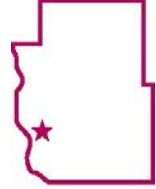




Burleigh County Planning and Zoning Commission Meeting Agenda

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

January 8, 2025


1. Roll Call
2. Election of Officers
3. Approval of the December 11, 2024 Meeting Minutes
4. Consent Agenda *(The following item(s) are request(s) for a public hearing)*

There are no items on the Consent Agenda

5. Public Hearing Agenda
 - 4-1 RRH Subdivision and Zoning Change
6. Other Business:
7. Adjourn – Next Meeting – February 12, 2025

Agenda Item 4-1

Application for RRH Subdivision

Project Summary	
Public Hearing	RRH Subdivision & Zoning Change
Petitioner/Developer	Love's Travel Stops & Country Stores Inc.
Engineer	CEI Engineering – Dallas TX Moore Engineering – Bismarck, ND
Location:	Sterling Township, Section 21, PT SW ¼ Lot 'A' Irregular Plat #291-884
	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">4-1-1 Location Map</div>	
Project Size:	19 Acres more or less
Petitioners Request:	Approve final plat and zoning change from A-Agricultural to C-Commercial
Project Description:	Fuel Station and Restaurant
Notification Dates:	Bismarck Tribune 12/31/24 & 1/6/2024 Bur. Co Website 12/27/24 Surrounding Properties 12/26/2024

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 has been working with Sterling Township regarding the Love's Travel Stops & Country Store for several months. Sterling Township was approached by Loves Travel Stops in placing a fuel station on a property located on I-94. Sterling Township Board has recommended approval of the construction of the store and fuel station Burleigh County had received multiple calls from contractors regarding the permitting and inspection requirements for the site.

Beginning in September, Building, Planning and Zoning staff has had conversations with Sterling Township regarding development standards required by the State of North Dakota and Burleigh County. After several discussions with Lucas Lang, Supervisor Chair for Sterling Township, Burleigh County received a request from Sterling Township to conduct all permitting, inspections and recordkeeping for the site.

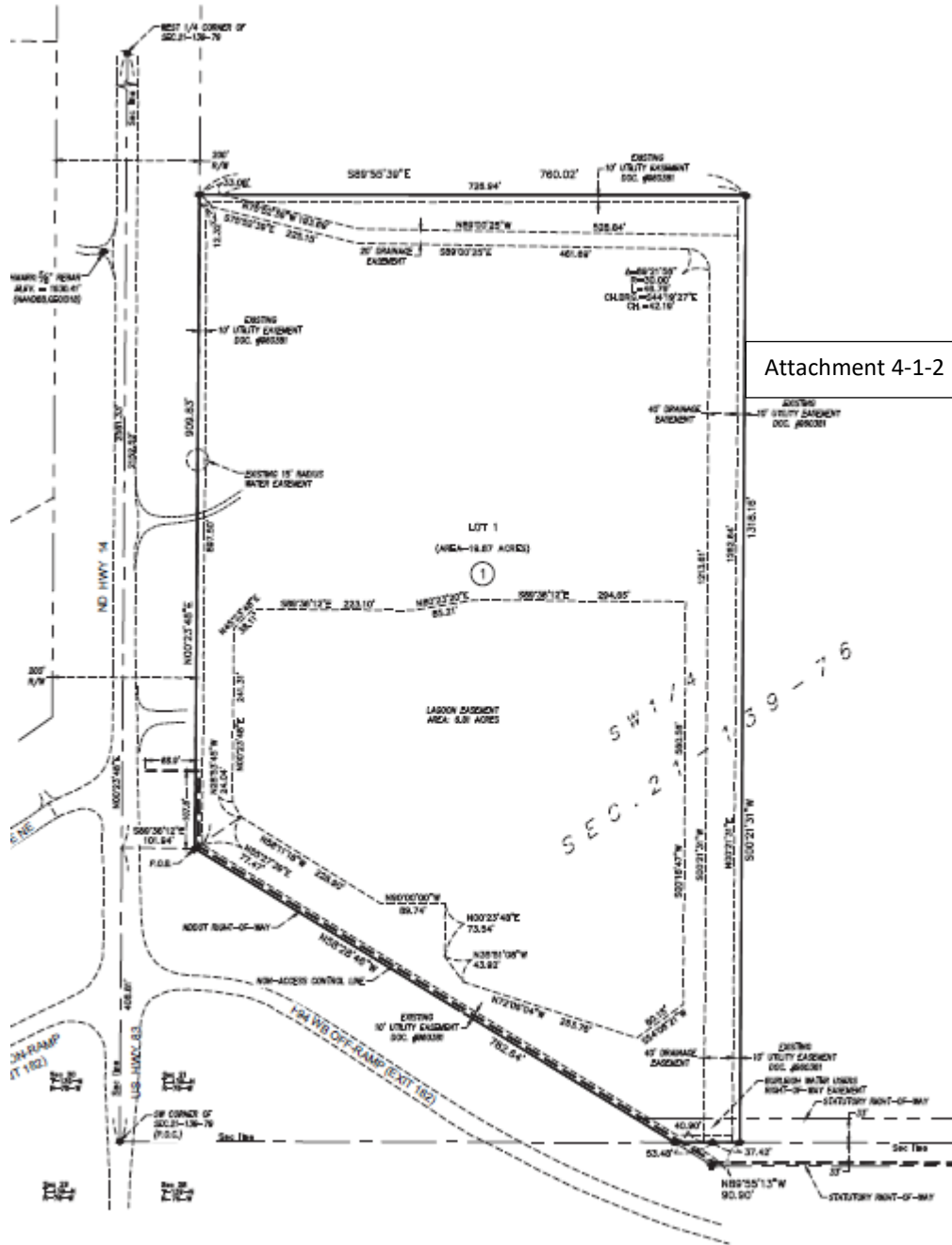
Staff reviewed the proposed development plans for an 8,125 sq./ft. convenience store with attached 2,789 sf restaurant, 5 MPDS and associated parking, truck scale, landscaping and utilities. Burleigh County Staff requested to the owner's representatives that the property be platted. The property consists of 19 acres more or less. A preliminary plat review meeting was held on October 17th. The plat was approved for a public hearing by the Burleigh Planning and Zoning Commission on November 13. The Stormwater Management Plan has been approved.

