

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
MAY 22, 2013**

The Bismarck Planning & Zoning Commission met on May 22, 2013 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 Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Doug Lee, Mike Schwartz, Ken Selzler, Lisa Waldoch and Wayne Yeager.

Commissioners Mike Donahue and John Warford were absent.

Staff members present were Hilary Balzum - Office Assistant, Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Steve Saunders – Transportation Planner, Jason Tomanek – Planner, Jenny Wollmuth – Planner and Charlie Whitman – City Attorney.

Others present were John Hauck, Myrna Hauck, Kermit Culver, Al Roll, Richard Sander, Myka Miller, Ben White (KLJ), Joan Millner, Kathy Kindschi, Nina Graves, Toni Ganje, Blaine Nordwall, Evelyn Ziegler, Raymond Heinert, Becky Heinert, William Rogers, Richard Schlenker, Kristi Preszler, Mary Wendt, Peg Schweichtenberg, Cynthia Graham, Amanda Davis, Nadine Philp, Robert Graham, Jason Graf, George Crandall, Don Arambula, Bruce Wendt, Scott Nuttleman, Randy Miller, Aaron Hummert, Ryan Deichert, Kate Herzog, Allen Blotske, Dennis Haider, Darlene Haider, Ron Carrick, Mary Carrick, Dawn Packard, Michelle Stahl, Dave Patience (Swenson, Hagen & Co.), TJ Corcoran, Skip Duemeland and Dale Preszler.

INTRODUCTIONS

Chairman Yeager continued the introduction of new Commissioner Michael Donahue to the June 26, 2013 meeting.

DOWNTOWN SUBAREA STUDY

George Crandall and Don Arambula gave a brief overview of the process for the Downtown Subarea Study as well as their projected schedule and estimate to wrap up by the end of the year.

Mr. Arambula highlighted their complete streets concept as well as the conversion of Chancellor Square back to two-way traffic. He said a public response sheet will be available at their presentation at the Civic Center tomorrow, May 23rd.

MINUTES

Chairman Yeager called for consideration of the minutes of the April 24, 2013 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the April 24, 2013 meeting as received. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

CONSIDERATIONS –

- A. HAY CREEK COMMERCIAL ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. SARA’S ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- C. KAMROSE ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- D. LOTS 1-7, BLOCK 1, HUBER REAL ESTATE TRUST FIRST ADDITION – ZONING CHANGE**

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

- A. A zoning change from the A-Agricultural and CG-Commercial zoning districts to the CG-Commercial zoning district and preliminary plat for Hay Creek Commercial Addition. The proposed plat includes five lots in two blocks on 37.174 acres and is located in north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township).
- B. A zoning change from the RR-Residential zoning district to the R5- Residential zoning district and the preliminary plat for Sara’s Addition. The proposed plat includes three lots in one block on 1.86 acres and is located along the west side of England Street, south of Scout Street (The N½ of the NE¼ of the SE¼ of the NE¼ and the NE¼ of the NW¼ of the SE¼ of the SE¼ of the NE¼ of Section 19, T138N/R80 Lincoln Township).
- C. A zoning change from the RM15-Residential, RT-Residential and CA-Commercial zoning districts to the R10-Residential, RM15-Residential and P-Public zoning districts and preliminary plat for Kamrose Addition. The proposed plat includes 40 lots in three blocks on 23.10 acres and is located along the east side of South Washington Street and the north side of Burleigh Avenue (A replat of Lots 1-9, Block 1, Lots 11-14, Block 5 and Lots 1-3, Block 6, Huber Real Estate Trust First Addition, T138N-R80W/Lincoln Township).
- D. A zoning change from the RM15-Residential zoning district to the R10-Residential zoning district on Lots 1-7, Block 1, Huber Real Estate Trust First Addition.

MOTION: Based on the findings contained in the staff reports, Commissioner Selzler made a motion to approve consent agenda items A, B, C and D calling for public hearings and/or tentative approval on the items. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

FINAL CONSIDERATION AND PUBLIC HEARING – ANNEXATION, ZONING CHANGE AND FINAL PLAT – COUNTRY WEST HEIGHTS ADDITION

Chairman Yeager called for final consideration of the annexation, and the public hearing on the zoning change and final plat of Country West Heights Addition. The proposed plat is 26 lots in three blocks on 11.30 acres and is located in northwest Bismarck, north of Ash Coulee Drive and

west of North Washington Street (part of the NW¼ of Section 17, T139N-R80W/Hay Creek Township, including a replat of Lots 1-3, Block 1, Horizon Heights 5th Addition).

Ms. Lee provided an overview of the requests, including the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee then provided the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include urban single-family residential and rural residential to the east and northeast, and agricultural land to the north, west and south.
3. The subdivision proposed for this property would be annexed prior to development; therefore, the 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.

Ms. Lee then provided the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed plat is consistent with the Northwest Subarea Study, which identifies LaSalle Drive as an east-west collector for this section. Tyler Parkway, a north-south arterial, is proposed to be located west of the proposed plat with no connection to this area because of topography.

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single family residential and rural residential to the south, developing single-family residential to the east and southeast, and agricultural land to the north, west and northeast.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.

Ms. Lee said based on these findings and approval of the stormwater management plan by the City Engineer since the packets were distributed, staff recommends approval of the annexation, zoning change and final plat of Country West Heights Addition.

Chairman Yeager opened the public hearing on the zoning change and final plat of Country West Heights Addition.

With there being no public comment on this item, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the annexation, zoning change and final plat of Country West Heights Addition. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

FINAL CONSIDERATION AND PUBLIC HEARING – ANNEXATION, ZONING CHANGE AND FINAL PLAT – BOULDER RIDGE 6TH ADDITION

Chairman Yeager called for the final consideration of the annexation, and the public hearing on the zoning change from the A-Agricultural zoning district to the R5-Residential zoning district and final plat of Boulder Ridge 6th Addition. The proposed plat is 39 lots in five blocks on 16.06 acres and is located east of North Washington Street between 43rd Avenue NW and 57th Avenue NW (part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township).

Ms. Lee provided an overview of the requests, including the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee then provided the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as residential, public and open space (land use component of US Highway 83 Corridor Transportation Study).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single family residential to the south and west; multi-family residential and publicly owned open space to the east; and undeveloped land to the west; and undeveloped land to the north.
3. The subdivision proposed for this property would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services.
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.

Ms. Lee then gave the following findings for the final plat:

1. All technical requirements for consideration of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is consistent with the Fringe Area Road Master Plan for Section 15, T139N-R80W/Hay Creek Township, which identifies Normandy Street as the north-south collector and LaSalle Drive as the east-west collector for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single family residential to the south and west; multi-family residential and publicly owned open space to the east; and undeveloped land to the west; and undeveloped land to the north.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said since the time the staff report was prepared, the City Engineer has approved the stormwater management plan; therefore, based on these findings, staff recommends approval of the annexation, zoning change from the A-Agricultural zoning district to the R5-Residential zoning district and final plat of Boulder Ridge 6th Addition with the understanding that the request will not be forwarded to the City Commission for final action until a complete application for annexation of the area south of Boulder Ridge 5th Addition is submitted. Staff further recommends that any future phase of development include the remaining sanitary sewer easement needed to provide service to the area west of North Washington Street.

Chairman Yeager opened the public hearing on the zoning change and final plat for Boulder Ridge 6th Addition.

Dave Patience said that he has an annexation application signed by the developers of the property for the unannexed area south of Boulder Ridge 5th Addition.

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

MOTION: Commissioner Lee made a motion to approve the annexation, zoning change from the A-Agricultural zoning district to the R5-Residential zoning district and the final plat of Boulder Ridge 6th Addition, with the staff's condition that the request will not be forwarded to the City Commission for final action until a complete application for annexation of the area south of Boulder Ridge 5th Addition is submitted and further recommendation that any future phase of development include the remaining sanitary sewer easement needed to provide service to the area west of North Washington Street. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT – LOT 1, BLOCK 1, BLOTSKE SUBDIVISION

Chairman Yeager called for the public hearing on the rural residential lot split for Lot 1, Block 1, Blotske Subdivision. The property is located west of England Street between Burleigh Avenue and 48th Avenue SW (4110 England Street).

Ms. Wollmuth provided an overview of the request, stating that this request previously approved in 2007, however the owners were unable to comply with the conditions in the approval, specifically the requirement to improve the access to their parcels, then the adjacent property was platted and an access easement was provided to the applicant and adjacent landowners, including the following findings for the lot split:

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
3. The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.

4. The proposed rural residential lot split will not place an undue burden on existing Public services and facilities, provided access for the two new parcels is a shared access off England Street.
5. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on these findings, staff recommends approval of the rural residential lot split for Lot 1, Block 1, Blotske Subdivision.

Chairman Yeager opened the public hearing on the rural residential lot split for Lot 1, Block 1, Blotske Subdivision.

With there being no public comment, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to approve the rural residential lot split of Lot 1, Block 1, Blotske Subdivision. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE – PART OF LOT 2, BLOCK 1, MENARDS 2ND ADDITION

Chairman Yeager called for the public hearing on the zoning change from the P-Public zoning district to the CG-Commercial zoning district on part of Lot 2, Block 1, Menard's 2nd Addition. The property is located south of Calgary Avenue and along the west side of US Highway 83/State Street, directly adjacent to the north boundary of the existing outdoor storage yard (3300 State Street).

