

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
August 26, 2015

The Bismarck Planning & Zoning Commission met on August 26, 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, Ken Selzler, Lisa Waldoch and Wayne Yeager. Commissioner Seminary participated via telephone.

Commissioners Brian Bitner, Doug Lee and Mike Schwartz were absent.

Township Supervisors John Hauck (Gibbs Township) and Dave Pearce (Hay Creek Township) were also in attendance.

MINUTES

Chairman Yeager called for consideration of the minutes of the July 22, 2015 meeting.

MOTION: Commissioner Bullinger made a motion to approve the minutes of the July 22, 2015 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

URBAN RENEWAL PLAN

Mr. Wocken explained that the North Dakota Century Code requires any amendments to the Urban Renewal Plan to be deemed acceptable by the Planning and Zoning Commission prior to being approved by the Bismarck City Commission to ensure the changes are consistent with the Comprehensive Plan for the municipality. He said changes made include the revision date, the addition of specific uses to public improvements, tax increment district specifications, the addition of the FiveSouth parking project, modifications to developer obligation provisions and financing specifications. He added that an item was overlooked relating to the reconstruction of Sweet Avenue and said it should be underlined as it is a new addition to the Plan.

MOTION: Commissioner Atkinson made a motion to accept the changes made to the Urban Renewal Plan as being consistent with the City's Comprehensive Plan. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. PROMONTORY POINT VI ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. SANDY RIVER PLACE SUBDIVISION – PRELIMINARY PLAT**
- C. OFF-STREET PARKING AND LOADING/PLAN REQUIRED – ZONING ORDINANCE TEXT AMENDMENT**
- D. OFF-PREMISE SIGNS/BILLBOARDS – ZONING ORDINANCE TEXT AMENDMENT**
- E. FLOODPLAIN REGULATIONS – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Promontory Point VI Addition – Zoning Change and Preliminary Plat
- B. Sandy River Place Subdivision – Preliminary Plat
- C. Off-Street Parking and Loading/Plan Required – Zoning Ordinance Text Amendment
- D. Off-Premise Signs/Billboards – Zoning Ordinance Text Amendment
- E. Floodplain Regulations – Zoning Ordinance Text Amendment

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

FINAL CONSIDERATION – ANNEXATION VARIOUS LOTS & TRACTS IN SECTIONS 16 & 21, T139N-R80W/HAY CREEK TOWNSHIP, INCLUDING PARTS OF WUTZKE’S SUBDIVISION AND WUTZKE’S 2ND SUBDIVISION

Chairman Yeager called for final consideration of the City-initiated annexation of various lots & tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke’s Subdivision and Wutzke’s 2nd Subdivision. The properties are located in north Bismarck, along the north and south sides of 43rd Avenue NE and the west side of U.S. Highway 83.

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

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve any potential development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Nairn said, based on the above findings, staff recommends approval of the City-initiated annexation of various unannexed lots and parcels in Section 16 & 21, T139N-R80W/Hay Creek Township, as described as in the staff report.

Mr. Nairn explained that the request has been modified to eliminate Lot 10, Wutzke's Subdivision, in Section 21 as requiring annexation of that property would require the owners to connect to City services and they do not wish to make that connection at this time.

Commissioner Laning asked if all of the other properties would have connections to City services. Mr. Nairn said there is only a few existing single-family residential uses that would connect at some point in the future, but the remaining lots are currently vacant.

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to approve the City-initiated annexation of various lots & tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke's Subdivision and Wutzke's 2nd Subdivision, excluding Lot 10, Wutzke's Subdivision, as recommended by staff. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

FINAL CONSIDERATION/PUBLIC HEARING – ANNEXATION AND MINOR SUBDIVISION FINAL PLAT ASH COULEE ESTATES ADDITION

Chairman Yeager called for final consideration of the annexation and the public hearing on the minor subdivision final plat for Ash Coulee Estates Addition. The property is located in northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).

