

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 16, 2016**

The Bismarck Planning & Zoning Commission met on November 16, 2016, 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 Tom Atkinson, Brian Bitner, Vernon Laning, Doug Lee, Gabe Schell, Mike Schwartz, Lisa Waldoch and Wayne Yeager. Commissioner Seminary participated via teleconference.

Commissioners Ken Selzler and Mike Donahue were absent.

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

MINUTES

Chairman Yeager called for consideration of the minutes of the October 26, 2016 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the October 26, 2016 meeting, as presented. Commissioner Bitner seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOT 19, BLOCK 2, SONNET HEIGHTS SUBDIVISION SECOND REPLAT – ZONING CHANGE**
- B. LOTS 7-12, BLOCK 37, GOVERNOR PIERCE ADDITION – ZONING CHANGE**

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

- A. Lot 19, Block 2, Sonnet Heights Subdivision Second Replat – Zoning Change
- B. Lots 7-12, Block 37, Governor Pierce Addition – Zoning Change

Commissioner Lee said he would like to pull agenda item A, relating to a zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat, for discussion.

MOTION: Commissioner Laning made a motion to approve consent agenda item B (Lots 7-12, Block 37, Governor Pierce Addition), calling for a public hearing on the item as recommended by staff. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Waldoch and Yeager voting in favor of the motion.

Commissioner Seminary joined the meeting via teleconference at this time.

Ms. Wollmuth gave an overview of agenda item A. The request is for a zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district for Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. The staff report includes the following findings related to land use:

1. The proposed zoning change generally is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is not compatible with adjacent land uses and zoning. In particular the proposed zoning change would not provide a zoning transition between existing single and two-family uses to the south and commercial uses proposed for this property.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided the lot remains zoned as RM30 – Residential or a zoning district of lesser intensity as outlined in the plat note for Sonnet Heights Subdivision Second Replat.
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is not in the public interest and is solely for the benefit of a single property owner.
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular the proposed zoning change would not provide a zoning transition between the existing single and two-family uses and commercial uses proposed for this property.
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice as a zoning transition would not be made between the existing single and two-family uses and commercial uses proposed for this property.
8. The proposed zoning change may adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends denial of the zoning change from the RM30 – Residential zoning district to the CG – Commercial zoning district on Lot 19, Block 2, Sonnet Heights Second Replat. Ms. Wollmuth then said the Planning Division has been periodically asked by prospective property owners to support a zoning change to the CG – Commercial zoning district for this particular property. She explained that Planning staff has consistently responded to this request by stating that they would not support a zoning change that would have a higher land use, density and building height than those permitted within the RT – Residential zoning district, as it would not be compatible with adjacent single-family residential land uses. She said uses permitted within the RT – Residential zoning district include offices and multi-family residential uses with an overall building height of fifty (50) feet and a maximum density of thirty (30) units per acre.

Commissioner Schell asked if the adjacent Lots 8-10 have existing single-family homes on them. Ms. Wollmuth said there is an R10-Residential zoning district to the south of this property that does have one single-family home built on it.

Rudy Peltz, 1st Choice Homes, LLC, said he would like to be able to build on his property based on what is in demand right now, which are not residential rental properties. He said he visited with the neighboring owners and was told they would prefer something like a strip mall or offices, anything other than a large apartment complex. He said the lot to the east of this one is also zoned CG-Commercial and is right across from Kupper Automotive.

Chairman Yeager asked how much room will be left to build on the property after the setbacks and buffer yards are in place and also, if this request were to be denied today, would a PUD zoning district be more appropriate for this location and use.

Ms. Lee said the concern from staff is that this request has been questioned before and staff has consistently stated that they cannot support a zoning district that is higher than RT-Residential.

Mr. Peltz said there is a lot of single-family houses behind Furniture Row, which is also a use in the CG-Commercial zoning district.

Commissioner Lee said people need to be able to rely on the zoning ordinance and the CG-Commercial zoning district is broad as far as the allowable uses. He said without knowing specifically what the use would be, he cannot support this request. He asked if restaurants are allowed in the RT-Residential zoning district.

