

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
December 17, 2014**

The Bismarck Planning & Zoning Commission met on December 17, 2014 at 5:00 p.m. in the First Floor Conference Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided. The meeting was not televised or recorded for future playback by Dakota Media Access.

Commissioners present were Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Ken Selzler, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Mike Schwartz 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 November 19, 2014 meeting.

**MOTION:** Commissioner Seminary made a motion to approve the minutes of the November 19, 2014 meeting as received. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**CONSIDERATION**

- A. APPLE CREEK ROAD SUBDIVISION –  
ZONING CHANGE AND PRELIMINARY PLAT**
- B. BOULDER RIDGE SEVENTH ADDITION –  
ZONING CHANGE AND PRELIMINARY PLAT**
- C. SOUTH 40 FEET OF THE VACATED EAST THAYER AVENUE ADJACENT  
TO BLOCKS 1 & 2, EAGLES ADDITION –  
ZONING CHANGE**

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

- A. Apple Creek Road Subdivision – Zoning Change and Preliminary Plat
- B. Boulder Ridge Seventh Addition – Zoning Change and Preliminary Plat
- C. South 40 feet of the vacated East Thayer Avenue adjacent to Blocks 1 & 2, Eagles Addition – Zoning Change

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

**PUBLIC HEARING – PUD AMENDMENT  
MADISON LANE ADDITION**

Chairman Yeager called for the public hearing on a PUD Amendment for Madison Lane Addition. The property is located in north Bismarck, approximately 1/4 mile west of US Highway 83 between Canada Avenue and LaSalle Drive along a private roadway, Madison Lane.

Mr. Tomanek 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 single and two-family residential to the north and mixed density residential uses to the south, east and west.
2. The entire property is located within City limits; therefore the proposed PUD amendment 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.

Mr. Tomanek said based on the above findings, staff recommends approval of the Planned Unit Development amendment for Madison Lane Addition, as outlined in the draft PUD amendment document.

Commissioner Atkinson asked what the total square footage of the various lots is. Mr. Tomanek said they are approximately 5,800, 6,500 and 9,600 square feet so they do meet the minimum lot area requirement for a twinhome.

Chairman Yeager opened the public hearing.

Linda Foolbear, 1019 Canada Avenue, submitted comments attached as Exhibit A on behalf of her neighbors and said she was under the impression that a park would be constructed on the proposed lots when she purchased her home. So if it cannot be where it was originally going to be she would like to see it go somewhere else.

Sally Lubrich, 1015 Canada Avenue, said the proposed park was supposed to be right by her house and that she even offered to purchase a basketball hoop for it when it goes in. She said the developer is stretching it on lot size compared to what was in the original plat of Madison Lane Addition. She said having a two-story twinhome at this location magnifies her opposition of the proposal because that lot slopes towards the street and there is already existing issues with the street flooding after a heavy rainfall. She said it would not be safe for children to be near that area after it rains and there are many other lots where a twinhome could be instead of this one.

Art Goldammer, Verity Homes of Bismarck, said only the south 25% of the lot proposed for the park is in the floodplain, adding the developer would not want to put a park in a floodplain or burden the homeowner's association (HOA) who would maintain it. He said it makes sense to make a larger park and designate the other lot for a twinhome.

Chairman Yeager asked if since it is a private park the HOA would maintain the area and not Bismarck Parks and Recreation District. Mr. Goldammer said that is correct and added that the residents on Canada Avenue would actually not be included in the authorized users of the park as they are not included in that PUD district or the HOA.

Commissioner Seminary asked how many private associations in Bismarck have private park space. Mr. Goldammer said there are not any that he is aware of.

Ms. Lee added that there are private lots in Southbay with private access but not private parks.

Commissioner Waldoch asked if FEMA makes a change to the 100-year floodplain map would this area be non-buildable. Mr. Goldammer said if any part of a lot is touching a floodplain buildings would have to be constructed to at least two feet above the Base Flood Elevation (BFE) and would require flood insurance unless a Letter of Map Change (LOMC) can be obtained showing any structures built on the lot would be located out of the Special Flood Hazard Area (SFHA) or 100-year floodplain.