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

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee then gave the findings for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The proposed minor subdivision final plat meets all of the applicable requirements of the subdivision regulations, including the minimum lot dimension requirements and density requirements for the underlying R5-Residential zoning district.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed minor subdivision final plat would be compatible with adjacent land uses. Adjacent land uses include a rural residential to the northwest, low density urban residential to the northeast, east, south and southwest, and agricultural to the west.
5. The property would be annexed and services would be extended in conjunction with development; therefore, the proposed minor subdivision final plat would not place an undue burden on public services and facilities.
6. The proposed minor subdivision final plat would not adversely affect property in the vicinity.
7. The proposed minor subdivision final plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed minor subdivision final plat 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 annexation and minor subdivision final plat of Ash Coulee Estates Addition.

Commissioner Atkinson asked if it is typical for a plat to not include the right-of-way, in this case Ash Coulee Drive, in calculations of allowable density on plats. Ms. Lee said they are ok with calculating density without that small piece from the plat. She said some letters of concern were received from the neighbors and she would like to explain that the 2014 Growth Management Plan is a tool used to determine proper zoning and, at the time this project was started, it was an area proposed to be low density residential. She said the lowest density available is R5-Residential.

Chairman Yeager opened the public hearing.

Art Goldammer, Verity Homes of Bismarck, said he would like to see the Commission uphold the ordinance as it is written and following the overall planning laws as they have done in the past when considering his requests.

Ken Tupa, Horizon Heights Homeowners Association, said he wants to see the Commission deny these requests. He said this can be looked at as reducing the number of lots compared to the original request from 30 to 28, but they are still going from the original 18 lots allowed in the original plat up to 28 and he feels that is inconsistent with the surrounding developments where the lots are all 1 to 2½ units per acre. Mr. Tupa's written comments are attached as Exhibit A.

Sabina Gasper, 1333 Golden Eagle Lane, said she and Mr. Tupa met with Mr. Goldammer and explained that 21 or 22 lots would be more appropriate here and he was only willing to come down to 28. She said this is still a higher density, the lot sizes are smaller and the proposed single road seems too narrow for the amount of housing that will be there. She said the City Commission already denied this proposal once and she thinks whatever goes in should be consistent with the area. She said there is more mixed density to the north of this location and thinks that would be a better location for this area as well.

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

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

Commissioner Seminary asked if the calculation of the units per acre is correct and if the zoning proposed would be considered consistent. Ms. Lee said yes, the density calculations included in the staff report are correct and the zoning is appropriate.

Mr. Atkinson asked if all of the possible numbers of units per acre calculated with and without the Ash Coulee Drive right-of-way would qualify for an R5 zoning district. Ms. Lee said they would.

Mr. Laning asked if they could approve the annexation request today and continue discussion of the replat to the next meeting.

Chairman Yeager said this request has been through the whole process and back again and he does not think a continued debate will accomplish anything. He said a decision needs to be made and it cannot be delayed any longer.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the annexation and minor subdivision final plat of Ash Coulee Estates Addition. Commissioner Atkinson seconded the motion and the request was approved with Commissioners Atkinson, Bullinger, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioners Donahue and Laning opposed the motion.

**PUBLIC HEARING – ZONING CHANGE
LOT 4B OF LOT 4, BLOCK 2, PINEHURST 4TH ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition. The property is located in northwest Bismarck, in the northwest quadrant of the intersection of Hackberry Street and West Century Avenue.

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

1. The 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 undeveloped residentially-zoned land to the immediate north, single-family residential to the far north, office uses to the east and southeast and multi-family residential and undeveloped RT – Residential- zoned property to the south across West Century Avenue.
3. The property is already annexed and utilities are in place; 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 RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition.

Chairman Yeager opened the public hearing.