Ms. Lee said restaurants are not allowed in that zoning district, but they are allowed in the CA-Commercial zoning district, which is more of a neighborhood commercial use zoning district. She said Furniture Row was there and zoned CG-Commercial prior to the single-family homes being built and a request for a change from RM30-Residential to CG-Commercial would always require some sort of buffer zone if there are adjacent residential uses. She then said the original Sonnet Heights Subdivision was platted in 1980, but did not start developing until 2007.

Commissioner Lee said he does not want to set a precedent and will not support the current request, but would be more open to a change to the CA-Commercial zoning district.

Commissioner Schell said the zoning ordinance specifies the need for a landscape buffer for a transition from the RM30-Residential zoning district to single and two-family uses within the R10 zoning district to the south and asked if there are any specifications for a transition to the CG zoning district.

Ms. Lee said landscape buffers are based on the proposed use, not necessarily the proposed zoning district, and a change from R10-Residential zoning district to the CG-Commercial zoning district would require at least a 20 foot landscape buffer yard.

Mr. Peltz asked what he would need to do to modify the request to be a change to the CA-Commercial zoning district. Chairman Yeager said to work with Planning staff to get the request changed.

Mr. Peltz said either way the property needs to be rezoned as it cannot be developed as an RM30-Residential use.

Ms. Lee said the request today is to change the property to CG-Commercial and if the owner would like that request modified he can submit the request to the Planning Division and it can be put on the December agenda for consideration. She added staff would not support a change to the CA-Commercial zoning district, because of the concerns previously stated, but the applicant could request the change.

Commissioner Lee asked if the Commission would consider any other zoning in this location. Commissioner Laning said he would like a clearer definition of the CA-Commercial zoning district and its allowable uses, if that seems like a change the neighborhood would be more comfortable with.

Commissioner Atkinson said he would like a public hearing so input from the neighborhood can be given.

Commissioner Bitner said he would be reluctant to approve the construction of a large apartment building if the adjacent neighborhood is opposed to it, but he also would like a public hearing to be held for them to give their opinion on what they might want instead.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to deny the zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. Commissioner Bitner seconded the motion and the request was unanimously denied with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (CHILD CARE CENTER)
LOT 8, BLOCK 1, AIRPORT EXPRESSWAY ADDITION**

Chairman Yeager called for the public hearing on a request for a special use permit for a child care center to be located on Lot 8, Block 1, Airport Expressway Addition. The property is located in south Bismarck, between University Drive and South 12th Street, along the east side of Basin Avenue (1001 Basin Avenue).

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided that the applicant addresses conditions outlined in the recommendations.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special 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.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow the operation of a child care center on Lot 8, Block 1, Airport Expressway Addition with the following conditions:

1. The operation of a child care center must meet all applicable requirements for such use in the CG-Commercial zoning district.
2. A six (6) foot tall opaque fence must be installed along the eastern edge of the property adjacent to the manufactured home park prior to occupation.
3. Perimeter parking lot landscaping and street tree planting must be installed as outlined in Section 14-03-11(8) of the City Code of Ordinances.

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 to allow the operation of a child care center on Lot 8, Block 1, Airport Expressway Addition with the following conditions: 1. The operation of a child care center must meet all applicable requirements for such use in the CG-Commercial zoning district; 2. A six (6) foot tall opaque fence must be installed along the eastern edge of the property adjacent to the manufactured home park prior to occupation; and 3. Perimeter parking lot landscaping and street tree planting must be installed as outlined in Section 14-03-11(8) of the City Code of Ordinances. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – INFILL AND REDEVELOPMENT PLAN

Chairman Yeager called for the public hearing on the proposed Infill and Redevelopment Plan.

Mr. Nairn explained that this Plan was originally proposed in May and since that time, meetings have been held with a Technical Advisory Committee and interviews have been held with associated stakeholders. He said an open house was held for the public to provide comments on the draft Plan and some of the suggestions given have since been incorporated into the draft Plan. He said this Plan, if adopted, would become a component of the Comprehensive Plan and could be adopted by a resolution to be forwarded to the City Commission for final approval. Mr. Nairn went on to say there are four distinct purposes, listed on page 2 of the Plan, and the general goals provided could apply to the whole City. He said that the Plan draws from several previous plans, including a 1983 Growth Management Techniques Plan, that addressed issues of infill and redevelopment. Mr. Nairn said a few character districts are proposed by the Plan that have unique attributes that should be considered, such as traditional neighborhoods, downtown, the health district and the Kirkwood Mall area.