The zoning change from A-Agricultural to C-Commercial was a condition of the final plat. Petitioners were requested to submit a zoning change prior to the plat approval by the Board of Burleigh County Commissioners. Sterling Township has zoning jurisdiction. Sterling Township has asked Burleigh County to conduct the zoning change for them. The zoning change was recommended for a public hearing at the December 11, 2024 meeting of the Burleigh County Planning and Zoning Commission.



PLANNING AND ZONING
COMMISSION

January 8, 2025



Attachment 4-1-2 Final Plat

1-04

January 8, 2025



Attachment 4-1-3 Site Map

Staff Findings – Final & Zoning Change

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. A Stormwater Management Plan has been approved
3. The final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
4. A zoning change from A-Agricultural to C-Commercial has been requested.
5. The zoning change fulfills the requirements of Article 16 of the Burleigh County Zoning Ordinance.
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan
Article 2 – Government “Increase the effectiveness of government decisions in order to improve the County’s physical, social and economic environment”



PLANNING AND ZONING COMMISSION

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- Objective 2 – Promote cooperation among township, city, county and state meetings.
- Objective 3 Emphasize sound planning process as a means of managing future county growth in the most rational efficient manner possible

Article 6 - Business and Industry "Maintain a balanced and sustained growth of commercial industrial and manufacturing development in the County"

- Objective 1 - Enhance and diversify Burleigh County's economy
- Objective 2 - Promote the quality growth of commercial uses

Staff Findings

The petition for a "Do Pass" recommendation for the RRH Subdivision and the zoning change from A-Agricultural to C-Commercial meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and zoning change.