John Stumpf, 3030 Hackberry Street, said he wants the zoning to be honored as it exists now and the area is developable by the owner as it is. He said the existing zoning is relied on when purchases are made surrounding the property and the new zoning district proposed allows very different uses and is incompatible with the area. He said the apartments that have been built across the street are having a negative impact and this zoning change will only bring more problems with access and congestion since the elementary school traffic is already using Hackberry Street as an access point. He said the existing zoning should be honored and the property owners surrounding the area will be impacted. He said he does not feel enough research and consideration is being done.

Dave Patience, Swenson, Hagen & Co., said a master plan of the area was submitted with the request and the owner is going to remain the same. He said the existing zoning would allow for apartments, but the use to the east is a doctor's office. He feels something of a similar use here would be good along Century Avenue, as there would only be activity during business hours and the constant, high traffic that comes with multi-family dwellings can be avoided. He said the owner does not wish to build apartments even though the zoning would allow it right now, but it is less than two acres and that large of a use would be difficult to support.

Chairman Yeager said the area is surrounded by RT and RM30 zoning and asked if a higher density zoning along an arterial roadway is more appropriate than single family homes. Ms. Wollmuth said that is correct and this is consistent with the City's plans and Policies.

Commissioner Seminary asked if any traffic impact concerns have been raised by staff with this request and what the application and review process is like for a zoning change.

Ms. Wollmuth replied when a request is submitted to the Community Development Department, it is automatically scheduled for review by City staff members and no issues or concerns have been raised with this particular request.

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

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

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to approve the zoning change from RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 6, BLOCK 4, COUNTRYSIDE ESTATES 4TH SUBDIVISION

Chairman Yeager called for the public hearing on the special use permit to increase the total square feet of accessory buildings located on a rural residential lot to 3,194 square feet, by constructing a 1,794 square foot accessory building. The property is located east of Bismarck, in the southeast quadrant of the intersection of Cherrywood Drive and 17th Avenue NE.

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.

2. The Gibbs Township Board of Supervisors has recommended approval of the proposed special use.
3. The proposed special use would not adversely affect the public health, safety and general welfare.
4. The proposed special use would not be detrimental to the use or development of adjacent properties.
5. The proposed special use would be compatible with the surrounding rural residential neighborhood.
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed special use.
7. The request is compatible with adopted plans, policies and accepted planning practice.

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 3,194 square feet on Lot 6, Block 4, Countryside Estates 4th Subdivision with the following condition:

1. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

Chairman Yeager opened the public hearing.

Township Supervisor Hauck said Gibbs Township does not feel this will have any detrimental impact to the area and they are comfortable with approving the request.

Written comments received in opposition to this request are attached as Exhibit D.

There being no further 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 special use permit to increase the total allowable square feet of accessory buildings to 3,194 square feet on Lot 6, Block 4, Countryside Estates 4th Subdivision with the following condition:
1. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance. Commissioner Waldoch seconded the motion and the request was approved with Gibbs Township Supervisor Hauck and Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 5, BLOCK 2, OLIVE TREE SUBDIVISION**

Chairman Yeager called for the public hearing on the special use permit to move a previously located structure to be occupied as a single-family dwelling onto Lot 5, Block 2, Olive Tree Subdivision. The property is located in north Bismarck, west of Burnt Creek Loop along the south side of Olive Tree 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 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). A copy of the ordinance is attached.
2. The Hay Creek Township Board of Supervisors has not yet commented on the proposed special use.
3. A building inspection has been completed and conformance with the building code would be met prior to issuance of the certificate of occupancy. A copy of the inspection report is attached.
4. The house to be moved and proposed use of the property as a single-family rural residence would be compatible with the neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

Ms. Wollmuth said, based on the above findings, staff recommends approval a special use permit to move a previously located structure to be occupied as a single-family residence into Lot 5, Block 2, Olive Tree Subdivision with the following conditions:

1. All applicable permits for the development of the lot including a building permit for the construction of the foundation that will support the single-family dwelling and detached accessory building must be obtained prior to issuance of the moving permit.
2. All applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District) must be met.
3. The non-permitted addition to the house must be removed prior to obtaining a moving permit.