Mr. Hutchings said the design principles of the Plan are for guidance but are not firm regulations on how to have good infill without any impact on the character of a neighborhood. He outlined eight design principles and several objectives of each of those principles. He said the eight design principles include: 1. Formation and Growth of Complete Neighborhoods; 2. Integration of Civic and Open Space into Development; 3. Provisions for Mixed-Use Development of Appropriate Scale; 4. Preservation and Enhancement of Architectural and Historical Character; 5. Building at the Scale of the Pedestrian; 6. Fostering a Network of Connected Streets and Paths; 7. Mitigation of the Impact of Parking on Public Space; and 8. Design to Allow Adaptation to Future Conditions.

David Witham, Civitecture Studio, LLP, said the Plan is meant to illustrate potential principles and outcomes, with the challenge as it relates to infill costs and existing structures. He said to overcome this challenge and for sensible economics, there needs to be a yield from an infill property in order to obtain any redevelopment. He then said this Plan would be a positive for the City, as well as investors and developers. Mr. Witham then provided an example of a large scale redevelopment project that would include mixed-use compact building types served by district parking, even away from the downtown district. He said this could include walk-up apartments and townhouses to mix price points and life stages to make it a complete neighborhood. He then said integration of open space with pedestrian malls and farmers markets could be featured in this scale. He said that the design demonstration preserves all existing pad site and does not eliminate any existing access. He said if the City were to take a shared parking approach it would help with the peaks and valleys of parking and the need to activate streets by engaging the different land uses. Mr. Witham then said a downtown infill example could include a ground floor podium with three to five story residential units and rebuilding an existing parking structure to accommodate those new residential units. He said a smaller scale example of infill would be of increasing the total usage of properties while accounting for alleys, maintaining front porches and massing of buildings with the surrounding neighborhood for consistent setbacks.

Mr. Nairn said a lot of the strategies provided in the Plan are broad and they do not give preference to one form of development over another. He then listed and elaborated on the various implementation strategies provided in the draft Plan.

Commissioner Bitner asked if population has declined within the core of the City and if so, why. Mr. Nairn said census figures do show a decline in population within the area platted prior to 1940, and he speculated that the area has seen a conversion of residential uses to commercial uses since that time and families are smaller now, but there have not been any large demolitions that would contribute to the decline.

Chairman Yeager opened the public hearing.

Bonnie Palecek, 704 North Mandan Street, said she has lived in her home for 42 years so she has seen many changes to the neighborhood. She said many of the residents of her neighborhood were not able to attend the open house for the draft Plan because it was at the same time that a variance request for a nearby property was being considered by the Board of Adjustment. She said design principles and maintaining character are important to her and others in the neighborhood. She said the implementation of design standards and the opportunities this Plan could offer interests many of them as well. She said she learned recently that a variance request is the only thing holding up an infill project in the Cathedral District and she would like to see more standards imposed. She said she is not sure of other infill projects in the neighborhood and she would like to see a moratorium on infill projects until the Plan and standards are in place. She said the draft Plan listed vacant properties for potential infill projects and she would like to see the legally unbuildable lots be removed from that list as a preventive measure. She then said she also encourages the development of a City-wide rental maintenance code as she has noticed a trend of owners living away from

their rental properties, causing the property to deteriorate significantly. Ms. Palecek's written comments are attached as Exhibit A.

Doug Philp, 928 North 10th Street, asked how long approving this Plan would take and where it would go next if it is approved today.

Mr. Nairn said the Plan was introduced this May and if approval is recommended by the Planning Commission today, it would be forwarded to the City Commission for consideration at their first meeting in January.

Mr. Philp said that is a reasonable amount of time for enough thought to have gone into the Plan, but he would like to see this slow down a bit to allow more time for input from the impacted neighborhoods.

Chairman Yeager said these are not hard and fast development codes, but he does understand the concerns stated in the comments given today.

