



**Community Development Department**  
**BISMARCK PLANNING AND ZONING COMMISSION**  
**MEETING AGENDA**  
**December 18, 2013**

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Tom Baker Meeting Room	5:00 p.m.	City-County Building
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Item No.	Page
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**MINUTES**

1. Consider approval of the minutes of the November 20, 2013 meeting of the Bismarck Planning & Zoning Commission.

**CONSENT AGENDA**

**CONSIDERATION**

The following items are requests for a public hearing.

2. **Sattler Sunrise 10<sup>th</sup> Addition – Revised (Klee)**
  - a. Zoning Change (A to R5)..... 1  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
  - b. Preliminary Plat ..... 5  
*Staff recommendation: tentative approval*    tentative approval    table    deny
3. **Lots 1 & 2, Block 1, Hamilton’s First Addition – Zoning Change (PUD to RM15)(JT)...** 9  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
4. **Landscaping & Screening – Zoning Ordinance Text Amendment (JT).....** 13  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
5. **Downtown Districts – Zoning Ordinance Text Amendment (JT).....** 17  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny



# REGULAR AGENDA

## FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

6. **Fazekas Subdivision – Final Plat (JW)**..... 21  
*Staff recommendation: approve*      approve   continue   table   deny
7. **Lot 7, Block 4, Northern Pacific 2<sup>nd</sup> Addition – Zoning Change (RM30 to RT)(JW)**..... 27  
*Staff recommendation: approve*      approve   continue   table   deny
8. **Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change (RM15 to RM20)(JW)** 31  
*Staff recommendation: deny*      approve   continue   table   deny
9. **Lots 4-6, Block 1, Edgewood Village 7<sup>th</sup> Addition – Special Use Permit (Child Care Center)(JW)**..... 39  
*Staff recommendation: approve*      approve   continue   table   deny
10. **Lot 1, Block 2, Hay Creek Commercial Park Addition – Special Use Permit (Drive-through)(JW)**..... 47  
*Staff recommendation: approve*      approve   continue   table   deny
11. **Zoning Administrator/Multiple Sections of Title 14 – Zoning Ordinance Text Amendment (CH)**..... 55  
*Staff recommendation: approve*      approve   continue   table   deny

## OTHER BUSINESS

12. **Other**

## ADJOURNMENT

13. **Adjourn.** The next regular meeting date is scheduled for Wednesday, January 22, 2014.

Enclosures: Meeting Minutes of November 20, 2013  
Building Permit Activity Report for November 2013

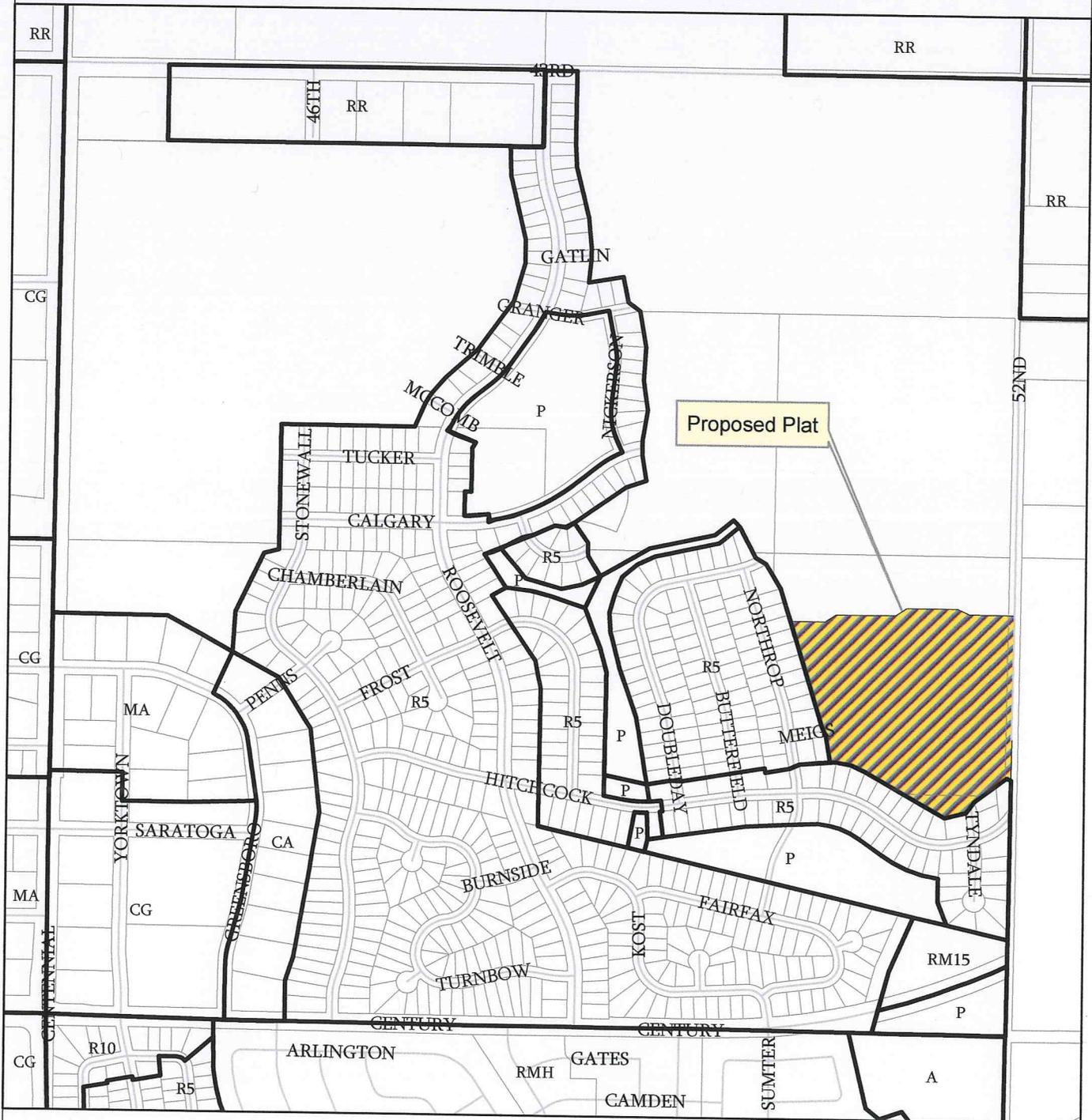
**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Sattler's Sunrise 10 <sup>th</sup> Addition – Zoning Change (A to R5) (REVISED)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> December 18, 2013	
<b>Owner(s):</b> Sattler Family, LLLP	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Plat and zone property for single-family residential development.		
<b>Location:</b> East of Centennial Road between East Century Avenue and 43 <sup>rd</sup> Avenue NE (part of the SE¼ of Section 24, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 24.49 acres	<b>Number of Lots:</b> 71 lots in 5 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agricultural	<b>Land Use:</b> Single-family residential	
<b>Uses Allowed:</b> A – Agricultural uses	<b>Zoning:</b> R5 – Residential	
<b>Maximum Density Allowed:</b> A – 1 unit/40 acres	<b>Uses Allowed:</b> R5 – Single-family residential	
	<b>Maximum Density Allowed:</b> R5 – 5 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is consistent with the land use plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).</li> <li>2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west, single-family residential to the south, and undeveloped A-zoned property to the north and east.</li> <li>3. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities, provided the plat is extended to the eastern edge of the applicant's property in order to provide services to the adjacent property owner.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		

**RECOMMENDATION:**

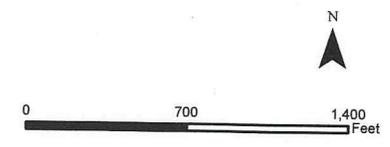
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for the revised Sattler’s Sunrise 10<sup>th</sup> Addition, with the understanding that a public hearing on the zoning change will not be scheduled unless the plat is extended to the northern boundary of the applicant’s property and an agreement is reached with the adjacent land owner and the City on the alignment of Calgary Avenue.

# Proposed Plat & Zoning Change (A to R5) Sattler's Sunrise 10th Addition

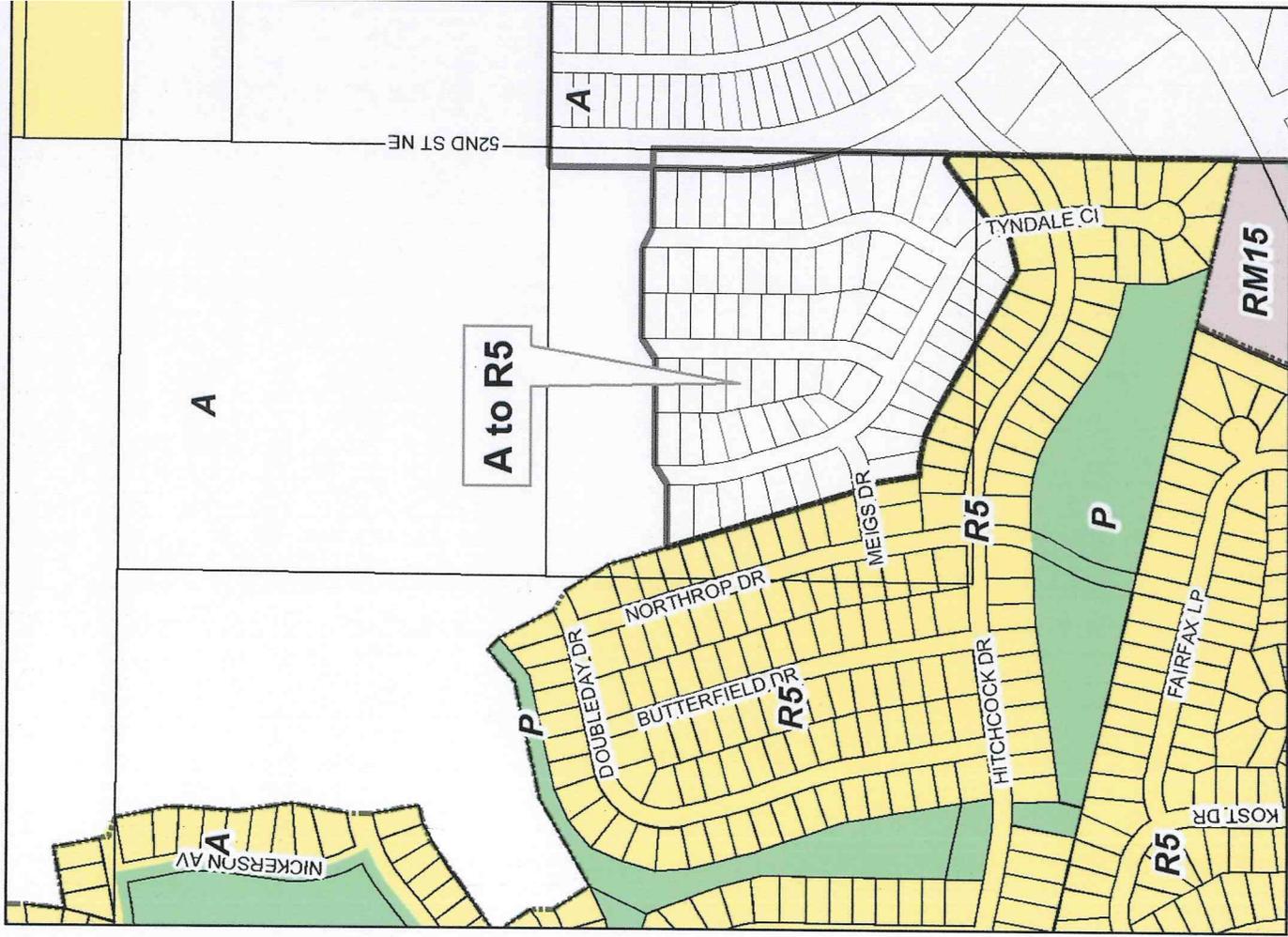
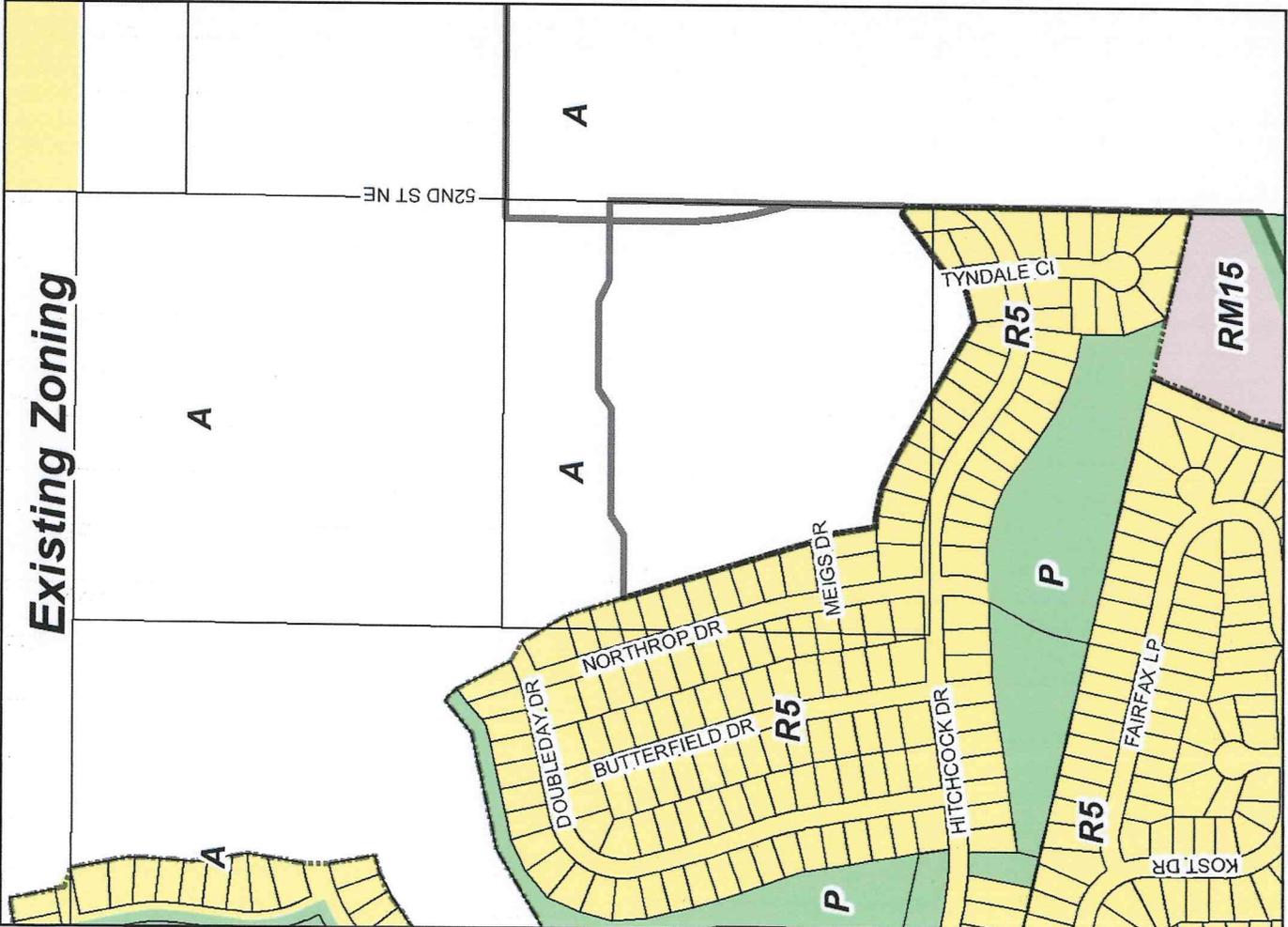


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: December 12, 2013 (klee)

Source: City of Bismarck



Sattler's Sunrise 10th Addition - Zoning Change



December 2013

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**BACKGROUND:**

**Title:**

Sattler's Sunrise 10<sup>th</sup> Addition – Preliminary Plat (REVISED)

**Status:**

Planning Commission – Consideration

**Date:**

December 18, 2013

**Owner(s):**

Sattler Family, LLLP

**Engineer:**

Swenson, Hagen & Co.

**Reason for Request:**

Plat and zone property for single-family residential development.

**Location:**

East of Centennial Road between East Century Avenue and 43<sup>rd</sup> Avenue NE (part of the SE¼ of Section 24, T139N-R80W/Hay Creek Township).

**Project Size:**

24.49 acres

**Number of Lots:**

71 lots in 5 blocks

**EXISTING CONDITIONS:**

**Land Use:** Undeveloped

**Zoning:** A – Agricultural

**Uses Allowed:**

A – Agricultural uses

**Maximum Density Allowed:**

A – 1 unit/40 acres

**PROPOSED CONDITIONS:**

**Land Use:** Single-family residential

**Zoning:** R5 – Residential

**Uses Allowed:**

R5 – Single-family residential

**Maximum Density Allowed:**

R5 – 5 units/acre

**PROPERTY HISTORY:**

**Zoned:**

N/A

**Platted:**

N/A

**Annexed:**

N/A

**ADDITIONAL INFORMATION:**

1. When Sattler's Sunrise 9<sup>th</sup> Addition was platted in 2012, there were discussions between the developer's consulting engineer and the adjacent property owner regarding the alignment of Calgary Avenue. In particular, the adjacent property owner was concerned that the alignment of Calgary Avenue as it met his property would adversely impact his development plans. Staff was under the impression that this issue had been resolved prior to the recording of the plat for Sattler's Sunrise 9<sup>th</sup> Addition, but it appears that we were mistaken.
2. The proposed plat stops approximately 300 feet short of the northern edge of the property owned by the applicant. Extending this plat to the northern boundary of this property would allow the property owner to the north to have access to municipal services. Staff continues to have concerns with this practice as it prohibits the orderly development of the city, and cannot support the approval of this plat without the plat being extended to the northern property line.  
  
The applicant's consulting engineer has noted that these additional lots are not needed by the developer at this time. He also indicated that the layout of lots between the proposed plat and the northern property line is dependent upon the alignment of Calgary Avenue, which has not yet been resolved.
3. The proposed plat abuts 52<sup>nd</sup> Street NE. A decision should be made prior to the public hearing on the proposed plat as to whether or not improvements are needed on 52<sup>nd</sup> Street NE in order to provide an alternative access route to development in this section.

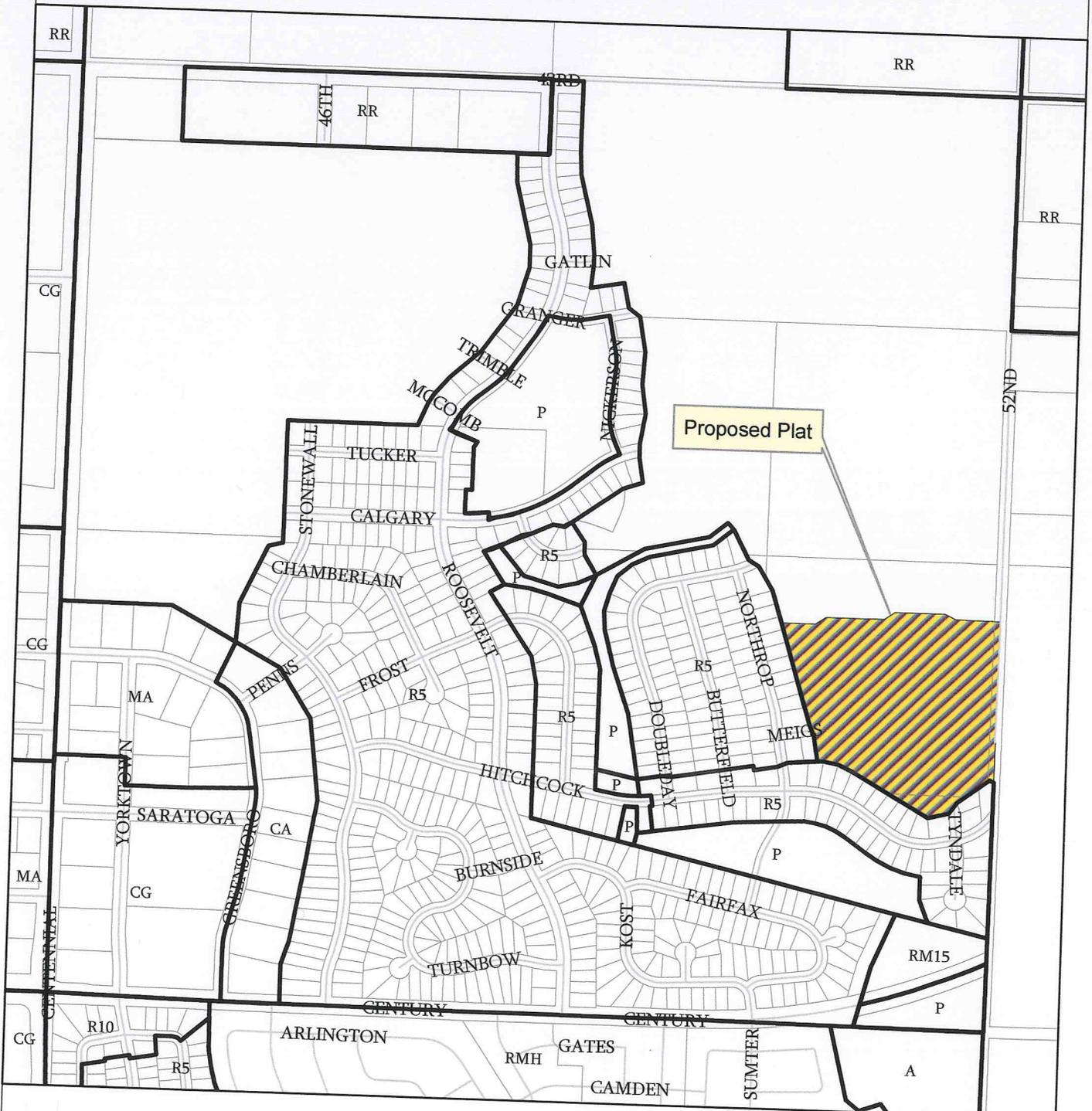
**FINDINGS:**

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Calgary Avenue as the east-west collector for this section. The alignment of Calgary Avenue was moved approximately 500 feet to the north with the Sattler's Sunrise 9<sup>th</sup> Addition plat, although it is moving back to the south closer to the original proposed alignment with this plat.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west, single-family residential to the south, and undeveloped A-zoned property to the north and east.
4. The entire subdivision would be annexed prior to development. It would not place an undue burden on public services and facilities, provided the plat is extended to the eastern edge of the applicant's property in order to provide services to the adjacent property owner.
5. The proposed subdivision would not adversely affect property in the vicinity, provided the plat is extended to the eastern edge of the applicant's property in order to provide services to the adjacent property owner and the alignment of Calgary Avenue is agreed upon between the two property owners and the City.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

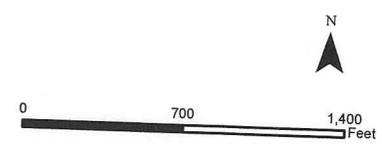
Based on the above findings, staff recommends tentative approval of the revised preliminary plat for Sattler's Sunrise 10<sup>th</sup> Addition, with the understanding that a public hearing on the final plat will not be scheduled unless the plat is extended to the northern boundary of the applicant's property and an agreement is reached with the adjacent land owner and the City on the alignment of Calgary Avenue.

# Proposed Plat & Zoning Change (A to R5) Sattler's Sunrise 10th Addition



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Map was Updated/Created: December 12, 2013 (klee)

Source: City of Bismarck



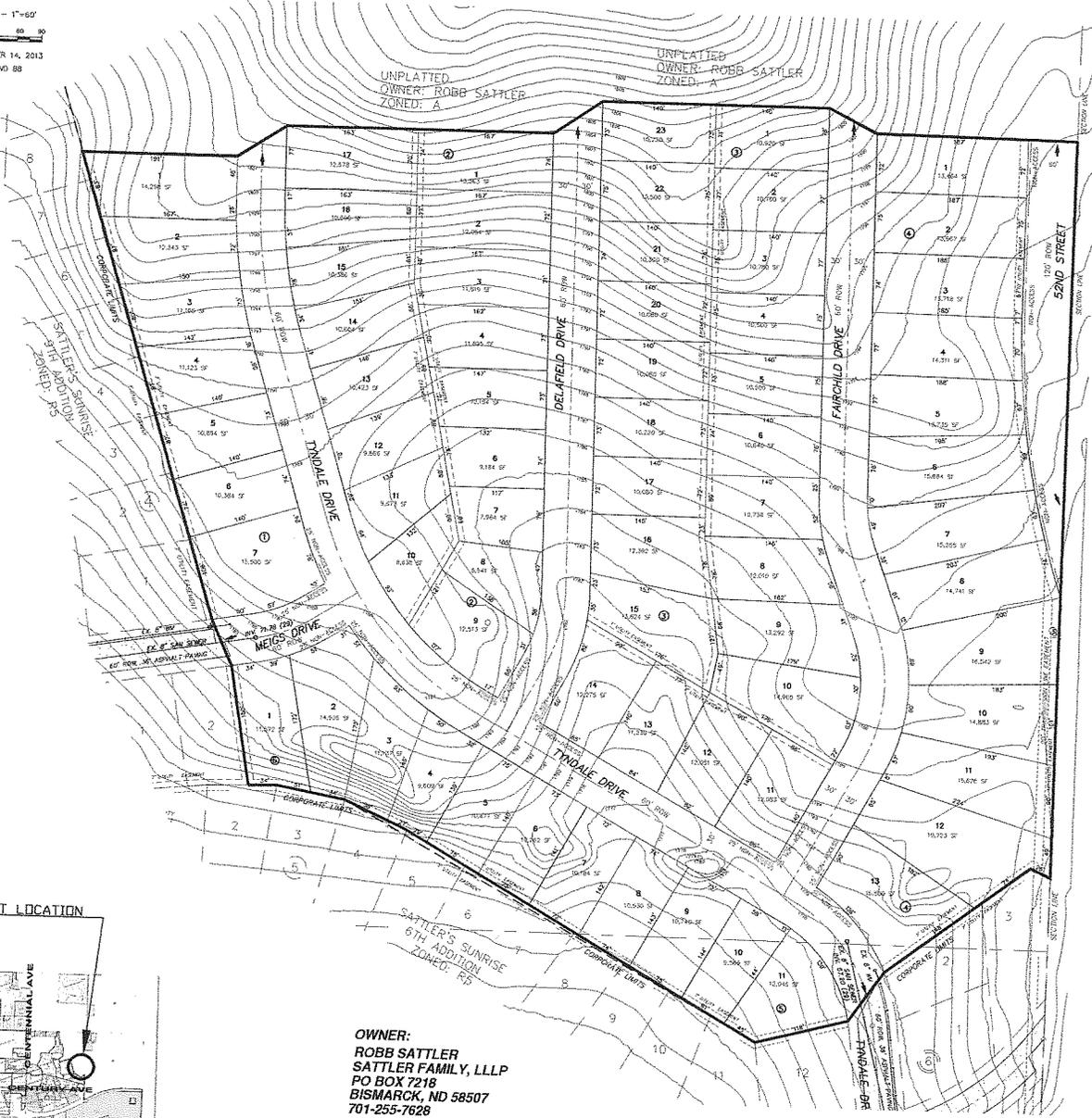
# SATTLER'S SUNRISE 10TH ADDITION

PART OF THE SOUTHEAST 1/4  
OF SECTION 24, T. 139 N., R. 80 W.

## BISMARCK, NORTH DAKOTA



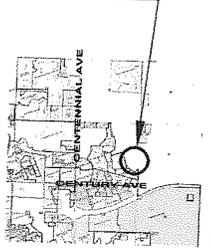
SCALE - 1"=50'  
0 20 40 60  
NOVEMBER 14, 2013  
NAVD 88



UNPLATTED  
OWNER: MADINE SILBERMAGEL  
ZONED: A

UNPLATTED  
OWNER: MADINE SILBERMAGEL  
ZONED: A

PROJECT LOCATION



LOCATION MAP

**OWNER:**  
ROBB SATTLER  
SATTLER FAMILY, LLLP  
PO BOX 7218  
BISMARCK, ND 58507  
701-255-7628

24.49 ACRES  
EXISTING ZONING: A  
PROPOSED ZONING: R5  
71 LOTS

**SWENSON, HAGEN & COMPANY P.C.**  
Surveying  
Planning  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

500 South Avenue  
Bismarck, North Dakota 58501  
505-255-0888  
505-255-1221  
505-255-1222

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**BACKGROUND:**

**Title:**

Lots 1-2, Block 1, Hamilton's First Addition – Zoning Change (PUD to RM15)

**Status:**

Planning Commission – Consideration

**Date:**

December 18, 2013

**Owner(s):**

Ron Knutson & Attas Boutrous (owners)  
Michael Baumgartner (applicant)

**Engineer:**

Swenson, Hagen & Co.

**Reason for Request:**

Rezone the property to allow for a multi-family residential development.

**Location:**

In northeast Bismarck, along the south side of Calgary Avenue and the east side of Hamilton Street.

**Project Size:**

4.95 acres

**Number of Lots:**

2 lots in 1 block

**EXISTING CONDITIONS:**

**Land Use:** Vacant/Undeveloped

**PROPOSED CONDITIONS:**

**Land Use:** Multi-family dwellings

**Zoning:**

PUD – Planned Unit Development

**Zoning:**

RM15 – Residential

**Uses Allowed:**

PUD – Limited industrial and service uses,  
wholesale and office uses.

**Uses Allowed:**

RM15 – Multi-family dwellings including  
apartments, condos and townhouses

**Maximum Density Allowed:**

PUD – N/A

**Maximum Density Allowed:**

RM15 – 15 units per acre

**PROPERTY HISTORY:**

**Zoned:**

05/2009

**Platted:**

05/2009

**Annexed:**

05/2009

**ADDITIONAL INFORMATION:**

- The eastern boundary of the property currently has a 6-foot high, 50-foot wide earthen berm with trees and shrubs that were planted in conjunction with the initial development of the PUD. The landscaped berm is a requirement of the current PUD – Planned Unit Development zoning district to help buffer the single-family land uses to the east. The requirements of the Landscaping and Screening Ordinance states that "The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season." (14-03-11)(11)(c).

**FINDINGS:**

- The proposed zoning change would not be entirely consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which was amended to allow industrial land uses prior to the zoning change of the parcel in 2009. The Plan was amended from residential to industrial in 2009.

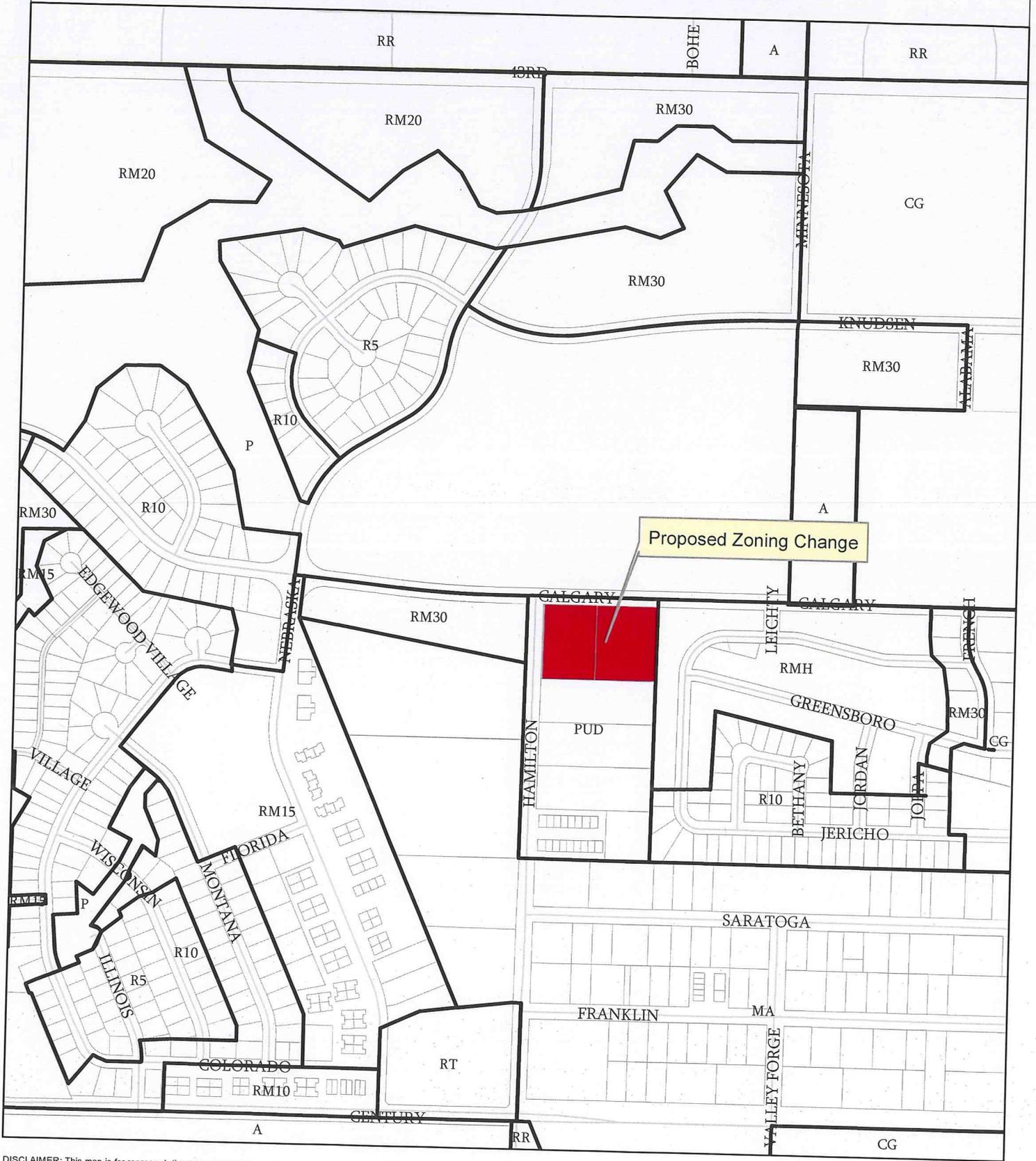
(continued)

2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include Legacy High School to the north, residential to the west, undeveloped limited industrial and service uses to the south and single-family dwellings to the east which are buffered by a 6-foot high, 50-foot wide earthen berm with trees and shrubs installed atop the berm.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning would not have an adverse impact on 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.