Chairman Yeager opened the public hearing.

Andrew Basaraba said he is the owner and would like the Commission to consider approving this request as the lot is run down and moving a house there would be a vast improvement to the property.

Dave Pearce, Hay Creek Township Supervisor, said the township resolution has not been signed yet as they wanted some input from the neighbors. He said there are not any covenants that would cause a conflict with this house move and their main concern was that a modular home would be getting moved in. He said now that they know it will be a stick built home, those concerns have dissolved and he is confident the Township will be agreeable to it now.

Commissioner Waldoch said she is familiar with this home and said it is very well maintained and a solid home even without the unpermitted addition that has been requested to be removed.

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 special use permit to move a previously located structure to be occupied as a single-family residence into Lot 5, Block 2, Olive Tree Subdivision with the following conditions: 1. All applicable permits for the development of the lot including a building permit for the construction of the foundation that will support the single-family dwelling and detached accessory building must be obtained prior to issuance of the moving permit; 2. All applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District) must be met; and 3. The non-permitted addition to the house must be removed prior to obtaining a moving permit. Commissioner Atkinson seconded the motion and the request was approved with Hay Creek Township Supervisor Pearce and Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – PUD SITE DEVELOPMENT REVIEW LOT 4, BLOCK 1, HAMILTON’S FIRST ADDITION

Chairman Yeager called for the public hearing for PUD site development review for Lot 4, Block 1, Hamilton’s First Addition. The property is located in northeast Bismarck along the east side of Hamilton Street between East Calgary Avenue and East Century Avenue.

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

1. The proposed site plan, building elevations, building materials and colors have been submitted. The proposed building materials include pre-finished, non-corrugated metal architectural panels and a stucco-like material for the exterior. The roof material proposed is also non-corrugated metal panels.

2. A three-part color scheme is proposed for the exterior building colors. The colors include MS Colorfast 45 Paint System labeled as Light Stone, Burnished Slate and Bright White. The Light Stone color is proposed as the primary building color, the Burnished Slate color would be a 3-foot high wainscot band around the entire building and the Terracotta Orange color would be the accent color.
3. The 50-foot wide, 6-foot high berm has been constructed and the required vegetation was installed. The general shape and location of the berm is acceptable; in particular, the berm extends north-south along the entire east property line of Hamilton's First Addition and generally conforms to the previously-approved design submitted in conjunction with the plat and zoning change request from 2009.

Mr. Tomanek said based on the findings contained in the staff report, staff recommends approval of the site plan and building elevations with the following condition:

1. Development of the site, including the building materials and colors, generally conforms to the site plan submitted with the application.

Mr. Tomanek further explained that a requirement of the PUD for this location is that the site plan be reviewed and approved by the Planning and Zoning Commission. He added that this is only the second one that has ever been done.

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 Donahue made a motion to approve the site plan and building elevations with the following condition: 1. Development of the site, including the building materials and colors, generally conforms to the site plan submitted with the application. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

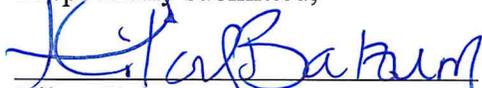
OTHER BUSINESS

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 6:11 p.m. to meet again on September 23, 2015.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Lee Yeager
Chairman

August 21, 2015

Bismarck Planning and Zoning Commission
Mr. Wayne Yeager, Chairman
City County Office Building
221 N. 5th St.
Bismarck, ND 58501

Re: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

Chairman Yeager and members of the Bismarck Planning and Zoning Commission:

As you know, the Horizon Heights Homeowners Association opposed the first and second requested zoning and plat changes earlier this year to the Ash Coulee Second Addition development. We remain opposed to the new request before you with the same concerns and for the same reasons.