Mr. Tomanek provided an overview of the request, including the following findings for the zoning change:

1. The proposed zoning change would be compatible with adjacent land uses as it is an extension of an existing use. Adjacent land uses include a storm water detention facility with a multi-use trail to the north and commercial land uses to the west, south and east.
2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

Mr. Tomanek said based on these findings, staff recommends approval of the zoning change for part of Lot 2, Block 1, Menard's 2nd Addition.

Mr. Tomanek said some of the concerns he's received from neighboring properties are regarding the walking path and stormwater retention pond near the proposed site being compromised. Mr Tomanek stated that he'd spoken with Parks and Recreation Director Randy Bina. Mr Tomanek said that Director Bina indicated it is possible that the walking path will have to be closed for a few days in order to allow a retaining wall to be built to allow the expansion of the lumber yard area. This would be in order to protect anybody in the area from debris that could potentially fall and roll down onto the path.

Chairman Yeager opened the public hearing.

Scott Nuttelman with Menard, Inc. said the nature of the request is to rezone a small space in order to expand their lumberyard and help improve work flow and safety. He said a portion of the existing slope will be replaced with a retaining wall at least ten feet away from the walking path and any disruptions to the path and the pond should be minor. He added that they will coordinate with the City and the Parks and Recreation District to be sure of this.

With there being no further comments regarding this request, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to approve the zoning change from the P-Public zoning district to the CG-Commercial zoning district on part of Lot 2, Block 1, Menards 2nd Addition. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT – LOTS 1-8 and 27-28, BLOCK 73, MCKENZIE & COFFINS ADDITION

Chairman Yeager called for the public hearing on the proposed special use permit for Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition.

Ms. Wollmuth gave an overview of the request as well as the following findings on the special use permit:

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 use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place for the proposed special use.

6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures will be taken prior to occupancy to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.

Ms. Wollmuth said based on these findings, staff recommends approval of the special use permit for Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition with the following conditions:

- Operating hours are limited to 6:30am to 7:30pm, Monday through Friday.
- The special use permit is for the operation of a child care center and kindergarten, which is permitted under the R10 district; all other uses are prohibited.
- The number of clients enrolled within the child care center, including the kindergarten, shall be limited to 200.
- As Lots 27 and 28, Block 73, McKenzie & Coffins Addition are needed in order to comply with off-street parking requirements of 45-off street parking spaces for this facility, they must remain as a parking lot and cannot be developed or ownership transferred to another user.

Ms. Wollmuth then distributed comments received by the Planning Division. These are attached as Exhibit A.

Ms. Wollmuth said since the April 24th Planning and Zoning Commission public hearing, a neighborhood meeting was held on May 15th and changes to the variance request were made for the infant/toddler playground and a vehicle pick-up and drop-off area was in the included site plan.

Chairman Yeager opened the public hearing on the special use permit for Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition.

Commissioner Atkinson asked if a summary of the meeting could be given. Ms. Wollmuth said approximately 24 people attended including Al Roll and the applicant and the variance request as well as the parking issues were discussed.

Commissioner Selzler asked if any traffic counts have been done in the area. Ms. Wollmuth said no.

Chairman Yeager asked what the street width in the neighborhood is. Ms. Wollmuth said it is 30 feet.

Myka Miller said her concerns are regarding traffic on Ninth Street and Avenue F and that there have been numerous accidents in the past. She said all of the existing residents have parking issues as it is and she is concerned about what she has heard about reducing the street to only allowing parking on one side. She said even when the property operated as a church they experienced issues with traffic congestion and this change will only make that worse.

Evelyn Ziegler said she has lived there for 53 years and that it used to be a quiet area but it has turned into a race track. She said this has gotten worse since the spur and curve were installed on Boulevard Avenue. She said too much money has been spent on other things but this needs to be thought through further and not hurried. She feels people are being selfish in their decisions and not worrying about the children in the neighborhood enough and she feels widening the street would just make traffic worse.

Blaine Nordwall said he has tried on three separate occasions to figure out how this center would only employ 25 people and still meet the parking requirement. He said with allowing the 192 children they are estimating to have, 32 staff members would be needed and this raises three issues. The first is that the lot coverage for parking is limited to 40%, but over 70% of this particular project would be dedicated to parking. The second is that an outdoor space requirement of 75 square feet per child is in place and the proposal does not meet the ordinance that requires this. The third is that the ordinance also requires the application of landscape and a buffer yard, neither of which are in place or have plans. He then said the Commission does not have the authority to approve a project that does not comply with the requirements.

Amanda Davis said the neighborhood is already very busy with the high school students that come and go from the area. She said things like a sex offender living nearby, stray animals wandering loose, many car accidents, and kids all over the place make this an unsafe neighborhood to add more children and staff to and that they should seek a larger facility in a safer neighborhood.

Commissioner Selzler asked if she experiences high amounts of traffic all day long. Ms. Davis said yes, all day and all night, and the only open parking available is in the street.

Dawn Packard said her concerns are of the amount of noise that will come if the request is approved. She said they listen to the beeping of car doors being locked constantly and with the way the building is situated, all sounds resonate back towards their house.

Toni Ganje played a DVD for the Commission to show the high amount of traffic that is experienced in the area and the existing parking issues.

Doug Phelp said there is a provision in the ordinance that discourages traffic other than for regular uses and he has concerns of the safety of the building especially those issues related to asbestos and lead paint. He said he wants to know what adequate measures will be in place to control the traffic and urged the Commission to deny the request.

Nadine Phelp said she wants to bring attention to the safety issues involved as well as the integrity of the neighborhood. She said there are many retired people as well as young families living there and a business of this nature would adversely affect all of them. She submitted a list of signatures of those people opposed to the request and they are attached as Exhibit B.

TJ Corcoran spoke to the Commission and those in attendance and said he apologizes for the vast concerns he has raised with this request and he commends the people of the neighborhood for being so involved. He said they completed a similar project recently in Williston in the same type of neighborhood and he has obtained a letter from the City of Williston, attached as Exhibit C., which states they have maintained their agreement. He said as far as the staff requirements go, the ratio requirements change for before and after school care as well as a kindergarten, and

they would only need 25 staff members. He said the property actually allows them to occupy with 400 children, but they would never exceed 200. He added they would regularly be at only 90-93% occupancy because of the variables of having children out sick, on vacation, etc. He said most families have more than one child, which would reduce traffic as well as many on busses at one time so it would not necessarily add one vehicle per child to the traffic flow. He said at the most they would see about 20 cars come in 15 minutes and the on-site parking is more than sufficient. He said a landscape buffer is not currently required unless they change the existing parking arrangement and a state law was approved that the Department of Human Services cannot enforce the outside play space requirement if adequate indoor play space is provided and their intent is to have enough room inside per child to meet that requirement.

Commissioner Atkinson asked what kinds of commercial traffic will be brought in with this request. Mr. Corcoran replied that on a weekly basis they will receive food deliveries, but they will be instructed to use smaller vehicles like vans instead of large delivery trucks.

Al Roll said he is offended that anybody would think the church doesn't care about the welfare of the children involved or what the new use will be. If there are so many problems in the neighborhood then maybe those need to be addressed as well. He said he has a tremendous amount of respect for the planning staff as well as the Planning Commission. He submitted a letter on behalf of the church that is attached as Exhibit D.

Mr. Patience said he has met with the City's Traffic Engineer and he suggested adding a drop off area along 11th Street that would allow more space and help the traffic flow. He said the lot coverage was calculated incorrectly by Mr. Nordwall and it is not 77%.

Ms. Davis returned to say the applicant stated certain staff members would not be necessary, such as a nurse, but she feels with that many children in one area a nurse is necessary.

Skip Duemeland said all safety issues have been considered such as asbestos and lead testing and this location was suggested to the applicant because of the available parking. He noted that some people wait up to two years to get their children into a day care so the need is evident.

Kermit Culver has been the pastor at the church for 17 years and he said they do care about the kids and they want to encourage good kids and good Christians. He added they have been good neighbors to have in the area. He said everybody in every area has experienced an increase in local traffic.

Mr. Phelp returned to say there is a difference between the parking issue and the traffic issue and a real plan has not proposed to address either of them.

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

Commissioner Atkinson asked if the Planning Staff is comfortable with the parking arrangement. Ms. Wollmuth replied that they need to meet the requirement of 45 spaces.

Commissioner Schwartz said there are many day care facilities in Bismarck and asked if they experience any of these traffic issues. Ms. Wollmuth said that would be a question to ask the City Traffic Engineer.

Chairman Yeager asked if the planning staff has any comments regarding the parking or landscaping requirements. Ms. Lee said the current lot coverage requirement is 40% and while this site exceeds that requirement, the buffer yard requirement has not historically been applied when there is a re-use of a property that is not receiving any modifications.

Commissioner Armstrong asked what the actions are that will be taken after this meeting if it either passes or fails. Ms. Lee replied that if it passes then it is completed now. If it fails, the applicant has the right to appeal the decision to the City Commission within 10 days.

Commissioner Waldoch asked if after hour activities will be approved. Ms. Lee said it is up to the Commission to add that amendment in their motion if they think it is appropriate.

