

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 24, 2015**

The Bismarck Planning & Zoning Commission met on June 24, 2015, 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 Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Ken Selzer, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Brian Bitner was absent.

MINUTES

Chairman Yeager called for consideration of the minutes of the May 27, 2015 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the May 27, 2015 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzer, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. THE RIDGE AT HAWKTREE THIRD SUBDIVISION –
PRELIMINARY PLAT AND ZONING CHANGE**
- B. LOT 1, BLOCK 3, KMK ESTATES –
ZONING CHANGE**
- C. PART OF LOT 2, BLOCK 1, BOULDER RIDGE THIRD ADDITION –
ZONING CHANGE**
- D. LOT 2 AND 3, BLOCK 4, MEADOWLARK COMMERCIAL 7TH ADDITION –
ZONING CHANGE**
- E. LOT 8, BLOCK 15, REPLAT OF PART OF TIBESAR'S FIRST
SUBDIVISION –
ZONING CHANGE**
- F. SUBDIVISION REGULATIONS/ROADWAY DESIGN STANDARDS –
ZONING ORDINANCE TEXT AMENDMENT**
- G. OFF-STREET PARKING AND LOADING/DOWNTOWN PARKING
DISTRICT –
ZONING ORDINANCE TEXT AMENDMENT**

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

- A. The Ridge at Hawktree Third Subdivision –
Preliminary Plat and Zoning Change

- B. Lot 1, Block 3, KMK Estates –
Zoning Change
- C. Part of Lot 2, Block 1, Boulder Ridge Third Addition –
Zoning Change
- D. Lot 2 and 3, Block 4, Meadowlark Commercial 7th Addition –
Zoning Change
- E. Lot 8, Block 15, Replat of Part of Tibesar’s First Subdivision –
Zoning Change
- F. Subdivision Regulations/Roadway Design Standards –
Zoning Ordinance Text Amendment
- G. Off-Street Parking and Loading/Downtown Parking District –
Zoning Ordinance Text Amendment

MOTION: Commissioner Lee made a motion to approve consent agenda items A, B, C, D, E, F and G, granting tentative approval or calling for public hearings on the items as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
AIRPORT ROAD 3RD ADDITION**

Chairman Yeager called for the public hearing on the final plat and the zoning change from the R10-Residential and MA-Industrial zoning districts to the R10-Residential, RT-Residential and MA-Industrial zoning districts for Airport Road 3rd Addition. The proposed plat is six lots in one block on 2.6 acres and is located in central Bismarck, between East Bowen Avenue and Tatley Park Road, along the west side of Airport Road.

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

1. The proposed zoning change is outside the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential zoned RM30 - Residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, a mix of single and two-family residential uses to the west and Tatley Park to the south across Tatley Park Road.
3. The property is already annexed; 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.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth then gave the 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 been approved by the City Engineer.
3. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.
4. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include single-family residential zoned RM30 - Residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, a mix of single and two-family residential uses to the west and Tatley Park to the south across Tatley Park Road.
5. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not have an adverse impact on property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on the above findings, staff recommends approval of the zoning change from the R10-Residential and MA-Industrial zoning districts to the R10-Residential, Conditional RT-Residential and MA-Industrial zoning districts and final plat for Airport Road 3rd Addition with the following condition for the portion zoned RT-Residential:

1. The building height on Lot 2, Block 1 of the proposed subdivision be limited to two stories in height.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from the R10-Residential and MA-Industrial zoning districts to the R10-Residential, Conditional RT-Residential

and MA-Industrial zoning districts and final plat for Airport Road 3rd Addition with the following condition for the portion zoned RT-Residential:
1. The building height on Lot 2, Block 1 of the proposed subdivision be limited to two stories in height. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
BREI ESTATES FIRST ADDITION SECOND REPLAT**

Chairman Yeager called for the public hearing on the minor subdivision final plat of BREI Estates First Addition Second Replat. The proposed plat is 10 lots in one block on 1.20 acres and is located in northwest Bismarck, west of North Washington Street and south of East LaSalle Drive, along the south side of LaPaz Avenue (Lots 3-8, Block 4, BREI Estates First Addition Replat).

Mr. Tomanek gave an overview of the request, including the following findings:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision has been annexed; therefore, it would not place an undue burden on public services and facilities.
4. The existing Conditional R10 zoning district for the proposed subdivision would not change and would continue to be compatible with adjacent land uses. Adjacent land uses include single-family residential to the south, twinhomes and developing multi-family to the east and north and single-family residential and undeveloped land to the west.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek noted the stormwater management plan was approved by the City Engineer after the staff report was prepared.

Mr. Tomanek said based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of BREI Estates First Addition Second Replat.

