

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
October 28, 2015**

The Bismarck Planning & Zoning Commission met on October 28, 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, Ken Selzer, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioners Brian Bitner and Mike Schwartz were absent.

MINUTES

Chairman Yeager called for consideration of the minutes of the September 23, 2015 meeting.

Commissioner Laning said the minutes state Commissioner Lee both motioned to approve and seconded the motion to approve the consent agenda items.

MOTION: Commissioner Laning made a motion to approve the minutes of the September 23, 2015 meeting with corrections. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. HIGH MEADOWS THIRTEENTH ADDITION –
PRELIMINARY PLAT**
- B. UNIVERSITY OF MARY SECOND SUBDIVISION –
ZONING CHANGE**
- C. MEADOWLARK COMMERCIAL NINTH ADDITION –
ZONING CHANGE**
- D. LOT 18, BLOCK 1, EDGEWOOD VILLAGE FIFTH ADDITIONS –
ZONING CHANGE**
- E. LOTS 14-20, BLOCK 4, SOUTH MEADOWS ADDITION –
ZONING CHANGE**
- F. MULTIPLE PARCELS IN KMK ESTATES, KMK ESTATES 2ND
SUBDIVISION AND GELOFF ESTATES –
ZONING CHANGE**
- G. KAMROSE CROSSING ADDITION -
PUD AMENDMENT**
- H. SCHILLING ADDITION -
PUD AMENDMENT**

**I. FUTURE LAND USE PLAN (FLUP) -
FUTURE LAND USE PLAN AMENDMENTS/MODIFICATIONS**
**J. SPECIAL USES/ASPHALT AND CONCRETE BATCH PLANTS -
ZONING ORDINANCE TEXT AMENDMENT**

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

- A. High Meadows Thirteenth Addition –
Preliminary Plat
- B. University of Mary Second Subdivision –
Zoning Change
- C. Meadowlark Commercial Ninth Addition –
Zoning Change
- D. Lot 18, Block 1, Edgewood Village Fifth Addition –
Zoning Change
- E. Lots 14-20, Block 4, South Meadows Addition –
Zoning Change
- F. Multiple Parcel in KMK Estates, KMK Estates 2nd Subdivision and Geloff Estates –
Zoning Change
- G. Kamrose Crossing –
PUD Amendment
- H. Schilling Addition -
PUD Amendment
- I. Future Land Use Plan (FLUP) -
Future Land Use Plan Amendments/Modifications
- J. Special Uses/Asphalt and Concrete Batch Plants -
Zoning Ordinance Text Amendment

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

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
MEADOWLARK COMMERCIAL EIGHTH ADDITION**

Chairman Yeager called for the public hearing on the minor subdivision final plat for Meadowlark Commercial 8th Addition. The proposed plat is 10 lots in one block on 27.9 acres and is located in north Bismarck along the west side of North 19th Street and the north side of 43rd Avenue NE (a replat of Lot 1, Block 1, Meadowlark Commercial Third Addition).

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 not been approved by the City Engineer.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
4. The zoning for the proposed subdivision is not changing and would continue to be compatible with adjacent land uses. Adjacent land uses include developing commercial land uses to the north, south and west and a proposed apartment complex and proposed office uses to the east across North 19th Street.
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 with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said since the staff report was written, the stormwater management plan has been approved by the City Engineer and based on the modified findings, staff recommends approval of the minor subdivision final plat for Meadowlark Commercial Eighth Addition, including the granting of a waiver to allow the use of private roadways within the subdivision.

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 minor subdivision final plat for Meadowlark Commercial Eighth Addition, including the granting of a waiver to allow the use of private roadways within the subdivision. Commissioner Seminary seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE LOTS 4-6, BLOCK 16, NORTHERN PACIFIC ADDITION

Chairman Yeager called for the public hearing on a zoning change from the RM30-Residential zoning district to the DF-Downtown Fringe zoning district for Lots 4-6, Block

16, Northern Pacific Addition. The property is located in central Bismarck, along the west side of North 2nd Street and the north side of East Avenue A.

