

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 24, 2014

The Bismarck Planning & Zoning Commission met on September 24, 2014 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, Mike Donahue, Doug Lee, Mike Schwartz, Ken Selzler, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Vernon Laning was absent.

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

MINUTES

Chairman Yeager called for consideration of the minutes of the August 27, 2014 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the August 27, 2014 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

**A. LOTS 1 AND 3-18, BLOCK 1, MISSOURI VALLEY COMPLEX –
PUD AMENDMENT**

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

A. Lots 1 and 3-18, Block 1, Missouri Valley Complex – PUD Amendment

MOTION: Commissioner Lee made a motion to approve consent agenda item A, calling for a public hearing on the item as recommended by staff. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT –
MISTY WATERS FIRST REPLAT**

Chairman Yeager called for the public hearing on the minor subdivision final plat for Misty Waters First Replat. The proposed plat is 10 lots in two blocks on 5.6 acres and is located northwest of Bismarck, along either side of Misty Waters Drive, north of Burnt Creek Loop (a replat of Lots 82-84, Block 1 and Lots 38-40, Block 3, Misty Waters).

Ms. Wollmuth provided an overview of the request and presented the following findings for the final plat:

1. All technical requirements for approval of the minor subdivision final plat have been met.
2. The storm water management plan waiver has been approved by the City Engineer, with written concurrence from the County Engineer.
3. The proposed subdivision does not impact the Fringe Area Road Master Plan, which identifies Burnt Creek Loop as an existing collector for this area.
4. The proposed subdivision would be compatible with adjacent land uses as specified in the PUD – Planned Unit Development. Adjacent land uses include residential uses, a marina with a public boat ramp and convenience store.
5. The proposed subdivision is served by South Central Regional Water District and utilizes a central sewage system which is pumped and taken to the City of Bismarck Waste Water Treatment Plant as needed; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on these findings, staff recommends approval of the minor subdivision final plat for Misty Waters First Replat.

Ms. Wollmuth then said the supervisor for Hay Creek Township has stated they do not have any objection to the minor subdivision final plat at this time.

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 reports, Commissioner Lee made a motion to approve the minor subdivision final plat for Misty Waters First

Replat. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT– SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat. The proposed plat is 37 lots in one block on 4.88 acres and is located along the south side of 57th Avenue NE between Yukon Drive and Normandy Street (a replat of Lots 1-4, Block 3, Sonnet Heights Subdivision).

Ms. Lee gave an overview of the request then presented the following findings:

1. All technical requirements for approval of the minor subdivision final plat have been met.
2. The storm water management plan has not been approved by the City Engineer.
3. The proposed subdivision does not impact the Fringe Area Road Master Plan, which identifies Normandy Street as a north-south collector and 57th Avenue NE as an arterial.
4. The proposed subdivision would not impact adjacent land uses. Adjacent land uses include a combination of one and two-family residential to the south, undeveloped multi-family residential to the east and west and developing commercial and undeveloped land to the north across 57th Avenue NE.
5. The proposed subdivision is already annexed and is in the process of being developed; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on these findings, staff recommends continuing the public hearing on the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat.

Commissioner Seminary asked if construction has already started at this location. Ms. Lee said it was originally going to be constructed as a condo association, but now each unit is going to be on its own lot. She said the stormwater management plan was approved with the

initial phase of development. The site plan review process was completed for the first two buildings, which are currently under construction.

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 Lee made a motion to continue the public hearing for the minor subdivision final plat of Sonnet Heights Subdivision Sixth Replat. Commissioner Schwartz seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
AND ZONING CHANGE –
STONERIDGE ADDITION**

Chairman Yeager called for the public hearing on the minor subdivision final plat and the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition. The proposed plat is 27 lots in two blocks on 2.95 acres and is located in northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.

Mr. Tomanek provided an overview of the requests and presented the following findings for the zoning change:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped commercially-zoned parcels to the north, east and south.
3. The property is annexed and services would be extended in conjunction with development; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development. A 15-foot landscape buffer yard is required along the western edge of the property to help mitigate the impacts of the multi-family development adjacent to the existing single-family development. The landscape buffer yard ordinance requires a combination of trees and shrubs or a combination of a 6-foot screening fence and a variety of trees to help screen the higher intensive land uses from the lower intensive single-family land use to the west.

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek then gave the findings for the final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan has not been approved by the City Engineer.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped commercially-zoned parcels to the north, east and south.
5. The proposed zoning change would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development. A 15-foot landscape buffer yard is required along the western edge of the property to help mitigate the impacts of the multi-family development adjacent to the existing single-family development. The landscape buffer yard ordinance requires a combination of trees and shrubs or a combination of a 6-foot screening fence and a variety of trees to help screen the higher intensive land uses from the lower intensive single-family land use to the west.
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 these findings, staff recommends continuing the public hearing for the final plat and the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition.

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 reports, Commissioner Schwartz made a motion to continue the public hearing for the minor subdivision final plat and zoning change from the RM30-Residential zoning district to the

PUD-Planned Unit Development zoning district for Stoneridge Addition. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOT 2, BLOCK 3, KMK ESTATES**

Chairman Yeager called for the public hearing on the zoning change from the RR-Residential zoning district to the Conditional RT-Residential and R10-Residential zoning districts on Lot 2, Block 3, KMK Estates. The property is located in northwest Bismarck along the west side of North Washington Street and the north side of Arabian Drive.

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

1. The proposed zoning change is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include single-family dwellings to the south and west, large-lot single-family rural residential dwellings to the north, single and two-family dwellings and partially-developed multi-family zoned parcel with a child care center across North Washington Street to the east.
3. The parcel would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity, provided limitations are placed on the overall height of any structures and they would not exceed two stories.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change 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 RR – Residential zoning district to the R10 – Residential on Lot 2 less the East 250 feet, and to the Conditional RT – Residential zoning district on the remainder of the parcel, for Lot 2, Block 3, KMK Estates, with the following condition:

1. The maximum height of any building is limited to two stories.

Mr. Tomanek then said that staff did have concerns with the owners initial request for a zoning change to the CA-Commercial zoning district. Mr. Tomanek said that planning staff discussed the request with the owner and informed him staff could not support a zoning district with a land use any higher than Conditional RT-Residential, so the proposal was changed. He said not putting a condition on the zoning change would allow for buildings up to 50 feet in height in the RT zoning district.

Commissioner Atkinson asked what the uses in a RT-Residential zoning district could be with a two-story height limitation. Mr. Tomanek said offices such as basic medical, dental or chiropractic offices as well as multi-family housing of three units or more, condos, and rowhouses would all be acceptable uses.

Commissioner Schwartz asked if the existing home on the property will have an effect on the proposed zoning. Mr. Tomanek said the owner split the property recently in order to accommodate the zoning change so a non-conforming use is not being created.

Chairman Yeager asked what the acreage of the proposed RT-Residential zoning district area is. Mr. Tomanek said the area is 4.09 acres total and the area of the RT-Residential zoning district is approximately half of that, so around two acres with a maximum density of 30 units per acre. Chairman Yeager said the potential then is for 60 units which be very complicated to achieve with the two-story height limitation and nearly impossible to meet the parking requirements of 60 units.

Chairman Yeager opened the public hearing.

Justin Kringstad, 3718 Horizon Place, distributed his comments which are attached as Exhibit A. He said he calls his proposal the win-win-win option and that it suggests a change to the R10-Residential zoning district instead of the RT-Residential zoning district. He said he acquired 80 signatures from people who support his concept and that he supports the property owner's right to develop his land and provide housing, but he feels the RT would impact the recently built homes and that the same goals can be met using an R5 or R10 zoning district. He said recent zoning changes from the RR-Residential zoning district have been to either R5 or R10 and he would expect consistency with planning this area instead of spot zoning it. He said R5 and R10 from the RR district coincide better with the Growth Management Plan as well as the zoning ordinance and he would like this to be thought out further, as the owner has no development plans and therefore has no construction deadlines to meet right now.

Commissioner Seminary asked what the main concern with the area being zoned RT is. Mr. Kringstad said he does not want to see surrounding property values decrease, views to be obstructed or increased traffic to become an issue.

