

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
August 25, 2010**

The Bismarck Planning & Zoning Commission met on August 25, 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, Jo Conmy, Jack Hegedus, Curt Juhala, Vernon Laning, Ken Selzler, Lisa Waldoch and Wayne Yeager.

Commissioner Mark Armstrong was absent.

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

Others present were Dave Patience – 909 Basin Avenue, Bob Savageau – 1102 Westwood Street, Margo and David Wetzell – 1500 Eastwood Street, Brian Eiseman – 128 Soo Line Drive, Brad Krogstad – 128 Soo Line Drive, Carmen Traeholt – 843 North 31st Street, Janet and Jack Eiseman – 3200 Nebraska Drive Unit A, Richard Peck – 3200 Nebraska Drive Unit B, Mike Boutrous – 110 East Avenue A and Brent and Trish Levinson – 2830 Langer Lane.

MINUTES

Chairman Yeager called for consideration of the minutes of the July 28, 2010 meeting.

MOTION: Commissioner Hegedus made a motion to approve the minutes of the July 28, 2010 meeting as received. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Juhala, Laning, Selzler, Waldoch, and Yeager voting in favor of the motion.

Commissioner Warford arrived at the meeting.

**CONSIDERATIONS –
PRELIMINARY PLAT – MDU SUBDIVISION
ZONING CHANGE FROM R5, R10, RT & CG TO PUD, R10, RT & CG AND
PRELIMINARY PLAT – SONNET HEIGHTS SUBDIVISION FIFTH REPLAT
MAJOR PUD AMENDMENT – CAPITOL VIEW ADDITION**

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

- A preliminary plat for MDU Subdivision. The property is one lot in one block on 3.95 acres located in northeast of Bismarck, a corner lot southeast of the intersection of Centennial Road and 43rd Avenue NE (part of the NE¼ of Section 24, T139N-R80W/ Hay Creek Township).

- A zoning change from R5-Residential, R10-Residential, RT-Residential and CG-Commercial zoning districts to PUD-Planned Unit Development, R10-Residential, RT-Residential and CG-Commercial zoning districts and preliminary plat for Sonnet Heights Subdivision Fifth Replat. The property is 42 lots in three blocks on 13.78 acres located along the west side of Ottawa Street between LaSalle Drive and 43rd Avenue NE (a replat of Lot 4, Block 23, Lots 1-3, Block 24, Lots 10-27, Block 25, Lots 6-9, Block 26 and Lots 1-4, Block 27, Sonnet Heights Subdivision).
- A Major PUD Amendment for Lot 1, Block 1, Capitol View Addition. The property is located along the east side of State Street just south of Divide Avenue.

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

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – HOME DEPOT ADDITION

Chairman Yeager called for the public hearing for the minor subdivision final plat for Home Depot Addition (a replat of Lot 1, Block 1, Schweitzer Addition). The property is located along the east side of 14th Street North, between Harvest Lane and Calgary Avenue East.

Mr. Greenquist provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat met the criteria to be classified as a minor subdivision final plat.
2. All technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed minor subdivision is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include industrial to the north, restaurants to the west, a church to the south, and undeveloped land zoned RT to the east.
5. The proposed minor subdivision will not place an undue burden on public services.
6. The proposed minor subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed minor subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Greenquist then provided the following additional information:

1. This is the site of the former Home Depot store.
2. The request is for approval of a minor subdivision final plat which is a replat of an existing lot, which would create 4 new lots along 14th Street on what is currently the parking lot area for the existing building.
3. There would be two new access points on 14th street. These would be shared access points with two lots sharing the same access.
4. These are not huge lots and if a new business needed more room, they could combine two or more lots.
5. Staff did question whether the off-street parking requirement could be met for the existing building with reduced parking caused by creating these new lots. The applicant's consultant demonstrated that an adequate number of new off-street parking spaces can be created at the rear of the building, on the east side, in what was the truck docking area. The City Building Official has confirmed that an adequate number of replacement parking spaces could fit on this lot.

Based on the above findings, staff recommended approval of minor subdivision final plat of Home Depot Addition (a replat of Lot 1, Block 1, Schweitzer Addition).

Chairman Yeager opened the public hearing for the minor subdivision final plat for Home Depot Addition.

Dave Patience with Swenson, Hagen & Co. said that he will answer any questions the Commissioners have regarding this site.

