

**RENAISSANCE ZONE AUTHORITY  
MEETING MINUTES  
May 17, 2016**

The Bismarck Renaissance Zone Authority met on May 17, 2016 in the David J. Blackstead Meeting Room in the City-County Office Building at 221 North 5<sup>th</sup> Street. Chairman Walth presided.

Authority members present were Josh Askvig, Chuck Huber, George Keiser, Todd Van Orman, and Chairman Walth.

Authority members Jim Christianson and Jeff Ubl were absent.

Technical Advisors Bruce Whittey and Steph Smith were present.

Staff members present were Kim Lee (Planning Manager), Daniel Nairn (Planner), Carl Hokenstad (Community Development Director), Brady Blaskowski (Building Official), Charlie Whitman (City Attorney), Sandra Bogaczyk (Office Assistant), Jason Tomanek (Assistant Administrator).

Guests present were Kate Herzog and Madison Cermak of the Downtowners, and Brian Carlson of JLG Architects.

**CALL TO ORDER**

Chairman Walth called the meeting to order at 4:00 p.m.

**MINUTES**

The April 19, 2016 meeting minutes were distributed with the agenda packet.

**MOTION:** A motion was made by Mr. Keiser and seconded by Mr. Van Orman to approve the minutes of the April 19, 2016 meeting as distributed. The motion passed unanimously with members Askvig, Huber, Keiser, Van Orman, and Chairman Walth voting in favor.

**DOWNTOWN DESIGN REVIEW -**

**100 WEST MAIN AVENUE**

Ms. Smith, who is an acting advisor for the project, abstained from commenting. Ms. Lee stated that the 100 West Main Avenue project was designated as a Renaissance Zone project by the Board of City Commissioners on September 22, 2015. One of the conditions of that designation was “the final design of the facility is submitted for review and approval by the Downtown Design Review Committee to ensure compliance with the Downtown Design

Review Regulations and the requirements of the DC – Downtown Core zoning district.” Ms. Lee referred to memorandum dated May 13, 2016 which stated two remaining concerns; the first being that the sunroom portion of the design is only one story in height, as the minimum height in the Downtown Core zoning district is two stories or 20 feet (see Section 14-04-21.1 (3)(g) of the City Code of Ordinances). Ms. Lee continued that the other concern was the use of lap siding on the building, because the use of materials typically found on residential dwellings is not allowed in the Downtown Core zoning district (see Section 14-04-21.1 (4)(g) of the City Code of Ordinances). A copy of the Downtown Core zoning district provisions was referenced and an attempt to resolve the issues was made with the architects and Mr. Whittey prior to meeting.

Ms. Lee continued that staff was also concerned about the absence of a landscaping plan for this particular project, but all parties have already begun developing the landscape plan.

Mr. Carlson, representing the applicant, gave an overview and handed out drafts of the project describing building materials and uses. After showing building perspectives and proposed building materials, Mr. Carlson stated that at ground level various community spaces in the 30-unit senior living apartment building being built by Metro Plains will include a lobby, game room, sunroom, and chapel. He also stated that a leasing office is also proposed, and a parking lot partially exposed and partially underneath the building was described.

Mr. Carlson continued explaining that masonry will be used to the height of 12 feet on both right of way sides of the building using 4 by 12 inch utility brick. He stated that on the first level there will be an alcove seating used as a streetscape transition including a planting area at the entrance of the building. Mr. Carlson stated that the siding materials will be a white cement board panel or Nichiha will create a custom off-white color, and he distributed a material sample to Authority members. Mr. Carlson continued that the dark color, currently proposed to be lap siding, then wraps around the sides and back of the building. Mr. Carlson asked for consideration in using the lap siding for economic and textural design reasons. He continued that there will be powder-coated silver aluminum deck system balconettes on the façade just 18 inches deep which could hold one person and plants.

Mr. Keiser asked what the City’s concern was with using lap siding. Ms. Lee responded that the ordinance does not allow the materials use as stated by the Downtown Design Standards, quoting Section 14-04-21.1(4)(g) of the City Code of Ordinances stating that materials typically found on residential dwellings are specifically prohibited as the primary exterior finish in downtown buildings. There was a general consensus that lap siding is used for residential treatments. Mr. Whittey continued that the Authority hopes that an alternative to lap siding can be presented, although it is understood that the different textures are complementary. Mr. Carlson mentioned a dutch panel alternative tongue-and-groove system with 5-inch and 8-inch alternating patterns.

