



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
March 27, 2013

Tom Baker Meeting Room 5:00 p.m. City-County Building

Item No. Page

MINUTES

- 1. Consider the approval of the minutes of the January 23, 2013 and February 27, 2013 meetings of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. High Meadows 12th Addition - Preliminary Plat (Klee) ... 1
Staff recommendation: tentative approval [ ]tentative approval [ ]table [ ]deny
3. North Hills 17th Addition (JT)
a. Zoning Change (A to R5).....7
Staff recommendation: schedule a hearing [ ]schedule a hearing [ ]table [ ]deny
b. Preliminary Plat ..... 11
Staff recommendation: tentative approval [ ]tentative approval [ ]table [ ]deny
4. Lots 17-18 and 27-28, Block 17, Sonnet Heights Subdivision -
Zoning Change (R5 to R10) (Klee)..... 17
Staff recommendation: schedule a hearing [ ]schedule a hearing [ ]table [ ]deny



# REGULAR AGENDA

## FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

5. **Part of North Hills 17<sup>th</sup> Addition – Annexation (JT)**.....21  
*Staff recommendation: approve*                      approve    continue    table    deny
6. **Koch Crest Addition (JT)**
- a. **Zoning Change (A & CG to RM30 & CG)**.....25  
*Staff recommendation: approve*                      approve    continue    table    deny
- b. **Final Plat**..... 29  
*Staff recommendation: approve*                      approve    continue    table    deny
7. **Revolutionary Addition (JT)**
- a. **Annexation** .....37  
*Staff recommendation: approve*                      approve    continue    table    deny
- b. **Zoning Change (RR & MA to MA)**.....39  
*Staff recommendation: approve*                      approve    continue    table    deny
- c. **Final Plat**..... 43  
*Staff recommendation: approve*                      approve    continue    table    deny
8. **Lot 2, Block 1, Grandview Heights Commercial Park Replat –  
Special Use Permit (Drive-through) (JW)** ..... 49  
*Staff recommendation: approve*                      approve    continue    table    deny
9. **Lot 1, Block 1, Expressway Terrace Addition –  
Special Use Permit (Auto Laundry/Carwash) (JT)** ..... 57  
*Staff recommendation: approve*                      approve    continue    table    deny
10. **Lots 1-8, Block 66, Original Plat –  
Special Use Permit (Parking Structure) (JT)** ..... 65  
*Staff recommendation: approve*                      approve    continue    table    deny
11. **Tracts 1 and 2 of the NW ¼ of Section 28, T137N-R80W/Lincoln Township –  
Special Use Permit (Accessory Buildings) (JW)** ..... 71  
*Staff recommendation: approve*                      approve    continue    table    deny

## OTHER BUSINESS

12. **Resolution of Appreciation – Curt Juhala**
13. **Other**

## ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for Wednesday, April 24, 2013.

Enclosures: Meeting Minutes of January 23, 2013  
Meeting Minutes of February 27, 2013  
Building Permit Activity Report for February 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> High Meadows 12 <sup>th</sup> Addition – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> Leverson Family Trust – L2, B1 Daniel Haakenson – Lot A of L3, B2 Robert & Nadine Schaff – Lot B of L3, B2 Curt & Diane Wentz – L4, B2	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Re-plat property for further development upon annexation (currently scheduled for 2014).		
<b>Location:</b> Along both sides of Colt Avenue and the north side of Buckskin Avenue west of North Washington Street (A replat of Lot 2, Block 1, Lots A and B of Lot 3, Block 2 and Lot 4, Block 2, KMK Estates Subdivision).		
<b>Project Size:</b> 13.72 acres	<b>Number of Lots:</b> 36 lots in 4 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RR – Residential	<b>Land Use:</b> Single-family residential	
<b>Uses Allowed:</b> RR – Rural residential	<b>Zoning:</b> RR – Residential	
<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	<b>Uses Allowed:</b> RR – Rural residential	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/59	<b>Platted:</b> 11/69	<b>Annexed:</b> ---
<b>ADDITIONAL INFORMATION</b>		
<ol style="list-style-type: none"> <li>1. The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2<sup>nd</sup> Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request.</li> <li>2. The proposed plat was not accompanied by a zoning change or early annexation request. The applicants are proposing the plat for future development, with the understanding that the proposed lots would all be combined as one tax parcel for each owner until the property was annexed and rezoned to R5-Residential.</li> <li>3. The proposed plat includes an extension of Huron Drive from the adjacent High Meadows 7<sup>th</sup> Addition. It is unclear if the property owners between the existing Huron Drive and the proposed plat have been contacted regarding the alignment of Huron Drive and whether or not they support the proposed alignment. This should be resolved prior to submittal of the final plat.</li> </ol>		
<i>(continued)</i>		

4. The applicant is requesting the use of a cul-de-sac for this development and has submitted written justification for this request. Section 14-09-05(1)(m) of the Subdivision Regulations (Design Standards) states, "The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process." Based on these criteria, staff has no objection to the use of a cul-de-sac in this location.

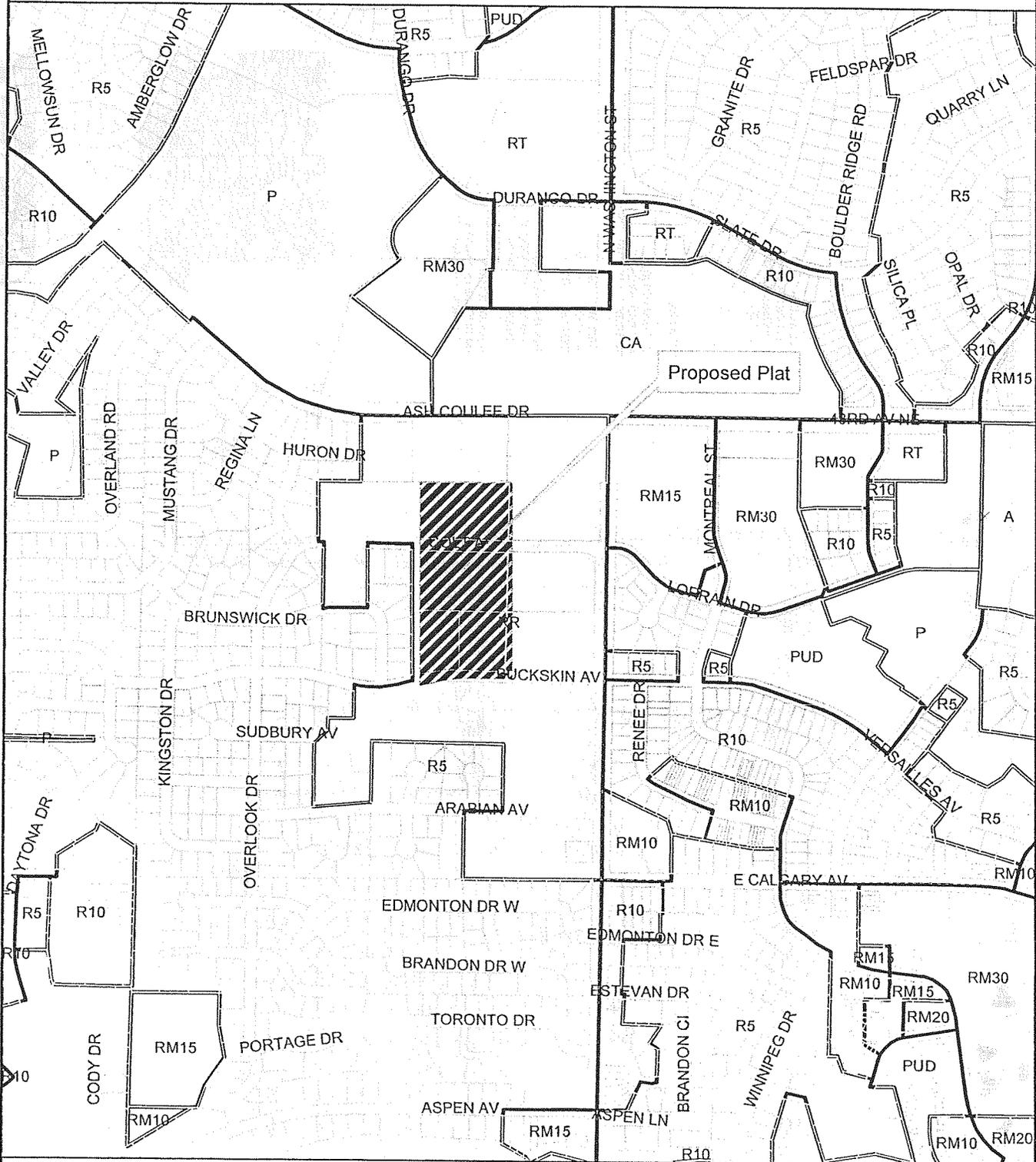
#### **FINDINGS:**

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision is outside of the area covered by the Fringe Area Road Master Plan. North Washington Street to the east of the proposed plat and Ash Coulee Drive to the north of the proposed plat are both classified as minor arterials on the MPO's Functional Classification Network (2009).
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural single-family residential to the north, south, east and west.
4. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

#### **RECOMMENDATION:**

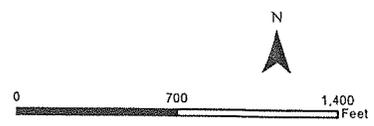
Based on the above findings, staff recommends tentative approval of the preliminary plat of High Meadows 12<sup>th</sup> Addition, including the granting of a waiver to allow the use of a cul-de-sac.

# Proposed Plat High Meadows 12th Addition



DISCLAIMER: 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. Map was Updated/Created: February 20, 2013 (Klee)

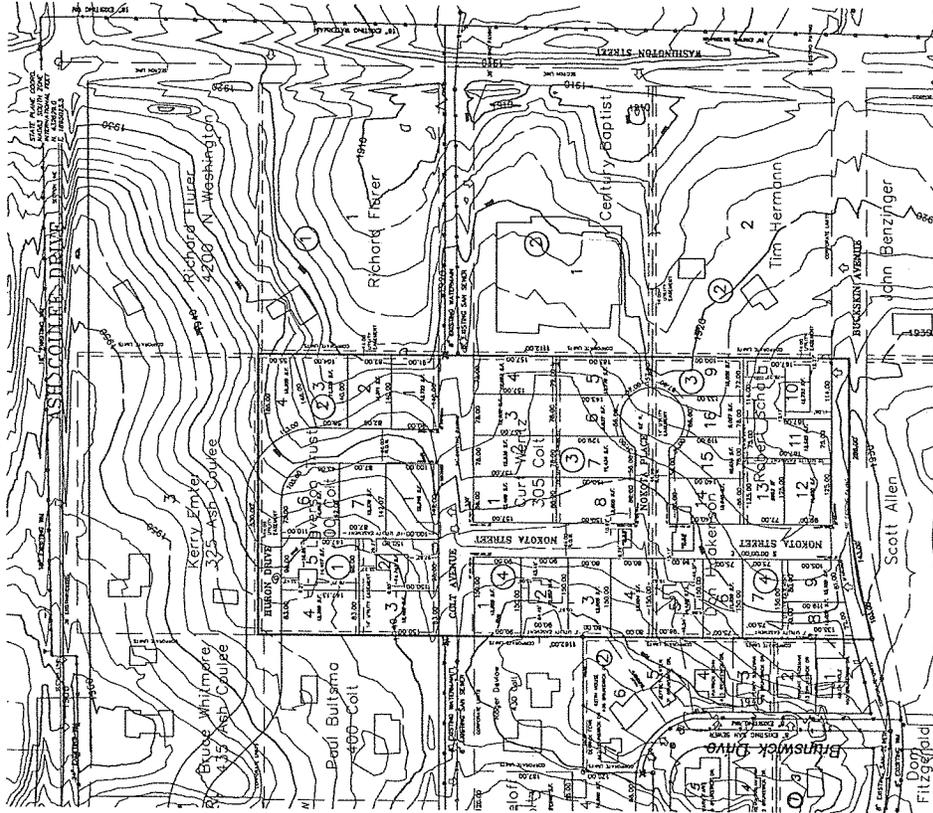
Source: City of Bismarck



# HIGH MEADOWS 12TH ADDITION

BEING A REPLAT OF LOT 2 BLOCK 1, LOTS A & B OF LOT 3, BLOCK 2, & LOT 4 BLOCK 2 OF KMK ESTATES  
PART OF THE SW 1/4 OF THE S 1/2 OF THE NW 1/4  
SECTION 20, T. 139, R. 80 W.

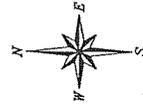
## BISMARCK, NORTH DAKOTA



- 13.72 ACRES
- EXISTING ZONING: RR
- PROPOSED ZONING: R3
- 36 LOTS
  
- OWNERS:
- LEVERSON TRUST  
300 COLT AVENUE  
BISMARCK ND 58503 255-9687
- CURT WENTZ  
305 COLT AVENUE  
BISMARCK ND 58503 255-0514
- DAN HAAKENSON  
300 BUCKSKIN AVENUE  
BISMARCK ND 58503 255-7581
- ROBERT SCHAFF  
250 BUCKSKIN AVENUE  
BISMARCK ND 58503 258-9804



PROJECT AREA



MARCH 13, 2013  
SCALE = 1"=100'  
0 40 80 120'

NG1029



Community Development

February 22, 2013

City of Bismarck

The proposed resubdivision of the area previously platted as KMK Estates has in the past, and will in the future, require the use of cul de sacs. Development of infill areas often confronts us with isolated areas for development. These isolated areas have limited access due to existing structures and roadways. In order to develop these areas we are confronted with the use of those tools that provide access but do not provide for travel through the site. At the same time the cul de sac is still the families favorite place to live.

David Patience AICP



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> North Hills 17 <sup>th</sup> Addition – Zoning Change (A to R5)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> The Coleman Group, Inc. Zion Lutheran Church Foundation Bernard & Virginia Herberholz George Gaulker Bernice Mitzel Richard Bellin	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> Plat, zone and annex the property for future single-family residential development.		
<b>Location:</b> Along the south side of 43 <sup>rd</sup> Avenue NE between Normandy and Dominion Streets (An unplatted portion of the NW1/4 of Section 21, T139N-R80W/Hay Creek Township.)		
<b>Project Size:</b> 20.334 acres	<b>Number of Lots:</b> 54 lots in 3 blocks	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> Single-family residential
<b>Zoning:</b> A – Agriculture		<b>Zoning:</b> R5 – Residential
<b>Uses Allowed:</b> A – Agricultural uses		<b>Uses Allowed:</b> R5 – Single-family residential
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres		<b>Maximum Density Allowed:</b> R5 – 5 units per acre
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> 07/2007 (portion)
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is outside the boundaries of the Land Use Plan.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the south; single-family, two-family and multi-family residential to the east; and undeveloped land to the north and west.</li> <li>3. The subdivision proposed for this property is partially annexed and the remainder would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> </ol>		
<i>(continued)</i>		

