



## REQUEST FOR CITY COMMISSION ACTION

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**Item Description:** Lots 1-4, Block 1, Gary Nelson Addition – Zoning Change (R5 to R10)

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### REQUEST

Karen Nelson is requesting a zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district to allow the development of two-family dwellings as well as single-family dwellings on these four lots.

The property to the north of these lots is zoned RT – Residential, the properties to the northwest and southeast are zoned R10 – Residential and the property to the east is zoned RM15 – Residential. The zoning change to R10 – Residential will allow these larger lots to be developed as two-family residential, which will be a more appropriate land use given the zoning of adjacent parcels.

### PLANNING & ZONING COMMISSION

The Planning & Zoning Commission held a public hearing on the zoning change on May 25, 2016.

No members of the public spoke at the public hearing, although an area resident called and spoke to staff prior to the hearing. He was concerned that the owner was asking for a two-family zoning designation when it appeared to him that the lots had not been previously advertised as single-family lots. He also spoke directly to the property owner prior to the meeting.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition.

The staff report from the May 25<sup>th</sup> meeting of the Planning & Zoning Commission is attached.

### RECOMMENDED CITY COMMISSION ACTION

June 14<sup>th</sup> Meeting of the Board of City Commissioners – consider the request for the zoning change as outlined in Ordinance 6215, and call for a public hearing on the item for the June 28<sup>th</sup> meeting of the Board of City Commissioners.

June 28<sup>th</sup> Meeting of the Board of City Commissioners – hold a public hearing on the request for the zoning change as outlined in Ordinance 6215, and take final action on the request.

**ORDINANCE NO. 6215**

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

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.**

**BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:**

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5-Residential zoning district and included in the R10-Residential zoning district:

Lots 1-4, Block 1, Gary Nelson Addition.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



# STAFF REPORT

City of Bismarck  
 Community Development Department  
 Planning Division

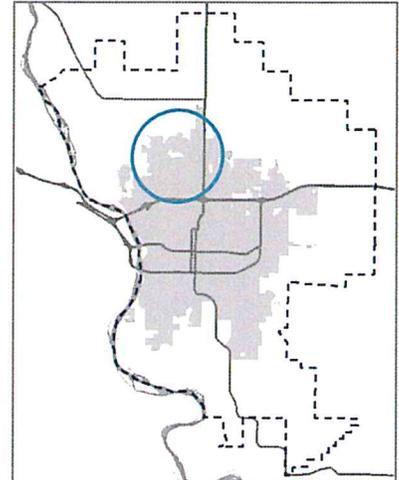
May 25, 2016

## Application for: Zoning Change

TRAKiT Project ID: ZC2016-005

### Project Summary

<b>Title:</b>	Lots 1-4, Block 1, Gary Nelson Addition
<b>Status:</b>	Planning & Zoning Commission – Public Hearing
<b>Owner(s):</b>	Karen Nelson
<b>Project Contact:</b>	Jack Kavaney
<b>Location:</b>	In northwest Bismarck, along the northwest side of Nelson Drive between Normandy Street and Coleman Street, and south of 43 <sup>rd</sup> Avenue NE.
<b>Project Size:</b>	1.35 acres
<b>Request:</b>	Rezone property from R5 – Residential to R10 – Residential to allow the development of two-family dwellings as well as single-family dwellings.



### Site Information

Existing Conditions		Proposed Conditions	
<b>Number of Lots:</b>	4 lots in 1 block	<b>Number of Lots:</b>	4 lots in 1 block
<b>Land Use:</b>	Undeveloped	<b>Land Use:</b>	One and two-family residential
<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan	<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan
<b>Zoning:</b>	R5 – Residential	<b>Zoning:</b>	R10 – Residential
<b>Uses Allowed:</b>	R5 – Single-family residential	<b>Uses Allowed:</b>	R10 – Single and two-family residential
<b>Max Density Allowed:</b>	R5 – 5 units / acre	<b>Max Density Allowed:</b>	R10 – 10 units / acre

### Property History

<b>Zoned:</b>	11/2013	<b>Platted:</b>	11/2013	<b>Annexed:</b>	06/2005
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### Staff Analysis

The applicant is requesting a zoning change to allow the development of two-family dwellings on these four lots. The property to the north of these lots is zoned RT

– Residential, the properties to the northwest and southeast are zoned R10 – Residential and the property to the east is zoned RM15 – Residential. The zoning change to R10 – Residential will allow these

(continued)

larger lots to be developed as two-family residential, which will be a more appropriate land use given the zoning of adjacent parcels.

**Required Findings of Fact**

1. The proposed zoning change is outside of the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition.

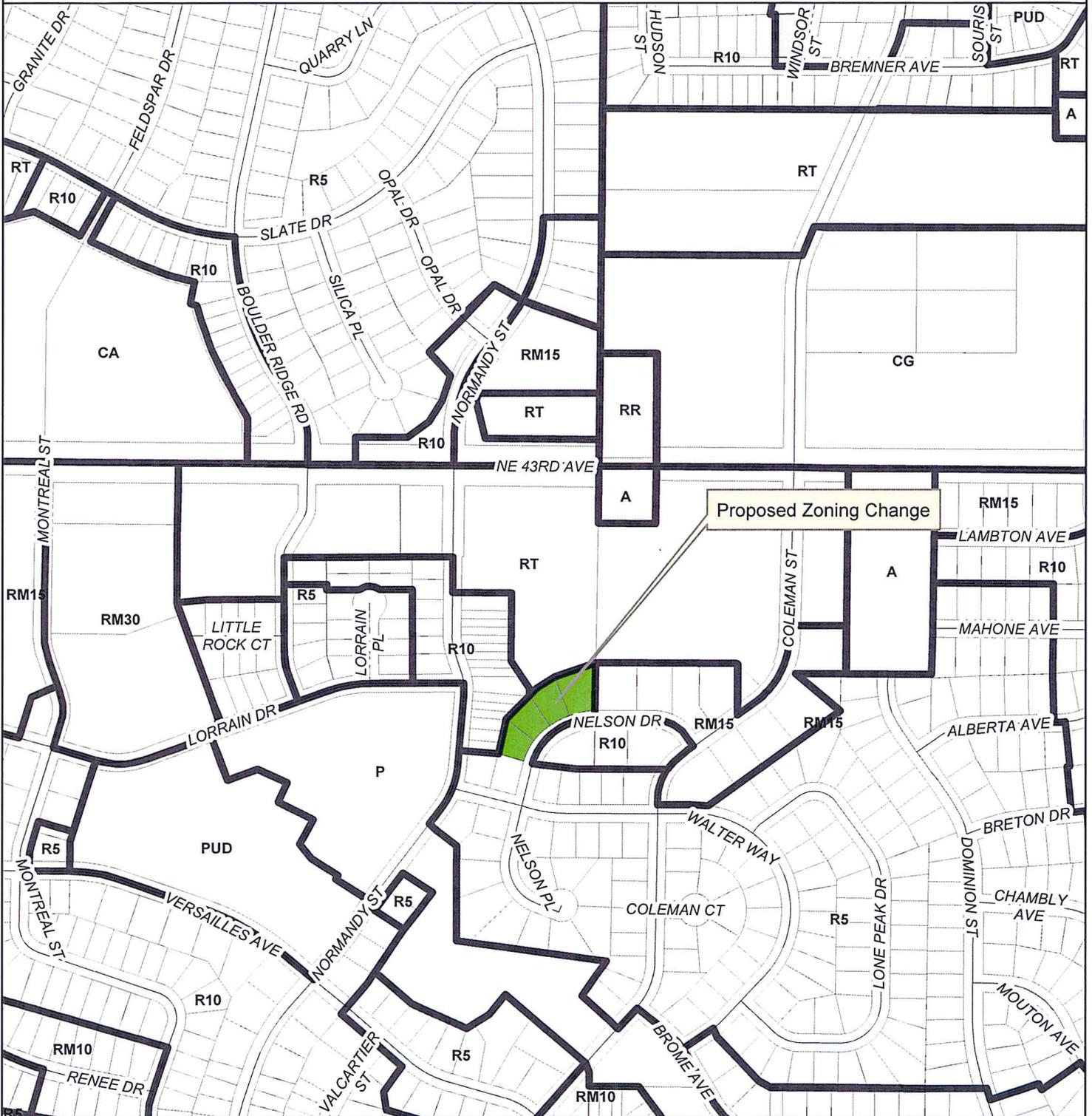
**Attachments**

1. Location Map
2. Zoning Map

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Staff report prepared by: Kim L. Lee, AICP, Planning Manager  
701-355-1846 | [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)