**RECOMMENDATION:**

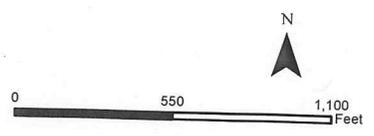
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the PUD – Planned Unit Development zoning district to the RM15 – Residential zoning district for Lots 1-2, Block 1, Hamilton’s First Addition.

# Proposed Zoning Change (PUD to RM15) Lots 1-2, Block 1, Hamilton's 1st Addition

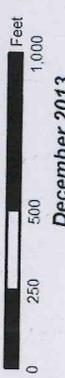
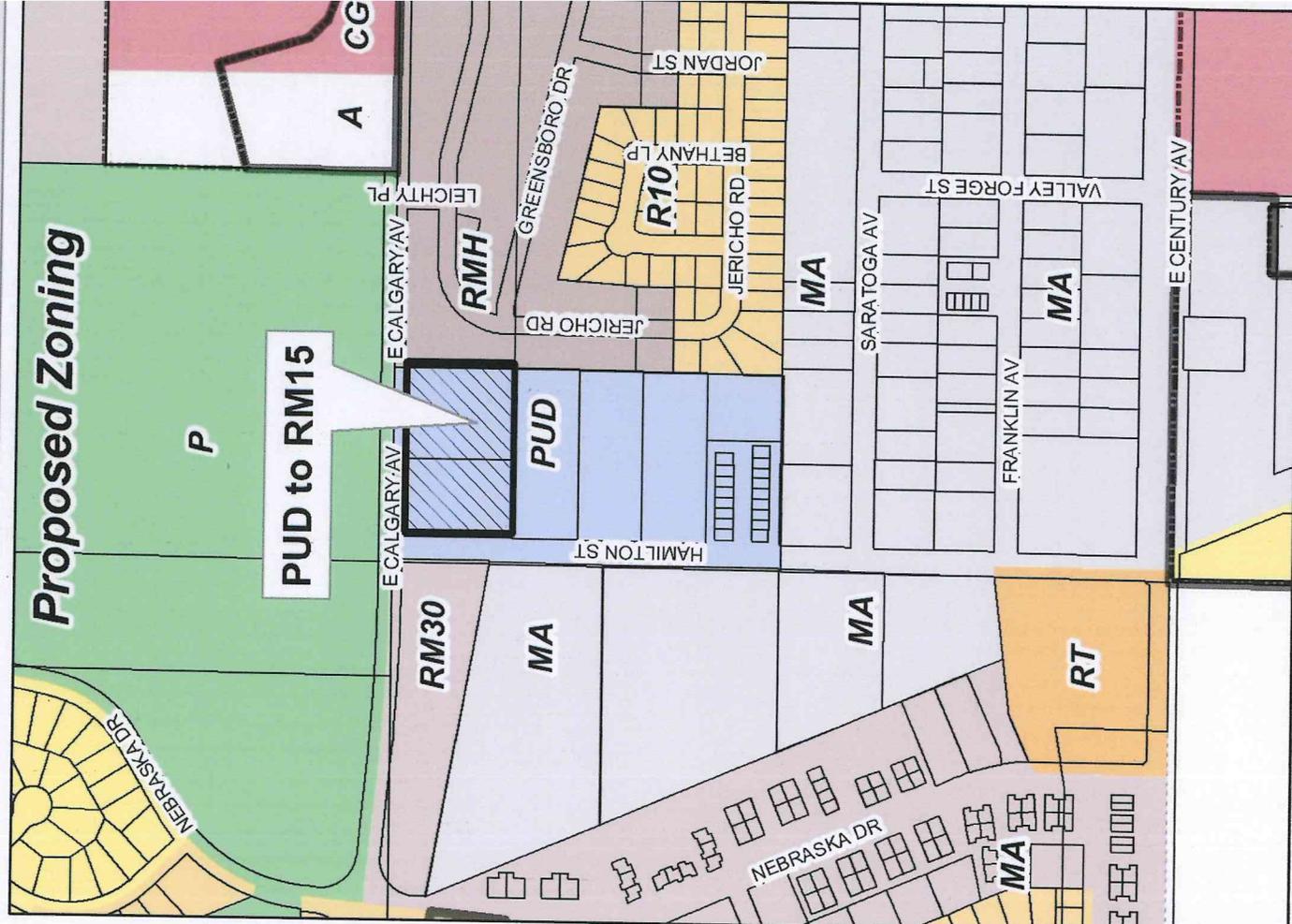
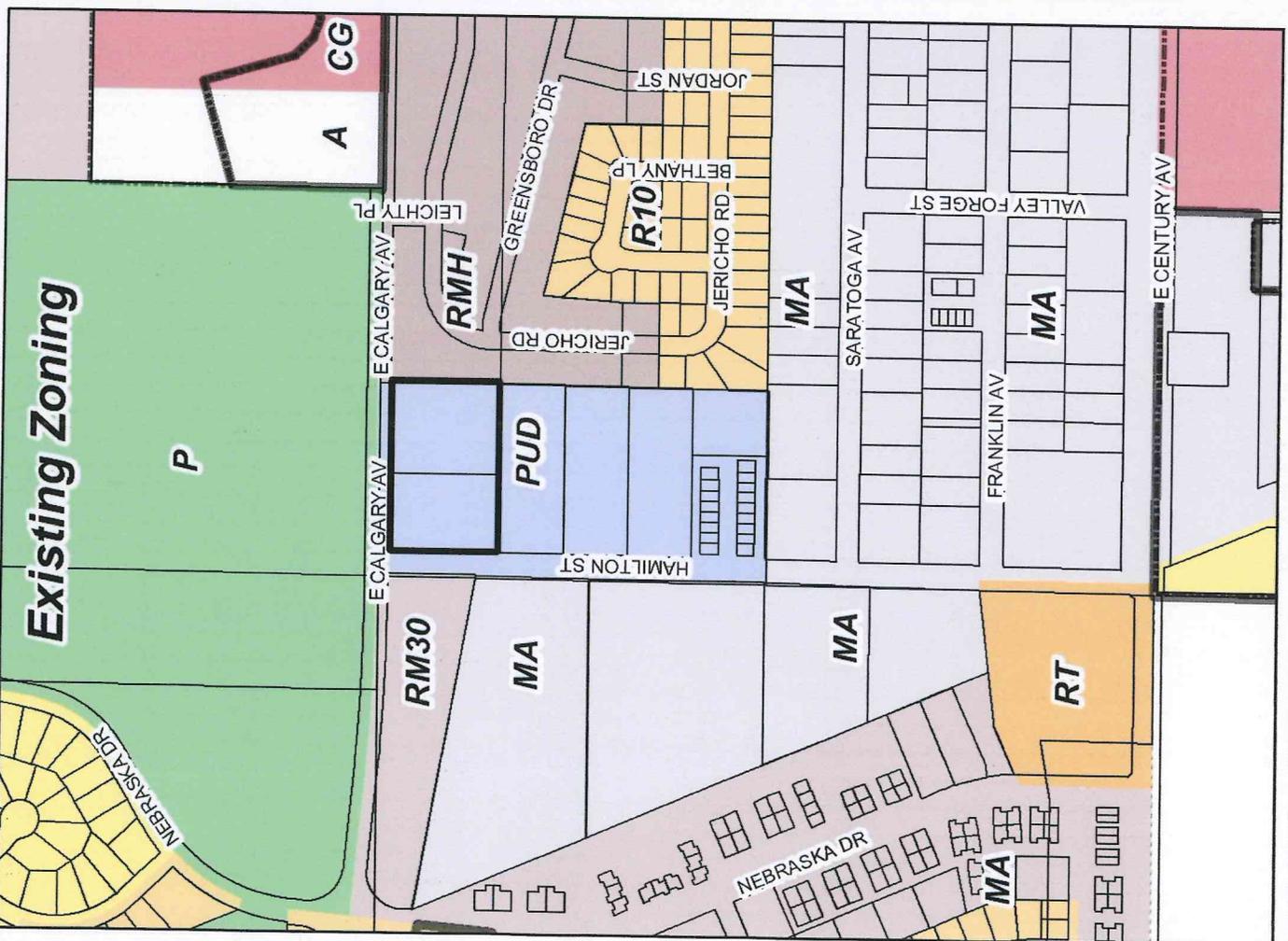


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Map was Updated/Created: November 18, 2013 (hnb)

Source: City of Bismarck



Lots 1-2, Block 1, Hamilton's First Addition - Zoning Change



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December 2013

# CITY OF BISMARCK Ordinance No. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-11 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CERTIFICATION REQUIREMENTS OF THE LANDSCAPING AND SCREENING ORDINANCE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-11 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Landscaping and Screening requirements is hereby amended and re-enacted to read as follows:

\* \* \* \* \*

11. *Installation, Maintenance, Replacement, Inspection and Enforcement.*

a. *Installation of Street Trees.* The City Forester shall determine the time for installation of street trees.

*Installation of Other Required Landscaping.* All other landscaping and buffer yards required by this subsection shall be healthy and in-place as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping cannot be completed in conjunction with site development due to seasonal constraints, the plant material shall be installed at the beginning of the next growing season, unless otherwise approved by the Director of Community Development and the City Forester.

b. Maintenance and Replacement. The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season. Trees located along fire department access routes, as identified on an approved site plan, must be pruned as needed to maintain a vertical clearance height of no less than fourteen (14) feet.

c. Inspection and Enforcement. All landscaping shall be subject to periodic inspection by the City Forester. Landscaping that is not installed, maintained or replaced as needed to comply with the approved landscape plan shall be considered a violation of this Section and shall be subject to the enforcement provisions Chapter 13-02-14.

12. Certification. Certification by the registered professional landscape architect, the registered professional engineer or the landscape designer that prepared the landscape plans, in accordance with requirements of this section, is required upon installation of all required plant material. Such certification shall confirm that the landscape materials have been installed in accordance with the landscape plan approved by the Community Development Department - Planning Division and the Public Works Department - Forestry Division. The certification shall address the installation of approved species, quantities and locations as shown on the approved landscape plan. Any deviation from the approved landscape plans shall be noted in the certification. Noted deviations must also address how the modifications satisfy the intent of the Landscaping and Screening Ordinance.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

# CITY OF BISMARCK Ordinance No. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21 and 14-04-21.4 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DOWNTOWN DISTRICTS AND USE STANDARDS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Downtown Districts is hereby amended and re-enacted to read as follows:

**14-04-21. Downtown Districts.**

**1. Districts Established.** The following downtown zoning districts are hereby established: DC Downtown Core District and DF Downtown Fringe District.

**2. Use Table.** The table contained herein lists the uses allowed within the downtown zoning districts.

**a. Use Categories.** All of the categories listed in the use table are explained in detail in Section 14-04-21.3. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated explanation and the full explanation in Section 14-04-21.3, the provisions of Section 14-04-21.3 shall prevail.

**b. Use Standards.** An "X" in the third column of the use table indicates that the use is subject to use-specific standards. These standards are listed alphabetically in Section 14-04-21.4.

c. **Uses Permitted By Right.** A "P" indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable provisions of this chapter.

d. **Special Uses.** An "SUP" indicates that the use is allowed only if reviewed and approved as a Special Use, in accordance with the Special Use provisions in Section 14-03-08, and is subject to all other applicable regulations in this chapter.

e. **Uses Not Allowed.** An "---" indicates that the use is not allowed in the respective zoning district.

**Use Table.**

Use Category	Definition	Use Standards	District	
			DC	DF
***	***	***	*	*
Commercial Uses				
* * *	* * *	* * *	*	*
<u>Demolition of Buildings and Structures</u>	<u>Removal or demolition of buildings and structures.</u>	<u>X</u>	<u>SUP</u>	<u>SUP</u>
* * *	* * *	* * *	*	*

Section 2. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Standards for the Downtown Districts is hereby amended and re-enacted to read as follows:

**14-04-21.4 Use Standards.**

\* \* \* \* \*

**2. Demolition of Existing Buildings and Structures**

a. Prior to demolition of any building or structure within the DC - Downtown Core or DF - Downtown Fringe zoning districts, a special use permit shall be required. Buildings or structures that are considered

historically significant or are classified as contributing structures in the Historical Architectural Inventory and Evaluation of Downtown Bismarck, North Dakota, shall not be demolished to allow for the creation of an off-street surface parking lot unless the building has been significantly damaged beyond repair or condemned by the Building Official. When requesting a special use permit to demolish a building or structure located within the DC - Downtown Core or DF - Downtown Fringe zoning districts, the owner/applicant must provide the following information:

- i. The historical significance or contributing status of the building.
  - ii. Current assessed value of the building.
  - iii. Current use of the building.
  - iv. Current building condition assessment.
  - v. Intended re-use of the property.
  - vi. Site plan for re-use of the property.
  - vii. Demonstration of financial need.
- b. Any new off-street surface parking lot developed shall not be located directly adjacent to a public right-of-way except when located directly adjacent to a public alley.
- c. Any new off-street surface parking lot must comply with the Landscaping and Screening Ordinance and the Downtown Streetscape Standards.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be

invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Fazekas Subdivision – Final Plat	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 18, 2013
<b>Owner(s):</b> Michael Fazekas	<b>Engineer:</b> KLJ
<b>Reason for Request:</b> Plat and rezone property to allow development of a two-lot single-family rural residential subdivision.	
<b>Location:</b> Southeast of Bismarck, west of England Street and south of Scout Street.	
<b>Project Size:</b> 3.128 acres	<b>Number of Lots:</b> 2 lots in 1 block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> RR – Residential	<b>Land Use:</b> Rural residential
<b>Uses Allowed:</b> Rural residential & limited agriculture	<b>Zoning:</b> RR – Residential
<b>Maximum Density Allowed:</b> One unit/65,000 square feet	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>PROPERTY HISTORY:</b>	<b>Maximum Density Allowed:</b> One unit/65,000 square feet
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. The Planning and Zoning Commission, at their meeting of November 20, 2013 voted to continue action on the proposed plat as the stormwater management plan had not yet been approved by the City Engineer, with written concurrence from the County Engineer.</li> <li>2. The proposed subdivision is located within the Urban Service Area Boundary (USAB). A waiver has been requested to eliminate the requirement of ghost platting and other USAB requirements. The waiver request seems reasonable, as the property will be developed as a two lot subdivisions in which the owner has no plans to further subdivide.</li> <li>3. The north half of a future right-of-way was dedicated when the adjacent plat (Wooded Acres Subdivision) was recorded; however, the right-of-way has not been improved. In the event that a roadway is desired, a 33-foot access easement has been placed along the northern edge of the proposed subdivision adjacent to the existing future right-of-way previously dedicated</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. All technical requirements for approval of a final plat have been met.</li> <li>2. The storm water management plan has been approved by the City Engineer, with written concurrence from the County Engineer.</li> <li>3. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies England Street as a north-south arterial roadway.</li> </ol>	
<i>(continued)</i>	

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, south, east and west.
5. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to England Street via an existing private roadway; therefore, the proposed subdivision would not place an undue burden on public services.
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.

**RECOMMENDATION:**

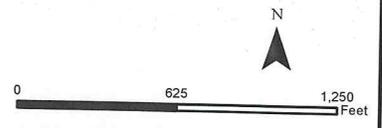
Based on the above findings, staff recommends approval of the final plat for Fazekas Subdivision, including the granting of a waiver from ghost platting requirements.

# Proposed Plat Fazekas Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: June 25, 2013 (hjb)

Source: City of Bismarck



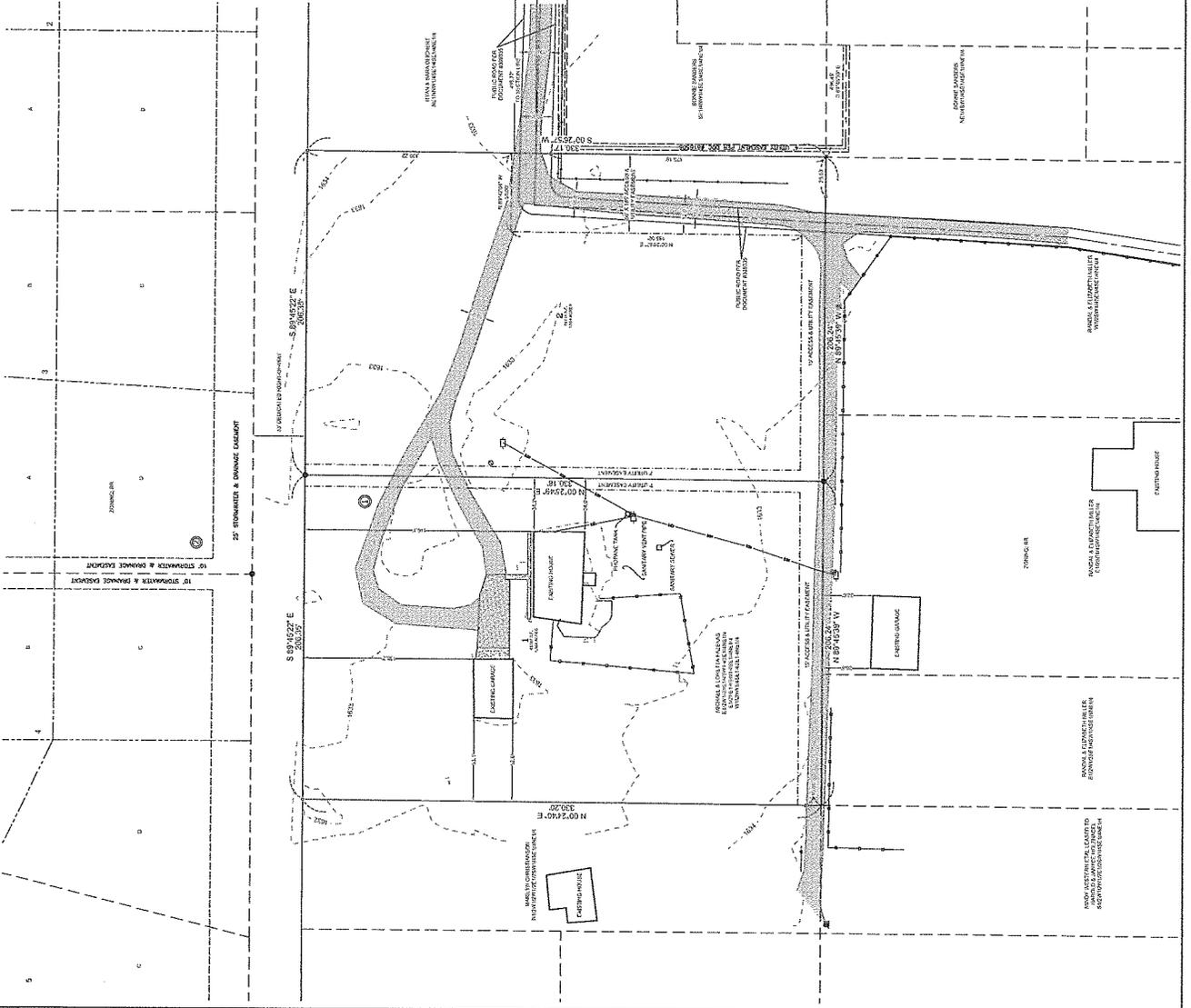


# FAZEKAS SUBDIVISION

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 138 NORTH, RANGE 80 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

ENGINEER:  
MICHAEL & LORITA FAZEKAS  
1001 13TH AVE SW  
BISMARCK, NORTH DAKOTA 58504  
PHONE 701-562-7400

CLIENT:  
MICHAEL & LORITA FAZEKAS  
1001 13TH AVE SW  
BISMARCK, NORTH DAKOTA 58504  
PHONE 701-562-7400



### ZONING INFORMATION

EXISTING: RR  
PROPOSED: RR

### PLAT INFORMATION

- NUMBER OF LOTS: 2
- LOT ACREAGE - 3.128 ACRES
- B.O.W. ACREAGE - 0.00 ACRES
- TOTAL ACREAGE - 3.128 ACRES

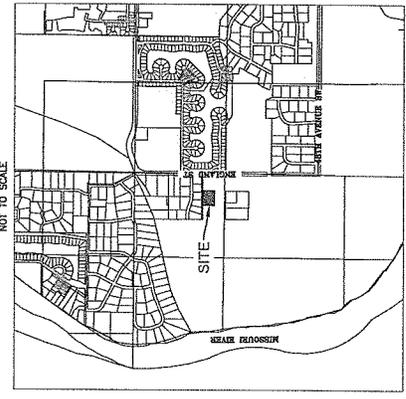
### PLAT NOTES

THIS SITE LIES WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE ATTACHED FLOOD HAZARD MAP. THE ELEVATION IS 1635.6. ELEVATIONS SHOWN ARE NAVD 88.  
THERE IS A BLANKET EASEMENT ON THE PROPERTY FOR BURLEIGH WATER USERS COOPERATIVE PER DOCUMENT #200577.

### PLAT LEGEND

- PROPOSED BOUNDARY LINE
- PROPOSED EASEMENT LINE
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING BOUNDARY LINE
- EXISTING BUILDING FOOTPRINT
- BARBED WIRE FENCE LINE
- WOOD FENCE LINE
- EXISTING GRAVEL DRIVE
- ASPHALT DRIVE
- EXISTING GRAVEL DRIVE
- EXISTING ASPHALT DRIVE
- EXISTING POWER POLE
- EXISTING ELECTRICAL PEDESTAL
- EXISTING TELEPHONE PEDESTAL
- ASPHALT SURFACE
- CONCRETE SURFACE
- BLOCK/LOT NUMBERS
- IRON REBAR & U.S. CAP SET
- IRON REBAR & U.S. 2033 CAP FOUND
- CALCULATED CORNER

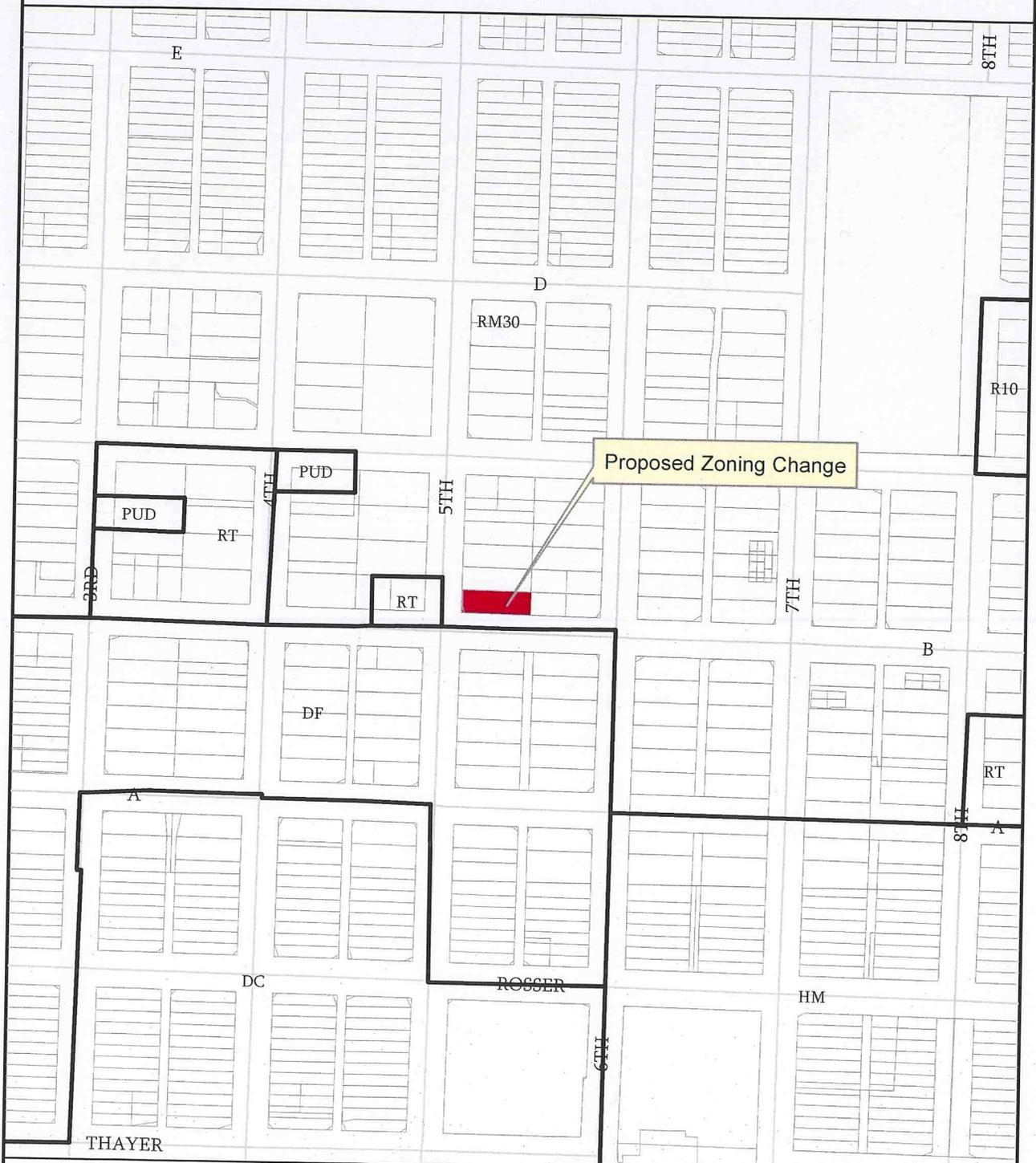
### VICINITY MAP



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

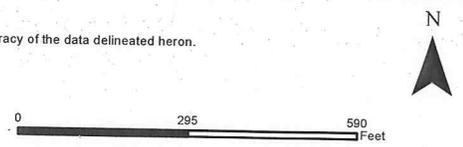
<b>BACKGROUND:</b>		
<b>Title:</b> Lots 7, Block 41, Northern Pacific 2 <sup>nd</sup> Addition – Zoning Change (RM15 to RT)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 18, 2013	
<b>Owner(s):</b> Diane Davis	<b>Engineer:</b> None	
<b>Reason for Request:</b> Zone property for multi-family residential and office uses.		
<b>Location:</b> In central Bismarck, at the northeast intersection of North 5 <sup>th</sup> Street and East Avenue B.		
<b>Project Size:</b> 7,500 square feet	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Office Uses	<b>Land Use:</b> Residential and Office Uses	
<b>Zoning:</b> RM30 – Residential	<b>Zoning:</b> RT – Residential	
<b>Uses Allowed:</b> RM30 – Multi-family residential	<b>Uses Allowed:</b> RT – Residential and office uses	
<b>Maximum Density Allowed:</b> RM30 – 30 units/acre	<b>Maximum Density Allowed:</b> RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre – 1980	<b>Platted:</b> 1912	<b>Annexed:</b> Pre – 1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is located within the developed portion of the community and is outside the boundaries of the Land Use Plan.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the Veterans Memorial Public Library to the south across East Avenue B, a multi-family residence / yoga studio to the west across North 5<sup>th</sup> Street, an apartment complex to the north and parking lot to the east.</li> <li>3. The property is annexed and is served by municipal services; therefore, it would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the RT – Residential zoning district for Lot 7, Block 41, Northern Pacific 2 <sup>nd</sup> Addition.		

# Proposed Zoning Change (RM15 to RT) Lot 7, Block 41, Northern Pacific 2nd Addition



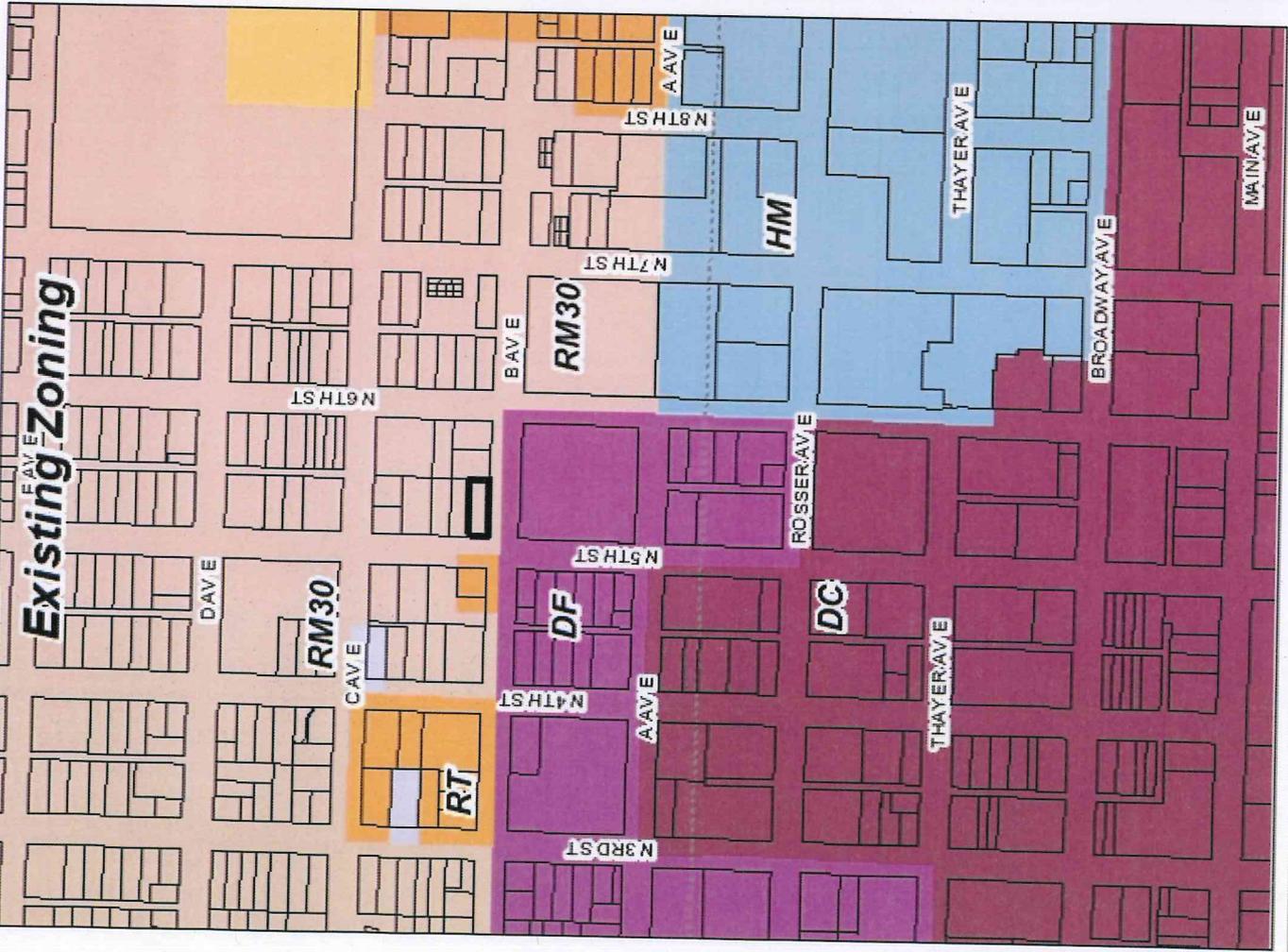
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: December 5, 2013 (h1b)