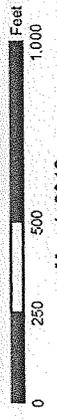
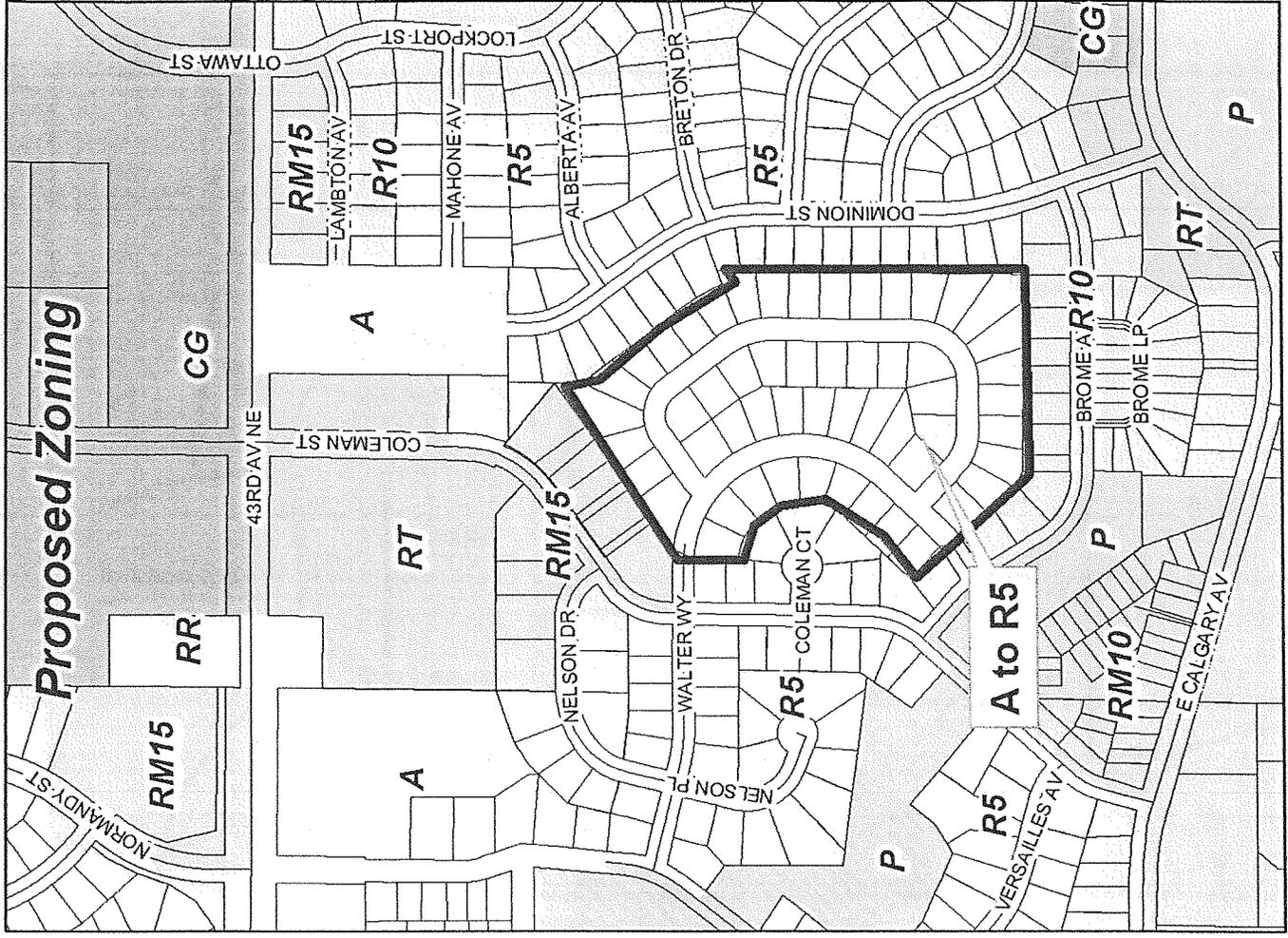
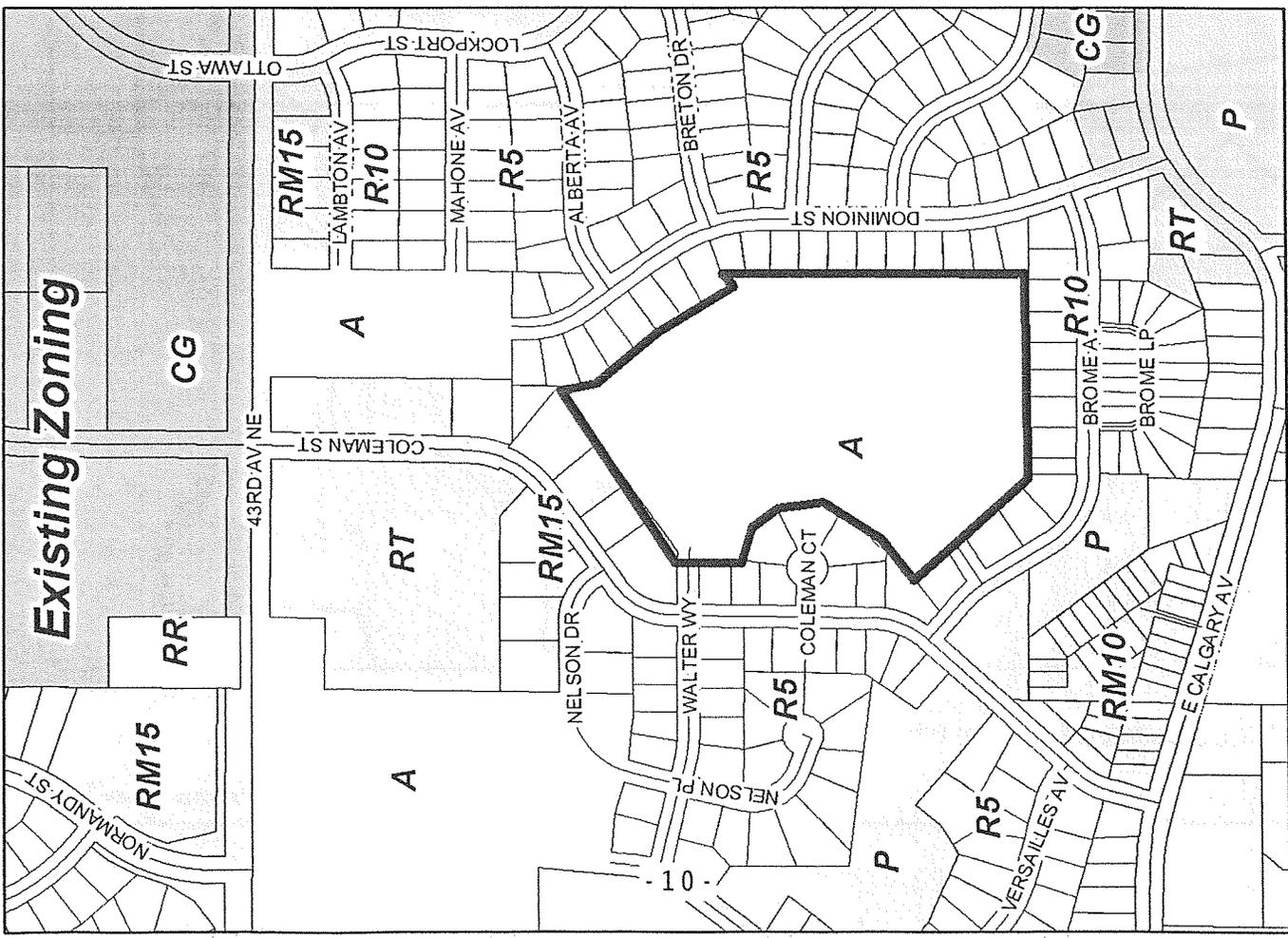
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for North Hills 17<sup>th</sup> Addition for the zoning change from the A-Agriculture zoning district to the R5-Residential zoning district.



# North Hills 17th Addition - Zoning Change



March 2013

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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> North Hills 17 <sup>th</sup> Addition – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> The Coleman Group, Inc. Zion Lutheran Church Foundation Bernard & Virginia Herberholz George Gaulker Bernice Mitzel Richard Bellin	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> Plat, zone and annex the property for future single-family residential development.		
<b>Location:</b> Along the south side of 43 <sup>rd</sup> Avenue NE between Normandy and Dominion Streets (An unplatted portion of the NW1/4 of Section 21, T139N-R80W/Hay Creek Township.)		
<b>Project Size:</b> 20.334 acres	<b>Number of Lots:</b> 54 lots in 3 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Single-family residential	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> R5 – Residential	
<b>Uses Allowed:</b> A- Agricultural uses	<b>Uses Allowed:</b> R5 – Single-family residential	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres	<b>Maximum Density Allowed:</b> R5 – 5 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for consideration of a final plat have been met.</li> <li>2. The proposed subdivision does not impact the Fringe Area Road Master Plan for this area, which identifies Normandy Street as the north-south collector, 43<sup>rd</sup> Avenue NE as the east-west arterial and Calgary Avenue as the east-west collector roadway for this section.</li> <li>3. The property is partially annexed and the remainder of the proposed subdivision would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities.</li> <li>4. The proposed subdivision would not adversely affect property in the vicinity.</li> <li>5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> </ol>		
<i>(continued)</i>		

6. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat for North Hills 17<sup>th</sup> Addition.







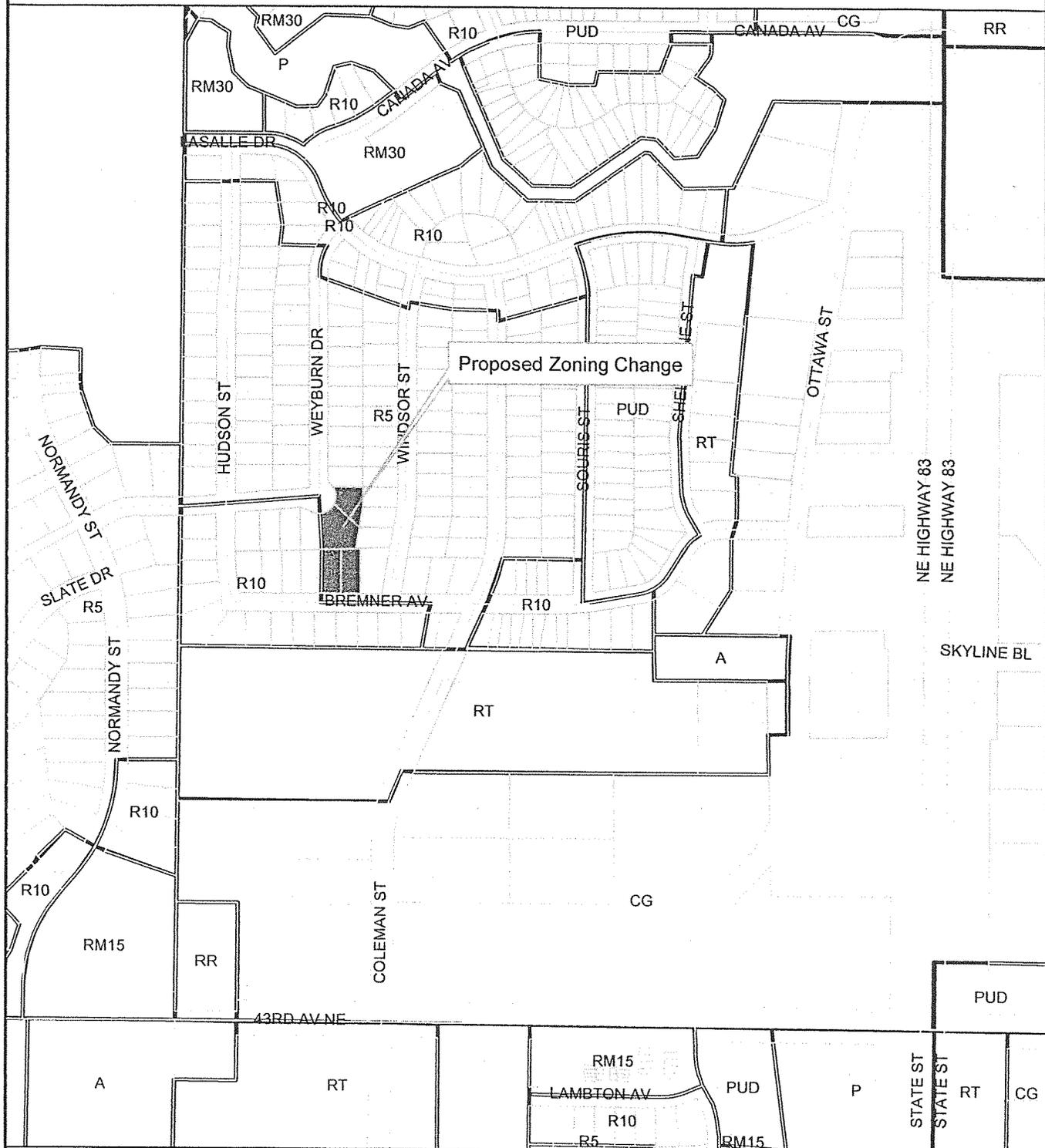


**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision – Zoning Change (R5 to R10)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> Verity Homes of Bismarck, LLC	<b>Engineer:</b> Swenson Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow for the development of twinhomes.		
<b>Location:</b> Along the north side of Bremner Avenue and the southeast side of Weyburn Drive, north of 43 <sup>rd</sup> Avenue NE and west of US Highway 83.		
<b>Project Size:</b> 48,179 square feet or 1.2 acres, more or less	<b>Number of Lots:</b> 4 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Two-family residential	
<b>Zoning:</b> R5 – Residential	<b>Zoning:</b> R10 – Residential	
<b>Uses Allowed:</b> R5 – Single-family residential	<b>Uses Allowed:</b> Single and two-family residential	
<b>Maximum Density Allowed:</b> 5 units/acre	<b>Maximum Density Allowed:</b> 10 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/1980	<b>Platted:</b> 12/1980	<b>Annexed:</b> 03/2007
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed zoning change is consistent with the Land Use Plan, which identifies this area as residential (land use portion of US Highway 83 Corridor Transportation Study).</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north and east and a combination of one and two-family residential to the south and west.</li> <li>The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.</li> <li>The proposed zoning change would not adversely affect property in the vicinity.</li> <li>The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the R5-Residential zoning district to the R10-Residential zoning district on Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision.		

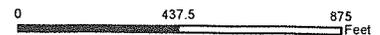
# Proposed Zoning Change (R5 to R10)

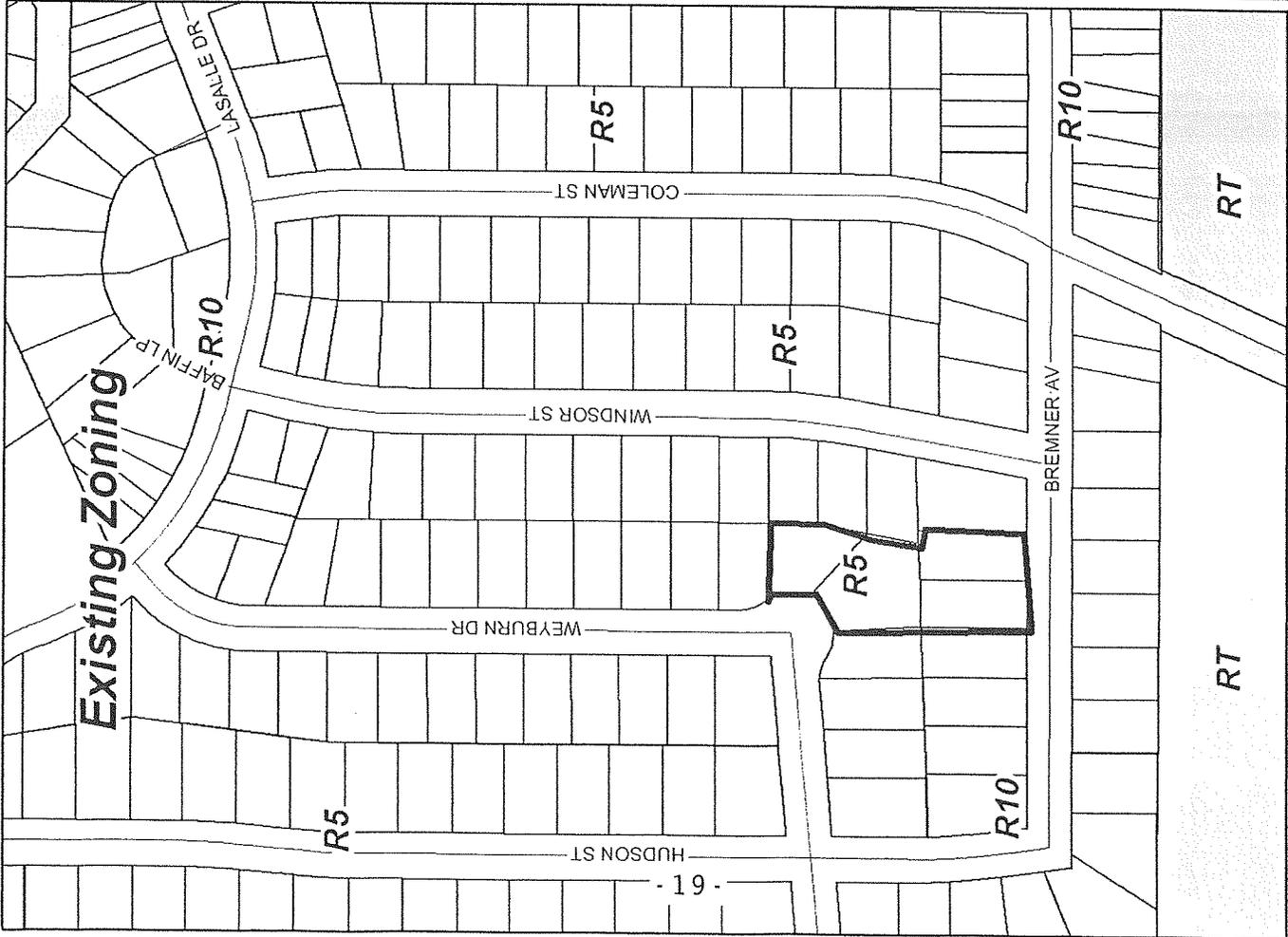
## Lots 17, 18, 27 & 28, Block 17, Sonnet Heights Subdivision



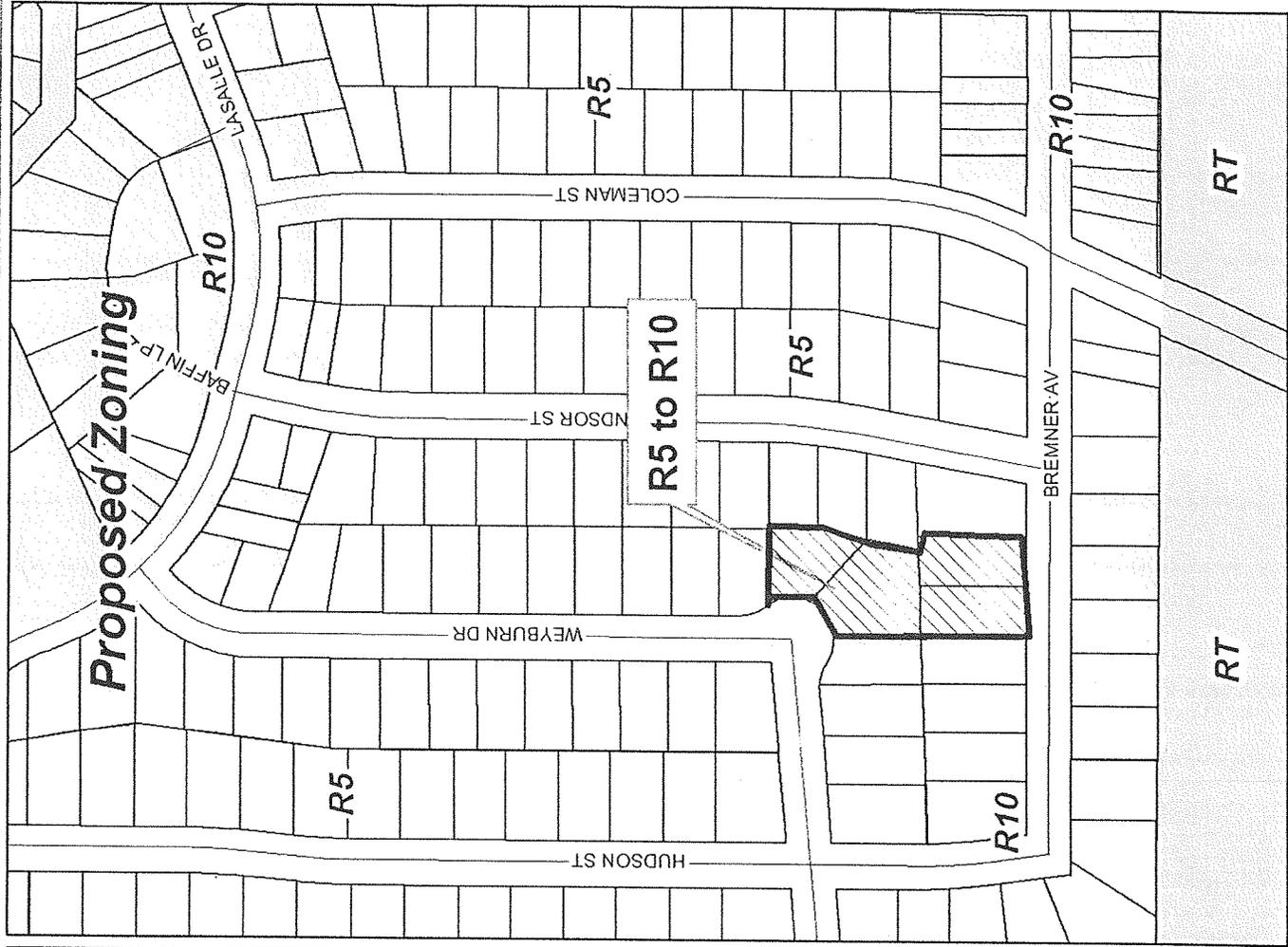
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: March 19, 2013 (Klee)

