

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

The Bismarck Planning & Zoning Commission met on August 24, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. In the absence of the Chairman and Vice Chairman, Commissioner Bitner was selected to temporarily preside until Vice Chairman Lee arrived, by consensus of the Commissioners present.

Commissioners present were Tom Atkinson, Brian Bitner, Gabe Schell, Mike Donahue, Doug Lee (arrived after the start of the meeting), Mike Schwartz, Mike Seminary and Lisa Waldoch.

Commissioners Vernon Laning, Doug Lee, Ken Selzler and Wayne Yeager were absent.

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

MINUTES

Commissioner Bitner called for consideration of the minutes of the July 27, 2016 meeting.

MOTION: Commissioner Schwartz made a motion to approve the minutes of the July 27, 2016 meeting as presented. Commissioner Donahue seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Schell, Donahue, Schwartz, Seminary and Waldoch voting in favor of the motion.

CONSIDERATION

- A. ELIMINATION OF CR ZONING DISTRICT – SECTIONS 14-03-6, 14-03-08, 14-04-01, 14-04-13 AND 14-05-05.1 – ZONING ORDINANCE TEXT AMENDMENT**
- B. INCIDENTAL USES/ACCESSORY USES & RMH – SECTIONS 14-03-06 AND 14-04-05 – ZONING ORDINANCE TEXT AMENDMENT**

Commissioner Bitner called for consideration of the following consent agenda items:

- A. Elimination of CR Zoning District – Sections 14-03-6, 14-03-08, 14-04-01, 14-04-13 and 14-05-05.1 – Zoning Ordinance Text Amendment
- B. Incidental Uses/Accessory Uses & RMH – Sections 14-03-06 and 14-04-05 – Zoning Ordinance Text Amendment

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

**PUBLIC HEARING – FINAL PLAT
HIGH MEADOWS TWELFTH ADDITION**

Commissioner Bitner called for the public hearing on the final plat for High Meadows Twelfth Addition (fka High Meadows 13th Addition). The proposed plat includes six lots in one block on 3.11 acres and is located in northwest Bismarck, west of North Washington Street along the north side of Arabian Avenue (a replat of Lot 5 and part of Lot 6, Block 3, KMK Estates).

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan (FARMP), as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is a replat of part of an existing residential subdivision.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. 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 subdivision at the time the property is developed.
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Lee said, based on these findings, staff recommends approval of the final plat for High Meadows Twelfth Addition.

Commissioner Bitner opened the public hearing.

There being no comments, Commissioner Bitner closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to recommend approval of the final plat for High Meadows Twelfth Addition. Commissioner Seminary seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Schell, Schwartz, Seminary and Waldoch voting in favor of the motion.

Commissioner Lee joined the meeting at this time and assumed the role of chairing the meeting.

PUBLIC HEARING – FINAL PLAT MDU BISMARCK NORTHWEST ADDITION

Vice Chairman Lee called for the public hearing on the final plat for MDU Bismarck Northwest Addition. The proposed plat is one lot on 2.75 acres and is located in northwest Bismarck, in the southwest corner of the intersection of Country West Road and Clydesdale Drive.

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan (FARMP), as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District.

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. 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 subdivision at the time the property is developed.
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision 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 final plat for MDU Bismarck Northwest Addition, with the following condition:

1. All of the land in the proposed plat will be owned by MDU Resources Group, Inc prior to recordation of the plat.

Mr. Nairn said staff also recommends the approval of a waiver of the requirement to provide a fifteen (15) foot buffer on the south and east portions of the plat in Section 14-03-07(15)(a)(6) due to the non-residential character of the adjoining parcels.

Vice Chairman Lee opened the public hearing.

Wayne Wilson, 1500 Country Lane, asked when the projected construction start date is or if the zoning needs to change. He stated there are already existing utility transformers in that area now.

Mr. Nairn said the zoning will not change as it is R5-Residential now, and electrical substations are an allowed use in that zoning district. He said there is an existing substation but there is a need for expansion of this facility.

