

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
February 22, 2012**

The Bismarck Planning & Zoning Commission met on February 22, 2012, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Doug Lee, Ken Selzler, Mike Schwartz, 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, Kimberley Gaffrey – Office Assistant III, Charlie Whitman – City Attorney, Ray Ziegler – Building Official and Steve Saunders – Transportation Planner.

Others present were Jake Axtman - 909 Basin Avenue, Brian Eiseman – 128 Soo Line Drive, Tim & Deb Staloch, 6650 66th Street NE, Terry & Jessie Heck – 10511 East Highway 10, Richard Sander – 1520 Knollwood Drive, Jim & Karen Bonnet – 6110 62nd Street NE, Sandra Fettig – 6200 Rocky Road, Colleen Isaak – 6303 Rocky Road, Bonnie Stagier – PO Box 7370, Gerald Miller – 5455 TJ Lane, John & Myrna Hauck – 6420 TJ Lane, DeEtta & Robert Gibbons – 6707 66th Street NE and Joan Millner – 1315 North 3rd Street.

MINUTES

Chairman Yeager called for consideration of the minutes of the January 25, 2012 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the January 25, 2012 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Selzler, Schwartz, Waldoch and Yeager voting in favor of the motion.

CONSIDERATIONS –

**ZONING CHANGE FROM A TO RR & RM10 AND PRELIMINARY PLAT –
SOUTHBAY FOURTH ADDITION**

**ZONING CHANGE FROM A, RM15, RM30 & MA TO R10 & RM30, FRINGE AREA
ROAD MASTER PLAN AMENDMENT AND PRELIMINARY PLAT –
EDGEWOOD VILLAGE 6TH ADDITION**

**ZONING CHANGE FROM RM15 TO RT & P – LOTS A & B OF LOT 1, BLOCK 1,
EDGEWOOD VILLAGE FIRST ADDITION**

ZONING ORDINANCE TEXT AMENDMENT – SIGHT TRIANGLE

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

- A. A zoning change from the A-Agricultural zoning district to the RR-Residential and RM30-Residential zoning districts and preliminary plat for SouthBay Fourth Addition. The property is 73 lots on two blocks on 21 acres and is located south of Burleigh Avenue between Calypso Drive and England Street (part of the NW1/4 of Section 20, T138N-R80W/Lincoln Township).
- B. A zoning change from the A-Agricultural zoning district to the R5-Residential, R10-Residential, RM30-Residential and RT-Residential zoning districts, preliminary plat and fringe area road master plan amendment for Edgewood Village Sixth Addition. The property is 59 lots in six blocks on 63.6 acres. The property is located in northeast Bismarck, north of Century Avenue, between Colorado Drive and Centennial Road (part of the S½ of the NW¼ of Section 23, part of the N½ of the SW¼ of Section 23, part of the SW¼ of the NE¼ of Section 23 T139N-R80W/Hay Creek Township and part of the E½ of Section 22 T139N-R80W/Hay Creek Township).
- C. A zoning change from the RM15-Residential zoning district to the RT-Residential and P-Public zoning districts for Lots A & B of Lot 1, Block 1, Edgewood Village First Addition. The property is located in northeast Bismarck, along the east side of North 19th Street between Koch Drive and 43rd Avenue NE.
- D. A zoning ordinance text amendment relating to Sight Triangles. The proposed amendment would clarify the definition of a sight triangle and how it applies to corner lots, located at intersections of streets, alleys and driveways.

Chairman Yeager removed Item B from the consent agenda for further discussion.

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

Commissioner Warford arrived at the meeting at 5:03.

Mr. Tomanek said that City staff and Parks and Recreation would like to meet with the applicant or the applicant's representative to talk about trail connections within this development and determine the appropriate locations for future multi-use trail connections and the future use of a proposed common lot (Lot 31, Block 1), before holding public hearings on these items.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve Consent Agenda Item B, calling for public hearings and tentative approval after City staff and Parks and Recreation staff have met with the applicant or the applicant's representative to determine the appropriate locations

for future multi-use trail connections and the future use of proposed common lot (Lot 31, Block 1). Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager. Commissioner Atkinson abstained from voting.

FINAL CONSIDERATION – ANNEXATION OF PART OF MEADOWLARK COMMERCIAL THIRD ADDITION

Chairman Yeager called for the final consideration for the annexation for Lots 3-6, Block 2; Lots 1-2, Block 3; Lots 1-6, Block 4; Lots 1-4, Block 5; and Lots 3-4, Block 6, Meadowlark Commercial Third Addition. The property is located East of US Highway 83 and north of 43rd Avenue NE.

Ms. Lee provided an overview of the request and listed the following findings for the annexation:

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

Ms. Lee said based on the above findings, staff recommends the annexation of Lots 3-6, Block 2; Lots 1-2, Block 3; Lots 1-6, Block 4; Lots 1-4, Block 5; and Lots 3-4, Block 6, Meadowlark Commercial Third Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the annexation of Lots 3-6, Block 2; Lots 1-2, Block 3; Lots 1-6, Block 4; Lots 1-4, Block 5; and Lots 3-4, Block 6, Meadowlark Commercial Third Addition. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor.

FINAL CONSIDERATION – ANNEXATION OF LOTS 1 & 2, BLOCK 2, OXENTENKO COMMERCIAL PROPERTIES

Chairman Yeager called for the final consideration for the annexation for Lots 1-2, Block 2, Oxentenko Commercial Properties. The property is located along the south side of Calgary Avenue east of St. Lawrence Street.

Ms. Lee provided an overview of the request and listed the following findings for the annexation:

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

Ms. Lee then listed the following additional information:

1. The property owner has requested municipal water and sanitary sewer service and submitted the request for annexation as a condition of that service request.

Ms. Lee said based on the above findings, staff recommends the annexation of Lots 1-2, Block 2, Oxentenko Commercial Properties.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the annexation of Lots 1-2, Block 2, Oxentenko Commercial Properties. 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.

PUBLIC HEARING – ZONING CHANGE FROM RT-RESIDENTIAL & CG-COMMERCIAL TO RT-RESIDENTIAL AND CG-COMMERCIAL AND MINOR SUBDIVISION FINAL PLAT – 43RD AVENUE COMMERCIAL PARK SECOND ADDITION

Chairman Yeager called for the public hearing for the zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential and CG-Commercial zoning districts and the minor subdivision final plat for 43rd Avenue Commercial Park Second Addition. The property is seven lots in one block on 32.037 acres and is located along the east side of Coleman Street and the west side of Ottawa Street, north of 43rd Avenue NE.

Mr. Tomanek provided an overview of the request and listed the following findings for the zoning change:

1. This area is identified as commercial and mixed-use in the land use component of the US Highway 83 Corridor Study.

2. The proposed zoning change would be compatible with adjacent land uses, provided the appropriate landscape buffer yards along the north side of Lots 1 and 3 are installed in conjunction with site development. Adjacent land uses include single-family zoned land to the north; undeveloped, commercially zoned land to the south and west; and commercial property to the east.
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.

Mr. Tomanek then listed the following findings for the plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. The technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan waiver request has been approved by the City Engineer. The previous storm water management plan for this area is sufficient.
4. The proposed subdivision would be compatible with adjacent land uses, provided the appropriate landscape buffer yards along the north side of Lots 1 and 3 are installed in conjunction with site development. Adjacent land uses include single-family zoned land to the north; undeveloped, commercially zoned land to the south and west; and commercial property to the east.
5. The property is already annexed therefore; the proposed subdivision will not place an undue burden on public services.
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.

Mr. Tomanek said based on the above findings, staff recommends approval of the zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential zoning district on Lots 1 & 3, Block 1 and to the CG-Commercial zoning district on Lots 2, 4,5,6 and 7, Block 1 and the minor subdivision final plat of 43rd Avenue Commercial Park Second Addition.