Commissioner Armstrong asked if it is possible to require this request be heard by the City Commission for a decision. City Attorney Charlie Whitman said there are no provisions that would allow that to happen.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit on Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition with the condition that all activities on the property take place during normal working hours. Commissioner Laning seconded the motion and it was denied with Commissioner Lee voting in favor of the motion and Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Selzler, Waldoch and Yeager opposing the motion.

MOTION: Commissioner Armstrong made a motion to deny the special use permit on Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition as stated in the staff report. Commissioner Waldoch seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Selzler, Waldoch and Yeager voting in favor. Commissioner Lee opposed the motion.

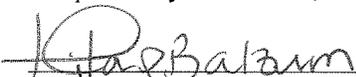
OTHER BUSINESS

There was no other business to address at this time.

ADJOURNMENT

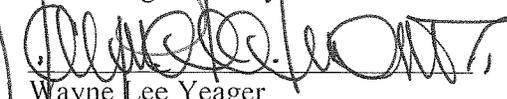
There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 7:37 p.m. to meet again on June 26, 2013.

Respectfully submitted,



Hilary Balzum

Recording Secretary


Wayne Lee Yeager
Chairman



Bismarck

Community Development Department

TO: Bismarck Planning and Zoning Commission

FROM: Jenny Wollmuth, Planner

RE: Written comments regarding the proposed special use permit (ordered by submittal date)

DATE: May 22, 2013

Chairman Yeager, Commissioners attached are written comments received by the Community Development department, Planning Division. These comments are in reference to the proposed special use permit to operate a child care center at 924 N 11th St.

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| 1. Nordwall Law Office (for)
Robert and Cynthia Graham
519 N. 10 th St.
Bismarck, ND 58501 | 8. Dion Fuhrman
1120 E. Ave. f
Bismarck, ND 58501 |
| 2. Gene Scherer
1015 N. 11 th St.
Bismarck, ND 58501 | 9. Richard Schlenker
1002 N. 11 th St.
Bismarck, ND 58501 |
| 3. Richard Schlenker
1002 N. 11 th St.
Bismarck, ND 58501 | 10. Charles Hall
915 ½ N. 11 th St.
Bismarck, ND 58501 |
| 4. Gene Scherer
1015 N. 11 th St.
Bismarck, ND 58501 | 11. Shawn Wenko |
| 5. Laura and Duane Johnson
915 N. 11 th St.
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809 N. 9 th St.
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The Corcoran School |



NORDWALL LAW OFFICE

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Bismarck,
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April 24, 2013

HAND DELIVERED

Bismarck Planning and Zoning Commission
PO Box 5503
Bismarck, ND 58506-5503

RE: Proposed Special Use Permit (Child Care Center) for 924 N 11th Street (Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition)

Dear Members of the Commission:

This letter is prepared on behalf of Robert and Cynthia Graham. The Grahams live at 519 N 10th Street, an address on Block 73, McKenzie & Coffins Addition. Due to their proximity to the requested special use permit, they received one of the "Dear Property Owner" letters sent on April 12.

The Grahams object to the grant of the requested special use permit, for these reasons:

1. The proposed parking is inadequate.
 - a. The "additional information" included with the staff report states that the "proposed daycare center will employ a maximum number of approximately 25 employees." That estimation, whatever its source, is inconsistent with the prescribed staffing for 200 children at N.D. Admin Code § 75-03-10-08, assuming winter usage when only pre-school children are present. A more realistic minimum number of staff during winter usage is 37.
 - b. The assumption of adequate off-street parking of one space for each two employees, and one space for each ten clients, may be reasonable during

hours when few children are being picked up or left for care. It is wholly unrealistic during the times when employed parents typically leave their children (7:30 a.m. to 8:30 a.m.) and pick up their children 4:30 p.m. to 5:30 p.m. At such hours parents will be obliged to park on the street.

2. The limited carrying capacity of all access streets will present traffic safety hazards:
 - a. During the during the typical "pick up and drop off times" (7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m.) these streets are already at their busiest, as local working householders leave for and return from work.
 - b. During winter usage, the typical pick up and drop off times occur during dusk or full dark, a factor which makes driving more challenging. It also makes pedestrians, especially children, harder to see.
 - c. On-street parking by local householders is common and lawful on the surrounding non-arterial streets. In warmer weather, the streets allow (but barely) two lanes of traffic. Winter weather often presents significant obstacles to passage in two lanes.
 - d. All parking spaces, except the diagonal parking on 11th Street) is accessible from the north/south alley bisecting Block 73. That alley is currently a narrow, badly rutted and poorly graveled road. It is insufficient for current traffic.
 - e. The special use would, by increasing traffic and, invariably, noise, disturb the quiet enjoyment of the property of neighboring householders.

The proposed special use fails to meet the requirements for issuance of a permit, in that:

- It will adversely affect the public safety and general welfare;
- It will be detrimental to the use of adjacent properties; and
- Measures taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic are woefully inadequate.

Respectfully submitted, by



Blaine L. Nordwall
Bar ID no. 03424

c. R. and C. Graham

Community Development

From: Gene [REDACTED]
Sent: Wednesday, April 24, 2013 6:06 PM
To: cobplan@nd.gov
Subject: property 924 N 11th St

I have no objection to the proposed street sizing IF I don't have to pay taxes for that. If I am taxed for that, I object.

People come racing down 11th street all times of the day. Caution will be necessary.

Wollmuth, Jenny L.

From: Kim Lee <klee@nd.gov>
Sent: Thursday, April 25, 2013 9:46 AM
To: Wollmuth, Jenny L.
Subject: FW: Online Form Submittal: Mayor -- Planning Commission -- Day Care Special Use Permit

Kim L. Lee, AICP
Planning Manager
Community Development Department
701.355.1846
www.bismarck.org

From: Kim Bohrer [mailto:kbohrer@nd.gov]
Sent: Thursday, April 25, 2013 9:14 AM
To: Mayor Warford
Cc: Charlie Whitman; Bill Wocken; 'Hunke, Keith J.'; 'Hokenstad, Carl D.'; Kim Lee; Gloria David; Ziegler, Ray J.
Subject: FW: Online Form Submittal: Mayor -- Planning Commission -- Day Care Special Use Permit

John:

This is in response to last night's Planning Commission meeting Agenda Item 13 (Special Use Permit for Day Care).

Kim

Kimberla Bohrer
Legal Assistant
CITY OF BISMARCK
PO Box 5503
Bismarck ND 58506-5503
kbohrer@nd.gov
Phone: 701.355.1344
Fax: 701.222.8121

From: [REDACTED]
Sent: Thursday, April 25, 2013 8:34 AM
To: kbohrer@nd.gov; gdavid@nd.gov
Subject: Online Form Submittal: Mayor

If you are having problems viewing this HTML email, click to view a [Text version](#).

Mayor

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions and suggestions for making Bismarck an even better place to live. **This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.**

City of Bismarck

221 N 5th Street

PO Box 5503

Bismarck, ND 58506-5503

Phone: 701-355-1300

Fax: 701-222-6470

First Name* Richard

Name*

Last Name* Schlenker

Address 1: 1002 N 11th St.

Address 2:

City Bismarck

State ND

Zip Code 58501

Email* [REDACTED]

Phone [REDACTED]

Number

Fax

Number

Comments* Mr. Mayor, I'm sending you the e-mail with concerns of the proposed day care at 924 N 11th st in the old Legacy Methodist church. I was unable to attend the meeting last night but did get to watch it and I'm opposed to this permit being granted for several reasons but the TRAFFIC is the main reason, these streets are not designed for this amount and will cause hardship for all the residents in this area, myself included. Please do not grant this permit!!!

* indicates required fields.

The following form was submitted via your website: Mayor

First Name: Richard

Last Name: Schlenker

Address 1: : 1002 N 11th St.

Address 2::

City: Bismarck

State: ND

Zip Code: 58501

Email: [REDACTED]

Phone Number: [REDACTED]

Fax Number:

Comments: Mr. Mayor, I'm sending you the e-mail with concerns of the proposed day care at 924 N 11th st in the old Legacy Methodist church. I was unable to attend the meeting last night but did get to watch it and I'm opposed to this permit being granted for several reasons but the TRAFFIC is the main reason, these streets are not designed for this amount and will cause hardship for all the residents in this area, myself included. Please do not grant this permit!!!

RECEIVED

APR 26 2013

Gene

From: "Gene" [REDACTED]
Date: Thursday, April 25, 2013 1:25 PM
To: "cobplan@nd.gov."
Subject: property at 924 Eleventh St.

I just learned that I will be taxed for this work. I live at 1015 N. 11th St. My name is Gene Scherer. I pay the taxes for this property.

If it is true that I will be taxed for work done for an organization, I protest the move.

If that organization need these changes why cant they pay for the work they request

NO MORE TAXES. I live on Social Security. I have very little other income to pay for those taxes, house insurance, car insurance, heat and lights. The city leaders have no regard for the older retired people who worked at their labors to save for their retirement but in no way was that savings near todays higher living standards. Retirement programs didn't come in to effect around here until I had already put in 30 years of work and retiring with 47 years of employment at the same firm.

I placed my home in the name of my children so I could live in this home without having the county paying for my stay at a rest home. I am 84 yrs of age. The Civic Center addition will be charged to us in time. The schools may be needed but who will pay for that terrific additional expense that is concealed at the present. Teachers wages, sports will get fancy buses, uniforms, so many things that are needed and not considered to expose them to the public. etc.