Commissioner Atkinson asked how the proposed lots compare in size next to the two that have already been built on. Mr. Tomanek said the two that have been built on are 9,421 square feet and 6,848 square feet and those proposed meet the minimum size requirement for a lot in the R10 zoning district, as they are 30 feet wide and around 4,100 square feet each; the minimum lot size for one-half of a twin home in the R10 zoning district is 3,500 square feet.

Commissioner Donahue asked if Mr. Tomanek has an opinion on the comments that were received from the residents at 5106 Driftwood Lane. Mr. Tomanek said it is fair for Mr. and Mrs. Falcon to say the density will be increased but if it were developed as it is it would be approximately five units per acre compared to eight units per acre with the replat. He said either way it will be under the maximum allowable units for the R10 zoning district. These written comments from the Falcons are attached as Exhibit A.

Chairman Yeager opened the public hearing.

Ken Tupa, President of the Horizon Heights Homeowners Association, said five existing homes would abut the proposed lots and people make purchases based on the existing development plans, so changes to those plans disrupt the orderly development goals. He asked for the Commissioners to please consider the comments provided in opposition to the proposal.

Commissioner Seminary asked if the possibility of change can be assumed when people are making purchases like Mr. Tupa referred to.

Mr. Tupa said that should be a fair assumption; however, they are not opposed to growth but rather the development changes being made to existing subdivisions.

Art Goldammer, Verity Homes of Bismarck, said he wanted to purchase the property as it was originally zoned and would like to develop it as allowed without disrupting any orderly development plans. He said the current owner's plan was not economically feasible, so he started the purchase process in good faith with the intent of developing it according to the allowances in place.

Commissioner Lee said he can respect Mr. Goldammer's desire to maintain the residential density, but zoning is there to be upheld by the Planning and Zoning Commission, and with the lots being separated by a street, more of a transition is needed.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the the minor subdivision final plat of BREI Estates First Addition Second Replat. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
TRACT 207 OF THE NW 1/4 OF SECTION 2, T138N-R80W/LINCOLN TOWNSHIP**

Chairman Yeager called for the public hearing on the zoning change from the P-Public zoning district to the MA-Industrial zoning district. The property is located in east Bismarck, south of East Main Avenue along the east side of South 26th Street (Tract 207 of the NW ¼ of Section 2, T138N-R80W/Lincoln Township).

M. Tomanek gave an overview of the request, including the following findings:

1. This proposed zoning change is outside of the area included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include office and industrial land uses to the north and west, the North Dakota State Penitentiary to the east and the City of Bismarck Public Works facility to the south.
3. The parcel is already annexed; 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.

Mr. Tomanek said based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 207 of the NW ¼ of Section 2 T138N-R80W/Lincoln Township.

Commissioner Selzler stated he would like to abstain from voting on this request.

Commissioner Lee asked if there will be any structural changes on the property. Mr. Tomanek said there are not any plans for immediate changes, but the zoning did need to be changed to support the use of the property.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 207 of the NW ¼ of

Section 2 T138N-R80W/Lincoln Township. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioner Selzler abstained from the vote.

**PUBLIC HEARING – ZONING CHANGE
LOT 16, BLOCK 17, SONNET HEIGHTS SUBDIVISION**

Chairman Yeager called for the public hearing on the zoning change from the R5-Residential zoning district to the R10-Residential zoning districts for Lot 16, Block 17, Sonnet Heights Subdivision. The property is located in northeast Bismarck, west of US Highway 83, along the north side of Bremner Avenue and west side of Windsor Street.

Ms. Wollmuth gave an overview of the requests, including the following findings:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing R10 – Residential zoned property to the west and south, and developing R5 – Residential zoned property to the north and east across Windsor Street.
3. The property is already annexed; 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.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 16, Block 17, Sonnet Heights Subdivision.

Chairman Yeager opened the public hearing.

Dan Larson, 904 Bremner Avenue, said there will be 19 twinhomes total once the lots are all completed and he feels they do not need more. He said there is already too many people in a small area and the streets are getting congested, so he does not feel this is a good idea. He said the property value of single family homes adjacent to the twinhomes will definitely decrease.

Dave Patience, Swenson, Hagen & Co., said the buyer knew that this is the only location with R5 zoning facing the street as the rest is R10. Since the lot is uncharacteristically large it is a perfect location for a twinhome. He said it will fit the neighborhood well and staff is supportive of the change.

Additional written comments in opposition to this request are attached as Exhibit B. There being no further comments, Chairman Yeager closed the public hearing.

Mayor Seminary asked if there are any other twinhome lots on Windsor Street or near it. Ms. Wollmuth said there are not any on Windsor Street.