Chairman Yeager called for the public hearing for the zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential zoning district on Lots 1 & 3, Block 1 and to the CG-Commercial zoning district on Lots 2, 4,5,6 and 7, Block 1 and minor subdivision final plat for 43rd Avenue Commercial Park Second Addition.

There was no public comment.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Selzler made a motion to approve the zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential zoning district on Lots 1 & 3, Block 1 and to the CG-Commercial zoning district on Lots 2, 4,5,6 and 7, Block 1 and minor subdivision final plat for 43rd Avenue Commercial Park Second Addition. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor.

PUBLIC HEARING – LAND USE PLAN AMENDMENT (URBAN RESIDENTIAL TO INDUSTRIAL) – SE¼ OF THE NE¼ OF SECTION 7, T139N-R79W/GIBBS TOWNSHIP

Chairman Yeager called for the public hearing for the proposed Land Use Plan amendment along the west side of 66th Street NE approximately 1/2 mile south of 71st Avenue NE (6650 66th Street NE), to introduce the industrial land use classification in the SE¼ of the NE¼ of Section 7, T139N-R79W/Gibbs Township. The applicant has requested to amend the future land use designation for a 7.5 acre tract (approximate) from urban residential to industrial to allow for the development of storage units.

Mr. Tomanek provided an overview of the request and listed the following findings for the Land Use Plan amendment:

1. The proposed change in the Land Use Plan would not be compatible with adjacent land uses; adjacent land uses include single-family rural residential developments to the north, south, across 66th Street NE to the east and agricultural uses to the west.
2. The proposed Land Use Plan amendment would not reflect changes in the current conditions since the Land Use Plan was established. In particular, although the Metropolitan Planning Organization’s Regional North-South Beltway Study (June 2009) identifies a preferred alignment for the 66th Street NE/71st Avenue NE curve in a location that bisects the property, the land use conditions have not changed and will not change until more definitive plans are made for the construction of a roadway with an alignment through the property.
3. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the Land Use Plan at the time the

property is developed. Storage units do not necessarily require water or sanitary sewer services. Because of the location, the Burleigh County Sheriff's Office and Bismarck Rural Fire would provide police and fire services.

4. The proposed Land Use Plan amendment may adversely affect property in the vicinity; storage facilities and residential uses are considered non-compatible land uses.
5. The proposed Land Use Plan amendment is not consistent with other aspects of the master plan, other adopted plans, policies or planning practice. In particular, numerous land use goals and policies of the City's Growth Management Plan (August 2003) address land use compatibility and orderly transitions between land uses. In addition, the general descriptions for the surrounding A – Agricultural and RR – Residential zoning districts contain language that discourages incompatible land uses. The City also has a long-standing planning practice of using transitional zoning districts from high intensity land uses (such as industrial and commercial) to low intensity land uses (such as single-family residential). Given the rural nature of this area, such a zoning transition is not possible in this location.
6. The Board of Township Supervisors of Gibbs Township has recommended denial of the request (resolution attached).

Mr. Tomanek then listed the following background information:

1. The Bismarck-Mandan Regional Land Use Plan was adopted by the Bismarck Planning and Zoning Commission on July 25, 2007 and by the Board of City Commissioners on August 14, 2007. This document is a component of the Bismarck Land Use Plan (LUP).
2. The Metropolitan Planning Organization's Regional North-South Beltway Study identifies 66th Street NE as a future beltway corridor. The beltway study is intended to project the future roadway needs in the region. The potential for this beltway corridor to develop in the near future is unlikely. The beltway study projects the development of the beltway corridor between 2015 to 2019. The tentative alignment of the future beltway, as demonstrated in the beltway study, would bisect the applicant's property.
3. The applicant is requesting an amendment to the land use concept identified for Section 7, Gibbs Township, to introduce the light industrial land use classification for a 7.5 acre tract located along the west side of 66th Street NE south of 71st Avenue NE. The area is currently shown as urban residential.
4. The proposed amendment would introduce the light industrial land use classification to Section 7, Gibbs Township. The introduction of an industrial land use classification into this site would support the subsequent rezoning of the property from A – Agriculture to MA – Industrial. This would be a spot zone of industrial land uses in an area, which is generally not considered an appropriate or compatible zoning classification adjacent to residential.

5. A zoning change was not submitted in conjunction with the request for a Land Use Plan amendment.

Mr. Tomanek then distributed two letters and five e-mails from adjacent property owners, all in opposition to the proposed Land Use Plan amendment, attached as Exhibit A.

Mr. Tomanek said based on the above findings, staff recommends denial of the proposed amendment to the Land Use Plan from Urban Residential to Industrial for a 7.5 acre tract in the SE¼ of the NE¼ of Section 7, T139N-R79W/Gibbs Township.

Chairman Yeager called for the public hearing for the amendment to the Land Use Plan from Urban Residential to Industrial for a 7.5 acre tract in the SE¼ of the NE¼ of Section 7, T139N-R79W/Gibbs Township.

Tim Staloch said he does not agree with the denial of the land use change. He stated that the Land Use Plan has not been updated since 2007 and it is now 2012 and things, people, requirements and times have changed. Mr. Staloch added that we all need to be smart enough to look at what the future need is. He went on to say that the beltway also needs to be taken into consideration because it is coming and it is going to cut his land in half. Mr. Staloch said that to the north of his property it is already zoned for commercial so his request would be right next to commercial. He stated that people need to think about the needs for the future corridor like the beltway, whether it happens in 2015 or later in the future. Mr. Staloch explained that he would like to be ahead of the game and start working on his storage units now before the beltway, because there is a need for them. He said he does not agree with findings in the staff report that says the proposed change in the Land Use Plan is not compatible with adjacent land uses because there are not homes directly adjacent to the proposed site. Mr. Staloch also disagrees with the need for City services, because services like water and sewer are not necessary for storage units. He added that the finding that states the proposed Land Use Plan amendment may adversely affect property in the vicinity that the word *may* is an opinion and it is not a fact. Mr. Staloch concluded by saying that since the beltway will happen in the future, the value of his land has already decreased and he is just trying to make something good out of a bad situation.

DeEtta Gibbons said her main concern is about the road for the entrance in the subdivision because it is a gravel road and is worried about an increase in traffic and what it will do to the condition of the road. She added that at this time the area is residential and does not think a commercial building belongs in the area.

Tim Staloch stated that his property is already zoned rural residential and if he decided the plat this property and turn it into 30 residential lots, there would be a lot more traffic generated than if he builds storage units.

Sandy Fettig asked what the difference is between neighborhood commercial and mixed use commercial. Ms. Lee responded by saying neighborhood commercial are things more for a neighborhood like the corner of Washington Street and Century Avenue, which includes a

service station, offices, a bank and a small strip mall. She said that general commercial is for the community as a whole, like Kirkwood Mall and Gateway Mall.

Tim Staloch said that the CA-Commercial district general description states that it is established as a district in which the predominant use of the land is for commercial and service uses to serve residential districts in the general area. The CA-Commercial district should be served by arterial or collector streets. For the CA-Commercial district, in promoting the general purposes of this article, the specific intent of this section is: To encourage the continued use of the land for neighborhood commercial and service uses.

Joan Millner said that the beltway will be right in the middle of pasture land and when people move out into the country, they are losing more of the agricultural crops. She went on to say that 80th Street would be a good place for an off ramp.

Tim Staloch said he thinks the last comment was more about the beltway going through, but it was already approved in 2009. He said his final comment is that maybe 66th Street could be paved to the south of Rocky Road. He ended by saying he hopes the City Planning & Zoning Commission will take his thoughts and comments into consideration and not deny his request.

Chairman Yeager closed the public hearing.

