

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
February 24, 2016**

The Bismarck Planning & Zoning Commission met on February 24, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Brian Bitner, Mel Bullinger, Vernon Laning, Doug Lee, Mike Schwartz, Lisa Waldoch and Wayne Yeager.

Commissioners Mike Donahue, Ken Selzler and Mike Seminary were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jason Tomanek – Senior Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney, Brady Blaskowski – City Building Official and Charlie Whitman – City Attorney.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the January 27, 2016 meeting.

**MOTION:** Commissioner Lee made a motion to approve the minutes of the January 27, 2016 meeting as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

**FAIR HOUSING PRESENTATION**

Ms. Lee said that due to a scheduling miscommunication, the Fair Housing Presentation by Michelle Rydz, High Plains Fair Housing, will be rescheduled to the March meeting of the Bismarck Planning and Zoning Commission.

**CONSIDERATION**

- A. SECTIONS 18 & 19, T139N-R80W/HAY CREEK TOWNSHIP – FRINGE AREA ROAD MASTER PLAN AMENDMENT**
- B. TRACTS A & B OF AUDITOR’S LOT 30, PARK HILLS AUDITOR’S LOTS AND PARTS OF BLOCKS 4 AND 9, PARK HILLS SECOND ADDITION – ZONING CHANGE**
- C. SUBDIVISION REGULATIONS/RURAL RESIDENTIAL LOT SPLITS – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Sections 18 & 19, T139N-R80W/Hay Creek Township – Fringe Area Road Master Plan Amendment
- B. Tracts A & B of Auditor’s Lot 30, Park Hills Auditor’s Lots and Parts of Blocks 4 and 9, Park Hills Second Addition – Zoning Change
- C. Subdivision Regulations/Rural Residential Lot Splits – Zoning Ordinance Text Amendment

**MOTION:** Commissioner Lee made a motion to approve consent agenda items A, B and C, 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, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION  
UNANNEXED TRACTS IN SECTIONS 25-27, T139N-R80W/HAY CREEK  
TOWNSHIP AND SECTION 31, T139N-R79W/GIBBS TOWNSHIP**

Chairman Yeager called for final consideration for the annexation of various tracts in Sections 25-27, T139N-R80W/Hay Creek Township and Section 31, T139N-R79W/Gibbs Township. The properties are located east of State Street, south of East Century Avenue, and north of East Main Avenue/County Highway 10.

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

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
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 accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the City-initiated annexation of various tracts in Sections 25 - 27, T139N-R80W/Hay Creek Township and Section 31, T139N-R79W/Gibbs Township, as particularly described in the staff report.

Mr. Nairn explained that one of the property owners is currently in negotiation with the City and had questions about how the annexation may affect this process.

Commissioner Lee asked if there have been any objections to this request besides the RDO property.

Mr. Nairn said he has had some questions relating to animals as there is some existing livestock on a couple of the properties which are not allowed in city limits. He said has spoken with Mr. Whitman and they will decide the best way to approach that. He said there have also been some questions relating to the completion of streets and associated specials.

Commissioner Schwartz asked if there would be any issues in the future if the RDO property is removed from the request at this time. Mr. Nairn said it could complicate the process in the long term.

Commissioner Lee said he is not comfortable removing that property if the others are being forcibly annexed right now.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the annexation of various tracts in Sections 25 - 27, T139N-R80W/Hay Creek Township and Section 31, T139N-R79W/Gibbs Township, as particularly described in the staff report. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Selzler, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MAJOR PUD AMENDMENT AND MINOR SUBDIVISION  
FINAL PLAT  
STONERIDGE ADDITION FIRST REPLAT**

Chairman Yeager called for the public hearing on a major PUD amendment for Stoneridge Addition First Replat to allow for a reduction in the quantity of residential dwelling units and for the minor subdivision final plat for Stoneridge Addition First Replat. The proposed plat is 16 lots on 2.95 acres and is located in northeast Bismarck, west of Centennial Road along the west side of French Street between Jericho Road and Greensboro Drive.

Mr. Tomanek gave an overview of the requests, including the following findings for the major PUD amendment:

1. The proposed amendment is compatible with adjacent land uses and zoning;
2. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;

3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
5. The amended planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways;
6. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
7. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties;
8. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed amendment is consistent with the master plan, other adopted plans, policies and planning practice; and
10. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Mr. Tomanek 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 storm water management plan has been approved by the City Engineer;
3. The proposed subdivision is compatible with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

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

major Planned Unit Development (PUD) amendment as outlined in the draft PUD amendment document.

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 Laning made a motion to recommend approval of the minor subdivision final plat of Stoneridge Addition First Replat and approve the major Planned Unit Development (PUD) amendment as outlined in the draft PUD amendment document. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MAJOR PUD AMENDMENT AND MINOR SUBDIVISION  
FINAL PLAT  
KAMROSE CROSSING ADDITION FIRST REPLAT**

Chairman Yeager called for the public hearing on a major PUD amendment for Kamrose Crossing Addition First Replat to allow for a reduction in the quantity of residential dwelling units and for the minor subdivision final plat for Kamrose Crossing Addition First Replat. The proposed plat is 72 lots on 4.96 acres and is located in south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.

Mr. Tomanek gave an overview of the requests, including the following findings for the major PUD amendment:

1. The proposed amendment is outside the area included in the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;

6. The amended planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties;
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Mr. Tomanek 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 storm water management plan has been approved by the City Engineer;
3. The proposed subdivision is compatible with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Mr. Tomanek said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Kamrose Crossing Addition First Replat and the major Planned Unit Development (PUD) amendment as outlined in the draft PUD amendment document.

Commissioner Lee asked if there will be a park in the open space shown on the plat. Mr. Tomanek said it will be a private park to be built and maintained by the developer and the Homeowners' Association.

Commissioner Lee asked if it is smaller than what was approved with the original plat of Kamrose Crossing Addition. Mr. Tomanek said it is smaller by about 1,000 square feet and is configured slightly differently than the original plan.

Commissioner Bitner asked if the size of the park complies with the new park requirement ordinance. Mr. Tomanek said the plat of Kamrose Crossing Addition was done prior to the new ordinance, and the new ordinance does not require a dedication for replatted property.

Commissioner Bullinger asked where the South Meadows park falls in proximity to this park. Mr. Tomanek said it is south and to the west of this proposed park.

Commissioner Bullinger said a plan for trails connecting the South Meadows park and this proposed park was approved at City Commission on February 23, 2016.

Commissioner Bitner asked how the private park process works. Mr. Tomanek said the developer will be responsible for implementing and maintaining the park rather than Bismarck Parks and Recreation District.

Commissioner Schwartz asked if the overall density within the plat has been reduced. Mr. Tomanek said it has been reduced by four units.

Chairman Yeager opened the public hearing.

Art Goldammer, Verity Homes of Bismarck, said the density of the plat has been reduced and they have also reduced the maximum building height from three stories to one and two-story structures.

Commissioner Waldoch asked Mr. Goldammer to expand on the potential public use of the proposed park. Mr. Goldammer said there is nothing in the HOA agreement that would prevent any residents outside the development from using the park. He said there would also be a dog park on the northwest side of the development, and with the connectivity of sidewalks throughout the development it will be very pedestrian friendly and the housing will be affordable.

A written comment in opposition to this request is attached as Exhibit A.

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 recommend approval of the minor subdivision final plat of Kamrose Crossing Addition First Replat and approve the major Planned Unit Development (PUD) amendment as outlined in the draft PUD amendment document. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

## **PUBLIC HEARING – PUD AMENDMENT EVERGREEN RIDGE ADDITION**

Chairman Yeager called for the public hearing on a major PUD amendment for Evergreen Ridge Addition to amend the existing Planned Unit Development (PUD) to clarify the lot coverage requirement for lots within the project and include provisions for accessory buildings. The property is located in northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue.

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

1. The proposed amendment is outside of the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties;
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the major Planned Unit Development (PUD) amendment for Evergreen Ridge Addition to clarify the lot coverage requirements and that accessory buildings are allowed as outlined in the draft PUD amendment document.

Commissioner Schwartz said he noticed the previous PUD amendment requests they just saw also had accessory building standards added and asked if that was because it was added to this one. Ms. Lee said that is correct, that the accessory building standards were clarified in the others when this amendment was written so it would be clarified for all of these PUDs at one time.

Chairman Yeager opened the public hearing.

Curt Wentz, 305 Colt Avenue, said he lives directly south of this location and he understands the amendment will clarify lot coverage requirements, but wants to know what exactly that will mean.

Ms. Lee said the number of units and setback requirements are not changing, but the lot coverage was not defined in the original PUD. Because it is not specified it is not clear what the lot coverage should be, so Building Inspections is relying on the underlying zoning rather than the 50% maximum lot coverage, which is what has now been added.

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 major Planned Unit Development (PUD) amendment for Evergreen Ridge Addition to clarify the lot coverage requirements and that accessory buildings are allowed, as outlined in the draft PUD amendment document. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

## **PUBLIC HEARING – ZONING CHANGE VARIOUS LOTS AND TRACTS IN EAST BISMARCK (PHASE 3 OF 6)**

Chairman Yeager called for the public hearing on a City-initiated zoning change from the R5-Residential, R10-Residential, RM10-Residential, RM30-Residential, RMH-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district for various lots and tracts in east Bismarck. The properties are located east of US Highway 83, south of East Century Avenue and north of East Main Avenue/County Highway 10.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the City-initiated zoning change from the R5-Residential, R10-Residential, RM10-Residential, RM30-Residential, RMH-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district for various lots and tracts in east Bismarck, as more particularly described in the staff report.

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 recommend approval of the City-initiated zoning change from the R5-Residential, R10-Residential, RM10-Residential, RM30-Residential, RMH-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district for various lots and tracts in east Bismarck, as more particularly described in the staff report. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

## **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT OFF-STREET PARKING REQUIREMENTS**

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to off-street parking requirements.

Ms. Lee explained that the proposed amendment would amend provisions of the City Code of Ordinances to clarify and update requirements for off-street parking and loading, including changes to requirements for the number of off-street parking spaces provided for various uses.

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment 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 ordinance text amendment relating to Off-Street Parking and Loading, as outlined in the attached draft ordinance.

Commissioner Laning asked if this amendment only applies to changes going forward. Ms. Lee said it applies to new construction as well as any change of use of existing properties going forward.

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 Atkinson made a motion to recommend approval of the zoning ordinance text amendment relating to Off-Street Parking and Loading, as outlined in the attached draft ordinance. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Laning, Lee, Schwartz, Waldoch and Yeager voting in favor of the motion.

## **OTHER BUSINESS**

### **ELECTION OF OFFICERS**

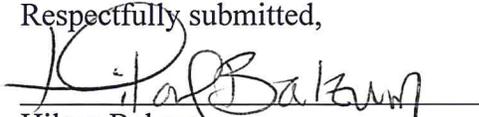
Commissioner Lee made a motion to re-elect Wayne Yeager as chairman for another term. Commissioner Waldoch seconded the motion and with all other Commissioner voting in favor, Chairman Yeager was elected Chairman for another term.

Commissioner Laning made a motion to re-elect Doug Lee as vice chairman for another term. Commissioner Atkinson seconded the motion and with all other Commissioners voting in favor, Commissioner Lee was elected Vice Chairman for another term.

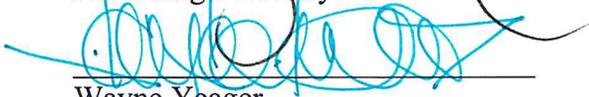
**ADJOURNMENT**

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:44 p.m. to meet again on March 23, 2016.

Respectfully submitted,



Hilary Balzum  
Recording Secretary



Wayne Yeager  
Chairman

**Hilary Balzum**

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**From:** stephanie buckles <steph907@outlook.com>  
**Sent:** Thursday, February 18, 2016 8:49 PM  
**To:** Planning - General Mailbox  
**Subject:** Response to Kamrose Crossing Addition

February 18, 2016  
To Whom It May Concern,

I am writing in regards to your request to build a new housing development (Kamrose Crossing Addition First Replat) in our neighborhood on Rutland Drive, south Bismarck. I propose that a park be built instead of more houses. I cannot speak for everyone in this area; I'm sure there are some who welcome the idea –after all, the more the merrier, right? But we chose this house because it was in a quiet neighborhood; we wanted a location that was safe and minimally surrounded by other families with kids, so that our son could grow up without me having to stalk him like a hawk every time he went out to play.

We do not need more houses. Apartments have already been built on Rutland, which is guaranteed to bring in excess traffic, parties, chaos in general... and nobody needs that right across the street from their supposed-to-have-been peaceful home (why are we paying so much on these overpriced homes, just to look out the front window –if there even is one –and see an apartment complex, and yet another row of houses with incomplete yards and unfinished garages?) The only reason why these houses are even in the question is because the businesses that build and sell them are money-hungry and unsatisfied with the already uneven ratio of new expensive houses to people who can actually afford to live in them. This is not a Sim City Simulator; this is a neighborhood that needs and deserves to let be as it is.

The oil industry is staggering, the economy will drop, and as more people get laid off work, the demand for houses will take a dip. It's already enough that all the acres of land surrounding the perimeter of our area will eventually be bought out and built up, we can only assume. What we really need is a park. We need a nice place to walk our kids to for a little fun and exercise in the warmer months; it is more cost-effective, and serves a greater purpose than the Kamrose addition. New houses are neither needed or desired on this location. Plant some grass and trees, build a park, and let it be.

Sincerely,  
One very opinionated home-owner on Dortmund Drive.

Sent from Windows Mail