Gene Scherer
1015 N.11th St.
Bismarck, N.D. 58501.

April 25, 2013

We are writing with concern about the proposed 'daycare/school' in our neighborhood at 924 N 11th Street.

We are VERY concerned about the activity and increased traffic that this organization will create. We have lived and owned our property in this neighborhood longer than any other property owner on our block. We can attest to the changes in street parking/traffic over the years, with over half of the properties having rental units. This can account for as many as 2-3 vehicles per unit, parking on both sides of the street. This street is a very narrow street and with vehicles parked on both sides of the street, it only allows 1 lane for traffic. It gets very difficult when trying to enter or exit a driveway or to find a place to park on the street, especially before and after work hours when people are trying to get to work or return home from work. Eleventh Street is also the last exit for people traveling west on Boulevard Avenue before you enter State Street, which generates even more traffic. As for the winter months, added snow to the already tight conditions makes traveling on this street nearly impossible, without having extra vehicles moving back and forth.

If this project proceeds, the traffic will be increased immensely with the number of people dropping off and picking up upwards of 200 children. The traffic plan that was presented would be great if it were followed, but as we all know people in cars with children do not always follow 'THE' plan. I have personal experience in this matter and parents will do whatever suits them, including parking in any angle, stopping on the wrong side of the street, double parking, parking in NO PARKING zones and just about anything you can imagine. Also, there aren't any traffic control signs between Boulevard Avenue and Avenue C, which will leave the entire area in a dangerous situation. These intersections already are precarious with normal traffic, let alone increased usage. There will be problems with vehicles trying to move either direction up or down the entire street, not just on the 900 block of 11th street. It is also our understanding that it would not only be a traffic problem during regular work hours, but into the evening if they will operate until 7:30 PM.

In following the meetings, mention was made about Bismarck growing and the demand for daycare increasing, as is happening all over North Dakota. You may also remember that some neighborhood schools are/have been closed or 'reassigned' in the past few years. These moves would lead us to believe that the daycare centers should also be in the outer areas where the population is moving and schools are being built. At least those areas are being set up for the increased activity and traffic.

We are also concerned about our property values dropping, because the family neighborhood appearance will be lost and a hectic "business" atmosphere will be created. Being the longest continual residents on this block, we have worked hard to nurture the area and have spent a lot of money on our 'life time investment'. Please stop and think how it would affect you, your family, and neighborhood being put in this position.

Please do not allow this project to cause turmoil to our neighborhood unnecessarily. This area is not conducive to such a project for all of the above reasons.

Laura & Duane Johnson

915 N 11th Street

Bismarck, ND

Dear Commissioner,

Thank you for your service to the community, and I appreciate you reading my thoughts about what is happening in my neighborhood. I live less than 100 yards from a beautiful church that has nice trees and occasionally flowers. I can see it from my yard I also look out my front window and can see it along with the rest of the overcrowded and to close homes with tiny yards. I don't want to see more fences put up and especially one that I have to look at all the time and will impede my view of intersection when I want to drive thru my neighborhood. I don't think that this is something that you would want in your front yard so please don't rubber stamp something and let this divide my neighborhood.

Allowing the church to operate a facility that would eventually include more than 100 people and possibly 200 plus is not fair to me or my neighbors for us to take on the burden of the traffic and use of my neighborhood that is residential and not intended for commercial purposes which this is what the daycare facility would be because a corporation would profit. It does absolutely no good at all for anyone in the neighborhood. I would encourage them to put it in a more spacious area or suburb that has room for that type of DEVELOPMENT. (not in my front yard please)

It is UNFAIR to the people that live here and are property owners and property tax payers. I would suggest if the community wants to make more money to start collecting some taxes from the SLUMLORDS in the neighborhood that have 2 and 3 bedroom houses but they rent them out to college kids and families that have way more vehicles than what a neighborhood this size has room for parking or traffic. The added income of them collecting the income they should be getting because the home owner now rents out the home and does not live there brings in income for them and HASSLE for me because now there are 4 and 5 vehicles plus parking where what used to be a single family. A lot of money that these slumlords are collecting and not reporting that could be a better source of income for the development department rather than penalize the home owners that want to be a part of downtown and be able to live in home without having BUSINESS running in my front yard all week long as opposed to one week in the summertime.

The plows used to come here hours after a snowstorm, now it is days before they get to our neighborhood because of the suburbs that get the attention first. This will be an even bigger problem in the winter season which is going to be upon us again shortly and cause all sorts of traffic problems. It is a serious issue that I hope you take serious and help support us by not allowing this tragedy to happen.

The traffic and hours of operation are not user friendly for the people that live here and work shift work. The traffic now during daylight is very speedy and not what it used to be so adding more traffic does not help.

924 north 10th street First United Church Kenneth J. Klekamp
May 16th and May 22nd

I would encourage you and ask for your support to help keep my neighborhood a place without fences and let's take them down not put more up in spaces that were not intended to have them. SAVE MY NEIGHBORHOOD. Thank you Dion F.

Wollmuth, Jenny L.

From: Hokenstad, Carl D.
Sent: Tuesday, April 30, 2013 10:37 AM
To: Wollmuth, Jenny L.
Subject: FW: Online Form Submittal: Mayor -- Fencing Opposition

Carl Hokenstad, AICP
Director, Community Development Department
City of Bismarck
701-355-1840
chokenst@nd.gov

Bismarck

From: Kim Bohrer [<mailto:kbohrer@nd.gov>]
Sent: Tuesday, April 30, 2013 8:54 AM
To: Mayor Warford
Cc: Whitman, Charles C.; Wocken, William C.; Hunke, Keith J.; Hokenstad, Carl D.; Ziegler, Ray J.; David, Gloria A.
Subject: FW: Online Form Submittal: Mayor -- Fencing Opposition

Good Morning:

If I can be of assistance in this matter, let me know.

Kim

Kimberla Bohrer
Legal Assistant
CITY OF BISMARCK
PO Box 5503
Bismarck ND 58506-5503
kbohrer@nd.gov
Phone: 701.355.1344
Fax: 701.222.8121

From: [REDACTED]
Sent: Monday, April 29, 2013 4:34 PM
To: kbohrer@nd.gov; [gdavid@nd.gov](mailto:g david@nd.gov)
Subject: Online Form Submittal: Mayor

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Mayor

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy

to respond to your comments, questions and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.

City of Bismarck

221 N 5th Street

PO Box 5503

Bismarck, ND 58506-5503

Phone: 701-355-1300

Fax: 701-222-6470

First Name* dion

Name*

Last Name* fuhrman

Address 1: 1120 east ave F

Address 2:

City bismarck

State ND

Zip Code 58501

Email*

Phone

Number

Fax

Number

Comments* Please say and VOTE NO to putting up FENCES at the church on 924 north 11th street at the meeting this month on the 16th and the 22nd. It would be in my neighborhoods best interest and the rest of the comunity to TAKE FENCES down not put up more and espically in a residential area. The intersection is not exactly traffic friendly for having a fence and i personally dont want to look at another ugly chain link fence IN MY FRONT YARD every day. I consider this my front yard because i can SEE and HEAR the church from my front window. By allowing the church to make or sell or whatever the plan is that everyone is affraid to tell me into a BUSINESS and let me have traffic EVERYDAY from morning till evening is in my opinion a very very sad day. PLEASE dont let this happen in my neighborhood I have lived and paid property taxes here since the early 1990's. I dont have the means or the ways to move to the suburbs but if i could it would be nice and then i wouldnt be opposed to dumping my problem on some other neighborhood because i feel like that is what is happening now. The streets and the area does not need the extra traffic. I dont want to be burdened by the extra street and crosswalk repairs and lights that will undoubtedly be needed. Thanks for your VOTE NO to turning my neighborhood into a FOR PROFIT SCHOOL/ DAY CARE or whatever they want to use to justify getting around an ordinance meant for stay at home mom's to have a day care in my neighborhood. Thank you Dion F

* indicates required fields.

Wollmuth, Jenny L.

From: Commmunity Developement <cobplan@nd.gov>
Sent: Tuesday, April 30, 2013 12:22 PM
To: Wollmuth, Jenny L.
Subject: FW: dont put up more fencing in my neighborhood TAKE FENCES DOWN <Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Doug Lee, Ken Selzer, Mike Schwartz, Lisa Waldoch, John Warford, Wayne Yeager>
Attachments: commissioners.docx

From: Dion Fuhrman [REDACTED]
Sent: Tuesday, April 30, 2013 12:20 PM
To: cobplan@nd.gov
Subject: dont put up more fencing in my neighborhood TAKE FENCES DOWN <Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Doug Lee, Ken Selzer, Mike Schwartz, Lisa Waldoch, John Warford, Wayne Yeager>

Less fencing in neighborhoods especially ones that are not pretty to look at everyday or in front yard and will affect the intersection traffic. Please read attatchment. Would you want this in your front yard? or less than 100 yards from your windows? Everyday of the week all year long? If you would please tell me why and give me some good reasons for it.

924 Nth 10th street First United Methodist Church/legacy NO FENCES and NO 200 student daycare facilities
PLEASE Dont push this on my neighborhood and small streets that will eventually need to be widened and maintained to accomidate this type of a business.

Community Development

From: [REDACTED]
Sent: Monday, May 13, 2013 8:21 PM
To: cobplan@nd.gov
Subject: Daycare at 924 N 11th St

Community Development Department:

I'm sending this e-mail to tell you I'm Very Much In OPPOSITION to the proposed Daycare at 924 N 11th St.