Mr. Tomanek explained the Land Use Plan reference to the industrial classification mentions industrial, manufacturing, warehousing, distribution, contractor activities and storage units; which are considered warehousing and are not commercial uses. He added that commercial uses include retail and service activities and neighborhood commercial includes small site retail, service and office activities which are appropriate in a residential neighborhood.

Commissioner Warford asked staff to explain the proposed beltway. Mr. Hokenstad answered by saying that the study for the beltway was one of many studies that the Metropolitan Planning Organization takes on and their role is to do long range planning corridor preservation for potential major roads. He added that times do change and the study itself may be redone depending on conditions and the growth rate of the area and this study and the timing of construction very well may change in the future. Mr. Hokenstad concluded by saying the interchange would have to be approved by the federal government and the State of North Dakota before anything would be built.

MOTION: Based on the findings contained in the staff report and the denial recommendation from Gibbs Township, Commissioner Waldoch made a motion to deny the amendment to the Land Use Plan from Urban Residential to Industrial for a 7.5 acre tract in the SE¼ of the NE¼ of Section 7, T139N-R79W/Gibbs Township. 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.

OTHER BUSINESS

ELECTION OF OFFICERS

MOTION: Commissioner Warford made a motion to re-elect Wayne Yeager as the Chairman and Mark Armstrong as the Vice Chairman of the City Planning & Zoning Commission. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor.

Terry Heck said with the current ordinance, he cannot construct an accessory building big enough to fit his loader in and inquired whether or not the sidewall height can be increased so he can build his building. Commissioner Warford responded by saying that staff has been directed to review the current ordinance for a possible change in the sidewall height restrictions.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:55 p.m. to meet again on March 28, 2012.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman

02-14-12

Community Development Dept

I am writing this letter in regard to the letter we received in the mail concerning the proposed change from urban to industrial w @ 4650 46th St NE. Bismark, ND.

My husband, Donald + myself are not in favor of this change and want to go on record as against this change. We moved to the country to get away from industrial areas and do not want storage units out our back door. I do not believe it would be good for our property values. We cannot attend the meeting on Wed, 02-15-12, due to work conflicts. So please keep this letter on file "as against" changing to industrial use. We hope we can keep our residential area as it is. Thank you for your time in this matter.

Donald + Patricia Hulen
4615 71st Ave NE
Bismark, ND 58503

EXHIBIT A

RECEIVED

FEB 22 2012

Robert & Kara Falcon
6111 62nd St NE
Bismarck, ND 58503

February 19, 2012

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

RE: Staloch request for amendment
Dear Planning and Zoning:

We have received and reviewed the request by Tim and Deb Staloch to amend the land use on the property they own between 71st Ave NE and Rocky Road adjacent to 66th St NE. We oppose any change to the zoning for the permanent use of this area. There are numerous households within the area and a change to industrial or commercial is not appropriate because of the residential environment. We believe that the homeowners in the area did not purchase residential real estate to see future commercial enterprise inundate the area. The proposed change could substantially increase traffic to 66th St NE and would further contribute to road deterioration and dust pollution to the residents east of 66th. Additionally, most commercial use including putting up storage units will likely increase transient traffic in our quiet residential area. Specifically, storage units usually invite certain elements to the area that have bad intentions in mind, such as theft. Finally, we believe that if this request to re-zone is granted that the commission may be so inclined to grant other requests that come forward as a result. We don't want to see this area as a mix of residential and Commercial/Industrial.

For these reasons we ask that the planning commission denies this and any future request in this area to amend the zoning to commercial or industrial use.

Regards,



Robert Falcon



Kara Falcon

Jason Tomanek

From: cobplan <cobplan@nd.gov>
Sent: Wednesday, February 22, 2012 3:55 PM
To: jtomanek@nd.gov
Subject: FW: 66th St NE Land Use Plan

From: Jed Fluhrer [mailto:~~mailto:jtomanek@nd.gov~~]
Sent: Wednesday, February 22, 2012 12:17 PM
To: cobplan@nd.gov
Subject: 66th St NE Land Use Plan

This e-mail is in regards to the proposed amendment to the Land Use Plan for a 7.5 acre tract on the west side of 66th St. NE. The request is to change the future land use from urban residential to industrial to allow for the development of storage units.

