

CITY OF BOWMAN
PLANNING AND ZONING
COMMISSION
JUNE 24, 2014

Darwin Wilke, President
Barry Mason, Vice President
Warren Flath, Commissioner
Rock Tartar, Commissioner
Carol Vail, Commissioner & Secretary

REQUEST: Case No. LDC14-003 (Chad Nelson CUP) for: 1) a Conditional Use Permit to establish a “non-farm” residence in the Agriculture (AG) zone.

LOCATION: The site is located in the City of Bowman’s Extra-territorial Zone in Section 10, Township 131 North, Range 102 West of the 5th P.M., and more particularly described as 14631 85th Street SW.

RECOMMENDATION: If approved by the Planning and Zoning Commission, Condition of Approval No 1 is recommended.

Background:

The subject site is located in the City of Bowman’s Extraterritorial Area (ETA) and is zoned Ag (Agricultural). Please see **Exhibit A** for the vicinity map. The applicant recently purchased the property because it contains a barn and fencing that are suitable for keeping his horses. At this time he would like to establish a residence on the property consisting of a single wide mobile home. The zoning code requires that non-farm residential units on lots of 3 acres or more that are not part of a previously platted subdivision receive approval of a Conditional Use Permit prior to establishing a residence.

Conditional Use Permit:

This request is consistent with the uses that are listed in the zoning code for the Ag zone under “Conditionally Permitted Uses”. The City of Bowman Zoning Code requires that Conditional Use Permits be found to meet the following criteria prior to approval:

Assurance that the health, safety and welfare of the neighbors and the general public is being protected as well as the integrity of the neighborhood. Such an assurance shall indicate that the (a) design and layout represents lot setbacks, (b) visual screens, (c) noise controls, (d) air quality controls, (e) public service access, (f) parking, (g) road access, and (h) traffic levels. The Planning/Zoning Administrator, Planning and Zoning Commission or City Commission may request further information on additional matters of concern.

The above criteria provide the standards to which the request must conform to, and it is the basis for the Planning Commission's approval or denial of the request. The Ag zone requires that structures have the following setbacks which will be enforced at the time the applicant requests a Zoning Permit (criterion a): front – 100 feet; side – 25 feet; and rear – 25 feet. No visual screens, noise mitigation or air quality measures are required because the request is for a residential use and not a commercial or industrial use with unsightly features, loud equipment, or activities that generate dust (criteria b, c and d). The property is not adjacent to an existing sewer line and therefore the installation of a septic system will be required. The applicant will trench for Southwest Water service, and will be provided power by Slope Electric. Emergency services will be provided by the Bowman Fire Department which will include ambulance service, and the Bowman Police Department and County Sheriff's Office depending on the type of call (criterion f). The site is 9 acres and therefore has adequate parking. Access is taken from 85th Street Southwest which has moderately low traffic (criteria g and h). Please see **Exhibit B** for the site plan.

No conditions of approval are recommended by staff other than the "Final Plan" condition. However the Planning Commission may add any conditions they determine are necessary for the request.

Community Goals and Objectives:

The following Goal/Objective from the Comprehensive and Transportation Plan support this request:

7.7 Quality of Life Recommendations and Goal Implementation

Recommendation 3: Bowman will encourage development that is contiguous to existing development in the City of Bowman (the site is contiguous to the Wiffler subdivision, but is not adjacent to a sewer line that can be extended at this time).

Conditions of Approval:

The following condition of approval shall apply to the project in perpetuity and end only if the use is abandoned and the site is cleared:

Final Plan Condition:

1. The project shall comply with all plans submitted and approved by the governing body and any changes to the plans made by the governing body during the public hearing. A permit shall be applied for and issued within six months of the date of the approval of the request, or the approval will become null and void. The applicant must receive the Action Letter from the Planning and Zoning Commission prior to requesting a permit, and upon submittal of the requested permit shall provide a site plan demonstrating compliance with what the governing body approved.



SUBJECT PROPERTY

WIFFLER SUBDIVISION

**EXHIBIT A
VICINITY MAP
LDC14-003 (CHAD NELSON)**

MANAGE HOME

← N

BIT B

BIT B