Commissioner Hegedus asked if Mr. Patience would explain the proposed additional parking. Mr. Patience said they looked at the building as if it were going to be used for a large office complex and had no problems fitting in all the parking spaces. He went on to say that if there were multiple uses in the building and more parking spaces were required, there is a large area behind the building with adequate parking space and a main entry could be added on the east side of the building. Mr. Patience ended by saying the lot coverage was reviewed the City Building Official.

Commissioner Bullinger inquired that the way the access easements are drawn that the two end lots will share a driveway, but what happens if Lots 3 and 4 are sold together as a collective lot. Mr. Patience responded by saying there will still be the access points on the far north end and south end of lots, which are the existing driveways. Commissioner Bullinger asked if the expectation is only two driveways and not four. Mr. Patience confirmed that the expectation is for only two new driveways.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus made a motion to approve the minor subdivision final plat for Home Depot Addition (a replat of Lot 1, Block 1, Schweitzer Addition). Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Juhala, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – PEBBLE CREEK TENTH ADDITION

Chairman Yeager called for the public hearing for the minor subdivision final plat for Pebble Creek Tenth Addition (a replat of Lot B of Lot 1 and Lots 2-6, Block 3, Pebble Creek Eighth Addition). The property is located along the east side of Nebraska Drive north of Century Avenue East.

Ms. Lee provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. All technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed minor subdivision is compatible with adjacent land uses. Adjacent land uses include multi-family residential to the west, undeveloped RM15-zoned property to the north and south, and partially developed MA-zoned property to the east.
5. The proposed minor subdivision will be an urban residential subdivision and has already been annexed; therefore, the proposed subdivision will not place an undue burden on public services.
6. The proposed minor subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed minor subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Based on the above findings, staff recommended approval of minor subdivision final plat of Pebble Creek Tenth Addition (a replat of Lot B of Lot 1 and Lots 2-6, Block 3, Pebble Creek Eighth Addition).

Chairman Yeager opened the public hearing for the minor subdivision final plat for Pebble Creek Tenth Addition.

Richard Peck asked if the residents on the west side of Nebraska Drive are going to get charged with the specials because of Pebble Creek Tenth Addition, which will be located across the street

from his property. Ms. Lee answered by saying the proposed Pebble Creek Tenth Addition will be a separate association and will not be part of that same expandable condominium on the west side of Nebraska Drive. Ms. Lee said that anything that is done on the east side will not impact the property on the west side and there will not be any specials assessed to the property west of Nebraska Drive because of this development.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the minor subdivision final plat for Pebble Creek Tenth Addition. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Juhala, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – WHISPERING POINTE

Chairman Yeager called for the public hearing for the minor subdivision final plat for Whispering Pointe (a replat of Lot 2, Block 1, Whispering Bay). The property is located along the west side of Langer Lane between Mills Avenue and Larson Road.

Ms. Lee provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. All technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed minor subdivision is compatible with adjacent land uses. Adjacent land uses include a mixture of rural residential to the north and south, undeveloped R5-zoned property to the east and the Missouri River to the west.
5. The proposed subdivision will be an urban residential subdivision and has already been annexed; therefore, the proposed subdivision will not place an undue burden on public services.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed minor subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then provided the following additional information:

1. The applicant is requesting the use of a private roadway for this development.

2. The applicant has applied for a Letter of Map Revision Based on Fill (LOMR(f)) from the Federal Emergency Management Agency (FEMA) for the entire development, including this area being replatted; however, the LOMR(f) has not yet been approved by FEMA.

Based on the above findings, staff recommended approval of minor subdivision final plat of Whispering Pointe (a replat of Lot 2, Block 1, Whispering Bay), including the use of a private roadway within the proposed development.

Ms. Lee explained that a zoning change application was submitted to change the zoning of the proposed plat from the R10-Residential zoning district to the R5-Residential that will introduced at the September 22, 2010 Bismarck Planning & Zoning Commission meeting. Ms. Lee then read the letter received from Dave and Pat Goodin, which is attached as Exhibit A.

Mr. Warford asked Ms. Lee to repeat the information regarding the R5-Residential zoning district. Ms. Lee stated that the property is currently zoned R10-Residential, which allows single-family and two-family residential. An application was submitted to change the zoning to R5-Residential, so the property will be developed and stay as single-family residential.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Whispering Pointe.

