

CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
April 28, 2010

The Bismarck Planning & Zoning Commission met on April 28, 2010, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mel Bullinger, Jack Hegedus, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Mark Armstrong, Jo Conmy, Curt Juhala, and Doug Lee were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Gregg Greenquist – Planner, Kim Lee –Planning Manager, Jason Tomanek – Planner, Kimberley Gaffrey– Office Assistant III and Charlie Whitman – City Attorney.

Others present were Jim Alber – 1412 Basin Avenue, Norbert Kinnischtzke – 4701 Boulder Ridge Road, Al Godes – 212 Slate Drive, Jake Axtman – 2120 South 12th Street, Mary Jane and Dan Schmaltz – 3148 Manitoba Lane and Ken Nysether – 3456 East Century Avenue.

MINUTES

Chairman Yeager called for consideration of the minutes of the March 24, 2010 meeting.

MOTION: Commissioner Warford made a motion to approve the minutes of the March 24, 2010 meeting as received. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Bullinger, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATIONS –
ZONING CHANGE FROM R5-RESIDENTIAL TO R10-RESIDENTIAL AND
PRELIMINARY PLAT – COUNTRY WEST XXX ADDITION

Chairman Yeager called for consideration of the following consent agenda items

- A zoning change from R5-Residential zoning district to R10-Residential zoning district and preliminary plat for Country West XXX Addition. The property is 8 lots in 1 block on 1.66 acres located along the north side of Valley Drive at the intersection with Tyler Parkway (part of the SE¼ of Section 19, T139N-R80W/Hay Creek Township).

MOTION: Commissioner Warford made a motion to approve the consent agenda. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Bullinger, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM CG-COMMERCIAL AND RMH-RESIDENTIAL TO CG-COMMERCIAL AND FINAL PLAT – BUFFALO JUMP ADDITION

Chairman Yeager called for the public hearing for the zoning change from CG-Commercial and RMH-Residential zoning districts to CG-Commercial zoning district for Lot 4, Block 1 and final plat for Buffalo Jump Addition. The property is located along the east side of US Highway 83 between Calgary Avenue and 43rd Avenue. (A replat of Lots 5-7, Block 1, Capital Electric Headquarters Addition and an unplatted portion of the NW ¼ of Section 22, T139N - R80W/Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the zoning change:

1. The area being proposed for a zoning change is not identified in the Bismarck-Mandan Future Land Use Plan; however, the zoning change request is appropriate as a portion of the proposed Lot 4, Block 1 is currently zoned CG and the request is to ensure one contiguous CG zoning district for the entire parcel. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established; in particular the land is being re-platted to accommodate future development of the property.
2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include commercial development to the south, undeveloped land currently zoned CG and RMH to the south and southeast, and office and commercial development to the north and west.
3. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the new zoning classification at the time the property is developed.
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 planning practice.

Mr. Tomanek then listed the following findings for the plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The Fringe Area Road Master Plan does not identify an arterial or collector route for this section.

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include commercial development to the south, undeveloped land currently zoned CG and RM to the south and southeast, and office and commercial development to the north and west.
5. As the property is already annexed, 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.
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 and other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on the above findings, staff recommends approval of the zoning change from CG-Commercial and RMH-Residential zoning districts to CG-Commercial zoning district for Lot 4, Block 1 and final plat for Buffalo Jump Addition.

Chairman Yeager opened the public hearing for the zoning change from CG-Commercial and RMH-Residential zoning districts to CG-Commercial zoning district for Lot 4, Block 1 and final plat for Buffalo Jump Addition.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus made a motion to approve the zoning change from CG-Commercial and RMH-Residential zoning districts to CG-Commercial zoning district for Lot 4, Block 1 and final plat for Buffalo Jump Addition. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Bullinger, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION AND PUBLIC HEARING – ZONING CHANGE FROM A-AGRICULTURAL TO R5-RESIDENTIAL AND FINAL PLAT – BOULDER RIDGE SECOND ADDITION

Chairman Yeager called for the final consideration for the annexation of a portion of the plat and the public hearing for the zoning change from A-Agricultural zoning district to R5-Residential zoning district and final plat for Boulder Ridge Second Addition. The property is located North Bismarck, east of North Washington Street and North of 43rd Avenue (Part of the SW¼ of Section 16, T139N-R80W/Hay Creek Township).

Mr. Greenquist provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies will 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.
2. The proposed annexation will not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Greenquist then listed the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan which identifies this area as residential (US Highway 83 Corridor Transportation Study).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing R5-Residential land to the east and west and undeveloped A-Agricultural land to the north and south.
3. The subdivision proposed for this property would be annexed, therefore, the zoning change will 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.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Greenquist then listed the following findings for the plat:

1. All technical requirements for approval of a final plat have been met.
2. The Storm Water Management Plan has been approved by the City Engineer.
3. This proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Halifax Street as the north-south collector for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing R5-Residential land to the east and west and undeveloped A-Agricultural land to the north and south.
5. The proposed subdivision would be annexed; therefore, the zoning change would not place an undue burden on public services.

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

Mr. Greenquist said based on the above findings, staff recommends approval of the annexation of part of the plat (Lots 1-19, Block 1; Lots 1-10, Block 2 and Lots 1-5, Block 3), zoning change from A-Agricultural zoning district to R5-Residential zoning district and final plat for Boulder Ridge Second Addition.

Chairman Yeager opened the public hearing for the annexation for part of the plat, zoning change from A-Agricultural zoning district to R5-Residential zoning district and final plat for Boulder Ridge Second Addition.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Waldoch made a motion to approve the annexation of part of the plat (Lots 1-19, Block 1; Lots 1-10, Block 2 and Lots 1-5, Block 3), zoning change from A-Agricultural zoning district to R5-Residential zoning district and final plat for Boulder Ridge Second Addition. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Bullinger, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

Ms. Lee stated there will be a public input and informational meeting held on May 13, 2010 from 4:00 to 6:00 in the Tom Baker Meeting Room regarding the Floodplain Ordinance revisions.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:15 p.m. to meet again on May 26, 2010.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman