

CITY PLANNING & ZONING COMMISSION

MEETING MINUTES

July 27, 2011

The Bismarck Planning & Zoning Commission met on July 27, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

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

Commissioner Curt Juhala was absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner and Kim Riepl – Office Assistant II.

Others present were Pam Des Roches - 1720 Burnt Boat Drive Suite 206, Ron and Jackie Enget - 1720 Burnt Boat Drive Suite 202, Marc Eidahl - 1720 Burnt Boat Drive Suite 202, Al Fisher - 1720 Burnt Boat Drive Suite 202 and Edie Fisher – 1720 Burnt Boat Drive Suite 202.

MINUTES

Chairman Yeager called for consideration of the minutes of the June 22, 2011 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the June 22, 2011 meeting as received. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION – ZONING CHANGE FROM R5, RM5 & R10 TO R10 – LOTS 1-3 AND 18-23, BLOCK 5, SHANNON VALLEY ADDITION

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

- A. A zoning change from the R5-Residential, RM5-Residential and RM10-Residential zoning districts to the R10-Residential zoning district for Lots 1-3 and 18-23, Block 5, Shannon Valley Addition. The property is 9 lots in 1 block on 2.47 acres, located along the east side of 34th Street North and the Chivas Place cul-de-sac between East Avenue C and Crocus Avenue.

MOTION: Based on the findings in the staff report, Commissioner Warford made a motion to approve Consent Agenda item A, calling for a public hearing on the item. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT FOR LOT 2, BLOCK 1, COUNTRY WEST IV SECOND REPLAT (1720 BURNT BOAT DRIVE SUITE 204)

Chairman Yeager called for the public hearing for a special use permit to allow use of a conference room in a multi-tenant office building for a church. The property is located along the north side of Burnt Boat Drive between Tyler Parkway and Clairmont Road (1720 Burnt Boat Drive Suite 204).

Ms. Lee provided an overview of the request and listed the following findings for the special use permit:

1. The proposed use is in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck.
2. The proposed special use will not adversely affect the public health, safety and general welfare.
3. The proposed use may be detrimental to the use or development of adjacent properties. In particular, the operation of a church facility in a multi-tenant office building is not necessarily compatible with the office uses within the building.
4. The proposed use will comply with all special regulations established by Section 14-03-08 of the City Code of Ordinances, and all special conditions necessary for the safety and welfare of the public.

Ms. Lee then listed the following additional information:

1. A church is allowed in the RT district as a special use. Section 14-03-08 (4)(f) of the City Code of Ordinances outlines the requirements for a church.
2. There are some concerns with parking for a church facility in a multi-tenant office building. The site plan submitted with the application shows 58 parking spaces for the building. While this may be adequate for the office uses, there are concerns that any church activities during typical office hours would strain the available parking. In addition, parking is not allowed the north side of Burnt Boat Drive adjacent to the property.
3. There was an error in the legal description in the legal ad and adjacent property owner notification for this project; therefore, action cannot be taken on the request until the next meeting after proper legal notification.

Ms. Lee said that based the error in the legal notice, staff recommends continuing the public hearing until the August 24, 2011 meeting for the special use permit to allow use of a conference room in a multi-tenant office building for a church on Lot 2, Block 1, Country West IV Second Replat (1720 Burnt Boat Drive Suite 204).

Ms. Lee also distributed two letters and an email in regards to the special use permit, attached as Exhibit A, Exhibit B and Exhibit C.

Chairman Yeager called for the public hearing for the special use permit to allow use of a conference room in a multi-tenant office building for a church on Lot 2, Block 1, Country West IV Second Replat (1720 Burnt Boat Drive Suite 204).

Pam Des Roches from the Thomas Leach Foundation said that their concerns are the limitations of the building and that it has only ever been a multi-tenant office use.

Marc Eidahl, the pastor of New Life Church, stated that he understands the concerns of the other tenants; however, they have submitted all the necessary paper work and do meet the requirements in the ordinance for a special use permit. He went on to say that they will do anything they can to alleviate any of the concerns of the other tenants in the building. Mr. Eidahl concluded that the larger church meetings will only take place after office hours of the other tenants and in the last three years the current church meetings have not interfered with the other tenants to the best of his knowledge.