Ms. Lubrich said Lots 10 and 11 have houses on them that had to have water pumped out when the basements were being dug. She said if the park that would go in is going to be sloppy then she would rather not have it at all.

Commissioner Seminary asked if water was pumped out with sump pump systems or if it was drained from the hole for the basement after rain. Ms. Lubrich said rain flooded LaSalle Drive and that drained into the foundation holes for the houses.

Additional comments in opposition to the request are attached as Exhibits B & C.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the Planned Unit Development amendment for

Madison Lane Addition, as outlined in the draft PUD amendment document. Commissioner Laning seconded the motion and it was approved with Commissioners Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioners Atkinson and Bullinger opposed the motion.

**PUBLIC HEARING – ZONING CHANGE  
WEST 40 FEET OF LOT 1, BLOCK 1, SONNET HEIGHTS SUBDIVISION FIFTH  
REPLAT**

Chairman Yeager called for the public hearing on the zoning change from the CG-Commercial zoning district to the RT-Residential zoning district for the West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision Fifth Replat. The property is located in north Bismarck along the west side of Ottawa Street west of US Highway 83 between LaSalle Drive and Bremner Avenue.

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 is considered a down-zoning and would generally be compatible with adjacent land uses. Adjacent land uses include undeveloped RT – Residential and CG – Commercial zoned parcels to the south, office uses to the north, single-family dwellings across Shelburne Street to the west and undeveloped CG – Commercial parcels to the east.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services.
4. The proposed zoning change would not have an adverse impact on property in the vicinity.
5. The proposed zoning 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 said based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district to the RT – Residential zoning district for the West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision Fifth Replat.

Commissioner Lee asked if there will be enough land left on the front of the lot for it to be developed. Mr. Tomanek said there are existing encumbrances with easements and the old

right-of-way for US Highway 83 that does not leave much room left but the rest of the property could be combined with the lot to the north to allow for development.

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 zoning change from the CG-Commercial zoning district to the RT-Residential zoning district for the West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision Fifth Replat. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

### **PUBLIC HEARING – ZONING CHANGE LOT 4B, BLOCK 3, NORTH HILLS FIFTEENTH ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the RM15-Residential zoning district to the RT-Residential zoning district for Lot 4B, Block 3, North Hills 15<sup>th</sup> Addition. The property is located in north Bismarck, south of 43<sup>rd</sup> Avenue NE along the west side of Coleman Street.

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

1. This proposed zoning change is outside of the area included in 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 multi-family residential to the east, west and south and an office building to the north.
3. The parcel is already annexed and will be combined with the adjacent developed parcel upon approval of the zoning change and transfer of ownership; therefore, the proposed 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.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for Lot 4B, Block 3, North Hills 15<sup>th</sup> 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 report, Commissioner Seminary made a motion to approve the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for Lot 4B, Block 3, North Hills 15<sup>th</sup> Addition. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE  
AUDITOR’S LOT A OF LOT 13, LOT 14, LOT 16 AND AUDITOR’S LOT A OF  
LOT 17, BLOCK 1, BOULDER RIDGE FIRST ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the R10-Residential zoning district to the CA-Commercial zoning district for Auditor’s Lot A of Lot 13, Lot 14, Lot 16 & Auditor’s Lot A of Lot 17, Block 1, Boulder Ridge First Addition. The property is located in north Bismarck, north of 43<sup>rd</sup> Avenue NE between North Washington Street and Boulder Ridge Road.

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

1. This proposed zoning change is outside of the area included in 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 two-family residential and office uses to the north, two-family residential uses to the east and undeveloped CA-zoned property to the south and west.
3. Some of the parcels are annexed and some are not. All of these parcels, as well as the adjacent CA-zoned parcels, will be annexed prior to development; therefore, the proposed 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.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the R10 – Residential zoning district to the CA – Commercial zoning district for

Auditor's Lot A of Lot 13, Lot 14, Lot 16 & Auditor's Lot A of Lot 17, Block 1, Boulder Ridge First Addition.

Commissioner Lee asked if this will allow the CA zoning on the whole parcel. Ms. Lee said that is correct. Because a buffer yard is now a requirement, this would allow the buffer yard to be placed on the CA-zoned parcels and owned by the owner of the commercial parcels rather than the home owners.

