



Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N,
Bismarck, ND



5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on [Freetv.org](https://www.freetv.org) or
[Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) || Replay Later from [Freetv.org](https://www.freetv.org)

AGENDA


November 8, 2023

1. Roll Call
2. Approval of October Minutes
3. Consent Agenda (the following item(s) are requests for a Public Hearing)
 - 3-1 – Braunagel Subdivision
4. Public Hearing (the following item(s) are requests for a "Do Pass" recommendation to the Board of Burleigh County Commissioners)
 - 4.1 Aberle Park 4th Subdivision (Short Form)
 - 4.2 Riverbend Subdivision
 - 4.3 Riverbend Zoning Change
5. Other Business:
 - 5.1 2024 Calendar
6. Adjourn – Next Regular Scheduled Meeting December 13, 2023



Agenda Item 3.1

Application for a Preliminary Subdivision

Project Summary	
Consent Agenda:	Braunagel Subdivision
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	James & Stacey Braunagel
Engineer	Mark Isaacs Independent Land Surveying and Engineering
Location:	Part of the SE 1/4 of Section 33, Township 139N, Range 78W
<p>Exhibit 3.1-1 Location Map</p> 	
Project Size:	10.8 Acres more or less A- Agricultural Zoning
Petitioners Request	Approval of the preliminary plat. Call for a public hearing

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



History/Description

Burleigh County was approached October by Stacey Braunagel regarding splitting ten (10) acres of land from their acreage to build a new house. Staff advised to plat the ten (10) acres into a one (1) lot subdivision. The petitioner submitted the application and preliminary plat on October 18.

The size and location of the proposed subdivision did not require a preliminary review meeting. The review committee did review the preliminary plat and had no comments.

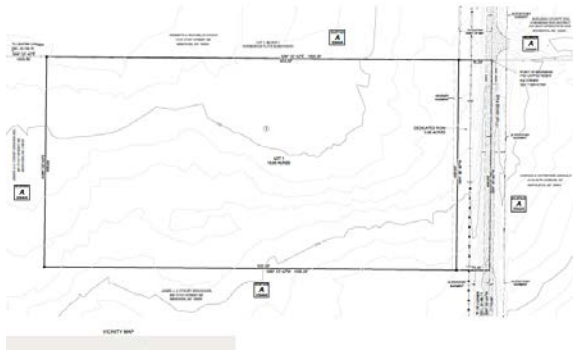
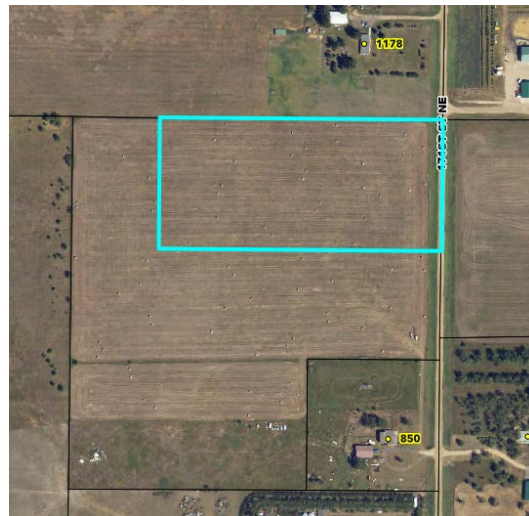


Exhibit 3-1-2 Braunagel Subdivision Preliminary Plat

Exhibit 3-1-3 Braunagel Subdivision Site Map





PLANNING AND ZONING COMMISSION

November 8, 2023

EXHIBITS:

3-1-1_Braunagel	Location Map
3-1-2_Braunagel	Preliminary Plat
3-1-3_Braunagel	Site Map

Staff Findings:

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. Zoning will not be changed. Lot size will be ten (10) acres and will retain A-Agricultural zoning.
3. The stormwater management plan is not required.
4. Paving is not required because there are no interior lots.
5. This preliminary plat has been submitted to all reviewing entities. All changes and corrections have been addressed and are being made at this time.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance Article 33. Staff recommends approval of the preliminary plat and calling for a public hearing.

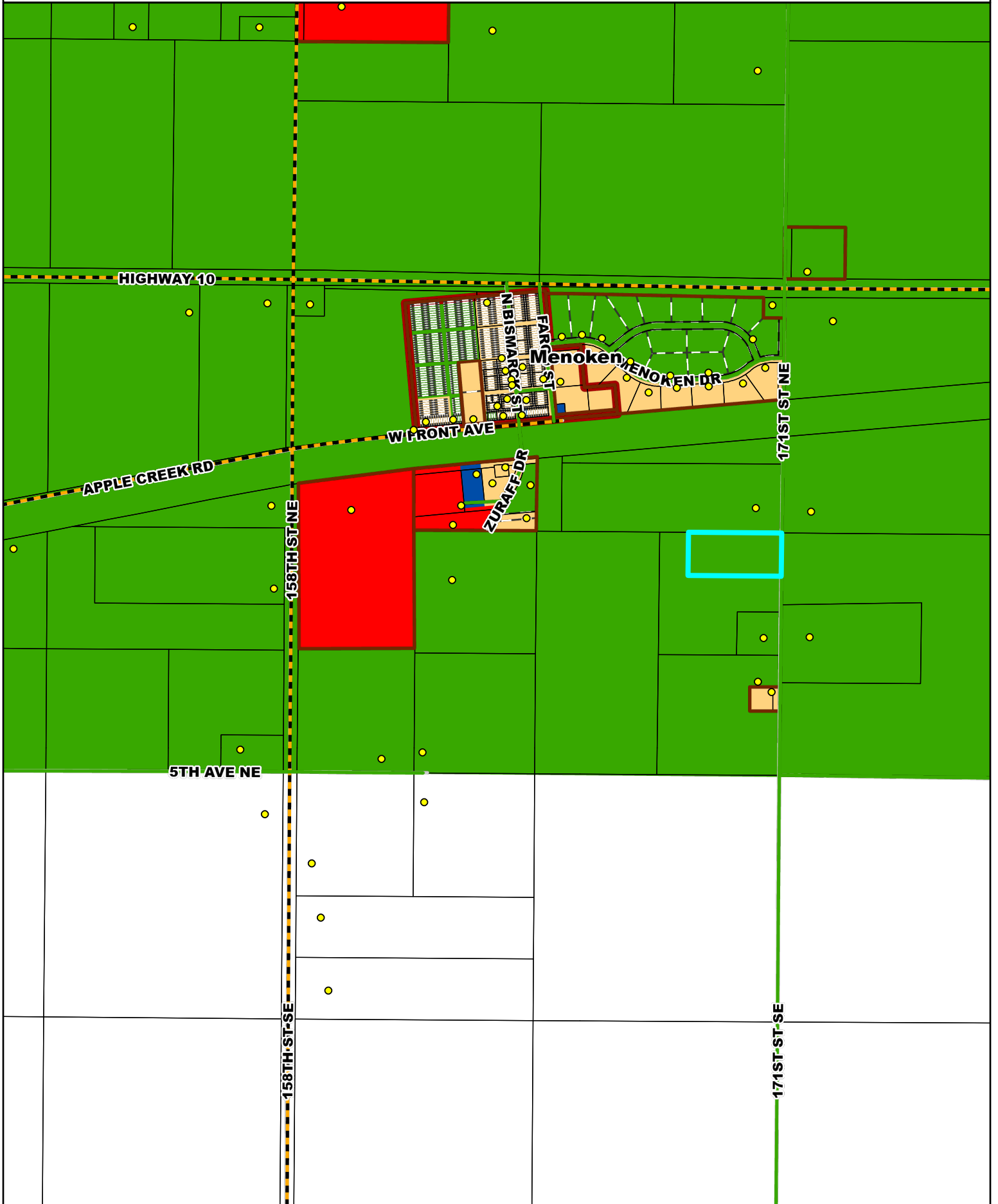
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and/or zoning change. Call for a public hearing.
2. Approve the preliminary plat and/or with conditions and call for a public hearing after all condition have been completed.
3. Deny the preliminary plat and/or with reason.
4. Table the preliminary plat and/or for more information.