Source: City of Bismarck

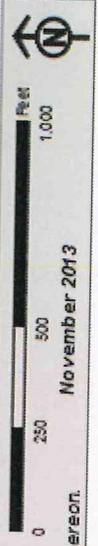
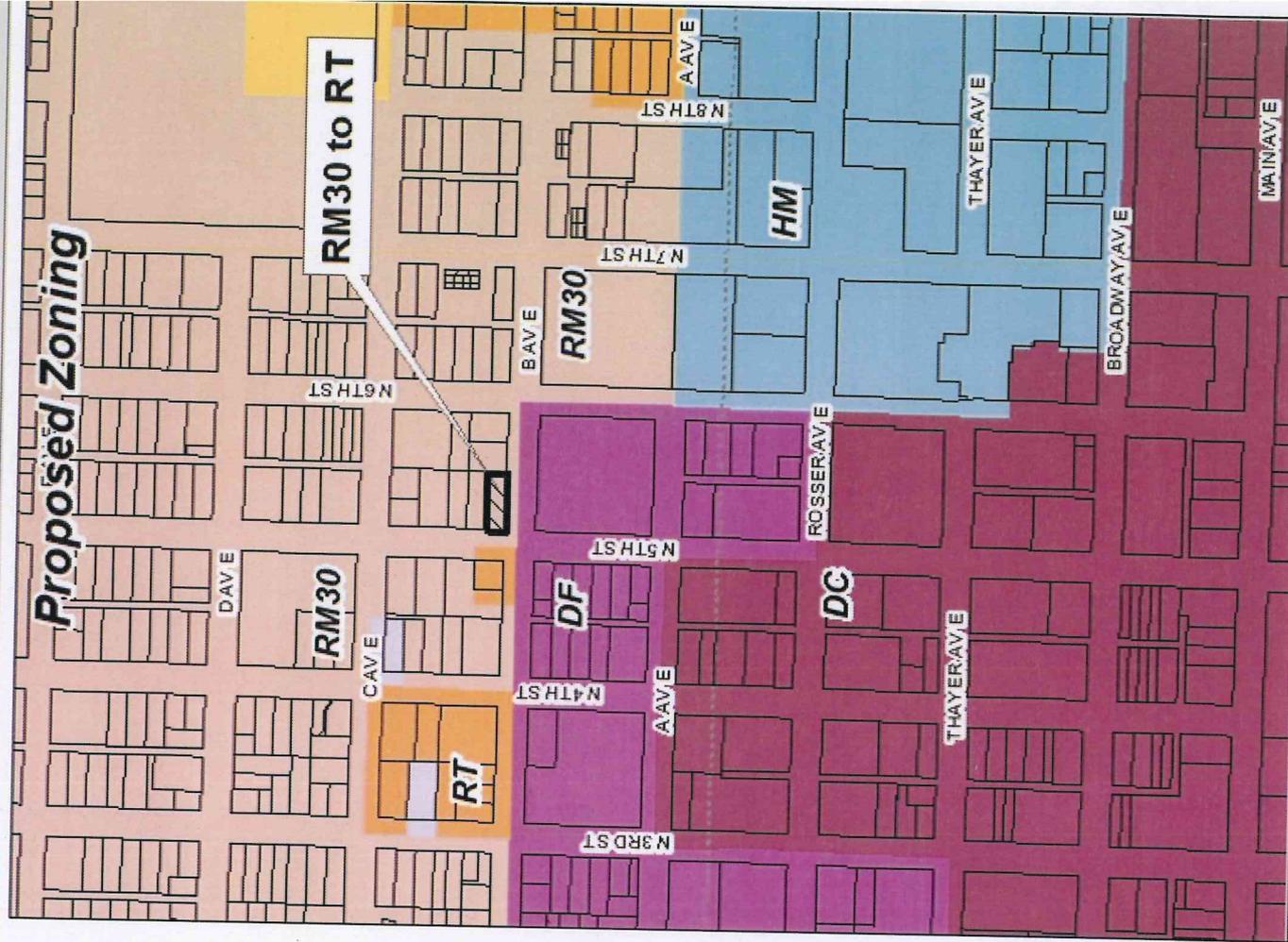


# Lot 7, Block 41, Northern Pacific 2nd Addition - Zoning Change

## Existing Zoning



## Proposed Zoning



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. November 2013

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change (RM15 to RM20)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 18, 2013	
<b>Owner(s):</b> Jomani Developing, LLC	<b>Engineer:</b> None	
<b>Reason for Request:</b> Rezone property to increase the allowable density for a multi-family development.		
<b>Location:</b> In north Bismarck along the north side of Niagara Drive, south of 57 <sup>th</sup> Avenue NE, approximately ½ mile west of US Highway 83.		
<b>Project Size:</b> 2.25 acres more or less	<b>Number of Lots:</b> 3 lots in 1 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Multi-family residential	
<b>Zoning:</b> RM15 – Residential	<b>Zoning:</b> RM20 – Residential	
<b>Uses Allowed:</b> Multi-family residential	<b>Uses Allowed:</b> Multi-family residential	
<b>Maximum Density Allowed:</b> 15 units/acre	<b>Maximum Density Allowed:</b> 20 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/1980	<b>Platted:</b> 12/1980	<b>Annexed:</b> 03/2007
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. It has been the City's position that building permits will not be issued for any of the lots along 57<sup>th</sup> Avenue NE until 57<sup>th</sup> Avenue NE from US Highway 83 to the western edge of the lot being developed is constructed to City standards (although a temporary paved rural section may be acceptable). In addition, with the development of 57<sup>th</sup> Avenue NE, the developer(s) may be financially responsible for constructing a north bound left turn lane and a south bound right turn lane on Highway 83 at 57<sup>th</sup> Avenue NE to NDDOT standards (20:1 taper and 320' storage).</li> <li>2. The applicant is proposing to construct a 36-unit, 3-story apartment building on the lots included in the proposed zoning change request. In order to construct the proposed apartment building a density of 16 units per acre would be required.</li> <li>3. The Bismarck Planning &amp; Zoning Commission at their meeting of December 19, 2012, denied a zoning request for a proposed zoning change for this property and the property to the east (Lots 1-4, Block 3, Sonnet Heights Subdivision). During that meeting, the applicant indicated that changing his request to a RM20 – Residential zoning district would achieve his desire to construct a 36-unit apartment building. Staff also indicated that they may be willing to support a request to the RM20 – Residential zoning district. It was mentioned at the meeting that adjacent property owners have purchased lots with the understanding that the property would be constructed at the existing RM15 – Residential density. The need for transitional zoning was also discussed; in particular per the request of the City Commission, zoning transitions should be maintained. An excerpt of the minutes from the December 19, 2013 meeting of the Planning and Zoning Commission are attached.</li> </ol>		

**FINDINGS:**

1. The proposed zoning is consistent with the Land Use Plan, which identifies this area as residential (land use portion of the US Highway 83 Transportation Corridor Study).
2. The proposed zoning change would be not compatible with adjacent land uses. In particular, the proposed bulk and density of 20 units per acre is not compatible with the single and two-family residential uses located south of Lot 3 and south across Niagara Drive. Adjacent land uses include a combination of single and two-family homes to the south, undeveloped multi-family residentially zoned property (RM15) to the east and undeveloped agricultural land to the west and north.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services, provided 57<sup>th</sup> Avenue NE is constructed and paved prior to development.
4. The proposed zoning change may adversely affect property in the vicinity. In particular, the single and two-family homes located south of the proposed zoning change may be adversely affected by higher density development located adjacent to Lot 3 and across Niagara Drive to the south.
5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. The zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. In particular, the property to the south of the proposed zoning change is zoned R10 – Residential and is being developed as single and two-family homes. A single-family dwelling was constructed in July 2013 on the lot to the south of Lot 3, adjacent to the proposed zoning change.
6. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, increasing the density to from 15 units per acre to 20 units per acre is contrary to the concepts of transitional zoning, given the fact that there would no longer be a zoning transition between the higher density multi-family and the single and two-family residential homes to the south.

**RECOMMENDATION:**

Based on the above findings, staff recommends denial of the zoning change from the RM15-Residential zoning district to the RM20-Residential zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision.

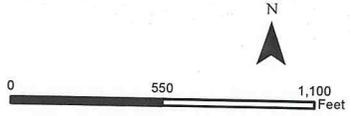
# Proposed Zoning Change (RM15 to R30) Lots 1-3, Block 1 Sonnet Heights Subdivision

Proposed Zoning Change



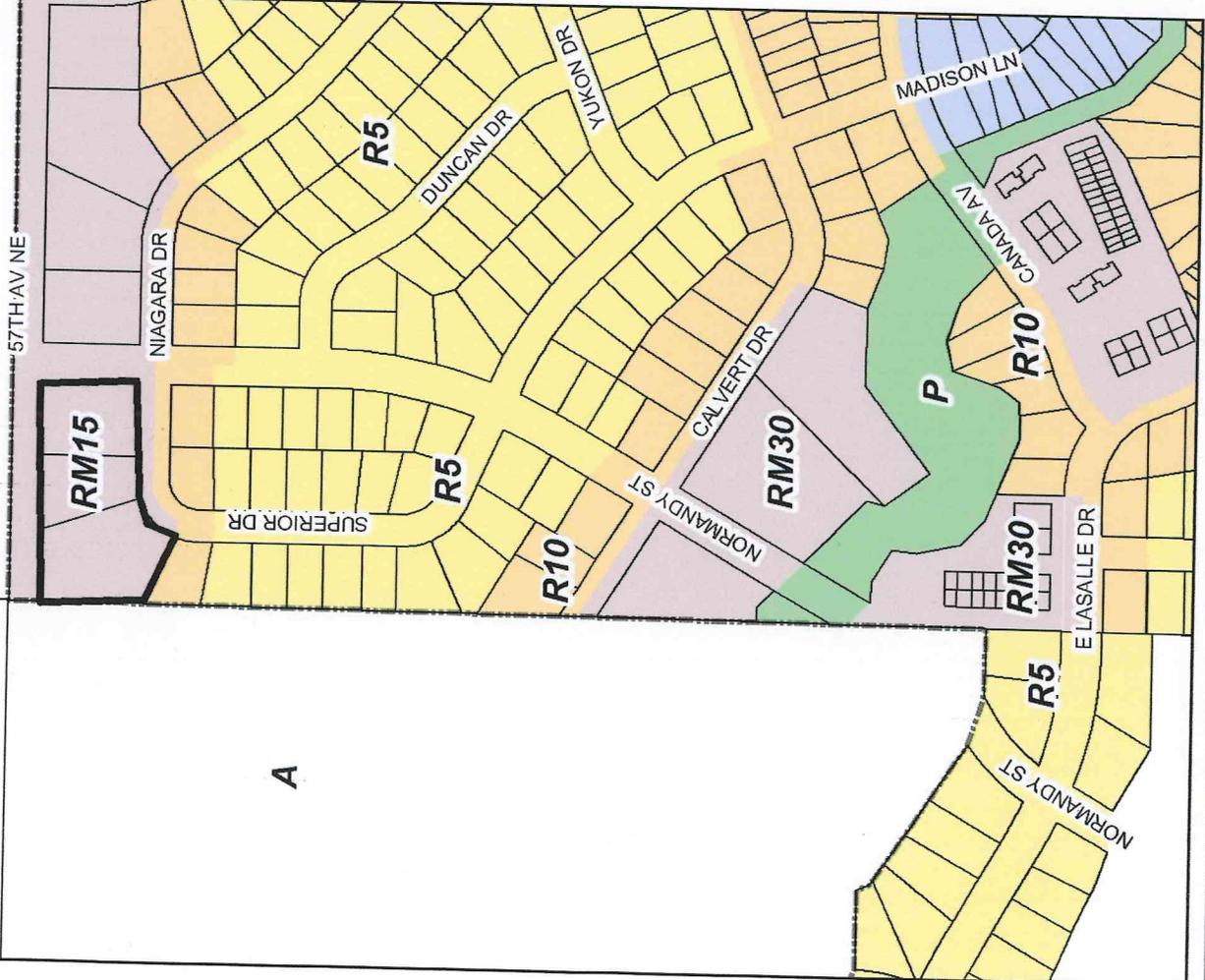
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: October 15, 2013 (hib)

Source: City of Bismarck



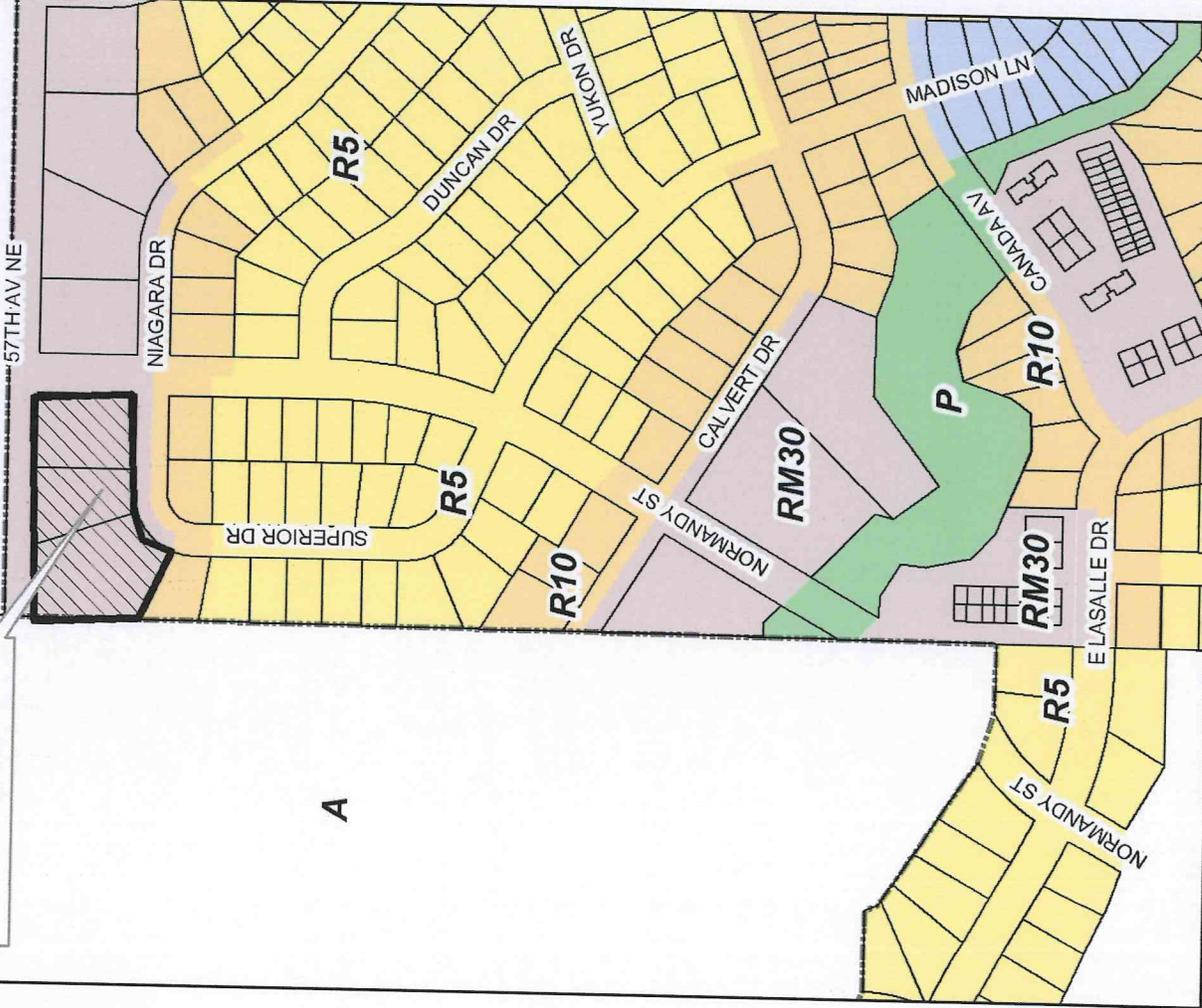
**Lots 1-3, Block 1, Sonnet Heights Subdivision**

**Existing Zoning**



**Proposed Zoning**

**RM15 to RM20**



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November 2013

**PUBLIC HEARING – ZONING CHANGE  
LOTS 1-3, BLOCK 1 AND LOTS 1-4, BLOCK 3, SONNET HEIGHTS SUBDIVISION**

Chairman Yeager called for the public hearing on the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 2, Sonnet Heights Subdivision. The property is located in north Bismarck, along the north side of Niagara Drive, south of 57<sup>th</sup> Avenue NE, approximately ¼ mile west of US Highway 83 south of 43<sup>rd</sup> Avenue NE, between US Highway 83/State Street and North 19<sup>th</sup> Street.

Ms. Wollmuth provided an overview of the request, including the following information: “Building permits will not be issued for any of the lots along 57<sup>th</sup> Avenue NE until 57<sup>th</sup> Avenue NE from US Highway 83 to the western edge of the lot being developed is constructed to City standards. In addition, with the development of 57<sup>th</sup> Avenue NE, the developer(s) may be financially responsible for constructing a north bound left turn lane and a south bound right turn lane on Highway 83 at 57<sup>th</sup> Avenue NE to NDDOT standards (20:1 taper and 320’ storage).” She added that the applicant has concerns with this statement, as he believes it is contrary to what he was previously told.

Ms. Wollmuth then listed the following findings for the zoning change:

1. This area is identified in the Land Use Plan as residential (land use portion of the US Highway 83 Transportation Corridor Study).
2. The proposed zoning change would be not compatible with adjacent land uses. In particular, the proposed bulk and density of 30 units per acre is not compatible with the single and two-family residential uses located to the south across Niagara Drive. Adjacent land uses include partially developed single and two-family homes to the south, undeveloped multi-family to the east and undeveloped agricultural land to the north.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services, provided 57<sup>th</sup> Avenue NE is constructed prior to development.
4. The proposed zoning change may adversely affect property in the vicinity. In particular, the single and two-family homes located south of the proposed zoning change may be adversely affected by higher density development located across the street.
5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. The zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. In particular, the property to the south of the proposed zoning change is zoned R10 – Residential and is expected to develop as single and two-family homes.
6. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, increasing the density to from 15

*Excerpt of the minutes of the City Planning and Zoning Commission meeting of December 18, 2013:*

units per acre to 30 units per acre is contrary to the concept of transitional zoning, given the fact that there would no longer be a zoning transition between the higher density multi-family and the single and two-family residential homes to the south.

Ms. Wollmuth said based on these findings, staff recommends denial of the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision.

Chairman Yeager opened the public hearing on the zoning change for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision.

Derek VanLuik, an area resident, stated that he is opposed to the zoning change, adding that he does not believe that area should be developed at a higher density.

Angie Koppang, an area resident, expressed concerns with increased traffic in the area, adding that there are many families with young children. She is opposed to the zoning change.

Taylor Rash stated that he lives across the street from the property and is opposed to the zoning change. He added that even with the construction of 57<sup>th</sup> Avenue NE, traffic through the neighborhood will still increase because it would be a shorter route.

Wade Felton, applicant, thanked staff for working with him on the development of Sonnet Heights. He then stated that a similar zoning change was approved for the northern tier of lots along 57<sup>th</sup> Avenue when the Sonnet Heights Subdivision Second Replat was approved in 2008/2009. He added that based on his proposed plan, a zoning of RM20-Residential would meet his needs. He continued by saying that if 57<sup>th</sup> Avenue was constructed, traffic would go that way because it is a more direct route.

Chairman Yeager closed the public hearing.

Commissioner Atkinson asked about required landscape buffers. Mr. Tomanek relied that there is not a buffer yard requirement if the uses are across the street from each other. If they share a side or rear lot line, a buffer yard with a minimum depth of 15 feet is required. The amount of landscaping required would depend on whether or not the design includes a 6-foot screening fence.

Commissioner Armstrong asked if an RM20-Residential zoning district could be approved without re-notification. Ms. Lee replied that since that is a lower density than what was advertised, it could be approved without another public hearing.

Commissioner Waldoch indicated that she was uncomfortable with the change to RM30-Residential, adding that people purchased the surrounding lots expecting the property to be developed at RM15-Residential densities.

*Excerpt of the minutes of the City Planning and Zoning Commission meeting of December 18, 2013:*

Commissioner Warford stated that he shared Commissioner Waldoch's opinion. He added that the need for zoning transitions has become very evident in recent discussions and that the increased use of transitional zoning has been the direction of the City Commission. He went on to say that Bismarck will be a better community if it sticks to the policy of requiring transitional zoning.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to deny the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion to deny the request.

**BISMARCK PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 4-6, Block 1, Edgewood Village 7 <sup>th</sup> Addition – Special Use Permit (Child Care Center)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 18, 2013	
<b>Owner(s):</b> Legacy Single Family Lots, LLC (owner) Tess Imhoff (applicant)	<b>Engineer:</b> Wold Engineering	
<b>Reason for Request:</b> The applicants wish to obtain approval to allow the development and operation of child care center.		
<b>Location:</b> The property is located in northeast Bismarck, along the west side of Nebraska Drive and south side of Knudsen Loop.		
<b>Project Size:</b> 61,820 square foot (lot) / 9,237 square foot (building)	<b>Number of Lots:</b> 3 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Child care center	
<b>Zoning:</b> R10 – Residential	<b>Zoning:</b> R10 – Residential	
<b>Uses Allowed:</b> One and two-family residential & child care center with a special use permit	<b>Uses Allowed:</b> One and two-family residential & child care center with a special use permit	
<b>Maximum Density Allowed:</b> 10 units per acre	<b>Maximum Density Allowed:</b> 10 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 03/2013	<b>Platted:</b> 03/2013	<b>Annexed:</b> 03/2013
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The proposed child care center is intended to accommodate 143 Children; the total number of children under the age of 2 ½ years will be 37.</li> <li>2. The proposed child care center will employ a maximum number of 18 employees.</li> <li>3. The hours of operation for the proposed child care center will be from 7:00 am to 5:30 pm, Monday through Friday.</li> <li>4. The applicant has been working with the Building Inspections Division to ensure that all the requirements set forth to establish and operate a child care center are met.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. A daycare center is allowed as a special use in the R10 – Residential zoning district, provided specific conditions are met. The proposed child care center meets the provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances. A copy of this section is attached.</li> </ol>		

(continued)

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 provided the play area is setback 20 feet from the property line and a buffer yard is installed per city requirements.
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.
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 have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic; in particular, adequate off-street parking would be provided.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a child care center on Lots 4-6, Block 1, Edgewood Village 7<sup>th</sup> Addition with the following conditions:

1. The construction and operation of the day care center must meet all applicable requirements for such a use in the R10 – Residential zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

**Section 14-03-08(4)(q) (Special Uses)**

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.

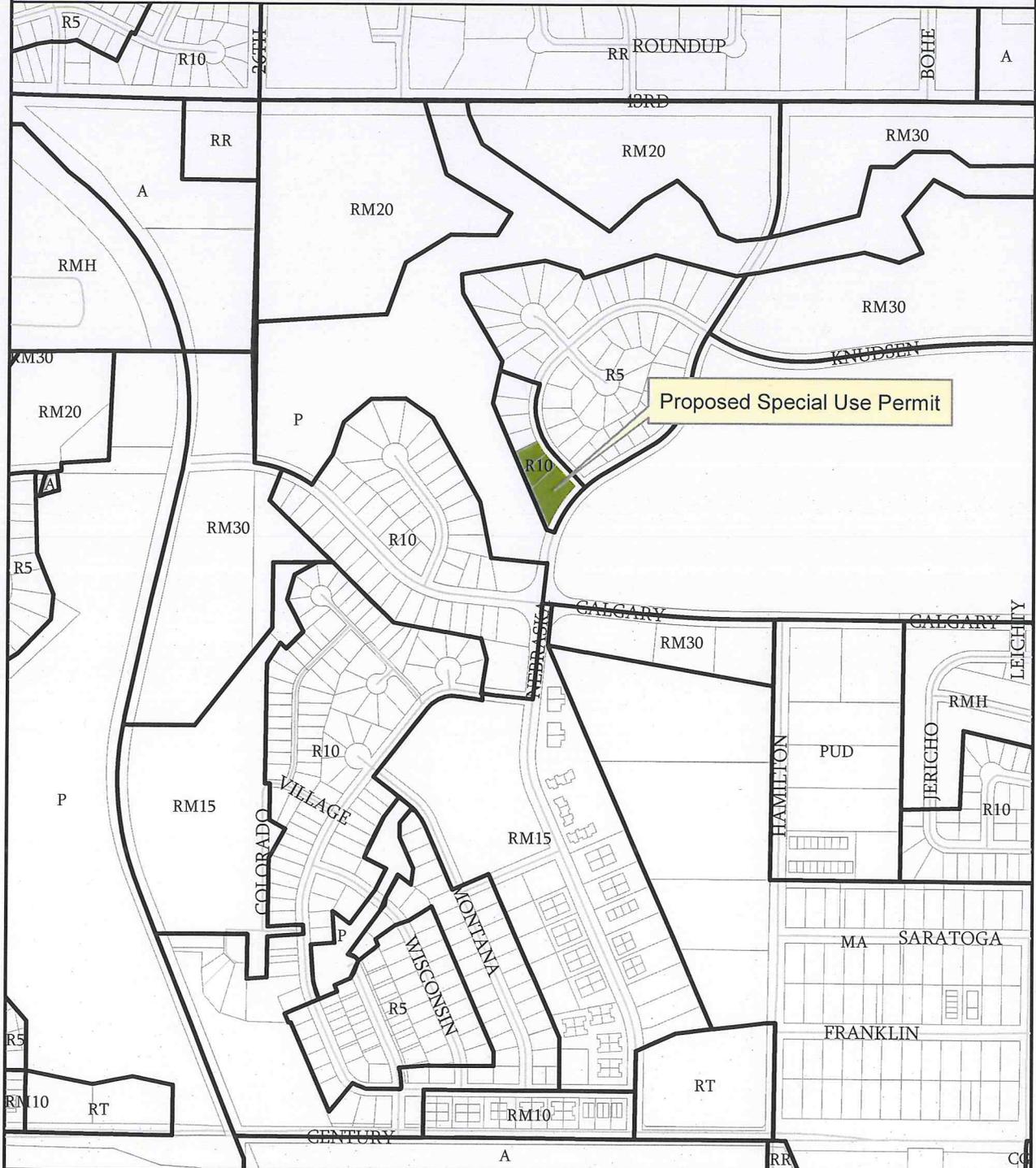
2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended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

3) Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

4) Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.

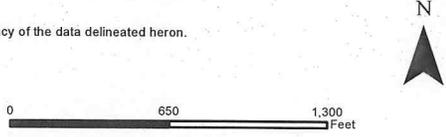
5) Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

# Proposed Special Use Permit Lots 4-6, Block 1, Edgewood Village 7th Addition

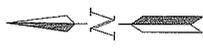
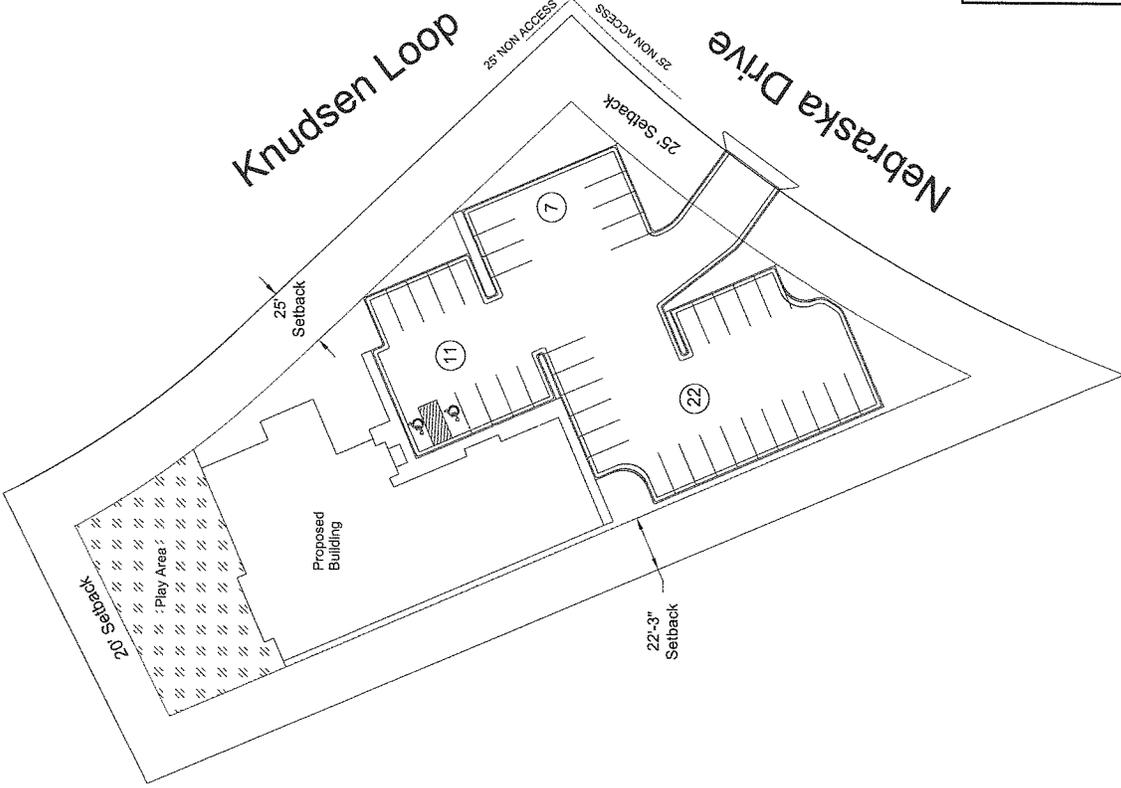


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Map was Updated/Created: December 5, 2013 (hlb)

Source: City of Bismarck



STATE ND PROJECT NO. B-13-29



**Edgewood 7th Lot 4, 5, & 6 Block 1**

Approximate Quantities	
Curb	822.0 LF
Asphalt	15,457.5 SF
Sidewalk & Concrete Ramp	1,368 SF
Parking Spots	40
Play Area	4,528.7 SF

REVISED: 00/00/0000

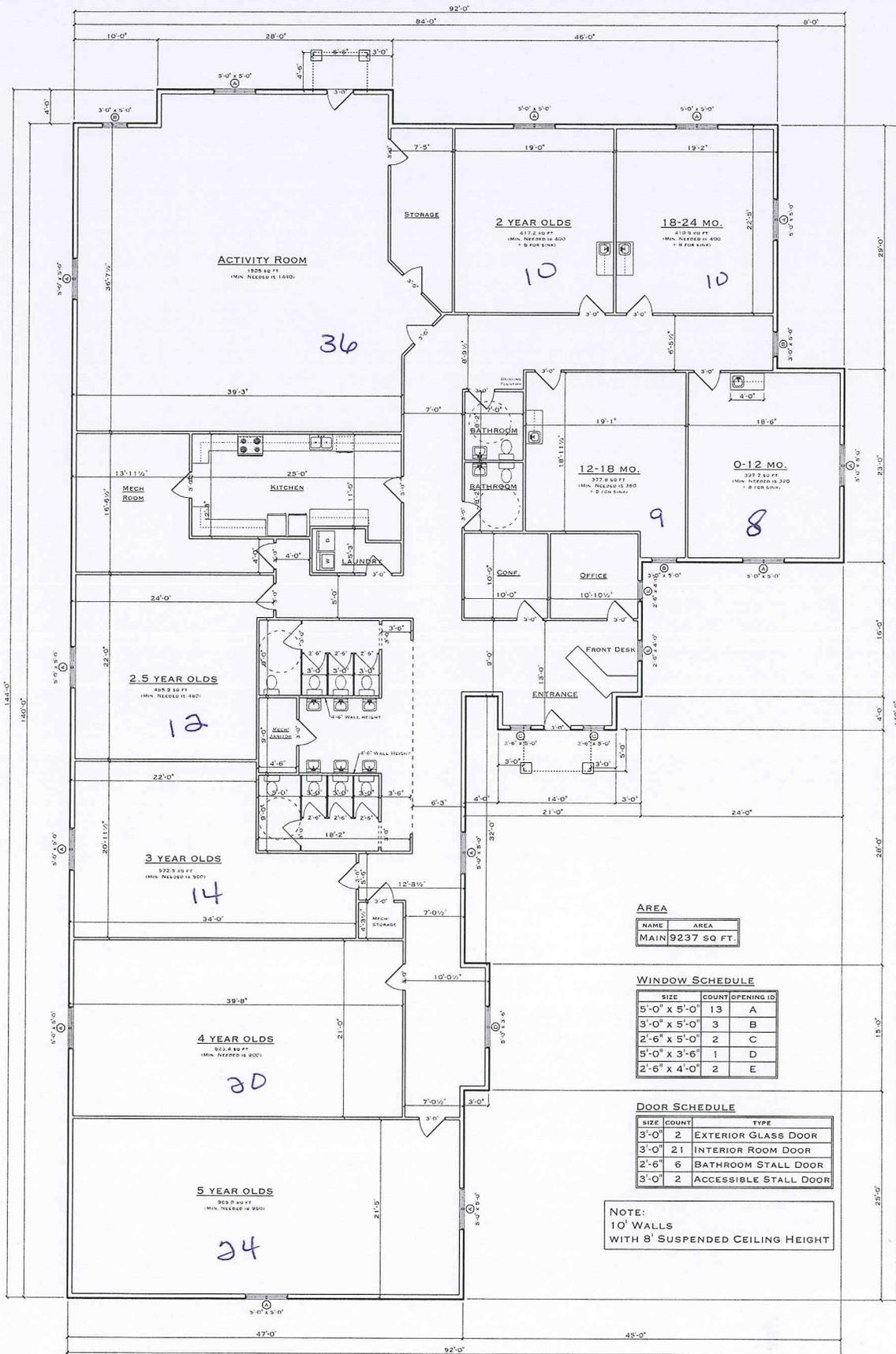
**LEGEND**

- MONUMENT FOUND
- ⊙ MONUMENT SET
- BUILDING SETBACK

SCALE: 1/4" = 1'-0"

**PRELIMINARY  
PLANS  
NOT FOR  
CONSTRUCTION**

**Wold Engineering, P.C.**  
 Consulting Engineers & Land Surveyors  
 BOYDNEAU - BEAUMONT - JARVIS  
 DRAWN BY: JAB CHECKED BY: MER DATE: 02/20/13  
 © Wold Engineering, P.C. 2013



**AREA**

NAME	AREA
MAIN	9237 SQ FT.