Chairman Yeager asked if there is a setback requirement for a parking area. Ms. Lee said a 20 foot buffer yard is required by the zoning ordinance and with the combination of fencing and landscaping there would not be room for parking lot to function.

Commissioner Laning asked if the owner has committed to developing the buffer or if it will be completed when it is sold. Ms. Lee said the purchaser would be the one to develop the buffer yard.

Chairman Yeager opened the public hearing.

Derek Kaine, 206 Slate Drive, said his kids go to Liberty Elementary School and the strip of land that is being rezoned is wide enough to put an access road in and that is his main concern. He said there is already a lot of traffic to and from the school on a makeshift dirt road that people have been using and he sees future issues with both in and out traffic on Slate Drive.

Commissioner Atkinson asked if the homeowners could keep the buffer zone rather than it be developed. Commissioner Laning said it seems like it is all or nothing and the road would change the traffic pattern but the buffer would be an adequate control method.

Chairman Yeager said the access point was originally intended for access to the CA zoning district for residents, rather than needing to go over to Washington Street or out to 43<sup>rd</sup> Avenue NE and then all the way around for access to a commercial amenity. He said the design would be similar to that of the Pinehurst shopping area.

Craig Thurow, 301 Slate Drive, said they were informed that the area was only for a utility easement and that it would be left as such.

Deb Kovash, 219 Slate Drive, said she lives west of the easement and that she is worried it will become a driveway to a commercial business and she feels the existing access off of Washington Street and 43<sup>rd</sup> Avenue is sufficient.

Chairman Yeager said the access will be in place no matter the decision is on the zoning, as the easement is already in place on the plat. Ms. Lee said that is correct and that they cannot keep the owner or developer from putting in the access if they wish to, as it is allowed already.

Ms. Kovash said she would like to talk with the owner about leaving the zoning as RT and letting the Boulder Ridge residents maintain the buffer.

Commissioner Seminary said the only constant anymore is that things will inevitably change. He added that the developer is passionate about this location and that his main priorities are those of safety and being a good neighbor.

Ms. Kovash said nobody wants traffic through Boulder Ridge for commercial access, at least for now.

Commissioner Bullinger asked if this area could be arranged similar to that of Unistop on 19<sup>th</sup> Street and Century Avenue. Ms. Lee said that is an option and can be discussed during the site plan review process.

Dave Patience, Swenson, Hagen & Co., said the original intent was for the buffer to be maintained by the association, but it makes more sense for it to be part of the neighborhood commercial zoning so that it would be maintained.

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 approve the zoning change from the R10 – Residential zoning district to the CA – Commercial zoning district for Auditor’s Lot A of Lot 13, Lot 14, Lot 16 & Auditor’s Lot A of Lot 17, Block 1, Boulder Ridge First Addition. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT  
LOT 4A, BLOCK 1, SUNRISE TOWN CENTRE ADDITION**

Chairman Yeager called for the public hearing on the special use permit for a drive-through in conjunction with a financial institution to be located on Lot 4A, Block 1, Sunrise Town Centre Addition. The property is located in northeast Bismarck, east of Centennial Road, between East Century Avenue and Saratoga Avenue (3000 Yorktown Drive).

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

1. A financial institution with a drive-through window is allowed as a special use in the CG – Commercial zoning district, provided specific conditions are met. The proposed drive-through window and ATM kiosk meet all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections the ordinance are attached.

2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.

Ms. Wollmuth said based on the above findings, staff recommends approval of the special use permit to allow a drive-through window and ATM kiosk in conjunction with a financial institution on Lot 4A, Block 1, Sunrise Town Centre Addition, with the following conditions:

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

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 Seminary made a motion to approve the special use permit to allow a drive-through window and ATM kiosk in conjunction with a financial institution on Lot 4A, Block 1, Sunrise Town Centre Addition, with the following conditions: 1. The construction and operation of a drive-through and ATM kiosk window must meet all applicable requirements for such a use in the CG- Commercial zoning district and 2. Development of the site must generally conform to the site plan submitted with the application. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT  
LOT 1, BLOCK 1, BOUTROUS THIRD ADDITION**

Chairman Yeager called for the public hearing on the special use permit for a digital billboard to be located less than 300 feet from a residential zoning district on Lot 1, Block 1, Boutrous Third Addition. The property is located in central Bismarck, along the west side of North 12<sup>th</sup> Street and north side of East Capitol Avenue, west of US Highway 83 (2112 North 12<sup>th</sup> Street).

