

**CITY PLANNING & ZONING COMMISSION  
MEETING MINUTES  
September 25, 2013**

The Bismarck Planning & Zoning Commission met on September 25, 2013 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Doug Lee, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Mike Schwartz and Mike Donahue were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner, Jenny Wollmuth – Planner, Brady Blaskowski – Building Official and Charlie Whitman – City Attorney.

Others present were Diane Martin, Kim Martin, Olivia Huber, Julie Jeske, Bill Bauman, Kim Hanson, Elroy Haadem, Joan Millner, Dan Waldoch, Josh Askvig, Mark Swenson, Bob Swanson, Scott Beierle, Laura Anhalt, Bryan Senger, Roger Kaseman, Dennis K. Heupel, Andrea Urbach and Helen Linnertz.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the June 26, July 24, and August 28, 2013 meetings.

**MOTION:** Commissioner Armstrong made a motion to approve the minutes of the June 26, July 24, and August 28, 2013 meetings as received. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**CONSIDERATION**

- A. DEFINITIONS/BREWERY, BREW PUB AND MICROBREWERY – ZONING ORDINANCE TEXT AMENDMENT**
- B. ZONING ADMINISTRATOR/MULTIPLE SECTIONS – ZONING ORDINANCE TEXT AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. A zoning ordinance text amendment for the Definitions/Brewery, Brew Pub and Microbrewery
- B. A zoning ordinance text amendment for the Zoning Administrator/Multiple Sections.

**MOTION:** Commissioner Warford made a motion to approve consent agenda items A and B, calling for public hearings on the items as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Laning, Lee, Selzler, Waldoch and Yeager voting in favor of the motion.

**CONTINUED PUBLIC HEARING— FINAL PLAT – HIGH MEADOWS 12<sup>TH</sup> ADDITION**

Chairman Yeager called for the continued public hearing on the final plat of High Meadows 12<sup>th</sup> Addition. The plat includes 25 lots in two blocks on 9.16 acres and is located in northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue.

Ms. Lee provided an overview of the request, including the findings:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has not yet been approved by the City Engineer.
3. 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).
4. 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.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities, provided the existing accessory buildings within the proposed Canter Street right-of-way are removed prior to recording the plat.
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, provided the property is annexed and rezoned to R5-Residential prior to the plat being recorded and the new lots sold for development.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee explained that this item was a continuation from the July meeting. The proposed layout will take three existing properties convert them into 25 lots. As the storm water

management plan has not yet been approved by the City Engineer, staff recommends another continuation until the stormwater management plan is approved.

Ms. Lee said that based on these findings, staff recommends approval of the final plat for High Meadows 12<sup>th</sup> Addition.

Chairman Yeager opened the public hearing.

There being no public comment, Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to continue the final plat for High Meadows 12<sup>th</sup> Addition. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Selzler, Waldoch and Yeager voting in favor of the motion.

### **PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT – SOUTH MEADOWS ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the A - Agricultural zoning district to the R5 – Residential, RM10 – Residential, RM30 – Residential and P - Public zoning districts and the final plat for South Meadows Addition. The proposed plat is 147 lots in six (6) blocks on 75.89 acres and is located south of Burleigh Avenue and west of South Washington Street (part of the E1/2 of the NE1/4 of Section 20, T138N-R80W/Lincoln Township).

Ms. Lee provided an overview of the requests, including the following findings for the zoning change:

1. The Land Use Plan identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).
2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.
3. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change 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.

Ms. Lee then provided the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has not yet been approved by the City Engineer.
3. The FAA has determined that the development is in compliance with FAA Advisory Circular 150/5200-33B, "Hazardous Wildlife Attractants On or Near Airports."
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Downing Street to the west of this plat as the north-south collector for this section and Glenwood Drive to the south of this plat as the east-west collector for this section.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.
6. The entire subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said that based on these findings, staff recommends continuing action on the zoning change and final plat for South Meadows Addition until the storm water management plan has been approved by the City Engineer.

Chairman Yeager opened the public hearing.

Diane Martin, who lives adjacent to the new development, expressed concern with the pond water and asked if it was going to be stagnant, regarding mosquito breeding. Chairman Yeager requested the applicants' consulting engineer speak to the proposed ponds. Dave Patience stated that it would be a similar construction to a nearby pond, which does have circulation and is used as a temporary retention area.

Ms. Martin's second concern was with adjacent Candlewood Road grade, and its potential rain drainage, onto her property.

Chairman Yeager motioned again for Mr. Patience who stated that all will be built close to grade and water will drain into the pond, not the adjacent property.

Ms. Martin's third concern was traffic accessibility and questions about congestion. Mr. Patience stated that there will be more traffic than there used to be.