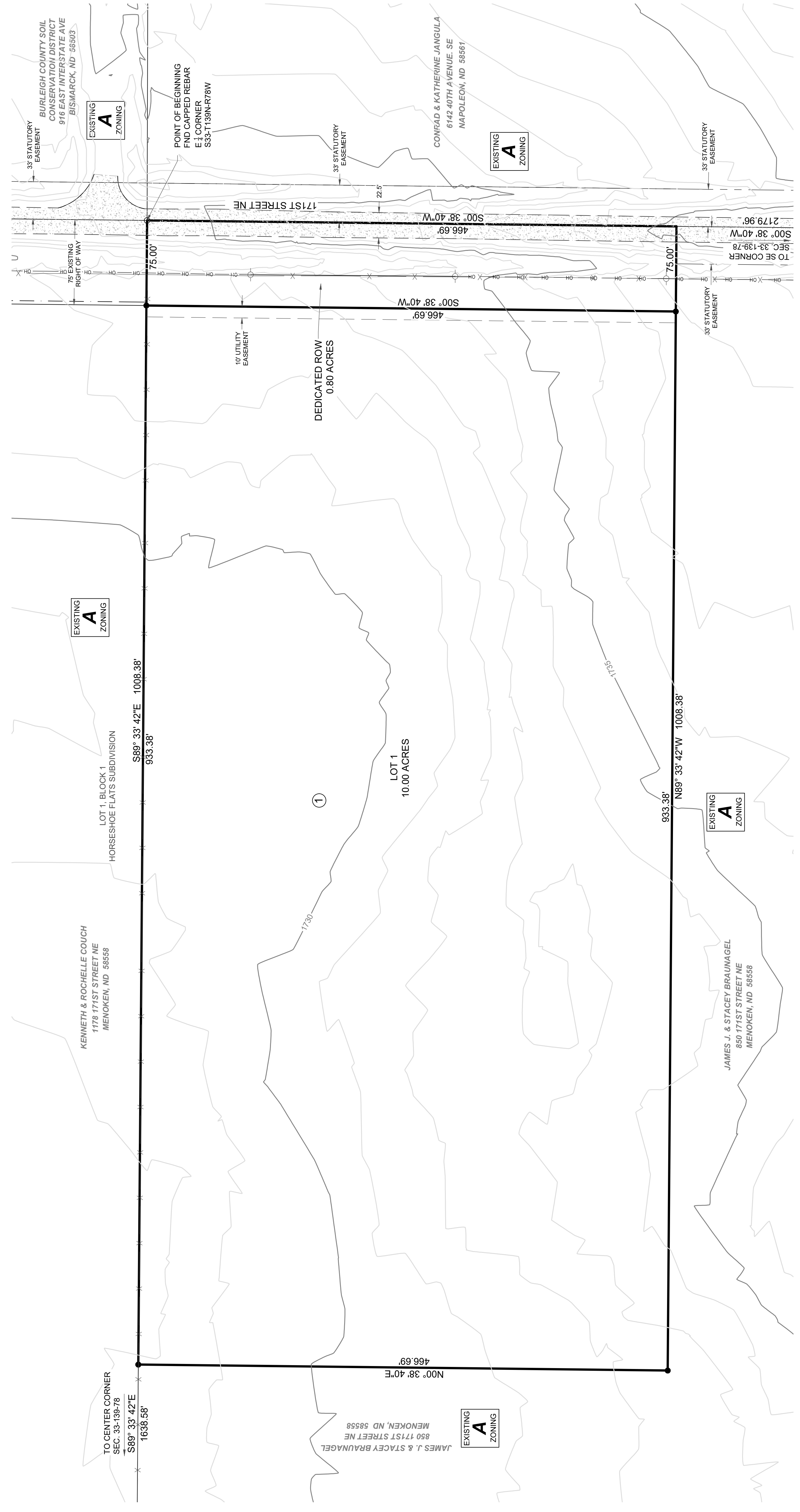
BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
10/26/2023



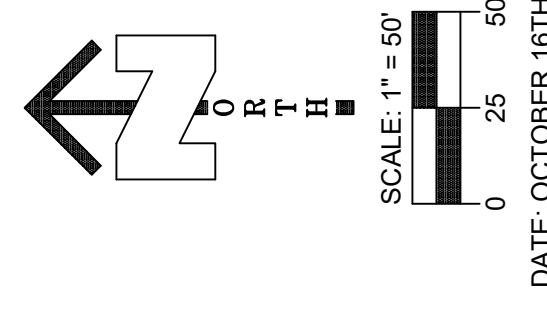
PRELIMINARY PLAT BRAUNAGEL SUBDIVISION OF BURLEIGH COUNTY, NORTH DAKOTA PART OF THE SE 1/4 OF SECTION 33, T139N, R78W IN BURLEIGH COUNTY, NORTH DAKOTA

EXHIBIT 3-1-2



ACREAGE TABLE	
LOT 1	10.00 ACRES
DEDICATED ROW	0.80 ACRES
TOTAL	10.80 ACRES

LEGEND	
	FOUND SURVEY MONUMENT
	SET CAPPED REBAR - LS9628
	EXISTING GRAVEL
	EXISTING FENCE
	EXISTING OVERHEAD ELECTRIC
	EXISTING POWER POLE
	NON-ACCESS LINE



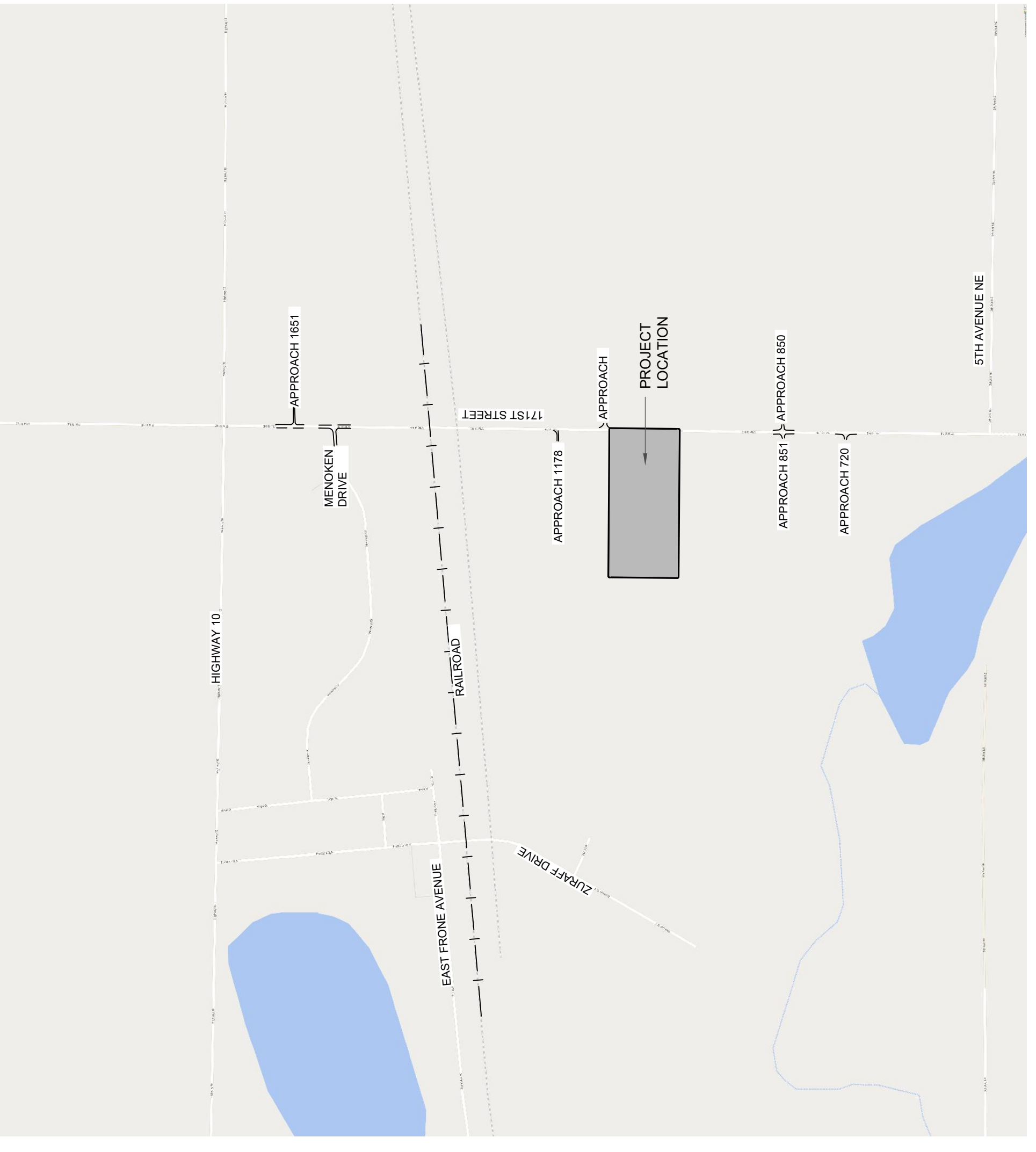
DATE: OCTOBER 16TH, 2023
VERTICAL DATUM - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET. MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LAND DESCRIPTION

A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 00° 38' 40" WEST ON THE EAST LINE OF SAID SECTION 33 A DISTANCE OF 469.69 FEET; THENCE NORTH 89° 33' 42" WEST A DISTANCE OF 1008.38 FEET; THENCE NORTH 00° 38' 40" EAST A DISTANCE OF 469.69 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89° 33' 42" EAST ON THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1008.38 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 10.80 ACRES MORE OR LESS.