Source: City of Bismarck

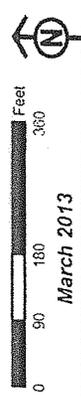




Existing Zoning



Proposed Zoning

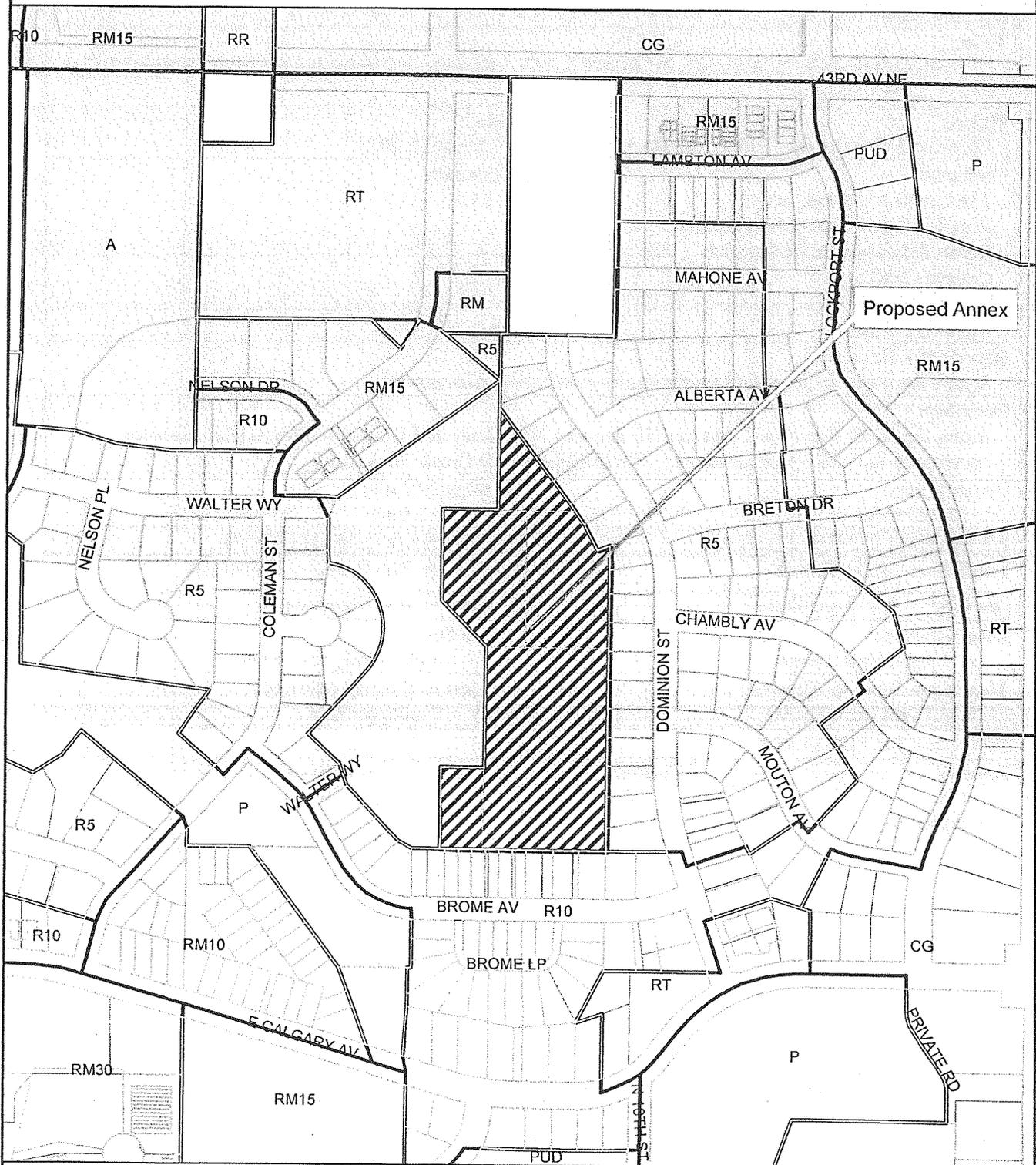




**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> A portion of the NW ¼ of Section 21 T139N/R80W – Hay Creek Township (A portion of North Hills 17 <sup>th</sup> Addition)		
<b>Status:</b> Planning Commission – Final Consideration	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> The Coleman Group, Inc. Zion Lutheran Church Foundation Bernard & Virginia Herberholz George Gaulker Bernice Mitzel Richard Bellin	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> Annex the property for future single-family residential development.		
<b>Location:</b> Along the south side of 43 <sup>rd</sup> Avenue NE between Normandy and Dominion Streets (An unplatted portion of the NW1/4 of Section 21, T139N-R80W/Hay Creek Township.)		
<b>Project Size:</b> 10.723 acres	<b>Number of Lots:</b> 1 tract	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Single-family residential	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> R5 – Residential	
<b>Uses Allowed:</b> A – Agricultural uses	<b>Uses Allowed:</b> R5 – Single-family residential	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres	<b>Maximum Density Allowed:</b> R5 – 5 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.</li> <li>2. The proposed annexation would not adversely affect property in the vicinity.</li> <li>3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.</li> <li>4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval the annexation of a portion of the NW ¼ of Section 21, T139N-R80W/Hay Creek Township (that portion of the property being platted as North Hills 17 <sup>th</sup> Addition no previously annexed).		

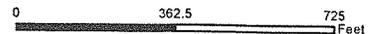
# Proposed Annex North Hills 17th Addition



DISCLAIMER: 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.  
Map was Updated/Created: February 26, 2013 (hib)

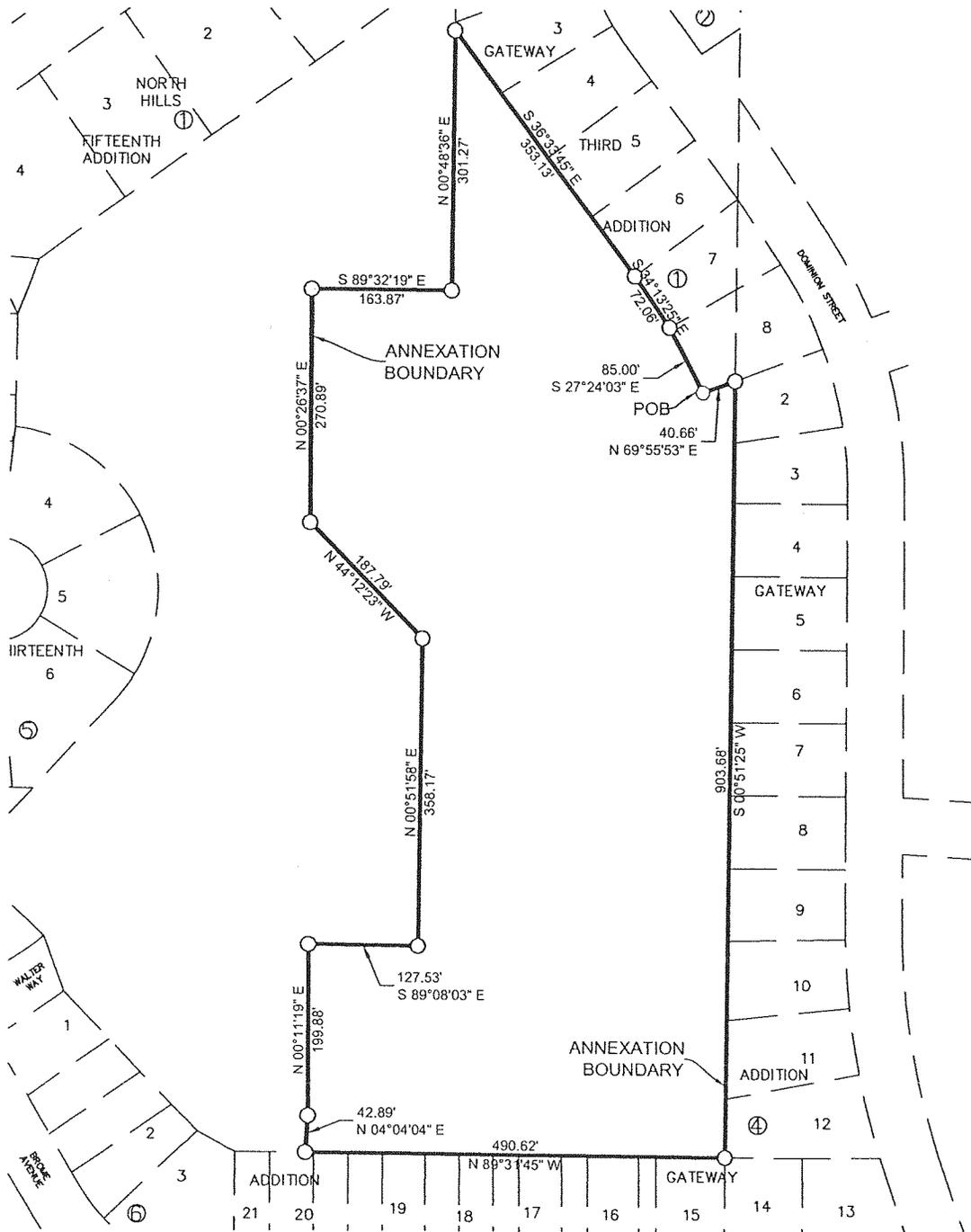
Source: City of Bismarck

N



# ANNEXATION EXHIBIT

A PORTION OF THE NE 1/4, SECTION 21, TOWNSHIP  
139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL  
MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA



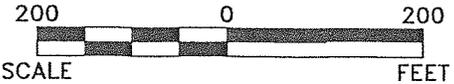
A PORTION OF THE NE 1/4 OF SECTION 21, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERN MOST CORNER OF LOT 8, BLOCK 1, GATEWAY THIRD ADDITION WHICH IS THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING N 69°55'53" E, 40.66 FEET; THENCE S 00°51'25" W, 903.68 FEET TO THE NORTH WEST CORNER OF LOT 14, BLOCK 4, GATEWAY ADDITION; THENCE N 89°31'45" W, 490.62 FEET; THENCE N 04°04'04" E, 42.89 FEET; THENCE N 00°11'19" E, 199.88 FEET; THENCE S 89°08'03" E, 127.53 FEET; THENCE N 00°51'58" E, 358.17 FEET; THENCE N 44°12'23" W, 187.79 FEET; THENCE N 00°26'37" E, 270.89 FEET; THENCE S 89°32'19" E, 163.87 FEET; THENCE N 00°48'36" E, 301.27 FEET TO LOT 3, BLOCK 1, GATEWAY THIRD ADDITION; THENCE ALONG THE WEST BOUNDARY OF GATEWAY THIRD ADDITION AS FOLLOWS: S 36°33'45", 353.13 FEET; THENCE S 34°13'25", 72.06 FEET; THENCE S 27°24'03" E, 85.00 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 467,076 SQUARE FEET OR 10.723 ACRES MORE OR LESS.



FEBRUARY 2013





**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Koch Crest Addition – Zoning Change (A & CG to RM30 & CG)		
<b>Status:</b> Planning Commission – Public Hearing (continued)	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> Michael P. Koch	<b>Engineer:</b> Toman Engineering	
<b>Reason for Request:</b> Plat and zone property for multi-family residential and commercial uses.		
<b>Location:</b> In northeast Bismarck along the west side of Centennial Road approximately ½ mile north of East Century Avenue (Auditor's Lot B of the NE ¼ of Section 23, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 10.32 acres	<b>Number of Lots:</b> 15 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Multi-family dwellings and commercial uses	
<b>Zoning:</b> A-Agricultural CG- Commercial	<b>Zoning:</b> RM30-Residential CG-Commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial uses	<b>Uses Allowed:</b> RM30 – Multi-family dwellings CG – General commercial uses, multi-family dwellings and offices	
<b>Maximum Density Allowed:</b> A – One unit/40 acres CG – 42 units/acre	<b>Maximum Density Allowed:</b> RM30 – 30 units/acre CG – 42 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/1978 (portion)	<b>Platted:</b> N/A	<b>Annexed:</b> 10/2012
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A meeting was held on January 30, 2013 regarding the multiple developments in this area. Representatives from Koch Crest Addition, KOA Campground, Edgewood Village and the Bismarck Public School District attended the meeting along with City staff. No changes were made to any of the proposed developments during that meeting.</li> <li>2. The applicant has indicated a desire to proceed with the plat as originally presented and to not extend French Street through the subdivision to the north edge of the subject property and adjacent to the KOA Campground.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is outside the boundaries of the Land Use Plan.</li> </ol>		

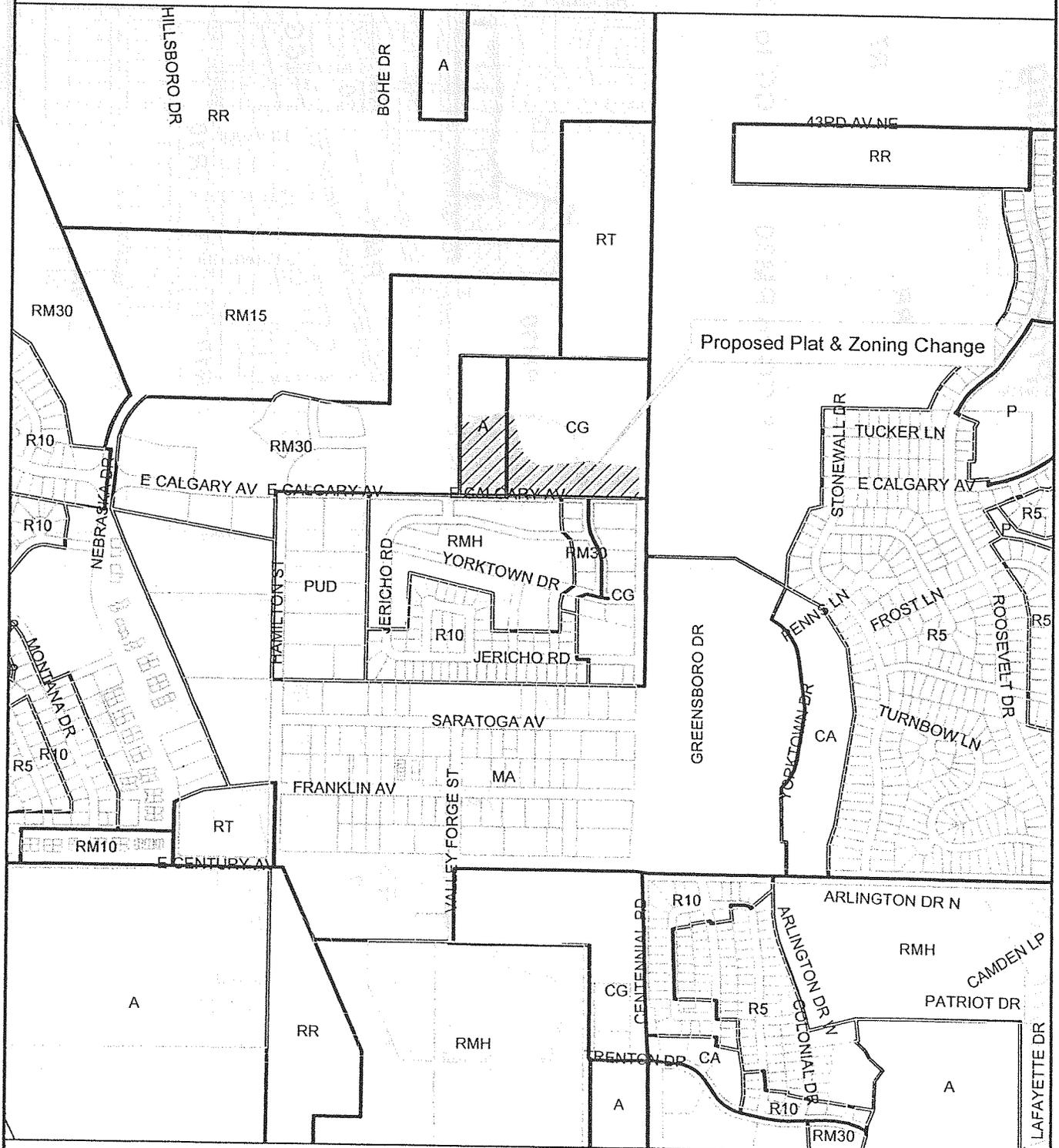
(continued)

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single and multi-family residential and commercially-zoned property to the south, the KOA Campground to the north and the future high school site to the west.
3. The proposed subdivision is already annexed; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

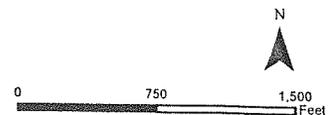
Based on the above findings, staff recommends approval of the zoning change from the A-Agriculture and CG-Commercial zoning districts to the RM30-Residential zoning district for Lots 1-4, Block 1 and Lots 1-5, Block 2 and the CG-Commercial zoning district for Lots 5-11, Block 2, Koch Crest Addition.