Commissioner Laning inquired if the church would be comfortable with after-hour only restrictions for the church meetings. Mr. Eidahl responded by saying only if the restrictions were only for the corporate meetings and nothing to do with the counseling traffic and such.

Commissioner Waldoch asked if there is assigned parking at the building. Mr. Eidahl said yes there is assigned parking and there are approximately four spaces assigned to the suite they are interested in.

MOTION: Based on the findings contained in the staff report, Commissioner Armstrong made a motion to continue the request for a special use permit to allow use of a conference room in a multi-tenant office building for a church on Lot 2, Block 1, Country West IV Second Replat (1720 Burnt Boat Drive Suite 204) to the August 24, 2011 Bismarck Planning & Zoning Commission meeting. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

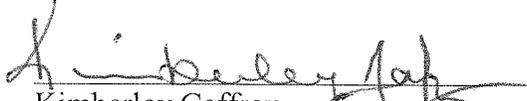
OTHER BUSINESS

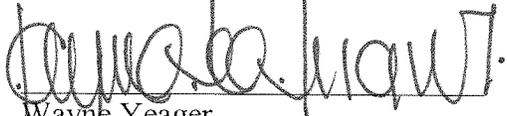
There was no other business.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:15 p.m. to meet again on August 24, 2011.

Respectfully submitted,


Kimberley Gaffrey
Recording Secretary


Wayne Yeager
Chairman

JUL 19 2011



The Tom and Frances Leach Foundation, Inc.

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July 19, 2011

Gregg Greenquist
Community Development Department
Planning Division
P.O. Box 5503
Bismarck, ND 58506-5503

STAFF

Pam DesRoches
*Administrative Secretary
and Grants Coordinator*

Subject: Special use permit pending request

Mr. Greenquist:

This letter is being submitted today with regard to a request made by New Life Church and Empire Oil for a special use permit. As a concerned tenant that shares the building and all of the facilities at 1720 Burnt Boat Drive (Lot 1, Block 1, Country West IV, Second plat) with the New Life Church we would not be in favor of such a use. Our offices are connected by a single hallway, which is 43.5 inches at the widest point; we also share the restroom facilities, which are limited, with no off-street parking available. Presently, our office is situated on the southeast corner directly across from the east end building entrance; persons who would attend events in Suite 204 would pass our office upon entry. We were told that they would meet Wednesday evening and Sunday morning this would limit access to our office should we need to work into the evening or to gain access to our office. It would also be difficult for conducting any business; since our offices have connecting walls and ceilings, controlling the noise and commotion of a large group would be problematical. If the needed parking exceeds the lot size there would be no off-street parking available for our office.

Thank you for your consideration in this matter.

Sincerely,

Pam Des Roches on behalf of
The Tom & Frances Leach Foundation, Inc.

C: Board of Directors

Kim Lee

From: Jeff Furstenu [REDACTED]
Sent: Monday, July 25, 2011 11:09 AM
To: cobplan@nd.gov
Subject: special use permit for New Life Church

Mr. Greenquist,

I am the owner of an office building on Burnt Boat Loop. I am concerned about the lack of parking available for a church. I understand that a church's parking requirements occur in the evening or Sunday, but what about special occasions, funerals or weddings? The property at 1720 Burnt Boat Drive is over grown and has minimal parking available. The streets are narrow and visibility is obstructed by the over grown trees. I don't want to be the bad guy that has someone towed out of our lot while they are in church.

Jeff Furstenu



1720 Burnt Boat Dr.
Suite 202
Bismarck, ND 58503
Tel: 701-202-3674
newlife@westriv.com
www.newlifeweb.org

7/27/11

Dear Planning & Zoning Commission,

We would like you to kindly consider our request for a Special Use Permit for the use of suite 204 in the 1720 Burnt Boat Dr. property. We would be holding church related meetings in the largest office space within the suite. The remainder of the suite would make up our offices and a child care area. The plan and purpose of these church meetings is not to accommodate large amounts of people, as this is a smaller café style service that we intend to host. The meetings would not exceed building code limitations of 36 people within the largest meeting space. Any meetings of numerical substance would take place outside of regular office hours of the building. Therefore, parking should never be an issue. We do not intend to host any funerals or weddings or anything of this nature within this space.

We have submitted all legal and required documentation for your review. Thank you for your consideration in this matter.

Sincerely,

Pastor Marc P Eidahl
Associate Pastor
New Life Church