VICINITY MAP



OWNER:
JAMES J. & STACEY BRAUNAGEL
850 171ST STREET NE
MENOKEN, ND 58558

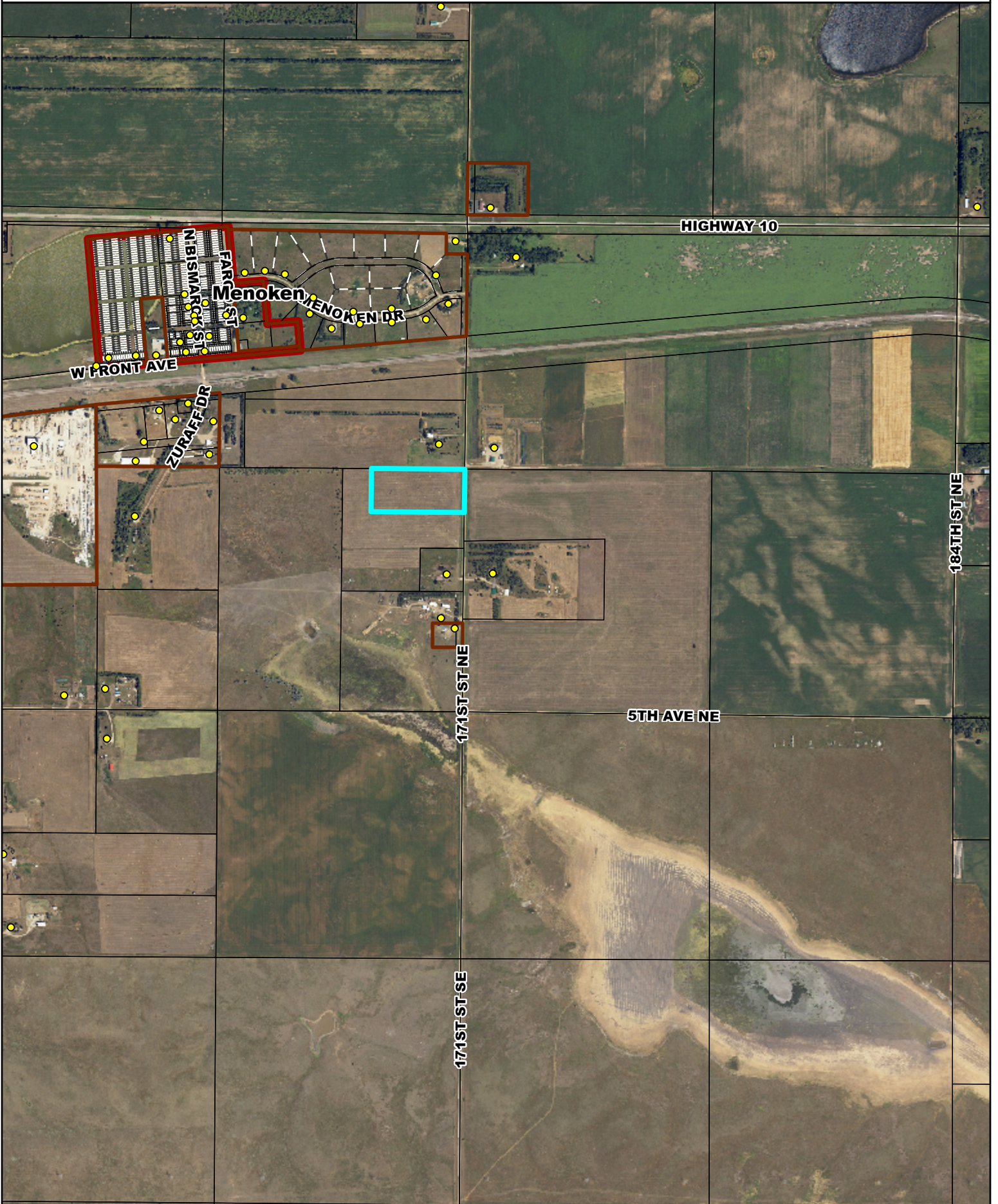
- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM THE ORIGINAL RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
 - EXISTING ZONING LOT 1, BLOCK 1 - AGRICULTURAL
 - PROPOSED ZONING LOT 1, BLOCK 1 - AGRICULTURAL

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

BRAUNAGEL SUBDIVISION	
PART OF SOUTHEAST QUARTER SECTION 33, T-139N, R-78W	
BURLEIGH, NORTH DAKOTA	
SHEET 1 OF 1	DWG NUMBER: 21142
SCALE: 1" = 50'	DWG REGION: NDATES
DRAWN BY: MR	DWG DATE: 10/16/23
4812 54th Ave NW Menoken, ND 58554 Phone: 701-566-7094 Fax: 701-566-7094 mra@braunagel.com	

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
10/31/2023



This page intentionally left blank



Agenda Item 4.1

Application for a Final Plat – Short Form Subdivision

Project Summary							
Public Hearing Agenda:	Two (2) Lot Subdivision						
Status:	Planning and Zoning Commission – Public Hearing						
Petitioner/Developer	Aberle Park LLC						
Engineer	Swenson Hagen & Company						
Location:	<i>Lots 1, 2, 3, Block 1, Aberle Park Third Subdivision of the North ½ of Section 28, Township 139 North, Range 78 West, Burleigh County, ND</i>						
<p>Exhibit 4.1.1 Location Map</p>							
Project Size:	17.42 Acres						
Petitioners Request	Approval of the zoning change and give a "Do Pass" recommendation to the Board of County Commissioners.						
Posted:	<table border="0"> <tr> <td>Bismarck Tribune</td> <td>11/2 & 6/2023</td> </tr> <tr> <td>Surrounding Property Owners</td> <td>10/31/2023</td> </tr> <tr> <td>Burleigh County Website</td> <td>11/1/2023</td> </tr> </table>	Bismarck Tribune	11/2 & 6/2023	Surrounding Property Owners	10/31/2023	Burleigh County Website	11/1/2023
Bismarck Tribune	11/2 & 6/2023						
Surrounding Property Owners	10/31/2023						
Burleigh County Website	11/1/2023						

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



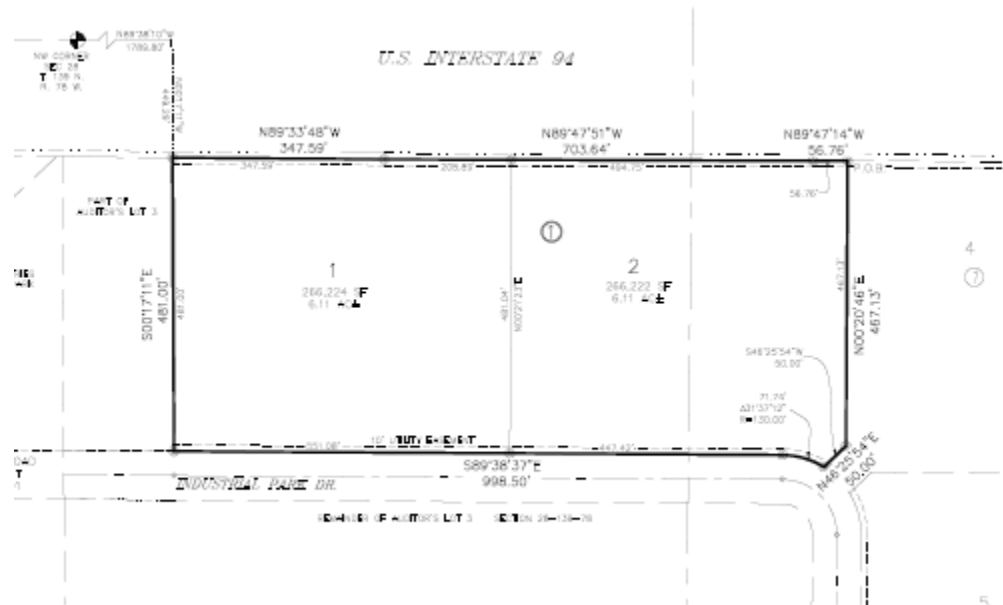
PLANNING AND ZONING
COMMISSION

November 8, 2023

History/Description

Swenson Hagen and Company submitted an application for a short form subdivision. The proposed subdivision would combine Lots 1, 2, 3, Block 1 of Aberle Park Third subdivision into two (2) lots. The proposed plat was reviewed by all entities. All the reviewing entities have approved the short form plat.

Exhibit 4-1-2 Aberle Park 4th Subdivision Final Plat





PLANNING AND ZONING COMMISSION

November 8, 2023



Exhibit 4.1.3 Aberle Park 4th Subdivision
Site Map

EXHIBITS:

4-1-1 Aberle Park 4 th Subdivision	Location Map
4-1-2 Aberle Park 4 th Subdivision	Final Plat
4-1-3 Aberle Park 4 th Subdivision	Site Map

Staff Findings: Zoning Change

1. The subdivision fulfills the requirements of Article 33, Section 12 of the Burleigh County Zoning Ordinance for a short form plat.