Mr. Tomanek 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 mixed density residential to the north and west, mixed-density residential and office uses to the south; vacant parcels and mixed-density residential to the east and the Federal Building to the southeast.
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.
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 findings contained in the staff report, staff recommends approval of the zoning change from the RM30-Residential zoning district to the DF-Downtown Fringe zoning district for Lots 4-6, Block 16, Northern Pacific Addition.

Commissioner Seminary asked what types of structures currently occupy the site.

Mr. Tomanek replied that there are several residential structures on the properties.

Commissioner Seminary asked how the parking offered will be accessed. Mr. Tomanek said there is currently no parking on the properties but there is a driveway that separates two of the parcels which could provide an access point on East Avenue A and access could also be off of North 2nd Street.

Chairman Yeager opened the public hearing.

Richard Gross, 120 West Avenue A, said this area directly abuts at least one other home in the Cathedral District and his concern is that this change would allow more commercial type uses that would not be compatible with the area as well as more traffic next to and into the Cathedral District. He said he would like to see more concepts or something specifying the project in writing before this request is approved or at least have his concerns noted for the record.

Mr. Tomanek explained that the allowable uses in the DF-Downtown Fringe zoning district could include various special uses as well as transitional uses which could include offices, retail services, entertainment, vehicle repair shops, community services, family child care, parks and open space, schools, bus stations and utility and essential services. He said any of these would have to meet the necessary off-street parking requirements as the property is not within the downtown parking district, adding that parking would be addressed during the site plan review process prior to building permits being issued. He said staff also looks at compatibility, existing land uses and adjacent land uses with these requests and they feel since this property is bordered on two sides by the DF zoning district, it seems appropriate to allow this zoning change.

Commissioner Seminary asked what the next step in the process is in determining what the exact use of the property would be.

Mr. Tomanek said this request still has to be approved by the City Commission, at which point there would be another public hearing to be followed by review by the Downtown Design Review Committee within the Renaissance Zone Authority. He said at that time a much clearer idea of what the owner intends to do would be given and a condition could be placed on the recommendation now giving preference to what type of use or uses would be allowed.

Will Kincaid, 112 East Avenue B, said he likes what is being proposed as the properties have become dilapidated and this project would be a vast improvement. He said he wishes better care would have been taken of the property to begin with and he is concerned about on-street parking in the neighborhood receiving more pressure than what is already there. He said if it is well designed it can be a vast improvement.

Sharon Fremming, 509 North 1st Street, said her home abuts the potential parking at this location and with there being 14 units allowed, she does not feel it will fit well. She said she would like to see the actual proposed use drawn out and her big concern is that a lot of back yards will face the potential parking area. She said the improvement is needed, but she would like to see more specific plans. She is also concerned that property taxes on her home will increase.

Mr. Tomanek said the owner has only purchased this property in the last few years with the intention of implementing a redevelopment project, so the existing buildings being torn down has been part of the long range plan for quite some time. He said this redevelopment could lead to more projects by this owner in the future.

Commissioner Lee asked if with the existing zoning the owner could develop an apartment or multi-family facility. Mr. Tomanek said they could upon approval of a site plan.

Cam McCullough, 116 East Avenue B, said he would like to see a condition on the approval that this request is subject to residential uses rather than a commercial business.

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

Commissioner Waldoch said the property self-limits what could be allowed given its size and a maximum height of 50 feet would also help control the density and parking issues.

Commissioner Lee asked if they restricted the use to residential uses only, would it be well tracked so that potential buyers know the zoning is different from what was originally planned.

Mr. Tomanek said those conditions can be tracked so potential buyers can research and find out more about the property in question as well as its surroundings by contacting Planning staff. He said staff encourages people to call and ask questions so as to obtain the most current information prior to making their purchases.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from the RM30-Residential zoning district to the DF-Downtown Fringe zoning district for Lots 4-6, Block 16, Northern Pacific Addition, with the condition the use be restricted to residential uses only. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Hay Creek Township Supervisor Dave Pearce joined the meeting at this time.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 1, BLOCK 1, BURNS FIRST SUBDIVISION**

Chairman Yeager called for the public hearing on the special use permit to increase the total square footage of accessory buildings located on a rural residential lot to 3,184 square feet by constructing a 784 square foot accessory building on Lot 1, Block 1, Burns First Subdivision. The property is located north of Bismarck, south of 84th Avenue NE, along the west side of 41st Street NE (8140 41st Street 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 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 proposed special use would be compatible with the surrounding rural residential 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 of the special use permit to increase the total allowable square feet of accessory buildings to 3,184 square feet on Lot 1, Block 1, Burns First Subdivision, with the following conditions:

1. A building permit must be obtained to construct the proposed 784 square foot accessory building.
2. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

Chairman Yeager opened the public hearing.

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

Mr. Pearce said Hay Creek Township has not received any opposition to this request and they see the request as being acceptable to be approved at this time.

MOTION: Based on the findings contained in the staff report, Hay Creek Township Supervisor Pearce made a motion to approve the special use permit to increase the total allowable square footage of accessory buildings to 3,184 square feet on Lot 1, Block 1, Burns Subdivision, with the following conditions: 1. A building permit must be obtained to construct the proposed 784 square foot accessory building and 2. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance. Commissioner Laning seconded the motion and the request was approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 12, BLOCK 2, SOUTHRIDGE SUBDIVISION

Chairman Yeager called for the public hearing for a special use permit for Lot 12, Block 2, Southridge Subdivision, to increase the total square footage of accessory buildings located on a rural residential lot to 2,604 square feet in order to bring a recently constructed building into compliance with the zoning ordinance. The property is located south of Bismarck, west and north of University Drive/ND Highway 1804 along the south side of Southridge Lane.

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

1. The proposed special use now complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential 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 of the special use permit to increase the total allowable square feet of accessory buildings to 2,604 square feet on Lot 12, Block 2, Southridge Subdivision in order to bring a recently constructed accessory building into compliance with the zoning ordinance.

Ms. Wollmuth further explained that a building permit was issued on October 10, 2014 to construct a 2,400 square foot accessory building, however, after the accessory building was constructed it was discovered that the size of the building was 204 square feet larger than the size permitted with the building permit. She added that the side wall height of the building was constructed at sixteen (16) feet, two feet higher than the maximum allowable side wall height of fourteen (14) feet for an accessory building outlined in the zoning ordinance and a variance to increase the side wall height to sixteen (16) feet was approved by the Board of Adjustment on October 1, 2015.

Commissioner Atkinson asked what the impact would be if the request for a special use permit is denied at this time. Ms. Wollmuth said the building would have to be reconstructed in order to meet the size permitted with the ordinance which would be 2,400 square feet.

Chairman Yeager opened the public hearing.

Mr. Deibert said the building permit was issued and his property appraiser is the one who discovered that the accessory building was constructed beyond the allowable square footage.

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

Commissioner Seminary said he would like to know if they are entering an area where a precedent is being set with granting permits after errors are made by the inspectors and contractors.

Charlie Whitman, City Attorney, said he does not feel a precedent is being set as the special use permit complies with the allowable uses in the zoning district and it does not exceed what is available in the zoning ordinance.

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to approve the special use permit to increase the total allowable square footage of accessory buildings to 2,604 square feet on Lot 12, Block 2, Southridge Subdivision in order to bring a recently constructed accessory building into compliance with the zoning ordinance. Commissioner

Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 3, BLOCK 4, NORTHWOOD ESTATES REPLAT**

Chairman Yeager called for the public hearing for a special use permit for Lot 3, Block 4, Northwood Estates Replat, to increase the total square footage of accessory buildings located on a rural residential lot to 3,200 square feet. The property is located north of Bismarck, east of US Highway 83 and south of 110th Avenue NE, along the west side of Olive Lane.

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 a variance to reduce the required rear yard setback from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.
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 proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice, provided a variance to reduce the required rear yard setback from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the special use permit for Lot 3, Block 4, Northwood Estates Replat, to increase the total square footage of accessory buildings located on a rural residential lot to 3,200 square feet, with the following conditions:

1. A variance to reduce the required rear yard setback outlined in Section 14-04-01(6) of the City Code of Ordinances (Rural Residential)(Rear Yard) from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.
2. A building permit must be obtained to construct the proposed 3,200 square foot accessory building.
3. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

Commissioner Atkinson asked if the owner can still build the accessory building if the variance request is not approved. Ms. Wollmuth said they still could but it would have to be in a different location on the property.

Commissioner Lee asked what the maximum side wall height and square footage of the building could be. Ms. Wollmuth said the maximum allowable side wall height is 14 feet and the overall building height limit is 25 feet.

Chairman Yeager opened the public hearing.

Jeff Bles, 10710 Olive Lane, explained that the increased size is for the use of a shop as well as additional storage for recreational vehicles as the neighborhood is very well kept and they would like to help keep it looking professional. He said they have visited with their neighbors and obtained signatures in support of their request and he hopes to have a chance prior to the Board of Adjustment meeting to obtain more. He said he also commends Ms. Wollmuth on all of her assistance throughout the application process.

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 special use permit for Lot 3, Block 4, Northwood Estates Replat, to increase the total square footage of accessory buildings located on a rural residential lot to 3,200 square feet, with the following conditions: 1. A variance to reduce the required rear yard setback outlined in Section 14-04-01(6) of the City Code of Ordinances (Rural Residential)(Rear Yard) from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment; 2. A building permit must be obtained to construct the proposed 3,200 square foot accessory building; 3. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT OFF-PREMISE SIGNS/BILLBOARDS

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to off-premise signs/billboards.

Ms. Wollmuth said the Bismarck Board of City Commissioners, at their meeting of June 15, 2015, approved a six month moratorium for all new off-premise digital and static billboard signs along Interstate 94 and principal arterial roadways in the City of Bismarck and its Extraterritorial Area (ETA). She said the moratorium has allowed Planning staff time to draft amendments that include provisions for spacing, proximity to intersections and proximity to residential areas for digital and static billboard signs, as well as provisions to increase coordination of reviews with the North Dakota Department of Transportation. Ms.

Wollmuth added that the proposed amendments are intended to promote traffic safety, particularly along higher-speed, congested corridors, and to enhance the aesthetic quality of the community and provisions for signs including billboards are located in both Title 4 – Building Regulations and Title 14 – Zoning Regulations of the Code of City Ordinances. She said the majority of the changes to both ordinances were to move the zoning requirements from Title 4 into Title 14 and keeping the structural requirements in Title 4. Ms. Wollmuth explained that other changes include defining off-premise advertising signs and digital off-premise advertising signs, requiring approval of a special use permit for all off-premise advertising signs, increasing the distance from an off-premise advertising sign to a residentially zoned district from 150 feet to 300 feet and clarifying the distance between off-premise advertising signs on opposite sides of a roadway. She said the proposed ordinance also limits the size of off-premise advertising signs to 400 square feet, but allows signs no larger than 672 square feet adjacent along I94 and on Bismarck Expressway, east of the intersection with Airport Road. Ms. Wollmuth closed by saying staff has met with representatives with many of the areas off-premise advertising companies and discussed their issues and concerns, some of which have been incorporated in the proposed ordinance and that staff recommends approval of the amendment as presented.

Commissioner Laning asked if any opposition was received from the companies notified.

Ms. Wollmuth said the requirement of all off-premise signs being approved with a special use permit as well as the setback requirements received some oppositional comments.

Chairman Yeager opened the public hearing.

Mike Derby, Dakota Outdoor Advertising, said current enforcement of the existing sign code is lacking and needs to be addressed, specifically when it comes to temporary signs in public rights-of-way and boulevards. He said the differences between on and off-premise signs need to be better clarified and he has concerns over the proposed setback requirements in residential districts. He said commercial lots are not very deep and are many times directly next to residential neighborhoods, which complicates the placement of signs with a stricter setback requirement. He said reducing the allowable size of a billboard creates a burden on sign companies to have to create a new standard size, and the requirement of being 100 feet from any intersection is excessive.

Leo Ness, Newman Outdoor Advertising, said they met with staff recently and looked at the proposed changes at which point they expressed their concerns and were presented with an updated version of the changes prior to the public hearing. He said he would like to see the proposed amendments be tabled as he does not feel there is enough agreement on what is presented to be able to vote in favor of the way it is written. He said it is too restrictive and needs more work.

Jim England, Newman Outdoor Advertising, said he also feels there are things that need to be addressed further with the proposed amendments and he wants everybody to know that those utilizing this form of advertising take it very seriously. He said the use of outdoor

advertising is critical for businesses when retaining and obtaining new customers, and he would like to see billboards removed from the criteria as needing a special use permit.

Joe Gusaas, Gusaas Signs, said he agrees with the concerns expressed and he does understand that the City could put a size constraint on billboards and if that happens he would like to see it be only square footage without consideration of width, as this would allow a wider range of standard billboard sizes.

Commissioner Seminary asked Bruce Strinden, Newman Outdoor Advertising, if these proposals are significantly more restrictive than other areas of North Dakota. Mr. Strinden said he knows some of the other ordinances are less restrictive as far as the size allowed and with this being a worldwide industry, there are generally two sizes of billboards accepted internationally. He said from that standpoint he believes they should be the two primary designs to be deemed acceptable.

Mr. England said he agrees that nobody in the advertising industry wants to do anything to jeopardize the safety of anybody in the community, and State and Federal guidelines are always followed and they would like to continue to work with staff on developing an ordinance that everybody can agree over.

Commissioner Seminary asked which changes present the most hardship with regards to how the advertising industry might have to completely change how they operate.

Mr. England said he is not completely certain why these changes had to be proposed in the first place since when dealing with other municipalities, they do not run into issues. He said the special use permit requirement negates the need for a sign ordinance altogether and seems counterproductive and they aim to seek out locations that are compliant according to the ordinance. He said if that is the only option it would completely hinder a landowner's ability to allow a billboard on their property if they want to, but then have the Planning Commission deny it. He said it could be considered to put a maximum number of billboards allowed based on population the way other cities do or a limitation on how many feet are between each one.

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

MOTION: Based on the proposed zoning ordinance draft language, the input of impacted business and the recommendation of staff, Commissioner Laning made a motion to continue the public hearing for the zoning ordinance text amendment relating to off-premise signs/billboards. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Commissioner Lee said the requirement of a special use permit concerns him as well as the restriction on the size and both items need to be looked at prior to the amendments being considered again.

Commissioner Seminary said staff always does a phenomenal job but the proposed amendment needs a second look before a decision is made in order to avoid making changes that are unnecessarily restrictive.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
R10-RESIDENTIAL DISTRICT/ROW HOUSES**

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to R10-Residential District/Row Houses.

Ms. Lee explained that the proposed amendment would allow half of a two-unit rowhouse to be located on a lot recorded prior to 1953 to have a minimum lot width of not less than twenty-five (25) feet. 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 Seminary made a motion to recommend approval of the zoning ordinance text amendment relating to R10-Residential district/row houses. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
SPECIAL USES/TEMPORARY USES**

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to special uses/temporary uses.

Ms. Lee explained that the proposed amendment would add provisions for the placement of temporary structures by an educational or religious institution for a period of not more than twelve (12) months. Staff recommends approval of the amendment with these proposed changes.

Commissioner Bullinger asked if it is necessary to specify that the 36 months are consecutive so as to avoid three separate 12-month periods being utilized by a temporary structure. Ms. Lee said that would be a good addition to make and staff will make sure it gets clarified.

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 recommend approval of the zoning ordinance text amendment relating to special uses/temporary uses, with the addition of the word ‘consecutive’ as suggested. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, 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 6:37 p.m. to meet again on November 17, 2015.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Lee Yeager
Chairman