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

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the final plat for MDU Bismarck

Northwest Addition, with the following condition: 1. All of the land in the proposed plat will be owned by MDU Resources Group, Inc prior to recordation of the plat as well as approval of a waiver of the requirement to provide a fifteen (15) foot buffer on the south and east portions of the plat in Section 14-03-07(15)(a)(6) due to the non-residential character of the adjoining parcels. Commissioner Bitner seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Waldoch voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT WOODLAND THIRD SUBDIVISION

Vice Chairman Lee called for the public hearing on the final plat for Woodland Third Subdivision. The proposed plat is one lot on 2.27 acres and is located south of Bismarck, between 48th Avenue SE and Oahe Bend Drive, along the east side of 12th Street SE.

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan (FARMP), as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. 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 subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the final plat of Woodland Third Subdivision.

Vice Chairman Lee opened the public hearing.

There being no comments, Vice Chairman Lee closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to recommend approval of the final plat of Woodland Third Subdivision. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Waldoch voting in favor of the motion.

PUBLIC HEARINGS – FUTURE LAND USE PLAN AMENDMENT, ZONING CHANGE AND FINAL PLAT SILVER RANCH ADDITION

Vice Chairman Lee called for the public hearing on an amendment to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, from Low Density Residential to Medium Density Residential Mixed Use in the N½ of Section 19, T139N-R79W/Gibbs Township; a zoning change from the A-Agriculture and RR-Residential zoning districts to the R5-Residential, R10-Residential, RM15-Residential, RT-Residential and CA-Commercial zoning districts; and the final plat of Silver Ranch Addition. The proposed plat is 272 lots in 14 blocks on 155 acres and is located northeast of Bismarck, along the south side of 43rd Avenue NE and the east side of 52nd Street NE.

Mr. Nairn gave an overview of the requests, including the following findings for the Future Land Use Plan Amendment:

1. The proposed amendment is compatible with adjacent land uses.
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended.
3. The Gibbs Township Board of Supervisors has recommended approval of the proposed Amendment.

4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice.
7. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings for the zoning change:

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 Gibbs Township Board of Supervisors has recommended approval of the proposed zoning change.
5. 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.
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that

was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer.
5. A neighborhood park agreement or a park concept development plan has been accepted by the Bismarck Parks and Recreation District.
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed final plat.
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. 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 subdivision at the time the property is developed.
9. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development.
10. The proposed subdivision is consistent with the general intent and purpose of the zoning Ordinance.
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the amendment to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, from Low Density Residential to Medium Density Residential Mixed Use in the N½ of Section 19, T139N-R79W/Gibbs Township as shown in the attached map; approval of the zoning change from the A – Agricultural and RR – Residential zoning districts to R5 – Residential, R10 – Residential, RT – Residential, CA – Commercial, and P – Public Use zoning districts; and approval of the final plat for Silver Ranch First Addition, subject to the following conditions:

1. A developers agreement is signed prior to final plat approval detailing responsibilities for the improvement and installation of all infrastructure necessary to serve Silver Ranch First Addition.
2. Easements for rights-of-way necessary to provide water service are secured prior to approval of the final plat.
3. A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat.
4. No building permit may be issued prior to annexation and provision of municipal services to the lands within Silver Ranch First Addition.

Commissioner Seminary asked when construction of this project is scheduled to begin.

Chad Wachter, Investcore, Inc., said he hopes to start in 2017 with plans to have infrastructure and the first set of roadways completed in the spring.

Commissioner Seminary said the lack of available City funds for the completion of roadways needs to be considered, and developments like these might need to have conditional approvals until some form of payment agreement is made between the City and the developer. He said discussions will need to be held between the City and developers because sufficient rights-of-way and easements is concerning. He said 43rd Avenue NE will have to be improved as well, which is a big investment. He said with no sales tax projection in the future and this property not being immediately annexed, the small amount of money the City does have becomes very precious. He said the City may need to start looking at these developments differently until some community decisions are made. He said this will probably come up in discussion at the City Commission, as this is a position the City has been in for a very long time.

Mr. Wachter said he is in the process of working with Burleigh County to get 43rd Avenue NE paved with funding from the cost-sharing and it would be built to Burleigh County rural standards. He said a portion of 52nd St NE will be built to City standards and he is still working on funding alternatives. He said with still having a lot of rural traffic in that area, the City and rural residents would both benefit from these roads. He said he is confident that all of the concerns presented can be worked through.