Ms. Linnertz expressed concern about the traffic flow, citing South Washington Street already congested. Commissioner Bullinger stated that nothing is planned for South Washington Street in terms of changing traffic patterns or flow. He further stated there is growth and the City performs traffic counts every spring, which may prompt changes to be made; however funding for improvements is difficult. Chairman Yeager suggested that perhaps there is more traffic now due to nearby construction.

Ms. Martin also has concerns about the dust being a constant presence during excavation and that the burn pile on site smells and is alarming. She asked what the air quality regulations are. Chairman Yeager asked staff who has jurisdiction and Ms. Lee stated that it is outside the City limits and has not been annexed at this time, but she will check with Environmental Health and the Stormwater Management Coordinator.

There being no further comment, Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to continue the zoning change and final plat for South Meadows Addition pending approval of the stormwater management plan. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT – WAGNER'S SUBDIVISION**

Chairman Yeager called for the public hearing on the zoning change from the from the A-Agriculture zoning district to the RR5 – Rural Residential zoning district and the final plat for Wagner's Subdivision. The final plat is 41.6 acres in two lots in one block and is located southeast of Bismarck along the south side of Apple Creek Road, north of the BNSF Railroad, ¼ mile east of 66th Street SE (an unplatted portion of the NW ¼ of Section 8, T138N-R79W/Apple Creek Township).

Ms. Wollmuth provided an overview of the requests, including the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as Urban Residential and Parks/Open Space/Greenways for portions of the property located within the Special Flood Hazard Area (100 year floodplain) (Bismarck-Mandan Regional Future Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include partially developed rural residential to the west and agricultural to the north, east and south.
3. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Apple Creek Road; therefore the proposed zoning change would not place an undue burden on public services.
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 and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth then provided the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The stormwater management plan has been approved by the City Engineer, with written concurrence from the Burleigh County Engineer.
3. The Apple Creek Township Board of Supervisors has recommended approval of the proposed plat.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan, which identifies Apple Creek Road as an east-west arterial.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include partially developed rural residential to the west, and agricultural to the north, east and south.
6. The proposed subdivision would be served by South Central Regional Water District and would have direct access to Apple Creek Road; therefore, the proposed subdivision would not place an undue burden on public services.
7. The proposed subdivision would not adversely affect property in the vicinity.

8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Chairman Yeager opened the public hearing.

There being no public comment, Chairman Yeager closed the public hearing.

Chairman Yeager asked Staff if the stormwater management plan was approved and Ms. Wollmuth stated that it was.

Commissioner Laning asked why the owners wanted to plat and rezone. Ms. Wollmuth explained properties located within the A-Agriculture zoning district must be 40 acres and at the time the request was submitted in order to further develop the property it must be platted and rezoned to RR5-Residential.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve the zoning change from the A-Agricultural zoning district to the RR5-Residential zoning district and the final plat for Wagner's Subdivision. Commissioner Armstrong seconded the motion and it was unanimously approved by Commissioners Atkinson, Bullinger, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING CHANGE – PART OF MAYFAIR MANAGERS ADDITION**

Chairman Yeager called for the public hearing for the zoning change from MA – Industrial zoning district to the CG – Commercial zoning district for Lots 1-3, Block 1, Lots 1-3, Block 2 and the vacated Mayfair Avenue adjacent, Mayfair Managers Addition, and Tract S of the SE¼ of Section 4, T138N-R80W/Lincoln Township. The property is located in south Bismarck along the west side of South 12<sup>th</sup> Street and the south side of Bismarck Expressway.

Ms. Lee then provided an overview of the request and the following findings:

1. The proposed zoning change is outside the boundaries of the Bismarck Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include commercial development to the north and east, light industrial to the south, and undeveloped land and a manufactured home park to the west.

3. The area is already annexed; therefore, the zoning change 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.

**MOTION:** Based on the findings contained in the staff report Commissioner Laning made a motion to approve the zoning change from the MA-Industrial zoning district to the CG-Commercial zoning district on for Lots 1-3, Block 1, Lots 1-3, Block 2 and the vacated Mayfair Avenue adjacent, Mayfair Managers Addition, and Tract S of the SE¼ of Section 4, T138N-R80W/Lincoln Township. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **CONTINUED PUBLIC HEARING – MAJOR PUD AMENDMENT – MISSOURI VALLEY COMPLEX**

Chairman Yeager called for the public hearing for the major PUD amendment for Missouri Valley Complex to allow auctions. The property is located in east Bismarck, along the south side of County Highway 10, the east side of Bismarck Expressway and the north side of Yegen Road and Apple Creek Road.