Brent Levinson said that he is adjacent to Lot 11 and his address is 2830 Langer Lane. He said he agrees with Mr. Goodin and supports his letter. Mr. Levinson went on to say that his second concern is the storm water drainage from his property. He stated that when Whispering Bay was developed, the developers were kind enough to incorporate a drainage area along the side of his lot. Mr. Levinson is concerned that because there is not a drainage easement on the plat that someone could fill in the swale, therefore eliminating drainage on the south side of his property. He added that there is power distribution box that is sitting in the middle of the drainage area and wonders if there is a missing utility easement. Mr. Levinson asked that a storm water easement be prepared to protect his property from future drainage issues. He continued by saying his last concern is the use of Lot 11. It has been communicated to him by Whispering Bay Corporation that they are not planning on developing that particular lot in order to maintain the visual aspect of the open channel and thinks Lots 10 and 11 should be zoned differently.

Brad Krogstad with Kadrmas Lee & Jackson confirmed that the zoning change application was submitted, adding that the request was not submitted at the time the plat application was submitted because the owners do have an offer on one of the proposed lots and hopefully wanted to start construction this year. Also, since the current zoning of R10-Residential would allow for a single-family home, they were not going to change the zoning until the concern from the residents were brought to their attention.

Commissioner Hegedus asked about the utility pedestal located on Mr. Levinson's property. Mr. Krogstad responded by saying that according to a private utility company, the utility pedestal is only temporary and the utility companies are okay with the easements shown on the proposed plat.

Mr. Krogstad stated that when Whispering Bay was developed, they worked with Mr. Levinson on the drainage of his property and nothing has changed so there is not a drainage easement shown. He added that the only way topography and drainage would change is if Mr. Levinson raised his property.

Commissioner Warford asked if Mr. Krogstad would have a problem granting a storm water easement to Mr. Levinson. Mr. Krogstad answered by saying he cannot offer that for the owners since they are not present.

Mr. Levinson commented that Mr. Krogstad said an option would be for him to raise his lot, the drainage is essentially next to his home, so unless he raises his whole home, he has no recourse because the property line is twelve feet from the side of his home.

Commissioner Waldoch asked if Whispering Bay Corporation put in the swale or if it was natural. Mr. Levinson said that Whispering Bay Corporation constructed the swale. He said at the time his property was well above the floodplain level but now Lot 11 is about two feet higher than the highest grade on his lot. Mr. Levinson said the way it is right now works great and he just wants to be protected.

Commissioner Waldoch said it seems simple what steps need to be taken to guarantee Mr. Levinson the drainage that he has currently or the equivalent.

Mr. Krogstad commented that he can offer that the owners can meet with Mr. Levinson to work out an agreement.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Bullinger made a motion to approve the minor subdivision final plat for Whispering Pointe (a replat of Lot 2, Block 1, Whispering Bay), including the use of a private roadway within the proposed development, and with the condition that a storm water easement between Lot 11 and the Levinson property to the north be prepared and shown on the face of the plat before it is forwarded to the Board of City Commissioners for final action. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Juhala, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM RM30-RESIDENTIAL TO R10-RESIDENTIAL AND RM30-RESIDENTIAL AND MINOR SUBDIVISION FINAL PLAT – SONNET HEIGHTS SUBDIVISION FOURTH REPLAT (A REPLAT OF LOTS 4 & 5, BLOCK 1, SONNET HEIGHTS SUBDIVISION FIRST REPLAT)

Chairman Yeager called for the public hearing for the zoning change from the RM30-Residential zoning district to the R10-Residential and the RM30-Residential zoning districts and minor subdivision final plat for Sonnet Heights Subdivision Fourth Replat (a replat of Lots 4 & 5,

Block 1, Sonnet Heights Subdivision First Replat). The property is located along the north side of Canada Avenue at the intersection with LaSalle Drive.

Mr. Tomanek provided an overview of the request and 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 urban residential (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses. There is undeveloped single, two and multi-family residential zoning to the south, east and west and park property to the north.
3. The subdivision is already annexed and utilities will be in place within Canada Avenue and LaSalle Drive; 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 all adopted plans, policies and accepted planning practice.