PLANNING AND ZONING COMMISSION

November 8, 2023

Planning Staff Recommendation

The petition for a short form subdivision meets all administrative requirements of the Burleigh County Zoning Ordinance Articles 33 Staff recommends approval of the subdivision and a "Do Pass" recommendation to the Board of County Commissioners.

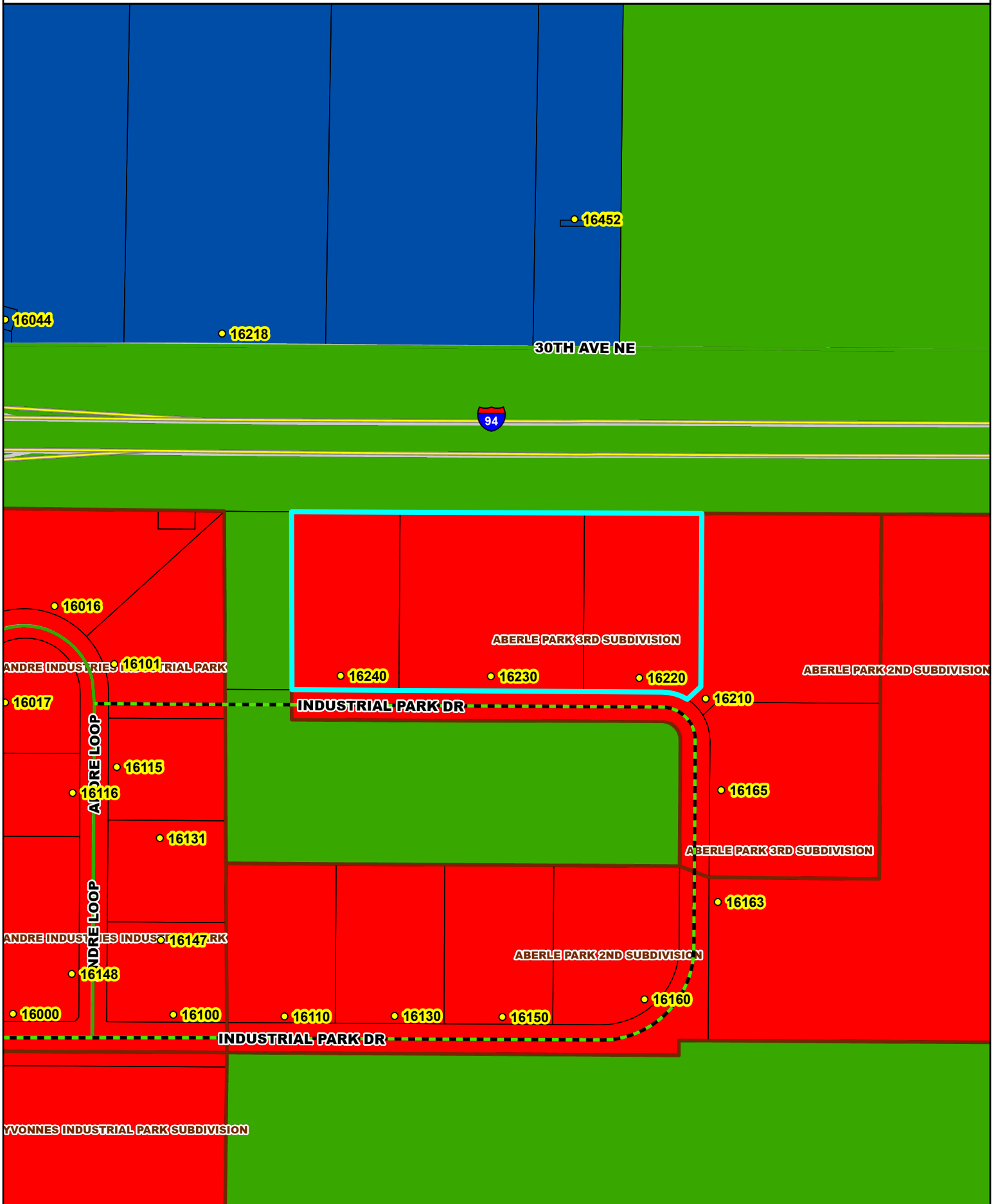
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the subdivision. Give a "Do Pass" recommendation to the County Commission.
2. Approve the subdivision with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the subdivision with reason.
4. Table the subdivision for more information.

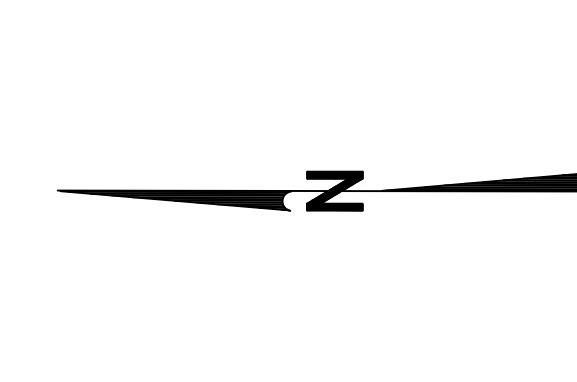
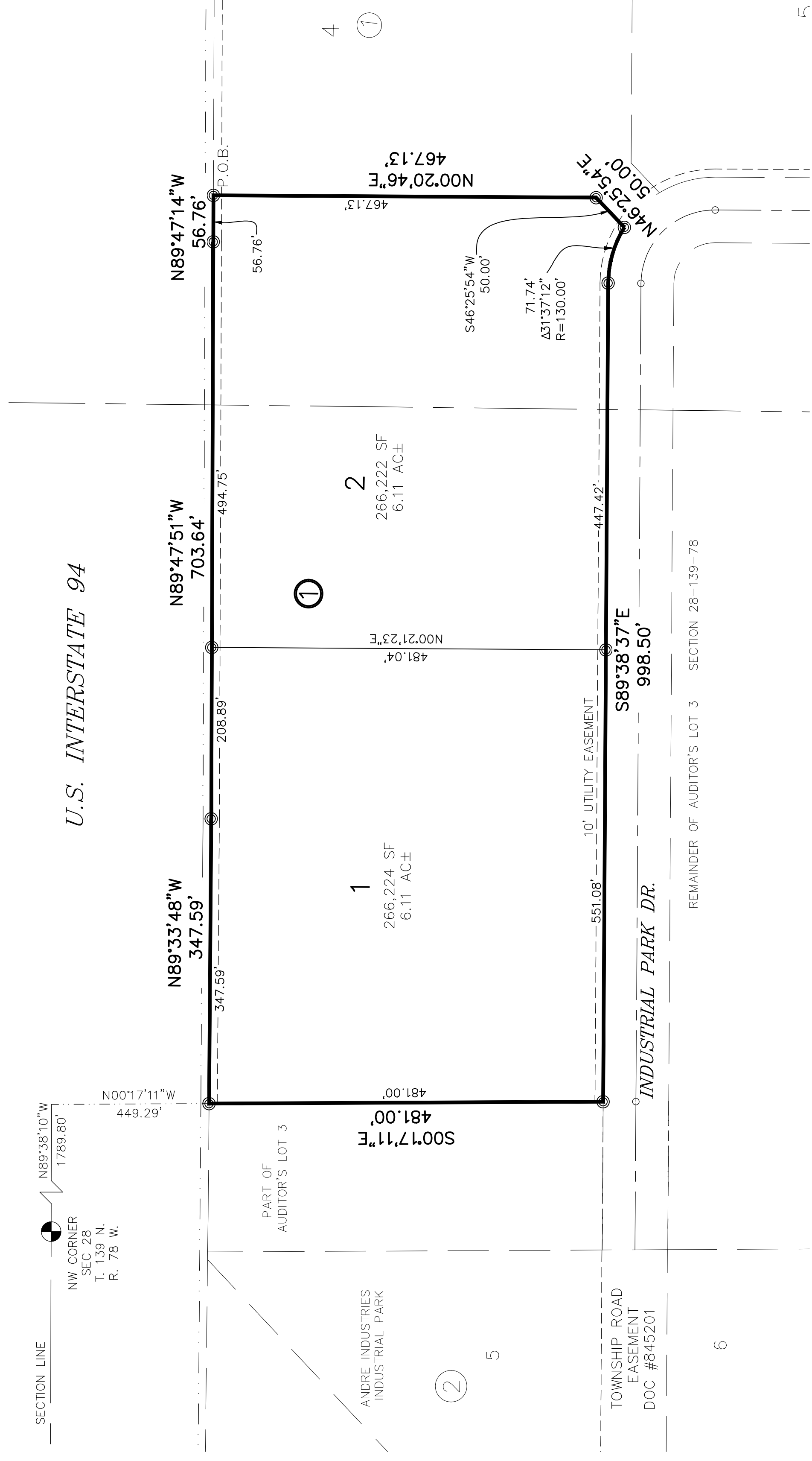
BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
10/30/2023