Mr. Patience said there are twinhomes across Bremner Avenue and west of this lot, which has twice the frontage as a standard single family lot.

Commissioner Bullinger asked if the twinhome would face Windsor Street or Bremner Avenue. Mr. Patience said it would face east towards Windsor Street so the entire 100 foot frontage of the lot could be utilized.

Commissioner Laning said he will be voting against this item as he feels they need to adhere to the zoning that was in place when the property was purchased.

MOTION: Based on the findings contained in the staff report, and the input received from neighboring property owners, Commissioner Seminary made a motion to approve the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 16, Block 17, Sonnet Heights Subdivision. Commissioner Laning seconded the motion and with Commissioners Laning, Selzler, Seminary and Walodch voting in favor of the motion and Commissioners Atkinson, Bullinger, Donahue, Lee, Schwartz and Yeager opposing the motion, the motion failed.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to deny the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 16, Block 17, Sonnet Heights Subdivision. Commissioner Atkinson seconded the motion and with Commissioners Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion, the zoning change request was denied. Commissioner Laning opposed the motion.

PUBLIC HEARING – ZONING CHANGE LOT 1A OF LOT 1, BLOCK 1, KILBER NORTH ADDITION

Chairman Yeager called for the public hearing on the zoning change from the RM30-Residential zoning district to the Conditional RT-Residential zoning district for Lot 1A, of Lot 1, Block 1, Kilber North Addition. The property is located along the south side of 43rd Avenue NE between Montreal Street and Boulder Ridge Road.

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

1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family and institutional uses to the west, undeveloped R10 – Residential zoned property to the south, developing R10 – Residential and office uses to the to the east across Boulder Ridge Road and developing office uses to the north.
3. The property is already annexed and municipal services are in place; 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, provided conditions were placed on the RM30 zoning to limit the size and height on buildings on the site.
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 RM30 – Residential zoning district to the Conditional RT – Residential zoning district for Lot 1A, Block 1, Kilber North Addition, with the conditions that the building height would be limited to two stories in height except for any architectural features such as towers, which would be limited to 45 feet in height, and the footprint of the building would be limited to 13,500 square feet.

Commissioner Seminary asked for an explanation of the landscape buffers that will be used on the property. Ms. Lee said the property to the west is multi-family residential housing with garages backing onto this property and a row of mature evergreens to the south that wil stay. She said a buffer is needed on the south and west sides because of the transition between low-density residential uses to office uses.

Commissioner Seminary asked how far the homes will be from the buffer. Loran Galpin, Galpin Company, Inc., said they will be 25 feet away from the 20 foot wide buffer.

Commissioner Lee asked how mature the existing trees are. Ms. Lee said they are not new and would estimate them to be at least 20 feet tall.

Commissioner Schwartz asked if the new use will be for offices only. Ms. Lee said that is what is planned, but the RT zoning would also allow multi-family residential.

Chairman Yeager opened the public hearing.

Mr. Galpin explained that this is a sister project to the building on the neighboring site. With the large existing trees, a visual screen being established, the buffer will be more than adequate for a two story building. He said the developer wants to be a good neighbor and they are driven towards maintaining an exceptionally safe and high quality development. There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the zoning change from the RM30 – Residential zoning district to the Conditional RT – Residential zoning district for Lot 1A, Block 1, Kilber North Addition, with the conditions that the building height would be limited to two stories in height except for any architectural features such as towers, which would be limited to 45 feet in height, and the footprint of the building would be limited to 13,500 square feet. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE DC-DOWNTOWN CORE

Chairman Yeager called for the public hearing on the city-initiated zoning change from the CG-Commercial zoning district to the DC-Downtown Core zoning district for Tract 304 of Block 9; Tracts 420 & 422 of Block 11; Tract 500 of Block 13; All of Blocks 41, 43, 45, 47, 67, 69, 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter’s Addition.

Mr. Tomanek gave an overview of the request, including the following findings:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a mix of retail, entertainment, service uses to the north, east and west and Kirkwood Mall to the south.
2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services.
3. The proposed zoning change and subsequent development would not adversely affect property in the vicinity.
4. The proposed zoning change and subsequent development is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change and subsequent development is consistent with the master plan, 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 zoning district to the DC – Downtown Core zoning district for Tract 304 of Block 9; Tracts 420 & 422 of Block 11; Tract 500 of Block 13; All of Blocks 41, 43, 45, 47, 67, 69 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter’s Addition.

Commissioner Seminary asked if this request has been discussed with the Downtowners Association and the Downtown Implementation Task Force. Mr. Tomanek said it has been brought up in discussions as they relate to the Downtown Subarea Study and the Downtown Implementation Task Force has encouraged and sought out high density development opportunities such as this.

Commissioner Lee asked if the higher density allowed by this zoning change has been considered by the Fire Department as it relates to emergency needs. Mr. Tomanek said staff meets monthly on all requests being seen by the Commission so the Fire Department is allowed to review and comment at those times. He said any building processes would also be reviewed in order to ensure the zoning ordinance and building codes are being met.

Commissioner Schwartz asked how the boundaries were determined with this change. Mr. Tomanek said other lots to the west were originally included in the proposal but were removed as their development pattern is a more suburban development. He said discussions with owners interested in changing to the Downtown Core district were held, but many of the adjacent uses in those areas are already compatible as they are.

Chairman Yeager opened the public hearing.

William Townsend said he has redeveloped the property he owns along South 3rd Street, including the BNC Bank area over the last 20 years and feels the use of his property is compatible as it is. He said he has a lot of money invested in his development and would like more time to think about being included in the zoning change. He said he is not opposed to these changes but does want to stay away from being part of any parking assessments.

Mr. Tomanek explained that the DC and DF zoning districts do have to go through Downtown Design Review to ensure quality designs are being implemented during the development/redevelopment process. He said the review is done by the Renaissance Zone Authority and the uses that are in place now would continue to be allowable uses.

Commissioner Seminary said he understands that no reviews would have to be completed unless the changes being made are significant, but asked what the case would be in the event of significant property damage being done to the point that remodeling and repairing is needed. Mr. Tomanek said those events would be looked at on a case by case basis.

Commissioner Atkinson asked if the lots belonging to Mr. Townsend could be removed from the request for now. Mr. Tomanek said any lots or tracts can be removed, but nothing can be added to the request at this time.

Paige Peterson, Bismarck Arts Gallery Association, said they are ready to start redoing their front entry starting in mid-July and asked if the review requirements would apply to their project.

Mr. Tomanek said as long as the project is started and building permits are obtained prior to the zoning change being in effect, then Downtown Design Review would not be required.

Ms. Peterson asked if they will be taxed with the parking district. Mr. Tomanek said they would not fall into that taxation group and no such taxation group exists.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from CG – Commercial zoning district to the DC – Downtown Core zoning district for Tract 304 of Block 9; Tracts 420 & 422 of Block 11; Tract 500 of Block 13; All of Blocks 41, 43, 45, 47, 67, 69 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter’s Addition, with the understanding that those lots belonging to Mr. Townsend (Lot 7 less the East 7 ½ feet and all of Lots 8-14 and the adjacent vacated alley and Lots 15-18 and the West ½ of the adjacent vacated alley, Block 47, Original Plat) be removed from the request at this time. Commissioner Schwartz seconded the motion and the request was continued with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 10, BLOCK 3, GREEN ACRES ESTATES

Chairman Yeager called for the public hearing on a rural residential lot split for Lot 10, Block 3, Green Acres Estates. The property is located north of Bismarck, north of 57th Avenue NW along the west side of North Washington Street and the south side of 64th Avenue NW.

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

1. All technical requirements for approval of a rural residential lot split have been met.
2. The Hay Creek Township Board of Supervisors has recommended approval of the lot split.
3. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
4. The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.

5. The proposed rural residential lot split will not place an undue burden on existing public services and facilities, provided access for the southern parcel is obtained via the existing access point on North Washington Street and access to the northern parcel is obtained via a 64th Avenue NW
6. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on the above findings, staff recommends approval of the rural residential lot split for Lot 10, Block 3, Green Acres Subdivision, with the following conditions:

1. Additional access points for the resulting parcel will not be permitted on North Washington Street.
2. An Auditor's plat is prepared and recorded with the Burleigh County Records office.

Commissioner Atkinson asked if the zoning on the property will change at all. Ms. Wollmuth said it will not and this is only a lot split request to create two rural residential lots.

Commissioner Seminary said information has been received regarding the covenants placed on the subdivision when it was platted and asked for an explanation of how the covenants differ from the City ordinance.

Ms. Wollmuth explained that covenants are a private agreement between the property owners in the subdivision which were recorded with the plat.

Commissioner Lee asked if covenants are enforceable through district court. Mr. Whitman said the explanation Ms. Wollmuth gave is accurate and that although covenants are detailed they are not enforceable by the City. He said if a change to the covenants is permissible by the zoning ordinance it can be considered and adopted by the other owners or an owner can petition to be released by their Homeowner's Association or prove the restrictions are invalid.

Chairman Yeager opened the public hearing.

Dave Waldron, Green Acres Estates Homeowner's Association President, said the subdivision owners were petitioned as Mr. Whitman suggested doing and the majority of 54 owners in Green Acres Estates have signed the petition in opposition to this request. He said he feels this would be the start of urban sprawl and encouraged the Commissioners to please deny the request in order to preserve the nature and beauty of the area they have worked so hard to create and keep.

Rodney Ekren, 255 NW 64th Avenue, said he does not feel this change is necessary as the way the lots were originally laid out have worked up until now. He said allowing the splitting of lots will make it too urban and would be the start of detrimental development.

Bob Foerder, the applicant, explained that he was unaware of a covenants agreement. His father-in-law, the property owner, does not recall signing covenants when the property was purchased. He said the lots would still be sizeable in comparison to the others in the area and the intent was to split the lot so one could be given to a family member.

Don Walter, 128 Greenfield Lane, said he recalls signing his covenants as all buyers do when they purchase property in this subdivision. He added that he is curious if the sale of one or both of the lots is already in progress, as he saw a for sale sign posted on one of the lots.

Additional written comments in opposition to this request are attached as Exhibits C, D, E and F.

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

Commissioner Laning said he considers covenants bear more weight on property rights being enforced and it may be a good idea for the residents to consider modifying them.

Commissioner Lee said this is a nice area and feels it should stay that way and that breaking up lots would create inconsistency in the development.

Commissioner Atkinson said he does not know exactly what the covenants state but he feels enforcing the covenants at the Planning Commission level would be overstepping their bounds.

MOTION: Based on the findings contained in the staff report, and input received from neighboring property owners, Commissioner Lee made a motion to deny the rural residential lot split for Lot 10, Block 3, Green Acres Subdivision. Commissioner Selzler seconded the motion and the request was denied with Commissioners Bullinger, Donahue, Laning, Lee, Schwartz and Waldoch voting in favor of the motion. Commissioners Atkinson, Seminary and Yeager opposed the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOTS 2 AND 3, BLOCK 3, BOHE ACRES

Chairman Yeager called for the public hearing on the rural residential lot split for Lots 2 and 3, Block 3, Bohe Acres. The property is located north of Bismarck, north of 43rd Avenue NE along the west side of Bohe Drive.

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

1. All technical requirements for approval of a rural residential lot split have been met.
2. The Hay Creek Township Board of Supervisors has recommended approval of the lot split.

3. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
4. The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.
5. The proposed rural residential lot split will not place an undue burden on existing public services and facilities, provided access for the southern two parcels is obtained via the existing access point on 43rd Avenue NE.
6. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on the above findings, staff recommends approval of the rural residential lot split for Lot 2 and Lot 3, Block 3, Bohe Acres, with the following conditions:

1. Additional access points along 43rd Avenue NW will not be permitted.
2. An Auditor's plat legally describing the resulting parcels is prepared and recorded with the Burleigh County Recorder's office.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the rural residential lot split for Lot 2 and Lot 3, Block 3, Bohe Acres, with the following conditions: 1. Additional access points along 43rd Avenue NW will not be permitted and 2. An Auditor's plat legally describing the resulting parcels is prepared and recorded with the Burleigh County Recorder's office. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 2, BLOCK 1, NORTHERN SKY ADDITION

Chairman Yeager called for the public hearing on the special use permit to allow a drive-through window in a conjunction with a pharmacy in a medical office/clinic on Lot 2, Block 1, Northern Sky Addition. The property is located in northwest Bismarck, north of Ash Coulee Drive and south of Durango Drive, along the east side of Northern Sky Drive (205 Durango Drive).

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

1. A pharmacy with a drive-through window in a medical office/clinic is allowed as a special use in the CA – Commercial zoning district, provided specific conditions are met. The proposed drive-through window all of the 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 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 streets and provide for appropriate on-site circulation of traffic.

Ms. Wollmuth said based on the above findings, staff recommends approval of the special use permit to allow a drive-through window in a conjunction with a pharmacy in a medical office/clinic on Lot 2, Block 1, Northern Sky Addition, with the following conditions:

1. The construction and operation of a drive-through window must meet all applicable requirements for such a use in the CA- Commercial zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to allow a drive-through window in a conjunction with a pharmacy in a medical office/clinic on Lot 2, Block 1, Northern Sky Addition, with the following conditions: 1. The construction and operation of a drive-through window must meet all applicable requirements for such a use in the CA- Commercial zoning district and 2. Development of the site must generally conform to the site plan submitted with the application. Commissioner Schwartz seconded the motion and the request was approved

with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 3, BLOCK 2, PHEASANT VALLEY SUBDIVISION**

Chairman Yeager called for the public hearing for a special use permit for Lot 3, Block 2, Pheasant Valley Subdivision, to increase the total area of accessory buildings located on a rural residential lot to 3,200 square feet, by constructing a 3,200 square foot accessory building. The property is located north of Bismarck, west of Centennial Road south of 71st Street NE along the north side of Rooster Road.

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

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, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
2. The proposed special use would not adversely affect the public health, safety and general welfare, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
3. The proposed special use would not be detrimental to the use or development of adjacent properties, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The Hay Creek Township Board of Supervisors has recommended approval of the proposed special use.
6. The request is compatible with adopted plans, policies and accepted planning practice, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.

Ms. Wollmuth said based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,200 square feet of Lot 2, Block 2, Pheasant Valley Subdivision with the following conditions:

1. An amendment to the existing storm water management plan must be submitted and

approved by the City Engineer and the County Engineer.

2. The required storm water facilities must be installed by the property owner and certified by the City Engineer and County Engineer.
3. A plat modification to revise the existing 100' x 150' storm water easement must be approved by the Board of City Commissioners.
4. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

Chairman Yeager opened the public hearing.

Laurie Anderson, one of the developers of the subdivision, said all of the homes in the development are complete except for three. She said she feels 3,200 square feet of accessory building on less than two acres of land is too much.

Commissioner Donahue asked where her home is compared to where the accessory building would be. Ms. Anderson said she lives north on Moonstone Lane and can see the structure on her way to her house.

Jodi Brenter said he lives across 71st Avenue NE to the north of the proposed location and said he feels the requested area of 3,200 square feet is too much. He said if there were more established trees blocking the view he would feel better about it, but because of the way the lot is situated next to the road, he can see it and look down on it from 71st Avenue NE. He said the accessory building will also be over a stormwater easement and if the road ever needed to be expanded the building would be in the way.

Commissioner Waldoch asked what the current maximum square footage of an accessory building is. Ms. Wollmuth said 2,400 square feet can be permitted outright; 3,200 square feet is the maximum allowed with a special use permit. She said the height limitation is 25 feet with a maximum 14 foot side wall.

Additional written comments in opposition to this request are attached as Exhibit G.

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

Ms. Wollmuth said she would like to clarify that the condition regarding the installation of facilities by the County and City Engineers is incorrect and it will be the responsibility of the property owner to have that installation completed.

Commissioner Seminary asked if there are any other accessory buildings of this size in the surrounding area. Ms. Wollmuth said there is not any near this location but there has been others permitted by a special use permit in the ETA in the past.

Commissioner Schwartz asked if there is any other buildings on this lot besides the house. Ms. Wollmuth said there is not and this will be the only accessory building on the property.

Commissioner Seminary said he takes serious consideration to the opinion of Hay Creek Township or any other township when it comes to making these decisions.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the special use permit to increase the total allowable square feet of accessory buildings to 3,200 square feet of Lot 2, Block 2, Pheasant Valley Subdivision with the following conditions: 1. An amendment to the existing storm water management plan must be submitted and approved by the City Engineer and the County Engineer; 2. The required storm water facilities must be installed and certified by the City Engineer and County Engineer; 3. A plat modification to revise the existing 100' x 150' storm water easement must be approved by the Board of City Commissioners; and 4. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Paul Zent, Apple Creek Township Supervisor, joined the meeting at this time.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 3, BLOCK 3, GOLDEN HEIGHTS SUBDIVISION

Chairman Yeager called for the public hearing for a special use permit for Lot 3, Block 3, Golden Heights Subdivision, to move in a structure previously located and occupied in another location to be occupied as a single-family dwelling. The property is located east of Bismarck, west of 80th Street SE between County Highway 10 and Apple Creek Road along the south side of Viking Drive.

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

1. A moved-in building or structure that has been previously located and occupied at another location may be permitted in any district as a special use, provided specific conditions are met. The proposed special use meets all of the provisions outlined in Section 14-03-08(3)(r) of the City Code of Ordinances (Special Uses).
2. A building inspection has been completed and conformance with the building code would be met prior to issuance of the certificate of occupancy.
3. The house to be moved and proposed use of the property as a single-family rural residence would be compatible with the neighborhood.
4. The request is compatible with adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on the above findings, staff recommends approval of a special use permit to move a structure previously located and occupied in another location to be occupied as a single-family residence into Lot 3, Block 3, Golden Heights Subdivision.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings in the staff report, Commissioner Lee made a motion to approve the special use permit for Lot 3, Block 3, Golden Heights Subdivision, to move in a structure previously located and occupied in another location to be occupied as a single-family dwelling. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Bullinger, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT SUBDIVISION REGULATIONS/IMPROVEMENTS

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to subdivision regulations/improvements. Ms. Lee explained that the proposed amendment would clarify design standards for new subdivisions and the procedures for installing improvements in approved subdivisions.. Staff recommends approval of the amendment as presented.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the proposed zoning ordinance draft language and the recommendation of staff, Commissioner Lee made a motion to approve the zoning ordinance text amendment relating to subdivision regulations/improvements as recommended by staff. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