Mr. Whittey asked if a metal product was considered. Mr. Carlson stated yes, but that the budget may not allow it and the owner did not think that metal was aesthetically pleasing. If metal were used, a pre-finished color would be used and a new budget created. Mr. Walth

pointed out the large expanse of the building and street profile that the lap siding is proposed for.

Mr. Carlson mentioned another option is to use a flat panel in lieu of the lap siding but lamented that with that application the façade becomes less contrasting and more uniform in texture. Mr. Huber thought that it appeared more commercial. Mr. Walth asked in what measurements the flat panels were available. Mr. Carlson responded that the flat panels come in 4 by 10 sheets which could be cut to provide for more dimensional options. Mr. Carlson suggested that if lap siding were to be limited then the horizontal dark bands could be maintained with the 5-inch exposure siding while the larger wider bands could be a smooth lap incorporating some of that texture to the outside.

Mr. Askvig stated that using lap siding suggests an incongruence with the downtown sense of place. He also mentioned that creating a relationship with the neighboring Eggers building is not an objective since that building was re-positioned to preserve it, not for design reasons.

Mr. Keiser objected to the large amount of surface colored such a particularly dark color and mentioned the Authority's disfavor of having such a monolithic expanse of dark color. Mr. Keiser mentioned that the Authority would not be inclined to approve the use of any lap siding on the building.

Mr. Walth also stated that the Dutch siding was too much like a lap siding. There was a consensus that lap siding was not an appropriate building material.

Mr. Askvig asked why the sunroom does not match the height of the Eggers building. Mr. Carlson stated that the sunroom is lower than the rest of the building for a few reasons. One issue is that structurally a snow load may not meet standards joining with the Eggers building. Secondly, the Eggers' building roof drains directly onto this property.

Mr. Askvig requested that a parapet be created, even if in sightline only, to match the Egger's building to create a more seamless and clean building transition. Mr. Carlson answered that the intention is to create a relationship with the Eggers building and asked if the Authority preferred matching the lower Eggers' building side wall or the front parapet wall of the building.

Chairman Walth questioned the assessed snow load requirement on the Eggers building and asked what the sunroom dimensions are. Mr. Carlson stated that the sunroom is 22 feet by 14 feet. Chairman Walth asked why the sunroom could not be brought to the height of the Eggers' building parapet. Mr. Carlson stated that he would have to defer to an engineer on the issue of snow load. Mr. Carlson stated that the drainage on that side of the building must be resolved concerning wall height, gutter placement and drainage effects. Mr. Carlson stated that gutter drainage should go south to the street drainage with a new drain created, and north to the parking lot drainage. He continued stating that some drainage would be tied into the Eggers gutters and drained below grade into the city's system and there is no drainage drop within the 22 feet length of the sunroom. Chairman Walth stated that it is not understood,

therefore, why the sunroom cannot be at a higher, more appropriate, sight line. Mr. Carlson stated that a waterproofing system would have to be re-engineered between the two buildings since the Eggers' building drainage system cannot be tied into with a matching roof line.

Mr. Whittey suggested that the roof be redone so a different type of drainage system could be created.

Mr. Carlson stated that he would not be comfortable placing a pitched roof against another pitched roof and that the roof pitch would have to be altered if it were to match the Eggers wall height. Chairman Walth and Mr. Whittey deferred, then, to Mr. Askvig's suggestion, and clarified by Ms. Lee that matching the Eggers' parapet height seemed the most appropriate course of action. Mr. Carlson stated his understanding of this request.

Mr. Whittey reminded the Authority that the building is set back from the property line by one foot to four feet in certain location along the façade. There was a consensus that the setback seemed appropriate in that it creates a more distinctive building and creates a better streetscape, especially when the landscape plan is reviewed.

Mr. Tomanek asked for clarification about the gap between the two buildings. Mr. Carlson explained that although the buildings will not be touching, there will be a building material used so that from the street there will not appear to be a gap between the buildings.

Ms. Lee mentioned that an encroachment agreement between Metro Plains and the City of Bismarck will have to be signed for the construction of the balconies adjacent to the rights-of-way.

Mr. Keiser asked if the Authority could get a new rendering before suggesting a vote on acceptance of the building elevations.

