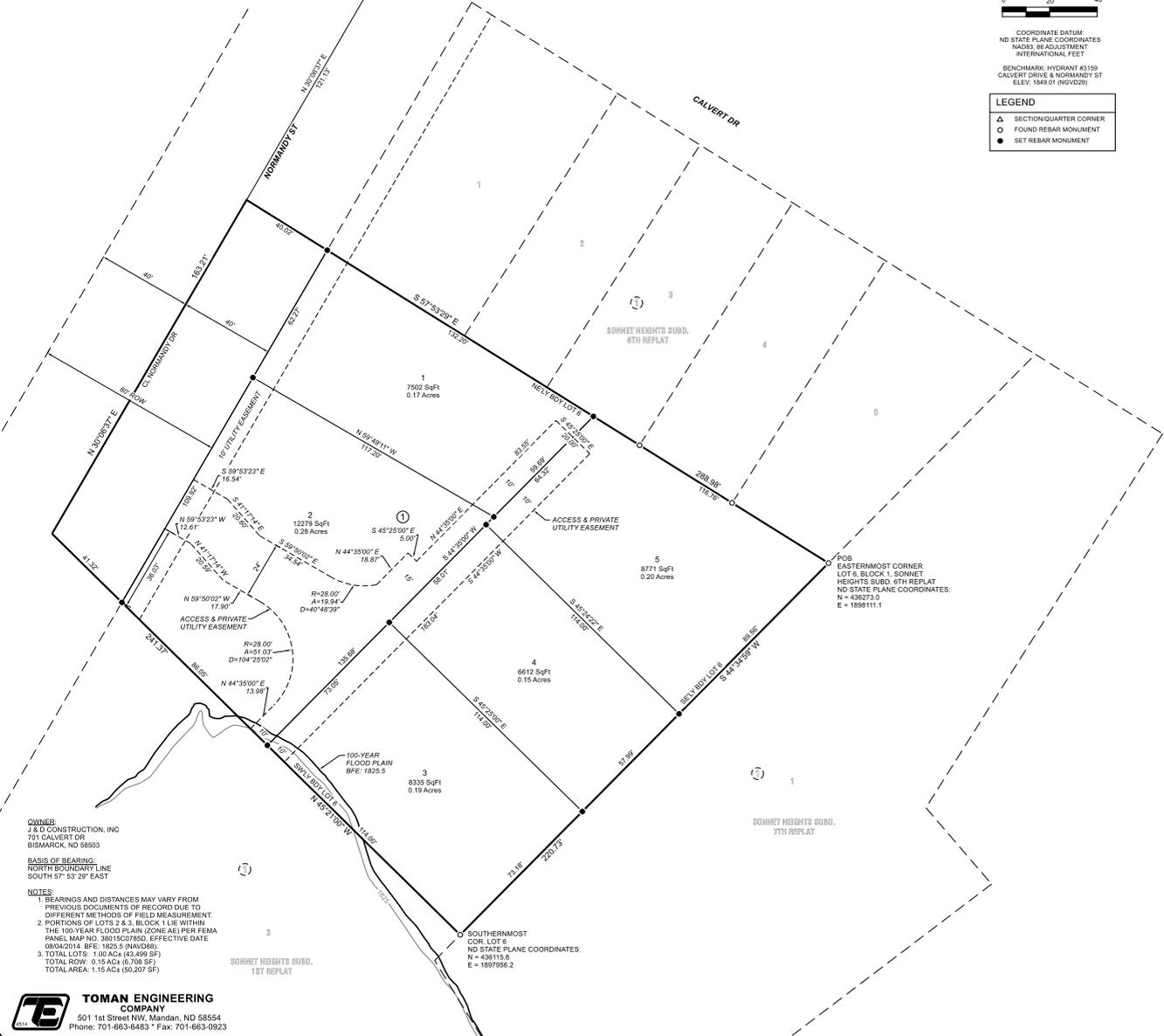
APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC 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

BASIS 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. 300160700D, EFFECTIVE DATE 06/04/2014, BFE: 1625.5 (NAVD83).
 3. TOTAL LOTS: 1.00 AC (43,469 SF)
 TOTAL ROW: 0.15 AC (6,708 SF)
 TOTAL AREA: 1.15 AC (50,207 SF)