# Proposed Plat and Zoning Change (A & CG to RM30 & CG) Koch Crest Addition

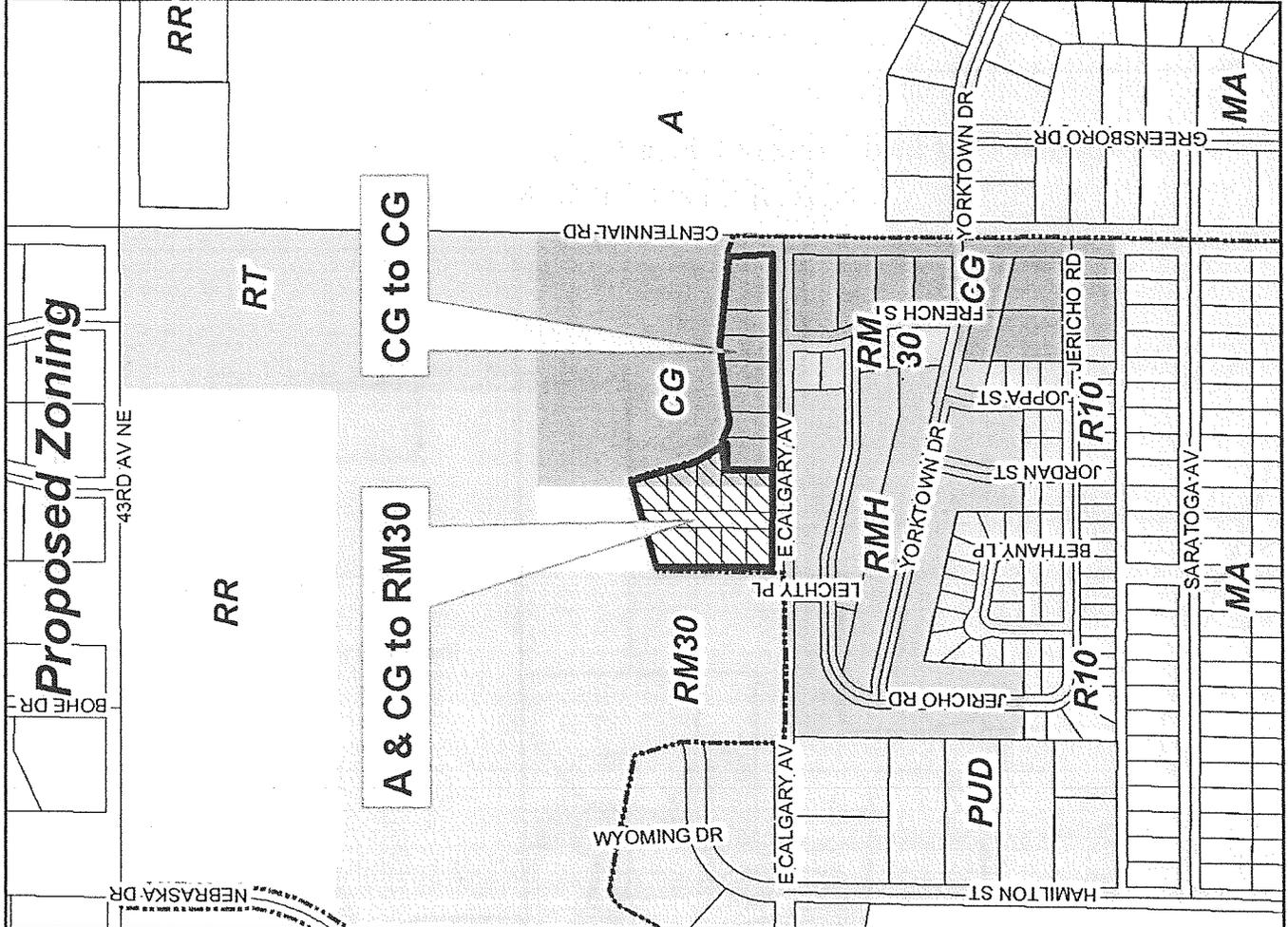
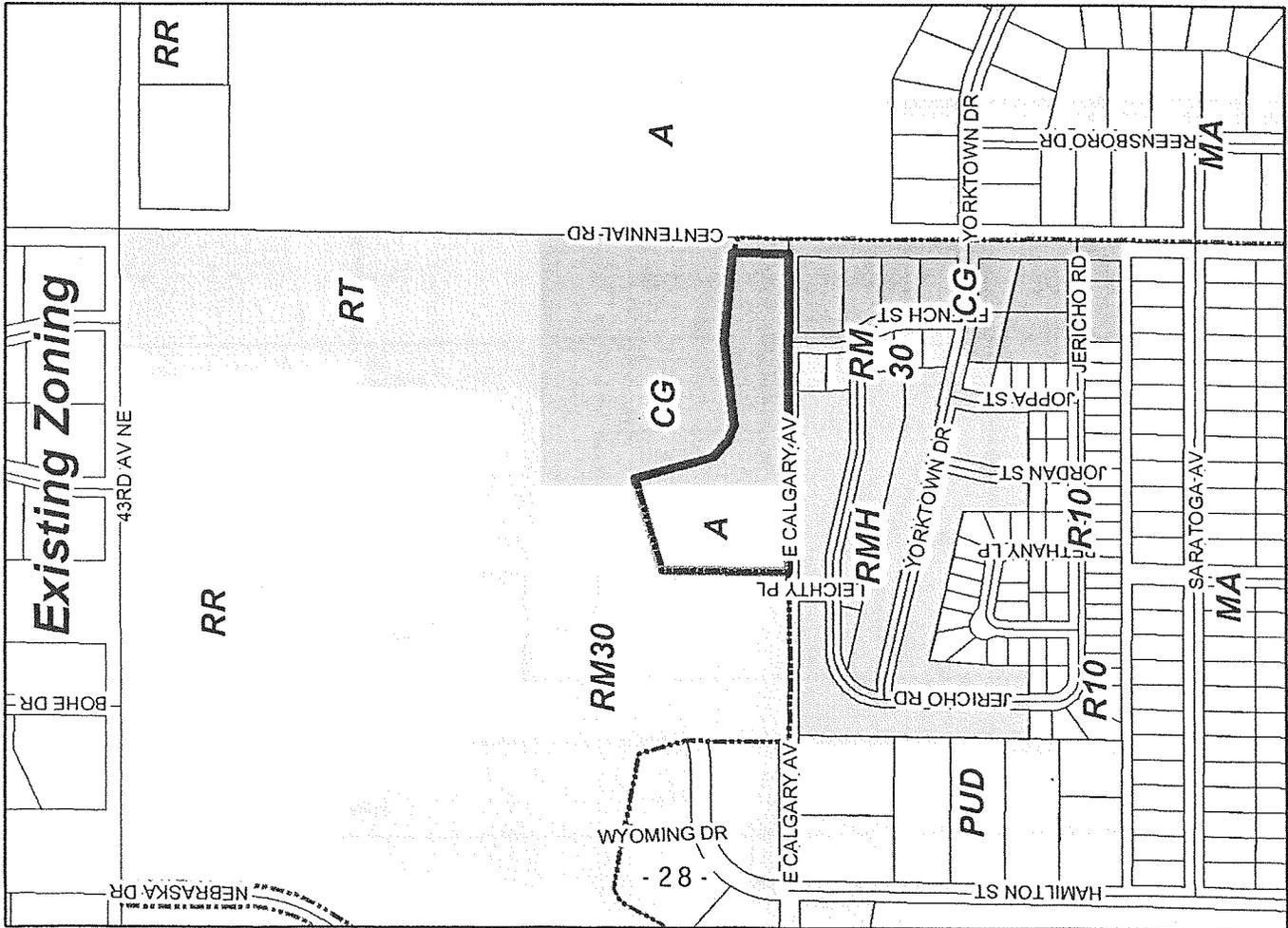


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Map was Updated/Created: November 21, 2012 (Klee)

Source: City of Bismarck



# Koch Crest Addition - Zoning Change



December 2012

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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Koch Crest Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing (continued)	<b>Date:</b> February 27, 2013	
<b>Owner(s):</b> Michael P. Koch	<b>Engineer:</b> Toman Engineering	
<b>Reason for Request:</b> Plat and zone property for multi-family residential and commercial uses.		
<b>Location:</b> In northeast Bismarck along the west side of Centennial Road approximately ½ mile north of East Century Avenue (Auditor's Lot B of the NE ¼ of Section 23, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 10.32 acres	<b>Number of Lots:</b> 15 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Multi-family dwellings and commercial uses	
<b>Zoning:</b> A – Agricultural CG – Commercial	<b>Zoning:</b> RM30 – Residential CG – Commercial	
<b>Uses Allowed:</b> A – Agriculture CG – General commercial uses	<b>Uses Allowed:</b> RM30 – Multi-family residential CG – General commercial uses, multi-family dwellings and offices	
<b>Maximum Density Allowed:</b> A – One unit/40 acres CG – 42 units/acre	<b>Maximum Density Allowed:</b> RM30 – 30 units/acre CG – 42 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/1978 (portion)	<b>Platted:</b> N/A	<b>Annexed:</b> 10/2012
<b>ADDITIONAL INFORMATION:</b>		
<p>1. This item was continued at the January 23, and February 27, 2013 Planning &amp; Zoning Commission meeting. An issue was raised relating to the extension of French Street through Koch Crest Addition. French Street lies within the subdivision to the south, Stonecrest Second Addition. The City Traffic Engineer, Mark Berg, has requested that French Street continue through Koch Crest Addition to help alleviate congestion on Centennial Road and to serve as a backage road to Centennial Road. The Traffic Engineer has stated that Centennial Road will be improved in the future and it is likely that the roadway will need to conform to the City's access control policy which limits the number of private driveways and access points along arterial roadways. Mr. Berg has indicated that the current access for the KOA property north of Koch Crest Addition would likely be removed or redesigned to limit access to the site through the use of a median. The owners of the KOA property have also requested the extension of French Street through Koch Crest Addition to help facilitate access to their property in the future. A memo from Mr. Berg is included with the documents for the proposed subdivision.</p> <p align="right"><i>(continued)</i></p>		

2. A meeting was held on January 30, 2013 regarding the multiple developments in this area. Representatives from Koch Crest Addition, KOA Campground, Edgewood Village and the Bismarck Public School District attended the meeting along with City staff. No changes were made to any of the proposed developments during that meeting.
3. The applicant has indicated a desire to proceed with the plat as originally presented and to not extend French Street through the subdivision to the north edge of the subject property and adjacent to the KOA Campground.

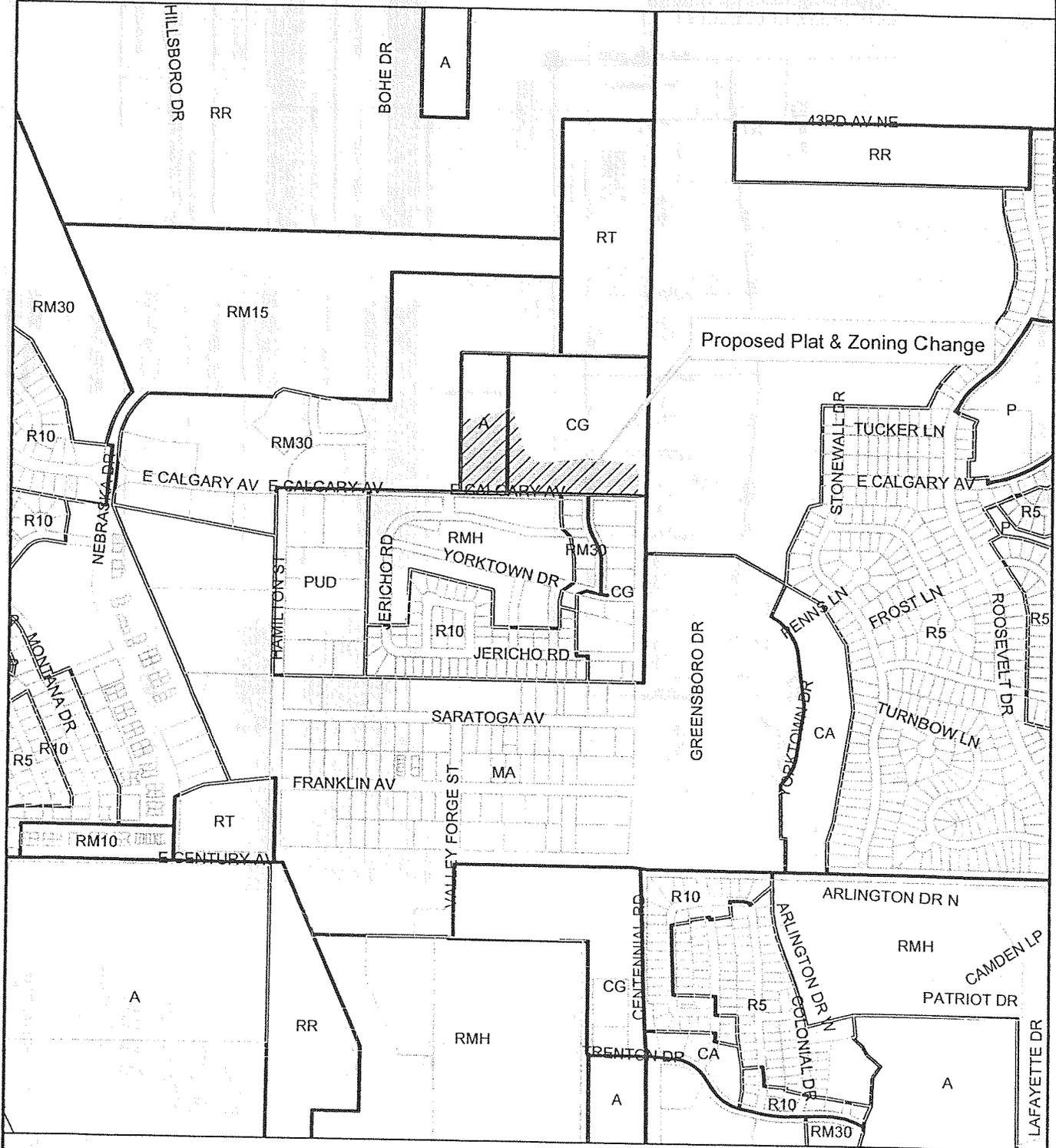
**FINDINGS:**

1. All technical requirements for approval of a final plat have been met.
2. The proposed subdivision is consistent with the Fringe Area Road Master Plan for Section 23, T139N-R80W/Hay Creek Township, which identifies East Calgary Avenue as the east-west collector roadway and Centennial Road as the north-south arterial roadway for this section.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single and multi-family residential and commercially-zoned property to the south, the KOA Campground to the north and the future high school site to the west.
5. The proposed subdivision is already annexed; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

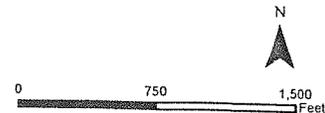
Based on the above findings, staff recommends approval of the final plat for Koch Crest Addition.

# Proposed Plat and Zoning Change (A & CG to RM30 & CG) Koch Crest Addition



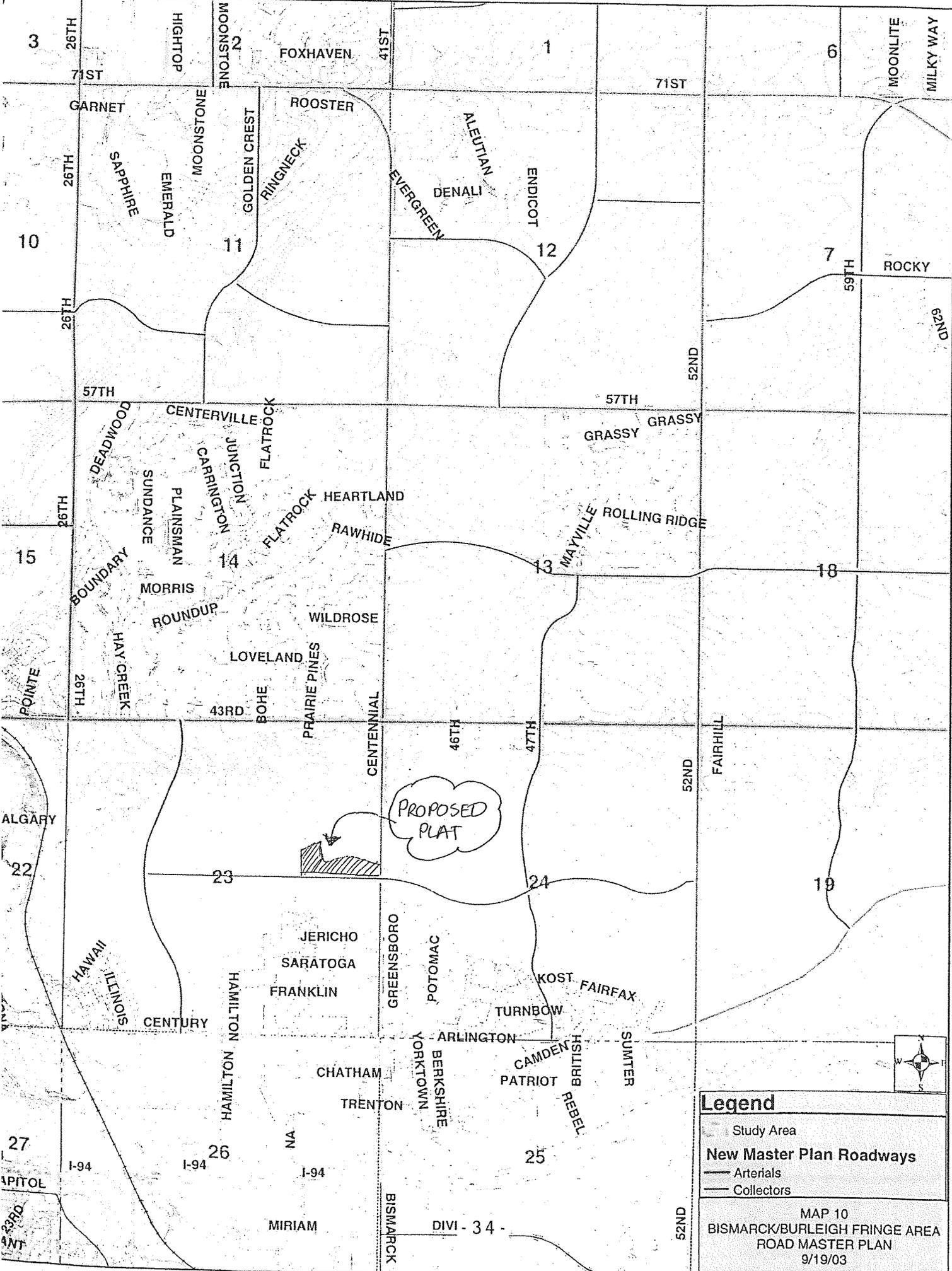
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Map was Updated/Created: November 21, 2012 (Klee)

Source: City of Bismarck







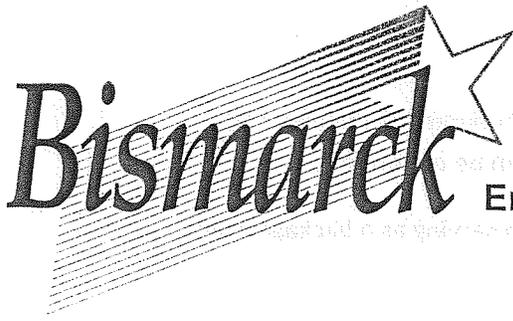


**Legend**

-  Study Area
- New Master Plan Roadways**
-  Arterials
-  Collectors

MAP 10  
 BISMARCK/BURLEIGH FRINGE AREA  
 ROAD MASTER PLAN  
 9/19/03





Engineering Department

February 13, 2013

TO: Planning Commission

FROM: Mark A. Berg, PE, Traffic Engineer

A handwritten signature in black ink, appearing to read "M Berg", is written over the printed name of Mark A. Berg.

RE: Koch Crest Addition

This addition was brought to the city for development in November of 2012. This property was separated from KOA Campground when ownership changed hands creating a separate parcel. At that time there was not much development activity in the area. It was also anticipated that this development would not have any significant impacts to the area. No master plan has been developed for this area.

During the initial review of this development it did not appear that the continuation of French Street north through the KOA Campground was necessary. This does not negate the need for a future backage road to provide access to the campground when it is redeveloped in the future.

At the December 3, 2012 plat review meeting, the request for the extension of French Street was brought to serve as a future backage road paralleling Centennial Road.

As the result of the comments in the plat review meeting, a subsequent meeting was held on December 5, 2012 with the owner of Koch Crest Addition, Mike Koch and his consultant engineer to explore alternate ideas that would not require French Street to continue north through KOA Campground. Alternate was devised and it was recommended that Mr. Koch meet with the owners of KOA to discuss this alternate.