Ms. Wollmuth gave an overview of the request and said the applicant has indicated that the sign faces would be positioned in such a manner as to ensure that they will not be seen by the residential properties to the west and northwest, and would be visible to north and south bound traffic traveling on US Highway 83 or State Street.

Ms. Wollmuth then gave the following findings:

1. The proposed digital billboards meet the provisions outlined in Section 4-04-12(5). In particular, the digital billboard is oriented away from the residential properties and the sign faces or viewing surfaces of the digital billboard signs would not be visible from any of the residential property located within 300 feet of the sign.
2. The proposed special use is in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck.
3. The proposed special use may adversely affect the public health, safety and general welfare. In particular, adding digital billboards with a potential to increase visual distractions may increase the crash potential in the area.

Ms. Wollmuth then said staff has concerns with the proposed special use. In particular, the potential for the digital billboards to increase the number of visual distractions on an existing high traffic roadway (State Street) and near a high ranking dangerous intersection (State Street and East Capitol Avenue). According to the North Dakota Department of Transportation (NDDOT) 2011-2013 Urban High Crash Locations, the proposed special use would be placed near the 7<sup>th</sup> most dangerous intersection in the state of ND and the 2<sup>nd</sup> most dangerous intersection in the City of Bismarck.

Ms. Wollmuth added that the NDDOT has recently conducted a safety improvement study for State Street / US Highway 83 from East Divide Avenue to East Calgary Avenue. This study identifies a number of safety concerns and makes recommendations regarding lane assignments, traffic light visibility and other potential obstructions to the safe flow of traffic. As this project has not been finalized, the City of Bismarck and the NDDOT have not made final determinations on which safety options will be implemented.

Ms. Wollmuth then said the applicant and landowner met with City staff on Wednesday, December 10th in an effort to alleviate staff's concerns with the proposed special use. The applicant provided staff with copies of studies from other cities throughout the county that indicate that digital billboards do not increase the potential for visual distractions resulting in higher crash statistics. City staff would like to conduct further research prior to making a final recommendation on the proposed special use.

Ms. Wollmuth said based on this information, staff recommends continuing the public hearing on the special use permit request to allow a forty-five (45) foot tall pylon sign with two 36' x 10.6' digital billboard faces less than 300 feet from a residential zoning district to the January 28, 2014 meeting of the Bismarck Planning and Zoning Commission to allow staff additional time to further research the information submitted by the applicant and the safety improvements outlined in the NDDOT safety improvement study.

Commissioner Bullinger said the NDDOT recently advised that the safety improvement study might not be bid on for several more months. He said this is a dangerous intersection that could potentially have more traffic diverted towards the location of the proposed billboard in the near future.

Commissioner Seminary said he spent some time recently looking at State Street as whole and he is very concerned for the safety of the motorists using it. He said there are challenges with moving traffic because of various constraints and after Washington Street, State Street is the only north-south arterial and most of the problems are with a high number of accidents and distracted driving. He said digital billboards can be very helpful but this is still a highway that has already had a lot of signage put on it. He said he could not support another billboard on State Street at this time.

Commissioner Atkinson asked if they have to stick with the recommendation to continue the public hearing on this request. Ms. Wollmuth said that is preferred as the applicant is out of state in South Dakota and were under the impression that the recommendation would be to continue the request, not table it.

Commissioner Donahue pointed out that the urban high crash chart shows that the number of westbound to southbound crashes was the highest.

Commissioner Laning asked if they could just deny the request if they felt inclined to do so. Ms. Wollmuth said they could however the applicant is under the impression that the request would be continued to the January 2015 meeting and are not in attendance. Ms. Wollmuth further stated that the applicant would like to address the board at next months' meeting.

Chairman Yeager opened the public hearing.

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

Ms. Wollmuth added that they did not receive any comments from any adjacent property owners and that the applicant did hold a formal neighborhood meeting and there was not any negative feedback given.