Patrick Koski, Trademark Realty, said the concept his client is proposing will allow North Washington Street to be a starting point for working from RT zoning back into single-family homes while still keeping the neighborhood happy and allowing his client to develop the area. He said RT will be the most viable for this location and is still a fair change to the

existing owners. He said an excellent example of this transition would be the Boulder Ridge area which he said fits with the other concepts in north Bismarck, as does the concept being proposed now by his client.

Commissioner Seminary asked Mr. Koski if he has any concerns of property values going down. He also wants to know where this concern stems from as it has been brought up in the past and also if Mr. Koski feels that this change will have a negative impact on the area.

Mr. Koski said he cannot see where this change will cause a negative impact and also that this will be high quality development as the price of the land is very high. He said twinhomes will be even more substantially priced than existing single-family homes. He said the RT district will be better as far as traffic goes, as the businesses in these districts are typically only daytime operations. He said single-family housing does not belong with North Washington Street as their back yard. He said that is not being family friendly and that a transition is needed off of that main artery of traffic.

Dana Okrup, 3801 Horizon Place, said her backyard looks out over the open land that belongs to the applicant and there are numerous children that live in the same cul-de-sac as them. She added that allowing multi-family housing to be built leaves the development open for anybody to move in.

Katie Kringstad, 3718 Horizon Place, said they have lived there for over two years and that they looked at other potential neighborhoods when they were looking at building their home and intentionally avoided areas near any RT zoned areas. She said it is unknown how exactly this area will be developed so the final use is unknown.

Chairman Yeager asked what the allowable lot coverage is in an RT-Residential zoning district. Mr. Tomanek said it is 50% including structures for residential uses and 75% for commercial uses, including required parking areas.

Mr. Koski said a price of \$650/square foot also puts limits on the use options.

Additional comments from Bruce and Carol Thompson, 3737 Horizon Place, are attached as Exhibit B.

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

Mr. Tomanek said that the city planners see a neighborhood community being developed in that area such as a small plaza of conveniences and that there are multiple RT areas that are allowing multi-family development within one mile. He said the combined density of units in the surrounding RT areas is approximately 467 units and that traffic counts are currently lowest on North Washington Street, but projections show traffic increasing significantly between now and 2040 according to the Long Range Transportation Plan.

Commissioner Lee asked what the setback requirement is along the bike path adjacent to North Washington Street. Mr. Tomanek said the property line would be the cut off as the

path is actually part of the public right-of-way, but any structures have to be at least 25 feet away with the green space in between being maintained as well as a place for stormwater runoff.

Commissioner Schwartz asked if the R5 district has a different height limitation than the R10. Mr. Tomanek said they are the same.

Chairman Yeager said any buildings that go in will have to be significant in quality in order for the buyer to get any return on investment.

Commissioner Seminary asked if the concept presented by Mr. Kringstad would make sense as far as the intent of the Growth Management Plan goes. Mr. Tomanek said the Future Land Use Plan does not reference this particular area, but staff also does not solicit zoning changes nor would they have supported a change to commercial zoning. He said they cannot force an applicant to change their proposal. Mr. Tomanek also stated that planning staff had discussed Mr. Kringstad's proposal to include R5 and R10 zoning and the general consensus was that adding an additional row of R5 zoned lots would simply remove adequate land to allow for an appropriate zoning transition from Washington Street.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to approve the zoning change from the RR-Residential zoning district to the R10-Residential zoning district on Lot 2 less the East 250 feet and to the Conditional RT-Residential zoning district on the East 250 feet of Lot 2, Block 3, KMK Estates, with the following condition: 1. The maximum height of any building is limited to two stories. Commissioner Atkinson seconded the motion and it was approved with Commissioners Atkinson, Bullinger, Selzler, Waldoch, Seminary and Yeager voting in favor of the motion. Commissioners Armstrong, Donahue, Lee and Schwartz opposed the motion.

PUBLIC HEARING – PUD AMENDMENT– ALL OF BLOCK 15, MCKENZIE’S ADDITION

Chairman Yeager called for the public hearing for a major PUD amendment for all of Block 15, McKenzie's Addition. The property is located in central Bismarck, along the west side of North Washington Street between Avenue A and Avenue B.

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

1. The proposed PUD amendment is compatible with adjacent land uses. Adjacent land uses include residential to the north, south and east, and a private catholic grade school with associated offices to the west.
2. The entire property is located within City limits; therefore the proposed zoning change would not place an undue burden on public services.