Vice Chairman Lee said there will be rural residential zoning right next to the proposed R10-Residential and RT-Residential zoning districts and asked if there will be any zoning buffers required.

Mr. Nairn said the R10-Residential zoning district does not require a buffer of any kind but the RT-Residential zoning district would be required to have a buffer between it and the RR-zoned properties. He said these zoning districts are a step down from what was originally proposed, such as the previously requested CG-Commercial zoning district being changed to RT-Residential.

Commissioner Donahue asked how the residents in this development would best access Interstate 94 without having to backtrack west.

Mr. Nairn said they would have to go west to Centennial Road and then south to the interstate. He said if the 66th Street by-pass plan goes through, that would also aid in access to the interstate.

Commissioner Donahue asked if the North Dakota Department of Transportation has been informed of this request or has been allowed to comment at all.

Mr. Nairn said they do not typically get involved at this stage of the development process.

Commissioner Schell asked for the remainder of the plat approval process to be explained. Mr. Nairn said if it is approved today it would be forwarded to the City Commission with there being one meeting to consider the zoning change and Future Land Use Plan Amendment and potentially call for a public hearing. He said if public hearings are called for, they would be at a second meeting in conjunction with final consideration of the final plat. He said if the requests are approved at that time, a request for annexation would have to be submitted and the subdivision would have to be recorded in order for the lots to exist before development can take place. He said staff recommends that a developers agreement would also be required prior to consideration by the City Commission.

Vice Chairman Lee opened the public hearing.

Mary Deringer, 5313 Fairhill Road, said she has lived there since the 1980s along with several other members of her family and their properties about the lots zoned for R10 development. She said she has no idea what these homes will look like or what R10 versus commercial zoning means. She added she is not against progressive development, but she would like the homes to look similar to that of what the Sattler family has developed to the west. She said duplexes have a tendency to get run down after a number of years and asked if the developer will pay for the roads or if that will get assessed to the nearby property owners. She said when other nearby paving was completed, her family paid for almost all of it. She asked if the streets within the development will allow parking on both sides because this seems to be very compact living. She added she would not want to see mobile homes in this area.

Mr. Nairn said the rights-of-way within the development will be the required 66-feet in width and mobile homes would not be allowed in these zoning districts as they would not meet the building code requirements and are only allowed in the RMH zoning district.

Mr. Wachter said these will be a lot of split-level, multi-family and ranch style homes at a minimum of 1,200 square feet, similar to those in Copper Ridge and South Meadows. He said he has no dealings with mobile homes and there will also be restrictive covenants in place. He said he is willing to change those R10 lots intended for duplexes to R5 and make them bigger because he completely understands the concern of living in the county and having the city limits expand right up next to your property.

Commissioner Schell asked if he would also be willing to switch the proposed RT that abuts the existing rural residential properties to R5 as well. Mr. Wachter said if staff would support that change and it will appease the neighboring property owners, then yes, he would be willing to make that adjustment as well.

Steve Huber, 4101 52nd Street NE, said his family bought their land in the 1950s and his home is just off the gravel portion of 52nd Street NE. He said the traffic on that road should no longer be considered rural traffic as it has gotten heavier over the years. He said he would also appreciate the small lots being done away with in order to reduce the number of people in that area and he would like to see the history of the neighboring properties be maintained as well.

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

Commissioner Schell asked if the RT lots are changed to R5, will Silver Boulevard be enough of a buffer. He said he does not want to push the buffering problem along because some type of transition will eventually be needed somewhere.

Mr. Nairn said staff is ok with the R5-Residential zoning extending to 43rd Avenue NE and the existing zoning would be known by future homebuyers.

Vice Chairman Lee asked if the motion needs to include the request to modify the change to the zoning in Block 4. Mr. Nairn said yes, that modification to the request would need to be included in the motion.

Commissioner Seminary said this request is a good example of how Burleigh County and the City of Bismarck work with developers and coordinate accordingly for progress. He said he is impressed by Mr. Wachter's willingness to work with the neighbors and accommodate them by making significant development changes in order to keep them satisfied.