# Proposed Zoning Change (R5 to R10) Lots 1-4, Block 1, Gary Nelson Addition

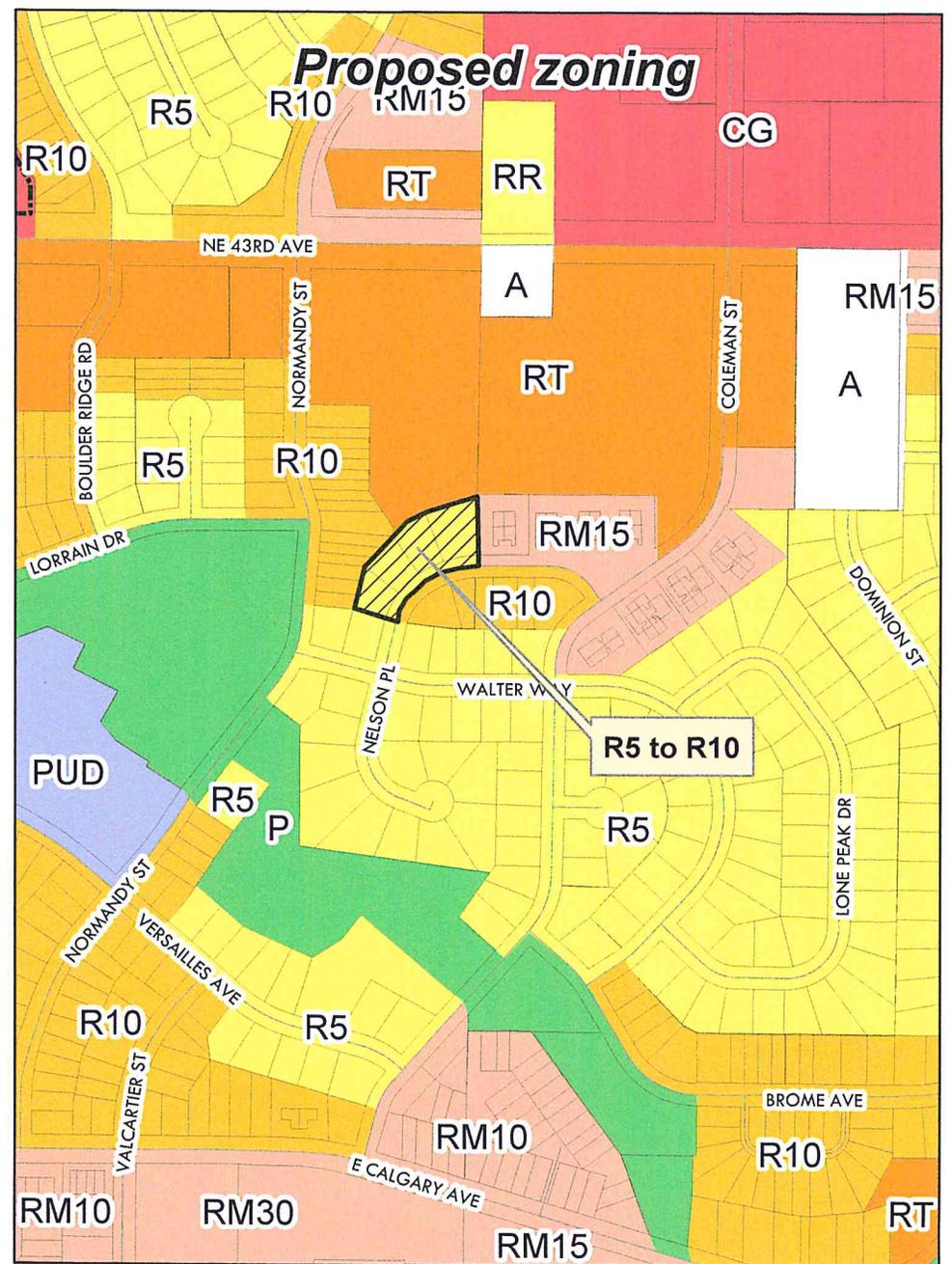
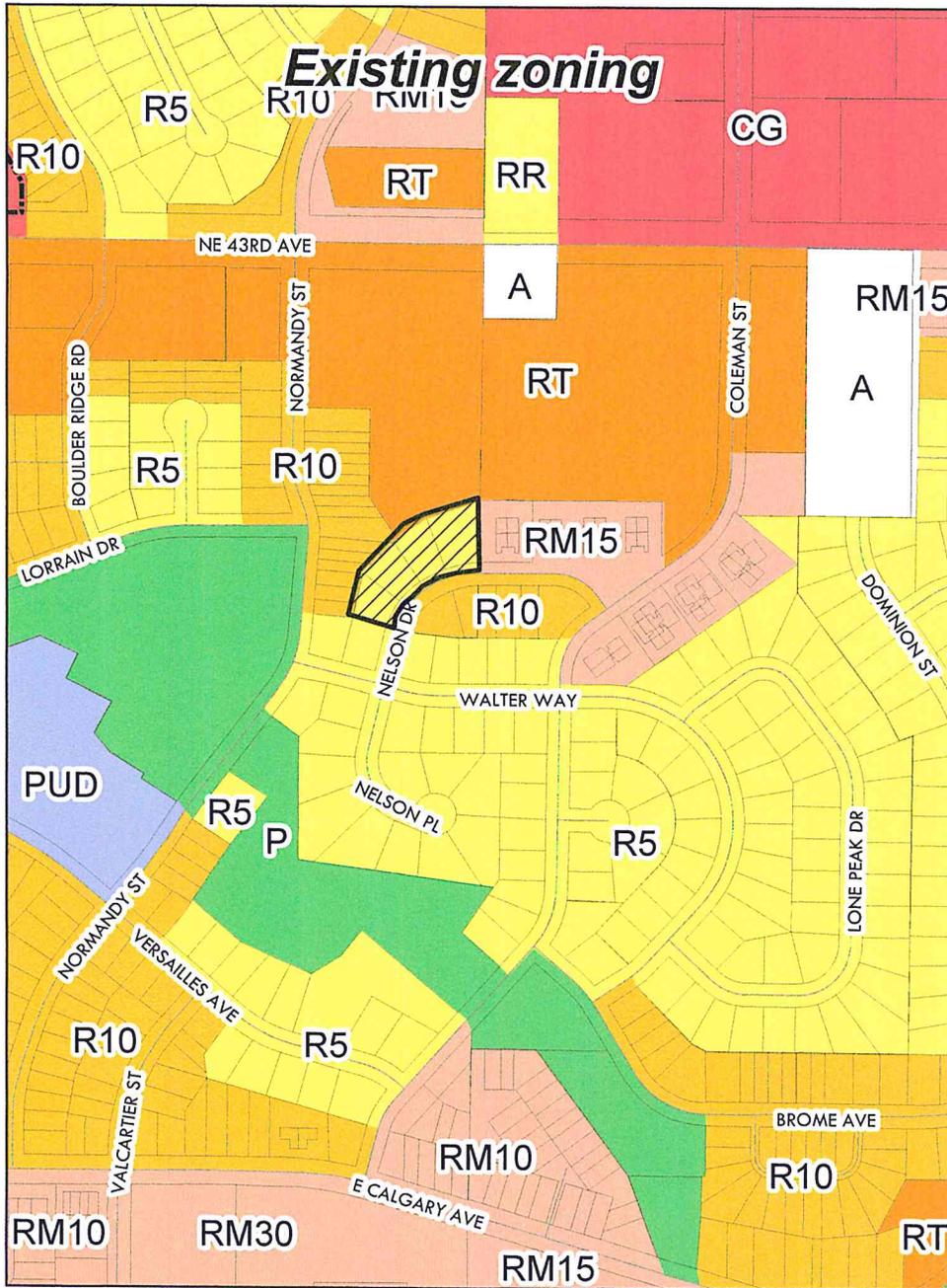


June 15, 2015 (hlb)

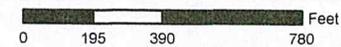
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**Lots 1-4, Block 1, Gary Nelson Addition - Zoning Change**



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April, 2016