My property is directly across the street at 1002 N 11th, my garage is on Ave. F

I have 3 points to address. 1- Traffic will be a big hassle I don't need hassle at this point in my life, I bought this property 3 years ago and planned to have a nice neighborhood to retire in, Well if you grant this special use permit it won't be the nice neighborhood I planned on, people will be using my driveway to turn around in causing more work for me when its covered with snow, and I know that the Daycare surely won't come over and help with the snow removal. 2. Traffic safety, the area by the Daycare just doesn't have enough parking for the employees 25-37 workers as told by Swenson & Hagens spokesman, so where will they park? on the street! Very unsafe due to the narrow streets. 3 Noise 6:30 am to 7:30 pm 5 days a week no down time for anyone in the immediate area.

PLEASE LISTEN TO THE PEOPLE OF THIS NEIGHBORHOOD IF YOU REALLY CARE ABOUT THE QUALITY OF OUR LIFE. DO NOT GRANT THIS PERMIT GIVE THEM AN ALTERNATIVE, LIKE RIVERSIDE SCHOOL OR THE BAPTIST HOME WHERE THEY WILL HAVE ROOM AND FACILITIES FOR THEIR LEARNING CENTER!

Respectively Yours

Richard W Schlenker

1002 N 11th St.

May 13, 2013

I am writing about the daycare that is supposed to be moving to 924 N 11th Street.

I am very concerned about the traffic and extra congestion that this will cause. I have lived at 915 ½ N 11th Street for 8 years. Because there is a lot of rental property on this street, the street is usually packed with cars on both sides. This street is very narrow and most of the time there is only 1 lane for traffic. You have to hope there is a little room so you can pull over to wait for oncoming cars because there isn't room for 2 cars to pass each other. Because it is narrow and because of the cars parked in the street, my vehicle parked in front of my house has been hit, run into and backed into 3 times. Two of the 3 times were hit and run, so I could never even collect from insurance. Also, in the winter the snow and snow piles from the plows makes driving and parking on this street very difficult. Because it is so narrow, more vehicles would make it even worse.

Please think about this before you decide to make it even more trouble for those of us who have to park on the street and try to go to work through all of the traffic.

Charles Hall

915 ½ N 11th Street

Bismarck, ND

Williston

Area Development Foundation

Bismarck Planning and Zoning
Attn: Planning and Zoning Commission
P.O. Box 5503
Bismarck, ND 58506-5503

May 15, 2013

To Whom It May Concern:

My name is Shawn Wenko, Assistant Director for the Williston Area Development Foundation in Williston. I am writing you in support of the proposed development of the Corcoran School in Bismarck.

I met T.J. Corcoran and the representatives of Kenneth J. Klekamp, Inc. in late 2011. They utilized our Development Foundation's Star Fund low interest buy down (Flex Pace) program towards the purchase of an existing church in the heart of a residential district in the city.

The Corcoran School has since turned into a premier child education facility in our community. Children are provided with a well-rounded daily curriculum that includes: Science, sensory, art and creative development, music and movement development, computers, math and language development, dramatic play and imagination development. Corcoran's staff is well-trained and educated.

Subsequently, I have worked with T.J. Corcoran on various aspects of childcare expansion/improvement on the local and state level. Corcoran's knowledge of the industry is exceptional as he knows what it takes to create and sustain a quality child development environment.

During the planning and zoning process of this facility we experienced the same issues and concerns from surrounding residents (traffic congestion, noise and parking) as your community is facing. I can assure you these concerns are well addressed and to my knowledge we have received no complaints since Corcoran has been in operation.

In an office where we logged over 1,500 developer contacts in 2012, we could count on two hands the qualified developers whom have the financial backing, experience and sense of community that we would like to see develop our town. T.J. Corcoran and his partners are one of them.

As an advocate for the Corcoran School, I invite anyone who may have concerns to visit Williston and tour the Corcoran facility and surrounding neighborhood.

If you have any further questions, please don't hesitate to contact me via e-mail or phone.

Best Regards,



Shawn Wenko
Assistant Director, Williston Area Development Foundation

[Redacted signature block]



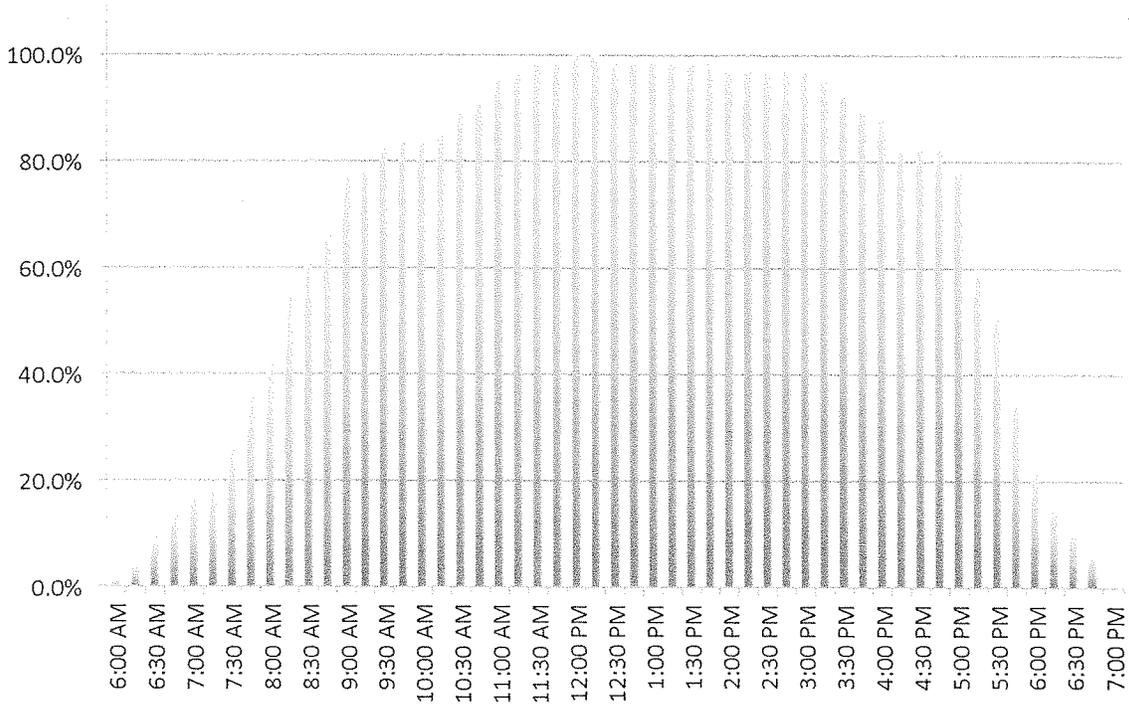
TOTAL VEHICLE ESTIMATE

Max "licensed" Capacity		200	200
Max "actual" enrollment	93 to 90%	186	180
due to inherent enrollment inefficiencies (family vacations, illnesses, enrollment gaps, etc.)			
(less) Families with Multiple Children	15 to 20%	28	36
(less) Children of our Teachers	5 to 7%	9	13
(less) Afternoon only children	10 to 15%	19	27
(less) before/after school children via bus dropoff	10 to 15%	19	27
TOTAL PROJECTED NUMBER OF VEHICLES		112	77

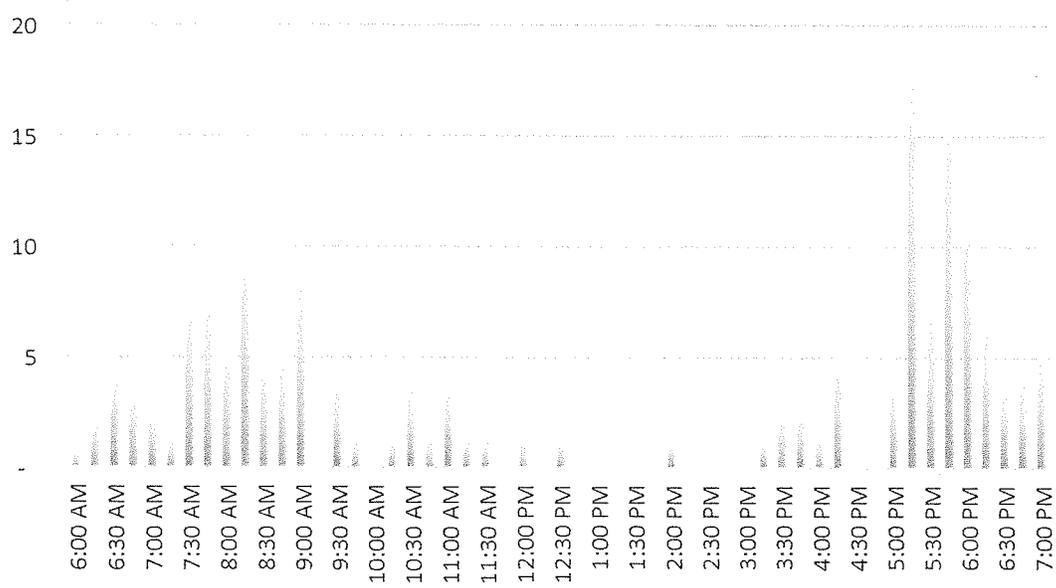
note: max "actual" enrollment will likely take 18 to 24 months to achieve

Drop-off times average 3-5 minutes

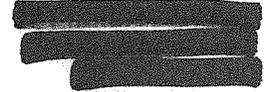
Typical Attendance Distribution by Hour



Student Drop-Off Traffic by Hour (average 3-5 minute stop)



RECEIVED
MAY 16 2013



May 15, 2013

Bismarck Planning
and Zoning Commission
221 N. 5th Street
Bismarck, ND 58501

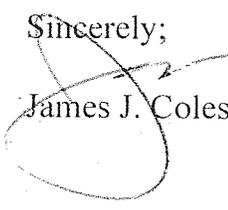
Re: Legacy United Methodist Church

I live at 809 N. 9th Street and I consider myself to be within the area that would be impacted by the special use permit being requested by the Corcoran School for a child care facility on the church property at north 11th Street.