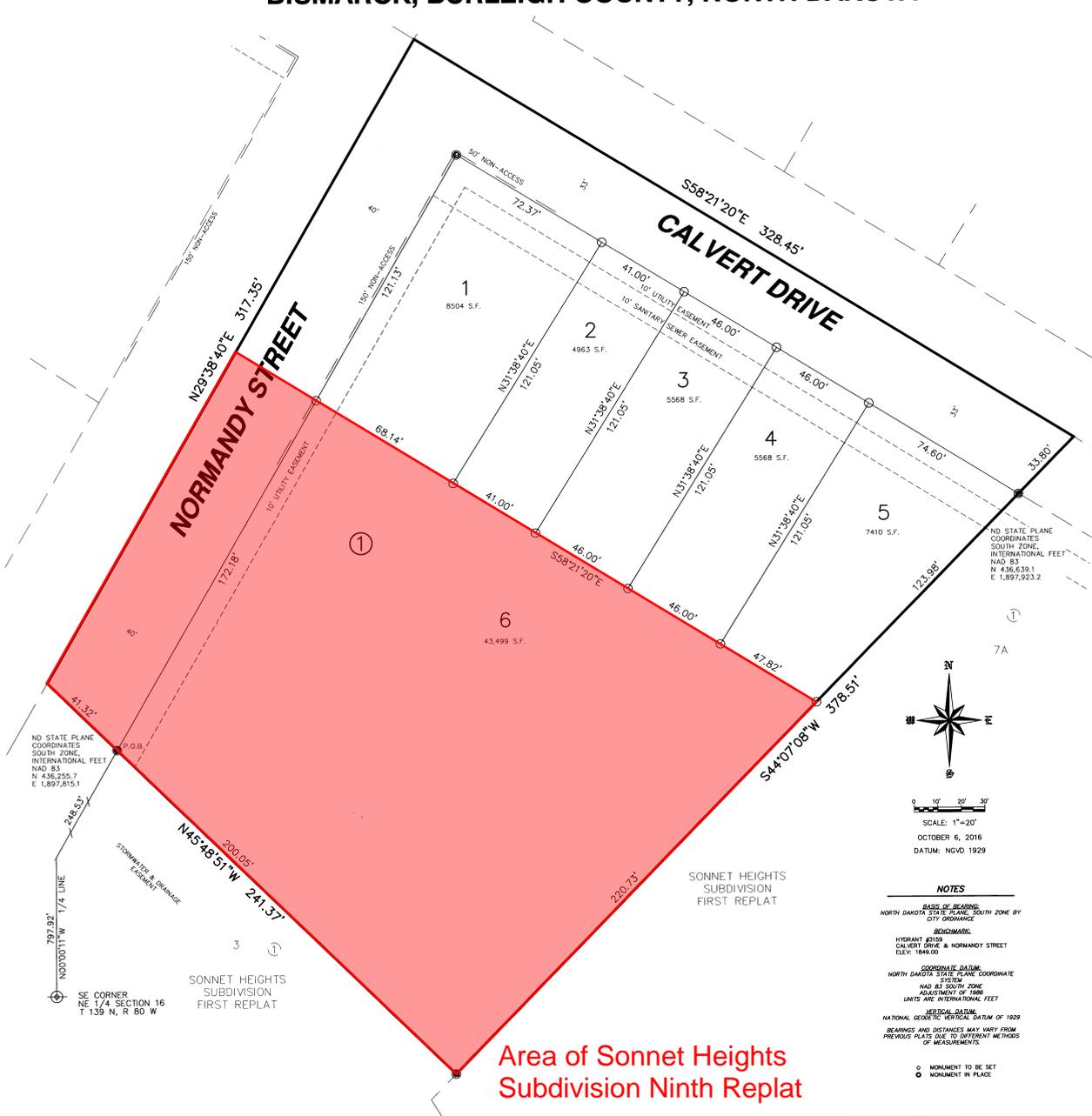
SOUTHERNMOST COR. LOT 9
 NO STATE PLANE COORDINATES:
 N = 436115.8
 E = 1897956.2

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



Area of Sonnet Heights
Subdivision Ninth Replat

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 30 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 37.25 FEET TO THE INTERSECTION OF THE CENTERLINES OF NORMANDY STREET AND CALVERT DRIVE; THENCE SOUTH 58 DEGREES 21 MINUTES 20 SECONDS 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 NORTHEASTERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 37.25 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 200.00 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 OF A SURVEY PERFORMED 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) 289 BASH AVENUE
BISMARCK, NORTH DAKOTA)
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

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 JULY, 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 ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Wayne Lee Madock *Carl D. Hohnstad*
WAYNE LEE MADOCK - CHAIRMAN CARL D. HOHNSTAD - 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 ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AND AN AMENDMENT 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 JULY, 2016.

Karen Hunkle
KAREN HUNKLE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, 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. Schell 10/20/16
GABRIEL J. SCHELL
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 ON 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 HERETO 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) JASON VOEGELE
COUNTY OF BURLEIGH) 4703 MOSE DRIVE
BISMARCK, N.D. 58503

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