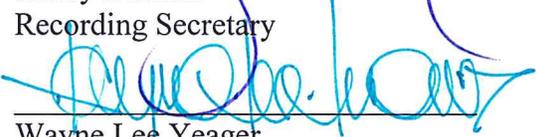
ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:45 p.m. to meet again on July 22, 2015.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Lee Yeager
Chairman

Robert Falcon
Kara Falcon
5106 Driftwood LN
Bismarck, ND 58503

June 23, 2015

Bismarck Planning and Zoning
PO Box 5503
Bismarck, ND 58506-5503
planning@bismarcknd.gov

RE: BREI Estates First Addition Second Replat

Dear Planning and Zoning:

We are homeowners located adjacent to the proposed re-plat. We oppose any action that would allow more homes to be built than the current plat allows. We do not believe a higher density (smaller size lots) is conducive to best interest of the adjacent neighborhoods. The six lots for six units currently platted are sufficient for the area in our opinion and should match up well with the 2 units already in place on LaPaz Avenue.

We request that the application for second replat be denied.

Regards,



Robert Falcon



Kara Falcon

C: Horizon Heights Homeowner's Association.

June 22, 2015

Community Development Department
Planning Division
City of Bismarck
P.O. Box 5503
Bismarck, North Dakota 58506-5503

RE: Zoning Change from R5 to R10 on Lot 16, Block 17, Sonnet Heights Subdivision

Dear: Jenny Wollmuth

This letter is in response to the proposed zoning change (R5 to R10) for Lot 16, Block 17 in the Sonnet Heights Subdivision.

My wife and I (along with neighbors) would like the commission to deny the rezoning of said lot based upon the following points:

- **Safety and well-being of school bound children** and the neighborhood based upon higher on-street parking creating less visibility at this already busy traffic intersection. Children walking to their bus stop cross Windsor Street which is an uncontrolled neighborhood intersection. Vehicles already park on all available curbside locations adjacent to this intersection. Another two-family residence would add more on-street parking worsening an already unsafe intersection.
- **Safety and well-being of the neighborhood** based upon the additional traffic demands of doubling the density per acre of this corner lot already under high flow from the previously rezoning of Bremner Avenue. In addition to the above mentioned concerns to safety, adding higher density housing creates more daily trips per household impacting the original traffic flow/demand intent when platted.
- **Non-compatible rezoning with adjacent land use** along Windsor Street. Residential property along Windsor Street is zoned R5. Residential property along Bremner Avenue was previously rezoned to R10. I contend that this parcel is along the frontage of Windsor Street and not Bremner Avenue. This is evident by the fact it wasn't included in the rezoning of Bremner Avenue.
- **Taxing existing public services** already designed and in place based upon a lower density (R5). The previous rezoning of Bremner Avenue from R5 to R10 already increased demand on these public services. Allowing more rezoning will allow more strain on these existing public services and facilities.
- **Decreased property value** for existing single-family residences along Windsor Street and Bremner Avenue. I have spoken to both builders and real-estate professionals who have indicated that this is a true concern and a result of higher density housing adjacent to single-family homes.

June 22, 2015

Page 2

I understand the zoning change is consistent with the general intent and purpose of the zoning ordinance and consistent with the master plan, other adopted plans, policies and accepted planning practice, but I also believe rezoning isn't always automatic without taking into consideration public safety, impacts to existing public services, and decreased property values. Why wasn't this parcel included in the original rezoning? Two wrongs don't make a right. Please consider this letter and other residence recommendations to make the right decision to deny the rezoning of this Lot 16, Block 17, of the Sonnet Heights Subdivision.

Thank you for your efforts and considerations in this matter.

Sincerely,

Dustin Commons
900 Bremner Avenue
Bismarck, North Dakota 58503

Diane Commons
900 Bremner Avnue
Bismarck, North Dakota 58503

DCC

Hilary Balzum

From: Planning - General Mailbox
Sent: Wednesday, June 17, 2015 4:07 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Green Acres Estates lot split

-----Original Message-----

From: Karma Anderson [mailto:kanderson@bis.midco.net]
Sent: Wednesday, June 17, 2015 11:35 AM
To: Planning - General Mailbox
Subject: Green Acres Estates lot split

Jenny Wollmuth, planner

"The Ordeal of Change" is a book by Eric Hoffer. In the book he emphasizes what even small changes can do to people. I am sure many residents will be concerned and frustrated while dealing with the proposal. Some questions that will probably be considered include many that I have as listed below.