Planning Commission Action

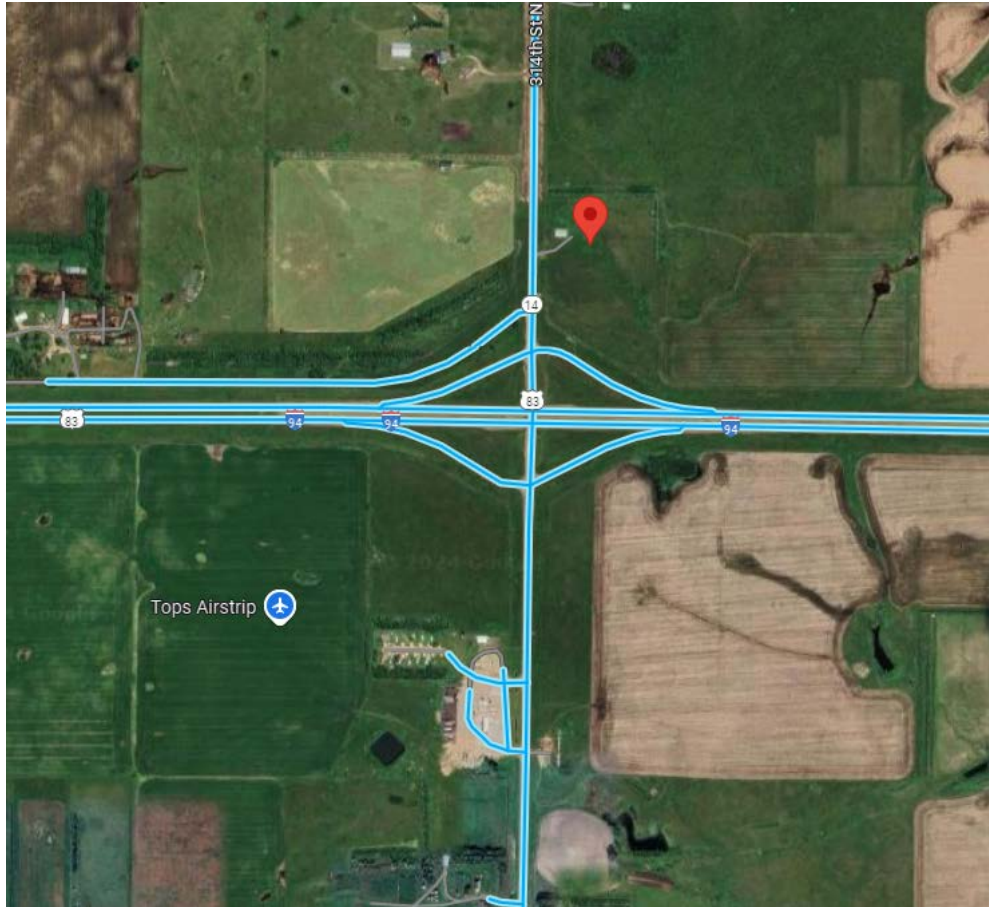
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and/or zoning change giving a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
2. Approve the final plat and/or zoning change with conditions and give a "Do Pass" recommendation after all conditions have been completed.
3. Deny the final plat and/or zoning change with reason.
4. Table the final plat and/or zoning change for more information.