It is my understanding that a request has been made for a 200 child facility on the church property. I would object to such as permit for the following reasons. First, the streets surrounding the church simply are not designed for that volume of additional vehicle traffic on a daily basis. The streets are relatively narrow and there are a large number of vehicles parked on the street by residents and by others who already come to that part of town. This additional traffic places a greater burden on a neighborhood that already has high traffic volume because of the proximity to Bismarck High and the one-ways at 7th and 9th.

Second, I believe there would be a real safety issue with the drop-off and pick-up of the child at that location. It is difficult for me to envision how 200 additional vehicles, all arriving at the same time, could safely let a child out of the vehicle at a safe location. The only other alternative is for each parent to park their vehicle and escort their child to the school. In that case, where will they park? This wasn't an issue for the church because their traffic was on weekends when other traffic was naturally reduced. The proposed school traffic would have to go head-to-head with all the other weekday traffic, including all the students who drive to Bismarck High.

Sincerely;


James J. Coles

RECEIVED

MAY 20 2013

NORDWALL LAW OFFICE

723 North 2nd. Street
Bismarck,
North Dakota 58501

[REDACTED]
[REDACTED]
[REDACTED]

May 18, 2013

Bismarck Planning and Zoning Commission
PO Box 5503
Bismarck, ND 58506-5503

RE: May 22, 2013 Meeting, Agenda item 12, Proposed Special Use Permit (Child Care Center) for 924 N 11th Street (Lots 1-8 and 27-28, Block 73, McKenzie & Coffins Addition)

Dear Members of the Commission:

This letter is prepared on behalf of Robert and Cynthia Graham. The Grahams live at 915 N 10th Street, an address on Block 73, McKenzie & Coffins Addition. Due to their proximity to the requested special use permit, they received a "Dear Property Owner" letters sent on April 12.

The Grahams objected to the grant of the requested special use permit at your April 24 meeting, and continue to object, for the reasons provided on April 24, and for these additional reasons:

1. Bismarck City Ordinance sec. 14-04-06, R10 Residential District, provides, in relevant part:

In any R10 residential district, the following regulations shall apply:

1. * * *

6. Lot coverage. The ground area occupied by the principal and accessory buildings shall not exceed forty (40) per cent of the total area of the lot. In computing lot coverage, off-street parking areas complying with Section 14-03-10 hereof shall be added to the actual area of the buildings, if such parking space is not furnished within a building.

Emphasis added.

The church building, per a site description in the Staff Report, is 18,000 square feet in size. However, the footprint of the building totals about 9,500 square feet. Lots 1-8 are each (approximately) 25x140 feet, or 3,500 square feet per lot, and a total of 28,000 square feet. Lots 27-28 (each also (approximately) 25x140 feet), are 3,500 square feet per lot. The total site (all ten lots) is no greater than 35,000 square feet. (The Staff Report identifies the "project size" as "77,400 sf." That is not correct.)

The site plan includes approximately 16,500 square feet devoted to parking. The (approximately) 9,500 square feet occupied by the building, when added to total parking, is equal to approximately 77.1 per cent of the total size of all ten lots (9,500 square feet + 16,500 square feet = 26,000 square feet; $26,000 \div 35,000 = .771429$).

Whatever the exact footprint of the building and parking areas, it is beyond question that this building, plus the "off-street parking areas complying with Section 14-03-10" cover far in excess of the 40 per cent limit. The building was originally erected as a church, and the parking areas were originally used a church parking. These are nonconforming uses that may not be subject to this lot coverage limit, per Bismarck City Ordinances sec.14-03-09. But sec.14-03-09 (6) provides:

6. Nonconforming Use-Change. A nonconforming use may be continued in accordance with the provisions of this section, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

Emphasis added.

Klekamp proposes to abandon the existing nonconforming use, and must seek a certificate of occupancy for an entirely different and new use of the property. To do so, Klekamp must conform to the current requirements applicable to new uses in an R-10 Zone. To meet the lot coverage requirements without reducing the size of the buildings, Klekamp must limit the parking on Lots 1-8 to approximately 1600 square feet, and the parking on Lots 27-28 to approximately 2,800 square feet (40% of 7,000 square feet equals 2,800 square feet).

2. The proposed child care center does not include sufficient recreation space for 200 children.

- a. The meeting packet document attached as item No. 12, immediately behind the Staff report, as "Section 14-03-08(4)(r) of the City Code of Ordinances" is not an accurate copy of Ordinance No. 5958, as passed.
- b. In particular, the provisions of City Ordinance No. 5958, adopted effective May 8, 2013, amends sec. 14-03-08 (4)(q)(2), concerning "special uses" by child care centers, to provide:

2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, and have a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility is intended to serve, and must be located behind the building setback lines..

Notably, and unlike a similar outdoor recreation area requirement in North Dakota Child Care center licensing rules at N.D Admin. Code 75-03-10-19 (2) this ordinance does not include a provision permitting a child care center, with insufficient outdoor recreational area for its licensed capacity, to schedule use by smaller groups or classes.

Klekamp has proposed a facility with a capacity of 200 children. Under Ordinance sec. 14-03-08 (4)(q)(2) such a facility requires an outdoor recreation area of 15,000 square feet. On a group of eight lots comprising 28,000 square feet, with a building and parking area occupying approximately 19,100 square feet, the remaining area is insufficient to establish any compliant outdoor recreation space, let alone to erect the required fence within any required building setback lines.

3. During its May 16 meeting, the Board of Adjustment did not approve building setback variances requested by Klekamp to allow 15, rather than 25, foot setbacks on the north and east sides of the building. (Should it so choose, Klekamp may yet appeal the decision of the Board of Adjustment.)

The fundamental and inescapable problem with Klekamp's proposed child care center is that it has chosen a location that is far too small for such a 200-child facility.

Respectfully submitted, by



Blaine L. Nordwall
Bar ID no. 03424

c. R. and C. Graham
David Patience, Swenson, Hagen & Company
Skip Dumeland, Dumeland's Commercial Properties
T. J. Corcoran, Corcoran Schools

Community Development

From: T.J. Corcoran [REDACTED]
Sent: Monday, May 20, 2013 2:18 PM
To: cobplan@nd.gov
Subject: City of Bismarck Planning & Zoning re: The Corcoran School
Attachments: administrator@ci.williston.nd.us_20130516_092726.pdf

Please find attached a letter regarding the proposed childcare center at 924 n. 11th. The hearing is scheduled this Wednesday.

Thank you

T.J. Corcoran
[REDACTED]
[REDACTED]

Williston

Area Development Foundation

Bismarck Planning and Zoning
Attn: Planning and Zoning Commission
P.O. Box 5503
Bismarck, ND 58506-5503

May 15, 2013

To Whom It May Concern:

My name is Shawn Wenko, Assistant Director for the Williston Area Development Foundation in Williston. I am writing you in support of the proposed development of the Corcoran School in Bismarck.

I met T.J. Corcoran and the representatives of Kenneth J. Klekamp, Inc. in late 2011. They utilized our Development Foundation's Star Fund low interest buy down (Flex Pace) program towards the purchase of an existing church in the heart of a residential district in the city.

The Corcoran School has since turned into a premier child education facility in our community. Children are provided with a well-rounded daily curriculum that includes: Science, sensory, art and creative development, music and movement development, computers, math and language development, dramatic play and imagination development. Corcoran's staff is well-trained and educated.

Subsequently, I have worked with T.J. Corcoran on various aspects of childcare expansion/improvement on the local and state level. Corcoran's knowledge of the industry is exceptional as he knows what it takes to create and sustain a quality child development environment.

During the planning and zoning process of this facility we experienced the same issues and concerns from surrounding residents (traffic congestion, noise and parking) as your community is facing. I can assure you these concerns are well addressed and to my knowledge we have received no complaints since Corcoran has been in operation.

In an office where we logged over 1,500 developer contacts in 2012, we could count on two hands the qualified developers whom have the financial backing, experience and sense of community that we would like to see develop our town. T.J. Corcoran and his partners are one of them.

As an advocate for the Corcoran School, I invite anyone who may have concerns to visit Williston and tour the Corcoran facility and surrounding neighborhood.

If you have any further questions, please don't hesitate to contact me via e-mail or phone.