As an adjacent development representing more than 350 homeowners within Horizon Heights, the Horizon Heights Homeowners Association (HHHA) feels this plat change is not significantly different from the previous requested change denied by the City Commission, remains a departure from the pattern for orderly residential development in this area and is inconsistent with the unit density for adjacent developments.

According to the 2014 Bismarck Growth Management Plan (existing and future use), Horizon Heights and Eagle Crest developments as well as the Ash Coulee Addition and parcels to the west are designated low-density residential areas (corresponding to R5 zoning). As defined, low-density is 1-4 units per acre with an average of 2.5.

While the new plat request for the Ash Coulee Addition may technically meet the requirements for R5 zoning, it ignores the low-density residential designation for this area. Further, by including lots 1 & 2 (with an existing home and not part of the proposed development) and a significant portion of Ash Coulee Drive itself to arrive at a total acreage of 9.59 acres, the current overall calculated density is understated. The real change for this proposed new plat is the 6.8 acres with 26 units, resulting in a unit density greater than the low-density definition average of 2.5; in fact the density is 3.82 units per acre, with lots 1 & 2 removed. This density is inconsistent with adjacent developments, resulting in a significantly higher average than Horizon Heights and Eagle Crest developments (1.0 – 2.5 units per acre).

Following the City Commission decision to deny the previous request on June 23, 2015 (28 new lots for development), our association and a representative from the Eagle Crest homeowners reached out to Verity Homes in an effort to work together on a solution we could all support. Please know we do not oppose development, nor do we oppose a reasonable solution.

Our association supports the current plat approved in 2014 with 18 total lots, 16 for new development. Verity Homes' initial request (June, 2015) was for 30 total lots, 28 for new development. At our meeting we asked if Verity Homes would consider a plat with 21-22 lots for new development. Although 21-22 lots is greater than the current 2014 plat and results in a density of approximately 3 units per acre (.5 units greater than the low-density average definition in the 2014 management plan), we feel this is a reasonable solution and more consistent with the adjacent development densities than the requested plat before you.

As neighbors, we appreciated the willingness of Verity Homes to meet with us and consider an alternative plat. We do respect their position. However, the request for a new plat with 26 lots for development on 6.8 acres results in substantially greater density than surrounding developments and therefore, for the reasons we have presented in the past few months and reiterate in this letter, we continue to oppose this request for a plat change.

The current zoning and plat (approved in 2014 with 18 lots) remain appropriate for this property, are most consistent with adjacent developments and we feel were confirmed within the findings when approved in 2014, including:

"The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low-density urban residential to the northeast, east and south, and agricultural to the west."

The Horizon Heights Homeowners Association respectfully asks the Commission to deny the request for a plat change and reaffirm the 2014 plat and findings which are consistent with adjacent developments and the 2014 Growth Management Plan definition for the low-density residential land use category (1-4 units per acre, with a 2.5 average).

Sincerely,



Ken Tupa
President,
Horizon Heights Homeowners Association
PO Box 1842
Bismarck, ND 58502

horizonheightshomeowners@gmail.com

224-1815, ext. 2

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, August 24, 2015 12:24 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

From: C M [mailto:cmjorgensen68@msn.com]
Sent: Saturday, August 22, 2015 10:46 AM
To: Planning - General Mailbox
Subject: Re: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

Chairman Yeager and Bismarck Planning and Zoning Commission Members:

Please accept these written comments in response to the modified minor subdivision final plat for Ash Coulee Estates Addition, a replat of Lots 1-18, Block 1, Ash Coulee Second Addition, scheduled for public hearing before your commission on Wednesday, August 26, 2015.

This subdivision has been before your commission several times previously in 2014 and 2015. Yet again Verity Homes seeks a departure from the plat approved by the planning and zoning commission and the city commission in 2014. In 2014 the plat in question was approved for 18 total lots. In 2015 Verity Homes initially sought a special exemption under a PUD for an incredible 41 lots. Declined by the planning and zoning commission, another request was submitted by Verity for 30 lots (28 for new development). The 30-lot development was rejected by the city commission amongst strong community and neighborhood opposition as well as density concerns.