3. The proposed PUD amendment would not adversely affect property in the vicinity.
4. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed PUD amendment 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 major PUD amendment for Block 15, McKenzie's Addition, as outlined in the attached PUD amendment document.

Chairman Yeager opened the public hearing.

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

Comments received from Susan and Bob Wefald are attached as exhibits C and D.

Commissioner Armstrong noted that there seems to be some concern from neighbors regarding the future of the trees in the area with the buildings being torn down.

Al Fitterer, Al Fitterer Architect PC, said none of the boulevard trees are going to be removed with the demolition of the buildings.

Comments received from Susan and Bob Wefald are attached as exhibits C and D.

MOTION: Based on the findings contained in the staff report Commissioner Armstrong made a motion to approve the major PUD amendment as outlined in the PUD amendment document. Commissioner Selzler seconded the motion and the request was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 1B OF LOT 1 AND THE NORTH 83.35 FEET OF LOT 2, BLOCK 1, SUNRISE
TOWN CENTRE ADDITION (DRIVE-THROUGH)**

Chairman Yeager called for the public hearing for a special use permit for a drive-through in conjunction with a coffee shop to be located on Lot 1B of Lot 1 and the North 83.35 feet of Lot 2, Block 1, Sunrise Town Centre Addition. The property is located in northeast Bismarck, east of Centennial Road between East Century Avenue and Saratoga Avenue.

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

1. The proposed special use would comply with all applicable provisions of the zoning ordinance.

2. The proposed special use permit would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended 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 to provide for appropriate on-site circulation of traffic; in particular, adequate vehicle stacking spaces would be provided in a manner that would not negatively impact traffic movements on Yorktown Drive.

Ms. Wollmuth said based on the above findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1B of Lot 1 and the North 83.35 feet of Lot 2, Block 1, Sunrise Town Centre Addition with the following condition:

1. The site must generally conform to the site plan submitted with the application.

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 Lee made a motion to approve the special use permit for a drive-through in conjunction with a coffee shop to be located on Lot 1B of Lot 1 and the North 83.35 feet of Lot 2, Block 1, Sunrise Town Centre Addition. Commissioner Selzler seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Lee, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

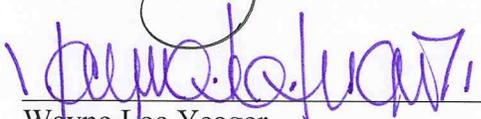
ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:20 p.m. to meet again on October 22, 2014.

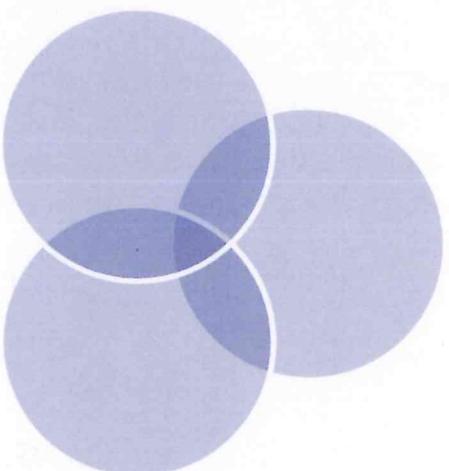
Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Lee Yeager
Chairman



