

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
October 22, 2014**

The Bismarck Planning & Zoning Commission met on October 22, 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, Vernon Laning, Mike Schwartz, Ken Selzler, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Doug Lee was absent.

Staff members present were 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 September 24, 2014 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the September 24, 2014 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. SATTLETT'S SUNRISE 10TH ADDITION –
ZONING CHANGE AND PRELIMINARY PLAT**
- B. DOWNTOWN DISTRICTS –
ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Sattler's Sunrise 10th Additon – Zoning Change and Preliminary Plat
- B. Downtown Districts – Zoning Ordinance Text Amendment

Commissioner Atkinson said he would like to pull item #3 for discussion and stated he would like more information on the proposed downtown design review committee.

Chairman Yeager asked if there are any comments to be made regarding Sattler's Sunrise 10th Addition being tabled.

Dave Patience, Swenson, Hagen & Co., said this addition would be a continuation of the existing neighborhood and that discussions have been held with Bismarck Parks and Recreation staff several times. He said they are continuing to work on meeting with Parks and Recreation staff regarding parks space and that Ms. Lee has communicated with the owner and they are all coming closer to a solution.

MOTION: Commissioner Schwartz made a motion to table consent agenda item A as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Mr. Tomanek explained that item #3, the Downtown District portion of the zoning ordinance, is being amended with the intent of removing regulations on building designs and to develop separate design guidelines with specific graphics to guide desirable building designs. He said the Downtown Subarea Study was a starting point for this possibility and that City Commissioner Askvig believes the Renaissance Zone Authority would be an appropriate body to have the responsibility. He said it would be approximately another two or three more months before the downtown design review committee function would be finalized and implemented.

Commissioner Seminary asked who will decide who is on the committee. Mr. Tomanek said the desire would be to keep the existing Renaissance Zone Authority, but to potentially add more technical advisors if deemed necessary as the ordinance does allow for that.

Commissioner Seminary asked if the new committee would have any interaction or crossover with the Planning and Zoning Commission. Mr. Tomanek said only recommendations of denial from the downtown design review committee could be appealed to the City Commission, not the Planning Commission. Commissioner Seminary said he feels city staff should be the ones taking accountability for design issues. Mr. Tomanek said multiple other municipalities have design review committees with at-large citizens and staffed by city staff in order to avoid arbitrary decisions and promote consistency.

MOTION: Commissioner Atkinson made a motion to approve consent agenda item B, calling for a public hearing on the items as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Laning, 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 continued 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 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 approval of the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat.

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 minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, 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 continued 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 following 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 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 approval of the final plat and the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition, as outlined in the draft PUD ordinance.

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 Seminary made a motion to approve 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, as outlined in the draft PUD ordinance. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Hay Creek Township representative Justin Vanderlinden joined the meeting at this time.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 2, BLOCK 1, OAKLAND SUBDIVISION

Chairman Yeager called for the public hearing on the rural residential lot split for Lot 2, Block 1, Oakland Subdivision. The property is located northeast of Bismarck, along the south side of 84th Avenue NE, between 26th Street NE and 41st Street NE (3605 84th Avenue NE).

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

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
3. The proposed rural residential lot split would not be detrimental to the use or development of adjacent properties, provided a revised lot layout is submitted that shows the location of the with the required forty (40) foot front yard setback from the proposed access easement along the east side of the parcel.
4. Access would be provided via an existing access easement on 84th Avenue NE and the new parcel would be served by South Central Regional Water District (SCRWD) therefore; the proposed rural residential lot split would not place an undue burden on existing public services and facilities.
5. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice, provided that a revised lot layout is submitted that shows the existing single-family dwelling would be in compliance with the setback requirements.

Ms. Wollmuth said based on the above findings, staff recommends continuing the public hearing on the rural residential lot split for Lot 2, Block 1, Oakland Subdivision into two parcels, a northern parcel of 2.54 acres and a southern parcel of 6.82 acres, until a revised lot layout is submitted that shows the existing single-family dwelling is setback at least forty (40) feet from the proposed access easement along the eastern edge of the proposed lots.

Mr. Vanderlinden, a representative of Hay Creek Township, said the townships concern was related to the access easement and that the access will not be maintained by the township.

Chairman Yeager opened the public hearing.

Thomas Oakland, 3605 84th Avenue NE, said he wanted to address the rumors of the area turning into a commercial use and explained that the lots are only be subdivided so that he can build a new home for his family.