Nadine Philp, 928 North 10th Street, said there needs to be some monitoring of vacant lots where there are safety concerns and some provision should also be included in the Plan for that. She said she has seen lots that are partially demolished and a safety hazard.

Ms. Lee said demolition permits are required with inspections performed in order to maintain safety already.

Ms. Philp asked if letters could be sent to property owners when changes, like this Plan, are proposed.

Ms. Lee said things like this Plan and zoning ordinance text amendments have a City-wide affect, so notifying every resident of Bismarck would not be feasible. She said these items are also posted on the City website and residents can sign up to receive cellular and email notifications of changes as well.

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

Commissioner Schell asked if the Plan passes, what standards apply to which parts of town. Mr. Nairn said most principles in the Plan, such as mixed uses, would be more appropriate in central areas, but there may be opportunities to develop on urban form in new developments as well. He said, for this reason, the principles could be applied city-wide.

Commissioner Schell asked if the examples provided are only examples and for illustrative purposes only. Mr. Nairn said that is correct, that the examples given are only demonstrations of the concepts in the Plan, adding that the owners of the properties shown on the examples have not proposed these designs.

Commissioner Bitner said he feels the Plan is great, but he will have to oppose it because of Burleigh County Commission's conflict with the continuation of the Renaissance Zone. He

said he feels it was a mistake for the Plan to reference the Renaissance Zone (RZ) at all and he heard the Tax Increment Finance (TIF) also referenced during the presentation.

Commissioner Lee said he thinks this is an outstanding report and he likes that it referenced other communities and feels this will help development processes a lot.

Commissioner Schell asked if it would make sense to remove references to the RZ in order to avoid the Plan being viewed in the light that Commissioner Bitner stated.

Chairman Yeager said that request can be included in the motion if that is the wish of the Commission.

Commissioner Seminary said he appreciates all of the hard work that has been put into the Plan, as well as the comments given by those present. He said it may be better to approve the Plan as it is, with references to the RZ included, and if the State Legislature were to remove the RZ from our economic development tools, the Plan could be modified then.

Commissioner Schwartz said he is pleased with the Plan as it focuses on the important issue of inner-city development.

MOTION: Commissioner Schwartz made a motion to adopt the Infill and Redevelopment Plan as proposed and forward it to the Board of City Commissioners for their final approval and adoption. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Schell, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioner Bitner opposed the motion.

OTHER BUSINESS

ITEM ON TABLE

LOTS 1-2, BLOCK 1, REPLAT OF CALKINS ADDITION AND AUDITOR'S LOTS A & B OF THE SE1/4 OF THE NE1/4 OF SECTION 33, T139N-R80W/CITY LANDS – ZONING CHANGE (RM30 TO PUD)

Commissioner Lee asked if staff has had any conversations with the applicant since this request was tabled. Ms. Lee said the applicant has modified the request somewhat and has also met with adjacent neighbors. She said if the wish of the Commission is to take the item off the table, the continued discussion and action would have to be scheduled for a specific meeting date.

Commissioner Lee said he recommends leaving it on the table until the applicant is ready.

Commissioner Waldoch said she has had discussions with those associated with Ruth Meiers Hospitality House and they have indicated that they are ready and would like to have the continued public hearing in January.

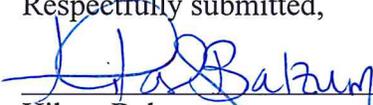
Commissioner Schell asked if the adjacent owners would be renotified. Ms. Lee said yes, and that it is at the discretion of the Planning and Zoning Commission at this time to also reopen the public hearing.

MOTION: Commissioner Waldoch made a motion to recommend the request for a zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Lots 1-2, Block 1, Replat of Calkins Addition and Auditor's Lots A & B of the SE1/4 of the NE1/4 of Section 33, T139N-R80W/City Lands be taken off the table and scheduled for a continued public hearing to be held at the January 25, 2017 meeting of the Bismarck Planning and Zoning Commission. Commissioner Seminary seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schwartz, Schell, Seminary, Waldoch and Yeager voting in favor of the motion.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:33 p.m. to meet again on December 21, 2016.