**WINDOW SCHEDULE**

SIZE	COUNT	OPENING ID
5'-0" x 5'-0"	13	A
3'-0" x 5'-0"	3	B
2'-6" x 5'-0"	2	C
5'-0" x 3'-6"	1	D
2'-6" x 4'-0"	2	E

**DOOR SCHEDULE**

SIZE	COUNT	TYPE
3'-0"	2	EXTERIOR GLASS DOOR
3'-0"	21	INTERIOR ROOM DOOR
2'-6"	6	BATHROOM STALL DOOR
3'-0"	2	ACCESSIBLE STALL DOOR

**NOTE:**  
10' WALLS  
WITH 8' SUSPENDED CEILING HEIGHT

SCALE:  
1/8" = 1'-0"

DRAWN BY: MARCIE FRANKLUND  
DATE: JUNE 4, 2013  
REVISED: SEPTEMBER 18, 2013

DRAWN FOR:  
**RED DEER HOMES**  
PLAN NUMBER: RDH-DAYCARE V3

**FRONT STREET MILLWORK & LUMBER INC.**  
1416 EAST FRONT AVENUE - BISMARCK, ND 58504  
PHONE: (701)255-1636 - FAX: (701)222-0500  
MARCIE@FRONTSTREETMILLWORK.COM

## PARKING REQUIREMENTS

1 SPACE-EVERY EMPLOYEE  
1 SPACE-EVERY 10 CHILDREN

\*18 TEACHERS FOR 9 CLASSROOMS

\*COOK

\*DIRECTOR

\*OWNER

\*RECEPTIONIST

\*143 CHILDREN=15 PARKING SPOTS

TOTAL=37 PARKING SPOTS NEEDED

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 2, Hay Creek Commercial Addition – Special Use Permit (Drive-Through)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 18, 2013	
<b>Owner(s):</b> Mandan 94 Investors, LLP	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Allow a drive-through window in conjunction with a proposed coffee shop.		
<b>Location:</b> The property is located in north Bismarck, along the south side of East LaSalle Drive and the east side of US Highway 83.		
<b>Project Size:</b> 28 acres, more or less	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Multi-tenant retail space, including a Coffee shop with a drive-through window	
<b>Zoning:</b> CG – Commercial	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> CG – General commercial uses	<b>Uses Allowed:</b> CG – General commercial uses	
<b>Maximum Density Allowed:</b> CG – 42 units per acre	<b>Maximum Density Allowed:</b> CG – 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 08/2013	<b>Platted:</b> 08/2013	<b>Annexed:</b> 08/2013
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. A drive-through window is allowed as a special use in the CG – Commercial zoning district, provided specific conditions are met. The proposed drive-through window meets all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections of the ordinance are attached.</li> <li>2. The proposed special use would not adversely affect the public health, safety and general welfare.</li> <li>3. The proposed special use would not be detrimental to the use or development of adjacent properties.</li> <li>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.</li> <li>5. Adequate public facilities and services are in place.</li> <li>6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.</li> <li>7. Adequate measures have been taken to minimize traffic congestion in the public street and provide for appropriate on-site circulation of traffic; in particular, adequate off-street parking would be provided</li> </ol>		

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window in conjunction with a proposed coffee shop on Lot 1, Block 2, Hay Creek Commercial Addition, with the following conditions:

1. The construction and operation of the drive-through window must meet all applicable requirements for such a use in the CG – Commercial zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

**Section 14-03-08(4) (Special Uses)**

g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:

1) The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.

2) Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.

3) Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, an ingress automobile parking reservoir shall be provided on the premises in conformance with section 14-03-10 of this ordinance.

4) Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on a local street.

5) All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.

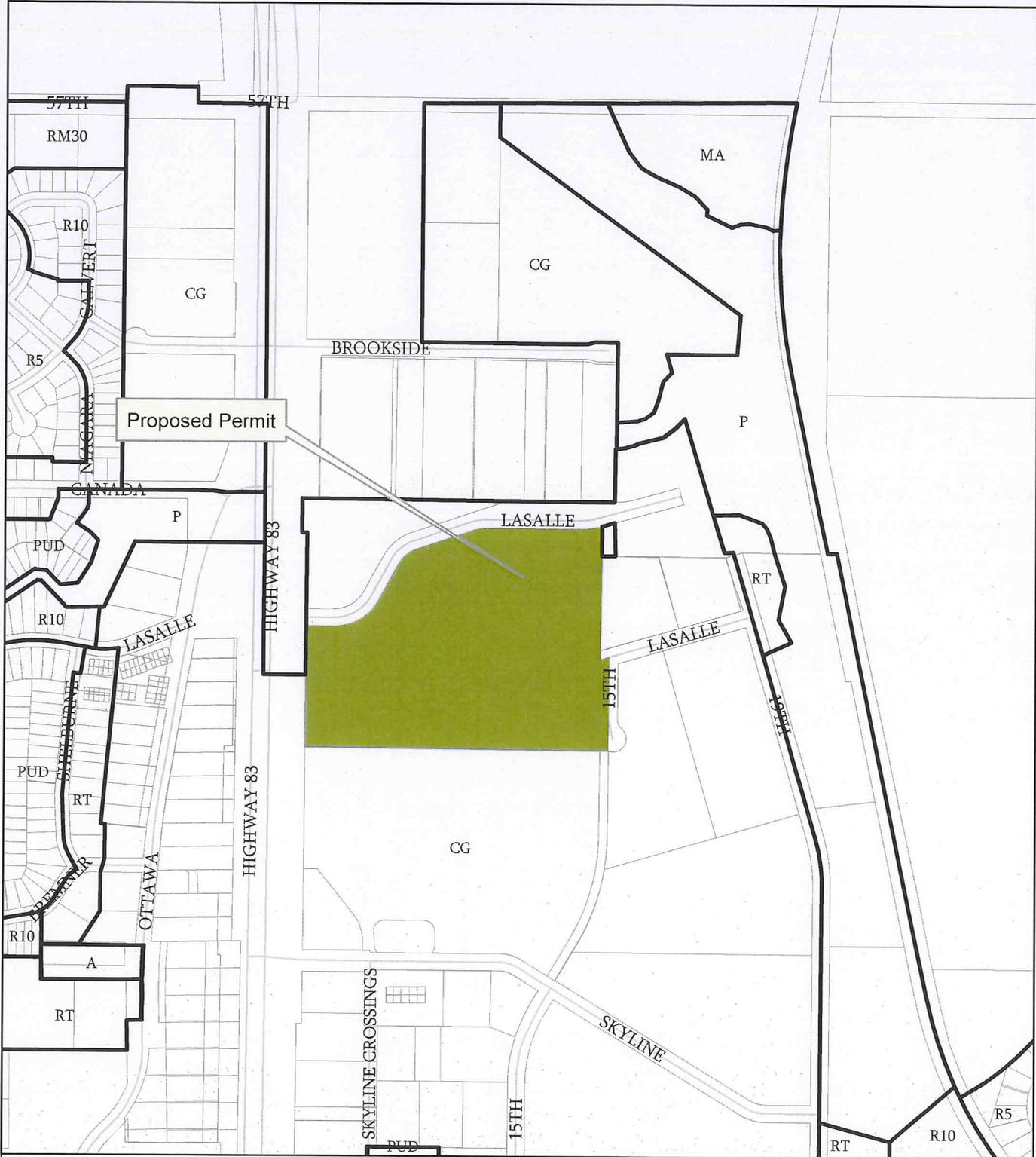
6) On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

**Section 14-03-10(2) (off Street Parking and Loading)**

2) Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

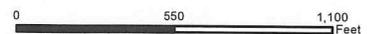
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

# Proposed Special Use Permit (Drive-Through) Lot 1, Block 2, Hay Creek Commercial



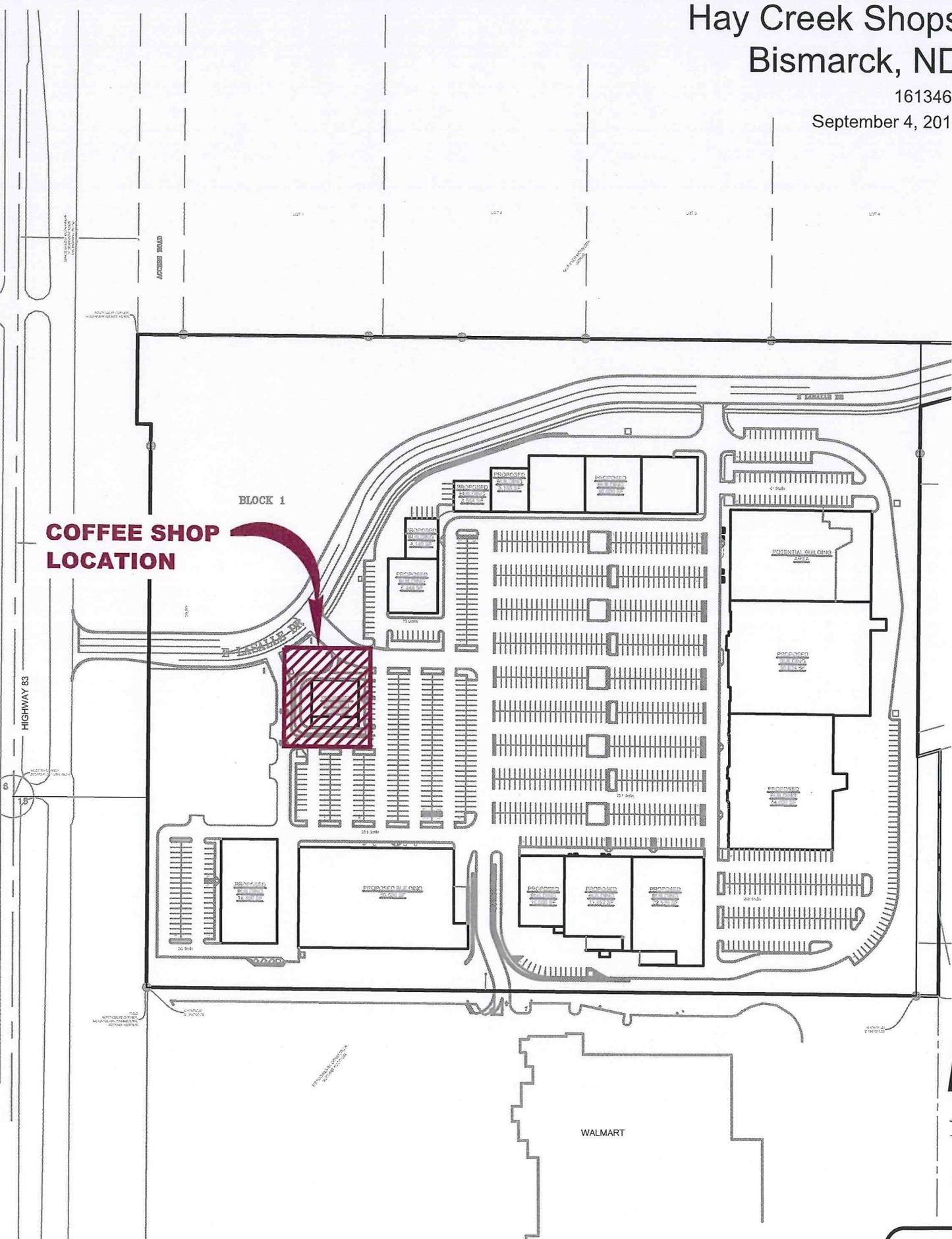
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: December 4, 2013 (hib)

Source: City of Bismarck



# Hay Creek Shops Bismarck, ND

1613464  
September 4, 2013



**COFFEE SHOP  
LOCATION**

BLOCK 1

HIGHWAY 83

WALMART

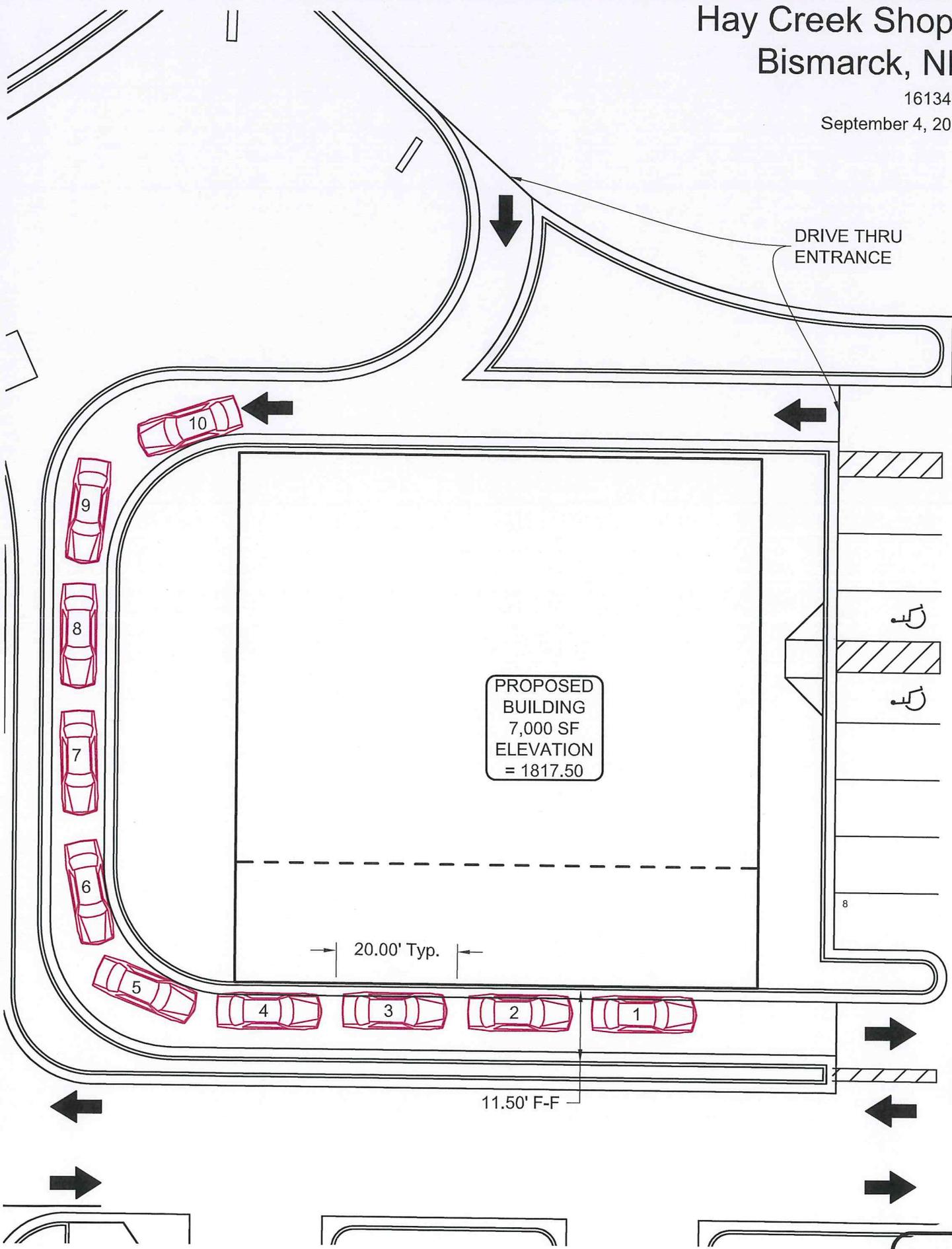
Coffee Shop Location Map - Exhibit 1

NOT TO SCALE - FOR REFERENCE ONLY



# Hay Creek Shops Bismarck, ND

1613464  
September 4, 2013



Coffee Shop Drive Thru Layout - Exhibit 2

10 0 10 20  
SCALE FEET

# CITY OF BISMARCK Ordinance No. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT PORTIONS OF TITLE 14 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO ZONING AND RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted as follows:

**14-02-03. Definitions.** The following definitions represent the meanings of terms as they are used in these regulations:

\* \* \* \* \*

Building Official: The person designated by the Director of Community Development to administer and enforce the City's building regulations and other duties as specified in this Chapter.

\* \* \* \* \*

Special use: A use permitted in a particular zoning district only upon showing that such in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance and authorized by the city planning and zoning commission or the Building Official Zoning Administrator (where allowed).

\* \* \* \* \*

Zoning Administrator: The person or persons designated by the Director of Community Development to administer and enforce the City's zoning and subdivision regulations.

Section 2. Amendment. Section 14-03-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to General Provisions is hereby amended and re-enacted as follows:

**14-03-04. General Provisions.**

\* \* \* \* \*

5. Nonconforming uses. The Building Official is authorized to issue a certificate of occupancy for a building only if said building fully complies with the zoning ordinance in effect at the date of issuance of the building permit and with the building code and with other applicable ordinances of the City of Bismarck.

\* \* \* \* \*

Section 3. Amendment. Section 14-03-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Districts is hereby amended and re-enacted as follows:

**14-03-05. Supplementary Provisions.**

\* \* \* \* \*

9. Residential Area Identification Signs.

\* \* \* \* \*

j. A permit for a residential area identification sign must be issued by the ~~City~~ Building Official prior to the construction or installation of such sign in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures). If a homeowners' association is established, documentation on such association shall be submitted to ~~and approved by~~ the City Building Official prior to the granting of a permit for the residential area identification sign.

10. Industrial Park Area Identification Signs.

\* \* \* \* \*

i. Maintenance of all industrial park area identification signs and plantings shall be the responsibility of the industrial park owner(s). ~~If a property owners' association is established, documentation on such association shall be submitted to and approved by the City Building Official prior to the granting of a permit for the industrial park area identification sign.~~

j. A permit for an industrial park area identification sign must be issued by the Building Official prior to the construction or installation of such sign in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures). If a homeowner's property owners' association is established, documentation on such association shall be submitted to the Building Official prior to the granting of a permit for the industrial park area identification sign.

\* \* \* \* \*

Section 4. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted as follows:

**14-03-06. Incidental Uses.** Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

\* \* \* \* \*

2. Home occupation:

a. There is permitted in a dwelling any occupation customarily incidental to the principal use as a dwelling subject to the following limitations:

1. A permit for the home occupation shall be obtained from the ~~Building Official~~ Zoning Administrator prior to the initiation of the use. Said permit shall be valid for two years. An administrative fee may be charged. Any appeal

from a decision relative to said permit shall be referred to the Board of Adjustment.

\* \* \* \* \*

Section 5. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted as follows:

**14-03-08. Special Uses.** In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and ~~Building Official~~ by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and ~~Building Official~~ the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

1. General provisions.

a. The uses listed in this section are designated as special uses, and no building permit or certificate of occupancy shall be issued by the Building Official until the application for such permit or certificate has been reviewed and authorized by the city planning and zoning commission except that certain uses may be authorized by the ~~Building Official~~ Zoning Administrator.

\* \* \* \* \*

c. Before approving the issuance of a building permit or certificate of occupancy for a special use, the city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall find:

\* \* \* \* \*

d. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) is authorized to impose any conditions on the granting of a building permit or certificate of

occupancy for a special use ~~it deems as deemed~~ necessary for the protection of the neighborhood and the general welfare of the public.

e. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall not authorize the location of a special use in any district from which it is prohibited.

f. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator shall not be authorized to permit the issuance of a building permit or certificate of occupancy for any special use if it is found that such special use would fail to comply with any of the requirements of this title or this section.

g. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall require the applicant for authorization of a special use to furnish any engineering drawings or specifications, site plans, operating plans or any other data ~~the board finds~~ necessary to appraise the need for or effect of such special use.

\* \* \* \* \*

2. Temporary uses (administrative approval). The ~~Building Official~~ Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen days after termination of the use. The following are temporary uses to which such regulations apply:

\* \* \* \* \*

f. For a show, circus, menagerie or carnival in a CA, CR, CG, MA, MB, A or P Zone for a period of no more than ten days provided that proof of a bond or liability insurance as required by City Ordinance 5-03-08 is provided prior to the first day of the event and that no less than thirty days prior to the first day of the event the applicant shall submit an application for the event to the ~~Building Official~~ Zoning Administrator. Such application shall be

accompanied by a fee of \$100.00 per day, as established by the City, for each day of the event fee which shall be in addition to any other license or inspection fees, and a site plan of the event showing at least the following details:

1) General layout with dimensions and legal description.

2) Location and type of sanitary facilities. There shall be at least one toilet facility for each sex for every ten concessions.

3) Circulation plan showing access points, pedestrian areas and parking areas.

4) At least nine hundred square feet of area shall be required for each concession.

5) No public right-of-way shall be utilized for any portion of the event without special permission of the Board of City Commissioners.

6) No noise in excess of sixty decibels may be emitted after 11:00 p.m.

7) No event may begin earlier than 9:00 a.m. nor continue later than 1:00 a.m.

8) Each event which conducts, operates, manages or sponsors any ferris wheel, merry-go-round or other amusement ride shall post a \$500,000 bond or liability insurance as required by City Ordinance 5-03-08.

9) Shows, circuses, menageries or carnivals held at the Civic Center or the Missouri Valley Complex do not require a special use permit. Events held at those locations must still comply with all applicable City Ordinances and adopted codes.

10) The Zoning Administrator will provide a copy of each application for a temporary special use permit for a show, circus, menagerie or carnival to the Police Department, Fire

Department, the Building Official, the Traffic Engineer and to the Environmental Health Administrator for events held within the City and to the Sheriff, the County Engineer, the Building Official, the Environmental Health Administrator and the Rural Fire Department for events held outside the City.

\* \* \* \* \*

3. Permanent uses (administrative approval). The ~~Building Official~~ Zoning Administrator may issue special use permits for the following uses without a public hearing or approval of the city planning and zoning commission:

\*  
\* \* \* \* \*

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

\* \* \* \* \*

c. Golf driving range. A golf driving range not an accessory use to a golf course may be permitted in an A, CG, or MA district as a special use, provided:

\* \* \* \* \*

4. Parking shall be provided to equal 90% of the facility's rated capacity ~~as determined by the Building Official.~~

\* \* \* \* \*

h. Motor Vehicle Parts Salvage Yard. In addition to other provisions of Title 14 of the revised ordinances of the City of Bismarck, a motor vehicle parts salvage yard may be operated in the MA or MB industrial districts as a special use, provided:

1. That the ~~certificate of occupancy~~ special use permit granted under the provisions of this article shall be revoked by the ~~Building Official~~ Zoning Administrator if the holder

violates any provisions of this ordinance or any special provision imposed by the city planning and zoning commission.

\* \* \* \* \*

v. Small Wind Energy Systems. This section is intended to provide reasonable standards for the use of a Small Wind Energy System (SWES) which would allow electrical power consumers to supplement or replace their use of utility-provided electrical power without creating negative impacts to adjacent properties or the public.

\* \* \* \* \*

7. Additional rules regarding SWES's.

\* \* \* \* \*

a. Sound Measurements. Following approval and installation of a SWES, the ~~Building Official~~ Zoning Administrator may require the owner/operator of the SWES to engage a certified technician to perform sound measurements at the closest property line to determine and report ambient and operating decibel levels.

\* \* \* \* \*

Section 6. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-Street Parking and Loading is hereby amended and re-enacted as follows:

**14-03-10. Off-Street Parking and Loading.**

1. Off-street parking.

\* \* \* \* \*

h. Retail establishments, including personal service shops, equipment or repair shops:

\* \* \* \* \*

2) In a CR commercial zone - Off-street parking shall be provided in an amount equivalent to five (5.0) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the ~~Building Official~~ Zoning Administrator.

\* \* \* \* \*

4. Uses not specifically mentioned or unique situations. For any use not specifically mentioned in this section or in unique situations, the ~~Building Official~~/Zoning Administrator has the authority to modify the number of off-street parking spaces required based on the occupancy load. In such cases, either the ~~Building Official~~/Zoning Administrator or the applicant for the certificate of occupancy or building permit may apply to the board of adjustment for an interpretation of the provisions of this article for such off-street parking and off-street loading requirements and the board of adjustment shall render a decision in writing in the manner provided for in this article for such action.

\* \* \* \* \*

9. Plan of required off-street parking or loading areas. For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the ~~Building Official~~ Zoning Administrator to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided additional area for lanes, alleys, aisles and drives necessary for safe and adequate parking maneuvering. For each off-street loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or

tractor-trailer combinations to back into them from a street or out of them into a street.

\* \* \* \* \*

Section 7. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential District is hereby amended and re-enacted as follows:

**14-04-05. RMH Residential District**

\* \* \* \* \*

4. Community Storage Buildings. Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

\* \* \* \* \*

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the Building Official Zoning Administrator.

\* \* \* \* \*

Section 8. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CR Commercial District is hereby amended and re-enacted as follows:

**14-04-13. CR Commercial District.**

\* \* \* \* \*

8. Off-street parking. Off-street parking shall be provided in an amount equivalent to five (5-0) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the Building Official Zoning Administrator.

\* \* \* \* \*

Section 9. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted as follows:

**14-04-19. FP Floodplain District.** In any FP floodplain district, the following regulations shall apply:

\* \* \* \* \*

3. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

\* \* \* \* \*

"Floodplain Administrator" means the person designated by the ~~City of Bismarck~~ Director of Community Development to administer and enforce the City's floodplain regulations.

\* \* \* \* \*

5. Administration.

\* \* \* \* \*

c. ~~Designation of~~ Administration by the Floodplain Administrator. ~~The Building Official Floodplain Administrator, as defined herein, shall is hereby appointed to~~ administer and implement this section by granting or denying development permit and non-structural development permit applications in accordance with its provisions.

Section 10. Amendment. Section 14-05-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Administration and Enforcement is hereby created and enacted as follows:

14-05-01. Administration and Enforcement. This title shall be administered and enforced by the Zoning Administrator except as provided herein.

Section 11. Amendment. Section 14-05-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Building

Permits and Approval of Plan is hereby amended and re-enacted as follows:

**14-05-01 01.1. Building Permits and Approval of Plans.**

~~This article shall be enforced by the~~ The Building Official, who shall in no case grant any permit for the construction, moving, or alteration of any building if the building as proposed to be constructed, moved or altered would be in violation of any of the provisions of this article. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the plot to be built upon, the exact sizes and locations on the plot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of such building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the plot and neighboring plots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Official.

(Ord. 4486, 04-27-93; Ord. 5728, 05-26-09)

Section 12. Amendment. Section 14-05-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Duties of Building Official, Fire Chief, Courts, City Planning and Zoning Commission and Board of City Commissioners as to Matter of Appeal is hereby amended and re-enacted as follows:

\* \* \* \* \*

**14-05-03 04. Duties of Building Official, Zoning Administrator, Board of Adjustment, Fire Chief, Health Officer, Courts, City Planning and Zoning Commission and Board of City Commissioners as to Matter of Appeal.**

It is the intent of this article that questions arising in connection with the enforcement of the article shall be presented first to the ~~Building Official~~ Zoning Administrator and that such questions shall be presented to the board of adjustment only on appeal from the ~~Building Official~~ Zoning Administrator and that from the decision of the board of adjustment, appeal may be made to the board of city commissioners as provided by ordinance. Questions involving the enforcement of Section 14-05-05.1 shall be presented first to the ~~Fire Chief~~ Health Officer and that such questions shall be presented to the board of adjustment only on appeal from the ~~Fire Chief~~ Health Officer and that from

the decision of the board of adjustment, appeal may be made to the board of city commissioners as provided by ordinance. Questions involving special uses shall be presented to the city planning and zoning commission and appeal may be made to the board of city commissioners as provided by ordinance. Temporary special uses may be granted by the Building Official Zoning Administrator and appealed to the board of city commissioners.

(Ord. 4486, 04-27-93; Ord. 5728, 05-26-09)

Section 13. Amendment. Section 14-05-03.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Notice and Order is hereby amended and re-enacted as follows:

**14-05-03.1. Notice and Order.** Whenever a violation of this title is found, the Building Official Zoning Administrator or his or her agent shall give written notifications to the owner of the property or to the occupant or renter of the property that a violation has occurred and order the violation abated and the property, building or use brought into compliance with this title. Whenever a violation of Section 14-05-05.1 of this title is found, the Fire Chief Health Officer or his or her agent shall give written notifications to the owner of the property or to the occupant or renter of the property that a violation has occurred and order the violation abated and the property, building or use brought into compliance with this title. A reasonable amount of time must be allowed for compliance.

(Ord. 4862, 08-12-97; Ord. 5728, 05-26-09)

Section 14. Amendment. Section 14-05-05.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Accumulation of Certain Items Prohibited is hereby amended and re-enacted as follows:

**14-05-05.1 Accumulation of Certain Items Prohibited.**

1. No person shall cause, permit, keep, accumulate or allow the accumulation of any commercial equipment, junk, refuse, surplus, scrap, salvage or other similar items outside of a closed building in any residentially-zoned district. The items for which accumulations are prohibited under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household appliances, machinery, farm machinery, commercial equipment, new or used building materials, construction or demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery

parts, tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items has value or is operational shall not excuse conduct prohibited by this section. For the purposes of this section, residential districts shall include RR, RR5, R5, RMH, R10, RM, RT, PUD, and HM. Prior to signing a complaint under this section, the ~~Fire Chief~~ Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

2. No person shall cause, permit, keep, accumulate or allow the accumulation of any junk, refuse, surplus, scrap, salvage or similar items outside of a closed building or opaque fencing in any commercially, industrially or agriculturally-zoned district absent a special use permit. The items for which accumulations are prohibited under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household or commercial appliances, used building materials or salvage, construction demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery parts, used tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items may have value does not excuse the conduct prohibited by this section. The prohibitions contained in this section shall apply to properties zoned CA, ~~CB~~, DC, DF, PUD, CR, CG, MA, MB, or A. Prior to signing a complaint under this section, ~~the Fire Chief~~ Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

*(Ord. 4861, 08-12-97; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09)*

Section 15. Amendment. Section 14-05-06.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Abatement is hereby amended and re-enacted as follows:

**14-05-06.1 Abatement.** The imposition of a penalty provided by the provisions of this title shall not preclude the city from instituting proceedings to restrain, correct or abate a continuing violation of this title. If within ten days of a final order that order has not been obeyed, the ~~Building Official~~ Zoning Administrator or Health Officer or ~~his or her~~ their agent is hereby authorized to restrain, correct or abate

the violation and have the costs incurred assessed against the property. An order of the ~~Fire Chief~~ Zoning Administrator or Health Officer issued pursuant to Section 14-05-03.1 becomes final when upheld by the Board of City Commissioners or when the time specified for appeal to the board of city commissioners has expired.

(Enacted: Ord. 4963, 02-23-99)

(Ord. 5728, 05-26-09)

\* \* \* \* \*

Section 16. Amendment. Section 14-06-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Powers and Duties is hereby amended and re-enacted as follows:

\* \* \* \* \*

**14-06-02. Powers and Duties.** The board of adjustment is an administrative board whose powers and duties are limited generally by the laws of the State of North Dakota, particularly by the powers and duties set forth in this section. The board of adjustment shall not have the power to amend this article on zoning, nor to permit nor prohibit any actions which accomplish an amendment of this article on zoning, nor to permit any action nor fail to prohibit any action which would violate this article. However, it is declared the intent of this section that any actions taken by the board of adjustment in full compliance with the provisions of this section shall be deemed to be administrative actions, and shall not be interpreted as unauthorized amendments of the article. The board of adjustment shall have the following powers and duties:

1. Interpretation. On appeal from an order, requirement, determination or provision made by the ~~Building Official~~ Zoning Administrator or other administrative official, or by request from any official, agency or head of the city, the board of adjustment shall decide any question involving the interpretation of any provision of this article. The board of adjustment may, in conformity with this article, reverse, affirm, or modify wholly or in part, or render a decision upon any such appeal or request.

\* \* \* \* \*

Section 17. Amendment. Section 14-06-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Appeal Procedure is hereby amended and re-enacted as follows:

**14-06-03. Appeal Procedure.**

1. Appeal - How taken: An appeal to the board of adjustment may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the ~~Building Official~~ Zoning Administrator based in whole or in part upon the provisions of this article. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the ~~Building Official~~ Zoning Administrator and with the board of adjustment a notice of appeal and specifying the grounds thereof. The ~~Building Official~~ Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the ~~Building Official~~ Zoning Administrator certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, and notice to the ~~Building Official~~ Zoning Administrator and on due cause shown.

2. Appeal - Procedure. The board of adjustment shall fix a reasonable time for the hearing of an appeal or for action on any matter upon which it is required to pass under this article and give due notice thereof to interested parties, and make all decisions within a reasonable time. Upon any hearing, any party may appear in person or by agent or attorney. The concurring vote of four members of the board shall be necessary to reverse an order, requirement, decision or determination of the ~~Building Official~~ Zoning Administrator or other official, or to decide in favor of the applicant any matter upon which it is required to pass under this article. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

\* \* \* \* \*

Section 18. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 19. Effective Date. This ordinance shall take effect following final passage and adoption.