1. property values
2. currently zoned for horses, will that and many other zoning issues change?
3. outbuilding codes
4. this is a cut in half, two long rectangles. Will future requests be different such as 1/3 and 2/3, and any other combination or shape? including several property owners agreeing on divisions that combine plots consisting of property currently part of two or more different owners?
5. will these decisions be piece by piece or the entire green acres?
6. Will duplex or other multiple dwellings be approved?
7. any commercial or church / non-profit entities be allowed?
8. Currently hardly any properties are sold or up for sale. It is difficult to get a proper valuation because of this. Will this be the start of a disruption to the current stable market?

Thank you for providing whatever consideration you can to these items.

Laurence Anderson

226-5785

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, June 22, 2015 8:04 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: vote on the Pfaff proposal

From: Terry Kern [<mailto:terry.kern@npsonline.org>]
Sent: Friday, June 19, 2015 7:43 PM
To: dave.waldron@gmail.com
Cc: Planning - General Mailbox
Subject: vote on the Pfaff proposal

Hello Dave/Planning Commission,

I am a landowner/lot-owner in Green Acres subdivision. I am responding to a communique from Dave Waldron concerning a proposal by Lloyd and June Pfaff, 6300 N. Washington to subdivide their Green Acres property. This communique asked us to "VOTE" regarding this proposal.

I cast my vote as "B" – or "NO" – I Like the idea of subdividing lots and support the idea by residents Pfaff.

I don't have any problem with people wanting to subdivide their lot. The Covenants here were put into place in the 1970s and things have changed dramatically in this area since then. If people want to subdivide their lot I think they should be free to do so. It is their property and as owners, I don't think the rest of us in the development should try to stand in their way.

I did NOT receive a Notice of the Pfaff request from City Planning!

Sincerely,
Terry (and Sandie) Kern
6085 Middlefield Road
Bismarck, ND 58503

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, June 22, 2015 9:40 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Daryl and Susan Moser - 225 Greenfield Lane/Green Acres Subdivision

Importance: High

From: Susan Moser [<mailto:smoser@odney.com>]
Sent: Monday, June 22, 2015 9:25 AM
To: Planning - General Mailbox
Cc: dave.walton@gmail.com
Subject: FW: Daryl and Susan Moser - 225 Greenfield Lane/Green Acres Subdivision
Importance: High

This email is to oppose the proposal of Lloyd and June Pfaff, 6300 N Washington Street, to split their lot in Green Acres Estates into 2 lots. We strongly oppose this request; we agree with provision 6 of the Covenants prohibiting subdivision of lots in Green Acres Estates and oppose the proposal by the Pfaffs to split (subdivide) their lot.

Also, we did not receive a notice of the Pfaff request from your office.

Thank you.

Susan and Daryl Moser
225 GreenField Lane
Bismarck ND 58503

[224-9558](tel:224-9558) or [238-4425](tel:238-4425) (cell)

Hilary Balzum

From: Planning - General Mailbox
Sent: Wednesday, June 24, 2015 4:44 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Public Hearing 6-24-15

From: [redacted] [mailto:[redacted]]
Sent: Wednesday, June 24, 2015 6:40 AM
To: Planning - General Mailbox
Subject: Public Hearing 6-24-15

As a resident of the Green Acres Subdivision I would like to state that I am opposed to the splitting of the lot located at 6300 N. Washington Street.

This subdivision has covenants in place that specifically state that the lots can't be subdivided without a vote by residents for approval. I feel that the Township board failed to represent the residents of this subdivision without first asking us to vote on this issue. I would also ask that the Planning and Zoning Commission would deny this request to split this residential lot in the Green Acres Subdivision.

Thank-You

Rick & Mary Schaible
280 Restfull Drive
Bismarck N. Dak. 58503

[redacted] Phone # 701-255-7309



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Hilary Balzum

From: Planning - General Mailbox
Sent: Tuesday, June 23, 2015 3:48 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Agenda Item #18 - June 24, 2015 Planning and Zoning Meeting

From: Troy Ripplinger [<mailto:troyripplinger@yahoo.com>]
Sent: Tuesday, June 23, 2015 3:30 PM
To: Planning - General Mailbox
Subject: Agenda Item #18 - June 24, 2015 Planning and Zoning Meeting

I have one comment as it relates to Item #18 – Special Use Permit for Lot 2 Block 2 Pheasant Valley Subdivision.

The setback of the proposed accessory building should be given additional consideration as it relates to the right of way of 71st Avenue. The 71st Avenue Corridor Study stated that additional right of way or construction easements may be required through this area when 71st Avenue is expanded in the future. The building should be placed in a location such that it will not be impacted by a future roadway expansion project.

Thank you for the opportunity to provide comments.

Troy Ripplinger
3535 Foxden Loop