WIN-WIN-WIN OPTION

KMK Estates Lot 2, Block 3

Bismarck Planning and Zoning Commission

September 24, 2014

WIN-WIN-WIN Option

Lot 2, Block 3, KMK Estates - Zoning Change



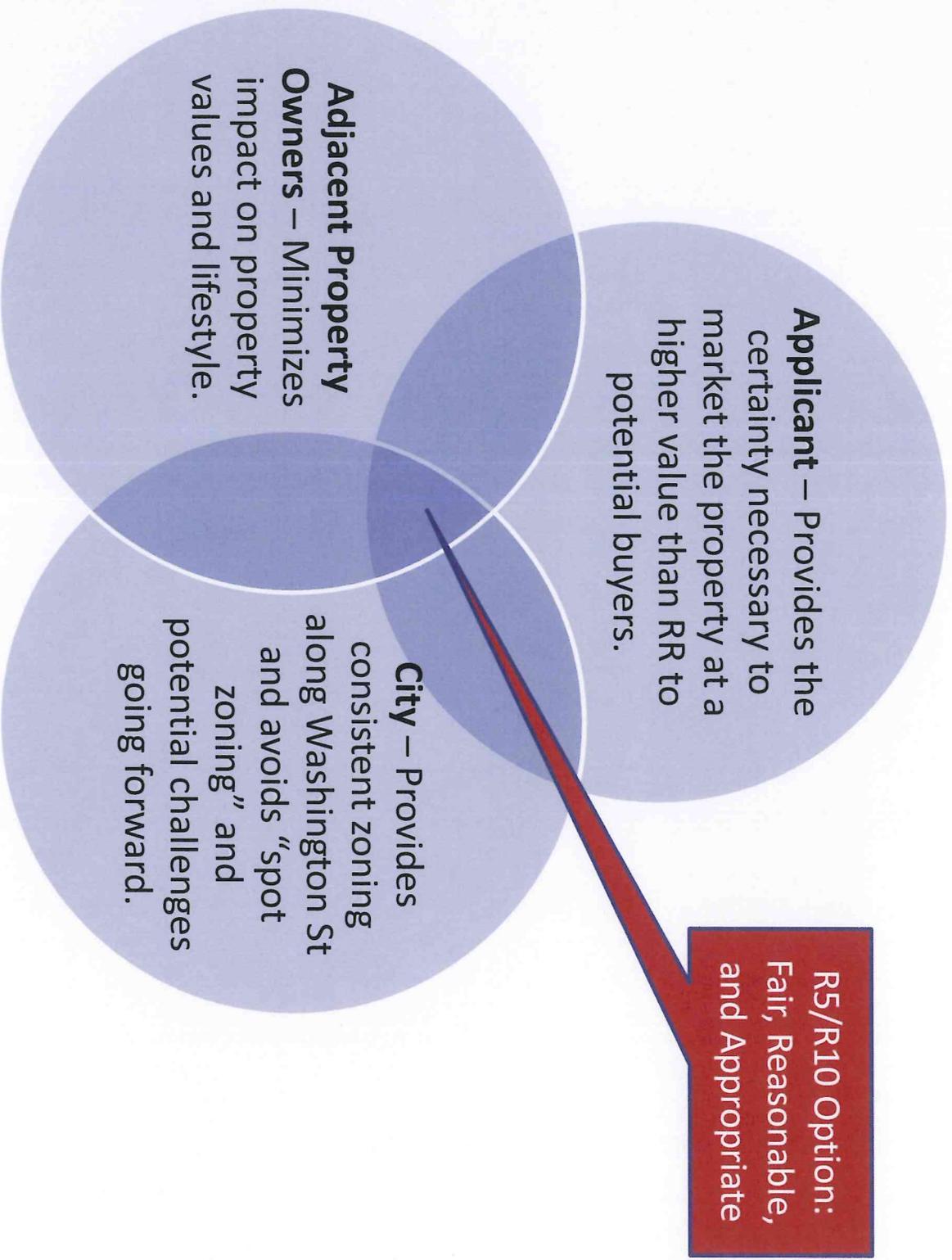
WIN-WIN-WIN Supports Application Intent

Supports applicant intent to change zoning to allow development certainty for potential buyers.