Ms. Wollmuth said additional written public testimonies from Chris and Roberta Hambrick, 8200 Arcata Drive and Connie Kassian, CenturyLink, are attached as Exhibits A, B and C.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to continue the public hearing on a rural residential lot split for Lot 2, Block 1, Oakland Subdivision, until a revised lot layout is submitted that shows the existing single-family dwelling is setback at least forty (40) feet from the proposed access easement along the eastern edge of the proposed lots. Commissioner Armstrong seconded the motion and it was approved with

Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Waldoch, Seminary and Yeager voting in favor of the motion.

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

Chairman Yeager explained that he has a conflict of interest with this project and would like to turn the meeting over to Vice Chairman Armstrong at this time in order for him to entertain a motion of whether or not he should stay on as Chairman for the next item.

Vice Chairman Armstrong said he will take a motion at this time as it pertains to allowing Chairman Yeager to stay at the table and in place for the next item.

MOTION: Commissioner Seminary made a motion to allow Chairman Yeager to remain in his position as Chairman for the next agenda item. Commissioner Armstrong seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Waldoch and Seminary voting in favor of the motion.

Chairman Yeager then called for the public hearing for a zoning change from the RM15-Residential zoning district to the PUD-Planned Unit Development zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision. The property is located in north Bismarck, along the north side of Niagara Drive, south of 57th Avenue NE, approximately ½ mile west of US Highway 83.

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

1. The proposed zoning change is outside of the area covered in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).
2. The proposed zoning change would be compatible with adjacent land uses, provided that additional landscaping be included for additional buffering between the proposed PUD and the adjacent single and two-family homes. Adjacent land uses include a combination of single and two-family homes to the south, developing multi-family residentially zoned property (RM15) to the east, undeveloped agricultural property to the north and developing commercial property to the northeast including the construction of an auto dealership.
3. The property is already annexed and 57th Avenue NE has been improved; 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, provided that the additional landscaping be provided as proposed in order to provide additional buffering between the proposed zoning change and the adjacent single and two-family dwellings.

5. The proposed zoning change is not completely consistent with the general intent and purpose of the zoning ordinance. In particular, the zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. If installed as proposed, the additional landscaping would provide additional buffering and a visual transition between the proposed zoning change and the single and two-family dwellings to the south. In addition, there will not be access to Superior Drive; a landscaped berm to deter tenants and guests from utilizing Superior Drive as on-street parking would also be installed.
6. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. However the installation of the additional landscaping would provide the needed buffering to make a visual transition between the higher density multi-family building and the existing lower density single and two-family dwellings to the south to help mitigate any adverse impact on those properties.

Ms. Wollmuth said based on these findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the PUD-Planned Unit Development on Lots 1-3, Block 1, Sonnet Heights Subdivision, as outlined in the draft PUD Ordinance.

Commissioner Seminary said the general intent of this zoning change is not totally compatible with the adjacent land uses and asked if a landscape buffer will be an adequate buffer in another three to five years. Ms. Wollmuth said she feels it will be to provide a visual transition to the existing single family home to the west.

Ms. Waldoch asked what the difference would be between the old RM15 zoning district and the new PUD zoning district. Ms. Wollmuth explained that the RM15 would allow 15 units per acre rather than the 45 units, or 20 units per acre, that are proposed to be built, and be comparable to an RM20 zoning district. Ms. Wollmuth stated that there would be no difference in building height. She also said there is a difference in the height limitations between the two zoning districts.

Commissioner Atkinson verified that the zoning to the east is RM15 and there is developing commercial zoning to the north. Ms. Wollmuth said that is correct.

Chairman Yeager opened the public hearing.

Jon Hamer, 5507 Normandy Drive, said he was under the impression that all of Sonnet Heights would be single-family homes and that Normandy Drive would not be a through street, so he is not supportive of this proposal.

Wade Felton, Jomani Developing, Inc., said he would like to elaborate on the RM15 zoning. He said the existing zoning would allow 33 units but he would be allowed 12 more than that with the proposed zoning. He is trying to benefit the neighborhood by going out of his way to make it more presentable by doing a PUD instead.

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

Commissioner Seminary said he appreciates staff facilitating rather than regulating, but that not using transitional zoning as the standard could become a concern.

Commissioner Waldoch said she appreciates the developers being aware of the importance of parking aesthetics and she feels the distance from Superior Drive is ideal.

Chairman Yeager said access has been secured to the area in order to reduce traffic and the applicant went out of his way to improve the project.