ABERLE PARK FOURTH SUBDIVISION

BEING A REPLAT OF LOTS 1-3 BLOCK 1 ABERLE THIRD SUBDIVISION OF
THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1" = 100'
JULY 24, 2023

NOTES

BASIS OF BEARINGS:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
NAVD 88 VERTICAL DATUM

BENCHMARK:
BUREAU OF LAND SURVEY THIRD SUBDIVISION
NE CORNER
ELEV = 1725.3 (NAVD 1988)

AREA DATA

NW 1/4	408,014 S.F.	9.37 ACRES
NE 1/4	124,452 S.F.	2.85 ACRES

DESCRIPTION

ALL OF LOTS 1-3 BLOCK 1, ABERLE PARK THIRD SUBDIVISION OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 BLOCK 1, ABERLE PARK THIRD SUBDIVISION; THENCE NORTH 89 DEGREES 46 MINUTES 54 SECONDS SOUTH ALONG SAID WEST LINE 51 SECONDS TO THE WEST LINE OF ABERLE PARK THIRD SUBDIVISION; THENCE NORTH 89 DEGREES 46 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE 48 SECONDS TO THE WEST LINE OF ABERLE PARK THIRD SUBDIVISION; THENCE SOUTH 00 DEGREES 17 MINUTES 11 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 347.59 FEET TO THE WEST LINE OF ABERLE PARK THIRD SUBDIVISION; THENCE SOUTH 00 DEGREES 17 MINUTES 11 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 98 MINUTES 57 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 998.50 FEET; THENCE EAST 98 FEET TO THE RIGHT; CONTINUING ALONG SAID NORTH LINE, ON A 130.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 71.74 FEET TO THE BOUNDARY OF LOT 4 BLOCK 1, ABERLE PARK THIRD ADDITION; THENCE NORTH 00 DEGREES 25 MINUTES 54 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 50.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 54 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 467.13 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 12.22 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A TRUE COPY OF THE SURVEY RECORDED HEREON. I HEREBY CERTIFY THAT THE PLAT IS A TRUE COPY OF THE SURVEY RECORDED HEREON. I HEREBY CERTIFY 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.
900 BISMARCK BLVD.
BISMARCK, NORTH DAKOTA
58504

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

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES ABERLE PARK FOURTH SUBDIVISION, AS SHOWN ON THIS PLAT, AS BEING IN ACCORDANCE WITH THE PLANS OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2023.

DENNIS AGNEW - CHAIRMAN
MITCH FLANAGAN - SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, AS SHOWN ON THIS PLAT, AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2023.

BECKY MATTHEWS - CHAIRMAN
MARK SPOLSKOWSKI
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF ABERLE PARK FOURTH SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS ____ DAY OF _____, 2023.

MARCUS J. HALL, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, _____, KNOW ALL MEN BY THESE PRESENTS THAT ABERLE LAND, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ABERLE PARK THIRD SUBDIVISION," BURLEIGH COUNTY, NORTH DAKOTA AND DO SO 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 BURLEIGH COUNTY 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.

STATE OF _____)
COUNTY OF _____)

RON ABERLE
ABERLE LAND, LLP
2300 158TH ST NE
MOKENEN, ND 58558

ON THIS ____ DAY OF _____, 2023, BEFORE ME PERSONALLY APPEARED RON ABERLE OF ABERLE LAND, LLP, 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.

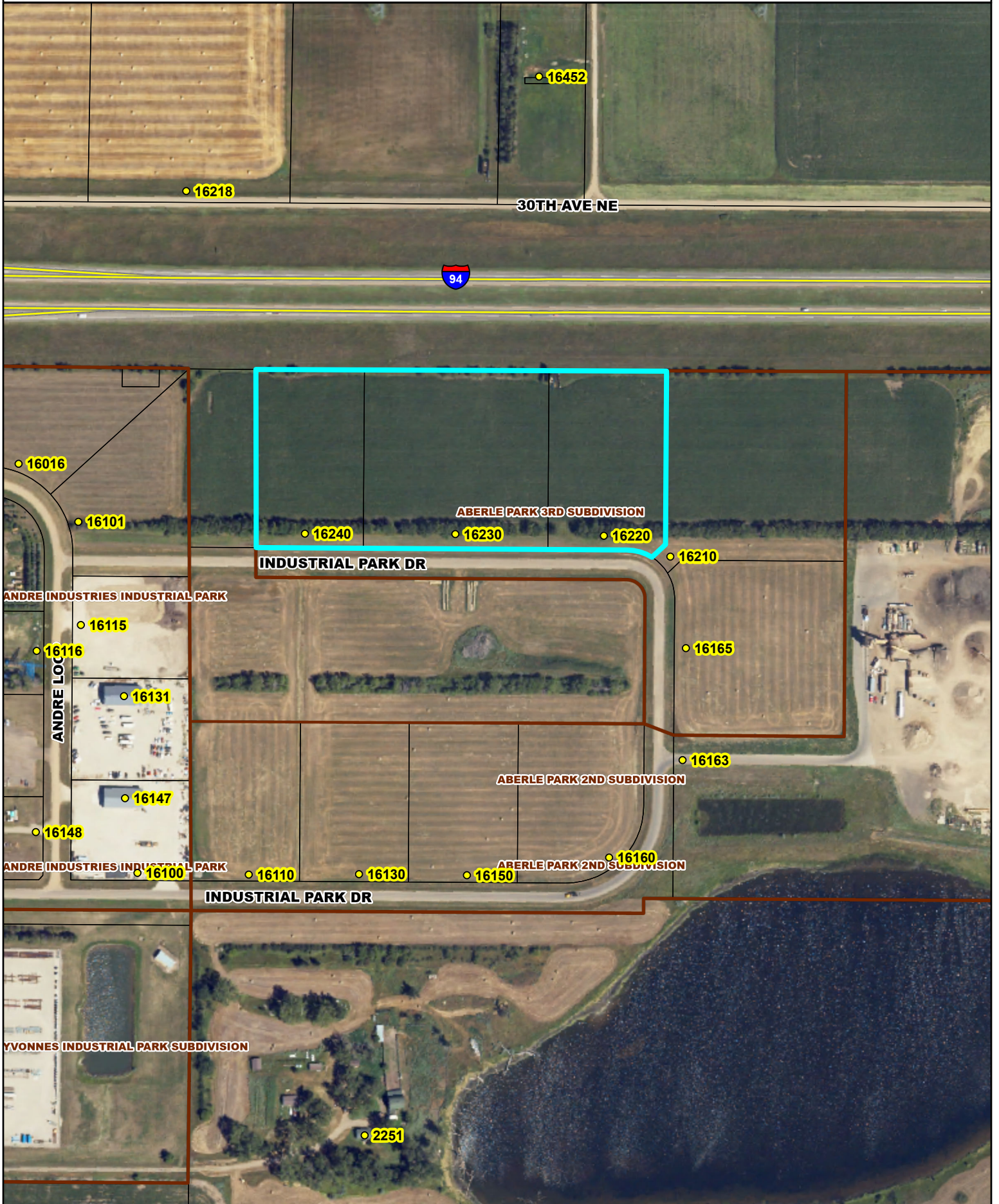
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.
900 Main Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Land Management
Construction Management

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
10/31/2023

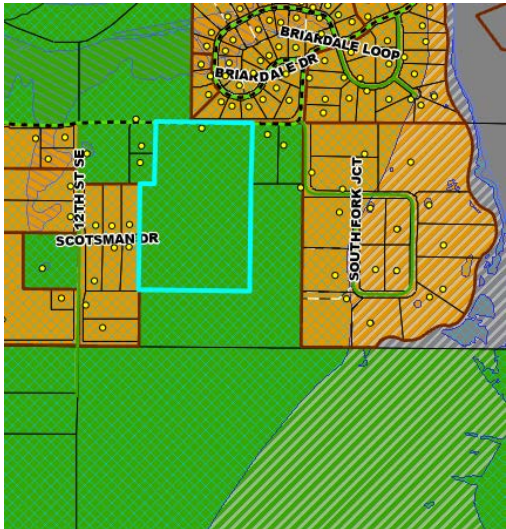


This page intentionally left blank



Agenda Item 4.2

Application for a Final Subdivision

Project Summary	
Public Hearing Agenda:	Riverbend Subdivision
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	Ryan Melin and Kyle Leftwich
Engineer	Mark Isaacs, ILSE, Inc.
Location:	<i>Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W</i>
<p>Exhibit 4.2.1 Location Map</p> 	<p>Addressed as: 8641 Sibley Drive</p> <p>Posted: Bismarck Tribune 11/2 & 11/6/2023 Surrounding Property Owners 10/30/2023 Burleigh County Website 10/20/2023</p>
Project Size:	57.42 Acres
Petitioners Request	A "Do Pass" recommendation to the Board of County Commissioners.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