Supports the intent of increased density housing along Washington Street

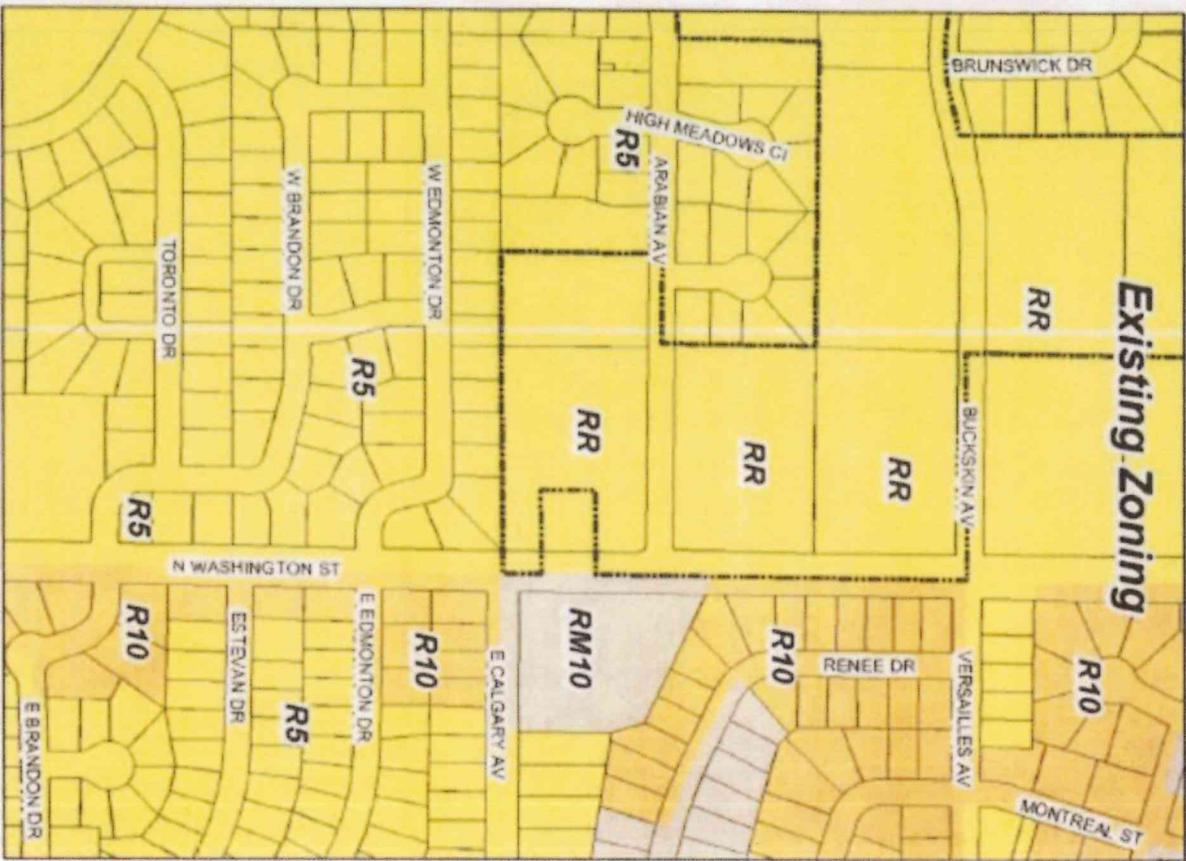


WIN-WIN-WIN Opportunity

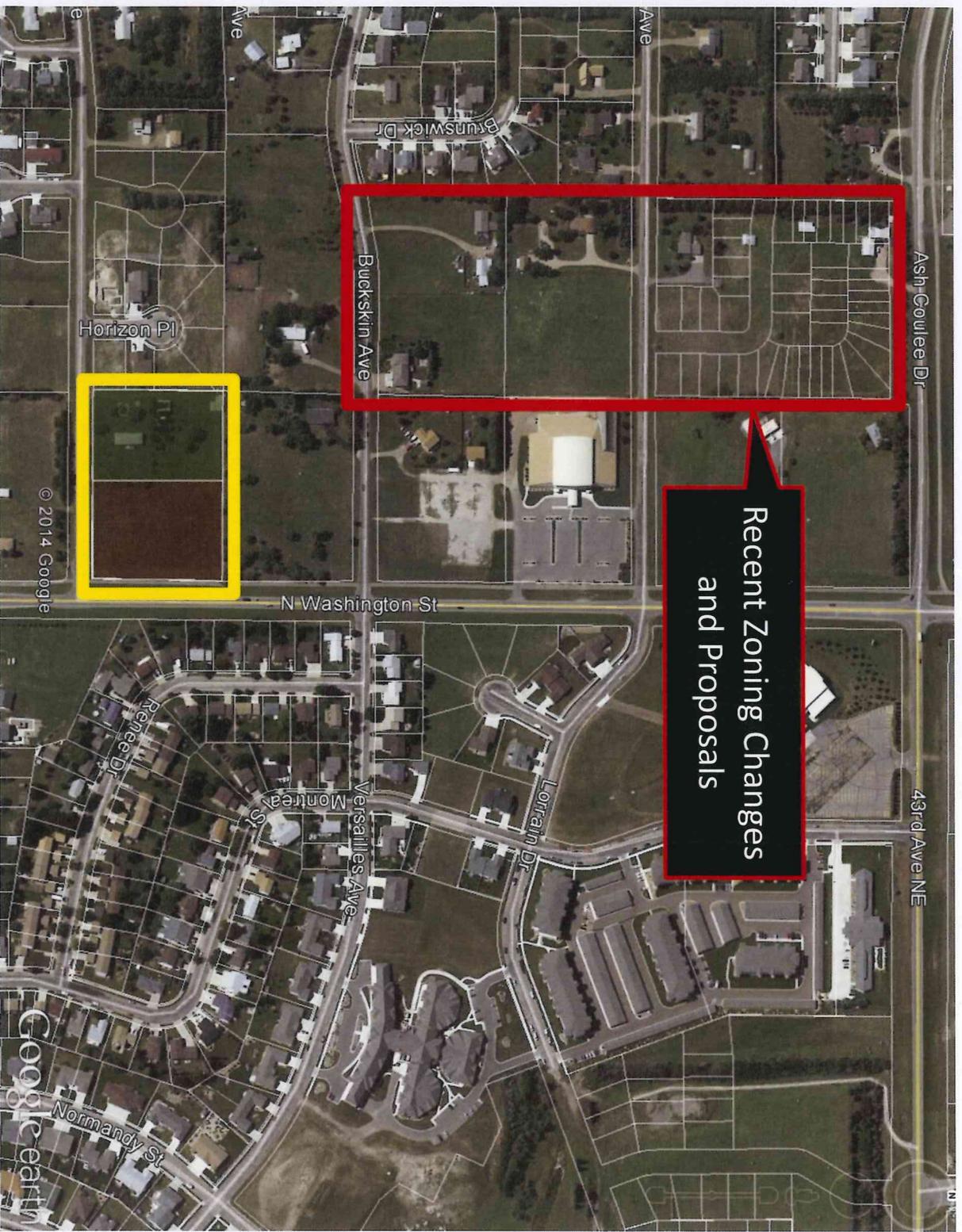


Adjacent Zoning Clearly Supports R5/R10

Lot 2, Block 3, KMK Estates - Zoning Change



Precedent has been set for R5/R10



RT – Wrong Choice for Compatibility

No RT zoning anywhere in the area. (R5/R10 zoning along Washington St.)

Closest RT is near Century Ave/Washington intersection or North of 43rd Ave

RT is not compatible with adjacent land uses or development intent

Staff correctly notes “concerns” with RT zoning on their report.

ites - Zoning Change



Millions Invested to Develop New Neighborhoods Based on Existing Zoning

Title 14: RR Zoning (Emphasis Added)

1. General description. The RR residential district is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings...
 - a. To encourage the construction or placement of and use of land for single-family dwellings...
 - b. To prohibit general commercial and industrial uses of the land and to prohibit any use which would substantially interfere with the development or the continuation of single-family dwellings...
 - d. To discourage any use which would generate traffic on the streets of the district other than normal traffic to serve the single-family residences of the area.

2014 Growth Management Plan

Social and lifestyle preferences

People who have chosen to live on rural residential sites have done so because of a desire for lower-density living. Many would not be pleased to give up these preferences for urban subdivision living. As a result, actual transitions may well confront significant resistance. Some experts in the development field believe that density transitions are more likely to be incremental: from three acre to one acre lots, or from one acre to one-half acre lots, but are unlikely to jump from rural low-density patterns directly to urban densities.

There is time to get it right...

**No buyer or development plans in place or proposed
for applicant property.**

**This is an incredibly important first step in
appropriately zoning RR property west of Washington.**

**Commission has the opportunity to do what is best for
the most amount of property owners.**

Recommended Commission Options

Amend current application to R5/R10 and approve.

Delay voting and ask staff to review the proposed “Win-Win-Win” option and whether RT zoning at such extreme distances away from other RT zones is truly appropriate.