MOTION: Based on the findings contained in the staff report, Commissioner Waldoch made a motion to approve the zoning change from the RM15 – Residential zoning district to the PUD-Planned Unit Development on Lots 1-3, Block 1, Sonnet Heights Subdivision, as outlined in the draft PUD ordinance. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – PUD AMENDMENT LOTS 1 AND 3-18, BLOCK 1, MISSOURI VALLEY COMPLEX

Chairman Yeager called for the public hearing for a major PUD Amendment for Lots 1 and 3-18, Block 1, Missouri Valley Complex to allow the construction and operation of the Burleigh/Morton Detention Center on Lot 1. The property is located in east Bismarck, along the south side of County Highway 10, the east side of Bismarck Expressway and the north side of Yegen Road and Apple Creek Road. Lot 1 is located along the north side of Apple Creek Road east of and at the intersection with Yegen Road.

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

1. The Missouri Valley Complex is outside of the area included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The PUD as amended would not create incompatibilities with the existing adjacent land uses, as the area proposed for the detention center is separated from the remainder of the Missouri Valley Complex by a tributary of Apple Creek (including floodway and special flood hazard areas) and there are light industrial uses to the west across Yegen Road and to the south across Apple Creek Road. Adjacent land uses for the entire PUD include undeveloped State-owned land to the north and southeast, a State prison and other State-owned land to the west, industrial uses to the south and southwest, and industrial uses and undeveloped RR and A-zoned land to the east.
3. The property is already annexed and municipal services are available in Apple Creek Road; therefore, the PUD as amended will not place an undue burden on public services.

4. The proposed PUD amendment is consistent with adopted plans, policies and accepted planning practice, provided that the detention center use is limited to Lot 1.

Ms. Lee said based on the above findings, staff recommends approval of the major PUD amendment for Missouri Valley Complex to allow the construction and operation of a detention center on Lot 1, Block 1, as outlined in the draft PUD amendment document.

Commissioner Laning asked if any of the old detention center buildings are going to be demolished by Burleigh County. Burleigh County Sheriff Pat Heinert said the jails in both Morton and Burleigh Counties will be renovated into office spaces and possibly a new communication center for Morton County, but they will not be demolished.

Chairman Yeager opened the public hearing.

Greg Doucette said he is the architectural representative on this project and he would be happy to entertain questions if anybody has them.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bullinger made a motion to approve the major PUD amendment for Missouri Valley Complex to allow the construction and operation of a detention center on Lot 1, Block 1, as outlined in the draft PUD amendment. Commissioner Laning seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE –THROUGH) LOT 2, BLOCK 1, MUNICH ADDITION

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 2, Block 1, Munich Addition. The property is located in west Bismarck, along the south side of West Divide Avenue between Schafer Street and Ward Road.

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 West Divide Avenue.

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 2, Block 1, Munich Addition with the following condition:

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

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 2, Block 1, Munich Addition with the following condition: 1. The site must generally conform to the site plan submitted with the application. Commissioner Armstrong seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, 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

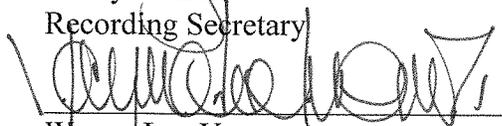
There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:45 p.m. to meet again on November 19, 2014.

Respectfully submitted,



Hilary Balzum

Recording Secretary



Wayne Lee Yeager

Chairman

Hilary Balzum

From: Planning General Mailbox
Sent: Wednesday, October 15, 2014 9:28 AM
To: Jenny Wollmuth; Hilary Balzum
Subject: FW: Oakland lot split

From: [REDACTED]
Sent: Wednesday, October 15, 2014 7:09 AM
Cc: Planning General Mailbox
Subject: Oakland lot split

Hi

Writing to you about Thomas and Angela Oakland lot split.

This is destroying our quality of life and ability to enjoy our property. City planning does have a responsibility to consider that fact when allowing all of these changes. We have a right to keep quality of life and not have our property value decreased because of all these demands. It will make our property less desirable to prospective buyers should we decide to sell with all the noise and traffic on the bedroom side of our house. Are we not allowed a basic right to be able to get the sleep we need?

You are allowing them to turn a single lot into three lots that have a driveway right on the property border to ours. They do have room on the other side of the existing house could they not be required to move the now ROAD to that side of the house which would put it in the middle of their property rather than on the border of ours or the neighbors to the west? When we bought our property it was one family with one quiet border who came and went during daytime hours. They were respectful and picked up garbage if it blew over.

We already deal with garbage in our pasture which I have to continually pick up to prevent harm to my horses. We request Oakland's be required to put up a solid privacy fence and maintain it at their expense to prevent this. This would be better than fights over making them pay for vet bills due to my horses ingesting the garbage.