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to continue the public hearing on a special use permit to allow a forty-five (45) foot tall pylon sign with two 36' x 10.6' digital billboard faces less than 300 feet from a residential zoning district to the January 28, 2015 meeting of the Bismarck Planning and Zoning Commission to allow

staff additional time to further research the information submitted by the applicant and the safety improvements outlined in the NDDOT safety improvement study. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

#### **OTHER BUSINESS**

There was no other business to discuss at this time.

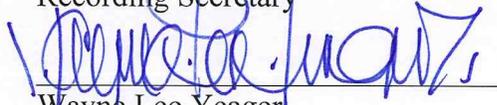
#### **ADJOURNMENT**

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:07 p.m. to meet again on January 28, 2015.

Respectfully submitted,



Hilary Balzum  
Recording Secretary



Wayne Lee Yeager  
Chairman

MADISON LANE ADDITION - ORD 5877

Monty and Linda Skogstad  
1019 Canada Avenue

My husband has Parkinson's disease and he needs a home on one level so we purchased our twin home in March of 2013. We looked at the house and liked the small yard, cause we knew it would be minimal upkeep. Our realtor told us that he thought there would be a house behind us and a small park to the west of that. We purchased because we liked the idea of a small park and were not going to put up a solid fence. It's been fun watching the wildlife - birds like sparrows, geese and pheasants, rabbits and mink. The neighbor to the east put food out for them in the winter.

When we started seeing these tall houses being built, we didn't realize how tall they were until one was built behind the Nelsons at 1023 Canada Avenue. She is in her 80's and lives alone; her son stays with her when his job brings him to town. The bedroom of the new house looks directly down into her living room and the master bedroom, so she keeps her curtains closed most of the time even if no one lives in the house yet. She put up a six-foot fence around her backyard.

This summer my daughter and I were sitting outside on our patio and a workman was at the new house. We asked what was being built behind us and if the park was still going in and he said there wasn't going to be a park, only houses. The lot where our home sits is on higher ground. When the house behind us is built, our living room and two bedrooms will be the same height as the bedroom window and we will have no privacy. We did not plan to put up a fence until we found out the park was gone. So after talking to my husband, we decided to put up a fence for privacy and safety.

We don't know when the time comes if we could sell our home with a tall house directly behind us. We don't mind a house, but if a two-story twin home were built next to it, it would seem like a wall.

We protest the park being moved closer to the flood plain and think the twin home could be built on another larger lot on the west side of the addition. Please leave the park where it was proposed - in the middle of the development.

Thank you.

Monty and Linda Skogstad



View of Carol Nelson's back yard - 1023 Canada Avenue. Shows distance between houses.



Our backyard - 1019 Canada Avenue

Exhibit B.

To whom it may concern,

I would like to voice my disapproval of the twin home addition to the Madison Lane Building Development. The attractiveness of Madison Lane is the modest shapes and sizes of these homes. As I drive through the development I see uniformity and that is an attractive quality, the same reason some developments have covenants. I also question if such a home would affect our value as the development grows. There is only one reason to build/buy a twin-home and that is cost. Please vote no to the future twin-home and yes to the original concept that is Madison Lane.

Thanks

X

To: Bismarck Planning & Zoning Commission

The following names are opposed to moving the "Private Park" and any comments they may have:

Home owner at 1015 Canada Ave/Sally Lubrich/there seems to be a lot of emphasis that if the private park was moved it would be located on two lots instead of one. Look at the map showing the lots you will see lot 32 does not have any building on it but lot 33 does have a home on it. The area marked Private Park does not have a lot number assigned to it. So if lot 32 was joined with the area marked Private Park I would venture to say that area would be bigger then the two lots that are being proposed to the Planning Commission.

In driving around I noticed there was a utility pedestal on both lots 10 and 11. Those would have to be moved if they are used for the private park.

When I chose the lot to have my home built on, the fact that I would have the private park next to my back yard was very much a contributing factor in my choice. With all the vacant lots remaining, I am sure they could be utilized for a twin home.

Please turn down their request to move the private park.

*Sally Lubrich 1015 Canada Ave.*

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*Monty + Luida Skogstad 1019 Canada Ave*

*Carol J. Nelson 1023 Canada Ave.*

*Ken & Brenda Markham 1005 Canada Ave -*