Respectfully submitted,



Hilary Balzum

Recording Secretary



Wayne Yeager
Chairman

BISMARCK PLANNING AND ZONING COMMISSION

NOVEMBER 16, 2016

PUBLIC HEARING ON INFILL AND REDEVELOPMENT PLAN

General Purposes of Plan

- ✦ Protect and enhance the quality of life in existing neighborhoods
- ✦ Promote efforts to beautify, preserve, and enhance aesthetically
- ✦ Create a vibrant, lively attractive destination at the heart of the city
- ✦ Promote active, healthy lifestyles

All of these purposes would affirm the vision we have for our community and our neighborhood. They may come into conflict with, or at least exist in a tension with efforts to:

- ✦ Increase the tax base
- ✦ Stimulate economic vitality
- ✦ Encourage diverse housing
- ✦ Create a sustainable funding base for services

Challenges

The plan acknowledges that there may be a conflict between the changes that infill and redevelopment brings and a traditional neighborhood. Therefore, it states that “It is important to create a fair and consistent process for hearing and responding to local ideas, and in many cases a final design can be refined and improved through listening to the vision residents have for their own neighborhoods.” (p. 10). Embedding such a process is critical for the preservation of community values, including the right and need of those most closely impacted to have a say in the shaping of their living environments.

Design Principles

The establishment and honoring of mutually acceptable design principles is essential to any I and D Plan. We agree that “high quality design is especially important in the more central and compact areas of the City of Bismarck, where the placement and architectural features of buildings, as well as public spaces and infrastructure, greatly influence the quality of life of the community.” (p.13).

To that end, #2, “Integration of civic and open space into development” and #4 “the preservation and enhancement of architectural and historical character” are particularly important to the preservation of traditional neighborhoods. These principles are underscored with the acknowledgement on p. 15 that “The wide historic range and style of architecture and the abundance of mature trees are distinct amenities. Any infill and redevelopment of this area should be modest in scale and aligned with the general form of its surroundings.” Indeed, this is especially true in the historic Cathedral District, in which the entire District is on the National Registry of Historic Places and the boulevard trees are protected as part of that designation. Those of us who live here hold dear the belief that “the character of each neighborhood is rooted in its past, and should shape the unique trajectory of its future (p.14). Also in keeping with the tenor of preservation and the neighborhood culture, the integration of green spaces, including “Pocket Parks,” should be an integral part of any I and R Plan, as indicated on p. 18.

The proposed plan includes strong language regarding the “preservation and enhancement of architectural and historical character.” Although the Plan recognizes that any community and neighborhood “evolves,” it also insists that

“Infill and redevelopment should strike a balance between preserving the character of the past while remaining open to the possibility of the future. The style and character of any Bismarck neighborhood is greater than the sum of its parts. Everything from the street width to the layout of buildings and architectural details of individual buildings contributes to the overall character of the area. **Infill and redevelopment should respect the people who already live and work in that place, and contribute to its character rather than distract from it.**” (p. 20)

The Plan continues by specifying particular design objectives which manifest that respect:

“The character of the existing neighborhood is respected with the use of complementary:

- Shape, form, and height
- Texture/materials
- Open space/setbacks
- Color palette (in some cases)

Respect for trees and vegetation is also included (p. 20).

These design principles are further reinforced by recommending “gentle and lean infill” which “fits the character of the neighborhood.” (p.26)

Implementation Strategies

Of course we realize that the city is considering this document as a proposed plan. As yet there are no vehicles set up specifically to implement the vision and principles set forth in the first sections of the plan. And, of course, the proverbial devil is in the details of implementation. Therefore, the outline of the implementation strategies presented in the plan is of particular importance.

With that in mind, we are encouraged that the implementation section is introduced by restating an “overall vision,” which includes protecting and enhancing the quality of life in existing neighborhoods and the “values and goals” articulated in Bismarck’s Strategic Plan.

As residents of the Cathedral District, we are also heartened that the implementation strategies include “The creation of design standards for neighborhoods” and the opportunity to “become a certified local government for historic preservation.” As you know, our District has been involved in several

organized efforts to maintain the character and values of the area over the years, and this plan may very well give the impetus needed to formalize our desire to preserve what we consider to be the essential nature of our neighborhood community.