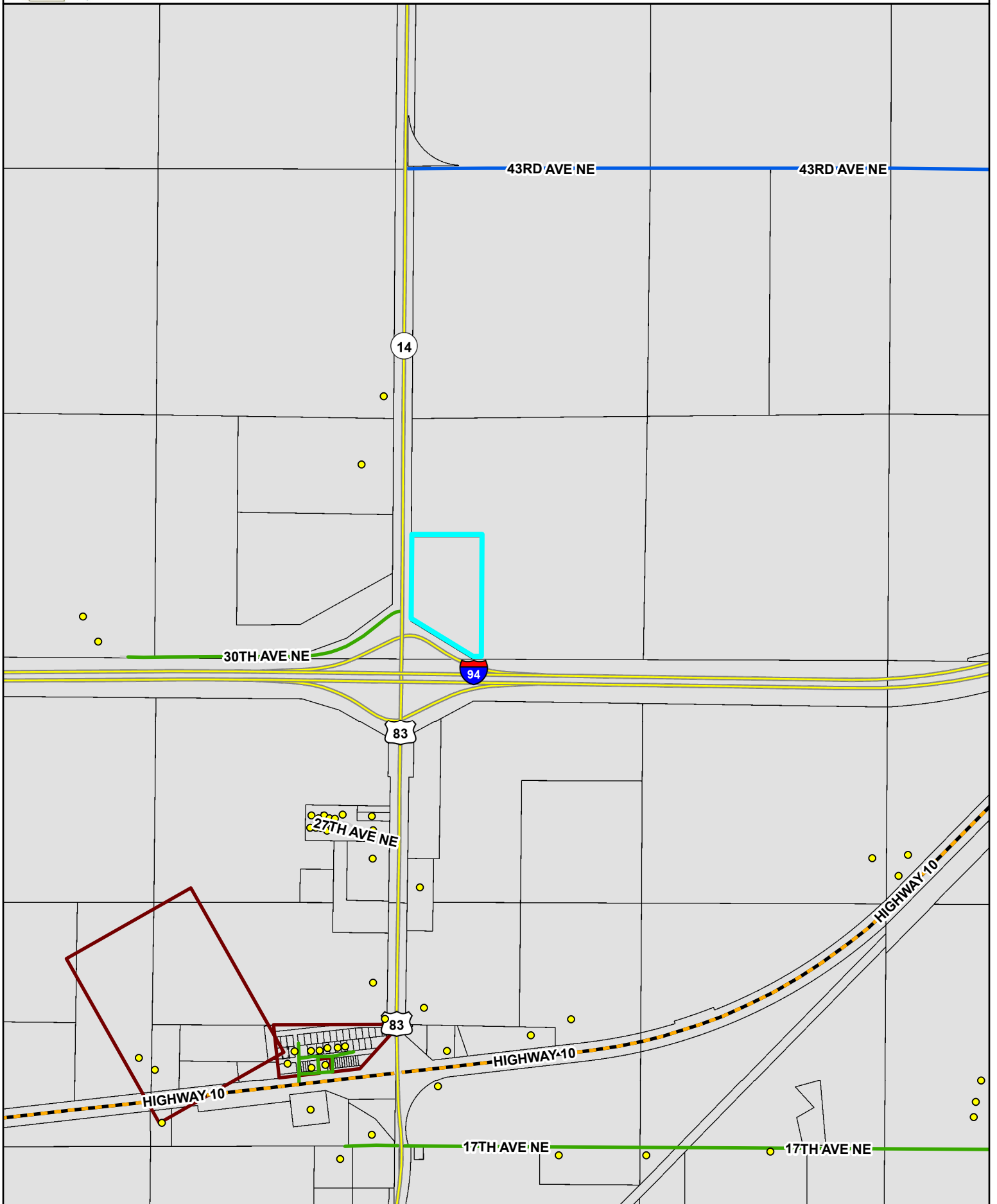


PLANNING AND ZONING
COMMISSION

January 8, 2025



Google Satellite View



**PLAT OF
RRH SUBDIVISION**
A PART OF THE SOUTHWEST 1/4 OF
SECTION 21, TOWNSHIP 139 NORTH, RANGE 76 WEST, BURLEIGH COUNTY, NORTH DAKOTA

PERIMETER METES & BOUNDS DESCRIPTION

Part of the Southwest Quarter of Section 21, Township 139 North, Range 76 West, of the 5th Principal Meridian, Burleigh County, North Dakota, described as follows:

Commencing at the southwest corner of said section 21, thence N 0 deg. 23 min. 48 sec. E along the west line of section 21 a distance of 408.81 feet; thence S 89 deg. 36 min. 12 sec. E a distance of 101.94 feet to the point of beginning; thence N 0 deg. 23 min. 48 sec. E a distance of 909.83 feet; thence S 89 deg. 55 min. 39 sec. E a distance of 760.02 feet; thence S 0 deg. 21 min. 31 sec. W a distance of 1318.16 feet to the south line of said section 21; thence N 89 deg. 55 min. 13 sec. W along the south line of said section 21 a distance of 90.90 feet to the northerly NDDOT right of way line along interstate highway no. 1-94; thence N 58 deg. 28 min. 46 sec. W along said NDDOT right of way line a distance of 782.64 feet to the point of beginning.

Said tract contains 19.87 acres, more or less.