**CITY PLANNING & ZONING COMMISSION**  
**MEETING MINUTES**  
**November 20, 2013**

The Bismarck Planning & Zoning Commission met on November 20, 2013 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

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

Others present were Leroy Jacobs, Lois Jacobs, Dawn Kihlstrom, Gunnar Swanson, Cheryl Hellman, Brian Bitner, James Small, Jeremy Eagum, Ron Haveom, Mike Fazekas, Randy Miller, Rick Matteson, George Ressler, Gloria Martin, Carol Smith, Barbara Stuart, Laura Frank, Melody Lane, Dan Schommer, Jenn Jackson, Dennis Kaiser, Bill Connor, Joseph Dosch, Guy McDonald, Dave Larson, Deb Larson, Sandra Bogaczyk, Garrick Voigt, Jaclyn Bugbee, Bobbi Gitter, Steve Saunders, Bruce Wendt, Graham Swenson, Blaine Nordwall, Leigh Jacobs, Doug Philp, Robert Graham, Cynthia Graham, Jaime Anderson, Debbie Duppong, Dennis Gad, Matt Welton, Tim Rasmussen, Kent Orvik, Sean Kiesz, Aimee Thiessen, Michael Hoffart, Sharon Throlson, Veronica Sauter, Jerry Town, Vernon LeBlanc, Kathy Kindschi, Jackie Andahl, Nadine Philp, Peg Scheichtenberg, Vivian Meiers, Mario Spasovski, Adam Miller, Myka Miller, Kathleen Atkinson, Bob Martinson, Todd Ell, Lori Ell, Toni Ganje, Bonnie Schneider, Ann Schneider, Jim Anderson, Kathy Rau, Helen Tollerud, Mary Ann Marford, Delma Schell, Wilma Wiedrich, Donna Bliss, Brett Gurholt, Allayna Jensen, Andrew Stromme, TJ Herrmann, Mike Bohrer, Tanner Reidman, Blake Preszler, Katie Johnke, Mercedes Clark, Roger Clark, Duane Heinz, Jackie Heinz, Kipp Kambeitz, John Kambeitz, Darrell Wurt, Kate Herzog, Dawn Kopp, Amber Bernhardt, Dale Zimmerman, Donna Bliss, Brett Gurholt, Allayna Jensen, Andrew Stromme, Mike Motschenbacher, Darlene Haider, Dennis Haider, Wako Schriock, Larry Thelen, Grald Wittenberg, Sara Keller, Grace Keller, Juliana Keller, Alicia Unde, Cory Knutson, Braun Knutson, Nic Keller, Rachel Keller, Jerry Olafson, Paula Nordwall, Jill Monson, Kevin Keller, James Michela, Steve Bain, Tom Hammerec, Joseph Hall, James Duppong, Lee Duppong, Bob Verke, Dave Thompson, Beth Bellin, Seth Anderson, Jeff Ubl, Monte Rogneby, Parrell Grossman, Rick Madison, Eloi Cyril, Katie Janke, Angie Michael, Will Wiita, Dawn Packard, Mike Gregory, RaeAnn Kelsch, Connie Herman and Mary Wendt.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the October 23, 2013 meeting.

**MOTION:** Commissioner Lee made a motion to approve the minutes of the October 23, 2013 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING –  
METROPOLITAN PLANNING ORGANIZATION’S  
DOWNTOWN BISMARCK SUBAREA STUDY**

Chairman Yeager called for the public hearing and consideration of the approval of the MPO’s Downtown Bismarck Subarea Study.

Study Consultant Jason Graff of Crandall Arambula participated via telephone and gave a brief overview of the efforts put forth in the last 9-12 months as well as an explanation of each slide shown in the digital presentation. He put emphasis on the Main Avenue and 5<sup>th</sup> Street corridors and stated that the critical game changers of the study are reducing Main Avenue to three lanes, the connection of 5<sup>th</sup> Street to Kirkwood Mall, the convention hotel and an aggressive implementation schedule including multiple essential projects that will improve traffic access and enhance the different districts and developments.

Commissioner Warford said he wants it to be known that the financial appropriations are a long ways away and the City Commission will make decisions on the money aspect in the future.

Kate Herzog of the Downtowners Association said the public is excited about these changes and want to know if it can really be done. She said she has visited with the Missoula, Montana Downtowners Association about the implementation process, as they were also once a client of Crandall Arambula. They went through the renovation and redevelopment process in 2009 and they said they were offered predictability of the ability to return tax dollars back into the community.

Chairman Yeager asked how much funding is private versus public. Ms. Herzog said the goals were different in Missoula but it is rare that funding would ever come from just one source and she would be happy to obtain more numbers on that aspect.

Commissioner Lee asked if a five year plan is sustainable as in Missoula. Ms. Herzog said with dedicated committees continually working on implementing the master plan, it is a practical goal.

Monte Rogneby, Vogel Law Firm, appeared on behalf of the North Dakota Policy Council. He spoke in opposition to any public financing of the plan, reading his testimony regarding this topic, which is attached as Exhibit A.

Commissioner Warford said a lot of the items mentioned by Mr. Rogneby have already been indicated and addressed in the court system during lawsuits filed against the City of Bismarck.

Mr. Rogneby said the first Tax Increment project completed in the downtown area was the Radisson Hotel, of which no Tax Increment Funds were put towards schools, parks or the general City fund. He said one of the lawsuits required reimbursement by the City.

Commissioner Warford said that Mr. Rogneby's assertion of "Croney Capitalism" is not how the City operates. All projects are done fairly with requests for proposals being announced in advance.

Commissioner Parrell Grossman said Mr. Rogneby's assumption that the term "Croney Capitalism" is taking place is inaccurate and the TIF funds he referenced were not refunded because of a lawsuit.

Robert Graham said the study is supposedly designed to draw pedestrian friendly walkability, so he recommends the project managers keep the elderly as well as the disabled citizens of Bismarck in mind.

Eloi Cyril from the Urban Harvest Board of Directors said their event has led to multiple vendors taking interest in downtown retail spaces, which proves that this development is needed as it leads to new occupants taking up business in vacant spaces.

Katie Janke from the Go Bismarck-Mandan group said they strongly support the plan.

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

Chairman Yeager asked what the recommendation is from the staff. Mr. Tomanek said it would be expected that it be forwarded to the City Commission for consideration and hopefully acceptance or adoption.

Commissioner Lee said Bismarck is growing, and changes and plans take money to get it started. These changes will do a good job of helping Bismarck to thrive.

**MOTION:** Commissioner Atkinson made a motion to forward the Downtown Bismarck Subarea Study to the Board of City Commissioners with a favorable recommendation. Commissioner Lee seconded the motion and it was approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion. Commissioner Armstrong opposed the motion.

## **CONSIDERATION**

- A. Hamburg Industrial Park 2<sup>nd</sup> Addition – Zoning Change and Preliminary Plat**
- B. Lot 7, Block 1, Northern Pacific 2<sup>nd</sup> Addition – Zoning Change**

**C. Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change**

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

- A. Hamburg Industrial Park 2<sup>nd</sup> Addition – Zoning Change and Preliminary Plat
- B. Lot 7, Block 1, Northern Pacific 2<sup>nd</sup> Addition – Zoning Change
- C. Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change

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

**PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT –  
PINEHURST 9<sup>TH</sup> ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the R5-Residential and RT-Residential zoning districts to the RT-Residential and PUD-Planned Unit Development zoning districts and the final plat of Pinehurst 9<sup>th</sup> Addition. The plat includes three lots in one block on 11.459 acres and is located in west Bismarck between East Century Avenue and Country West Road along an extension of West Interstate Avenue (part of the NW¼ of Section 29, T139N-R80W).

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

1. The proposed zoning change lies outside the boundaries of the Land Use Plan.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west and south, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark living center to the east, and the Pinehurst retail development to the south across East Century Avenue.
3. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, it may adversely impact the Touchmark living center directly adjacent to the east. The Touchmark facility offers independent and assisted living quarters for individuals above 55 years of age. The size and scale of the proposed development would be compatible with the assisted living center and the architectural design of the proposed hotel would generally be compatible with the existing structures in the area, provided adequate screening between the proposed hotel and the existing assisted living center is provided. A 15-foot vegetative buffer yard is proposed along the east property

line. Additionally there is a 50-foot pipeline easement to the east of the proposed buffer yard; although the pipeline easement will not provide a location for additional plantings, it will provide additional separation between the two facilities and help to mitigate incompatibility.

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.

Mr. Tomanek then gave an overview of the final plat, including the findings:

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 subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west and south, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark living center to the east, and the Pinehurst retail development to the south across East Century Avenue.
4. The entire property is currently within corporate limits; therefore the proposed zoning change would not place an undue burden on public services.
5. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, it may adversely impact the Touchmark living center directly adjacent to the east. The Touchmark facility offers independent and assisted living quarters for individuals above 55 years of age. The size and scale of the proposed development would be compatible with the assisted living center and the architectural design of the proposed hotel would generally be compatible with the existing structures in the area, provided adequate screening between the proposed hotel and the existing assisted living center is provided. A 15-foot vegetative buffer yard is proposed along the east property line. Additionally there is a 50-foot pipeline easement to the east of the proposed buffer yard; although the pipeline easement will not provide a location for additional plantings, it will provide additional separation between the two facilities and help to mitigate incompatibility.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said that based on these findings, staff recommends approval of the zoning change from the R5-Residential and RT-Residential zoning districts to the RT-Residential and PUD-Planned Unit Development zoning districts, as outlined in the draft ordinance, and the final plat for Pinchurst 9<sup>th</sup> Addition.

Chairman Yeager opened the public hearing.

Rick Madison, Director of Communications for Montana-Dakota Utilities, said this development is adjacent to the MDU property. MDU thinks the rezoning is a perfect fit for that area and supports it.

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

**MOTION:** Based on the findings contained in the staff reports, Commissioner Armstrong made a motion to approve the zoning change from the R5-Residential and RT-Residential zoning districts to the RT-Residential and PUD-Planned Unit Development zoning districts, as outlined in the draft ordinance, and final plat for Pinchurst 9<sup>th</sup> Addition. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – FINAL PLAT – FAZEKAS SUBDIVISION**

Chairman Yeager called for the public hearing on the final plat for Fazekas Subdivision. The proposed plat is two lots in one block on 3.128 acres and is located southeast of Bismarck, west of England Street and south of Scout Street.

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

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has not yet been approved by the City Engineer. Written concurrence from the County Engineer is also required.
3. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies England Street as a north-south arterial roadway.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, south, east and west.
5. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to England Street via an existing private roadway; therefore, the proposed subdivision would not place an undue burden on public services.

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. Wollmuth stated that based on these findings, staff recommends continuing action on the final plat for Fazekas Subdivision until the stormwater management plan has been approved by the City Engineer, with written concurrence of the County Engineer.

Chairman Yeager opened the public hearing.

Commissioner Laning asked why they have to take action at all if there is not a zoning change being done. Ms. Wollmuth said action is required because of the final plat.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to continue the public hearing on the final plat for Fazekas Subdivision pending approval of the revised stormwater management plan. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT –  
BREI ESTATES 1<sup>ST</sup> ADDITION REPLAT**

Chairman Yeager called for the public hearing on the minor subdivision final plat for BREI Estates 1<sup>st</sup> Addition Replat. The minor final plat is 15 lots in four blocks on 22.92 acres and is located in northwest Bismarck between 43<sup>rd</sup> Avenue/Ash Coulee Road and 57<sup>th</sup> Avenue NE, along the west side of North Washington Street (parts of the NE¼ of Section 17, T139N-R80W).

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan waiver request has been approved by the City Engineer.
3. The proposed subdivision has been annexed prior to development; therefore, it will not place an undue burden on public services and facilities.
4. The zoning for the proposed subdivision is not changing and would continue to be compatible with adjacent land uses.

5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of the minor subdivision final plat for BREI Estates 1<sup>st</sup> Addition Replat.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the minor final subdivision plat of BREI Estates 1<sup>st</sup> Addition Replat. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING CHANGE – LOT 14, BLOCK 1, SONNET HEIGHTS SUBDIVISION**

Chairman Yeager called for the public hearing for a zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lot 14, Block 1, Sonnet Heights Subdivision.

Ms. Wollmuth then provided an overview of the request and the following findings:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (land use portion 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 north, east and west, and developing single and two-family residential to the south and southeast.
3. The property is already annexed; 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. Wollmuth said based on these findings, staff recommends approval of the zoning change from the R5-Residential zoning district to the R10-Residential zoning district on Lot 14, Block 1, Sonnet Heights Subdivision.

Ms. Wollmuth distributed comments from Lisa Bjornson and Jeremy and Hope Rush received via e-mail, attached as Exhibits B and C.

Commissioner Laning asked if there is a common problem with realtors making promises on how neighboring properties will be developed. Ms. Wollmuth said it is a possibility and that the zoning does allow one and two-family homes.

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

Commissioner Lee said zoning is done so that planning can be relied on and people know in advance who their neighbors could potentially be.

**MOTION:** Based on the findings contained in the staff report, Commissioner Lee made a motion to deny the zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lot 14, Block 1, Sonnet Heights Subdivision. Commissioner Schwartz seconded the motion. With Commissioners Atkinson, Donahue and Lee voting in favor of the motion and Commissioners Armstrong, Bullinger, Laning, Schwartz, Selzler, Waldoch, Warford and Yeager voting against the motion, the motion failed.

**MOTION:** Based on the findings contained in the staff report, Commissioner Armstrong made a motion to approve the zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lot 14, Block 1, Sonnet Heights Subdivision. Commissioner Warford seconded the motion and it was approved with Commissioners Armstrong, Bullinger, Laning, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion. Commissioners Atkinson, Donahue and Lee opposed the motion.

**PUBLIC HEARING – ZONING CHANGE –  
LOTS 2 AND 3 OF PARK HILL SUBDIVISION OF LOT 14, LOT A OF AUDITOR’S  
LOT 15, PARK HILL AUDITOR’S LOTS, AND PART OF THE SE¼ OF THE NE¼  
OF SECTION 5, T138N-R80W.**

Chairman Yeager called for the public hearing for a zoning change from the CG-Commercial and P-Public zoning districts to the P-Public zoning district on Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor’s Lot 15, Park Hill Auditor’s Lots, and part of the SE¼ of the NE¼ of Section 5, T138N-R80W. The property is located in central Bismarck, at the northwest intersection of West Sweet Avenue and South Washington Street, south of Memorial Highway.

Ms. Wollmuth then provided an overview of the request and the following findings:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include commercial and public uses to the north, a park to the south, a mobile home park to the west and a combination of commercial uses and residential uses to the east across South Washington Street.
2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
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.
5. The proposed zoning change 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 zoning change from the CG-Commercial and P-Public zoning districts to the P-Public zoning district on Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 5, T138N-R80W.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the zoning change from the CG-Commercial and P-Public zoning districts to the P-Public zoning district on Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 5, T138N-R80W. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE –  
AUDITOR'S LOT A OF THE SE  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  OF SECTION 33, T139N-R80W  
(CITY LANDS) AND LOTS 1 & 2, BLOCK 1, REPLAT OF CALKINS ADDITION**

Chairman Yeager called for the public hearing for a zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district on Auditor's Lot A of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 33, T139N-R80W (City Lands) and Lots 1 & 2, Block 1, Replat of Calkins Addition. The property is located along the east side of State Street at the intersection with and north of East Boulevard Avenue.

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

1. The property is located within the developed portion of the community and is outside of the area covered by the Land Use Plan. The zoning of this property and adjacent properties has been in place for many years.
2. The proposed zoning change is not completely compatible with adjacent land uses. Adjacent land uses include the Capitol grounds to the west and northwest across State Street, single-family residential to the north and northeast, a mix of multi-family residential and single-family residential to the east and mixed-density residential to the south across East Boulevard Avenue.
3. The exterior of the building is not proposed to change; therefore, the visual impact on existing uses in the area will not change.
4. The general layout of the site is not proposed to change with the conversion of the use; therefore, the proposed PUD does preserve the natural features of the property insomuch as possible. Additional parking would be added in the southwest portion of the site to bring the total number of on-site spaces to 138.
5. The internal access road and parking circulation system is adequately designed for the type of traffic generated. Additional parking would be added to the site and new off-street parking areas would be landscaped in accordance with the provisions of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
6. The character and nature of the proposal contains a planned and coordinated mix of uses located within the building.
7. The property is already annexed and is served by municipal utilities; therefore, the proposed zoning change will not place an undue burden on public services.
8. The proposed zoning change is not completely consistent with all adopted plans, policies and accepted planning practice. In particular, the proposed use of the property for some non-residential uses is unusual in a residential neighborhood. However, the property currently includes many similar uses as a nursing home/senior living facility. The proposed use will allow the adaptive reuse of a building that would have few other suitable uses, the uses would be located in the building with few exterior modifications to the building or site, and the use of the property would be limited by the provisions of the PUD ordinance.

Ms. Lee said based on these findings, staff recommends approval of the of zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district on Auditor's Lot A of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands) and Lots 1 & 2, Block 1, Replat of Calkins Addition, as outlined in the draft PUD ordinance. She also provided an overview of the provisions of the draft PUD ordinance.

Commissioner Atkinson asked if RM30 zoning would have allowed very many operations if they were not open to the public. Ms. Lee explained that the emergency shelter would not be

allowed in the RM30 zoning district, but that other services would be allowed provided the services would be for residents of the facility only.

Commissioner Schwartz asked what will happen if the PUD ordinance is not followed. Ms. Lee said a violation of the PUD ordinance would go through the same process as any other violation of the zoning ordinance and could potentially be forwarded to the City Attorney.

Chairman Yeager opened the public hearing.

Comments received via e-mail from Howard Lennick are attached as Exhibit D. His comments supported the zoning change.

Jaclyn Bugbee, Executive Director of the Ruth Meiers Hospitality House, said their purpose is to provide services to the homeless and low income individuals in our community so that they can achieve self-sufficiency. She said affordable housing will be provided to a person for up to 24 months, as well as nutritional services, services to low-income mothers, a learning center, re-employment training, support groups and preventive and basic healthcare provided by the UND Center for Family Medicine. She explained that there is a need for services to the elderly, single mothers, veterans, widows and widowers. She said informational neighborhood meetings were offered on the proposed zoning change and very little written response was received. She also said the zoning change would ideally allow the relocation of the Ruth Meier's corporate offices to this location as well. Testimony and supporting documents distributed by Jaclyn Bugbee are attached as Exhibit E.

Commissioner Warford asked how emergency shelters are different from temporary housing. Ms. Bugbee said that an emergency shelter is overnight shelter for not more than 90 days and also that it is very basic services. Temporary transitional housing is longer term (up to 24 months) and offers more resources and support services.

Commissioner Schwartz asked if the recent increase in the number of beds at the current location has been adequate. Ms. Bugbee said she feels it is sufficient to accommodate the current need in the community.

Blaine Nordwall, an attorney representing many of the residents in the neighborhood, read his comments, which are attached as Exhibit F. His comments outlined specific concerns of the residents and were in opposition to the proposed zoning change.

Commissioner Lee asked how many individuals he is representing. A number of people in the audience raised their hands to show they are represented by Mr. Nordwall.

Bobbi Gitter said she has lived right next to the parking lot adjacent to the proposed site for 37 years and that most of the people present at the public hearing now live several blocks away from the site. She said she fully supports the zoning change.

Angie Michael said she has utilized the services of the Ruth Meiers Hospitality House in the past during her own personal battle with homelessness. She said she knows of the need by

people, many with children, that have nowhere else to go, and added that that housing vouchers are running short. She said the Ruth Meiers Hospitality House can offer long-term stability and that the tenants are screened and safety is taken very seriously.

Debbie Duppong said she petitioned two blocks of the neighborhood. She stated that she received responses indicating that the neighborhood was highly residential, and that there were concerns regarding compromised security and the services not being applicable to the neighborhood. She presented a petition, which is attached as Exhibit G.

Jaime Anderson said she has researched the FBI sex offender and similar websites and multiple offenders in Bismarck are using the Ruth Meier's Hospitality House as their current address. She also provided a list of these registered offenders and recent news articles related to crimes committed by local homeless individuals. She went on to say that the children in the area need to be protected, not exposed to a large and dysfunctional facility. She also said restrictions on entry to the home are lowered during the winter to accommodate different individuals, including those with severe mental illness as well as those struggling with drug and alcohol addictions, which are at an extremely high rate. The information presented is attached as Exhibit H.

Larry Thelen said he did not receive any notice regarding the neighborhood meeting mentioned by Ms. Bugbee. He said there is a need for these services, but that staff stated the use is not completely compatible with the neighborhood. He said there are a lot of young families moving into the neighborhood because of the two elementary schools that are nearby. He also has concerns with the inadequate parking proposed for the site. He said he thinks it is important for the Commissioners to look at all of the downsides.

Doug Philp said he attended the informational neighborhood meetings offered by Ms. Bugbee. He said he cannot support the transitional housing, but having experienced homelessness himself, he knows the services are needed. He concluded by saying a homeless emergency shelter in this location is not compatible with the neighborhood.

Will Wiita said he used the Ruth Meiers temporary housing services in the past and he knows of people that were not thoroughly checked who brought in drugs, alcohol and weapons. He said he never felt safe in the facility, nor did he feel he was being helped towards independence at all. He said the people who use the facility are shameless.

Guy McDonald said he is a retired superintendent and he knows the area is an affordable place to live so there are a lot of new, young families moving to the neighborhood. He said the walk-in traffic that the facility will generate concerns him. He knows good work is being done by Ruth Meiers, but the new location does not fit in the neighborhood.

Myka Miller said her main concern is for the safety of the kids in the area as well as the mental health of the Ruth Meiers residents. She said the North Dakota Coalition for Homeless People says out of 295 people surveyed in the Missouri Valley, 60% said their reason for homelessness is serious to severe mental illness and substance abuse disorders. She went on to say that children do not understand deception and delusion and that the

endless possibilities of what could happen are scary. She said she knows of an area daycare that closed because it was experiencing issues with finding litter and pornography on its property, and they did not want to wait for something bad to happen before needing a reason to close. She said the risk is too high and the possibilities of something bad happening are endless and unnecessary. She distributed survey results from the North Dakota Coalition for Homeless People, which is attached as Exhibit I.

Leigh Jacobs read a statement from Marlan Haakenson, which is attached as Exhibit J. He went on to say he is not opposed to the services offered by Ruth Meiers, but a public facility in this residential neighborhood is not okay. He said it will not be beneficial for the revitalization of the area including the new plans for the revitalization of the downtown area.

Carol Smith said low income housing is needed as places are becoming less affordable, including rentals. She added that disability income is getting more and more difficult to receive.

Dawn Packard said she has a child as well as a small business in the area. She considers herself an investor in the neighborhood and does not feel this is the appropriate place for the services being offered.

Cynthia Graham played a video showing for the Commission comparing the conditions in the area of the current Ruth Meiers Hospitality House and emergency shelter, and the proposed new location.

Mike Gregory said he supports the plans Ruth Meiers has in place. He added that the people opposed to it need to be aware that individuals with mental health and substance abuse issues could potentially live in houses right next to them without them even knowing.

Sean Kiesz stated he is a former police officer and has personally helped to chase down people who are violating different regulations. He added that there is no room for most of them in the prison. He then relayed an incident where he and his three children were outside in the yard and were approached and stared at by a homeless person. He added that this facility would be a beacon to the homeless in the community.

RaeAnn Kelsch, Ruth Meiers board member, said she feels the PUD ordinance needs to be clarified as far as what the mission is and how self-sufficiency will be achieved. She said by granting the PUD, housing and support will be offered and it is unfortunate that the soup kitchen is not wanted as most of the patrons of it are elderly and are there for fellowship.

Connie Herman said she goes for the noon meal at Ruth Meiers where she is able to visit with a lot of people, many whom do not have the typical homeless person characteristics.

Veronica Sauter said she lives in the condo building right next to the parking lot for the facility, where the majority of the residents are elderly and all have concerns on the proposed zoning change. She said she feels they have been lied to at the neighborhood meetings and is wondering where the children that come to the building will play as there is no adequate

outdoor space within walking distance. She said it was stated that the income limit is \$80,000, which does not make sense to her and she was also told there would be no accommodations for walk-in traffic. She said her concerns are for the residents in her building, as well as her neighbors, and she knows help is needed but this idea needs to be looked at closer and people need to be told the truth.

Steve Bain, Ruth Meiers Hospitality House board member, spoke in favor of the rezoning, stating that this facility is needed in the community. He added that he was confident they could minimize any adverse impact to the neighborhood.

A letter received from Joseph and Barbara Stuart in opposition to the request is attached as Exhibit K.

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

Commissioner Lee said he is grateful for the services of the Ruth Meiers Hospitality House and he has worked in their soup kitchen so he is familiar with the individuals served. He added that he cannot support a zoning change that will diminish the value of the neighborhood.

Commissioner Warford said he knows that much has been done in our area to address homelessness, but the numbers are increasing and the need for services and support is still there. He said the people that it will affect need to be listened to and he is willing to compromise on allowing the existing zoning but the other issues need to be addressed.

Commissioner Waldoch said they need to eliminate the beacon this change will create and compromise on the change by eliminating the walk-in services and soup kitchen.

Ms. Bugbee explained that the individuals that come to them are scored on a range of criteria so that they are able to transition into permanent and affordable housing more quickly. She said the location on 23<sup>rd</sup> Street and Thayer Avenue will continue to provide emergency shelter up to 120 individuals.

Chairman Yeager asked if modifications can be made now to the proposed PUD ordinance. Ms. Lee said they can be made right away if they are minor, but that if significant changes are desired, it may be better to continue the request.

Commissioner Armstrong asked what services can still be provided without the PUD ordinance. Ms. Lee said the RM30-Residential zoning would remain in place, which would allow the proposed multi-family residential housing, transitional housing, and the proposed services could be provided to residents of the facility only. Services to the general public and Ruth Meiers administrative offices would not be allowed.

Commissioner Laning asked what will happen if a decision or compromise is not reached. Ms. Bugbee said the closing has been scheduled. She added that the Baptist Home is experiencing delays in the move to its new facility, but that Ruth Meiers would like to start some initial renovations as soon as possible.

Commissioner Schwartz asked if any services will serve the public or if they will only serve the residents. Ms. Lee said that with the current zoning, the services could only be offered to residents, not to any walk-in traffic.

Commissioner Warford asked if it is denied tonight, can it be appealed to the City Commission who could then uphold the denial or overturn it and send it back to the Planning Commission. Mr. Whitman said that is correct.

Chairman Yeager said with all of the discussions that have been held, he would like to see this change happen but the potential issue of transient traffic needs to be addressed first.

Ms. Bugbee said she cannot guarantee that all of the homeless individuals in need will choose to seek shelter all of the time.

**MOTION:** Based on the findings contained in the staff report and the input from the public, Commissioner Lee made a motion to deny the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district on Auditor's Lot A of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands) and Lots 1 & 2, Block 1, Replat of Calkins Addition . Commissioner Donahue seconded the motion and the request was denied with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion. Commissioner Laning opposed the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – ZONING ADMINISTRATOR/MULTIPLE SECTIONS OF TITLE 14**

**MOTION:** Commissioner Warford made a motion to continue the public hearing on the Zoning Ordinance Text Amendment relating to Zoning Administrator/Multiple Sections of Title 14 to the December 18<sup>th</sup> meeting . Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

#### **OTHER BUSINESS**

There was no other business to discuss at this time.

#### **ADJOURNMENT**

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 8:54 p.m. to meet again on December 18, 2013.

Respectfully submitted,

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Hilary Balzum  
Recording Secretary

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Wayne Lee Yeager  
Chairman

*[Faint, large, diagonal watermark text, possibly reading "BISMARCK PLANNING & ZONING COMMISSION"]*

NOVEMBER 20, 2013  
CITY PLANNING & ZONING COMMISSION  
INDEX OF MINUTES EXHIBITS

- A. Testimony of Monte L. Rogneby
- B. E-mail with comments from Lisa Bjornson
- C. E-mail with comments from Jeremy and Hope Rush
- D. E-mail with comments from Howard Lennick
- E. Supporting documents submitted by Jaclyn Bugbee
- F. Testimony of Blaine Nordwall
- G. Petition signatures submitted by Debbie Duppong
- H. Registered sex offender list submitted by Myka Miller
- I. Survey results from NDHCP submitted by Myka Miller
- J. Comments submitted by Marlan Haakenson
- K. E-mail comments received from Joseph and Barbara Stuart

TESTIMONY OF MONTE L. ROGNEBY ON BEHALF OF THE NORTH DAKOTA POLICY COUNCIL

November 20, 2013

Good afternoon. My name is Monte Rogneby. I am a Partner with the Vogel Law Firm and I am appearing today on behalf of the North Dakota Policy Council.

The Policy Council is a North Dakota 501(c)(3) not-for-profit. It is a liberty-based think-tank devoted to advocating in favor of policies that are based on individual liberty, individual responsibility and limited government.

The Policy Council believes:

- Government intervention should be the avenue of last resort, rather than the avenue of first resort.
- Government can only give to one person what it takes away from another, and that power to give presumes the power to take.
- Policies intended to affect one person or one group can affect all people and all groups, and these unintended consequences often cause more harm to the many than any good for the one.
- Freedom requires responsibility: where government largesse replaces individual foresight it destroys responsibility and, therefore, freedom.

As part of its mission to advocate for liberty-based public policy, the Policy Council is currently involved in litigation with the City of Bismarck over its urban renewal activities using Tax Increment Financing. Although that litigation is largely completed, the issue of the validity of Bismarck's use of tax increment financing for the 6<sup>th</sup> Street parking ramp and quiet rail is pending before the North Dakota Supreme Court. The Court will decide whether TIF money can properly be used for

the ramp and quiet rail and the Court may also address whether Bismarck's use of an area approach to TIF financing may continue or whether this TIF program must end. That litigation may affect the goals outlined in the Draft Subarea Study.

The Draft Subarea Study is an ambitious plan for developing downtown Bismarck. The Study indicates that at least an additional \$22.5 million should be invested by the City of Bismarck in the downtown area within the next five years. This is in addition to the \$10 to \$15 million already committed for the 6<sup>th</sup> Street parking ramp, quiet rail, and continued CORE expenditures.

The Study also recommends, among other expenditures, that the City fund the "full expansion of the Civic Center," and that the City acquire land for a Civic Center convention hotel and enter into an "an exclusive public-private joint development agreement with a single developer rather than an open request-for-proposals process" for the completion of the facility.

The Policy Council is not opposed to increased and continued development in downtown Bismarck. To be clear: private development is an example of liberty-based solutions to making all of our lives better. The Policy Council, however, is opposed to those portions of the Draft Subarea Study which rely on public funds for private development. Specifically, the Policy Council is opposed to what is described in the Executive Summary Overview as "game changing public projects that will stimulate private investment . . ." The Policy Council is opposed to the City expending funds for what the Study describes as "necessary public investments to inspire investor confidence and stimulate significant private investment . . ." and investments to "prime the pump' for private development."

The Study suggests that the City can fund the multitude of recommended projects through a combination of funds from the General Fund; Tax Increment Financing and Renaissance Zone funding. The Policy Council is opposed to the use of these funding mechanisms to pass the costs of down-town improvements onto the general public, rather than the use of funding mechanisms which burden those properties which benefit most from the planned improvements.

It should be no surprise that the Policy Council opposes the continuation of the City's TIF District and the use of TIF money for the continued redevelopment of downtown Bismarck. The City's unfair diversion of property tax revenue into its TIF Fund – for use only downtown, should, finally, come to an end.

Operating under Federal Law, the City first adopted an Urban Renewal Plan for downtown Bismarck in 1965, even prior to the passage by the North Dakota Legislative Assembly of the Urban Renewal Act. The City's current Urban Renewal Plan, which operates under North Dakota's Urban Renewal Act, was adopted in January 1979. It has been modified at least six times since 1979 to add new projects to be paid for with TIF funds; and to expand the District's boundaries to add more property to the District, including property owned by the City itself.

The result of the City's actions is that the City has and is perpetually intercepting all incremental-value tax revenue from the date each property within the District was added. No parcel has ever been released by the City and no property has even had its original tax value recomputed as part of any modification of the City's plan. The result is an ever-increasing amount of property tax revenue is being diverted into the City's TIF Fund. That Fund, in 2011, had over \$17 million

in it. At that time the City released \$9 million to the Burleigh County Auditor to be distributed to the rightful recipients – the School District, Park District, and the general funds of the County and the City.

The Policy Council estimates that over half of the property tax revenue from the City's District is now being diverted to the City's TIF fund at the expense of schools, parks, and the City's and the County's general funds. The continued diversion of these funds is unjust and it should stop.

Similar arguments exist concerning the use of Renaissance Zone funding.

As noted initially, the government can only give to one person what it takes away from another. The funding mechanisms contemplated in the Study take from all taxpayers for the primary benefit of those who own property in the downtown area. The Policy Council opposes these funding mechanisms.

In addition to being opposed to the funding mechanisms outlined in the Study, the Policy Council is also opposed to the City involving itself in private development through land acquisitions and through no-bid deals with developers. Such entanglements are a form of crony capitalism in which the City is involved in picking winners and losers in the private market place. Downtown Bismarck is not the only area of Bismarck that is competing for development capital. Downtown Bismarck is not the only area of Bismarck competing to capture revenue from retail shopping, dining out or other forms of entertainment. It is wrong for the City to involve itself in what should be private decisions, made by private individuals. It is equally wrong when these efforts are almost exclusively focused on one portion of town.