Best Regards,

Shawn Wenko
Assistant Director, Williston Area Development Foundation

[REDACTED]
[REDACTED]

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

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NAME:	ADDRESS:	DATE:
<u>Tammy Hoge</u>	<u>905 E. AVE E</u>	<u>5/19/13</u>
<u>Jane Paul</u>	<u>1014 N 10th St</u>	<u>5/19/13</u>
<u>Dorinda Anderson</u>	<u>915 E AVE E, #11</u>	<u>5-20-13</u>
<u>Guy McDonald</u>	<u>909 N. 11th St.</u>	<u>5-21-13</u>
<u>Kandice Patten</u>	<u>1101 E Ave E</u>	<u>5/21/13</u>
<u>Kris Helen Dages</u>	<u>1101 E Ave E</u>	<u>5-21-13</u>
<u>Joni Baye</u>	<u>929 N 11th St</u>	<u>5-21-13</u>
<u>Robert Graham</u>	<u>915 N 10th St</u>	<u>5/21/13</u>
<u>Krista Dantz</u>	<u>908 N 11th St</u>	<u>5-21-13</u>
<u>Shonda Dantz</u>	<u>908 N 11th St.</u>	<u>5-21-13</u>
<u>Pauline Christensen</u>	<u>1104 AVE E</u>	<u>5-21-13</u>

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NAME:	ADDRESS:	DATE:
<u>Nichole Volesky</u>	<u>1507 E. Blvd Ave. Bis.</u>	<u>5/18/13</u>
<u>John Beatto</u>	<u>815 N 10th St Bismarck</u>	<u>5/18/13</u>
<u>Josh Bechtel</u>	<u>1507 E Blvd Ave Bis</u>	<u>5/18/13</u>
<u>Eric Mathis</u>	<u>722 N. 10th St</u>	<u>5-18-13</u>
<u>Mark Munkel</u>	<u>722 N 10th St Bis</u>	<u>5-18-13</u>
<u>David Schmitz</u>	<u>1010 E Ave E Bis</u>	<u>5/19/13</u>
<u>Jim</u>	<u>809 - N. 5th St. Bis.</u>	<u>5/20/13</u>
<u>Suzanne D. Betz</u>	<u>809 - N 9th St Bis.</u>	<u>5/20/13</u>
<u>Bernie Ester</u>	<u>805 N. 9th St, Bis.</u>	<u>5/20/13</u>
<u>Mark J. Jaffe</u>	<u>723 N 9th St. Bis</u>	<u>5/20/13</u>
<u>Steve Jaffe</u>	<u>823 N. 9th St Bis</u>	<u>5/20/13</u>

TO: Bismarck Planning and Zoning Commission

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NAME:	ADDRESS:	DATE:
<u>Alan R Brown</u>	<u>1001 N 11th</u>	<u>5/17/13</u>
<u>Charlene Heer</u>	<u>919 N. 10th</u>	<u>05/17/13</u>
<u>James Roth</u>	<u>908 North 10th</u>	<u>05-18-13</u>
<u>Karen Miller</u>	<u>828 N 10th St</u>	<u>05-18-13</u>
<u>Susan Quinnell</u>	<u>905 N 9th St</u>	<u>5/18/13</u>
<u>Mike Rippen</u>	<u>918 N. 9th St</u>	<u>5/18/13</u>
<u>Adam Miller</u>	<u>902 E AVE F</u>	<u>5/18/13</u>
<u>Sylvia Schmidt</u>	<u>930 N. 8th St</u>	<u>5/18/13</u>
<u>Ronald L. Schmidt</u>	<u>930 N. 8th St</u>	<u>5/18/13</u>
<u>Dean Vorpeint</u>	<u>1002 N 8th St</u>	<u>5-18-13</u>
<u>Diane Schaeffer</u>	<u>713 East Av. F.</u>	<u>5-18-13</u>

TO: Bismarck Planning and Zoning Commission

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NAME:	ADDRESS:	DATE:
<u>Cynthia Graham</u>	<u>915 N 10th St.</u>	<u>5/17/13</u>
<u>Arlene Araver</u>	<u>902 N. 10th St</u>	<u>5-17-13</u>
<u>Bob J. Mc</u>	<u>908 N. 10th St</u>	<u>5-17-13</u>
<u>[Signature]</u>	<u>906 N. 11th St</u>	<u>5/17/13</u>
<u>Christina Schneider</u>	<u>906 N 11th St</u>	<u>5/17/13</u>
<u>Diana W. Ormer</u>	<u>923 LV 9</u>	<u>5/17/13</u>
<u>Thomas A. Kuebbel</u>	<u>911 - Ave F.</u>	<u>5/17/13</u>
<u>Lay L. Kuebbel</u>	<u>911 - E Ave F</u>	<u>5/17/13</u>
<u>[Signature]</u>	<u>906 E. Ave F</u>	<u>5/17/13</u>
<u>Heidi Meluh</u>	<u>1001 N 8th St</u>	<u>5/17/13</u>
<u>Pat Johnson</u>	<u>910 N 8th St</u>	<u>5-17-13</u>

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NAME:	ADDRESS:	DATE:
<u>PAOLA BROOKS</u>	<u>706 E AVE E</u>	<u>5/17/2013</u>
<u>Terry Hulme</u>	<u>901 N 8th St</u>	<u>5/17/13</u>
<u>MARIE BOEMMICH</u>	<u>320 N 13th St</u>	<u>5-17-13</u>
<u>Jean Wilson</u>	<u>712 N 20th St</u>	<u>5-17-13</u>
<u>Ruby Jones</u>	<u>902 N 10th St</u>	<u>5-17-13</u>
<u>Kelly Jean Hanlon</u>	<u>1121 N 1st St Apt 9</u>	<u>5-17-13</u>
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
<u>Julie Tello</u>	<u>905 N 10th St</u>	<u>5-17-13</u>
<u>Robert Thompson</u>	<u>8802 Apple Creek Rd</u>	<u>5-17-13</u>
<u>David Thompson</u>	<u>8802 Apple Creek Rd</u>	<u>5-17-13</u>
<u>Mahmoud Elshahhat</u>	<u>7715 41st St, NE</u>	<u>5-17-2013</u>
<u>Bea Webster</u>	<u>7715 41st St NE</u>	<u>5-17-2013</u>

TO: Bismarck Planning and Zoning Commission

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NAME:	ADDRESS:	DATE:
<u>Allen Schaeffer</u>	<u>713 E ave F</u>	<u>05-18-13</u>
<u>Shirley Olson</u>	<u>931 N 10th St</u>	<u>5-18-13</u>
<u>Bruce Daltre</u>	<u>901 N 10 10</u>	<u>5-18-13</u>
<u>Janette Rehberg</u>	<u>1011 E ave E</u>	<u>5/18/13</u>
<u>Mary J Adams</u>	<u>821 N 10th ST</u>	<u>5/18/13</u>
<u>Araceli Hernandez-Miller</u>	<u>812 N. 11th</u>	<u>5/18/13</u>
<u>Aileen Miller</u>	<u>812 N. 11th St.</u>	<u>5-18-13</u>
<u>Mary Ann Bohren</u>	<u>811 N 10th St</u>	<u>5-18-13</u>
<u>Lisa Bohren</u>	<u>805 N 10th St</u>	<u>5/18/13</u>
<u>Bill Bohren</u>	<u>805 N 10th St.</u>	<u>5/18/13</u>
<u>Cheryl Bechtel</u>	<u>813 N 10th St</u>	<u>5-18-13</u>

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NAME:	ADDRESS:	DATE:
<u>Paul Schell</u>	<u>1002 N 11th St</u>	<u>5-21-13</u>
<u>Kirsten Brunner</u>	<u>1008 E Ave F</u>	<u>5/21/13</u>
<u>Kelsey Jings</u>	<u>1009 E Ave F</u>	<u>5/21/13</u>
<u>John Gallagher</u>	<u>1010 N 11th</u>	<u>5-21-13</u>
<u>Eugene A. Ziegler</u>	<u>1020 N 11th ST</u>	<u>5-21-13</u> ²²⁷ ₄₂₁₈
<u>Tim Brun</u>	<u>1006 N. 11th St.</u>	<u>5/21/13</u>
<u>Brian Pederson</u>	<u>1028 N. 11th St</u>	<u>5/21/13</u>
<u>Wako Schriock</u>	<u>1022 N 11th St</u>	<u>5-21-13</u>
<u>Dennis Haider</u>	<u>1027 N 11th St</u>	<u>5-21-13</u>
<u>Clayton</u>	<u>1025 N 11th St</u>	<u>5-21-13</u>
<u>Sylvia Souwenko</u>	<u>1009 N 11th ST</u>	<u>5-21-13</u>

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NAME:	ADDRESS:	DATE:
<u>Dave Salter</u>	<u>901 N 10th St</u>	<u>5/17/2013</u>
<u>Bew Salter</u>	<u>901 No 10th</u>	<u>5/17/13</u>
<u>Brianna Fuzesy</u>	<u>1011 E Ave E</u>	<u>5/17/13</u>
<u>Peg Schwichtenberg</u>	<u>927 North 10th St</u>	<u>5/17/13</u>
<u>Jack Schwichtenberg</u>	<u>927 North 10th St</u>	<u>05/17/13</u>
<u>[Signature]</u>	<u>928 N. 10th St</u>	<u>5-17-13</u>
<u>Jadine Shilp</u>	<u>928 N 10th St.</u>	<u>5/17/13</u>
<u>Abululu Sall</u>	<u>915 E Ave F</u>	<u>5/21/13</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Williston

Area Development Foundation

Bismarck Planning and Zoning
Attn: Planning and Zoning Commission
P.O. Box 5503
Bismarck, ND 58506-5503

May 15, 2013

To Whom It May Concern:

My name is Shawn Wenko, Assistant Director for the Williston Area Development Foundation in Williston. I am writing you in support of the proposed development of the Corcoran School in Bismarck.