Ms. Lee provided an overview of the requests, including the following findings:

1. The Missouri Valley Complex Planned Unit Development was approved by the City of Bismarck in June 2004 and the final plat was recorded in July 2006. The PUD ordinance indicates that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning & Zoning Commission.
2. The PUD was amended in July 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles. The PUD was amended again in 2009 to allow utilities on all lots.
3. All allowable land uses in a PUD are specified in the PUD ordinance. If a specific type of land use is not specified, it is not allowed. To allow auctions within the PUD, new language is proposed as an addition to the permitted uses for this PUD.

4. The property owner has requested the amendment to allow auctions as a permitted use on all lots within the subdivision. Because the PUD identifies specific allowable uses for specific lots, it seems reasonable to allow auctions only on those lots where similar uses are allowed, rather than on all lots. Similar uses are allowed on the multi-use activity lots, which are Lots 14, 15, 16, 17 & 18, Block 1.
5. The word “auction” is generally defined as the sale of property to the highest bidder. While some auctions would be an appropriate use in the Missouri Valley Complex, other auctions would not be appropriate uses. For the purposes of this amendment, it seems reasonable to limit the types of auctions to benefit auctions, estate auctions and similar types of auctions, but to specifically exclude commercial livestock sales and auctions (regardless of whether the livestock being sold commercially is breeding/production stock or other livestock), because that use is clearly defined in the zoning ordinance as a heavy industrial use that would only be allowed in the MB – Industrial zoning district (stockyards, feeding pens or livestock sales facility).
6. The concept of having commercial livestock auctions at the Missouri Valley Complex was first discussed in mid-2012. Two letters regarding this topic to Doug Schonert, who was the Chairmanman of the Burleigh County Board of Commissioners at the time, are attached. These letters clearly indicate that staff would not support a PUD amendment to allow commercial livestock auctions at the Missouri Valley Complex.

Chairman Yeager opened the public hearing.

Mark Swenson stated he supported what Mr. Effertz was proposing, but had ongoing concerns about zoning of the surrounding property, which would more appropriately be industrial rather than residential. He also questioned why the County had not been required to pave the interior roadways. He then requested that the City extend Sewer lines to his property and made the case that the surrounding properties are not compatible with residential zoning on his property.

Chairman Yeager closed public hearing.

Ms. Lee stated that the request from Burleigh County was for auctions, not livestock auctions. Ms. Lee then stated that the interior roadway on the property is owned by the County and is a private roadway. She added that the site plan for the development was based on the master plan developed in 2001.

Commissioner Laning asked if the County was amenable to changes, or would prefer the City deny the request. Ms. Lee stated that she had discussed staff’s recommendation with Jerry Woodcox, Chairman of the Burleigh County Commission, and had notified Kevin Glatt, County Auditor, and that Mr. Glatt would normally forward the City’s letter to the Commissioners.

Commissioner Lee stated that he is in favor of livestock auctions at this location, since the activity is not in our area, adding that it brings good business to the region. He suggested the Commission approve the request as recommended by staff.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the Major PUD Amendment for Missouri Valley Complex as outlined in the PUD amendment document attached to the staff report. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH) – WEST 206 FEET OF TRACT 1503, SECTION 3, LINCOLN TOWNSHIP (CITY LANDS)**

Chairman Yeager called for the public hearing for a special use permit for the West 206 Feet of Tract 1503 of the NW1/4 of Section 3, T138-R80W/Lincoln Township. The property is located along the south side of East Main Avenue, between South 12<sup>th</sup> Street and Airport Road.

Ms. Wollmuth provided an overview of the request, including the following findings:

1. A drive-through window is allowed as a special use in the MA – Industrial zoning district, provided specific conditions are met. The proposed drive-through window 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.
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 use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
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 street and provide for appropriate on-site circulation of traffic. In particular, adequate off-street parking would be provided and stacking areas are located away from East Main Avenue.

Chairman Yeager opened the public hearing on the proposed special use permit for the West 206 Feet of Tract 1503 of the NW1/4 of Section 3, T138-R80W/Lincoln Township.

There being no comment, Chairman Yeager closed the public hearing.

Chairman Yeager asked if there was sufficient parking on the site. Ms. Wollmuth replied that the site plan is going through the site plan review process, which will determine the number of required off street parking spaces.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit for a drive-through in conjunction with a multi-tenant building on the West 206 Feet of Tract 1503 of the NW1/4 of Section 3, T138-R80W/Lincoln Township. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – SUBDIVISION REGULATIONS/PROCEDURES**

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to regulations governing the subdivision of land and procedures.

Ms. Lee provided an overview of the request which cleans up language regarding associations and home owners common lots, adding that if there are common lots, and association documents would need to be recorded with the plat. Ms. Lee stated further that stormwater management plan requirements and other procedures were also modified for clarification.

Chairman Yeager opened the public hearing on the request.

There being no public comment, the public hearing was closed.