Mr. Tomanek then provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. All technical requirements for consideration of the final plat have been met.
3. The final Stormwater Management Plan has been approved by the City Engineer.
4. The proposed zoning change is compatible with adjacent land uses. There is undeveloped single, two and multi-family residential zoning to the south, east and west and park property to the north.
5. The proposed subdivision is consistent with the general intent and purpose of the ordinance and subdivision regulations.
6. The proposed subdivision will not have an adverse affect on the adjacent properties.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Based on the above findings, staff recommended approval of the zoning change from RM30 – Residential to R10 – Residential for Lots 1-6 and to RM30 – Residential for Lot 7 and the minor subdivision final plat of Sonnet Heights Subdivision Fourth Replat (a replat of Lots 4 & 5, Block 1, Sonnet Heights Subdivision First Replat).

Chairman Yeager opened the public hearing for the zoning change and minor subdivision final plat for Sonnet Heights Subdivision Fourth Replat.

There was no public comment.

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 RM30 – Residential to R10 – Residential for Lots 1-6 and to RM30 – Residential for Lot 7 and the minor subdivision final plat of Sonnet Heights Subdivision Fourth Replat (a replat of Lots 4 & 5, Block 1, Sonnet Heights Subdivision First Replat). Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Juhala, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT FOR LOT 1, BLOCK 1, HOUSE OF PRAYER ADDITION (1470 SOUTH WASHINGTON STREET)

Chairman Yeager called for the public hearing for a special use permit to allow a day care facility for Lot 1, Block 1, House of Prayer Addition. The property is located at 1470 South Washington Street along the west side of Washington Street between Reno and Ausburg Avenues.

Mr. Tomanek provided an overview of the requests and listed the following findings for the special use permit:

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 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. 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 and provide for appropriate on-site circulation of traffic, in particular, adequate off-street parking would be provided.

Mr. Tomanek also provided the following additional information:

1. The day care is intended accommodate up to 38 children ranging in age from 6-12 years.
2. The applicants have been working with the Building Official to satisfy all the requirements necessary to meet the guidelines set forth to establish and operate a day-care facility. In particular the appropriate accommodations have been met to allow for adequate outdoor play space for the children and appropriate parking facilities.
3. The applicants have indicated the day care facility would only operate from 3:00 to 6:00 PM during school days. The day care facility would not be open to clients on holidays, days when school is not in session or during the summer months.
4. A fence is required around the outdoor play area; concerns have been raised by some of the residents in the area regarding the material chosen for the fence. There is an existing wood privacy fence that screens mechanical equipment adjacent to the proposed play area. The applicants have indicated that the church is considering installing a wood privacy fence around the play area that would resemble the existing fence.
5. Section 14-03-08(4)(r) of the City Code of Ordinances outlines the requirements for a day care center. A copy of this section of the City Code is attached.

Mr. Tomanek said that based on the above findings, staff recommends approval of the special use permit to allow the operation of a day care facility at 1470 South Washington Street (Lot 1, Block 1, House of Prayer Addition) with the following conditions: 1) The configuration of the day care facility closely resembles the proposed layout included with the application; 2) The number of children allowed to occupy the day care facility is limited to 40; 3) The hours of operation are limited to after school from 3:00 to 6:00 PM on school days only; 4) The play area shall be screened with a wood privacy fence similar to the existing fence on-site, and 5) Any changes to the proposed day care facility would require an amendment to the special use permit.

Commissioner Juhala said he is very please that the YMCA is branching out into south Bismarck.

Chairman Yeager opened the public hearing for the special use permit on Lot 1, Block 1, House of Prayer Addition (1470 South Washington Street).

Margo Wetzel said that this is a quiet neighborhood and she and her husband were dislocated from their prior neighborhood nine years ago because of neighborhood problems. She went on

to say that she now lives in a neighborhood with retired people or people who are nearing retirement age and there are no children in the neighborhood. Ms. Wetzel stated that she loves children but does not see why a daycare facility is being proposed in a residential neighborhood in a church. She commented that her home is right across the street from the church and does not know who would like 40 cars going to pick up and drop off these children. Ms. Wetzel added that she has discussed this daycare with her neighbors and her neighbors are not in favor of it. She said that if afterschool care is a concern, then partner with the schools because they are already accustomed to the traffic and activity. Ms. Wetzel asked the commissioners to please think about this and not to ruin her neighborhood.

Commissioner Juhala said he was glad to hear about the neighborhood and understand Ms. Wetzel's concern.