In the meantime the Bismarck Public School District announced that they had selected a site for the new high school which is to be immediately west of the KOA Campground and Koch Crest Addition. As a result of this announcement, the importance of French Street changed. This change will now impact the intersection of Calgary Avenue and Centennial Road. This intersection will require improvements such as turning lanes and possible future traffic signalization. These improvements will impact the current access to KOA, because the current KOA access would be within the operational area of the Calgary/Centennial intersection. With French Street continuing north through Koch Crest, the KOA could utilize this alternate access.

Planning for a future change in access now by continuing French Street north through Koch Crest Addition will be a great benefit to traffic movements resulting from the new development and especially

**Melvin J. Bullinger, P.E., City Engineer**

Phone: 701-355-1505 ★ TDD: 711 ★ FAX: 701-222-6593 ★ 221 I. 35 - Street ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

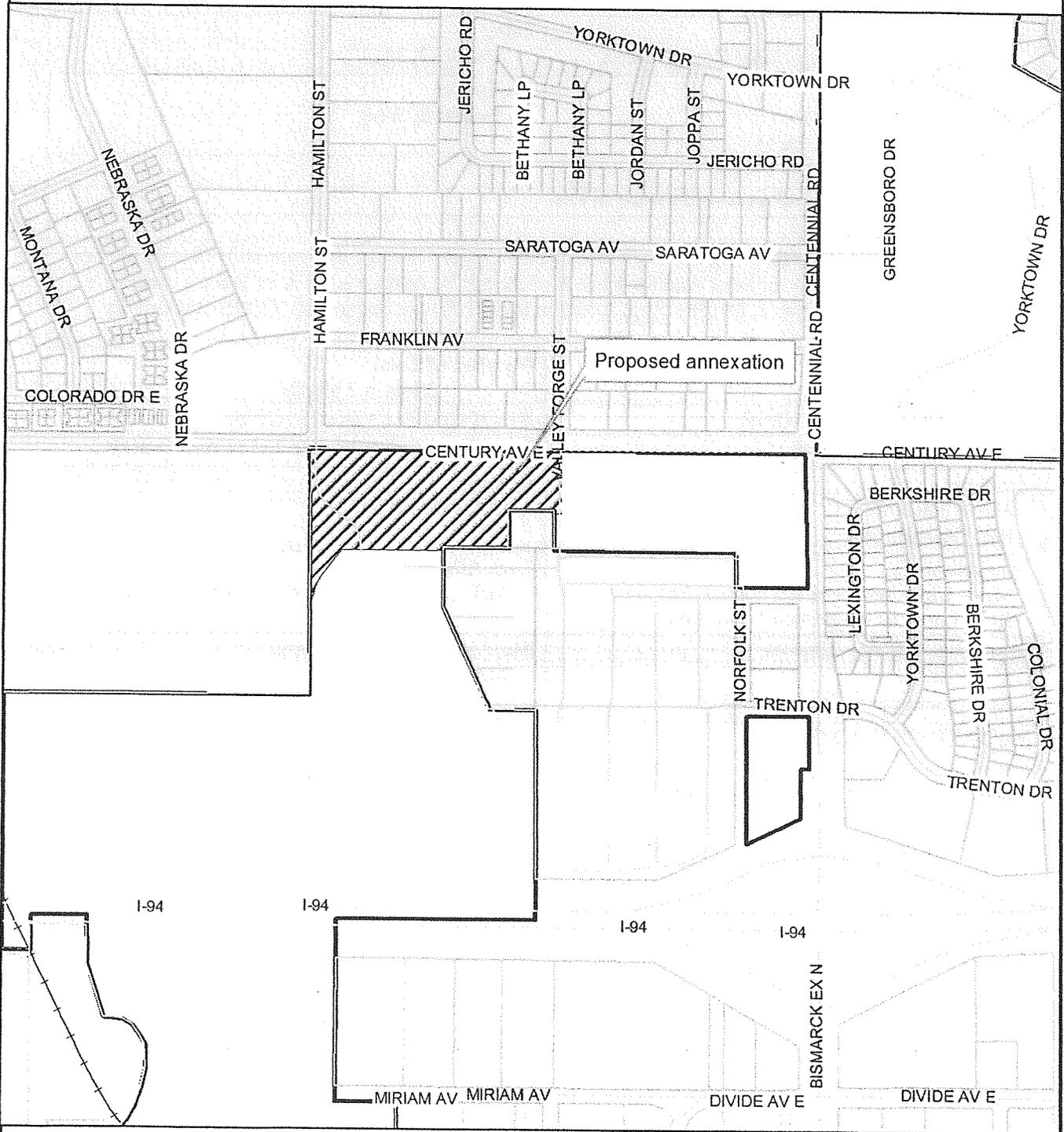
the new high school planned for this area. When a traffic impact study is prepared for the new high school, the immediate impacts to the intersection of Calgary/Centennial can be quantified.

Experience indicates that the need for French Street to extend to the north serving as a backage road through KOA is solution for a future problem with the least impacts.

**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

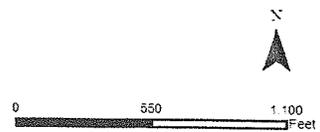
<b>BACKGROUND:</b>		
<b>Title:</b> Revolutionary Addition – Annexation		
<b>Status:</b> Planning Commission – Final Consideration	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> JETM, LLP (Block 2) City of Bismarck (Block 1)	<b>Engineer:</b> Bartlett & West	
<b>Reason for Request:</b> To allow for future development of industrial lots.		
<b>Location:</b> In northeast Bismarck, along the south side of East Century Avenue approximately ¼ mile west of Centennial Road (A replat of Auditor's Lot A of the NE ¼, Auditor's Lot A of Tract 4, Auditor's Lot A of Lot 3, Block 1, Mr. B's West Addition in the NE ¼ of Section 26, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 15.26 acres	<b>Number of Lots:</b> 3 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Industrial uses and storage facilities	
<b>Zoning:</b> MA – Industrial RR – Residential	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> MA – Light industrial and commercial uses RR – Large lot single-family dwellings	<b>Uses Allowed:</b> MA – Light industrial and commercial uses	
<b>Maximum Density Allowed:</b> MA – N/A RR – 1 unit per 65,000 square feet	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1990	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.</li> <li>2. The proposed annexation would not adversely affect property in the vicinity.</li> <li>3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.</li> <li>4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval the annexation of Revolutionary Addition.		

# Proposed Annexation Revolutionary Addition



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Map was Updated/Created February 29, 2012 (klee)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Revolutionary Addition – Zoning Change (RR & MA to MA)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> JETM, LLP (Block 2) City of Bismarck (Block 1)	<b>Engineer:</b> Bartlett & West	
<b>Reason for Request:</b> To allow for future development of industrial lots.		
<b>Location:</b> In northeast Bismarck, along the south side of East Century Avenue approximately ¼ mile west of Centennial Road (A replat of Auditor's Lot A of the NE ¼, Auditor's Lot A of Tract 4, Block 1, Mr. B's West Addition in the NE ¼ of Section 26, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 15.26 acres	<b>Number of Lots:</b> 3 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Industrial uses and storage facilities	
<b>Zoning:</b> MA – Industrial RR – Residential	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> MA – Light industrial and commercial uses RR – Large lot single-family dwellings	<b>Uses Allowed:</b> MA – Light industrial and commercial uses	
<b>Maximum Density Allowed:</b> MA – N/A RR – 1 unit per 65,000 square feet	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/1978	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The City of Bismarck – Public Works Department owns Lot 1, Block 1, which is partially used for the purpose of storm water conveyance. The City of Bismarck intends to sell this property as the storm water facilities are in place and located within an easement. The remaining portion of the lot is considered to be developable property.</li> <li>2. The owner of Block 2 has indicated a desire to develop the property as a cold storage facility with several freestanding buildings. Storage units are considered an industrial land use, which would require a 50-foot wide, 6-foot high landscaped berm to provide separation and screening from the single-family dwellings directly adjacent to the south. The owner has proposed to install a concrete screen wall in-lieu of the 6-foot high landscape berm. Staff will continue to work with the developer to provide appropriate screening technique(s) along the south side Block 2. In addition to screening, staff will work with the developer to limit the amount of light emitted on adjacent residential properties as a result of the proposed development.</li> </ol>		

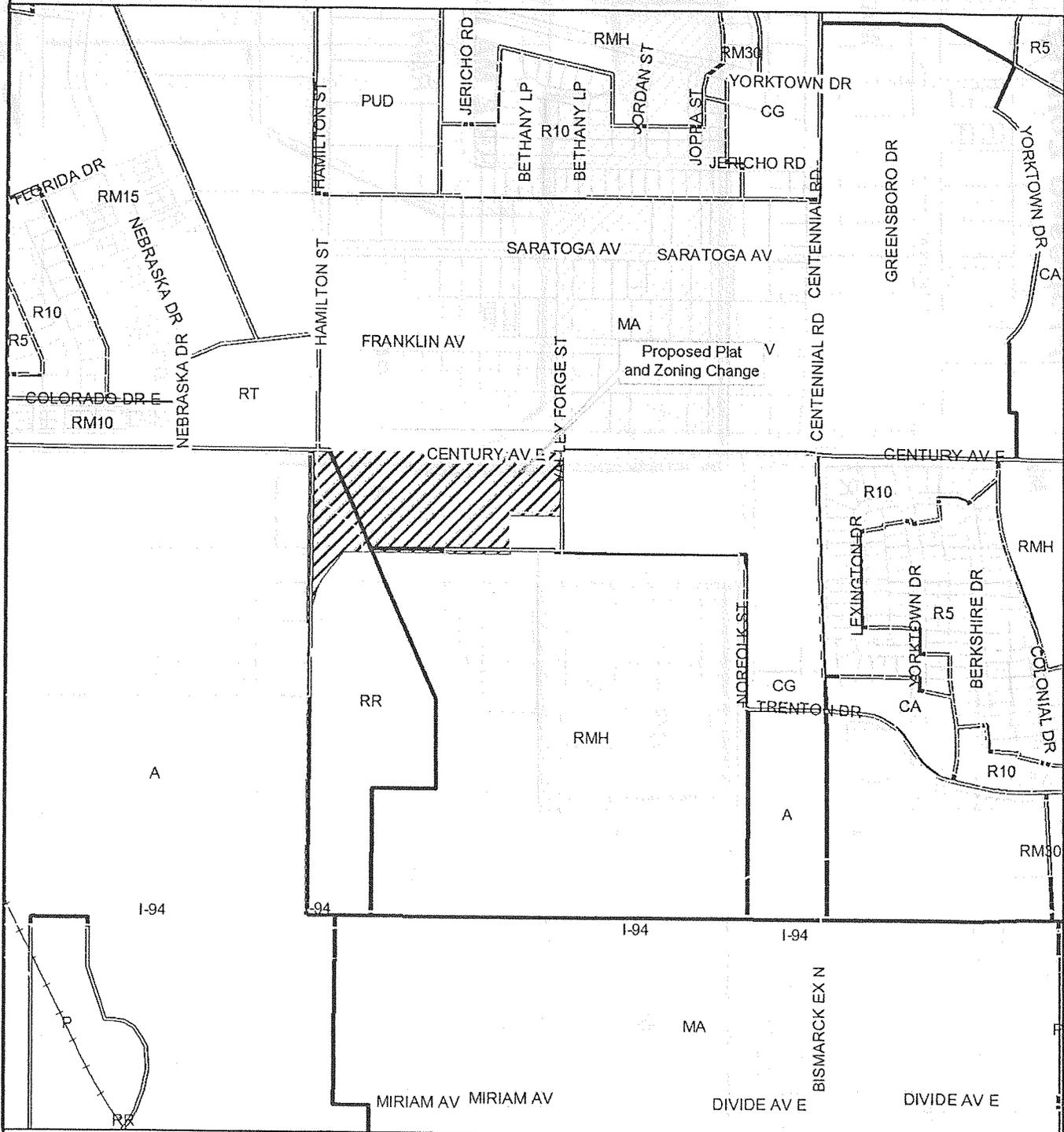
**FINDINGS:**

1. The proposed subdivision is consistent with the Land Use Plan, which identifies the long range use of this area as industrial and commercial (Bismarck-Mandan Future Regional Land Use Plan).
2. The proposed zoning change would not place an undue burden on public services.
3. The proposed subdivision would be generally compatible with adjacent land uses, provided the necessary landscape buffer areas are installed in conjunction with development of each lot in the proposed development. Adjacent land uses include cemetery land to the west; industrial development to the north; undeveloped, commercially-zoned property to the east; and single-family dwellings to the south.
4. The proposed zoning change would not adversely affect the adjacent properties, provided the necessary landscape buffer yards are installed in conjunction with development of each lot within the development.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan; other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

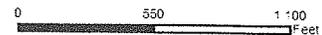
Based on the above findings, staff recommends approval of the zoning change from the MA-Industrial zoning district and the RR-Residential zoning district to the MA-Industrial zoning district for Revolutionary Addition, with the understanding that staff will continue to work with the developer's engineer regarding the required buffer yard along the south side of Block 2 adjacent to the existing single-family dwellings within Mr. B's West Addition and that no building permits would be issued for the property until such time as staff has approved the buffer yard screening and landscaping materials.

# Proposed Plat & Zoning Change (MA & RR to MA) Revolutionary Addition

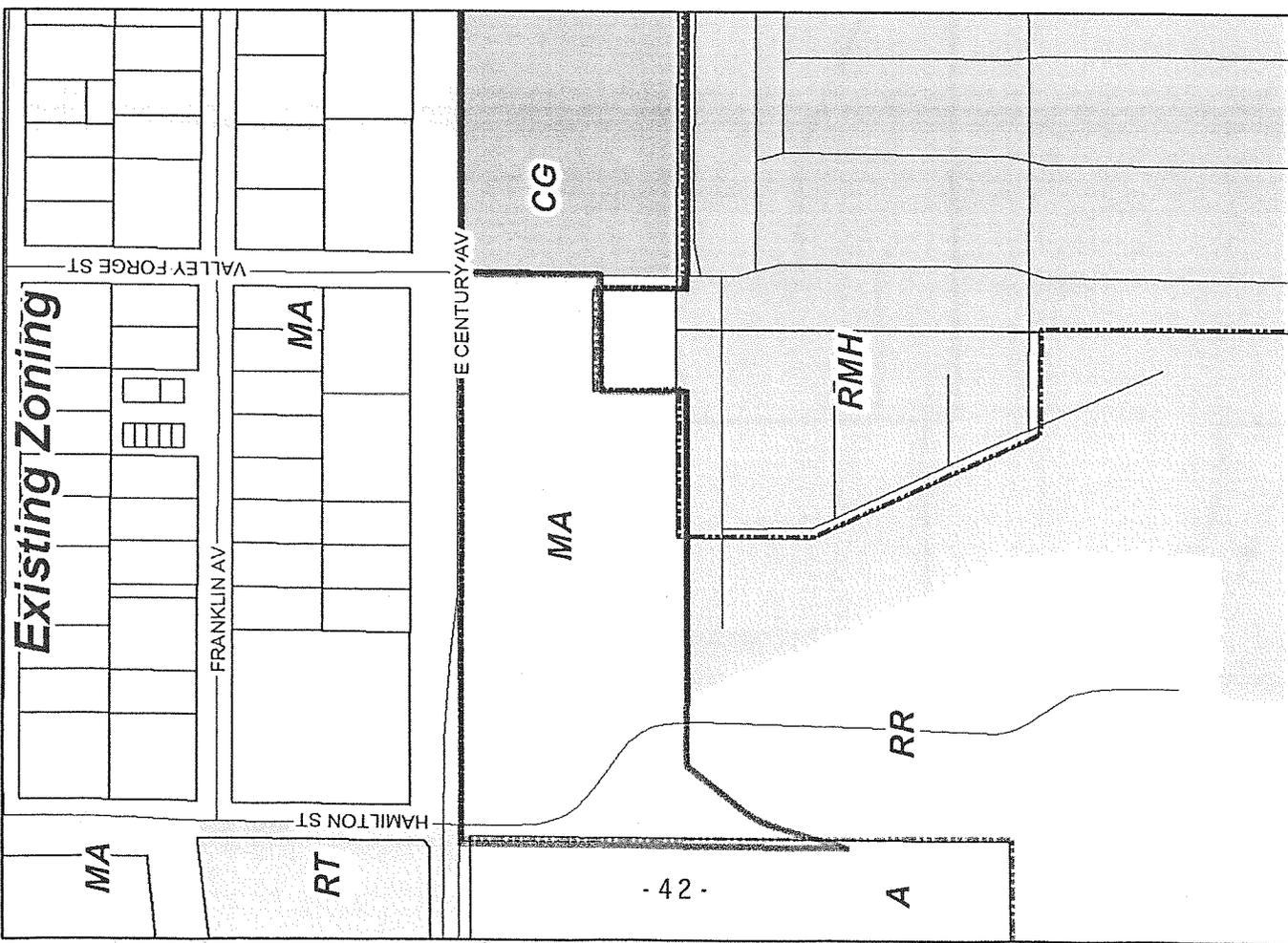
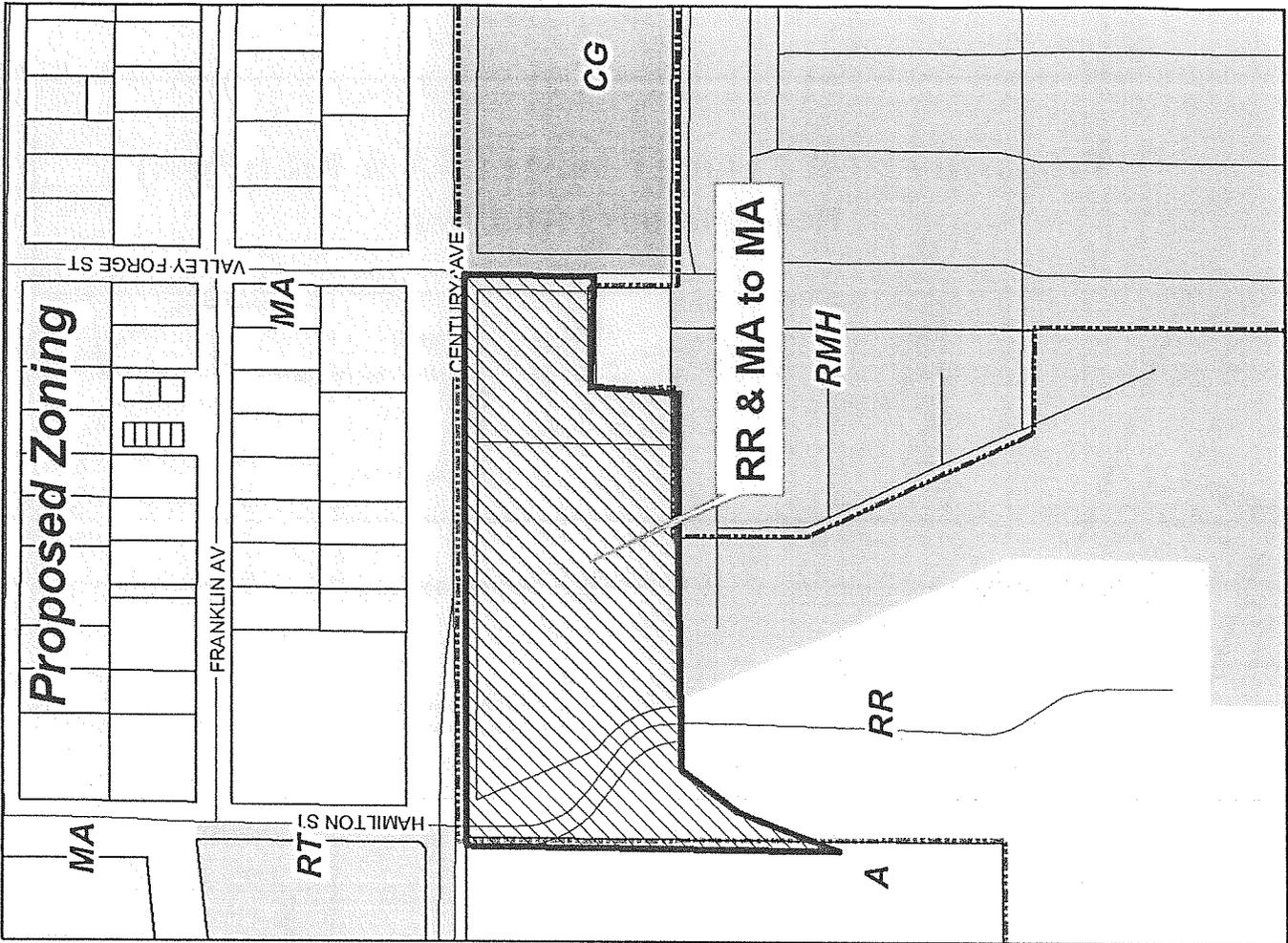


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Source: City of Bismarck



**Revolutionary Addition - Zoning Change**



March 2013

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**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Revolutionary Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> JETM, LLP (Block 2) City of Bismarck (Block 1)	<b>Engineer:</b> Bartlett & West	
<b>Reason for Request:</b> To allow for future development of industrial lots.		
<b>Location:</b> In northeast Bismarck, along the south side of East Century Avenue approximately ¼ mile west of Centennial Road (A replat of Auditor's Lot A of the NE ¼, Auditor's Lot A of Tract 4, Auditor's Lot A of Lot 3, Block 1, Mr. B's West Addition and part of Tract 3 in the NE ¼ of Section 26, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 15.26 acres	<b>Number of Lots:</b> 3 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> MA – Industrial RR – Residential	<b>Land Use:</b> Industrial uses and storage facilities	
<b>Uses Allowed:</b> MA – Light industrial and commercial uses RR – Large lot single-family dwellings	<b>Zoning:</b> MA – Industrial	
<b>Maximum Density Allowed:</b> MA – N/A RR – 1 unit per 65,000 square feet	<b>Uses Allowed:</b> MA – Light industrial and commercial uses	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 06/1978	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The City of Bismarck – Public Works Department owns Lot 1, Block 1, which is used for the purpose of storm water conveyance. The City of Bismarck intends to sell this property as the storm water facilities are in place and located within an easement. The remaining portion of the lot is considered to be developable property.</li> <li>2. The owner of Block 2 has indicated a desire to develop the property as a cold storage facility with several freestanding buildings. Storage units are considered an industrial land use, which would require a 50-foot wide, 6-foot high landscaped berm to provide separation and screening from the single-family dwellings directly adjacent to the south. The owner has proposed to install a concrete screen wall in-lieu of the 6-foot high landscape berm. Staff will continue to work with the developer to provide appropriate screening technique(s) along the south side Block 2. In addition to screening, staff will work with the developer to limit the amount of light emitted on adjacent residential properties as a result of the proposed development.</li> </ol>		

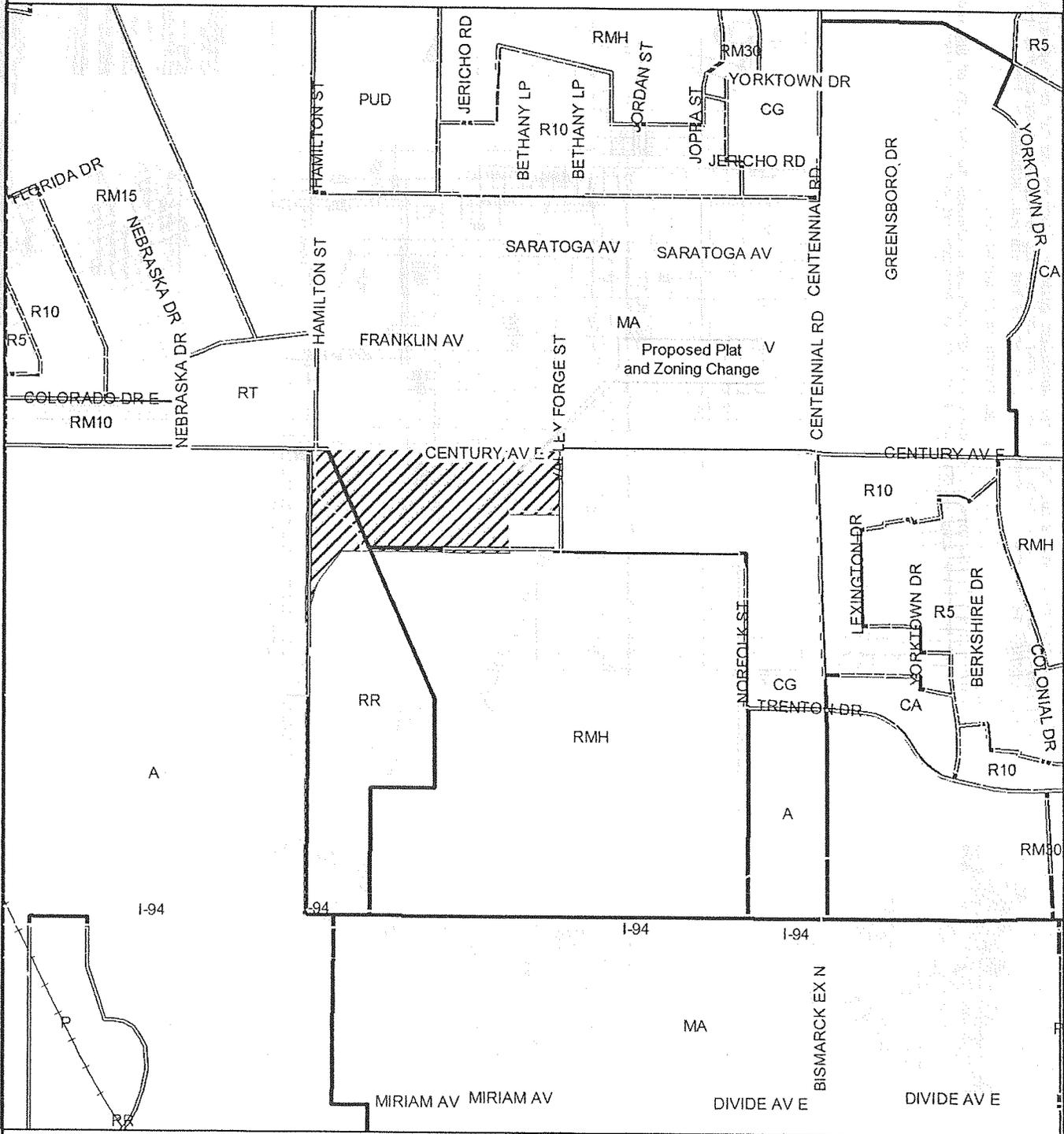
**FINDINGS:**

1. All technical requirements for approval of the final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is outside the boundaries of Fringe Area Road Master Plan.
4. The proposed subdivision would be generally compatible with adjacent land uses provided the necessary landscape buffer areas are installed in conjunction with development of each lot in the proposed development. Adjacent land uses include cemetery land to the west; industrial development to the north; undeveloped, commercially-zoned property to the east; and single-family dwellings to the south.
5. The proposed subdivision would not adversely affect the adjacent properties provided the necessary landscape buffer yards are installed in conjunction with development of each lot within the development.
6. The proposed subdivision would be annexed prior to development; therefore, the City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

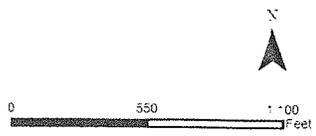
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat for Revolutionary Addition, with the understanding that staff will continue to work with the developer's engineer regarding the required buffer yard along the south side of Block 2 adjacent to the existing single-family dwellings within Mr. B's West Addition and that no building permits would be issued for the property until such time as staff has approved the buffer yard screening and landscaping materials.

# Proposed Plat & Zoning Change (MA & RR to MA) Revolutionary Addition



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Map was Updated/Created February 29, 2012 (klee)  
Source: City of Bismarck.









**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 2, Block 1, Grandview Heights Commercial Park Replat – Special Use Permit (ATM Kiosk)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> Jeff Eckroth (owner) Vue Community Credit Union (applicant)	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Allow a free-standing ATM kiosk in conjunction with a financial institution.		
<b>Location:</b> Along the east side of North Grandview Lane, south of Burnt Boat Drive.		
<b>Project Size:</b> 73,296 square feet	<b>Number of Lots:</b> One parcel	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> General commercial uses, including a financial institution, medical office, retail and restaurants	<b>Land Use:</b> General commercial uses, including a financial institution, medical office, retail and restaurants	
<b>Zoning:</b> CG – Commercial	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> General commercial	<b>Uses Allowed:</b> General commercial	
<b>Maximum Density Allowed:</b> 42 units per acre	<b>Maximum Density Allowed:</b> 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 07/1973	<b>Platted:</b> 10/2003	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMAIION:</b>		
<ol style="list-style-type: none"> <li>1. A special use permit for a drive-through window in conjunction with a coffee shop was approved for this property in 2005. The coffee shop has since vacated the property; a financial institution began occupying the vacant space in 2008. The existing drive-through window is now being utilized in conjunction with the financial institution.</li> <li>2. An ATM kiosk is allowed as a special use in the CG zoning district, provided specific conditions are met. The proposed ATM Kiosk meets all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections of the ordinance are attached.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed special use will comply with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance</li> <li>2. The proposed special use would not adversely affect the public health, safety and general welfare.</li> <li>3. The proposed special use would not be detrimental to the use or development of adjacent properties.</li> <li>4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area</li> </ol>		
<i>(continued)</i>		

5. Adequate public facilities and services are in place.
6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, adequate off-street parking would be provided.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of a special use permit to allow a free-standing ATM kiosk in conjunction with a financial institution on Lot 2, Block 1, Grandview Heights Commercial Park Replat, with the following conditions:

1. The construction and operation of a drive-through window must meet all applicable requirements for such a use in the CG zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

**14-03-08(4)**

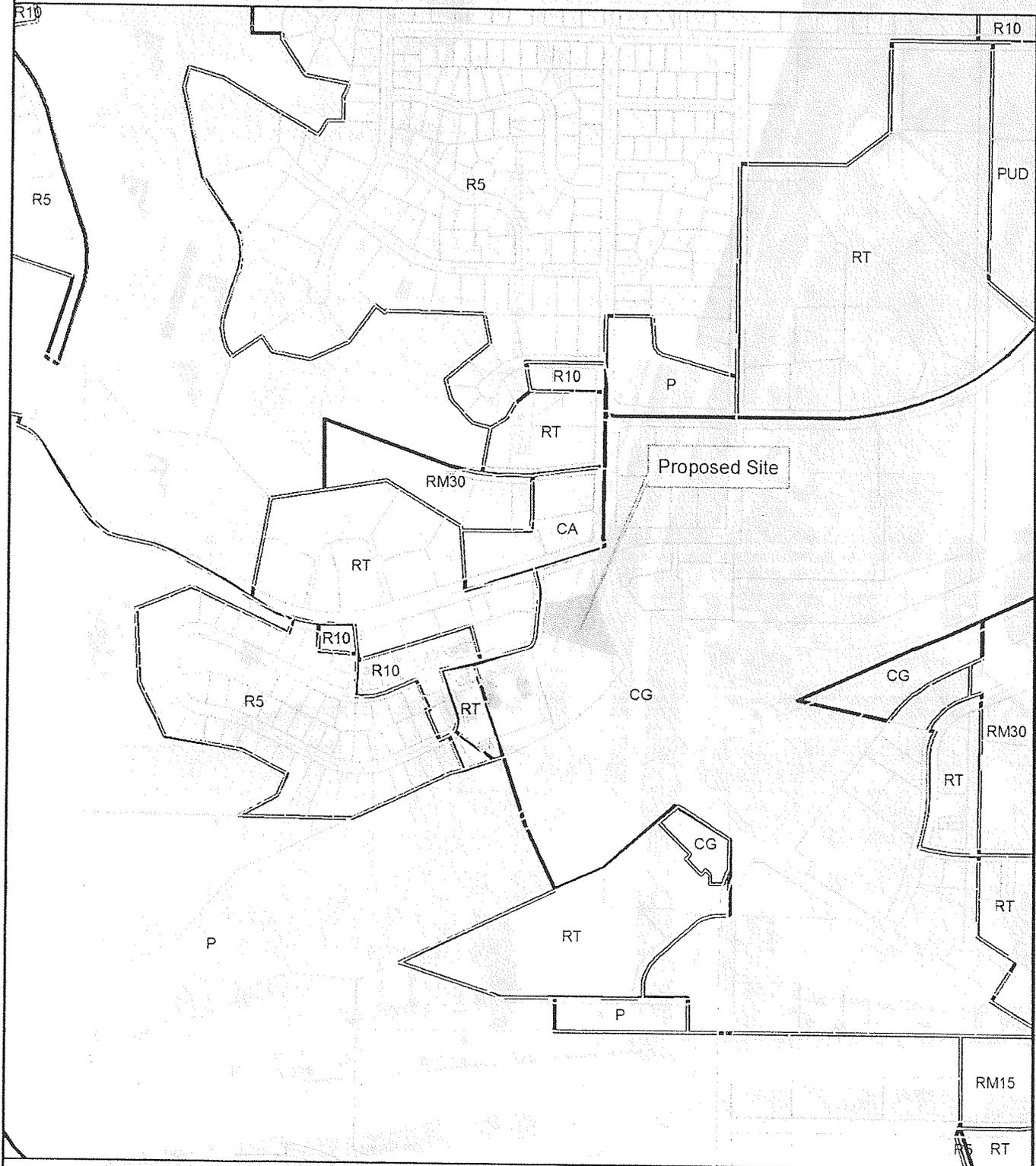
- g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:
1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
  2. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.
  3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, an ingress automobile parking reservoir shall be provided on the premises in conformance with section 14-03-10 of this ordinance.
  4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on a local street.
  5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.
  6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

**14-03-10(2)**

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

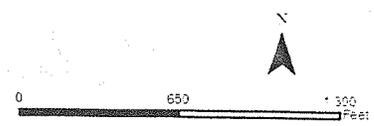
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

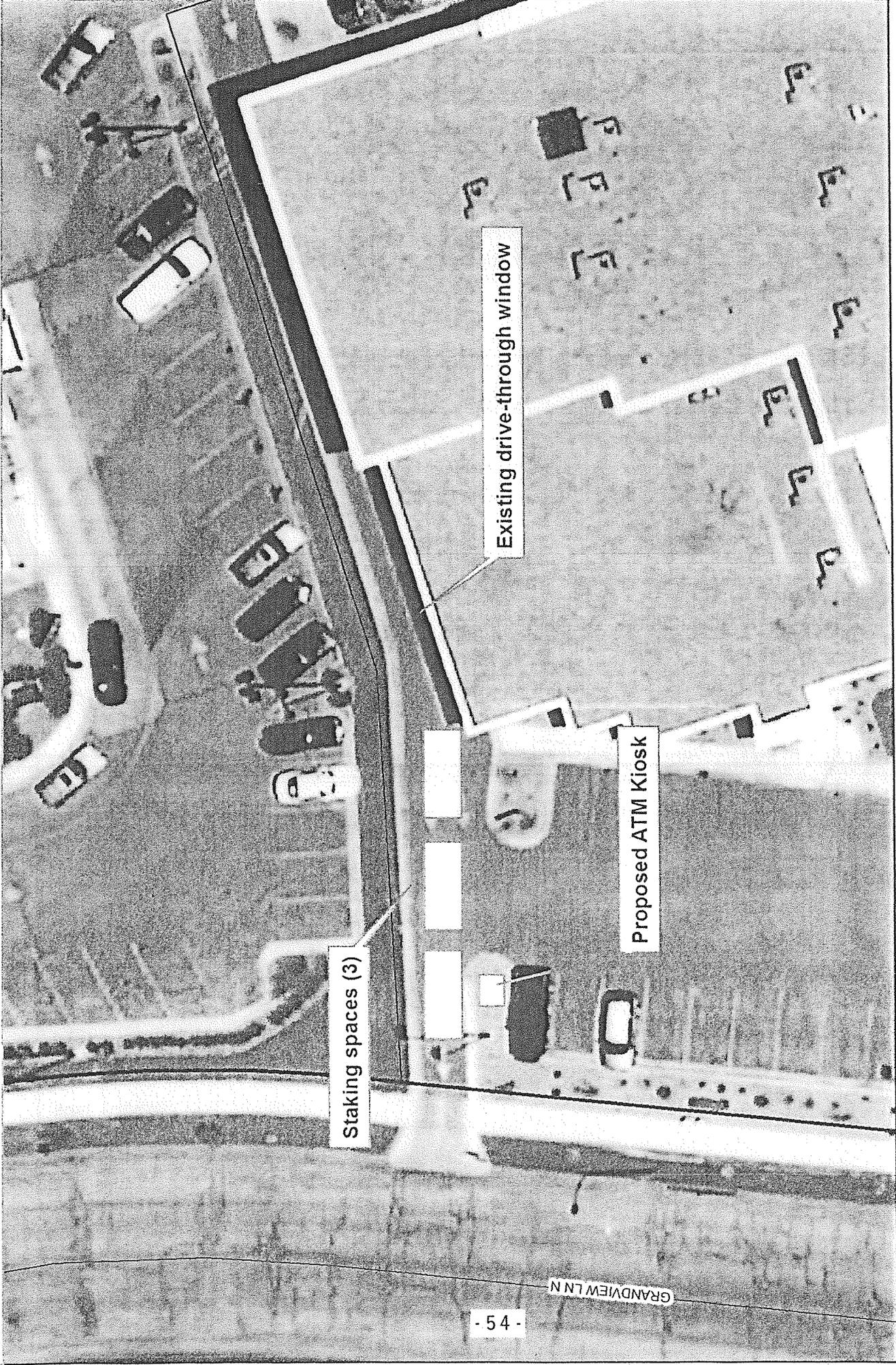
# Proposed Special Use Permit Grandview Heights Commercial Park Replat