I currently live at 6031 62nd Street NE. Before we purchased the home I called the city of Bismarck and discussed the bypass and was fully aware of its eventuality and the time horizon in which it was planned. In doing the research on the bypass I also researched the land use plan and the classifications of the area.

I was comfortable with the location of the planned zones and how the bypass was laid out in relation to the home we purchased. Once zoning is in place and planned for urban residential I felt it should stay urban residential. I fully assumed the area would fill in with residential housing and feel this is a good use of the land in this area.

There are areas in the zoning plan for industrial projects. Storage units and projects classified industrial should be placed in the areas previously designated, not in the middle of a partially developed residential area.

At this point in time I would oppose the proposed change.

Sincerely,

Jed Fluhrer

Jason Tomanek

From: cobplan <cobplan@nd.gov>
Sent: Wednesday, February 22, 2012 9:18 AM
To: jtomanek@nd.gov
Subject: FW: Re Feb 22 Meeting in Tom Baker Meeting Room (66th St NE)

From: Briana Fluhrer [mailto:~~brianafluhrer@nd.gov~~]
Sent: Wednesday, February 22, 2012 12:08 AM
To: cobplan@nd.gov
Subject: Re Feb 22 Meeting in Tom Baker Meeting Room (66th St NE)

Due to my work schedule, I am not able to attend the meeting on February 22 regarding the request to change the land classification on 66th St NE to industrial (in order to build storage units).

I am a resident of the neighborhood, living on 62nd St NE and I oppose this change. The area around the proposed land is all residential; there are clearly homes in every direction. Furthermore, the only defense I have heard from the Staloch's in regard to the storage units concerns the Beltway. Although the Beltway has been approved, there is no timeline for that to be built in the foreseeable future. To use the Beltway an excuse for decreasing the home values and increasing traffic, etc is null and void until the city has actual plans to start working on that. The storage units will increase traffic and noise on the dirt road far before the Beltway ever will.

Once the Beltway is here, whether it be 5 years or 15, I would be open to discussing the change in land classification to industrial to allow for their storage units. Until then, the land is clearly residential and should be left that way.

Thank you
Briana Fluhrer
6031 62nd St NE
Bismarck
~~701-467-1235~~

Jason Tomanek

From: cobplan <cobplan@nd.gov>
Sent: Tuesday, February 21, 2012 8:21 AM
To: jtomanek@nd.gov
Subject: FW: Rezoning request for 66 Street NE

From: DeEtta Gibbons [mailto: [REDACTED]]
Sent: Monday, February 20, 2012 8:43 PM
To: cobplan@nd.gov
Subject: Rezoning request for 66 Street NE

Community Development Department - Planning Division

This e-mail is our written comments regarding the request for the amendment to the Land Use Plan for the west side of 66th Street NE approximately ½ mile south of 71st Avenue NE (6650 66th Street NE).

We object to the request to change the classification from residential to industrial for the following reasons:

1. Increase road traffic with only one roadway for entrance and exit.
2. The existing roadway is gravel and with the increased traffic the dust will increase. This increased dust will be a hazard for residents with lung and/or allergies conditions.
3. The area is a quiet residential area. Homeowners purchased home in this location for that reason. Changing the classification will destroy that setting and reduce home values.
4. One roadway going in and out will increase the potential for a harmful environment for residents; such as children playing, residents walking and horseback riding.

Thank you for the opportunity to express our objections.