September 17, 2014

Mr. Jason Tomanek
City of Bismarck-Community Development Department- Planning Division
221 N 5th Street
Bismarck, ND 58501

RE: Zoning Change Lot 2, Block 3, KMK Estates

Dear Mr. Tomanek:

We recently received a notice for the public hearing for the requested zoning change to Lot 2, Block 3, KMK Estates. I appreciate the time that you took to discuss the proposed zoning changes and the differences in the R10-Residential and Conditional RT-Residential. You indicated that R10 zone allows single family homes and twin homes. Conditional RT-Residential zone allows single family, twin homes, multifamily, group dwellings, health/medical, banking and row houses with a maximum height of two stores.

It is our understanding that if the rezoning is approved, the west portion of the property would be zoned R10-Residential which would allow single family or twin homes abutting our property. The east portion of the property would be zoned Conditional RT-Residential and allow for single family, twin homes, row houses, apartment (two stores in height), strip mall with health/medical offices and banks.

We have several questions or comments regarding the zoning.

- The current zoning in the vicinity is R-5 and R-10, why create an island of Conditional RT in the middle?
- There is currently commercial property available at the intersection of 43rd Avenue and Washington Street that is undeveloped. Access at that intersection is controlled by a signal light.
- Similar lots in KMK Estates have recently been zoned to R-5 and R-10, why is Conditional RT being considered?
- Will the approved zoning for each half of the property be specifically spelled out that future development cannot pick/choose which zoning they wish to apply to a particular portion of the property?
- Has the increased traffic impact been considered with the construction of apartments, strip malls or banks? Currently access onto Washington Street is difficult at times, to say the least. Continued development north of Arabian Avenue will only add to the traffic congestion. We are well aware of the City of Bismarck's plan to reconstruct Washington Street in 2015. However this will only increase the amount and speed of traffic at the intersection of Arabian Avenue.

Sandra Bogaczyk

From: Susan Wefald [REDACTED]
Sent: Tuesday, September 23, 2014 1:18 PM
To: Planning General Mailbox
Cc: 'Bob Wefald'
Subject: Block 15, McKenzie's Addition PUD amendment comments

Att: Jenny Wollmuth, City of Bismarck

Comments on Block 15, McKenzie's Addition amendment, Hearing on Wed. Sept. 24 Bismarck Planning and Zoning Commission

We are supportive of the proposed changes. We would object to the proposed changes if the 5 mature (almost 100 year old) elm trees between the street and the sidewalk on Avenue B West are planned to be removed. These trees should remain standing. These trees are part of the Cathedral District Historic District, and are an integral part of the Historic District. The block in question is part of the historic district.

Also, elm trees were planted by the city on Washington Street (when Washington Street was widened) between the street and the sidewalk, and these new trees and the two existing large old elm trees on Washington Street are also an integral part of the Cathedral Historic District and should not be removed.

Susan and Bob Wefald

Sandra Bogaczyk

From: Susan Wefald [REDACTED]
Sent: Tuesday, September 23, 2014 8:54 PM
To: Planning General Mailbox
Cc: 'Bob Wefald'
Subject: FW: Block 15, McKenzie's Addition PUD amendment comments

Jenny Wollmuth – it has come to our attention that the Diocese and Cathedral of the Holy Spirit now own two homes of the four homes on our side of the block on West Avenue B which faces the Diocese and Cathedral properties. Since this is a residential neighborhood, what steps would they have to take before they turn historic homes into parking lots for the church?

Susan and Bob Wefald

From: Susan Wefald [mailto:[REDACTED]]
Sent: Tuesday, September 23, 2014 1:18 PM
To: 'cobplan@bismarcknd.gov'
Cc: 'Bob Wefald'
Subject: Block 15, McKenzie's Addition PUD amendment comments

Att: Jenny Wollmuth, City of Bismarck

Comments on Block 15, McKenzie's Addition amendment, Hearing on Wed. Sept. 24 Bismarck Planning and Zoning Commission

We are supportive of the proposed changes. We would object to the proposed changes if the 5 mature (almost 100 year old) elm trees between the street and the sidewalk on Avenue B West are planned to be removed. These trees should remain standing. These trees are part of the Cathedral District Historic District, and are an integral part of the Historic District. The block in question is part of the historic district.

Also, elm trees were planted by the city on Washington Street (when Washington Street was widened) between the street and the sidewalk, and these new trees and the two existing large old elm trees on Washington Street are also an integral part of the Cathedral Historic District and should not be removed.

Susan and Bob Wefald