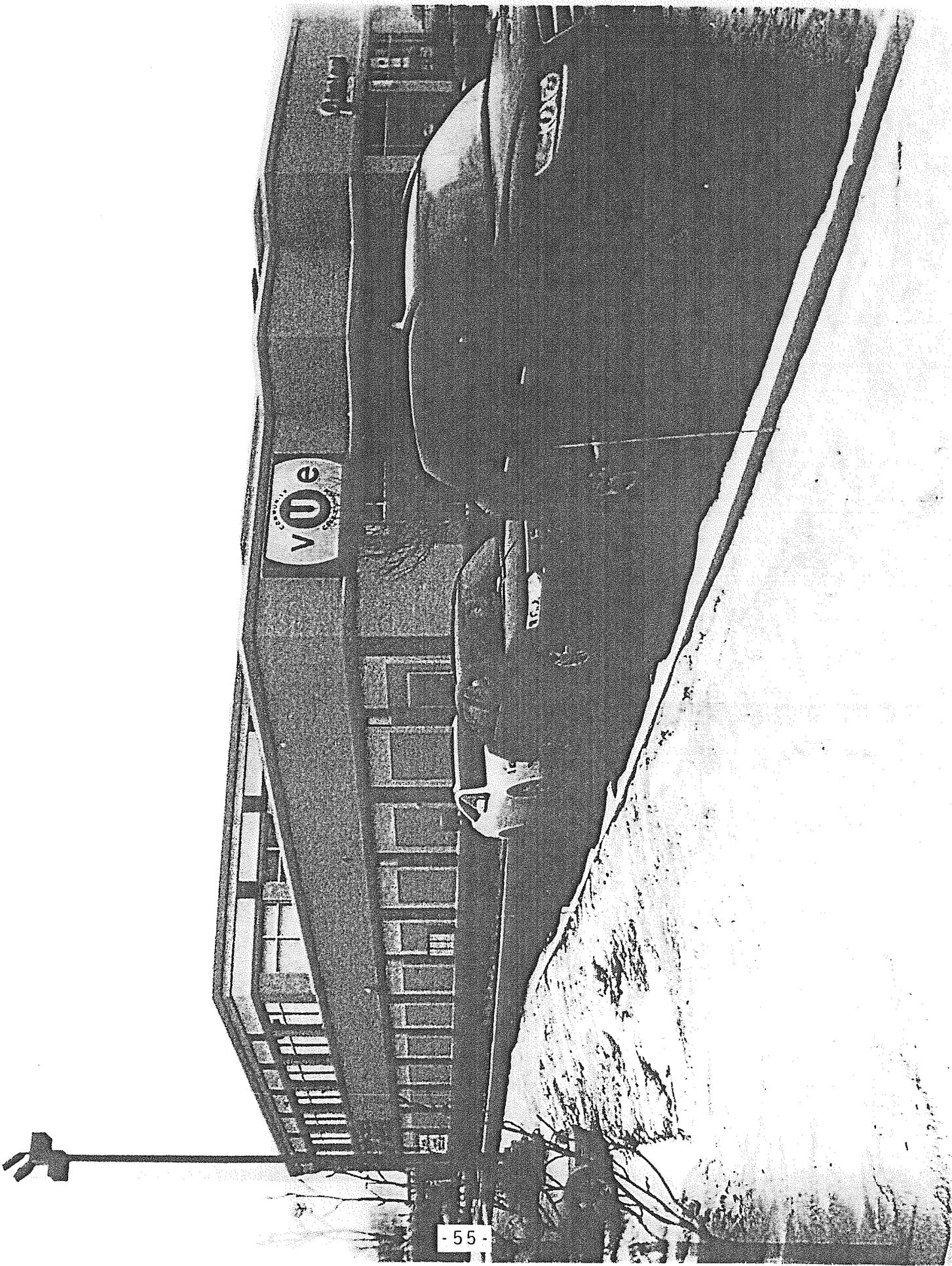


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Map was Updated/ Created: February, 25, 2013 (hjc)

Source: City of Bismarck









**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 1, Expressway Terrace Addition – Special Use Permit (Car Wash)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> LB Family Properties, LLC	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> To allow for future development of a car wash facility.		
<b>Location:</b> In southeast Bismarck, along the north side of East Bismarck Expressway approximately 1/8 mile east of South 12 <sup>th</sup> Street.		
<b>Project Size:</b> 2.08 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Light industrial/cold storage facilities	<b>Land Use:</b> Light industrial/cold storage facilities and a car wash	
<b>Zoning:</b> MA-Industrial	<b>Zoning:</b> MA-Industrial	
<b>Uses Allowed:</b> General industrial and commercial uses	<b>Uses Allowed:</b> General industrial and commercial uses	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> 03/2013	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. An auto laundry/car wash is allowed as a special use in the CG - commercial district, provided specific conditions are met. The proposed drive-through facility meets all seven provisions outlined in Section 14-03-08(4)(m). The proposed car wash does meet the required vehicle stacking space requirements of six vehicle spaces per bay as indicated in 14-03-10 (2). Copies of both sections of the ordinance are attached.</li> <li>2. The applicant intends to construct a self-service car wash on the property. A note has been added to the plat indicating the need for a landscape buffer yard along the west edge of the property adjacent to the manufactured home park. The note states, "A landscape buffer yard will be required along the perimeter adjoining the existing residential use." The size of the buffer yard and the required plant material would be determined during the review of the site plan submitted prior to additional development on the property. A car wash is considered a commercial use and would require a 20-foot buffer yard along the west property boundary; adequate space is available for buffer yard of this size.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed special use would comply with all applicable provisions of the zoning ordinance.</li> </ol>		
<i>(continued)</i>		

2. The proposed special use permit would not adversely affect the public health, safety and general welfare;
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place to serve this property.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets to provide for appropriate on-site circulation of traffic; in particular, adequate vehicle stacking spaces would be provided in a manner that would not negatively impact traffic movements on East Bismarck Expressway.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a car wash facility on Lot 1, Block 1, Expressway Terrace Addition with the condition that site development generally conform to the site plan submitted.

**14-03-08(4)(m)**

Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, CR, MA or MB district as a special use, provided:

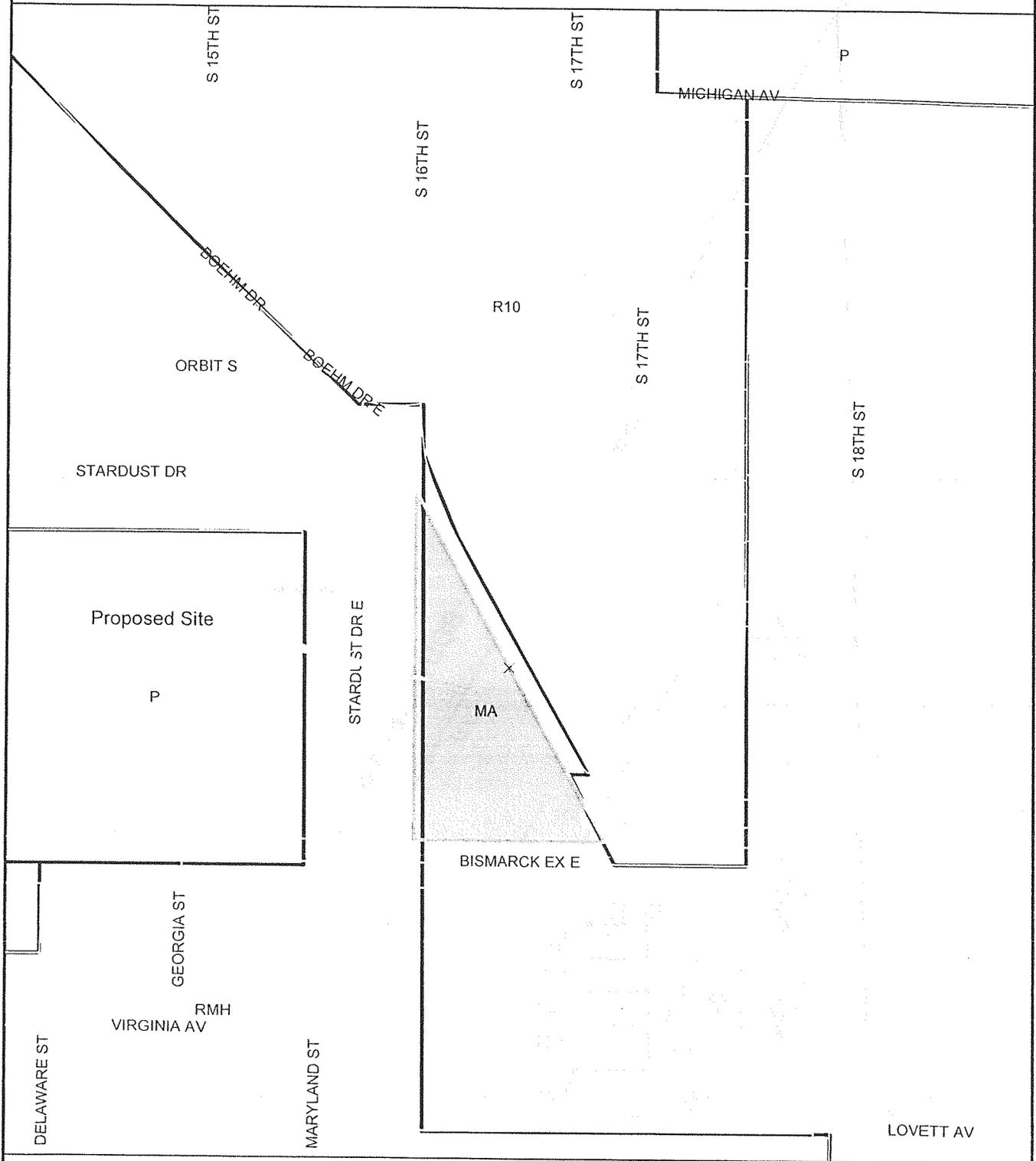
1. The lot area, lot width, front yard, side yards, rear yards, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located except that the minimum front yard setback shall be twenty-five (25) feet.
2. Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
3. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local streets.
4. An auto laundry-car wash may front on only one arterial or collector street and may also be adjacent to a local street.
5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. All curb cuts, widths, and other specifications shall comply with the standards established by the city engineer.
6. No fence, wall, terrace, structure, shrubbery or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the front ten (10) feet of any lot except a sign pole of two (2) feet or less in any dimension.
7. No automobile shall be parked in the first fifteen feet of a required setback area.

14-03-10(2)

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

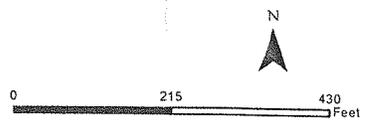
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window

# Proposed Special Use Permit Expressway Terrace Addition

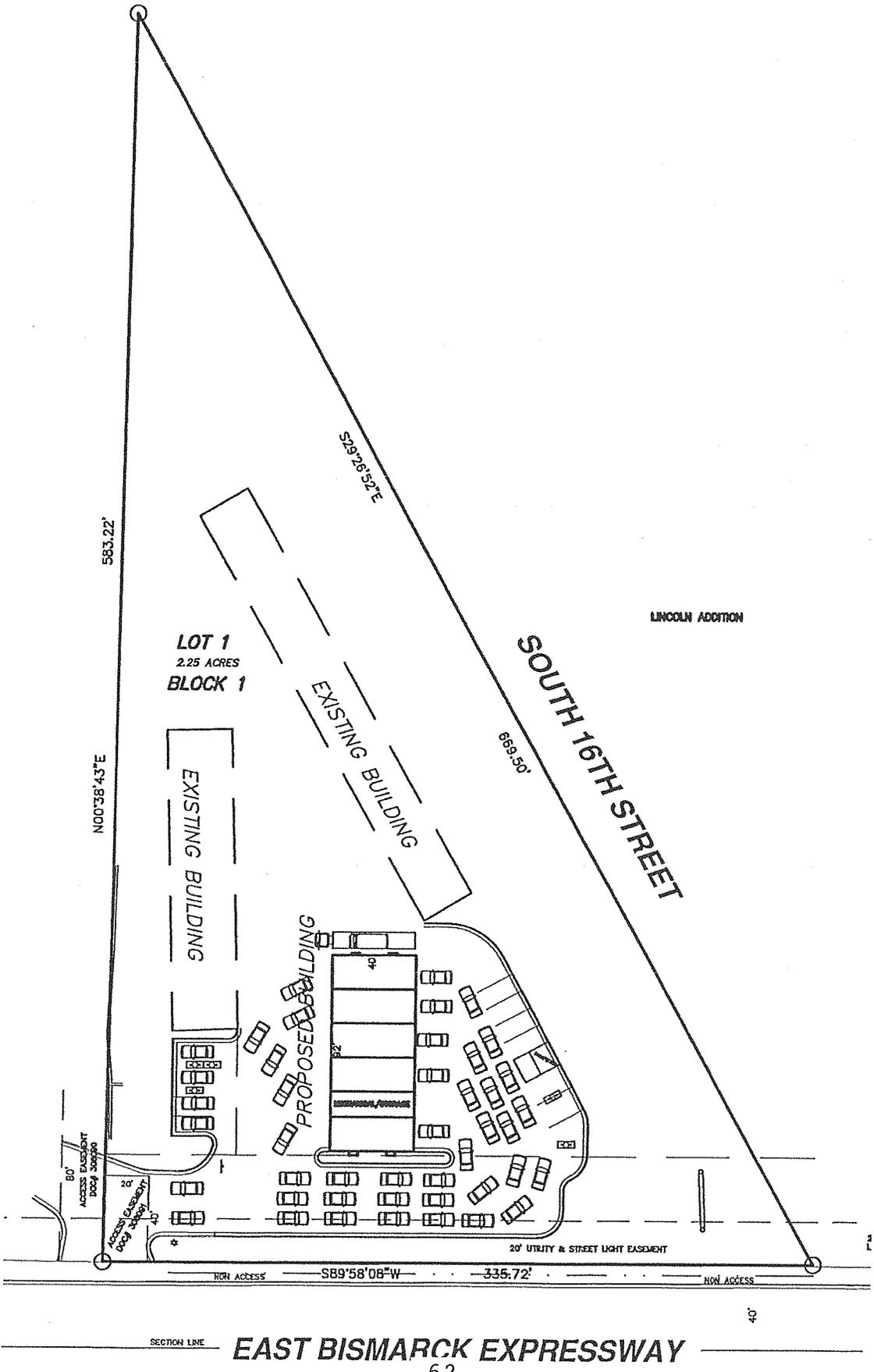


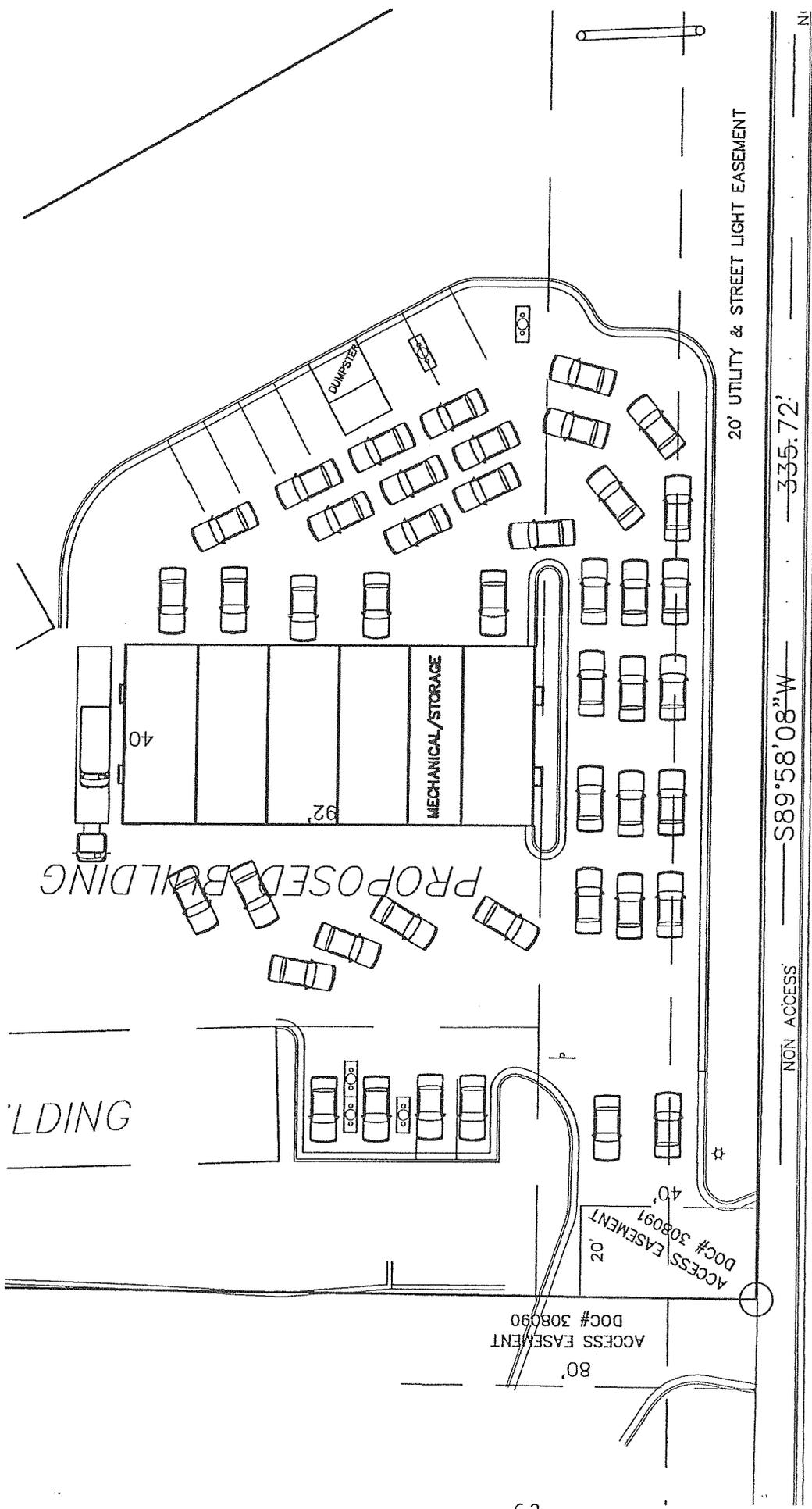
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Map was Updated/Created: February 20, 2013 (klee)