Mr. Carlson stated that the builders are ready to start once the landscape plan is approved. Ms. Lee asked if the Authority was comfortable approving with conditions before the next meeting. Mr. Askvig emphasized that he would be comfortable approving the start of construction if a few items are understood as a condition to approving the entire project; that a new exterior rendering and materials, not including lap siding, are presented and approved by the Authority before any materials are applied; that a landscape plan is approved; and that the parapet on the sunroom matches the Eggers' roof line. Ms. Lee suggested that the materials review could take place at the next Renaissance Zone Authority meeting so that construction will not be delayed entirely by another month.

**MOTION:** A motion was made by Mr. Askvig and seconded by Mr. Keiser to approve the building plan with the conditions that a new exterior rendering and materials, not including lap siding, are presented and approved by the Authority before any materials are applied; a landscape plan is approved; and the parapet on the sunroom matches the Eggers' roof line. The motion passed unanimously with

members Askvig, Huber, Keiser, Van Orman, and Chairman Walth voting in favor with conditions.

### **RENAISSANCE ZONE PROGRAM STATE EXTENSION - Update**

Drawing attention to the May 5, 2016 letter from the State of North Dakota Commerce Commissioner, Ms. Lee mentioned that the State of North Dakota has not granted the 5-year Renaissance Zone designation extension but did approve an extension of the program through August 1, 2017 in order to provide the State legislature with an opportunity to clarify the definition of “evidence of community support,” given that it is the first time in the 17-year history of the Renaissance Zone program when a county has opposed the program.

Chairman Walth stated his concern that projects begun within the extension period, but completed after August 1, 2017 will have their funding revoked. Mr. Tomanek stated that Rikki Roehrich of the State Commerce Department informed him that since exemptions begin after construction of a project is complete that no project will receive Renaissance Zone exemptions or benefits if completed after the MOA (Memorandum of Agreement) date of August 1, 2017. Mr. Tomanek conceded that the information was, however, the interpretation of a staff member, not the Director of the North Dakota Department of Commerce. Chairman Walth stated that the Authority needs clarification. Mr. Keiser mentioned that the State Legislature enforces policy changes August 1<sup>st</sup>.

Mr. Askvig questioned if the Renaissance Zone program did expire and was then reauthorized, would blocks currently designated as part of the Renaissance Zone be able to be included in a re-authorized zone. Mr. Keiser clarified that the City would not be applying for a renewal, but rather applying for a new zone.

### **DOWNTOWN UPDATE PROVIDED BY THE DOWNTOWNERS ASSOCIATION**

Ms. Herzog stated that the narrowing and re-striping of Main Avenue should be completed by July 1, 2016. Informational sessions will be held for Downtowner members and property owners. Ms. Herzog addressed speculative safety issues concerning changing from a 4-lane to a 3-lane road with a statement from the Federal Highway Administration stating that crashes are reduced between 19% and 47%, and the severity of crashes are reduced due to improved turning-lane sight lines. SRF Consulting will be monitoring the project. Ms. Herzog continued that it also makes the street more walkable.

Mr. Walth asked where it starts to where it ends. Ms. Herzog stated from Washington Street to 6<sup>th</sup> Street. Main Avenue business owners have shown a lot of support for the project.

### **OTHER BUSINESS**

Mr. Nairn stated that Kyle Holwanger, owner of 303 North 4<sup>th</sup> Street, is constructing a façade improvement where the present brick will remain but the awnings will be made of metal to look like wood, and the windows and doors will be replaced. The new windows will be

transparent windows for a possible retail use, and it appears that the current three doors would be reduced to two doors. Dakota Media Access and MAYO Health Mart would remain as tenants for at least the remainder of their lease. Exterior material suggested on the lower portion of the north wall is a spray limestone which is not EFES but a hard surface. A slate charcoal color was chosen.

Mr. Askvig suggested that the request be continued to next meeting since there was a question about the drawings showing the new 2-door façade, and the darkness of the color choice is also problematic. He stated that he did not have major concerns about the design, but needed more information.

Ms. Smith also wanted to see a materials sample.

Mr. Keiser asked if this project required a landscape plan. Mr. Tomanek stated that it is strictly a Downtown Design Review project so a landscape plan is not required, although it could be asked of the owner.

Mr. Walth asked if the building canopy will need a variance. Ms. Lee stated that staff would provide an answer at the next meeting.

#### **ADJOURNMENT**

There being no further business, Chairman Walth adjourned the meeting of the Bismarck Renaissance Zone Authority at 5:07 p.m.

Respectfully Submitted,



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Sandra Bogaczyk  
Recording Secretary



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Curt Walth  
Chairman