

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
October 27, 2010**

The Bismarck Planning & Zoning Commission met on October 27, 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, Ken Selzler, Wayne Yeager, Lisa Waldoch and John Warford.

Commissioners Mark Armstrong, Curt Juhala and Vernon Laning were absent.

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

Hay Creek Township Supervisor Neil Modin was present.

Others present were Brad Krogstad – 128 Soo Line Drive, Emil Kirshenmann – 5401 Fernwood Drive, Robert Robinson – 2220 West Harbor Drive, Dave Patience – 909 Basin Avenue and Harold Gomke – 5750 East Main Avenue.

MINUTES

Chairman Yeager called for consideration of the minutes of the September 22, 2010 meeting.

MOTION: Commissioner Hegedus made a motion to approve the minutes of the September 22, 2010 meeting as received. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Selzler, Yeager and Waldoch voting in favor of the motion.

Commissioner Warford arrived at the meeting.

**CONSIDERATIONS –
ZONING CHANGE FROM A to RR AND PRELIMINARY PLAT – FERNWOOD
SUBDIVISION
ZONING CHANGE FROM PUD TO CG – LOT A-1, BLOCK 1, U-RENT SUBDIVISION
ZONING ORDINANCE TEXT AMENDMENT – LANDSCAPING & SCREENING**

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

- A. A zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and preliminary plat for Fernwood Subdivision. The property is 6 lots in 1 block on 14.42 acres located along the east side of Fernwood Drive at the intersection with the

southern east-west portion of Burnt Creek Loop (part of the E½ of the NW¼ of the NE¼ of Section 14, T139N-R81W/West Hay Creek Township).

- B. A zoning change from the PUD-Planned Unit Development zoning district to the CG-Commercial zoning district for Lot A-1, Block 1, U-Rent Subdivision. The property is 7 lot in 1 block 5 on 25,450 square feet located along the east side of State Street near the intersection of 14th Street North and Mapleton Avenue.
- C. A zoning ordinance text amendment relative to landscaping and screening. The proposed ordinance would update and modify the landscaping and screening requirements.

MOTION: Commissioner Hegedus made a motion to approve the Consent Agenda items B and C calling for a public hearing on both items. Commissioner Conmy seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

Consent Agenda item A was removed for discussion.

Neil Modin, Hay Creek Township Supervisor, said that Hay Creek Township approves the zoning change from the A-Agriculture zoning district to the RR-Residential zoning district. Mr. Modin went on to say that Hay Creek Township has issues with the private roads, setbacks and access and would like to invite the developers to come to the November 2, 2010 Township Board meeting at 6:00 p.m., in the Bismarck Veterans Memorial Public Library to discuss the issues.

MOTION: Commissioner Hegedus made a motion to approve the Consent Agenda item A, calling for a public hearing on the zoning change and tentatively approving the preliminary plat. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

PUBLIC HEARING –ZONING CHANGE FROM R10-RESIDENTIAL TO R5-RESIDENTIAL FOR LOT 2, BLOCK 1, WHISPERING BAY (BEING REPLATTED AS LOTS 1-11, BLOCK 1, WHISPERING PIONTE) AND LOT 1, BLOCK 1, WHISPERING BAY

Chairman Yeager called for the public hearing for the zoning change from the R10-Residential zoning district to the R5-Residential zoning district for Lot 2, Block 1, Whispering Bay (which is being replatted as Lots 1-11, Whispering Pointe) and Lot 1, 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 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 (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include rural residential to the north and south, undeveloped R5 – Residential zoned property to the east and the Missouri River to the west.
3. The subdivision proposed for this property is already annexed and will be served via private utilities in Langer Lane; 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 accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the R10-Residential zoning district to the R5-Residential zoning district for Lot 2, Block 1, Whispering Bay (which is being replatted as Lots 1-11, Block 1, Whispering Pointe) and the City-initiated request for a zoning change from the R10-Residential to the R5-Residential zoning district for the adjacent Lot 1, Block 1, Whispering Bay (channel lot).

Chairman Yeager opened the public hearing for the zoning change from the R10-Residential zoning district to the R5-Residential zoning district for Lot 2, Block 1, Whispering Bay (which is being replatted as Lots 1-11, Whispering Pointe) and Lot 1, Block 1, Whispering Bay.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Hegedus made a motion to approve the zoning change from the R10-Residential zoning district to the R5-Residential zoning district for Lot 2, Block 1, Whispering Bay (which is being replatted as Lots 1-11, Whispering Pointe) and Lot 1, Block 1, Whispering Bay. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Bullinger, Conmy, Hegedus, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

OTHER BUSINESS

Mr. Hokenstad informed the Bismarck Planning & Zoning Commissioners that the detachment request for Lot 3, Block 1, Whispering Bay, was denied at the October 26, 2010 Board of City Commissioners meeting.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:12 p.m. to meet again on November 17, 2010.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman