

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
May 25, 2016**

The Bismarck Planning & Zoning Commission met on May 25, 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, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Ken Selzler, Mike Seminary and Wayne Yeager.

Commissioners Brian Bitner and Lisa Waldoch were absent.

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

**MINUTES**

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

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

**CONSIDERATION**

- A. **SILVER RANCH FIRST ADDITION – FUTURE LAND USE PLAN AMENDMENT**
- B. **COTTONWOOD LAKE SIXTH ADDITION SECOND REPLAT – ZONING CHANGE**
- C. **SOUTHLAND SECOND ADDITION FIRST REPLAT – ZONING CHANGE**
- D. **LOTS 4 & 5, BLOCK 4, MEADOWLARK COMMERCIAL SEVENTH ADDITION – ZONING CHANGE**
- E. **PART OF WACHTERS ADDITION REPLAT, PART OF REPLAT OF KAVANEY COMMERCIAL PARK AND PART OF BOUTROUS 2<sup>ND</sup> ADDITION – ZONING CHANGE**
- F. **ACCESSORY DWELLING UNITS – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Silver Ranch Addition – Future Land Use Plan Amendment

- B. Cottonwood Lake Sixth Addition Second Replat – Zoning Change
- C. Southland Second Addition First Replat – Zoning Change
- D. Lots 4 & 5, Block 4, Meadowlark Commercial Seventh Addition – Zoning Change
- E. Part of Wachters Addition Replat, part of Replat of Kavaney Commercial Park and part of Boutrous 2<sup>nd</sup> Addition – Zoning Change
- F. Accessory Dwelling Units – Zoning Ordinance Text Amendment

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

**PUBLIC HEARING – PUD AMENDMENT  
SCHILLING FIRST ADDITION**

Chairman Yeager called for the public hearing on a major PUD amendment for Schilling First Addition to amend the existing Planned Unit Development (PUD) to increase the height of the mixed use commercial building to be constructed on the west side of property. The property is located in north Bismarck, along the east side of US Highway 83/State Street and the north side of 43rd Avenue NE.

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 inasmuch 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,
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said due to recent changes in the applicant's request and their desire to increase the allowed height to four stories, staff recommends continuing action on the Major Planned Unit Development (PUD) amendment for Schilling First Addition.

Commissioner Atkinson asked if the original PUD allowed for a building height of four stories. Ms. Lee said it originally allowed five stories, then was reduced to two. She said the proposed PUD amendment would allow up to three stories and they now are requesting to have the option for a fourth story on the planned structure.

Chairman Yeager opened the public hearing.

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

**MOTION:** Commissioner Lee made a motion to continue the public hearing for the major Planned Unit Development (PUD) amendment for Schilling First Addition, as recommended by staff. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING CHANGE LOTS 1-4, BLOCK 1, GARY NELSON ADDITION**

Chairman Yeager called for the public hearing on a zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition. The property is located in northwest Bismarck, along the northwest side of Nelson Drive between Normandy Street and Coleman Street, and south of 43rd Avenue NE.

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

1. The proposed zoning change is outside of the area included in 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.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition.

Chairman Yeager opened the public hearing.

Ms. Lee said she did receive one phone call from an adjacent property owner who was concerned that they are asking for a zoning change to R10 when the lots are not being marketed now as R5 lots.

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

Chairman Yeager asked if there is a potential builder who could give some insight on the scale and design of the proposed buildings. Ms. Lee said the project is not that far along in the process for that information to be available.

Commissioner Laning asked if the person who called indicated a significant change in the neighborhood. Ms. Lee said they called because they were under the impression that area would all be single-family homes but a lot of twinhomes have surrounded that area now.

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 recommend approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-

4, Block 1, Gary Nelson Addition. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary and Yeager voting in favor of the motion.

**VARIOUS TRACTS OF LAND IN SOUTH BISMARCK –  
CITY-INITIATED ZONING CHANGE  
PHASE 6 OF 6**

Chairman Yeager called for the public hearing on a City-initiated zoning change from the R5-Residential, RR-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district. The properties are located in southeast Bismarck and south of Bismarck in the City's extraterritorial area.

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, because the properties are already annexed and served.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established.
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.
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, RR-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district for various lots and tracts in southeast Bismarck and south of Bismarck in the City's extraterritorial area, 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 Laning made a motion to recommend approval of the City-initiated zoning change from the R5-Residential, RR-Residential, MA-Industrial and A-Agriculture zoning districts to the P-Public zoning district for various lots and tracts in southeast Bismarck and south of Bismarck in the City's extraterritorial area, as more particularly described in the staff report. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Seminary and Yeager voting in favor of the motion.

### **INFILL AND REDEVELOPMENT PLAN**

Mr. Nairn said there is a memo in the agenda packet regarding a planning initiative that the Community Development Department will be undertaking over the next few months, with the intent of focusing on growth and redevelopment in areas that are already built out and within the city limits of Bismarck.

Commissioner Seminary noted that the list of topics is broad and suggested prioritizing the strategies to create a more effective plan.

### **CERTIFICATE OF APPRECIATION – MEL BULLINGER**

Chairman Yeager said after 23 years as City Engineer, Mr. Bullinger is retiring. He said Bismarck has been very lucky to have an employee as dedicated as Mr. Bullinger and he is one of the best.

Commissioner Lee said it has been great and a pleasure to work alongside Mr. Bullinger and that he is very much appreciated and will be missed by this Commission and the City.

Commissioner Seminary said Mel has been a remarkable public servant dating back to the 1970s when he worked for the City throughout his college years. He said one privilege he has as Mayor is getting to sign certificates of appreciation and the last 20 he signed totaled almost 700 years of service. He said Bismarck has been very fortunate and blessed with employees like Mr. Bullinger.

Chairman Yeager presented Mr. Bullinger with a certificate and resolution of appreciation.

Mr. Bullinger said he has appreciated the ability to work with the Planning and Zoning Commission and serve the City and is pleased to introduce Gabe Schell as his replacement, whom he has no doubt will be excellent in his position as the new City Engineer.

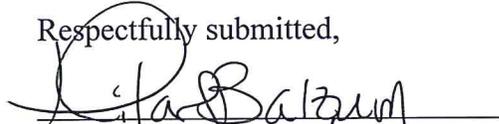
**OTHER BUSINESS**

There was no other business to discuss at this time.

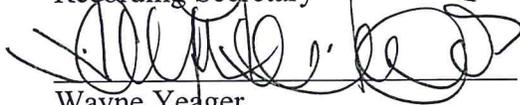
**ADJOURNMENT**

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:16 p.m. to meet again on June 22, 2016.

Respectfully submitted,



Hilary Balzum  
Recording Secretary



Wayne Yeager  
Chairman