DRAINAGE EASEMENT DESCRIPTION

Beginning at the northwest corner of Lot 1, Block 1 of RRH Subdivision, thence S 0 deg. 23 min. 48 sec. W along the west line of said Lot 1 a distance of 12.32 feet; thence S 75 deg. 52 min. 39 sec. E a distance of 225.15 feet; thence S 89 deg. 00 min. 25 sec. E a distance of 461.69 feet to the beginning of a tangent curve, concave to the right (southwesterly), having a radius of 30.00 feet; thence easterly along said curve 46.79 feet through a central angle of 89 deg. 21 min. 56 sec. to the end of the curve; thence S 0 deg. 21 min. 31 sec. W a distance of 1213.61 feet to the south line of said Lot 1; thence S 89 deg. 55 min. 13 sec. E along the south line of said Lot 1 a distance of 40.00 feet; thence N 0 deg. 21 min. 31 sec. E a distance of 1262.64 feet; thence N 89 deg. 00 min. 25 sec. W a distance of 528.84 feet; thence N 75 deg. 52 min. 39 sec. W a distance of 193.69 feet to the north line of said Lot 1; thence N 89 deg. 55 min. 13 sec. E a distance of 193.69 feet to the north line of said Lot 1; thence N 89 deg. 55 min. 39 sec. W along the north line of said Lot 1 a distance of 33.08 feet to the point of beginning.

Said easement contains 1.49 acres, more or less.

LAGOON EASEMENT DESCRIPTION

Commencing at the southwest corner of Lot 1, Block 1 of RRH Subdivision, thence N 55 deg. 27 min. 39 sec. E a distance of 77.47 feet to the point of beginning; thence N 28 deg. 53 min. 45 sec. W a distance of 24.04 feet; thence N 0 deg. 23 min. 48 sec. E a distance of 241.31 feet; thence N 45 deg. 23 min. 48 sec. E a distance of 38.11 feet; thence S 89 deg. 36 min. 12 sec. E a distance of 223.10 feet; thence N 80 deg. 23 min. 20 sec. E a distance of 85.21 feet; thence S 89 deg. 36 min. 12 sec. E a distance of 294.65 feet; thence S 0 deg. 18 min. 47 sec. W a distance of 560.56 feet; thence S 54 deg. 06 min. 21 sec. W a distance of 80.15 feet; thence N 72 deg. 06 min. 04 sec. W a distance of 253.76 feet; thence N 35 deg. 51 min. 08 sec. W a distance of 43.92 feet; thence N 00 deg. 23 min. 48 sec. E a distance of 73.54 feet; thence N 90 deg. 00 min. 00 sec. W a distance of 89.74 feet; thence N 58 deg. 11 min. 18 sec. W a distance of 228.90 feet to the point of beginning.

Said easement contain 6.81 acres, more or less.

AREA DATA:

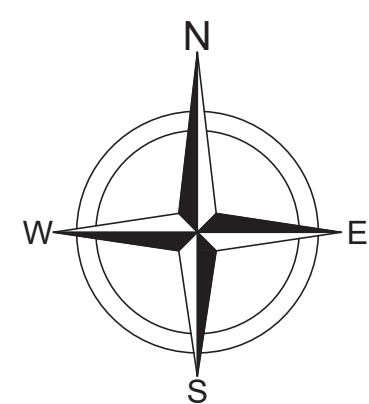
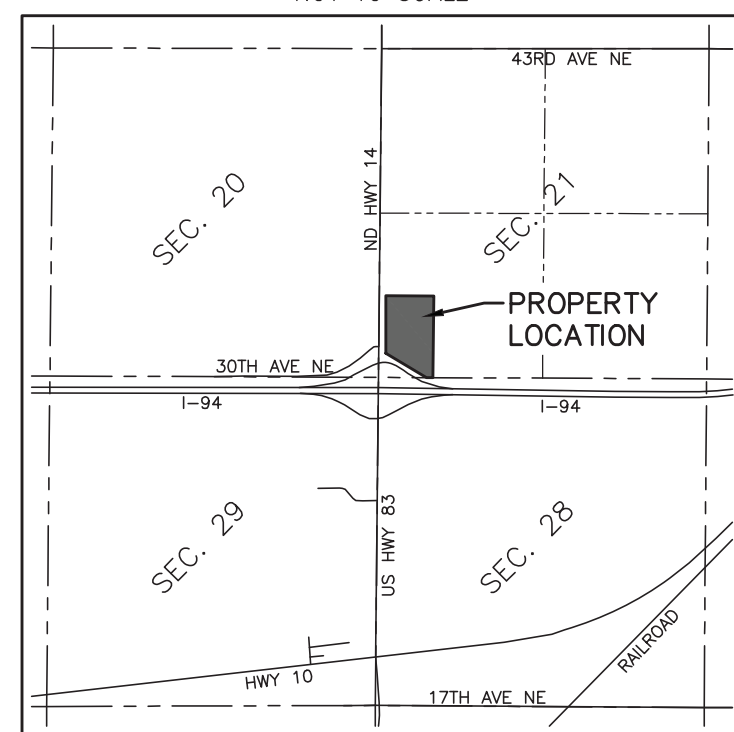
Lot 1, Block 1 865,595 Sq. Ft. 19.87 Acres