I met T.J. Corcoran and the representatives of Kenneth J. Klekamp, Inc. in late 2011. They utilized our Development Foundation's Star Fund low interest buy down (Flex Pace) program towards the purchase of an existing church in the heart of a residential district in the city.

The Corcoran School has since turned into a premier child education facility in our community. Children are provided with a well-rounded daily curriculum that includes: Science, sensory, art and creative development, music and movement development, computers, math and language development, dramatic play and imagination development. Corcoran's staff is well-trained and educated.

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As an advocate for the Corcoran School, I invite anyone who may have concerns to visit Williston and tour the Corcoran facility and surrounding neighborhood.

If you have any further questions, please don't hesitate to contact me via e-mail or phone.

Best Regards,

Shawn Wenko
Assistant Director, Williston Area Development Foundation

[REDACTED]
[REDACTED]



**PLANNING AND ZONING COMMISSION MEETING - MAY 22, 2013
STATEMENTS IN SUPPORT OF SPECIAL USE PERMIT
924 NORTH 11TH STREET**

Mr. Chairman and members of the Planning and Zoning Commission. My name is Al Roll – I am a congregational and staff member of Legacy United Methodist Church (previously known as First United Methodist Church) – and I am speaking in support of the special use permit request before you.

Let me start by giving you a brief history of developments which have led us to this point. About 10 years ago, we started to experience growing pains. We had an increase in attendance coupled with a growing demand for our children's and youth ministry programs. At that time, we even added a third Sunday morning service in an effort to alleviate our space and parking issues. Unfortunately, our efforts were not successful. We were simply unable to serve our membership effectively. As a result, attendance began to drop somewhat and we returned to two Sunday morning services.

We then considered possible renovation plans at our current facility. Although we may have been able to remedy some of our space problems, it would have come at a very high cost and would have created even greater parking and traffic problems within the neighborhood.

About that time, we received a great opportunity to purchase some land on North Washington Street – a parcel was donated to us from our denomination and we purchased the rest from a local developer. It has since been a long, but very rewarding, seven to eight years of planning, designing, fundraising, and finally building. Once again we are growing. Our weekly attendance is averaging in the range of 275 to 300 on Sunday mornings and approximately 100 on Wednesday evenings. Our new facility could not come at a better time. We will make our move late August of this year.

With that in mind, we put our current building on the sale market about May, 2012. As you know, potential buyers of a church are very limited. First, it has a specific design that doesn't lend itself to many uses. Second, it is located in a zoning area which limits buyers to very few user groups. As I read the ordinance, the only allowable uses are single-family dwelling, two-family dwelling, education group, public recreation group, and row houses. In addition, the rules allow for special use operations for a church or a daycare facility. That is why we exist in this neighborhood.

Over the past 12 months, we have had sporadic interest in our building. In most cases, the interested parties did not meet one of the previously listed user groups and therefore did not pursue purchase any further. We have had two offers on our building, ironically in the same week, both from potential daycare providers. Knowing the shortage of daycare in Bismarck, we were excited that our building could continue to provide community value. We also were very pleased that our buyer has a wealth of experience in the daycare arena and a willingness to work with the community to minimize community concerns. Interestingly enough, it was suggested to me at our neighborhood meeting last week that our church should consider opening a daycare as opposed to the one proposed by our buyer. Such a venture, however, would require us to obtain the very same special use permit before you today. We understand that transitioning from a church to a daycare is a change in the daily life of this neighborhood. We also understand this will probably create some traffic adjustments in this neighborhood. Please keep in mind, that a progressive, growing, vital community such as Bismarck is experiencing change everyday, whether it be in services offered or facilities constructed. I believe it would be very difficult to find neighborhoods today that have not been affected by traffic flow – it is simply part of the impact of growth and development.

Obviously, my comments can be construed as self-serving. We have a vested interest in the sale of our current building. We are counting on the proceeds of the sale to help fund our new facility. However, I believe the City of Bismarck may have a vested interest in this project as well.

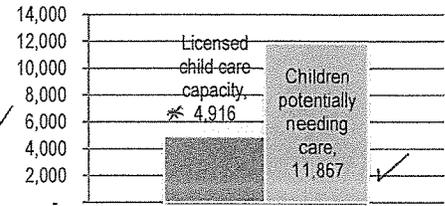
Currently, the daycare needs in Bismarck are great and growing. I have attached some information from the North Dakota Child Care Resource and Referral to my comments. This study was conducted by NDSU in September 2012 and provided the following findings. Burleigh County had a potential need for daycare for 11,867 children, while only having licensed capacity for 4,916 occupants. This represents a 41% capacity to meet daycare needs in Burleigh County. Please understand that the goal is not 100%, but rather 50% is considered acceptable in the industry. However, the unacceptable rate of 9% accounts for 1,068 children in need of daycare. It would actually take five facilities the likes of the one proposed here to meet our daycare needs at an acceptable level.

You have a wonderful opportunity to serve the greater good of Bismarck by approving this special use permit. It will provide much needed daycare services to our young and growing population, it will preserve and repurpose an old but sound building within the neighborhood, and it will support the economic development of Bismarck by providing jobs and placing property back on the taxrolls.

Please consider this request carefully. We understand you have a challenging task and we want you to act on behalf of the best interests of the community as a whole. Thank you for your time and attentiveness. I would be happy to try answering any questions you might have for me at this time.

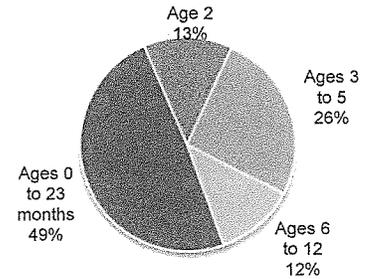
Children Potentially Needing Child Care

	<u>0-2 yrs</u>	<u>3 yrs</u>	<u>4-5 yrs</u>	<u>6-12 yrs</u>	<u>Total</u>
Children in County by Age ¹	3,220	1,117	2,137	6,854	13,328
% of Mothers with Children Ages 0 to 5 in Labor Force ¹					85.9%
% of Mothers with Children Ages 6 to 17 in Labor Force ¹					92.0%
Children Ages 0 to 5 potentially needing child care due to mother in workforce					5,561
Children Ages 6 to 12 potentially needing child care due to mother in workforce					6,306
Capacity of licensed child care programs (family, group, center, school-age)					4,916
Current Child Care Assistance Program Recipients Age 0-13 ¹					900



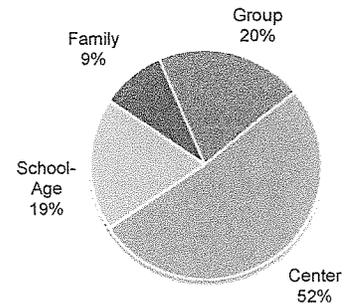
Referral Requests (July 2011 to June 2012, includes CCR&R phone inquiries and internet searches)

Total children needing care as requested through CCR&R ²	1,459
Ages 0 to 23 months	716
Age 2	196
Ages 3 to 5	373
Ages 6 to 12	174
Total children needing care before 7:00 a.m.	156
Total children needing care beyond 6:00 p.m.	103
Total children needing care Saturdays or Sundays	85



Licensed Early Childhood Program Type, Capacity, and Enrollment² (2012)

	<u>Family</u>	<u>Group</u>	<u>Center</u>	<u>School-Age³</u>	<u>Total</u>
Number of Programs	64	79	29	3	175
Licensed Capacity	448	1,004	2,540	924	4,916
Reported Enrollment ⁴	417	706	1,861	661	3,645
Reported Vacancies ⁵	50	53	301	27	431
Providers/Capacity Added	10/70	7/83	2/279	0/0	19/432
Providers/Capacity Lost	19/133	12/149	1/118	0/0	32/400
Programs open before 7:00 a.m.	10	21	13	0	44
Programs open after 6:00 p.m.	1	1	1	0	3
Programs open on Weekends	0	1	2	0	3
Reported Size of Workforce	63	102	441	129	735



Annual Cost of Licensed Child Care²

<u>Age of Child</u>	<u>Family and Group</u>		<u>Center</u>	
	<u>Average</u>	<u>Highest Rate</u>	<u>Average</u>	<u>Highest Rate</u>
Ages 0 to 17 months	\$6,690	\$9,360	\$7,988	\$10,179
18 to 35 months	\$6,581	\$9,100	\$7,655	\$9,547
Ages 3 to 5	\$6,492	\$9,100	\$7,102	\$8,822

www.ndchildcare.org

¹ 2012 ND Kids Count Fact Book

² ND CCRR NACCRRAware Database

³ School-age care numbers reflect programs licensed exclusively as before and after school programs under Early Childhood Services rules. School-age children are also enrolled in family/group programs and child care centers

⁴ Not all programs surveyed reported their current enrollment. Data is based on an approximate 90% response rate.

⁵ Vacancies change daily and may not match the location or program characteristics desired by families needing care. A 10% vacancy rate allows families some choice among programs.