Vice Chairman Lee asked if these are really concerns that this Commission should be addressing or if they should be addressed at the City Commission level.

Commissioner Seminary said these requests will have an impact on how staff will look at new proposals of this nature in the future.

Commissioner Waldoch said she appreciates the adjacent owners taking it upon themselves to get educated on these requests especially, since these discussions can become very uncomfortable, but those who have commented have done it correctly and appropriately.

Commissioner Donahue said he would like the developer to redraw the changes that have been agreed on before he votes yes on these projects.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the amendment to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, from Low

Density Residential to Medium Density Residential Mixed Use in the N½ of Section 19, T139N-R79W/Gibbs Township as shown in the attached map; approval of the zoning change from the A – Agricultural and RR – Residential zoning districts to R5 – Residential, R10 – Residential, RT – Residential, CA – Commercial, and P – Public Use zoning districts; and approval of the final plat for Silver Ranch First Addition, subject to the following conditions: 1. A developers agreement is signed prior to final plat approval detailing responsibilities for the improvement and installation of all infrastructure necessary to serve Silver Ranch First Addition; 2. Easements for rights-of-way necessary to provide water service are secured prior to approval of the final plat; 3. A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat; 4. No building permit may be issued prior to annexation and provision of municipal services to the lands within Silver Ranch Addition; and 5. All lots within Block 4 of the subdivision are included in the R5 – Residential zoning district. Commissioner Atkinson seconded the motion and the request was approved with Commissioners Atkinson, Bitner, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioner Donahue opposed the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)
LOT 8, BLOCK 2, GOLDEN HEIGHTS SUBDIVISION**

Vice Chairman Lee called for the public hearing on a request for a special use permit to increase the total area of accessory buildings to 3,024 square feet by constructing a 1,440 square foot addition to the existing accessory building on Lot 8, Block 2, Golden Heights Subdivision. The property is located southeast of Bismarck, between County Highway 10 and Apple Creek Road, west of 80th Street SE, along the north side of Viking Drive (7900 Viking Drive).

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 is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit for Lot 8, Block 2, Golden Heights Subdivision to increase the total area of accessory buildings located on the property up to 3,024 square feet.

Vice Chairman Lee opened the public hearing.

There being no comments, Vice Chairman Lee closed the public hearing.

Commissioner Bitner said he lives near this property and thinks the request should pass as it will be good for the owner to have a structure to move his personal items into and he supports it.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to approve the special use permit to increase the total area of accessory buildings located on the property up to 3,024 square feet on Lot 8, Block 2, Golden Heights Subdivision. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)
NE1/4 OF THE NW1/4 OF SECTION 33, GIBBS TOWNSHIP**

Vice Chairman Lee called for the public hearing on a request for a special use permit to increase the total area of accessory buildings to 7,500 square feet by constructing a new accessory building on the property on the NE1/4 of the NW1/4 of Section 33, less the right-of-way, T139N-R79W/Gibbs Township. The property is located east of Bismarck, north of County Highway 10, between 80th Street NE and 93rd Street NE, along the south side of 17th Avenue NE. (8445 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 proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit for an oversized building that would increase the total area of accessory buildings on the property up to 7,500 square feet on the NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township.

Vice Chairman Lee opened the public hearing.

There being no comments, Vice Chairman Lee closed the public hearing.

Vice Chairman Lee asked if Gibbs Township had provided any comments. Richard Sander, Gibbs Township Supervisor, said the Township supported the special use permit in April and are okay with the proposed changes to it.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to approve the special use permit for an oversized building that would increase the total area of accessory buildings on the property up to 7,500 square feet to be located on the NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

Ms. Lee asked if the new format of the agenda and packet was helpful.

Vice Chairman Lee said he likes it and appreciates staff trying to make things easier to use.

Commissioner Schell said he likes it as well and Commissioner Atkinson agreed it is easier to use and likes the new format.

ADJOURNMENT

There being no further business, Vice Chairman Lee declared the Bismarck Planning & Zoning Commission adjourned at 6:17 p.m. to meet again on September 28, 2016.

Respectfully submitted,


Hilary Balzum
Recording Secretary


Doug Lee
Vice Chairman