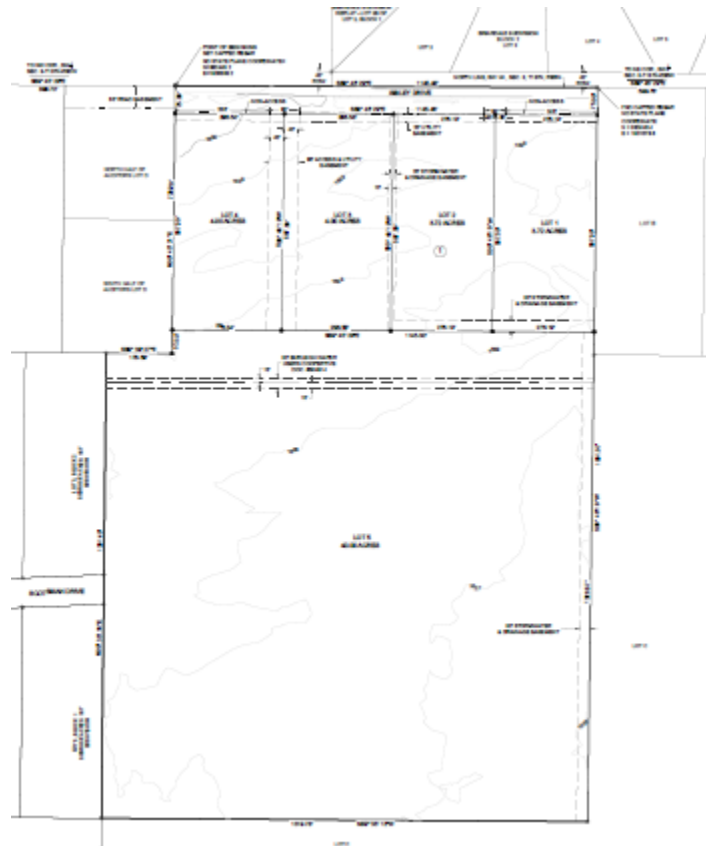


History/Description

Burleigh County was approached in July regarding the platting of a 57 acre parcel into a five (5) lot subdivision. A preliminary review meeting was held on July 18th with the County Staff, Mark Isaacs, ILS and the property owners Ryan Melin and Kyle Leftwich.

The owners would like to develop a five (5) lot subdivision consisting of four (4) lots: two (2) lots comprised of 4 acres each, two (2) lots comprised of 3.72 acres each with the fifth lot comprised of 40 acres which would retain the A-Agricultural Zoning. Lots 1 through 4 would be zoned R1-Rural Single Family Residential.

Exhibit 4.2-2 Riverbend Subdivision Final Plat





PLANNING AND ZONING
COMMISSION

November 8, 2023

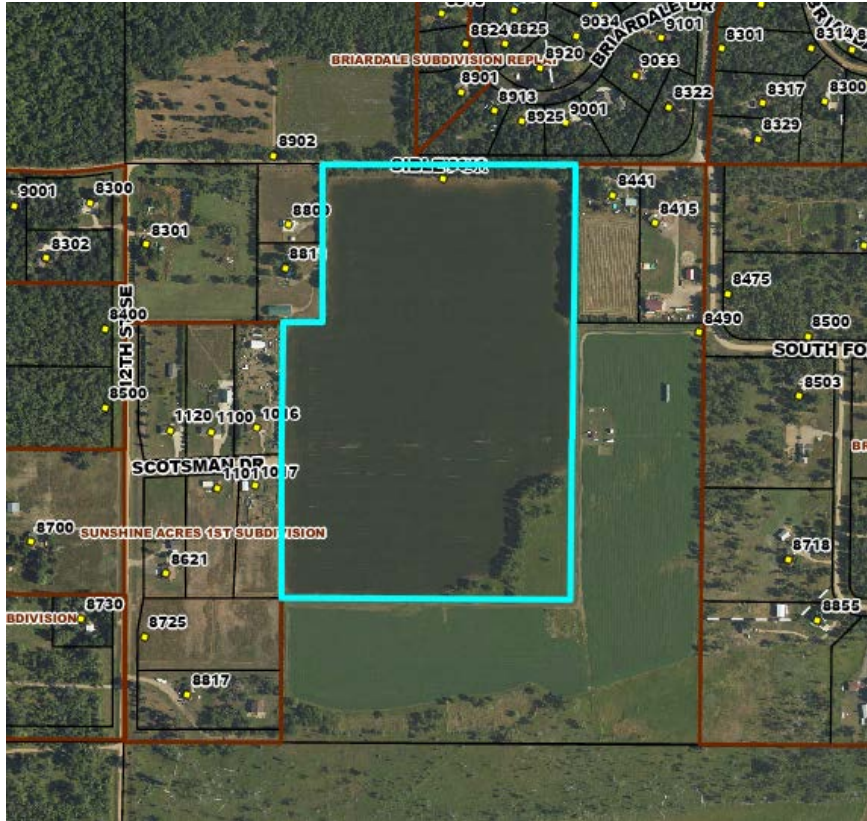


Exhibit 4-2-3 Riverbend Subdivision Site
Map

EXHIBITS:

4-2-1 Riverbend Subdivision	Location Map
4-2-2 Riverbend Subdivision	Preliminary Plat
4-2-3 Riverbend Subdivision	Site Map

Staff Findings:
Final Plat



PLANNING AND ZONING COMMISSION

November 8, 2023

1. This subdivision fulfills the requirements for a Final Plat as per Article 33, Section 5 Procedures *items 1 and 2* of the Burleigh County Zoning Ordinance.
2. The stormwater management plan has been waived.
3. Paving is not required because there are no interior lots.
4. This parcel is in the floodplain and will be required to meet all FEMA regulations for development in the floodplain.
5. This final plat has been submitted to all reviewing entities. Changes and corrections have been addressed and are being made at this time.

Planning Staff Recommendation

Minor corrections are being made to the final plat to meet all administrative requirements of the Burleigh County Zoning Ordinance Article 33. Staff recommends a "Do Pass" recommendation to the Board of County Commissioners.

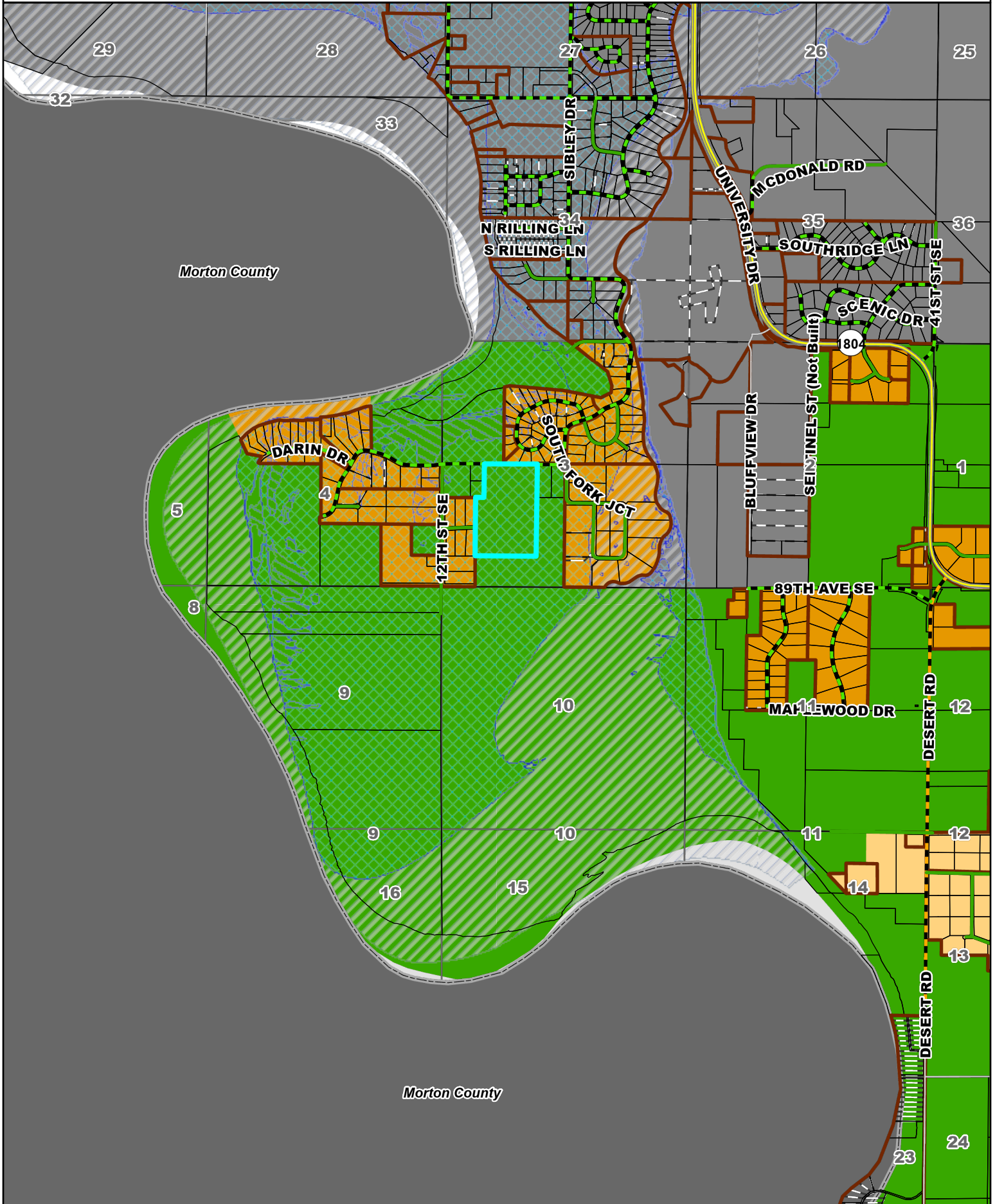
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat. Give it a "Do Pass" recommendation to the County Commission.
2. Approve the final plat with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
10/31/2023