I understand that Verity met with neighborhood stakeholders following the rejection of its 30-lot (28 new lot) plan. Despite the fact that the original 18-lot plan is most reasonable, neighbors expressed a willingness to compromise and requested Verity consider a plat with 21-22 lots. Verity apparently rejected that compromise effort to harmonize Verity plans with neighborhood wishes and the lower-density requirements.

The land area and accompanying density calculations for this plat received a good deal of scrutiny during the most recent city commission meeting. Not until after final public input and repeated questioning from commissioners to planner Kim Lee was a calculation error/oversight acknowledged. A final consensus was reached by the commission, city planner, and concerned neighbors--the proposed new plat is fairly stated as **6.8 acres**. Under the current proposal for your consideration 6.8 acres with 26 units yields a density of 3.82, well over the low-density average of 2.5 and inconsistent with *any* of the adjoining areas in Eagle Crest, Horizon Heights, or Western Hills. The current proposal is not compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low-density urban residential to the northeast, east and south, and agricultural to the west.

The already-approved 2014 replat for 16 new lots remains the most appropriate. The most recent iteration of 26 new lots is little changed from the 28 new lot plat just recently rejected by the city commission. I again join my neighbors and adjoining neighborhoods in respectfully requesting the commission deny this request for a

plat change and affirm the appropriate 2014 plat. The 2014 Growth Management plan should be adhered to, which defines low-density residential land use as 1-4 units per acre with a 2.5 unit average.

Sincerely,

Cade Jorgenson
Melissa Jorgenson
Melissa Jorgenson

Hilary Balzum

From: Planning - General Mailbox
Sent: Thursday, August 20, 2015 10:59 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Lot 4, Block 2, Pinehurst Fourth Addition - Zoning Change

From: Dave F [<mailto:dforster521@gmail.com>]
Sent: Thursday, August 20, 2015 10:11 AM
To: Planning - General Mailbox
Subject: Lot 4, Block 2, Pinehurst Fourth Addition - Zoning Change

To who it may concern,

My name is David Forster, I currently reside at 2900 Ithica Dr. just to the west of the land in question. I strongly oppose this change. I would like to know the justification to change this zoning after all of these years. When changing the zoning within the city, I would like to know what criteria is used to base such a decision on?

Once one parcel of this land is re-zoned, what's to stop you from re-zoning the entire plot?!?! This land was zoned RM15 for many years and Lloyd Anderson LLP wants this changed for one reason: so that they can make more money. The residents of this area built their homes with the understanding that this land would be used for duplexes or condos, not to have large apartments or commercial offices next door.

I've watched the city permit large multi-family apartment buildings adjacent to this land on the south side of century avenue. I think it is a disgrace to build this kind of housing so close to Centennial elementary school. The type of residents these dwellings attract as well as the increased traffic put the children at an increased risk. I would ask that you do not re-zone Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition.

Sincerely,

David Forster

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, August 24, 2015 12:26 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Public Hearing 26 Aug 2015- Special Use permit

From: Bev & Jerry [<mailto:jerbevdupp@bis.midco.net>]
Sent: Sunday, August 23, 2015 4:19 PM
To: Planning - General Mailbox
Subject: Public Hearing 26 Aug 2015- Special Use permit

To all concerned:

I am unable to attend the planned public hearing on Wednesday August 26, 2015 regarding request by James Schmidt for a special use permit to increase the total area of accessory buildings on Lot 6, Block 4 Countryside Estates 4th subdivision.

I would like to go on record as opposing approval of the special use permit, simply to maintain the configuration of the development as originally planned.

I would however, yield to the wishes of the immediate neighbors, in the event that they would be in favor of granting the approval.

Thank you

Jerry Duppong
5711 Inglewood Lane
Bismarck ND