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 plot.
- Property owners shall not place any type of fill material or make any alterations to the permanent vegetated cover on the Stormwater & Drainage Easement (no open hill soil is allowed). They shall not plant any trees or shrubs within the easement with the intent to screen or provide a snow shelter bet. 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 (including fences, garages, outbuildings, sheds, driveways, parking pads, landscaping gardens, and septic fields) or other features that interfere with the intended use of the Stormwater & Drainage Easement.

SITE BENCHMARK	
BURLEIGH COUNTY GROUND COORDINATES	
1/CF = 1.0001485221	
NAD83 (2011); ND SOUTH ZONE	
NAVD83(2011); INTERNATIONAL FOOT	
6/2/2022	
POINT ID, NORTHING, EASTING, ELEVATION, CODE	
1, 428171.156, 2021688.859, 1930.410, CP1	

VICINITY MAP



Scale in Feet
0 80

BASIS OF BEARINGS:
GRID NORTH

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH ALUMINUM CAP LS-10871
- RIGHT OF WAY POST
- NON-ACCESS LINE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

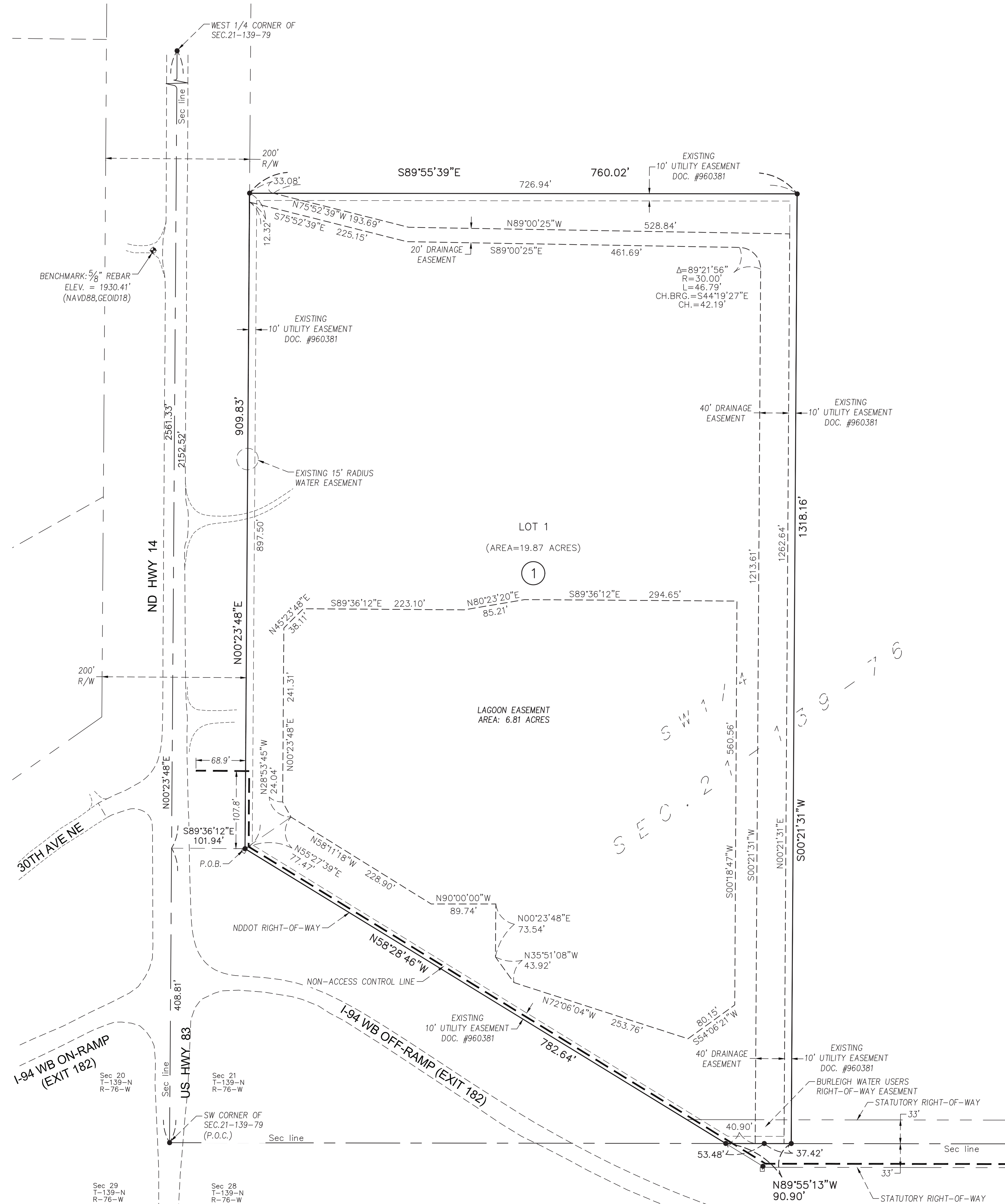
HORIZONTAL DATUM: BURLEIGH COUNTY GROUND COORDINATES
ND COORDINATE SYSTEM OF 1983, NAD83(2011)
ND SOUTH ZONE, INTERNATIONAL FOOT DEFINITION
COMBINATION FACTOR: 0.9998515