RIVERBEND SUBDIVISION

AUDITOR'S LOT E IN THE SW 1/4 OF SECTION 3, T137N, R80W IN BURLEIGH COUNTY, NORTH DAKOTA

LAND DESCRIPTION

A TRACT OF LAND KNOWN AS AUDITOR'S LOT E IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 137 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTH 89° 45' 29" EAST ON THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 889.70 FEET TO THE NORTHWEST CORNER OF SAID LOT E AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 45' 29" EAST ON SAID NORTH LINE A DISTANCE OF 1145.48 FEET TO THE NORTHEAST CORNER OF SAID LOT E; THENCE SOUTH 00° 46' 19" WEST ON THE EAST LINE OF SAID LOT E A DISTANCE OF 1991.07 FEET TO THE SOUTHEAST CORNER OF SAID LOT E; THENCE NORTH 89° 35' 12" WEST ON THE SOUTH LINE OF SAID LOT E A DISTANCE OF 1319.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT E; THENCE NORTH 00° 35' 16" EAST ON THE WEST LINE OF SAID LOT E A DISTANCE OF 1281.40 FEET TO A CORNER OF SAID LOT E; THENCE SOUTH 89° 39' 27" EAST ON A LINE OF SAID LOT E A DISTANCE OF 78.59 FEET TO A CORNER OF SAID LOT E; THENCE NORTH 00° 48' 21" EAST ON THE WEST LINE OF SAID LOT E A DISTANCE OF 726.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 57.42 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, 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 JULY 12, 2023. 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.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

THEY ALSO DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

THEY FURTHERMORE DEDICATE UNTO THE COUNTY OF BURLEIGH "STORMWATER & DRAINAGE EASEMENT" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM WATER DRAINAGE UNDER OR OVER, THROUGH AND/OR ACROSS THOSE AREAS SO DESIGNATED HEREON AS "STORMWATER & DRAINAGE EASEMENT". THE DEDICATION OF SAID EASEMENTS IS MADE FOR THE PURPOSE OF MAINTAINING STORMWATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORMWATER STORM WATER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORMWATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER, AND/OR ACROSS THE EASEMENT AREA.

RYAN MELIN
LOTS 1, 2, 3, 4, & 5; BLOCK 1

KYLE LEFTWICH
LOTS 1, 2, 3, 4, & 5; BLOCK 1

STATE OF _____ SS
COUNTY OF _____

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

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES RIVERBEND SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE _____ DAY OF _____, 20____.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT. THIS PLAT WAS APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE _____ DAY OF _____, 20____.

STEVE BAKKEN - CHAIRMAN

ATTEST: MARK SBONSKOWSKI,
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "RIVERBEND SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS _____ DAY OF _____, 20____.

MARCUS J. HALL, PE
COUNTY ENGINEER

BENCHMARK - NORTHEAST CORNER OF LOT 1
PLAT OF AUDITOR'S LOTS 1-5, BLOCK 1
WITH THE GROUND. ELEVATION = 1628.75

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

Independent Land Surveying & Engineering

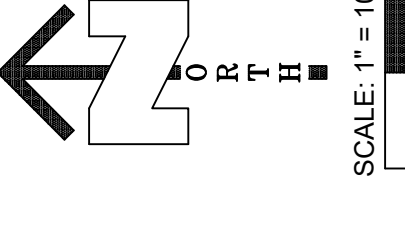
RIVERBEND SUBDIVISION
AUD. LOT E, SE 1/4
SECTION 3, T-137-N, R-80-W
BURLEIGH, NORTH DAKOTA

SHEET 1 OF 1 JOB NUMBER: 2023
SCALE: 1" = 100' DATE REVISION DATES
DRAWN BY: MRS 10/27/23
DATE: 5/15/23 10/27/23

4812 5th Ave NW
Madison, ND 58054
Phone: 701-565-7594
Fax: 701-565-7594
mrsa@survpynd.com

OWNER:
RYAN MELIN
KYLE LEFTWICH
1281.40' SOUTH STREET
BISMARCK, ND 58504

OWNER:



DATE: OCTOBER 27, 2023
VERTICAL DATUM - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE NAD83. INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE BSMK CORS STATION AND ARE REPORTED IN GRID.

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO THE PRESENCE OF ADJACENT MONUMENTS. SUBJECT TO ALL EASEMENTS OF RECORD.
- WHETHER SHOWN OR NOT SHOWN.
- THE 80' ACCESS & UTILITY EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF LOTS 3, 4, & 5 BLOCK 1.

FLOOD ZONE AE

THE WHOLE PROPERTY IS SITUATED WITHIN "ZONE AE" - THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD HAZARD FEMA MAP PANEL NUMBER 38016C0986E. EFFECTIVE DATE OF THE MAP WILL BE IN THE COUNTY ENGINEER'S OFFICE. THIS MAP IS TO ADAPT AND USE THIS PRELIMINARY VERSION OF THE MAP. FLOOD ELEVATION = 1613.5 ±.

RESTRICTED USE ON STORMWATER & DRAINAGE EASEMENT

STORMWATER & DRAINAGE EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORMWATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENTAL IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE PLAT. MATERIALS OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE STORMWATER & DRAINAGE EASEMENT (NO OPEN TILL SOIL IS ALLOWED). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERE WITH THE INTENDED USE OF THE STORMWATER & DRAINAGE EASEMENT.

LEGEND

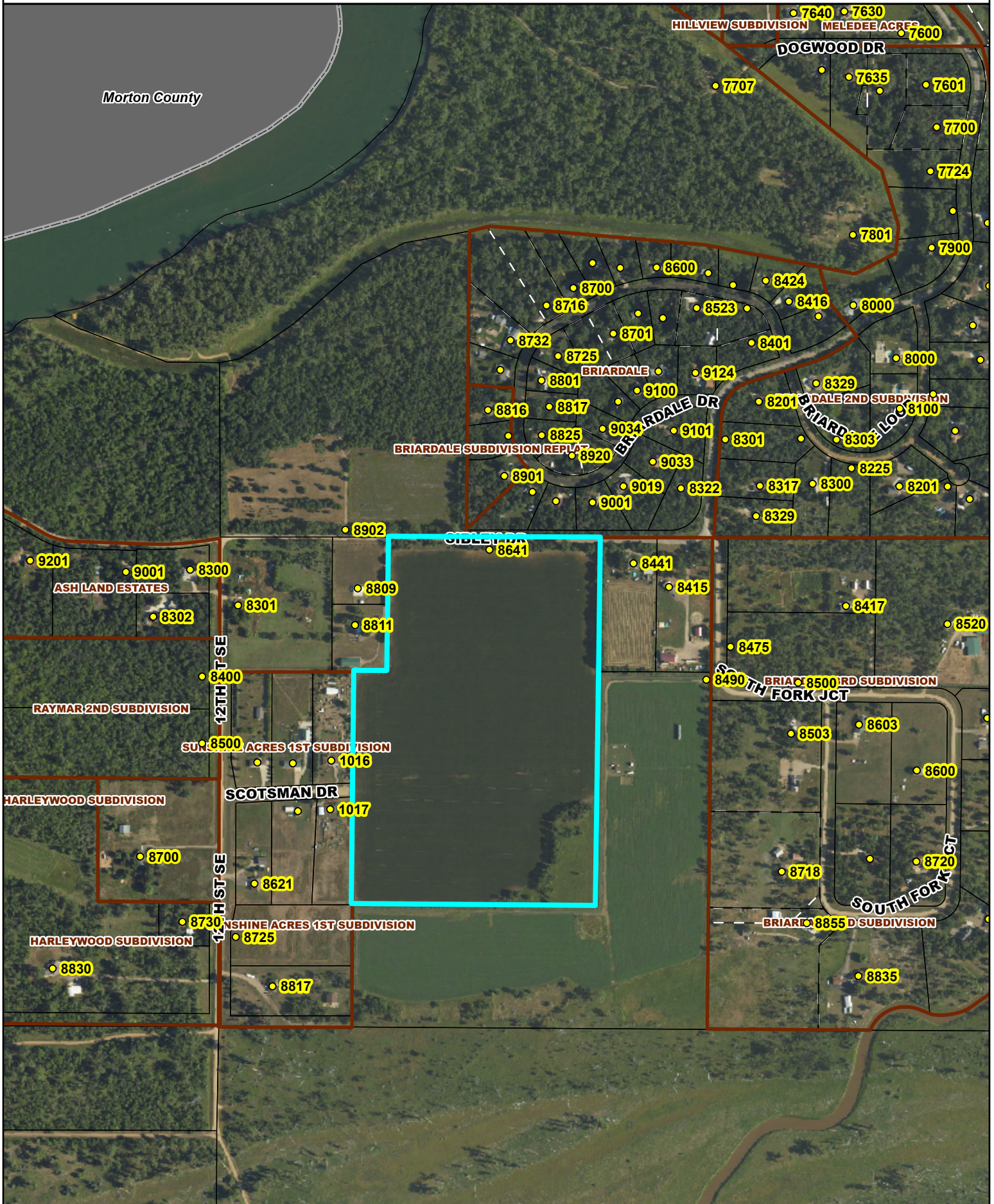
- FOUND SURVEY MONUMENT
- SET CAPPED REBAR - LS9628