Robert & DeEtta Gibbons
6707 66th Street NE
Bismarck, ND 58503

Jason Tomanek

From: Ryan Rykowsky [REDACTED]
Sent: Sunday, February 19, 2012 8:28 PM
To: cobplan@nd.gov
Cc: jtomanek@nd.gov; [REDACTED]
Subject: 6650 66th St NE -- Future Land Use

Ryan Rykowsky
6813 Lambeau Lane
Bismarck, ND 58503

I am an interested and affected party to the request for the development of storage units near the above referenced location.

I have several concerns about this plan:

1. The future land use for this area is agriculture/urban residential, not industrial.
2. The intersection of 71st Avenue and 66th Street NE has safety issues with sight distance limitations. An increase in traffic volume from this proposed development will only make a bad situation worse.
3. The ingress/egress to this area is limited to a half mile of gravel road (66th Street). There are no other roads into the area. Dust suppression for the increased traffic will be a problem for me and needs to be addressed. At a minimum, paving the half mile on 66th Street should be accomplished prior to any new development.
4. What effect does this proposed development have on the Beltway Plan? Is there a master plan for this area?

Thank you for the opportunity to comment.

Jason Tomanek

From: cobplan <cobplan@nd.gov>
Sent: Wednesday, February 22, 2012 9:18 AM
To: jtomane@nd.gov
Subject: FW: Land Use Plan Change -SE1/4NE1/4, Sec 7, T139N, R79W (66th St NE)

From: Mike Szymanski [mailto:~~mszymanski@nd.gov~~]
Sent: Tuesday, February 21, 2012 10:26 PM
To: cobplan@nd.gov
Cc: ~~mszymanski@nd.gov~~
Subject: Land Use Plan Change -SE1/4NE1/4, Sec 7, T139N, R79W (66th St NE)

21 February 2012

To whom it may concern,

I am providing written comments in lieu of attending the meeting scheduled by the City Planning and Zoning Commission at 5pm on 22 February 2012. This meeting was to collect comment regarding Land Use Plan change requests in the SE 1/4 of the NE 1/4 of Sec 7, T139N, R79W (Gibbs) along 66th St NE. The change request was to introduce an industrial land use classification for the development of storage units.

While I do agree that development of the Beltway Corridor could drastically change our settings, it will be an unknown amount of time before that project is fully realized, or even started. As such, I don't want to see zoning changes to allow industrial development prior to realization/completion of that major thoroughfare project. One major concern I have is that introduction of an industrial zone in this area will beget other industrial zoning requests north of 52nd Avenue and west of 66th Street NE. I have heard that if the landowners aren't able to move forward with the storage unit project that they would then develop residential housing; I'm ok with that idea. As I eluded to above, I would probably be supportive of re-zoning if the new thoroughfare was already completed; however, it is not, and may not be for a very long time. So, I oppose the request for industrial zoning.

Sincerely,

Michael L. Szymanski

6011 62nd St NE

**Major Permit Activity
February 2012**

Non-deeded Owner:	Becker Building
Address:	210 East Main Avenue
Cost:	\$3,194,000.00
Description:	29,000 square foot, 4-story building

Non-deeded Owner:	National Energy Center of Excellence
Address:	1200 Schafer Street
Cost:	\$2,201,670.00
Description:	4th floor interior finish of classrooms and offices

Non-deeded Owner:	PKG Contracting, Inc.
Address:	300 River Road
Cost:	\$2,533,900.00
Description:	Pump house for horizontal collector well

Non-deeded Owner:	Arrow Head Ranch Condos
Address:	3213 Nebraska Drive
Cost:	\$600,000.00
Description:	Single story, 4-unit condo

Non-deeded Owner:	Arrow Head Development, LLC
Address:	3201 Nebraska Drive
Cost:	\$600,000.00
Description:	Single story, 4-unit condo

Non-deeded Owner:	Arrow Head Development, LLC
Address:	3127 Nebraska Drive
Cost:	\$600,000.00
Description:	Single story, 4-unit condo

Non-deeded Owner:	State Street Office Park
Address:	7516 Yukon Drive
Cost:	\$483,190.00
Description:	80' x 150' single story steel building