PROPERTY OWNER:
ROSEROCK HOLDINGS LLC
PO BOX 5256
OAK BROOK, IL 60522-5256

PARCEL #:
35-139-76-00-21-610

PRELIMINARY PLAT DATE: 10-23-2024



OWNERS DEDICATION

We, the undersigned, being the sole owners of the land platted hereon, do hereby voluntarily consent to the execution of said plat and do 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". We further dedicate drainage and lagoon easements as shown hereon.

Signature _____

Name Timothy J. Doty, II
Roserock Holdings, LLC

State of _____
County of _____

On this ____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared _____ known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of RRH Subdivision.

Notary Public, _____ County, _____

APPROVAL OF BOARD OF COUNTY COMMISSION

The Board of County Commissioners of the County of Burleigh, North Dakota, has approved the subdivision of land as shown on this plat, has accepted the dedication of all streets shown thereon, and does hereby vacate any previous platting within the boundary of this 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 on the Board of County Commission of Burleigh County, North Dakota, was taken by resolution approved on the ____ day of _____, 20____.

Brian Bitner, Chairman

Attest: Mark Splonskowski
County Auditor/Treasurer

APPROVAL OF THE COUNTY ENGINEER

I, Marcus J. Hall, P.E., County Engineer of the County of Burleigh, North Dakota, hereby approve this plat of RRH Subdivision, as shown on this plat.

Dated this ____ day of _____, 20____.

Marcus J. Hall, P.E., County Engineer

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

The County Planning and Zoning Commission of the County of Burleigh, North Dakota, hereby approves the RRH 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 ordinances of the County of Burleigh and regulation adopted by said Planning and Zoning Commission.

The foregoing action on 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

SURVEYOR'S CERTIFICATE

Thomas D. Weigel, being duly sworn, deposes and says that he is the Registered Professional Land Surveyor who prepared and made the attached plat of "RRH SUBDIVISION", a part of the Southeast Quarter of Section 21, Township 139 North, Range 76 West of the Fifth Principal Meridian, Burleigh County, North Dakota; that said plat is a true and correct representation of said survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys; all dimensional and geodetic details are correct.



State of North Dakota
county of Burleigh

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Thomas D. Weigel, registered land surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Burleigh County, North Dakota