With all of this in mind, we would appreciate clarification of several aspects of the implementation strategies.

- We realize that there are currently variances in the required 25' setback required in an R5 Residential Zoning District. It appears that setbacks are the primary (if not exclusive) responsibility of the Board of Adjustment. In other words, right now, if a variance is granted by that Board, any construction can proceed. A setback variance is about the only thing that stands in the way of an infill or redevelopment project.

The proposed plan also is very specific about setbacks “matching the surroundings, based on actual measurements.” We want to make sure that that language remains in the finalized plan. (p.34)

- Since we believe we have a plurality of residents who would support the creation of design standards for the District, we would request a moratorium on any I and R projects until we can gather the required signatures and begin a process of developing those standards. We understand that the plan does not anticipate creating design standards, but rather “sets a posture of openness and assistance if the majority of the property owners of any recognized neighborhood wish to impose rules upon themselves.” (p.38)
- For the same reasons as stated above, we would request time to pursue becoming a “Certified Local Government, including the adoption of an historic preservation ordinance and the creation of an Historic Preservation Committee.” (p.39)

- We would also affirm the need for “public green space” which is “even more important in areas where yards are smaller and there are fewer opportunities for natural recreation and relaxation on private property.” (p.46). We also appreciate the commitment to street trees as “an important component of the streetscape” and strongly agree that “the requirement to plant and maintain them should remain.” (p.49)

We are grateful for the many aspects of the plan which affirm respecting the character and integrity of neighborhoods and the people who live in them. No one wants to feel that change is being imposed on them without any chance to impact how or even if it comes in a certain form or speed. We trust that our leaders will honor the spirit as well as the letter of this plan.

Having said that, we must express concern over the proposed “new traditional neighborhood zoning district.” We understand how it relates to *new* traditional districts, but it is concerning that it is also proposed that “older areas of the city that already match the Traditional Neighborhood provisions (Cathedral District?) could be rezoned to this zoning district by a city-initiated action.” As residents, we would be able to “voice an opinion,” but it appears that the City could proceed without neighborhood consent. Would this apply even if historic design standards had been developed and a Certified Local Government established? If so, would it not defeat the purpose of establishing those standards and that designation?

The reasons given for this rezoning are “allowance for smaller lot sizes, lesser setback requirements, and greater options for different housing types.” If current restrictions are removed in order to “streamline” the process, and requests for “variances and other special approvals” are “less likely to be necessary,” would that not also remove the opportunity for neighborhood residents to have a voice in those changes, which may include “more flexibility in the use of existing structures?” The assurance is given that “improvements” must be “consistent with the character of the neighborhood,” but at this point consistency is only in the eye of the beholder. (p.47)

Another point of clarification is needed on the proposed database of vacant properties. It appears that the database would list all vacant properties and that **“properties that are legally unbuildable should be removed.”** We would wholeheartedly agree that unbuildable lots should not be made available as infill projects. Currently, they apparently can be sold as buildable lots even before a variance has been secured. That transaction then builds in a “hardship” for the property owner and is used as a reason for the proposed variance! This does not seem fair either to the buyer or certainly for the neighborhood community.

As we have suggested earlier, in order for this plan to be effective, any current infill projects should be put on hold until the details and implications of this plan can be spelled out.

Finally, we would strongly support the development of a City “Rental Maintenance Code.” We have experienced the truth of the statement “Housing that is not adequately maintained not only creates health and safety issues for the renters of the building, which they may or may not be aware of, it also exerts a negative effect on the surrounding neighborhood.” Obviously, adopting such a Code would have associated costs, but the benefits in terms of quality of life of all concerned, are invaluable. Frankly, the fear of having a “modified” structure rented out and owned by a landlord who may very well live states away, is a major concern of people in our neighborhood. And once that precedent has been set and becomes a trend, it is very difficult to retract.

The 10/31/16 draft Infill and Redevelopment Plan could be a significant tool used to preserve and enhance the quality of life in both old neighborhoods and new developments. Thank you for providing this opportunity for input.



Bonnie and Brian Palecek
704 Mandan Street