**MOTION:** Commissioner Laning made a motion to approve the zoning ordinance text amendment relating to regulations governing the subdivision of land and procedures, as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – SUBDIVISION REGULATIONS/NEIGHBORHOOD PARKS AND OPEN SPACE**

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to regulation governing the subdivision of land and neighborhood parks and open space.

City Commissioner Askvig provided an overview of the request. He stated that a neighborhood parks plan which incorporates dedicated provisions for creating parks and recreation land without alienating developers, yet answering the call of many private citizens, is a concept born from many social, community and health interests. The ordinance was redesigned through the collaboration of concerned officials and developers and is a requested policy change to be incorporated into the Planning Divisions procedures in all future plat and annexation requests. The intention of the change in policy is to enhance and maintain the quality of neighborhood developments and subdivisions. He added that land could be donated or purchased by the Bismarck Parks and Recreation Districts, and would be developed using a designated special assessment resembling current practices for funding other infrastructure in the City. There is no designated minimum nor maximum land area for park development, but generally three (3) acres is considered necessary to create a neighborhood park. There is no fee option in lieu of creating neighborhood parks space in this version. He went on to state the intention for schools or other public uses, but for neighborhood park space, except perhaps for possibly incorporating a stormwater storage plan. The park would be developed in conjunction with the surrounding housing development. The developer and Park District are requested to meet at the beginning of the platting process so as to not burden the length of the process further. The steps with this new ordinance would be done concurrently with the current plat review process. He added that maintenance would still be the responsibility of the Park District. If there are disputes about implementation and requested waivers due to special conditions, the final say would be at the City Commission level.

Commissioner Askvig then quoted research by Dr. John Crompton, Agriculture and Life Sciences, Texas A&M, which discussed the benefits of parks including increased values in health, lifestyle, aesthetics, recreation and home values.

Commissioner Warford complimented Mr. Askvig for his persistence, vision and ability to communicate positively with various entities to present this project.

Mr. Hokenstad discussed the technical aspect of the process of creating parks in new subdivisions. Specifically he stated that any waivers must be in writing according to an ordinance and policy.

Commissioner Askvig clarified that the donation of land is voluntary and requested that wording be incorporated into the subsequent ordinance and policies so that it is not considered to be a directive to demand dedications.

Mr. Hokenstad then presented a hypothetical 5 acre park developed in accordance with the proposed ordinance including a much desired stormwater feature. He explained how the park designation would become an integral part of the platting process through the Community Development Department. The ordinance will incorporate the intent and purpose of parks creation. Any changes from current wording would have to go through the public process to request approval.

Commissioner Laning asked staff if there is any proposed formula or expectations for spacing parks. Mr. Hokenstad stated that it is difficult to place hard scientific figures on this process, but the Parks and Recreation District does look at service areas.

Mr. Bullinger asked for the purpose of getting waivers in writing. Mr. Hokenstad stated that it will show the reason and explanation to document the unique situation.

Chairman Yeager opened the public hearing on the zoning ordinance text amendment.

Kim Hanson is happy to hear about the expansion of the parks system and supports the request citing family need, health concerns and beautification.

Julie Jeske, Vice Chair of the Bismarck Parks and Recreation Board, said the board supports the creation of parks siting health concerns and the importance of play for children's health, the presumption of other similar communities that park space is essential to the well-being of a city, and Bismarck's potential for beauty in its current growth state with the addition of this ordinance.

Bill Bauman, Executive Director of the YMCA, stated the importance of consensus reached in this process to improve quality of life in Bismarck. He supports the park ordinance and suggests it is time to move the process forward by passing the request.

Chad Wachter stated his support, as a developer, in creating parks through the platting process.

Laura Anhault stated that she supports the parks ordinance citing positive social contacts for children and adults, and the safety and health benefits gained from the availability of open space along with increased property values.

There being no further comment, Chairman Yeager closed the public hearing.

**MOTION:** Commissioner Warford made a motion to approve the zoning ordinance text amendment relating to subdivision regulations/neighborhood parks and open space and the policy. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

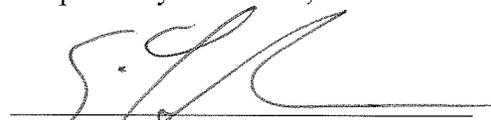
## **OTHER BUSINESS**

There was no other business to address at this time.

## **ADJOURNMENT**

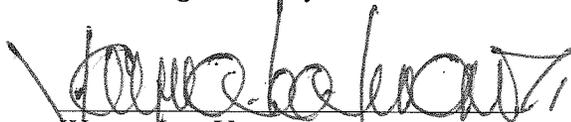
There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:30 p.m. to meet again on October 23, 2013.

Respectfully submitted,



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Sandra Bogaczyk  
Recording Secretary



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Wayne Lee Yeager  
Chairman