Finally, the City's involvement in the renewal of downtown Bismarck is already

extensive and longstanding. Over the last few years, the downtown area has attracted many new businesses and development projects. The downtown area is healthy. It is time for it survive on its own. The City's continued focus of money and attention on the downtown area comes at the expense of other areas of the City. Development of those areas should be afforded the same attention and focus. That is not possible, however, as long as the City continues to divert public money for the benefit of the downtown area.

Thank you for your consideration.

**Community Development**

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**From:** Lisa Bjornson [REDACTED]  
**Sent:** Monday, November 18, 2013 8:08 PM  
**To:** [REDACTED]  
**Subject:** Proposed Zoning Change - Lot 14 Block 1 Sonnet Heights

Hello,

We are the property/home owners at 706 Calvert Drive and am writing in regards to the proposed zoning change from the R5-Residential zoning district to the R10-Residential zoning district for the property on Lot 14, Block 1, Sonnet Heights Subdivision. We regret that we cannot attend the hearing this Wednesday, but wanted to express our concerns/opinions.

We are AGAINST this change. When we purchased our lot, we were specifically informed that the lots to the north, south and east of us, including the lot in question, would be single family homes. Also, there are already too many two-family dwellings located in our subdivision, especially mixed in with the single family homes - it takes away from the aesthetic of the neighborhood a bit.

Thank you for taking the time to read our thoughts and take them into consideration.

Sincerely,  
Lisa and Chad Bjornson

**Community Development**

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**From:** Jeremy Rush [REDACTED]  
**Sent:** Wednesday, November 20, 2013 2:32 PM  
**To:** [REDACTED]  
**Subject:** Community Development Dept - rezoning written comments for 11/20 meeting

Jenny Wollmuth,

This email is in regards to the twin home rezoning request for Sonnet Heights Subdivision.

I live at 5430 Superior Drive and this home's backyard would be adjacent to mine. I am the only residence that has currently closed and living on that section of land that would share property lines. I don't agree with this change in zoning as I purchased my home in August under the assumption all homes would be R5 single family homes on my block and not R10 twin homes. There are lots and areas further East and South for twin homes R10 and keep this as a single family home zoning block. I would be very disappointed 3 months after closing on our new home to see zoning changes to a property adjacent to ours to allow twin homes.

Jeremy Rush

Jeremy & Hope Rush

5430 Superior Drive

Bismarck, ND 58503

701-224-1637

## Community Development

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**From:** howard lennick <[REDACTED]>  
**Sent:** Tuesday, November 19, 2013 10:45 AM  
**To:** jbugbee@ruthmeiers.org; cobplan@nd.gov  
**Subject:** RE: rezoning of the Baptist home

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**From:** [REDACTED]  
**To:** [REDACTED]; [cobplan@nd.gov](mailto:cobplan@nd.gov)  
**Subject:** rezoning of the Baptist home  
**Date:** Tue, 19 Nov 2013 16:41:42 +0000

To whom it may concern,

I, Howard Lennick board chair of the Baptist Home Inc, am in favor of rezoning the Baptist Home Inc. It has been a foundational value of the Baptist Home Inc. for over seventy five years to serve the people that are in need in the Bismarck/Mandan communities. What better way to serve our elderly and those in special need of housing, of a soup kitchen and a food pantry. Please allow the rezoning of the Baptist Home Inc buildings which would enable Ruth Meiers Hospitality to serve this community in a very special way.

Sincerely  
Howard Lennick

Chairman Yeager and members of the Bismarck Planning and Zoning Commission, my name is Jaclyn Bugbee and I am the Executive Director of Ruth Meiers Hospitality House. Thank you for agreeing to visit our current rezoning application to change the campus located at 1100 E Boulevard Ave from an RM-30 zone to a Planned Urban Development.

The mission of Ruth Meiers over the last 26 years is quite simple – to provide housing and supportive to services to the homeless and the low – income in our community to achieve self-sufficiency.

Our support to the homeless is located at 305 N 23<sup>rd</sup> St in Bismarck. The Emergency shelter provides the following services to up to 120 men each night:

1. Shelter
2. Laundry facilities
3. Three meals
4. Supportive Services – West Central, SSVF, Job Service, etc.
5. 24 hour shelter
6. Showers and clothing/hygiene products

The Boulevard Ave Community Service Center will provide the following services to the low income in our community. These services are based on new standards from Housing and Urban Development. The standards, called Coordinated Assessment, impact how individuals at risk are supported in our community.

1. Affordable Housing – up to 90 units of fixed rent affordable housing to single adults, families and Veterans in our community.
2. Transitional Housing – support for tenants up to 24 months as they wait for permanent housing
3. Nutrition services
  - a. Emergency Food Pantry
  - b. Community Kitchen – serving one meal per day Monday – Friday
4. Services to low income mothers
  - a. Baby Boutique
  - b. Children's Learning Center
5. Re-employment training/education
  - a. Workshops
  - b. Job Fairs
  - c. Outreach services
6. Community Services
  - a. Faith based services
  - b. Support groups

- c. Outreach from nonprofit agencies
  - d. Seminars and Education
7. Healthcare
- a. Preventative and Basic care to the uninsured
  - b. Health screenings and education

Our proposed project will expand our ability to continue to partner with the City of Bismarck and a variety of community agencies to support our community in need. As our community continues to grow, the need for services from longstanding members of our community is increasing. Seniors who have lived on a fixed income for many years, single parents, widows and widowers and many more utilize our services on a continual basis.

During our review of the facilities, we invited 286 families living within a 750 foot radius of the Baptist Home to come and meet with our architect, board members and staff. These meetings were held at the Bismarck Public Library over the course of three different days. Families were invited to sign in, complete a questionnaire after the meeting and voice their questions and concerns. 22 families signed in and only three returned a questionnaire.

This meeting provided our board of directors with valuable feedback.

1. The desire to not have an emergency shelter – Our current shelter remains at 305 N 23<sup>rd</sup> Street with programs and supportive services to support shelter clients.
2. The need for security measures - We have met with Chief Donlin and the Bismarck Police Department to discuss security measures that will continue to enforce our efforts to support our tenants, staff, volunteers and the community we serve.
3. The request to have the facility named without Ruth Meiers mentioned – We have been working with the Board of Directors and the Meiers family, and the project is currently referred to as the Boulevard Ave Community Services Center
4. A request for neighbors to utilize the facility for block parties, religious services and use of the salon.

These requests solidified our desire to complete the rezoning application you have before you. This application will also enable our corporate offices to relocate to this facility. We feel it is very important for our administration to be present in our facility and meet with volunteers, guests and visitors who utilize our services. Awareness is truly important as our processes, policies and guidance from Housing and Urban Development evolves.

As we continue to grow and support the community, we urge you to support our efforts and grant this zoning change. We ask you to not only support, but remove the indication of providing just a noon meal in our kitchen. During special occasions, we provide meals at other times and want to ensure we will continue to provide these meals. For example, on

Thanksgiving our kitchen is closed and so we will provide a meal to our clients in the evening. We do this to not duplicate the services provided by Aid Inc.

Thank you again for the opportunity to present this evening. Our programs continue to be a vital source of not only services but also a growing network of agencies dedicated to supporting those in need, not just the homeless.

I have enclosed letters of support for our project and have met with the Governor and his staff and continue to work with their office to ensure the State of North Dakota continues to support those who are homeless and in need in our community.

I would be happy to answer any questions at this time.

HEIDI HEITKAMP  
NORTH DAKOTA  
SUITE SDG-55  
WASHINGTON, DC 20510  
PH: 202-224-2043  
FAX: 202-224-7776  
TOLL FREE: 1-800-223-4457

<http://www.heitkamp.senate.gov>

# United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
AGRICULTURE, NUTRITION AND FORESTRY  
BANKING, HOUSING AND  
URBAN AFFAIRS  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
INDIAN AFFAIRS  
SMALL BUSINESS AND ENTREPRENEURSHIP

November 20, 2013

Jaclyn Bugbee  
Executive Director  
Ruth Meiers Hospitality House  
1800 E Broadway Ave  
Bismarck, ND 58502

Dear Jaclyn,

Thank you for sharing with me the project specifics and background for the expansion of Ruth Meiers to 1100 E Boulevard Ave in Bismarck. I appreciate your commitment to providing support to the homeless and those at risk in the Bismarck – Mandan area.

The project's addition of 80 affordable housing units for seniors, veterans and families in the region is addressing an important need. As our state continues to experience new challenges and opportunities, organizations like Ruth Meiers are helping to provide the services to tackle the changes our communities are facing.

Please keep me updated on the progress of your expansion and thanks again for all the important work you do at Ruth Meiers, Jaci.

Sincerely,



Heidi Heitkamp  
United States Senate

BISMARCK OFFICE:  
228 FEDERAL BUILDING  
220 EAST ROSSER AVENUE  
BISMARCK, ND 58501  
PH: 701-258-4648  
FAX: 701-258-1254

DICKINSON OFFICE:  
40 1ST AVENUE WEST  
SUITE 202  
DICKINSON, ND 58601  
PH: 701-225-0974  
FAX: 701-225-3287

FARGO OFFICE:  
306 FEDERAL BUILDING  
657 SECOND AVENUE NORTH  
FARGO, ND 58102  
PH: 701-232-8030 – 1-800-223-4457  
FAX: 701-232-6449

GRAND FORKS OFFICE:  
33 S. 3RD ST., SUITE B  
GRAND FORKS, ND 58201  
PH: 701-775-9601  
FAX: 701-746-1990

MINOT OFFICE:  
105 FEDERAL BUILDING  
100 FIRST STREET S.W.  
MINOT, ND 58701  
PH: 701-852-0703  
FAX: 701-838-8196

## Jaclyn Bugbee

---

**From:** howard lennick <hlennick@hotmail.com>  
**Sent:** Tuesday, November 19, 2013 10:42 AM  
**To:** Jaclyn Bugbee; cobplan@nd.gov  
**Subject:** rezoning of the Baptist home

To whom it may concern,

I, Howard Lennick board chair of the Baptist Home Inc, am in favor of rezoning the Baptist Home Inc. It has been a foundational value of the Baptist Home Inc. for over seventy five years to serve the people that are in need in the Bismarck/Mandan communities. What better way to serve our elderly and those in special need of housing, of a soup kitchen and a food pantry. Please allow the rezoning of the Baptist Home Inc buildings which would enable Ruth Meiers Hospitality to serve this community in a very special way.

Sincerely  
Howard Lennick

November 19, 2013

Bismarck City Planning and Zoning commission  
Bismarck, ND

Re: Ruth Meiers Hospitality House

I am writing this in support of the Ruth Meiers Hospitality House purchase of the property commonly known as 1100 East Boulevard Avenue, Bismarck, North Dakota. My name is Jerry Schlosser and own and manage/occupy the buildings at 201 and 207 W. Front Ave. My buildings are immediately next to a Ruth Meiers properties. Our relationship with and having the Ruth Meiers operation next door has been one of basically non-eventful. Historically, a wind storm took down one of their trees landing on my property. In short order the tree was removed and the fenced repaired. I appreciated the prompt response.

Additionally I live on the 1500 block of North 14st. in Bismarck.

Bismarck (Mandan) is a growing community and with that growth change is inevitable. The Ruth Meiers Hospitality organization is working hard to support the community – all of the community – especially those needing a little more help. I encourage your support of this valuable organization and its efforts....

Respectfully,



Jerry Schlosser

July 15, 2013

Jaclyn Bugbee  
Executive Director  
Ruth Meiers  
1800 E Broadway Avenue  
Bismarck, ND 58502

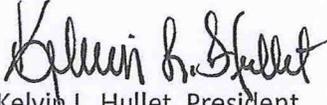
Dear Ms. Bugbee:

I am writing this letter to express the support of the Bismarck-Mandan Chamber for the work of Ruth Meiers. As we are all aware, our community is in a period of dynamic change. With new opportunities, come new challenges and one of the challenges is in our public and private social service programs.

Ruth Meiers plays an instrumental role in hunger-relief efforts in the Bismarck-Mandan area. This includes operating the Stone Soup Kitchen that provides free noon meals for homeless and low-income individuals in the community. They also operate an emergency food pantry.

Without Ruth Meiers, many of our homeless and low-income individuals and families would have nowhere else to turn. These services provided by Ruth Meiers are an important part of the Bismarck-Mandan region. They meet many of the current needs as well as providing a brighter future for hundreds of men, women and children each year. They are an integral part of our community.

Sincerely,



Kelvin L. Hullet, President  
Bismarck-Mandan Chamber

# Bismarck *Police Department*

September 4, 2013

Jaclyn Bugbee  
Executive Director  
Ruth Meiers Hospitality House  
1800 E Broadway Ave  
Bismarck, ND 58502

Dear Jaclyn,

This letter is in reference to our recent meeting to discuss Ruth Meiers' plans for expansion of needed services and subsequent acquisition of the Baptist Home campus in Bismarck.

Since the inception of the city of Bismarck's 10 year plan to end homelessness, Ruth Meiers has played an integral part in our progress. With the inception of Single Point of Entry, the services provided by Ruth Meiers have been very effective.

Your expansion of the Stone Soup Kitchen, supportive services during the day as well as the creation of additional affordable housing will continue to address growing concerns we have for the homeless and those at risk of homelessness in our community.

We look forward to continued discussion on your project and the future efforts of Ruth Meiers Hospitality House.

Sincerely,



Dan Donlin  
Chief of Police  
Bismarck Police Department

*Dan Donlin, Chief of Police*

Phone: 701-223-1212 ★ FAX: 701-355-1927 ★ Tdd: 701-221-6820 ★ 700 S. Ninth Street ★ Bismarck, ND 58504-5899



July 10, 2013



Jaclyn Bugbee  
Executive Director  
Ruth Meiers  
1800 E Broadway Ave  
Bismarck, ND 58502

Dear Ms. Bugbee,

I am writing this letter to express the support of the Great Plains Food Bank for the work of Ruth Meiers.

Ruth Meiers plays a critical role in hunger-relief efforts in the Bismarck-Mandan area, including operating the Stone Soup Kitchen which provides free noon meals for homeless and low-income individuals in the community as well as an emergency food pantry.

The Great Plains Food Bank has partnered with Ruth Meiers for over 20 years in providing hundreds of food baskets and thousands of meals each year for those stricken by poverty, hunger and homelessness. Without Ruth Meiers, many of these hungry and homeless individuals would have nowhere else to turn.

The services provided by Ruth Meiers are an important part of the Bismarck-Mandan region, meeting current needs as well as providing a better future for hundreds of men, women and children each year. They are an integral part of our state's hunger-relief network and we fully support the important work that they do.

Sincerely,

Steve Sellent  
Program Director



1720 3rd Avenue N. • Fargo, ND 58102  
(701) 232-6219 • [www.GreatPlainsFoodBank.org](http://www.GreatPlainsFoodBank.org)





Hello Jaci,

This is a very aggressive plan you have put forth. At a time when need is rising so precipitously, aggressive plans are in order. You will need a great deal of collaboration and cooperation from community partners. Provided you have that, you should be able to make a significant impact on homelessness in the area.

I like that you have a strong focus on housing. After all, the answer to homelessness is homes, and as I have heard you correctly state, a lack of affordable and supportive housing is the bottleneck that keeps people in shelter or on the street. That fact that you will be able to accommodate the VASH vouchers is extremely important, and I hope that as you go forward that you will develop more supportive housing for veterans and non veterans alike.

The plans for a day program and the outreach offices represent important opportunities for people struggling with homelessness to connect with vital services.. Again, close community collaboration will be key to your success. The other expansions you mention are all worthwhile services that will help families and individuals as they work towards self-sufficiency.

I am available to consult at anytime. Please let me know your board's final decision.

Good luck,

Michael Carbone  
Executive Director

North Dakota Coalition for Homeless People, Inc.  
*"Leading the Way Home"*

4023 State St N • Suite 40  
Bismarck ND 58503  
[www.ndhomelesscoalition.org](http://www.ndhomelesscoalition.org)  
701-390-1635

"As a voice for people who are homeless, the North Dakota Coalition for Homeless People coordinates and supports efforts to provide basic human needs and housing."



Community Services | Economic Development & Finance | Tourism | Workforce Development

July 12, 2013

Ms. Jaclyn Bugbee  
Executive Director  
Ruth Meiers  
1800 E Broadway Avenue  
Bismarck, ND 58502

**RE: Support of Baptist Home \$12 Million Project**

Dear Ms. Bugbee:

The North Dakota Department of Commerce (Commerce) is the State of North Dakota's lead agency for coordinating the development and delivery of the state's community development programs and resources. The successes of our efforts to address the need for low to moderate income housing, childcare, and community services for the homeless and in need are made possible by working closely with stakeholders across North Dakota.

Ruth Meiers is a highly regarded partner and is recognized as a leader in providing these critical services to its residents. Please accept this letter as official support from the North Dakota Department of Commerce for the expansion of the Ruth Meiers facility in your drive to enhance these essential services.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan R. Anderson".

Alan R. Anderson  
Commissioner

*"We lead North Dakota's efforts to attract, retain and expand wealth."*

**Comments on Proposed PUD Ordinance for Ruth Meiers Hospitality House's  
Baptist Home Project, before the  
Bismarck City Planning and Zoning Commission, November 20, 2013.**

Chairman Yeager, members of the City Planning and Zoning Commission.

My name is Blaine Nordwall. I am representing the Baptist Home Neighbors, an informal association. Members of the Baptist Home Neighbors are here to explain to you their concerns about the proposed PUD Ordinance that appears as item 11 on your agenda.

First, I want to note that the members of the Baptist Home Neighbors came to this point by starting with open minds, and listened to the presentations and explanations at community meetings organized by Ms. Bugbee, the Executive Director for Ruth Meiers Hospitality House. Many have been unsatisfied with the information offered and horrified at the developments in the proposed PUD. They are here today prepared to explain their concerns. I know some have met together to discuss those concerns and to avoid repetitive presentations, I respectfully request that this Commission not impose a strict limit on the time of this hearing

Members of the Baptist Home Neighbors who had concerns that were not resolved by the community meetings have also contacted me to assist them. I initially counseled compromise, and we sought a meeting with Ruth Meiers Hospitality House and the Bismarck City Planning staff. That meeting was held on October 29, and was hosted by Ms. Lee. We met with Ms. Lee and with Ms. Bugbee and Mr. Ubl on behalf of Ruth Meiers Hospitality House.

In preparing for the October 29 meeting, I reviewed the then-existing draft of the Ordinance before you, and drafted amendments intended to address concerns of the Baptist Home Neighbors. At the meeting these draft amendments were the framework for discussion. Ms. Bugbee raised some concerns about the effect of the proposed amendments, but resisted any discussion aimed at compromise. Ms. Bugbee explained that (1) the Ruth Meiers Hospitality House Board, and not Ms. Bugbee, had authority to agree to any change to the proposed ordinance; and (2) no Board meeting was planned before the meeting here today. She did say she would seek to convey these concerns to the board, but we have received <sup>no</sup> any response from Ruth Meiers Hospitality House.

In fact, the proposed ordinance now before you for your consideration is very different from that discussed at the October 29 meeting. It is, in many ways, much more objectionable to the Baptist Home Neighbors, and is the result of discussions between City staff and Ruth Meiers Hospitality House representatives who plainly had ample authority to seek those changes. This rejection of their offers of compromise and support was a very disappointing turn of events for the Baptist Home Neighbors.

I will limit my remaining comments to the following four legal concerns:

1. Technical terms used. The staff report offers, as clarification, the US Department of Housing and Urban Development (HUD) definitions of the terms “affordable housing,” “emergency shelter,” “homeless person,” and “transitional housing.” Each of these terms appears in the proposed Ordinance, but the definitions do not. Consequently, the federal definitions are not necessarily applicable to the proposed ordinance. Rather, a Court considering the meaning of the terms might rely upon common understanding and dictionary definitions. A court might even determine the failure to include these known definitions in the Ordinance to be an indication that the City regarded these definitions as inconsistent with its own use of the terms. If you wish citizens to rely upon specific terms, the proper way to do so is to include them as definitions in the proposed Ordinance, or in Section 14-02-03. Definitions.

It is important to note that the proposed PUD Ordinance uses one HUD term in forbidding the use of the property as an “emergency homeless shelter.” Perhaps as a measure of what the Baptist Home Neighbors can expect, it is apparent that Ruth Meiers Hospitality House actually intends to use this property as an emergency homeless shelter for women and families, as it has announced its plan to close the facility it currently uses for that purpose.

2. Parking. The proposed Ordinance calls for only 136 off-street parking spaces. Baptist Home Neighbors had specifically asked that the parking space requirements of the general ordinances be followed due to strong concerns about the large number of proposed tenants that would be otherwise forced to park on neighborhood streets. The 136 spaces are based on so-called “unique circumstances” advanced by Ruth Meiers Hospitality House, and the stated number depends upon all of the minimum estimations of these “unique” parking needs being actually true at all times. This requires careful scheduling of the service functions (food services, child care services, “Baby Boutique,” health clinic, hair salon, food pantry, and “community” services) many of which are to be made available to persons other than the residents, to avoid time when multiple services are offered, and ignores the fact that some residents, particularly including those described in the PUD Application as “elderly” and “homeless,” will need to park even little-used vehicles.

The actual residential mix of efficiency units, one-bedroom units, and two-bedroom units cannot be determined from the proposed PUD Ordinance. I have included an attachment that identifies at least 517 parking spaces required by existing Bismarck ordinances for the uses contemplated in the proposed PUD Ordinance. To get to a parking space number that is about 25% of what Bismarck would ordinarily require, the PUD application makes a series of self-serving but dubious assumptions about its tenants’ vehicle ownership and parking needs. It apparently assumes that none of the individuals and families living in “transitional housing” will require parking. This ignores the truth that very often recently homeless individuals and families were actually living in vehicles.

The true parking needs for the proposed uses are likely somewhere between the proposed 136 spaces and the 517+ spaces otherwise required, but the parking made available for the persons proposed to be housed falls far short of the real need.

Why this apparent willful blindness to the needs of the people Ruth Meiers Hospitality House proposes to house? Baptist Home Neighbors believe it may be because, without substantial capital investment, the site lacks the space for more than 138 parking spaces, per notes on amendments to the PUD application. If the City adopts an ordinance that allows for less than the actual need, the result will be imposed on the neighborhood streets. No one should pretend otherwise.

3. Food Services. The proposed PUD Ordinance specifically authorizes two such services, a “food pantry” of 6,000 sq. ft., and a “soup kitchen which may provide a noon meal to tenants and may be open to the community at large” of 4000 sq. ft.

The proposed Ordinance is silent as to:

1. The hours of operation of the food pantry;
2. The hours of operation of the soup kitchen, except as to residents;
3. The means of delivering services or product by the soup kitchen; and
4. Any standards of operation for any of the permitted uses.

Operations of these uses are not limited to plans included within discussions between City Planners and representatives of Ruth Meiers Hospitality House. They are limited only by the terms of a PUD Ordinance actually adopted.

We understand that Ruth Meiers has asserted a need to make on-site meal services available at hours other than noon, and for persons other than residents, in terms of providing snacks at community events, and affording a free meal to persons living in the neighborhood. But there is no language in the proposed Ordinance that so limits meal service. Ms. Bugbee has also proposed the soup kitchen as a means of offering “grab-and-go” meals available to, among others, transients present in the city. The Baptist Home Neighbors are particularly concerned that just such a service would sooner or later materialize unless prohibited. They foresee this as having the effect of encouraging nearby transient “camping” in public and private spaces with no necessary facilities. As you will hear from others, these are not unreasonable or uninformed fears.

4 Inverse Condemnation. You must recognize the possibility that problems may surface without limitations and requirements additional to those included in the proposed PUD Ordinance. It is essential that you also recognize a likely cost of waiting for the actual problem to materialize before you act. Any effort to amend an adopted PUD Ordinance, to impose additional limits or restrictions, will also expose the City to an inverse condemnation claim to the extent it imposes costs or restricts income to the affected enterprise.

This has long been the law of North Dakota:

The general rule is that a landowner who merely hopes or plans to use his property in a certain way at some time in the future has no protection against zoning changes prohibiting such facility. On the other hand, a landowner who has made substantial expenditures in reliance upon existing zoning or otherwise committed himself to his substantial disadvantage before the zoning change may be protected.

City of Fargo v. Harwood Township, 256 N.W.2d 694, 700 (N.D. 1977). Emphasis added. See, for instance, Buegel v. City of Grand Forks, 475 N.W.2d 133 (ND 1991), a case that City was obliged to compensate the owner of a shooting range when it restrictively amended its ordinance authorizing such a facility, and also to pay his attorney's fees for the litigation made necessary when the City initially refused that compensation. Now, not later, is the time to address the concerns of the Baptist Home Neighbors.

Planned Unit Development is a powerful tool. Adopt a PUD Ordinance, and the rest of the carefully considered ordinances of the City are superseded to the extent they are in conflict. If this Commission is indeed interested in going forward with some version of this proposed PUD Ordinance, the Baptist Home Neighbors respectfully request that their concerns be addressed by express and realistic limitations to be included in any PUD Ordinance that is adopted. They are ready to offer constructive suggestions to allow this development to go forward. Regrettably, they must resist adoption of the proposed PUD Ordinance without necessary changes.

The Baptist Home Neighbors also note that no ordinance is necessary for a conversion of this facility to multi-family housing, as it is currently a non-conforming use occupying a RM-30 zone. Thus, doing nothing is an option allowing Ruth Meiers Hospitality House to accomplish much of its ambitious low-income housing efforts.

I will try to answer any questions the Commissioners may have.

Respectfully submitted,

Blaine L. Nordwall  
Nordwall Law Office  
723 N. 2<sup>nd</sup> St.  
Bismarck, ND 58501  
258-0930

Review of the current Baptist Home location PUD application with regards to parking:

Use	Required Parking	Calculation	Total
90 Apartments (assume 1/3 each type)			
30 Efficiency	1 space for each	30 x 1	30
30 One Bedroom	1.5 spaces each	30 x 1.5	45
30 Two Bedroom	2 spaces each	30 x 2	60
100 Bed Transitional Housing			
Zoning Rooming House	1 space for each bed	100 x 1	100
Multi-purpose Rooms			
No size or number given, usually calculated at 1 space per 60 sf			??
Offices – 7,000 sf	1 space per 250 sf	7,000/250	28
Clinic – 2,500 sf	1 space per 250 sf	2,500/250	10
Food Pantry – 6,000 sf			
Figured as retail (grocery store)	1 space per 200 sf	6,000/200	30
Baby Boutique – 5,000 sf	1 space per 200 sf	5,000/200	25
Salon – 500 sf	1 space per 200 sf	500/200	3
Community Services – 7,000 sf	1 space per 60 sf	7,000/60	117
Nutritional Services – 4,000 sf			
Figured as restaurant	1 space per 60 sf	4,000/60	<u>67</u>
<b>Total required parking:</b>			<b>517+</b>
Amount shown on plan:	(about 25% of required)		134

TO: Bismarck Planning and Zoning Commission

## HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Wilma Wedrich</u>	<u>1120 N 12<sup>th</sup> St.</u>	<u>10/5/13</u>
<u>Vernon Usher</u>	<u>1120 N 12<sup>th</sup> St #4</u>	<u>10-5-13</u>
<u>Ella Duth-wieser</u>	<u>1120 N. 12<sup>th</sup> St. #8</u>	<u>10-5-13</u>
<u>Dorley Oster</u>	<u>1120 N 12 St</u>	<u>10-5-13</u>
<u>Geert Gounker</u>	<u>1120 N 12 St</u>	<u>Bis 10-5-</u>
<u>Edna Kleins</u>	<u>1120 N 12<sup>st</sup> #11</u>	<u>10-5-13</u>
<u>Bev Block</u>	<u>1120 N 12<sup>th</sup> #13</u>	<u>10-5-13</u>
<u>Edwyna McRaney</u>	<u>1120 N, 12<sup>th</sup> #16</u>	<u>10-5-13</u>
<u>Lydia Walker</u>	<u>1120 N 12<sup>th</sup> #20</u>	<u>10-5-13</u>
<del>XXXXXXXXXX</del>		<u>10-5-13</u>
<u>Vicki Magill</u>	<u>1500 Shurlock Loop</u>	<u>10-5-13</u>
<u>Irene Mayer</u>	<u>1120 N 12<sup>th</sup> St #22</u>	<u>10-5-13</u>
<u>Lillian Olsen</u>	<u>1120 N. 12<sup>th</sup> St</u>	<u>10-5-13</u>
<u>Ruth Rockant</u>	<u>1120 N 12<sup>th</sup> St</u>	<u>10-5-13</u>
<u>Willis Potratz</u>	<u>1120 N 12 St</u>	<u>10/5/13</u>
<u>Maggie Klundt</u>	<u>apt #3 1101<sup>11</sup> porter</u>	<u>10-5-13</u>
<u>Pat Jetter</u>	<u>apt #12 1101 porter</u>	<u>10-5-13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
Katie Matheson	1101 Porter ave apt 120	10-5-13
Jackie Honke	1019 Porter ave apt 122	10-5-13
MaryAnn Kosterung	1019 Porter ave 124	10-5-13
Loraine Quaresima	1019 Porter	10-5-13
Imogene Milliron	1019 Porter	10-5-13
Dorothy M. Langdon	1019 Porter	10-5-13
Aileen Salter	1101 Porter #26	10-5-13
Virginia Sauter	1120 N 12th St #18	10-6-13
George Weidrich	1120 N 12th St #5	10-6-13
Delma Schell	1120 N 12th St #5	10-6-13
Edna Hope	1120 N. 12 <sup>th</sup> St. #15	10-6-13
Naomi Gough	1120 N. 12 <sup>th</sup> St. #27	10-6-13
Doris M. Gough	1120 N. 12 <sup>th</sup> St. #27	10-6-13
Mark A. Becker	1200 N 11 <sup>th</sup> St.	10-6-13
Charles Alfred	1308 N 11 <sup>th</sup> St.	10-6-13
Oren Danielson	1300 N 11 St	10/6/13
Carissa Schmidt	1308 N 11 <sup>th</sup> St	10-6-13

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (signature)	ADDRESS:	DATE:
<u>Don Landwehr</u>	<u>1312 NICH</u>	<u>10-6-13</u>
<u>Carol D. Elsh</u>	<u>1316 N 11th ST</u>	<u>10/06/13</u>
<u>May Buehler</u>	<u>1320 N 11th st</u>	<u>10-6-13</u>
<u>Charlette Anderson</u>	<u>1400 N 11th St</u>	<u>10-6-13</u>
<u>Dorinda</u>	<u>1404 N 11th St</u>	<u>10-6-13</u>
<u>Heidi Berg</u>	<u>1408 N 11th St.</u>	<u>10-6-13</u>
<u>Ladene Sandberg</u>	<u>1420 N 11th</u>	<u>10-6-13</u>
<u>Mary Miller</u>	<u>1428 N 11th St.</u>	<u>10-6-13</u>
<u>Bon Miller</u>	<u>1428 N 11th ST</u>	<u>10-06-13</u>
<u>Eric Miller</u>	<u>1428 N 11th St</u>	<u>10/6/13</u>
<u>Marlynn Anderson</u>	<u>1432 N 11th ST</u>	<u>10-6-13</u>
<u>Tom Olson</u>	<u>1401 N 11th St</u>	<u>10-9-13</u>
<u>Robert</u>	<u>1405 N 11th ST</u>	<u>10-9-13</u>
<u>Gerald Olson</u>	<u>1417 N 11th St</u>	<u>10-10-13</u>
<u>Aue R. Olson</u>	<u>1417 N. 11th</u>	<u>10-10-13</u>
<u>Eric</u>	<u>1429 N 11th St</u>	<u>10-10-13</u>
<u>Cindy Steckler</u>	<u>1433 N. 11th Str.</u>	<u>10-10-13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Grace Henson</u>	<u>1424 N 12<sup>th</sup> St</u> <del>Bismarck ND 58521</del>	<u>10-10-13</u>
<u>Erwin K. Geist</u>	<u>1416 N 12 St</u>	<u>10-10-13</u>
<u>Andrew Wandler</u>	<u>1412 N 12 Street</u>	<u>10/10/13</u>
<u>Mary Wandler</u>	<u>1412 N 12 St</u>	<u>10-10-13</u>
<u>M. Wandler</u>	<u>1400 N 12 St</u>	<u>10-10-13</u>
<u>Jill Valverde</u>	<u>1304 N 11<sup>th</sup></u>	<u>10-12-13</u>
<u>Patty Roth</u>	<u>1224 N 11<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Christina</u>	<u>1204 N 11<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Stephen E. Colberg</u>	<u>1204 N 11<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Donna J. Lobo</u>	<u>1205 N 11<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Lynn St.</u>	<u>1209 N. 11<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Joseph Stuart</u>	<u>1217 N 11th St</u>	<u>10-12-13</u>
<u>Irene Wise</u>	<u>1305 N 11 St.</u>	<u>10-12-13</u>
<u>Wally Schneider</u>	<u>1309 N. 11<sup>th</sup></u>	<u>10-12-13</u>
<u>Donna B...</u> <del>M. B...</del>	<u>1313 N 11<sup>th</sup></u>	<u>10/12-13</u>
	<u>1325 N 11<sup>th</sup> St</u>	<u>10/12/13</u>
<u>Sauna Ekram</u>	<u>1412 N 11<sup>th</sup> St</u>	<u>10/12/13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Jason Matern</u>	<u>1416 N. 11<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Sharon Sorenson</u>	<u>1432 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Mala Swanson</u>	<u>1432 N. 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>John A. Bohm</u>	<u>1428 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Margaret B Feist</u>	<u>1416 N. 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Steph Vedgrom</u>	<u>1320 N. 12<sup>th</sup></u>	<u>10-12-13</u>
<u>Lisa Tomek</u>	<u>1312 N 12<sup>th</sup></u>	<u>10-12-13</u>
<u>Matt Schauer</u>	<u>1312 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Manreen Stockert</u>	<u>1308 N. 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Irene Jaton</u>	<u>1305 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Selma Laub</u>	<u>1304 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Lesta Laub</u>	<u>1304 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Joyce Keegans</u>	<u>1300 N. 12<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Jeri Freeman</u>	<u>1224 N. 12<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Mark Stinson</u>	<u>1224 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Amber Mergenthaler</u>	<u>1216 North 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Michael W. Hoffart</u>	<u>1217 N 12<sup>th</sup> Street</u>	<u>10-12-13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Maryorie Robinson</u>	<u>1200-15 1/2 ST.</u>	<u>10-12-13</u>
<u>Maie Sanderson</u>	<u>1221-N 12<sup>th</sup> ST</u>	<u>10-12-13</u>
<u>Robert D. Griffin</u>	<u>1321 N. 12<sup>th</sup> ST</u>	<u>10-12-13</u>
<u>Josh Floyd</u>	<u>1225 N 12<sup>th</sup> St</u>	<u>10-12-13</u>
<u>LeAnn Kopper</u>	<u>1225 N. 12<sup>th</sup> St.</u>	<u>10-12-13</u>
<u>Edward Bergard</u>	<u>1322 - N 13<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Buckley Pudwill</u>	<u>1310 N 13<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Janene Pudwill</u>	<u>1310 N 13<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Christianson</u>	<u>1230 N. 13<sup>th</sup></u>	<u>10-12-13</u>
<u>John Watson</u>	<u>1206 N. 13<sup>th</sup> St</u>	<u>10-12-13</u>
<u>Watson</u>	<u>1206 N 13<sup>th</sup> St</u>	<u>10/12/13</u>
<u>J. Mygarden</u>	<u>1124 N. 13<sup>th</sup> St</u>	<u>10-13-13</u>
<u>Ada Kulind</u>	<u>1118 N 13<sup>th</sup> St</u>	<u>10-13-13</u>
<u>Cody [Signature]</u>	<u>1114 N 13 St</u>	<u>10</u>
<u>Lynette [Signature]</u>	<u>1214 E Blvd Ave</u>	<u>10-13-13</u>
<u>Martin [Signature]</u>	<u>1214 E Blvd Ave</u>	<u>10-13-13</u>
<u>Darrah [Signature]</u>	<u>112 West Interest St</u>	<u>10-13-13</u>