Source: City of Bismarck



**EXHIBIT-SPECIAL USE PERMIT  
 LOT 1 BLOCK 1 EXPRESSWAY TERRACE ADDITION  
 BISMARCK, NORTH DAKOTA**





SECTION LINE ————— **EAST BISMARCK EXPRESSWAY** —————



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 1-8, Block 66, Original Plat – Special Use Permit (Parking Structure)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013	
<b>Owner(s):</b> Sanford Health (Owner) City of Bismarck (Applicant)	<b>Engineer:</b> Ulteig Engineers	
<b>Reason for Request:</b> To allow for future development of a 494 car parking facility that would be owned and operated by the City of Bismarck.		
<b>Location:</b> Along the west side of North 6 <sup>th</sup> Street between Broadway Avenue and Thayer Avenue.		
<b>Project Size:</b> 28,000 SF	<b>Number of Lots:</b> 1 parcel	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Off-street surface parking lot	<b>Land Use:</b> Six-story commercial parking structure	
<b>Zoning:</b> DC-Downtown Core	<b>Zoning:</b> DC-Downtown Core	
<b>Uses Allowed:</b> Mixed-use development, retail, multi-family residential, office and off-street parking facilities	<b>Uses Allowed:</b> Mixed-use development, retail, multi-family residential, office and off-street parking facilities	
<b>Maximum Density Allowed:</b> 42 units/acre	<b>Maximum Density Allowed:</b> 42 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/2005	<b>Platted:</b> 02/1915	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A commercial parking structure is allowed as a special use in the DC-Downtown Core zoning district. A commercial parking structure is defined as parking that is not accessory to a specific use in which fees may be collected.</li> <li>2. Sanford Medical currently owns the property on which the proposed parking structure would be built.</li> <li>3. The proposed parking structure would be six-stories in height and would be 230 feet long north to south and 133-feet wide east to west. The height of the building would range between 53 feet at the northwest corner and 71 feet at the southwest corner. There is a 9.5-foot elevation difference between the south end of the block (Broadway Avenue) and the north end (Thayer Avenue).</li> <li>4. Adjacent building heights include the Belle Mehus Auditorium; 40'-45' high; World War Memorial Building; 30'-35' high; Sanford Medical; 82'-102' high and the City/County Office Building is between 50'-55' in height. The proposed parking structure would be 25'-30' higher than the Belle Mehus Auditorium, 10'-15' higher than the City/County Office Building and approximately 20 feet shorter than the highest point on the Sanford Medical building.</li> </ol>		

5. The Bismarck Parking Authority would maintain and operate the parking facility. The parking structure is intended to serve as a relief to the limited off-street parking availability and would be used primarily by monthly tenants. The primary hours of use would be between 6:00AM-7:00PM Monday through Friday. Use by the general public after hours for events and activities would be available as well.

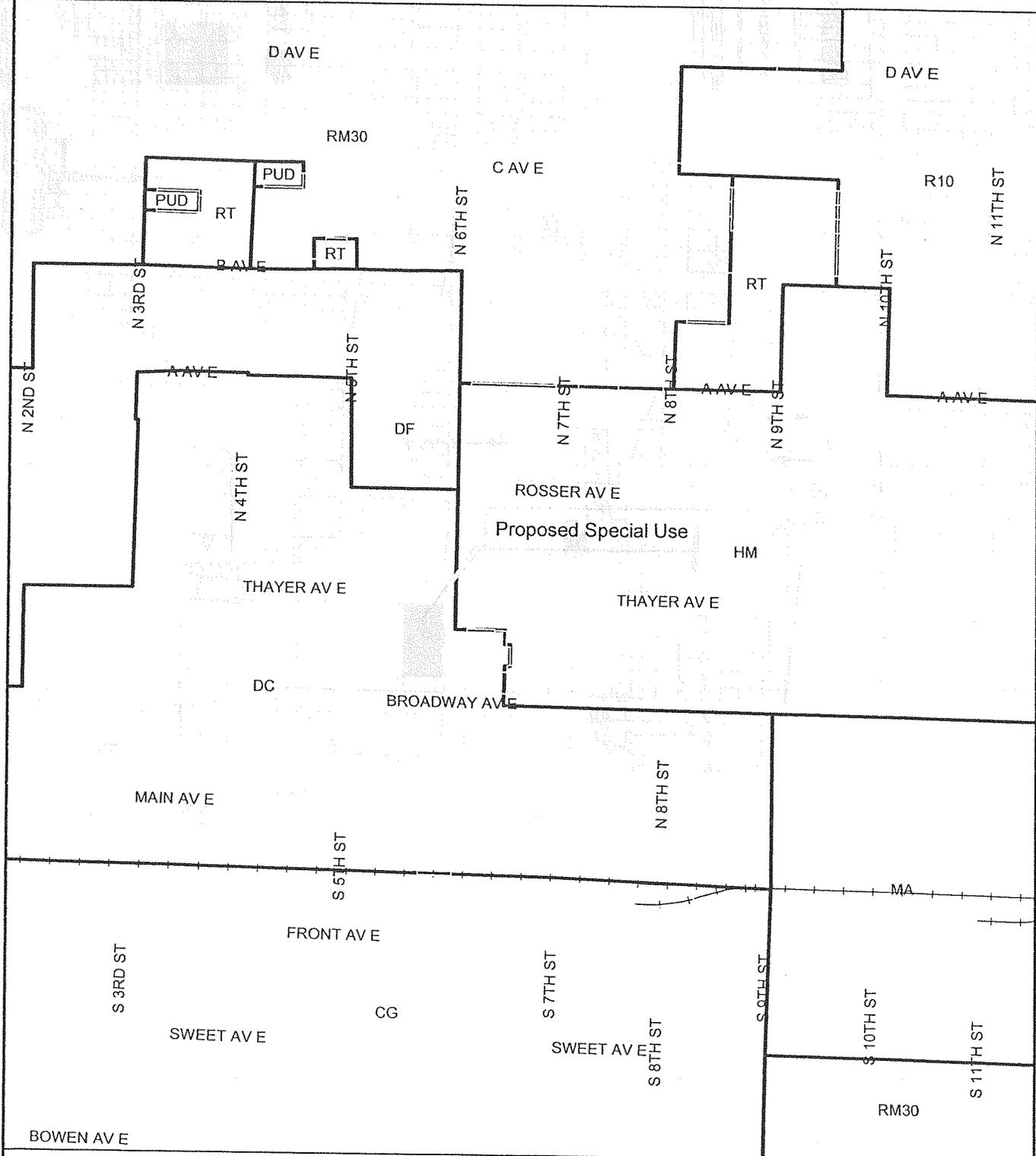
#### **FINDINGS:**

1. The proposed special use complies with all applicable provisions of the zoning ordinance.
2. The proposed special use permit would not adversely affect the public health, safety and general welfare;
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place to serve this property.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets to provide for appropriate on-site circulation of traffic; in particular, ingress to the parking structure would be along 6<sup>th</sup> Street and egress from the parking structure would be on Thayer Avenue.

#### **RECOMMENDATION:**

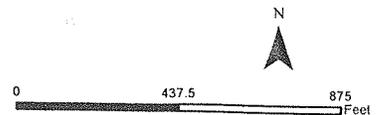
Based on the above findings, staff recommends approval of the special use permit to allow the construction and operation of a commercial parking structure on Lots 1-8, Block 66, Original Plat.

# Proposed Special Use Permit (Parking Structure) Lots 1-10, Block 66, Original Plat



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Map was Updated/Created: March 4, 2013 (klcc)

Source: City of Bismarck



# Bismarck

## 6th STREET RAMP

Bismarck, North Dakota

Project No.	120	Scale	AS SHOWN
Sheet No.	1		



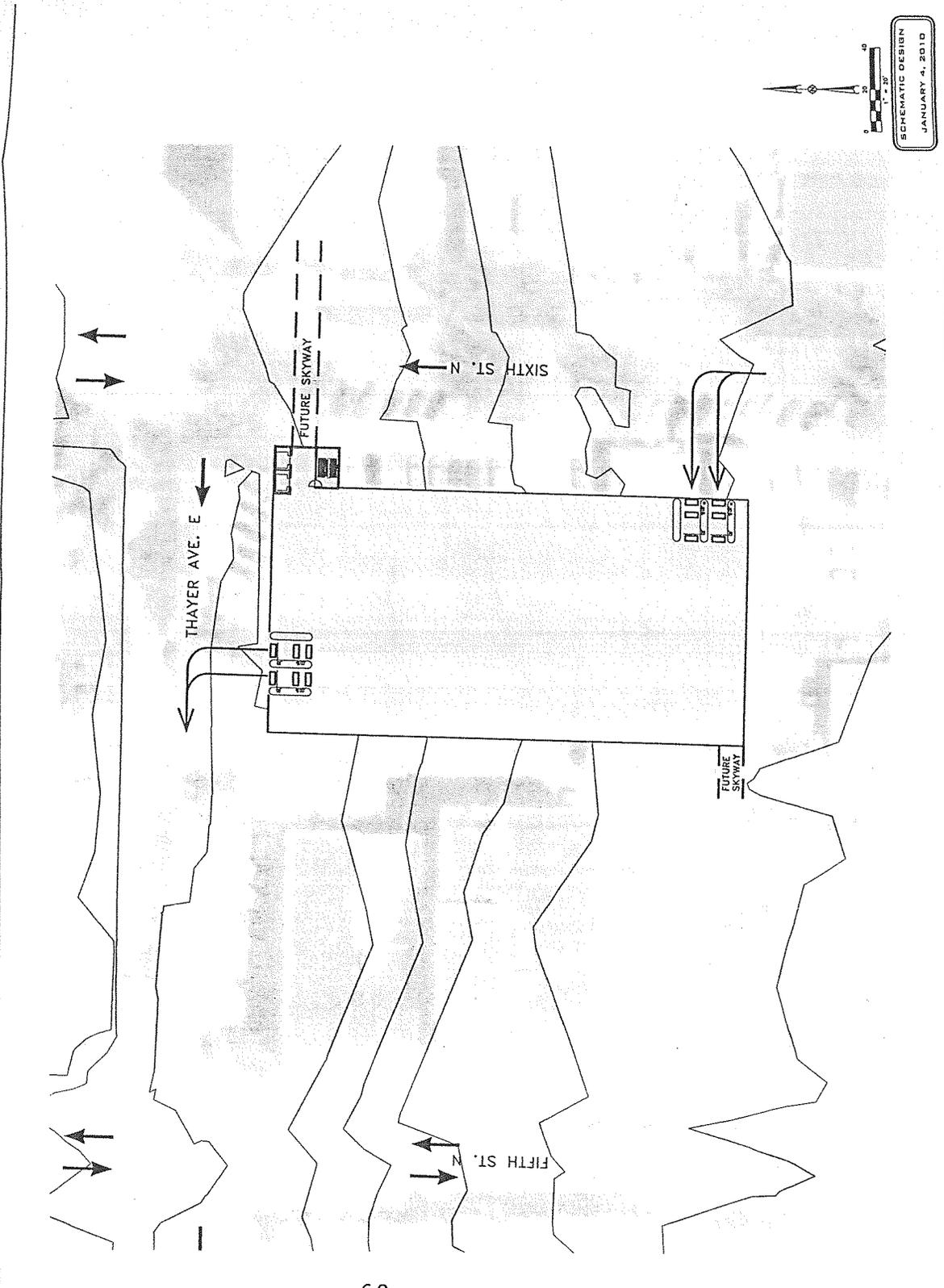
Ulteff  
1000 1st St. N. Ste. 100  
Bismarck, ND 58103-5004  
Phone: 701.224.4182 Fax: 701.224.4182  
Web: www.ulteff.com  
Checked By: JRM  
Approved By: JRM

### AERIAL SITE PLAN

1

Project Number: 120  
Date: 1/4/10  
Sheet: 1 of 1

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**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Tracts 1 & 2 of the NW ¼ of Section 28, T138N-R80W/Lincoln Township – Special Use Permit (oversized accessory building)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 27, 2013
<b>Owner(s):</b> Roger Zink	<b>Engineer:</b> N/A
<b>Reason for Request:</b> To increase the total amount of accessory buildings located on the property to 3,200 square feet.	
<b>Location:</b> Along the east side of Willow Oaks Road, south of 48 <sup>th</sup> Avenue SE and west of South 12 <sup>th</sup> Street.	
<b>Project Size:</b> 2.89 acres (lot size)	<b>Number of Lots:</b> One lot
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> RR – Rural Residential	<b>Land Use:</b> Rural residential
<b>Uses Allowed:</b> Large lot single-family dwellings and limited agriculture	<b>Zoning:</b> RR - Rural Residential
<b>Maximum Density Allowed:</b> One unit per 65,000 square feet	<b>Uses Allowed:</b> Large lot single-family dwellings and limited agriculture
	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> 12/1976	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08.</li> <li>According to the Burleigh Tax Equalization Department, there are three accessory buildings located on the property: a 672 square foot building, a 394 square foot building, and a 369 square foot building, totaling 1,424 square feet. The existing accessory buildings were constructed without obtaining the necessary building permits.</li> <li>Section 14-04-19(6)(b) of the Code of City Ordinances states, “accessory buildings over 120 square feet in area shall be subject to the same construction requirements as the residential structure to which it is accessory. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation.”</li> </ol>	

(continued)

4. A parcel of record is defined in the Code of City Ordinances as a parcel that existed as a separate and unique legal description prior to the effective date of Title 14. For property not under the City's jurisdiction on the effective date of Title 14, a parcel that existed as a separate and unique legal description prior to coming under the City's jurisdiction is considered a parcel of record. In this particular case, the property was placed under the City's jurisdiction in December 1976. After consulting with the Burleigh County Auditor's and Recorder's offices, it was determined that the property became a unique parcel in 1973 and would be considered a parcel of record.
5. Section 14-05-07 of the Code of City Ordinances states, "a building permit may be issued for a new accessory building on a parcel of record with an existing single-family principal building, provided: 1) the parcel of record meets the minimum lot area requirement for a zoning lot in the district in which the parcel is located; 2) the parcel of record has its principal frontage on a dedicated public right-of-way or on a permanent, exclusive, non-obstructed access easement to a dedicated public right-of-way not less than 20 feet wide; and 3) the parcel of record is an auditor's lot or aliquot description rather than a meets and bounds description." The proposed special use for this parcel meets the above requirements.

#### **FINDINGS:**

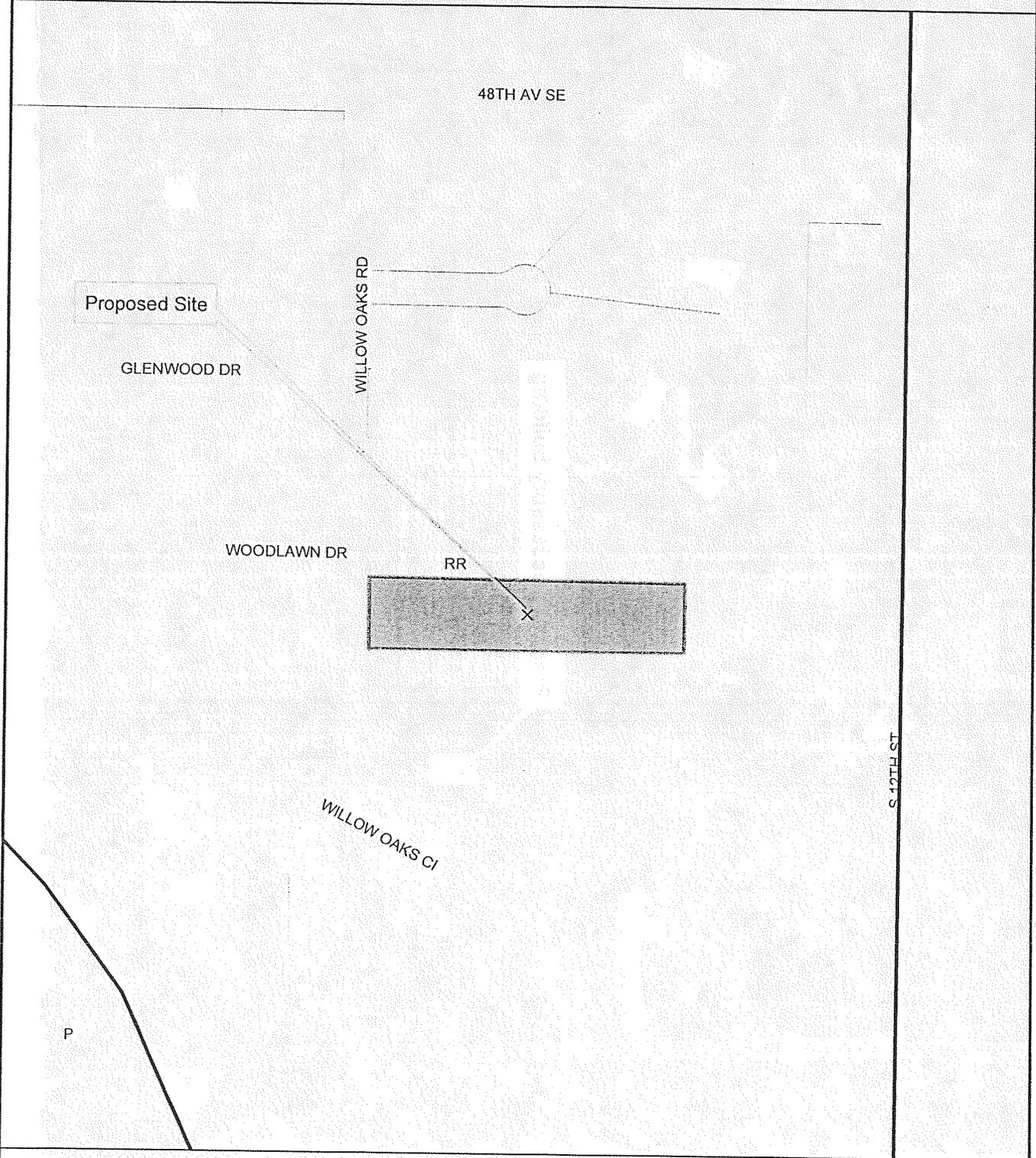
1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

#### **RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,200 square feet on Tracts 1 & 2 of the NW ¼ of Section 28, T138N-R80W/Lincoln Township. With the following condition:

1. An Auditor's plat of the property must be filed and recorded prior to the issuance of a building permit for the construction of the proposed accessory building.

# Proposed Special Use Permit Lincoln, Tracts 1&2 of Sec 28



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Map was Updated/Created: February 20, 2013 (kleo)

Source: City of Bismarck