ACREAGE TABLE

LOT 1	3.72 ACRES
LOT 2	3.72 ACRES
LOT 3	4.00 ACRES
LOT 4	4.00 ACRES
LOT 5	40.00 ACRES
DEDICATED ROW	1.88 ACRES
TOTAL	57.42 ACRES

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

10/31/2023



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Agenda Item 4.3

Application for a Zoning Change

Project Summary	
Public Hearing Agenda:	Zoning Change from A – R1
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	Ryan Melin and Kyle Leftwich
Engineer	Mark Isaacs
Location:	<i>Auditor's Lot B in the SW 1/4 Section 3, Township 137N, Range 80 W</i>
<p>Exhibit 4.3.1 Location Map</p> 	<p>Addressed as: 8641 Sibley Drive</p> <p>Posted: Bismarck Tribune 11/2 & 11/6, 2023 Surrounding Property Owners 10/30/2023 Burleigh County Website 10/30/2023</p>
Project Size:	17.42 Acres
Petitioners Request	Approval of the zoning change and give a "Do Pass" recommendation to the Board of County Commissioners.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING COMMISSION

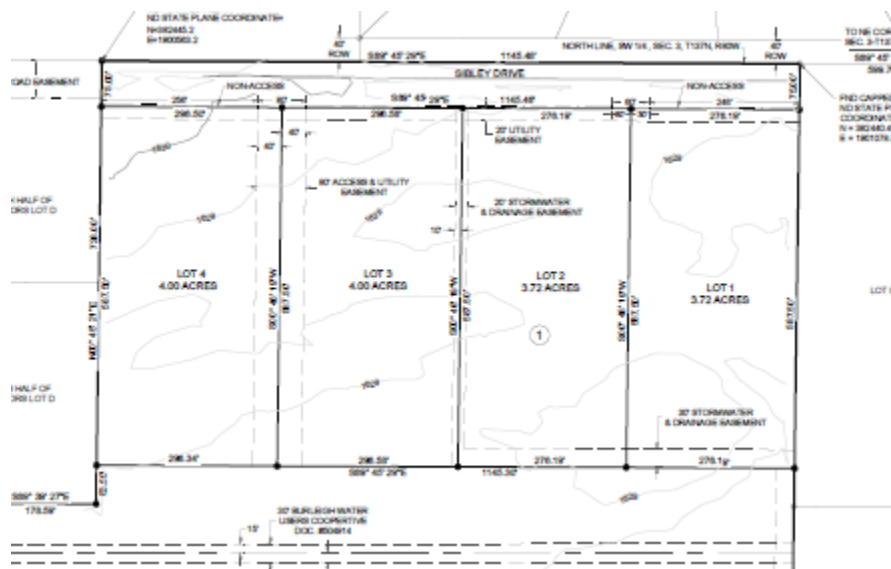
November 8, 2023

History/Description

Burleigh County was approached in July regarding the platting of a 57 acre parcel into a five (5) lot subdivision. A preliminary review meeting was held on July 18th with the County Staff, Mark Isaacs, ILS and the property owners Ryan Melin and Kyle Leftwich.

The owners would like to develop a five (5) lot subdivision consisting of four (4) lots: two (2) lots comprised of 4 acres each, two (2) lots comprised of 3.72 acres each with the fifth lot comprised of 40 acres which would retain the A-Agricultural Zoning. Lots 1 through 4 would be zoned R1-Rural Single Family Residential.

Exhibit 4-3-2 Riverbend Subdivision Final Plat
Zoning Change





PLANNING AND ZONING COMMISSION

November 8, 2023

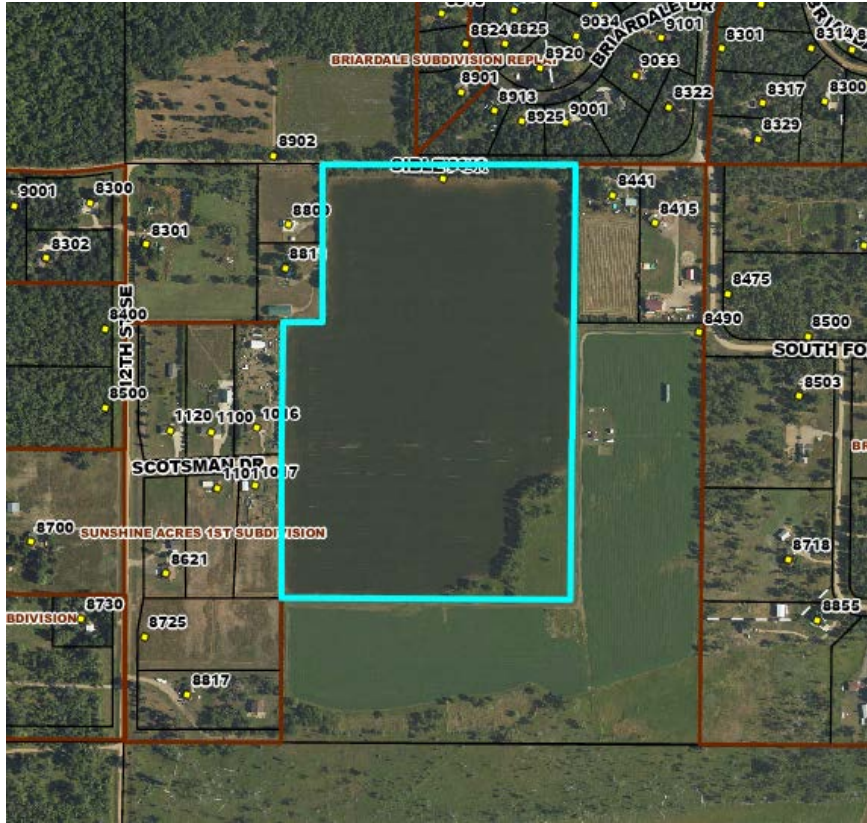


Exhibit 4.3.3 Riverbend Subdivision Site
Map

EXHIBITS:

4-3-1 Riverbend Subdivision	Location Map
4-3-2 Riverbend Subdivision	Final Plat
4-3-3 Riverbend Subdivision	Site Map



PLANNING AND ZONING COMMISSION

November 8, 2023

Staff Findings: Zoning Change

1. The zoning change requested meets the requirements of Article 12 of the Burleigh County Zoning Ordinances.
2. The zoning change is consistent with the surrounding properties.

Planning Staff Recommendation

The petition for a zoning change meets all administrative requirements of the Burleigh County Zoning Ordinance Articles 12. Staff recommends approval of the zoning change and a "Do Pass" recommendation to the Board of County Commissioners.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the zoning change. Give a "Do Pass" recommendation to the County Commission.
2. Approve the zoning change with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the zoning change with reason.
4. Table the zoning change for more information.

2024 Planning and Zoning Commission Calendar

MEETING DATE	APPLICATIONS DUE ON:
January 10, 2024	December 21, 2023
February 14, 2024	January 18, 2024
March 13, 2024	February 22, 2024
April 10, 2024	March 21, 2024
May 8, 2024	April 18, 2024
June 12, 2024	May 16, 2024
July 10, 2024	June 20, 2024
August 14, 2024	July 18, 2024
September 11, 2024	August 22, 2024
October 9, 2024	September 19, 2024
November 13, 2024	October 17, 2024
December 11, 2024	November 21, 2024
January 8, 2025	December 19, 2024