TO: Bismarck Planning and Zoning Commission

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We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Lina Bean</u>	<u>1123 N. 13<sup>th</sup> St</u>	<u>10-13-13</u>
<u>Tanner Bean</u>	<u>1123 N. 13<sup>th</sup> St</u>	<u>10-13-13</u>
<u>Ken Hager</u>	<u>1123 N. 13<sup>th</sup> St</u>	<u>10-13-13</u>
<u>John Day</u>	<u>1307 - Porter Ave</u>	<u>10-13-13</u>
<u>Debbie Duppong</u>	<u>1111 N. 12<sup>th</sup> St. #1</u>	<u>10-13-13</u>
<u>Tanner Duppong</u>	<u>1111 N. 12<sup>th</sup> St. #1</u>	<u>10-13-13</u>
<u>Led Duppong</u>	<u>1111 N. 12<sup>th</sup> St. #1</u>	<u>10-13-13</u>
<u>Sam Cochran</u>	<u>1126 N 14 St</u>	<u>10-13-13</u>
<u>Sarah Cochran</u>	<u>1126 N 14 St</u>	<u>10/13/13</u>
<u>Mitch Harrison</u>	<u>1124 N 14 St</u>	<u>10-13-13</u>
<u>Krista Harju</u>	<u>1126 1/2 N 14th St</u>	<u>10/13/13</u>
<u>Joey Harju</u>	<u>1111 N 12<sup>th</sup> #3</u>	<u>10/17/13</u>
<u>Judy Halvor</u>	<u>1012 Grand</u>	<u>10/18/13</u>
<u>Chantal Johnson</u>	<u>1405 N. 12<sup>th</sup> St</u>	<u>10/18/13</u>
<u>Kammann</u>	<u>1421 N. 12<sup>th</sup> St</u>	<u>10/18/13</u>
<u>Wade Mathern</u>	<u>1421 N. 12<sup>th</sup> St</u>	<u>10/18/13</u>
<u>Samuel</u>	<u>1425 N. 12<sup>th</sup> St</u>	<u>10/18/13</u>

TO: Bismarck Planning and Zoning Commission

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NAME (signature)	ADDRESS:	DATE:
<u>Mary Jimison</u>	<u>1425 N 12<sup>th</sup> ST</u>	<u>10-18-13</u>
<u>Adela Roller</u>	<u>1429 N. 12<sup>th</sup> St</u>	<u>10-18-13</u>
<u>Jay B Bersley</u>	<u>1441 N. 12<sup>th</sup></u>	<u>10-18-13</u>
<u>Barb Jmoeh</u>	<u>1326 N 13<sup>th</sup></u>	<u>10-18-13</u>
<u>Erik Swanson</u>	<u>1306 N 13<sup>th</sup> St</u>	<u>10/19/13</u>
<u>Dave Nilst</u>	<u>1306 N 13<sup>th</sup> St</u>	<u>10/18/13</u>
<u>Alayma Jansen</u>	<u>1302 N 13<sup>th</sup> St</u>	<u>10/18/13</u>
<u>Kathryn Steckler</u>	<u>1222 N 13<sup>th</sup> St</u>	<u>10-18-13</u>
<u>Allison Steckler</u>	<u>1222 N 13<sup>th</sup> St</u>	<u>10-18-13</u>
<u>Reuben Schopp</u>	<u>1210 N 13<sup>th</sup> St</u>	<u>10-18-13</u>
<u>Ann Schoss</u>	<u>851 E. N 13<sup>th</sup> St</u>	<u>10-18-13</u>
<u>Amanda B</u>	<u>1218 Porter Ave</u>	<u>10-18-13</u>
<u>Eric Beers</u>	<u>1218 Porter Ave</u>	<u>10-18-13</u>
<u>Barb Bentz</u>	<u>1218 Porter Ave</u>	<u>10-18-13</u>
<u>Stephanie Mwanja</u>	<u>1111 N 12<sup>th</sup> St</u>	<u>10-19-13</u>
<u>TEREMY MERTZ</u>	<u>1220 N 11<sup>th</sup> St</u>	<u>10-19-13</u>
<u>Don Fusch</u>	<u>1225 N 11<sup>th</sup></u>	<u>10-19-13</u>

TO: Bismarck Planning and Zoning Commission

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NAME (Signature)	ADDRESS:	DATE:
<u>[Signature]</u>	<u>1301 N 11<sup>th</sup> St.</u>	<u>10/19/13</u>
<u>Marlye Kraft</u>	<u>1317 N. 11<sup>th</sup> St.</u>	<u>10/19/13</u>
<u>Mary Berann</u>	<u>1321 N 11<sup>th</sup> St</u>	<u>10/19/13</u>
<u>Debbi [Signature]</u>	<u>1421 N 11<sup>th</sup> St</u>	<u>10/19/13</u>
<u>Shawn Mittlestedt</u>	<u>623 N 12<sup>th</sup> St</u>	<u>10/19/13</u>
<u>Cody Thompson</u>	<u>1316 N 12<sup>th</sup> St</u>	<u>10-19-13</u>
<u>Missy Caine - Missy Caine</u>	<u>1316 N 12<sup>th</sup> St</u>	<u>10-19-13</u>
<u>Greg Grabs [Signature]</u>	<u>1324 N 12<sup>th</sup> St.</u>	<u>10-19-13</u>
<u>Megan Holley [Signature]</u>	<u>1212 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>[Signature]</u>	<u>1204 N. 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Allyson Abby Krebs</u>	<u>1208 N. 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Johnny Thorsen</u>	<u>1107 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Gene Halsey</u>	<u>1107 1/2 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Raymond [Signature]</u>	<u>1502 E Ave B</u>	<u>10-20-13</u>
<u>[Signature]</u>	<u>1014 Porter Ave</u>	<u>10-20-13</u>
<u>Steve Park</u>	<u>1401 N. 12<sup>th</sup></u>	<u>10-20-13</u>
<u>Allen Park</u>	<u>1401 N 12<sup>th</sup></u>	<u>10-20-13</u>

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NAME (Signature)	ADDRESS:	DATE:
<u>Sam Hemphill</u>	<u>1413 N 12th St</u>	<u>10-20-2013</u>
<u>Kim Hemphill</u>	<u>1413 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Daniel Thomas</u>	<u>1445 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Jessika Tarno</u>	<u>1449 N 12<sup>th</sup> St</u>	<u>10-20-13</u>
<u>Carole Klee</u>	<u>1425 N 11<sup>th</sup> St.</u>	<u>10/20/2013</u>
<u>Lissandra Sattler</u>	<u>1114 N 13<sup>th</sup> St</u>	<u>10-26-2013</u>
<u>Dawn Miller</u>	<u>1112 N 13<sup>th</sup> St</u>	<u>10-26-13</u>
<u>Russell Dishow</u>	<u>1209 N 12 St</u>	<u>10-26-13</u>
<u>Sierra Dishon</u>	<u>1209 N 12 St</u>	<u>10-26-13</u>
<u>Fery Wittenberg</u>	<u>1213 N 12<sup>th</sup> St</u>	<u>10-26-13</u>
<u>Jerry Wittenberg</u>	<u>1213 N 12 St</u>	<u>10-26-13</u>
<u>Darcie Howard</u>	<u>1309 N 12<sup>th</sup> St</u>	<u>10-26-13</u>
<u>Cheri Seifert</u>	<u>1313 N 12</u>	<u>10-26-13</u>
<u>Jerry Seifert</u>	<u>1313 N, 12<sup>th</sup></u>	<u>10-26-13</u>
<u>Jean Clendenen</u>	<u>1330 N 13<sup>th</sup></u>	<u>10/26/13</u>
<u>Lorey Weippert</u>	<u>721 N 24<sup>th</sup></u>	<u>10-27-13</u>
<u>Ron Tymba</u>	<u>1205 N 12<sup>th</sup></u>	<u>10-27-13</u>

TO: Bismarck Planning and Zoning Commission

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NAME (signature)	ADDRESS:	DATE:
<u>Sheila McNeer</u>	<u>1220 N 12<sup>th</sup> ST</u>	<u>10/27/13</u>
<u>Patricia Bosch</u>	<u>1201 N 11 ST</u>	<u>10/27/13</u>
<u>Hester Bon</u>	<u>1216 N 11<sup>th</sup> St.</u>	<u>10-27-13</u>
<u>John Zwick</u>	<u>1221 N 11<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Margaret J. Jager</u>	<u>1453 N 12<sup>th</sup> ST</u>	<u>10-27-13</u>
<u>Ruth Hein</u>	<u>1120 N 12 St # 17</u>	<u>10-27-13</u>
<u>Jack Kaut</u>	<u>1200 Porter Ave</u>	<u>11-2-13</u>
<u>Maia Grant</u>	<u>1433 N 12<sup>th</sup> St</u>	<u>11-2-13</u>
<u>I. Newman</u>	<u>1111 N 12<sup>th</sup> ST # 29</u>	<u>11/5/13</u>
<u>Austin Land</u>	<u>1413 N 11<sup>th</sup> St</u>	<u>11/9/13</u>
<u>Lexy Land</u>	<u>1413 N 11<sup>th</sup> St</u>	<u>11/9/13</u>
<u>Adeline Emsig</u>	<u>1116 N 14<sup>th</sup> St</u>	<u>11-9-13</u>
<u>Eric Wenz</u>	<u>1209 N 13<sup>th</sup> St</u>	<u>11-9-13</u>
<u>[Signature]</u>	<u>1213 N 13<sup>th</sup> St.</u>	<u>11-9-13</u>
<u>Beal Lindsey</u>	<u>1216 N 14</u>	<u>11-9-13</u>
<u>Jo Ellen Kieck</u>	<u>2913 Ave. C East</u>	<u>11-9-13</u>
<u>Brian Bucholz</u>	<u>1212 N 14 St</u>	<u>11-9-13</u>

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NAME (Signature)	ADDRESS:	DATE:
<u>Elaine Mosher</u>	<u>1238 N 14<sup>th</sup></u>	<u>11-9-13</u>
<u>Lee M. Miller</u>	<u>1200 14<sup>th</sup> St.</u>	<u>11-9-13</u>
<u>Darwin Lucas</u>	<u>1124 N. 15<sup>th</sup> St.</u>	<u>11-9-13</u>
<u>Paula Mow</u>	<u>1118 N 15<sup>th</sup></u>	<u>11-9-13</u>
<u>Bob Mow</u>	<u>1116 N 15<sup>th</sup></u>	<u>11-9-13</u>
<u>Cynthia Knudson</u>	<u>1100 N 15 St</u>	<u>11-9-13</u>
<u>Leonard Big</u>	<u>1111 N 14 St</u>	<u>11-9-13</u>
<u>J. Mow</u>	<u>1305 Porter Ave</u>	<u>11-10-13</u>
<u>Betty Wentz</u>	<u>1302 Porter Ave</u>	<u>11-10-13</u>
<u>Carl Hahnstein</u>	<u>1228 N 14 St</u>	<u>11-10-13</u>
<u>Chris Schneiders</u>	<u>1720 N 14<sup>th</sup></u>	<u>11-10-13</u>
<u>Stellen James</u>	<u>1201 N 14<sup>th</sup></u>	<u>11-10-13</u>
<u>Kenneth M. Terkelin</u>	<u>1112 N. 15<sup>th</sup></u>	<u>11/10/13</u>
<u>Jessie Donaldson</u>	<u>1108 N 15<sup>th</sup></u>	<u>11-10-13</u>
<u>Joel Bragman</u>	<u>1406 E Boulevard</u>	<u>11-10-13</u>
<u>Dylan Coon</u>	<u>1406 E Blvd</u>	<u>11-10-13</u>
<u>R. Coon</u>	<u>1108 13<sup>th</sup> St</u>	<u>11-10-13</u>

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NAME (Signature)	ADDRESS:	DATE:
<u>C Nutz</u>	<u>1217 N 17th</u>	<u>11/10/13</u>
<u>R Dizz</u>	<u>1217 N 13th</u>	<u>11/10/13</u>
<u>Ami Frison</u>	<u>1221 N 13th St</u>	<u>11-10-13</u>
<u>Narull Wul</u>	<u>1229 N 13th St</u>	<u>11-10-13</u>
<u>Heather Van Erem</u>	<u>1117 N 14th St</u>	<u>11.12.13</u>
<u><del>Clayde</del> Clyde Gamel</u>	<u>1129 N. 14th St.</u>	<u>11.12.13</u>
<u>Charleen Carpenter</u>	<u>1024 N 14th</u>	<u>11-15-13</u>
<u>John Bachmiller</u>	<u>1000 N. 14th St.</u>	<u>11/15/13</u>
<u>Sherry Baerman</u>	<u>1000 N 14th St</u>	<u>11/15/13</u>
<u>Michelle Paul-Fiest</u>	<u>1015 N. 13th St.</u>	<u>11/15/13</u>
<u>Mathilda Edwards</u>	<u>1320 N 15th St</u>	<u>11/15/13</u>
<u>Mary J. Dwi</u>	<u>1016 - N 15th SE.</u>	<u>11/15/13</u>
<u>N. Susan Madak</u>	<u>1002 - N. 15th</u>	<u>11-15-13</u>
<u>[Signature]</u>	<u>1416 E Ave F</u>	<u>11-15-13</u>
<u>[Signature]</u>	<u>1001 14th St</u>	<u>11-15-13</u>
<u>[Signature]</u>	<u>1001 14th St</u>	<u>11-15-13</u>
<u>Corey Garlock</u>	<u>1001, 14th St</u>	<u>11-15-13</u>

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NAME (Signature)	ADDRESS:	DATE:
<u>Michelle Woodford</u>	<u>1001 N 14th St</u>	<u>11/15/13</u>
<u>Michelle Woodford</u>	<u>1017 N 14th St</u>	<u>11/15/13</u>
<u>Robert M. Wood</u>	<u>1017 N 14th St</u>	<u>11/15/13</u>
<u>Roger Kiveland</u>	<u>1021 N 14th St</u>	<u>11/15/13</u>
<u>Elizabeth Gierler</u>	<u>1025 N 13th St Apt C</u>	<u>11/16/13</u>
<u>Aaron Wallen</u>	<u>1025 N 13th St Apt C</u>	<u>11/16/13</u>
<u>John D.</u>	<u>1029 N 13th St</u>	<u>11-16-13</u>
<u>Mike Heim</u>	<u>1017 N 13th St</u>	<u>11-16-13</u>
<u>Michelle Feist</u>	<u>1021 N 13th St</u>	<u>11-16-13</u>
<u>[Signature]</u>	<u>1025 N 13th St</u>	<u>11-16-13</u>
<u>Aleahmic Singh</u>	<u>1025 N 13th St</u>	<u>11-16-13</u>
<u>Douglas Kitson</u>	<u>931 N 13 St</u>	<u>11-16-13</u>
<u>Michelle Mide</u>	<u>926 N. 14th St</u>	<u>11/16/13</u>
<u>Kenneth</u>	<u>925 N. 13th St</u>	<u>11/16/13</u>
<u>Douglas M. Mide</u>	<u>921 N 13th St</u>	<u>11/16/13</u>
<u>Steven J. Old</u>	<u>913 N - 13th Street</u>	<u>11-16-2013</u>
<u>Brenda J. Schmidt</u>	<u>905 N. 13th Street</u>	<u>11-16-2013</u>

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NAME (signature)	ADDRESS:	DATE:
<u>Ashlee M Schmidt</u>	<u>905 N 13<sup>th</sup> St</u>	<u>11-16-2013</u>
<u>Robert J Schmidt</u>	<u>905 N 13<sup>th</sup> St</u>	<u>11-16-2013</u>
<u>AW</u>	<u>1028 N 15<sup>th</sup> St</u>	<u>11/16/13</u>
<u>Gerrisa Strandinger</u>	<u>1006 North 15 St</u>	<u>11-16-13</u>
<u>Robert Snyder</u>	<u>1009 N 14<sup>th</sup> St</u>	<u>11/16/13</u>
<u>Karen Moritz</u>	<u>1015 N 14<sup>th</sup> St</u>	<u>11/16/13</u>
<u>Lydia Adersberg</u>	<u>1026 N 13<sup>th</sup> St</u>	<u>11-19-13</u>
<u>Grant Werner</u>	<u>1024 N 13<sup>th</sup> St</u>	<u>11-19-13</u>
<u>Deborah Pilgranko</u>	<u>1010 13<sup>th</sup> St N</u>	<u>11-19-13</u>
<u>Heidi Reinhold</u>	<u>1223 F Ave F</u>	<u>11-19-13</u>
<u>Marianne Gibby</u>	<u>1011 N 12<sup>th</sup> St</u>	<u>11-19-13</u>
<u>ALEX GILBERT</u>	<u>1011 N 12<sup>th</sup> St</u>	<u>11/19/13</u>
<u>Sandra Fisher</u>	<u>1019 N 12<sup>th</sup> St #1</u>	<u>11/19/13</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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NAME (Signature)	ADDRESS:	DATE:
<u>M. Nemej</u>	<u>313-E Interstate</u>	<u>10-8-13</u>
<u>Diane Fischer</u>	<u>422 S. 13<sup>th</sup> ST</u>	<u>10-8-13</u>
<u>DJ W. R. K</u>	<u>418 South 13<sup>th</sup> ST</u>	<u>8 Oct 13</u>
<u>Willi Hagel</u>	<u>1207 E. Ingals</u>	<u>10-9-13</u>
<u>Roberta Jean Rusch</u>	<u>1410 Ave D</u>	<u>10-9-13</u>
<u>Shelli Ferris</u>	<u>422 1/2 S. 13th</u>	<u>10-9-13</u>
<u>Karla Hoff</u>	<u>1213 Ave DE</u>	<u>10-9-13</u>
<u>Terasa Olander</u>	<u>1213 Ave D. East</u>	<u>10/9/13</u>
<u>Craig M. Conrad</u>	<u>1213 AVE D.</u>	<u>10/9/13</u>
<u>Dave Schuff</u>	<u>1208 E Ave D</u>	<u>10-9-13</u>
<u>Pastor Markis Anderson</u>	<u>1330 W 35th St</u>	<u>10-11-13</u>
<u>Tim Bosch</u>	<u>307 Buckingham Place</u>	<u>10-11-13</u>
<u>Viola Bosch</u>	<u>1520 N<sup>th</sup> 13<sup>th</sup> St</u>	<u>10-11-13</u>
<u>John Satranberg</u>	<u>617 N 23rd St</u>	<u>10-11-13</u>
<u>Garth Thib</u>	<u>501 S 12<sup>th</sup> St</u>	<u>10-13-13</u>
<u>John Marsh</u>	<u>131 E. Bin Exp.</u>	<u>10-10-13</u>
<u>Richard Burton</u>	<u>Box 2571, Bism. ND</u>	<u>10-15-13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME (Signature)	ADDRESS:	DATE:
<u>Cynthia Bosworth</u>	<u>605 8.13th St.</u>	<u>10-16-13</u>
<u>Laura Ebraud</u>	<u>2645 Lexington DR</u>	<u>10-16-13</u>
<u>Jane M. Hamers</u>	<u>2033 - N. Washington St.</u>	<u>10/16/2013</u>
<u>Julie Nelles</u>	<u>821 N 4th #6 Bis,</u>	<u>10-16-13</u>
<u>Dale L. Moran</u>	<u>2141 Xavier St #211 Bismarck</u>	<u>10-16-13</u>
<u>Janice M Klein</u>	<u>4303 - Patriot Dr Bis. ND</u>	<u>10-16-13</u>
<u>Bruce Klein</u>	<u>4303 - Patriot Dr. Bis. ND.</u>	<u>10-16-13</u>
<u>Robert D. Marz</u>	<u>1975 N<sup>th</sup> 20<sup>th</sup> St</u>	<u>Bis. ND. 10-16-13</u>
<u>Cathy B. Marten</u>	<u>1975 N. 20<sup>th</sup> St</u>	<u>Bismarck, ND 10/16/13</u>
<u>Tammy Rudnick</u>	<u>620 Nelson Dr #1</u>	<u>Bismarck, ND 10/16/13</u>
<u>Faye Tschosik</u>	<u>8566 Island Road</u>	<u>Bismarck ND 58503</u>
<u>Charlton Middelstead</u>	<u>3552 Rocky Point Ln</u>	<u>Bismarck ND 58503</u>
<u>Virgil Fischer</u>	<u>422 1/2 S 13<sup>th</sup></u>	<u>Bis ND 58503</u>
<u>Brenna Halper</u>	<u>317 S 12 Street</u>	<u>Bis, ND 58504 11-16-13</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

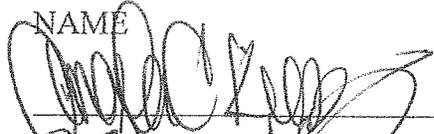
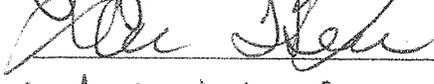
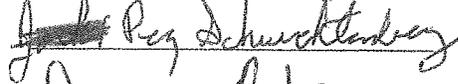
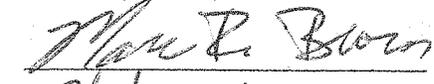
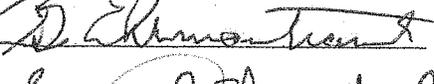
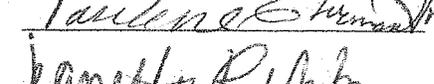
We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
David Salter	901 N. 10 <sup>th</sup> Bis.	10-06-2013
Robert J. Shub	908 N. 10 <sup>th</sup> Bis	10-6-2013
Ben Sauer	901. N 10 Bis	10-6-2013
Paula Chapel aka	817 N 10 Bis	10-6-13
Brent Mae	817 N 10 <sup>th</sup> Bis	10-6-13
Veronica Schwarz	810 N. 10 <sup>th</sup> Bis	10-6-13
Neal Thomas J	909 N 9 <sup>th</sup> Bis	10-6-13
Kevin Keller	906 E Ave F Bis	10-6-13
Myka Miller	902 E. Ave F Bis	10-6-2013
Karen Miller	828 N 10 <sup>th</sup> St	10-07-2013
Gary Swift	828 N 10 <sup>th</sup> St.	10-07-2013
Joe Elsberg	818 N 10 <sup>th</sup> St	10-07-2013
Dennis Schumacher	1003 N 10 AV N	10-07-2013
Colene Maier	1008 N. 10 <sup>th</sup> St.	10-07-2013
Virginia Myrtle	1022 N 10 <sup>th</sup> St	10-7-13
John W. Atwood	1026 N 10 <sup>th</sup> St	10-7-13
Deborah Atwood	1026 N 10 <sup>th</sup> St	10-7-13

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
	917 N 10th St	10.4.13
	919 N. 10 <sup>th</sup> St	10/05/13
	927 N 10th St	10-05-13
	928 N 10 <sup>th</sup> ST	10-5-13
	902 N 10th St	10-5-13
	902 N 10 <sup>th</sup> St	10-5-13
	905 N 10 <sup>th</sup>	10-5-13
	908 N 10 <sup>th</sup>	10-6-13
	908 N. 10 <sup>th</sup>	10-6-13
	1001 N. 11 <sup>th</sup> ST	10-6-13
	1061 N. 11 <sup>th</sup> ST	10/6/13
	927 N 11 <sup>th</sup> ST	10/6/13
	908 N 11 <sup>th</sup> St.	10/6/13
	1104 E Ave E	10/6/13
	2901 Essex Loop	10/6/2013
	1104 AVE E	10/6/13 <sup>90</sup>
	1011 E Ave E	10/7/13

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<u>Jack Sepurich</u>	<u>927 N 10 St.</u>	<u>10-07-13</u>
<u>Angela Hultstrand</u>	<u>917 1/2 N 10th St.</u>	<u>10-7-13</u>
<u>Cynthia Erickson</u>	<u>915 N 10th</u>	<u>10-7-13</u>
<u>Michael Bacholz</u>	<u>826 N 11th St</u>	<u>10-8-13</u>
<u>Kimmi</u>	<u>838 N 11th St</u>	<u>10-9-13</u>
<u>Keschweh</u>	<u>906 N. 11th St</u>	<u>10/9/13</u>
<u>Bruce Trom</u>	<u>912 N 11th St.</u>	<u>10/9/13</u>
<u>Chad Tom</u>	<u>912 N 11th St</u>	<u>10/9/13</u>
<u>Geney Galt</u>	<u>908 North 10th - 4</u>	<u>10-10-13</u>
<u>Oni Henji</u>	<u>929 N 11th St Bismarck</u>	<u>10-13-2013</u>
<u>[Signature]</u>	<u>920 N 10th St.</u>	<u>10-25-13</u>
<u>Duan John</u>	<u>915 N 11th St</u>	<u>10-25-13</u>
<u>Thomas H. Kuehnel</u>	<u>911-E. Ave F.</u>	<u>10-26-13</u>
<u>SW Swede Werner</u>	<u>923 N 9th</u>	<u>10-26-13</u>
<u>Juzanne Butzon</u>	<u>809-N 9th ST</u>	<u>10-26-13</u>
<u>Jim</u>	<u>809 N. 9th St.</u>	<u>10/26/13</u>
<u>Ruth Bohner</u>	<u>805 N 10th St</u>	<u>10/26/13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<u>Joseph W. Keller</u>	<u>1015 East Ave E.</u>	<u>10-26-13</u>
<u>Brenda Muehle</u>	<u>1015 East Ave E</u>	<u>10-26-13</u>
<u>Karol Awem</u>	<u>1015 East Ave E</u>	<u>10-26-13</u>
<u>Brianne Fuzegy</u>	<u>1011 E Ave E</u>	<u>10/26/13</u>
<u>Roger Clock</u>	<u>1011 N 10<sup>th</sup> ST</u>	<u>10/27/13</u>
<u>Elizabeth Gillin</u>	<u>1012 N 10<sup>th</sup></u>	<u>10/27/13</u>
<u>Frank Paul</u>	<u>1014 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Mindy Bittner</u>	<u>1021 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Debra Hoffman</u>	<u>1025 1/2 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Crystal Miller</u>	<u>1025 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Cheryl Covarella</u>	<u>930 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Shirley Olson</u>	<u>931 N 10<sup>th</sup> St</u>	<u>10-27-13</u>
<u>Caryl Bechtel</u>	<u>815 N 10<sup>th</sup> St.</u>	<u>11-2-13</u>
<u>J. B. Burt</u>	<u>815 N 10<sup>th</sup> St</u>	<u>11-2-13</u>
<u>Mary Bohrer</u>	<u>811 N 10<sup>th</sup> St.</u>	<u>11-2-13</u>
<u>M. J. Klein</u>	<u>830 N 11<sup>th</sup> St</u>	<u>11-2-13</u>
<u>Svetlana Belanova</u>	<u>1102 E Ave E</u>	<u>11-2-13</u>





TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<u>Stacy Langquist</u>	<u>528 N 13<sup>th</sup></u>	<u>11-17-13</u>
<u>Kristi Sage</u>	<u>1603 N 13<sup>th</sup></u>	<u>11-17-13</u>
<u>St. Pley Church</u>	<u>1611 N 13<sup>th</sup> St.</u>	<u>11-17-13</u>
<u>Callen Thal</u>	<u>1411 N 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Matt Link</u>	<u>1102 N 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Stacy McHarris</u>	<u>1636 S Washington #45</u>	<u>11/17/13</u>
<u>Al E. Engel</u>	<u>1600 N. 13<sup>th</sup></u>	<u>11/17/13</u>
<u>Victor Sprenger</u>	<u>1530 N 13</u>	<u>11/17/13</u>
<u>Jim Hart</u>	<u>753 1528<sup>th</sup></u>	<u>11/17/13</u>
<u>Viola Bosch</u>	<u>1530 N 13<sup>th</sup></u>	<u>11/17/13</u>
<u>Bertie Hunt</u>	<u>1518 N 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Janey Hees</u>	<u>724 Albany Ave</u>	<u>11-17-13</u>
<u>John Anderson</u>	<u>1516 N 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Dustin J Harsche</u>	<u>1314 N 13<sup>th</sup> St.</u>	<u>11-17-13</u>
<u>Charles Meyer</u>	<u>1214 W 13<sup>th</sup></u>	<u>11-17-13</u>
<u>Dwane Heing</u>	<u>1408 N 18<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Jacqui Denny</u>	<u>1408 N. 18<sup>th</sup> St</u>	<u>11-17-13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<u>Deane Wenz</u>	<u>1309 N 13 St</u>	<u>11-17-13</u>
<u>Rich [unclear]</u>	<u>1319 [unclear]</u>	
<u>BONETTA Hammel</u> <u>by Tom Hammel, son</u>	<u>1318 N. 13<sup>th</sup> ST.</u>	<u>11-17-13</u>
<u>Mary Anne Lemas</u>	<u>1422 N. 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Cheryl [unclear]</u>	<u>1410 N 13<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Ruby Schepson</u>	<u>1406 - 13<sup>th</sup></u>	<u>11-17-13</u>
<u>Mary Schepson</u>	<u>1406 - 13<sup>th</sup></u>	<u>11-17-13</u>
<u>Shirley Aberle</u>	<u>1400 N. 13<sup>th</sup></u>	<u>11-17-13</u>
<u>Nick Aberle</u>	<u>1400 N 13<sup>th</sup> St</u>	<u>11/17/13</u>
<u>Greer West</u>	<u>1017 N 28<sup>th</sup> St</u>	<u>11-17-13</u>
<u>Bill Good</u>	<u>1938 San Diego Dr</u>	<u>11/17/13</u>
<u>Jacob Aberle</u>	<u>1400 N<sup>th</sup> 13<sup>th</sup></u>	<u>11/17/13</u>
<u>Jim Pritchett</u>	<u>1401 1/2 N 13<sup>th</sup></u>	<u>11/17/13</u>
<u>Jonathan Knapp</u>	<u>1401 N 13<sup>th</sup></u>	<u>11/17/13</u>
<u>Butch Meckel</u>	<u>1421 N 13<sup>th</sup></u>	<u>11/17/13</u>
<u>[unclear]</u>	<u>1573 N 13<sup>th</sup> St.</u>	<u>11/17/13</u>
<u>Chris</u>	<u>1513 N 13<sup>th</sup> ST.</u>	<u>11/17/13</u>

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<del>Januel B</del>	1121 N 13 <sup>th</sup> St Suite 1	11/6/2013
Thomas Martin	1121 N 13 <sup>th</sup> St Suite 1	11/6/2013
Leo	1122 N 13 <sup>th</sup> St	11/17/13
Magen Dinger	1121 N 13 <sup>th</sup> St Suite 1	11-6-13
Sandra Roth	2500 Centennial Rd	11/6/13
Charaf Mack	1121 N 13 St Suite 1	11/6/13
Janya Doll	1121 N. 13 <sup>th</sup> St #1	11/6/13-
Lynnda Doll	510 3rd St SW	11/6/13
George Doll	510 3rd St SW	11/6/13
Paul Vuell	1809 Laforest Ave	11/6/13
Keralee Batman	5600 Copper Pt	11/6/13
A/B	1118 N 13 <sup>th</sup>	11/11/13
Patricia Assi	1124 N 13 <sup>th</sup>	11/6/13
Kathryn Ram	1234 N 13 <sup>th</sup> St.	11/17/13
Shirley	1571 N 13 <sup>th</sup> St	11/17/13
Janet	1218 N 13 <sup>th</sup> St.	11/17/13
Stanley	1214 N 13 <sup>th</sup> St.	11/17/13

TO: Bismarck Planning and Zoning Commission

HAND DELIVERED

We the undersigned are hereby indicating our opposition to the Bismarck Planning and Zoning Commission granting a request for rezoning of the property located at 1100 E. Boulevard Avenue (Known as the Baptist Home).