They already have a lot of different traffic all hours of the day which is disruptive to us being allowed to enjoy our yard. Some of these vehicles have very loud exhaust systems. Adding more people will only increase this problem. Again a solid privacy fence would lessen the noise and garbage we continually have to deal with. I cannot spend time with my horses without noise and traffic which again decreases my quality of life.

We are very tired of our quality of life being destroyed. Even inside our house the noise carries over. The beeping of machines and the pounding and banging all the time. The noise of the large trucks coming and going all day long. I am nine months pregnant and will shortly have a newborn who will need to sleep. I think the City planning as well as the Oaklands have a responsibility here.

When we wanted to put up a shop we were forced to tear down two sheds, go to all our neighbors and explain what we wanted to do and attend numerous meetings in order to put up a small shop that only enhances our property value. Our neighbors also have utilized that shop a couple of times for their own projects of

improvement. We were also required to rezone. We lost work hours and this out us under a lot of stress. The Oaklands have never been required to come to explain what they wanted to do.

Thank you,

Roberta Hambrick

8200 Arcata Drive

Hilary Balzum

From: Planning General Mailbox
Sent: Monday, October 20, 2014 9:48 AM
To: Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Thomas Oakland Lot Split

From: [REDACTED]
Sent: Sunday, October 19, 2014 12:23 PM
To: Planning General Mailbox
Subject: Thomas Oakland Lot Split

PLEASE FORWARD TO ALL MEMBERS OF CITY PLANNING DEALING WITH THE OAKLAND PROPOSED SPLIT

Hello,

We are writing this in regards to the proposed Oakland lot split.

1. We do not want the access easement right on our property line. We were told by city planning there was not legally enough room for a road there. Three lots makes that a road not a driveway.
2. This ruins our quality of life. We would be unable to enjoy our back yard due to constant noise. This has already been a problem. Our bedroom is on that side of the property and we have a newborn coming in a month. The noise already comes inside the house so that we cannot even escape in our own home. We love our home and have been here 9 years. We do not like feeling pushed out of our home.
3. There have already been a lot of problems with garbage blowing over onto our property where my horses could wind up ingesting it causing veterinary bills.

Thoughts

1. Could they not move the road to the west of the existing house to provide access off of the property line and not being on the property line to the neighbors to the west either. They could even eliminate the lot at the very north end of the property.
2. Could access to the south portion of the split be run ONLY to the south between lots three and four as no houses or properties exist there now with an agreement from the Oakland's that they would not drive through the north.
3. If the city planning does decide to allow them to use the current driveway as a road we request the Oakland's be required to put up a solid 6 foot privacy fence all along the access line at their expense and they also be required to maintain it so that this decision on the part of city planning does not further destroy our quality of life.

Thank you

Chris and Roberta Hambrick

8200 Arcata Drive

Hilary Balzum

From: Planning General Mailbox
Sent: Wednesday, October 22, 2014 4:37 PM
To: Hilary Balzum
Subject: FW: ND - Bismarck Community Development Department - Burleigh County Amendment to Existing Planned Unit Development for Lots 1 and 3-18

From: Kassian, Connie [mailto:connie.kassian@centurylink.com]
Sent: Wednesday, October 22, 2014 4:04 PM
To: Kim Lee; Planning General Mailbox
Cc: Barnes, Diane; Blickensderfer, Kent P; Vanwatermulen, Terry M; Kaiser, Dan; Studemann, Jeremy; Colvin, Tina
Subject: ND - Bismarck Community Development Department - Burleigh County Amendment to Existing Planned Unit Development for Lots 1 and 3-18

Bismarck Community Development Department – Planning Division

Good Afternoon Kim,

Thank you for your letter dated 10-10-2014 notifying CenturyLink that the Bismarck Planning and Zoning Commission will be conducting a public hearing on Wednesday, October 22, 2014 at 5:00 pm.

CenturyLink does have a recorded easement within the proposed PUD amendment, Lots 1 and 3-18, Block 1, Missouri Valley Complex. The easement accommodates a buried facility that is running north and south along the west property of the Development. If our easement is in conflict with your Development plans, we are more than happy to work with you on relocation agreements.

A Centurylink representative will not be at the hearing, but are an interested party. Please give us a call if you have any questions.

Thank-you

Respectfully,

CONNIE M. KASSIAN
ENGINEERING & CONSTRUCTION
1101 16th St. NE
Mandan, ND 58554
701-222-6889 OFFICE
701-214-9743 WIRELESS
701-663-3428 FAX