Carmen Traeholt with the YMCA stated the reason that the YMCA has not partnered with the schools is because there is no more room in the schools and the YMCA asked for a south location because that is where the need is. Ms. Traeholt said the YMCA believes there is a need for after school care and they do not want to see the kids out on the streets. Ms. Traeholt said there will be supervised indoor and outdoor activities the students will walk to from the school. She stated that the pickup time will be 6:00 PM and they are only expecting to have approximately 15 children. She added that House of Prayer approached them and no other sites have been looked at.

Commissioner Selzler asked if the main drop off and pickup area on Washington Street or Eastwood Street. Ms. Traeholt answered by saying Washington Street.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Hegedus made a motion to approve the special use permit for a day care facility at 1470 Washington Street (Lot 1, Block 1, House of Prayer Addition) with the following conditions: 1) The configuration of the day care facility closely resembles the proposed layout included with the application; 2) The number of children allowed to occupy the day care facility is limited to 40; 3) The hours of operation are limited to after school from 3:00 to 6:00 PM on school days only; 4) The play area shall be screened with a wood privacy fence similar to the existing fence on-site, and 5) Any changes to the proposed day care facility would require an amendment to the special use permit. Commissioner Conmy seconded the motion Commissioners Conmy, Hegedus, Laning, Selzler, Warford and Yeager voting in favor of the motion and Commissioners Juhala and Waldoch voting against. Commissioner Bullinger abstained from voting. The motion passed 6-2.

OTHER BUSINESS

Ms. Lee said the 2009 Annual Report was included in the agenda packet for information purposes for the Bismarck Planning & Zoning Commissioners.

Chairman Yeager announced that there needs to be a Vice Chairman appointed for the Bismarck Planning & Zoning Commission.

Commissioner Warford said that Commissioner Armstrong has represented Burleigh County very well, it is important that the City of Bismarck show Burleigh County that leadership can be shared with the Bismarck Planning & Zoning Commission and Commissioner Armstrong can run a meeting well and would be a good Vice Chairman in Chairman Yeager's absence.

MOTION: Commissioner Warford made a motion to appoint Commissioner Armstrong as Vice Chairman of the Bismarck Planning & Zoning Commission. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

Mr. Tomanek said that at the last Bismarck Planning & Zoning Commission it was decided that Northridge Estates Commercial Park would not be forwarded to the Board of City Commissioners until a landscape plan for the buffer yard has been submitted to and approved by city staff, in consultation with Hay Creek Township. Mr. Tomanek concluded by saying that landscape plan and line of sight was submitted, is acceptable and will be forwarded to the Board of City Commissioners.

It was the general consensus of the Bismarck Planning & Zoning Commission that the December 2010 meeting should be rescheduled to December 15, 2010.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:10 p.m. to meet again on September 22, 2010.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman

City Planning and Zoning Commission

August 22nd, 2010

Community Development Department – Planning Division

P.O. Box 5503

Bismarck, North Dakota 58506-5503

Sent via e-mail to cobplan@nd.gov and kllee@nd.gov

Dear City Planning and Zoning Commissioners:

We are writing this letter to provide our input relative to the proposed Whispering Pointe plat that will be coming before the Commission on Wednesday August 25th. We would have appeared in person however a planned out of state trip coincides with this meeting, thus this letter.

We have a keen interest in this proposed plat as we are directly adjacent to the proposed plat and access to our property is through the proposed plat.

We are generally supportive of the proposed plat, with the exception of the R10 density we feel needs to be changed to R5. The proposed access to our existing drive is essentially what we had requested from the developers in that it is straight into our existing driveway. We would request that when the new Langer Way is paved, a smooth transition is constructed to our existing driveway, similar to what we have today. We also request that the new access not diminish our use of our existing 45 foot wide easement across Levinson's property, i.e. the drainage areas be installed to accommodate this need.

The proposed 9 homes on lots 1-9 are also what we agreed with the developers last Fall so far as density of living units in this space. The current zoning I understand is R10 and given the lots in the proposed plat are being represented as single family, we request that the zoning match this representation which would be single family or R5 as I understand in visiting with Ms. Kim Lee. We strongly feel the zoning be changed to R5 or single family only.

We also request that if at all possible the house numbering remain the same as it is today. Our home is numbered as 2810 and we would ask that this remain.

Sincerely,

Dave and Pat Goodin

2810 Langer Lane

Bismarck, ND 58504

cc: Ms. Kim Lee – kllee@nd.gov