NAME	ADDRESS:	DATE:
<u>Virginia Frison</u>	<u>1427 N 18<sup>th</sup></u>	<u>11-17-13</u>
<u>Don Solund</u>	<u>1419 N 18<sup>th</sup></u>	<u>11-17-13</u>
<u>Ken. Johnson</u>	<u>1419 N 18<sup>th</sup></u>	<u>11/17/13</u>
<u>M. K. M.</u>	<u>1412 N. 18<sup>th</sup></u>	<u>11/17/13</u>
<u>Steph Braumagel</u>	<u>1412 N 18<sup>th</sup></u>	<u>11/17/13</u>
<u>Lukas Katers</u>	<u>1412 N 18<sup>th</sup></u>	<u>11-17-13</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>Mizann Keller</u>	<u>1702 Braman Ave</u>	<u>11-17-13</u>
<u>Narla Lorenson</u>	<u>1432 N. 12<sup>th</sup> St.</u>	<u>11-17-13</u>
<u>Detl. Andersen</u>	<u>1432 N<sup>13</sup> St</u>	<u>11-17-13</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>Roche King</u>	<u>1308 1<sup>st</sup> St SE</u>	<u>11-18-13</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>Cheryl Rasmussen</u>	<u>820 W. Sweet Ave</u>	<u>11-18-13</u>
<u>Joseph Schmidt</u>	<u>404 Garden St.</u>	<u>11-18-13</u>
<u>Laura Shaw</u>	<u>1045 Tacoma Ave #322</u>	<u>11-18-13</u>

TO: Bismarck Planning and Zoning Commission

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NAME	ADDRESS:	DATE:
<u>Rubén D. Delgado</u>	<u>1002 N 11<sup>th</sup> St</u>	<u>10-13-13</u>
<u>Chris Caputo</u>	<u>1015 N. 10<sup>th</sup> ST</u>	<u>10-13-13</u>
<u>Kaja Van Horn</u>	<u>1026 N. 11<sup>th</sup> St.</u>	<u>10/13/13</u>
<u>Walter Schrick</u>	<u>1022 N 11 St.</u>	<u>10-13-13</u>
<u>Lucy A. Ziegler</u>	<u>1020 N 11<sup>th</sup> ST</u>	<u>10-24-13</u>
<u>Randy Schumaker</u>	<u>310 N 15<sup>th</sup> ST</u>	<u>11-14-13</u>
<u>Rich Ludwig</u>	<u>1623 E Capitol ave</u>	<u>11-14-13</u>
<u>Terrie Kuderna</u>	<u>522 N 13<sup>th</sup> St</u>	<u>11-14-13</u>
<u>Dennis Steich</u>	<u>209 8<sup>th</sup> APT 2</u>	<u>11-14-13</u>
<u>Jessica Gabriel-Fleming</u>	<u>1016 N 11<sup>th</sup> St</u>	<u>11-14-13</u>
<u>George Spurrin</u>	<u>1016 N. 11<sup>th</sup> ST</u>	<u>11-14-13</u>
<u>Charles Weller</u>	<u>1025 N 10<sup>th</sup> ST</u>	<u>11-18-13</u>
<u>Scott Bottomer</u>	<u>1021 N 10<sup>th</sup> St</u>	<u>11-18-13</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Registered Sex Offender list!

Scarberry, Jacob Elee Ruth Meiers Hospitality House  
*Sexual Conduct with a Minor* Bismarck ND  
 Risk Level: High 58501  
 LIFETIME OFFENDER

Noble, Robert Logan Ruth Meiers Hospitality House  
*Corruption of a Minor* Bismarck ND  
 Risk Level: Moderate 58501  
 Expiration Date: 10/3/2038

Schlotthauer, Jason Lee Ruth Meiers Hospitality House  
*Corrupt/solicitation of Minor* Bismarck ND  
 Risk Level: Moderate 58501  
 Expiration Date: 7/14/2033

Gardner, Tyrie Guy Ruth Meiers Hospitality House  
*Gross Sexual Imposition* Bismarck ND  
 Risk Level: Moderate 58501  
 Expiration Date: 5/21/2038

Schiller, Brian Craig Ruth Meiers Hospitality House  
*Terrorizing/Gross sexual imposition* Bismarck ND  
 Risk Level: Low 58501  
 LIFETIME OFFENDER

Thorne, Ronald Eugene Ruth Meiers Hospitality House  
*Criminal Sexual Abuse* Bismarck ND  
 Risk Level: Undetermined 58501  
 Expiration Date: Undetermined

Gardipee, Allen Thomas Ruth Meiers Hospitality House  
*Sexual Assault* Bismarck ND  
 Risk Level: Undetermined 58501  
 Expiration Date: Undetermined

Sex Offenders Have New Adresse, Ruth Meiers Hospitality House

Posted: May 04, 2012 4:32 PM CDT

By Tom Gerhardt, News Director KXNews

Bailey Michael Ray Ruth Meiers Hospitality House  
 3rd Degree Rape Bismarck ND  
 Sex with 14-year-old girl 58501

Billings, Jesse Allen Ruth Meiers Hospitality House  
 Attempted Sex with Bismarck ND  
 8-year-old girl and 58501  
 had a three year old girl  
 touch him inappropriately.

Mosbrucker, Jeff Emannuell Ruth Meiers Hospitality House  
 He has sex with a female Bismarck ND  
 who has a mental disability 58501

Molester of a 5 year old boy sentenced to live at The Ruth Meiers homeless shelter in Bismarck,  
sentenced to 10 years!

1. Fred Roberts, a 53-year-old former school janitor accused of **sexually molesting a 5-year-old boy,**
2. Was **sentenced, not to prison** but instead, **to Bismarck's Ruth Meiers Homeless Shelter** for the next **10 years.**
3. Roberts does meet the criteria to live at the facility because **the facility doesn't discriminate against anyone,** including those with mental illness or those who **have committed a sexual offence!**

For this story in it's entirety...

[Hpn] Sex molester sentenced to Bismarck's homeless shelter

[hpn.asu.edu/archives/2001-June/004039.html](http://hpn.asu.edu/archives/2001-June/004039.html)

## 1. bismarcktribune.com Courts & Crime

May 11, 2012 - A homeless man accused of kicking at a Bismarck couple's door claiming a search warrant...  
Aug 23, 2012 - A homeless man found inside a Bismarck home wearing women's clothing has pleaded ...  
Oct 03, 2012 - A homeless man is accused of breaking into a used car dealership...  
Nov 27, 2012 - A homeless woman is accused of stealing a man's wallet at knife point in his apartment. ...  
Jan 07, 2012 - A homeless woman has been accused of robbing a man, with his own kitchen knife, after ...  
Mar 25, 2013 - A homeless woman is accused of child abuse for being under the influence of ...  
Aug 12, 2013 - A homeless man was arrested early Saturday after allegedly trying to steal an ambulance  
Sep 03, 2013 - A homeless man was arrested for robbery and assault, hours after being released from jail..

## www.wdaz.com/event/article

Oct 22, 2013 - A homeless man was arrested yesterday morning for assaulting another man... Bismarck  
Jul 5, 2012 - A homeless man is accused of stealing a shotgun from a Bismarck store downtown...

## charged-with-child-sexual-abuse.rsspump.com

Homeless man accused of molesting child after getting caught...Bismarck North Dakota,

## news | INFORUM | Fargo ND

[www.inforum.com/event/tag/start/15731/tag/news/](http://www.inforum.com/event/tag/start/15731/tag/news/)

2012 - ND homeless man sentenced for criminal trespassing in Bismarck , North Dakota

Aug 24th,

## RALEIGH-NEWS-OBSERVER, BISMARCK, N.D. â

Aug 17th, 2013 - Authorities say a man accused a stealing about \$110,000 worth of nickel was arrested at a Bismarck homeless shelter.

### Region 7 Homeless Population Point in Time Survey January 25, 2012

The North Dakota Coalition for Homeless People (NDCHP) conducted a statewide point-in-time survey of homeless people on January 25, 2012. The survey collected information relating to demographics, education, employment, veteran status, common characteristics, and service utilization.

The following table shows the total count of homeless persons by region, age and status as "chronic" or "long term homeless".

Region	Adults	Children <18	Total persons	Chronic <sup>1</sup>	Long Term Homeless <sup>2</sup>
1	35	4	44*	0	0
2	3	4	14*	0	0
3	5	5	11*	0	1
4	133	24	157	24	36
5	322	70	446*	44	128
6	50	0	52*	1	33
7	127	87	214*	5	28
8	19	15	34	1	5
Total ND	708	189	972*	75	229

Information regarding age was not available for 75 homeless persons.

<sup>1</sup> Chronic status is determined using the HUD definition, which is an individual with a disabling condition who has been homeless for at least one year, or four or more times in the last three years, and is sleeping either in an emergency shelter or in a temporary form of human habitation.

<sup>2</sup> Long term status is determined using the definition adopted by the ND Interagency Council on Homelessness, which is an individual with a disabling condition who has been homeless continuously for at least one year or more than four times in the last three years. The CH definition does not exclude people who are currently living "doubled up" and many people placed in motels or those in transitional housing.

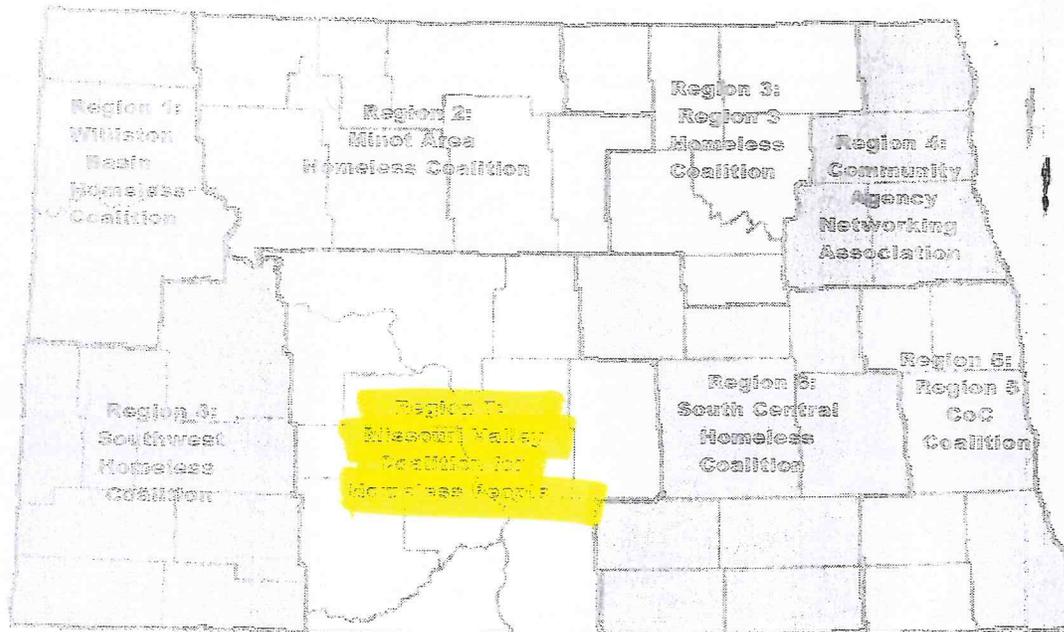


Table 10: 2008, 2010, 2011, and 2012 survey results for Region 7 and the state of North Dakota are shown below. The results are listed by question and broken-out by subpopulation.

Table 10a: Survey taken: (General)

2012 Total		2012 Chronic		2012 LTH		
ND	Region 7	ND	Region 7	ND	Region 7	
1%	0%	0%	0%	<1%	0%	Outdoors
38%	38%	30%	30%	33%	33%	Emergency shelter
27%	24%	1%	0%	33%	22%	Transitional housing
1%	1%	0%	0%	0%	0%	Motel
26%	22%	13%	0%	23%	22%	Other (abandoned building, auto, hospital, agency office)
6%	13%	5%	20%	5%	17%	No answer
n=737	n=143	n=75	n=6	n=206	n=23	

Table 10b: Survey taken: (Comparison to past years)

2008 Total		2009 Total		2010 Total		2011 Total		2012 Total		
ND	Region 7									
1%	0%	0%	0%	1%	4%	<1%	1%	1%	0%	Outdoors
43%	43%	31%	20%	31%	19%	40%	39%	38%	39%	Emergency shelter
27%	24%	31%	46%	28%	34%	25%	22%	27%	24%	Transitional housing
3%	7%	2%	5%	3%	11%	2%	7%	1%	1%	Motel
33%	33%	24%	27%	30%	31%	30%	41%	26%	22%	Other
0%	0%	2%	3%	9%	1%	4%	1%	6%	13%	No answer
n=554	n=143	n=716	n=177	n=776	n=209	n=762	n=174	n=757	n=143	

Table 10c: Survey taken: (Chronic homeless)

2008 Chronic		2008 Chronic		2010 Chronic		2011 Chronic		2012 Chronic		
ND	Region 7									
0%	0%	0%	0%	2%	13%	0%	0%	0%	0%	Outdoors
34%	38%	30%	30%	31%	33%	35%	73%	30%	30%	Emergency shelter
0%	0%	0%	0%	0%	0%	1%	0%	1%	0%	Transitional housing
0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	Motel
6%	14%	11%	20%	12%	38%	7%	25%	13%	0%	Other
0%	0%	0%	0%	5%	13%	3%	0%	5%	20%	No answer
n=51	n=7	n=70	n=5	n=94	n=8	n=67	n=8	n=76	n=5	

Table 10d: Survey taken: (Long-term homeless)

2008 LTH		2008 LTH		2010 LTH		2011 LTH		2012 LTH		
ND	Region 7									
1%	5%	0%	0%	<1%	1%	0%	0%	<1%	0%	Outdoors
35%	33%	31%	28%	27%	5%	35%	35%	36%	38%	Emergency shelter
31%	5%	33%	18%	43%	37%	42%	22%	36%	22%	Transitional housing
1%	5%	1%	4%	2%	7%	1%	4%	0%	0%	Motel
27%	47%	25%	38%	22%	19%	20%	39%	23%	22%	Other
0%	0%	4%	17%	6%	1%	3%	0%	5%	17%	No answer
n=137	n=9	n=187	n=24	n=227	n=75	n=197	n=23	n=205	n=23	

2012 ND Homeless Point-in-Time Survey

2012 Total		2012 Chronic		2012 LTH		
ND	Region 7	ND	Region 7	ND	Region 7	
18%	24%	29%	40%	23%	30%	Bad Credit
20%	27%	17%	40%	15%	35%	Can't locate an apartment
15%	3%	3%	30%	27%	48%	Criminal record
2%	3%	3%	0%	5%	9%	Developmental disability
2%	4%	3%	0%	2%	4%	Discharged—from med. hospital
2%	1%	1%	0%	5%	9%	Discharged—from psych. hospital
2%	4%	0%	0%	1%	4%	Employed
13%	23%	10%	80%	12%	26%	Evicted from apartment
14%	14%	13%	0%	14%	17%	Family breakup
<1%	1%	0%	0%	<1%	4%	HIV/AIDS
16%	23%	37%	83%	28%	39%	History of substance abuse
10%	8%	24%	0%	18%	9%	Medical problems
11%	13%	16%	30%	35%	23%	Mental illness
15%	19%	18%	20%	21%	13%	Money management problems
13%	17%	12%	40%	10%	17%	Moved to this area recently
4%	3%	3%	3%	4%	13%	Parolee or probationer
1%	3%	0%	0%	1%	4%	Sexual orientation
48%	48%	57%	100%	41%	57%	Unable to afford rent
<1%	1%	0%	0%	<1%	4%	Unaccompanied youth
12%	12%	12%	20%	13%	9%	Underemployed
37%	27%	48%	60%	39%	48%	Unemployed
15%	17%	11%	0%	14%	9%	Victim of domestic violence
1%	2%	1%	0%	1%	4%	Welfare issues
6%	4%	12%	0%	7%	4%	Other

Increase

Increase

Increase

Increase

n=757    n=143    n=75    n=3    n=208    n=20

43. Why do you think you're homeless? (Chronic homeless)

2007 Chronic		2009 Chronic		2010 Chronic		2011 Chronic		2012 Chronic		
ND	Region 7									
6%	14%	24%	40%	14%	13%	19%	13%	29%	40%	Bad Credit
12%	14%	9%	0%	8%	25%	16%	38%	17%	40%	Can't locate an apartment
15%	7%	2%	0%	1%	13%	16%	50%	16%	60%	Criminal record
4%	0%	4%	0%	6%	0%	10%	0%	3%	0%	Developmental disability
2%	0%	3%	0%	0%	0%	1%	0%	3%	0%	Discharged—from med. hospital
2%	0%	1%	20%	0%	0%	1%	0%	1%	0%	Discharged—from psych. hospital
0%	0%	0%	0%	2%	13%	1%	0%	0%	0%	Employed
2%	0%	6%	20%	17%	25%	12%	38%	16%	60%	Evicted from apartment
6%	29%	10%	0%	11%	13%	10%	13%	13%	0%	Family breakup
0%	0%	0%	0%	0%	0%	3%	0%	0%	0%	HIV/AIDS
5%	11%	3%	1%	2%	0%	25%	23%	32%	60%	History of substance abuse
12%	14%	19%	20%	23%	0%	15%	0%	24%	0%	Medical problems
15%	1%	2%	10%	7%	2%	12%	0%	23%	30%	Mental illness
10%	0%	17%	20%	19%	0%	15%	0%	19%	20%	Money management problems
6%	0%	4%	20%	3%	0%	4%	25%	12%	40%	Moved to this area recently
0%	0%	0%	0%	0%	0%	3%	0%	0%	0%	Parolee or probationer
0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	Sexual orientation
29%	43%	44%	40%	59%	38%	30%	62%	57%	100%	Unable to afford rent
0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	Unaccompanied youth
8%	14%	16%	40%	11%	13%	12%	13%	12%	20%	Underemployed
27%	43%	37%	30%	44%	38%	25%	25%	48%	60%	Unemployed
6%	29%	4%	20%	8%	25%	13%	38%	11%	0%	Victim of domestic violence
0%	0%	1%	0%	0%	0%	1%	0%	1%	0%	Welfare issues
4%	14%	1%	0%	5%	13%	7%	13%	12%	0%	Other
n=51	n=29	n=70	n=5	n=64	n=8	n=67	n=8	n=75	n=5	

Reasons for homelessness in the past year

2009		2009 Total		2010 Total		2011 Total		2012 Total		
ND	Region 7	ND	Region 7	ND	Region 7	ND	Region 7	ND	Region 7	
12%	18%	9%	13%	10%	20%	16%	26%	18%	24%	Bad Credit
13%	21%	10%	14%	12%	11%	13%	18%	20%	27%	Can't locate an apartment
12%	24%	8%	11%	17%	33%	13%	16%	14%	16%	Criminal record
4%	3%	1%	1%	3%	0%	4%	6%	2%	3%	Developmental disability
1%	1%	1%	1%	1%	<1%	1%	2%	2%	4%	Discharged—from med. hospital
2%	2%	2%	3%	4%	<1%	3%	2%	2%	1%	Discharged—from psych. hospital
1%	1%	1%	0%	2%	3%	2%	7%	2%	4%	Employed
12%	10%	11%	17%	14%	16%	13%	20%	13%	23%	Evicted from apartment
15%	14%	14%	20%	12%	16%	15%	22%	14%	14%	Family breakup
1%	1%	0%	0%	< 1%	0%	1%	1%	<1%	1%	HIV/AIDS
26%	22%	18%	23%	20%	33%	24%	27%	18%	20%	History of substance abuse
3%	2%	3%	4%	5%	1%	5%	7%	10%	8%	Medical problems
1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	Mental illness
17%	16%	8%	10%	12%	8%	13%	16%	15%	19%	Money management problems
9%	26%	11%	14%	8%	8%	8%	13%	13%	17%	Moved to this area recently
6%	15%	6%	6%	11%	24%	6%	5%	5%	4%	Parolee or probationer
1%	0%	0%	0%	< 1%	0%	1%	2%	1%	3%	Sexual orientation
32%	33%	30%	36%	10%	32%	36%	52%	45%	48%	Unable to afford rent
1%	0%	1%	3%	0%	0%	<1%	0%	<1%	1%	Unaccompanied youth
10%	10%	6%	13%	9%	14%	13%	21%	12%	12%	Underemployed
30%	29%	24%	30%	32%	23%	27%	28%	37%	27%	Unemployed
10%	10%	15%	19%	12%	13%	14%	23%	15%	17%	Victim of domestic violence
2%	3%	0%	1%	1%	0%	1%	1%	1%	2%	Welfare issues
4%	5%	4%	7%	6%	11%	4%	6%	6%	4%	Other

n=605    n=146    n=504    n=207    n=779    n=209    n=762    n=174    n=767    n=143

1.30 What are the reasons for homelessness? (Long-term homeless)

2008 Total		2009 Total		2010 Total		2011 Total		2012 Total		
ND	Region 7									
12%	26%	14%	17%	16%	19%	16%	26%	23%	30%	Bad Credit
12%	16%	10%	21%	11%	11%	13%	22%	15%	35%	Can't locate an apartment
1%	0%	0%	0%	3%	0%	1%	0%	1%	0%	Criminal record
1%	0%	4%	0%	3%	0%	8%	9%	5%	9%	Developmental disability
4%	5%	1%	0%	1%	0%	1%	0%	2%	4%	Discharged—from med. hospital
0%	0%	0%	0%	7%	0%	1%	0%	5%	0%	Discharged—from psych. hospital
0%	0%	0%	0%	2%	3%	1%	4%	1%	4%	Employed
9%	16%	9%	33%	15%	11%	13%	26%	12%	26%	Evicted from apartment
12%	26%	10%	8%	11%	11%	11%	17%	14%	17%	Family breakup
0%	0%	0%	0%	0%	0%	2%	0%	<1%	4%	HIV/AIDS
0%	0%	0%	0%	0%	0%	3%	3%	2%	3%	History of substance abuse
10%	21%	13%	17%	9%	1%	13%	13%	18%	9%	Medical problems
1%	0%	0%	0%	0%	0%	2%	0%	0%	0%	Mental illness
12%	21%	14%	8%	16%	5%	17%	13%	21%	13%	Money management problems
9%	11%	5%	6%	4%	7%	4%	17%	10%	17%	Moved to this area recently
1%	0%	3%	4%	2%	5%	7%	0%	4%	13%	Parolee or probationer
0%	0%	0%	0%	0%	0%	2%	4%	1%	4%	Sexual orientation
33%	47%	33%	42%	30%	28%	28%	57%	41%	57%	Unable to afford rent
0%	0%	0%	0%	0%	0%	0%	0%	<1%	4%	Unaccompanied youth
9%	2%	10%	8%	10%	23%	13%	22%	13%	9%	Underemployed
26%	53%	27%	29%	32%	23%	21%	35%	39%	43%	Unemployed
14%	37%	7%	8%	8%	12%	13%	22%	14%	9%	Victim of domestic violence
0%	0%	1%	0%	1%	0%	1%	0%	1%	4%	Welfare issues
5%	16%	2%	4%	6%	6%	4%	4%	7%	4%	Other

n=137    n=73    n=167    n=24    n=227    n=75    n=197    n=23    n=205    n=23

RECEIVED

NOV 13 2010

From: MARLAN "HAWK" HAAKENSEN  
 115 S. GRIFFIN ST.  
 BIS., N. D. 58504  
 PHONES: HOME [REDACTED]  
 CELL [REDACTED]

Editor Tribune -

The Planning/Zoning commissioner, mayor + city commissioners of Bismarck should know that the old Baptist home is absolutely a bad location for Ruth Meiers to be allowed to locate.

I agree with helping those in need. We rent our former gas station to house a soup kitchen. Mark + his staff, do a great job as "Heaven's Helpers Cafe", and policing the lots.

What Ruth Meier's will bring to the neighborhood + extending for 6-8 blocks away, will be terrible for those homeowners, just like in our area. You have to live here, as we do, to experience it.

A soup kitchen, Ruth Meier's wants at Baptist site, will bring the following to your homes.

People sleeping in cars, in the bushes, on the cement parking <sup>areas</sup>, waiting for the kitchen to open. Day + overnight.

You will have trash all around, for blocks, such as we have to pick up.

Whiskey bottles, Hypodermic needles, dirty diapers,  
up-chuck, partially eaten food, human excrement  
with shirts used as toilet paper.

People urinating in plain view, Drunks + Drug  
~~with~~ fueled people, many police calls to help  
control situations, bags of household garbage, on + on.

Add to their proposed 4,000 sq.' soup kitchen (one  
is 650 sq.'), the additional magnet of a 6,000 sq.' food  
pantry, a 5000 sq.' baby boutique, and a salon.  
These are for non-residents of their housing units.

Our home now has many no trespassing signs +  
video surveillance, and we ~~had~~ live 300' away. It  
makes us want to move.

Commissioners, would like your home next to that  
operation? Yes you say - because the facility is needed  
OK, then you pledge to buy a home there, when some  
family can't take it. When they put their home up for  
sale + tell you, you pledge to buy it, and live there!  
We will know if you are truthful, when you say you  
would live next door to such an operation.

M. Alan Hawke-Hankerson

RECEIVED

NOV 18 2013

Joseph and Barbara Stuart  
1217 N 11<sup>th</sup> St  
Bismarck, ND 58501  
November 11, 2013

Community Development Department  
Planning Division  
PO Box 5503  
Bismarck, ND 58506-5503

To Whom It May Concern,

We write in opposition to the request of Ruth Meiers to rezone the four acres of land formerly owned by the Baptist Home. While we believe that the mission of Ruth Meiers is a noble one, we do not believe that the neighborhood around the Baptist Home is the appropriate one for the facility that Ruth Meiers appears to be planning. Because of the large number of children and young families in the area and the presence of four schools within a half mile radius, it is irresponsible to establish a facility that will undoubtedly attract individuals who may easily be a threat to those children.

Even though the proposed facility will not be an emergency shelter, a recent article in the *Bismarck Tribune* (September 13, 2013) quoted Ms. Jaclyn Bugbee, Executive Director of Ruth Meiers as saying that: "the three-story facility could contain: 80 low income efficiency, one- and two-bedroom apartments for long-term residents, an *expanded food pantry*, a *soup kitchen open for breakfast, lunch and dinner*, a children's learning center with free child care and tutoring, a *medical clinic for those without insurance, transportation services and other outreach and educational services*" (emphasis added). The italicized portions of this are problematic. These services could attract potentially dangerous individuals to the neighborhood even if the facility were not an emergency housing facility. In fact, these services are more likely to attract individuals who do not want to subject themselves to the background and sobriety checks the emergency housing services require, which means they would more likely be introduced to the neighborhood. Ruth Meiers cannot regulate who visits the facilities and benefits from its services; their object is to attract those who need their services. These are valuable services – but offering them in this location will compromise the safety and security of the neighborhood, the children and young families in it.

It seems to us that because the mission of Ruth Meiers is such a needed one, it should be carried out in a place that does not warrant such serious questions and concerns. Ruth Meiers should be able to be open and serve whoever is in need without having to regulate access because of the nature of the location. Its services are greatly needed; but safety and security for the many children in this neighborhood should weigh heavily against any changes to the zoning around the former Baptist Home.

We ask you to please take the considerations in this letter seriously, and to not rezone this area. Please encourage the Ruth Meiers facility to be established elsewhere, in a safer location.

Sincerely,



Joseph T. Stuart



Barbara A. Stuart

Permit Type	City 11/2013		ETA 11/2013		County 11/2013							
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	13	2,177,959.75	15	2,708,103.00	6	1,167,643.25	12	2,130,866.00	3	835,145.25	2	395,704.00
SINGLE FAMILY ATTACHED	1	201,246.75	2	263,788.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	8	1,166,000.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	1	5,610,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	1	500.00	2	7,500,000.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	1	2,339,670.00	0	.00	1	450,000.00	1	374,995.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	1	548,147.19	1	1,468,410.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	1	500.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	3	3,750,632.00	15	702,763.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	1	114,975.00	0	.00	0	.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	1	25,851.00	1	4,452.00	2	90,334.50	2	26,394.00	0	.00	1	55,650.00
RESIDENTIAL GARAGES	2	21,888.00	7	82,496.00	2	19,620.00	2	42,880.00	2	62,160.00	0	.00
PATIOS AND COVERS	1	2,640.00	2	2,400.00	0	.00	1	3,000.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	1	27,000.00	0	.00	0	.00	0	.00	0	.00
OTHER	4	73,000.00	6	110,496.00	0	.00	0	.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
BASEMENT FINISH	11	44,597.75	13	65,198.00	6	32,550.75	4	27,535.00	0	.00	1	7,462.00
INDUSTRIAL BUILDINGS	0	.00	1	130,444.00	1	31,000.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	10	2,438,536.00	2	73,650.00	0	.00	0	.00	0	.00	0	.00

Permit Type	***** City *****		***** County *****		***** City *****		***** County *****	
	11/2013 Permits	Valuation	11/2013 Permits	Valuation	11/2013 Permits	Valuation	11/2013 Permits	Valuation
OFFICE & PROFESSIONAL BLD	2	719,668.00	0	.00	0	.00	0	.00
OTHER	4	817,300.00	1	60,000.00	0	.00	0	.00
ALTER PUBLIC	2	192,300.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	2	.00	0	.00	0	.00
OTHER	1	.00	2	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	3	43,600.00	6	35,488.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00
Permit Type Total	64	16,783,341.44	90	16,740,358.00	17	1,341,148.50	23	2,680,675.00
							6	1,272,300.25
							4	458,816.00

Permit Type	***** City *****		DATE SELECTION 11/2013		***** ETA *****		***** County *****	
	11/2013 Permits	11/2012 Permits	11/2013 Permits	11/2013 Permits	11/2012 Permits	11/2012 Permits	11/2012 Permits	11/2012 Permits
Plumbing	68	52	10	9	5	5	0	0
Electrical	104	110	0	0	0	0	0	0
Mechanical	59	173	22	30	3	3	6	6
Drain Field	1	0	17	16	1	1	4	4
Hood Suppression	0	9	0	0	0	0	0	0
SprinklerStandpipe	5	2	0	0	0	0	0	0
Alarm Detection	1	0	0	0	0	0	0	0
Total	238	346	49	55	9	9	15	15

\*\*\*\*\* City \*\*\*\*\* County \*\*\*\*\*  
 11/2013 11/2013 11/2012 11/2012  
 Units Units Units Units

Living Units	11/2013	11/2013	11/2012	11/2012	11/2013	11/2012	11/2013	11/2012
	Units							
SINGLE FAMILY DETACHED	12	15	5	12	3	2	0	0
SINGLE FAMILY ATTACHED	1	2	0	0	0	0	0	0
TWO UNIT	0	8	0	0	0	0	0	0
FIVE & MORE FAMILY	66	0	0	0	0	0	0	0
NON-STRUCTURAL DEVELOPMEN	0	1	0	0	0	0	0	0
INDUSTRIAL	0	1	0	0	0	0	0	0
ROOM ADDITIONS	0	1	0	1	0	0	0	0
RESIDENTIAL GARAGES	0	1	0	1	0	0	0	0
PATIOS AND COVERS	0	1	0	1	0	0	0	0
OTHER	0	4	0	0	0	0	0	0
BASEMENT FINISH	0	7	1	4	0	0	0	0
COMMERCIAL BUILDINGS	3	0	0	0	0	0	0	0
RESIDENTIAL	0	1	0	1	0	0	0	0
Total	82	42	6	20	3	2	0	2

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2013-0002173	1133 COLLEGE	DR 11/2013	BIS INDUSTRIES INC & UNISYS CAPITAL CITY CONSTRUCTION INC	1,475,000.00
CITY OF BISMARCK	2013-0002189	2055 XAVIER	ST	VERAWAY APARTMENTS LLP ENCLAVE DEVELOPMENT	5,610,000.00
CITY OF BISMARCK	2013-0002204	1405 SKYLINE	WY	SHRI PROPERTIES LLC LANGLAS AND ASSOCIATES INC	3,696,862.00