

**BISMARCK RENAISSANCE ZONE AUTHORITY  
MEETING MINUTES  
January 9, 2020**

The Bismarck Renaissance Zone Authority met on January 9, 2020 in the David J. Blackstead Meeting Room in the City-County Office Building at 221 North 5<sup>th</sup> Street. Chair Christianson presided.

Authority members present were Jim Christianson, Joe Fink, Dustin Gawrylow, George Keiser, Todd Van Orman, Curt Walth and Greg Zenker.

Technical Advisors Steph Smith and Bruce Whittey were present.

Staff members present were Sandra Bogaczyk (Office Assistant), Janelle Combs (City Attorney), Ben Ehreth (Community Development Director), Allison Jensen (City Assessor), Brenda Johnson (Senior Real Property Appraiser), Will Hutchings (Planner), Kim Lee (Planning Manager) and Daniel Nairn (Planner).

Guests present were Brett Donat (Architect, EAPC), Madison Cermak and Kate Herzog (The Downtowners), Jerry Anderson (Ten on Main).

**CALL TO ORDER**

Chair Christianson called the meeting to order at 4:00 p.m.

**MINUTES**

The minutes of the November 14, 2019 meeting were distributed prior to the meeting.

**MOTION:** A motion was made by Mr. Keiser and seconded by Mr. Zenker to approve the minutes of the November 14, 2019 meeting. The motion passed unanimously by voice vote with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

**RENAISSANCE ZONE PROJECT – 112-120 EAST AVENUE A AND 506-510 NORTH 2<sup>ND</sup> STREET - LANDER GROUP WEST PROJECT – NEW CONSTRUCTION**

Mr. Nairn explained that staff recommends to continue both Renaissance Zone projects on the agenda to the February meeting due to the fact that adjacent property owner letters were sent on December 27, 2019 but not received by the time of this meeting. Authority members agreed

that, even though the practice of advertising the meeting twice in the designated newspaper was met and it was not mandatory that letters be received in the mail by neighbors of the project, the continuation of the hearings is appropriate to allow sufficient notice.

Mr. Nairn gave an overview of the staff report and stated that the applicant, The Boutrous Group, Inc., is requesting approval of a New Construction Renaissance Zone project for the construction of four new multi-family residential structures at 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street. Mr. Nairn stated that the owners intend to combine the five existing parcels into one lot and the four residential buildings currently on the lots would be demolished. Mr. Nairn stated that the proposed setbacks would not meet ordinance requirements for DF - Downtown Fringe district and would require approval from the Board of Adjustment for a variance. Mr. Nairn stated that staff is prepared to recommend approval of the project because the buildings do match the surrounding properties as required by the Downtown Design Guidelines. The owners intend to begin construction in March of 2020. The investment of \$120 per square foot exceeds the \$100 per square foot minimum threshold for new residential housing projects in the Renaissance Zone Development Plan.

Mr. Nairn stated that, based on information about public notification, staff recommends to continue the West project for 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street for four multi-family residential buildings.

At this time Ms. Smith joined the meeting.

Chair Christianson opened the public hearing.

There being no comments, Chair Christianson closed the public hearing.

Mr. Whittey asked if the proposed investment covered only capital investments or if that amount also included purchasing the land. Mr. Donat stated that he will come back with that answer at the next meeting.

Authority members requested additional information about proposed retaining walls/grading and lighting of surface parking lots on the west site (112-120 East Avenue A/506-510 North 2<sup>nd</sup> Street) during the continued hearing.

**MOTION:** A motion was made by Mr. Fink and seconded by Mr. Walth to continue the public hearing for the New Construction Renaissance Zone project at 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street for four multi-family residential buildings. The motion passed unanimously by voice vote with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

## **DOWNTOWN DESIGN REVIEW – 112-120 EAST AVENUE A AND 506-510 NORTH 2<sup>ND</sup> STREET - LANDER GROUP WEST PROJECT**

Mr. Nairn gave an overview of the staff report and stated that the applicant, The Boutrous Group, Inc., is requesting Downtown Design Review approval for the design and proposed materials of new multi-family residential structures at 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street. He stated that the proposed design includes four separate residential buildings, although two of the structures are attached in the rear. Three additional carriage house apartment units would be constructed on the second floor above the garages. He stated that elements of the design help to create a transition between the more intensive downtown area and the residential districts. The design features front porches and balconies.

Mr. Nairn stated that the proposed building, although consistent with the neighboring streetscape, does not conform with the ordinance setbacks for the DF – Downtown Fringe zoning district and a variance would need to be obtained from the Board of Adjustment. Mr. Nairn stated that the owners understand that they will need to apply for a variance for front yard setbacks for both East Avenue A and North 2<sup>nd</sup> Street. He stated that the proposed design includes 11 garage spaces and 16 additional surface parking spaces for residents, and due to the property being outside the Downtown Parking District a variance for meeting off-street parking requirements may be necessary.

Mr. Nairn stated that the proposed parking areas would be accessed from two driveways from North 2<sup>nd</sup> Street. The north driveway would be shared with the building on Lot 3, Block 16 of Northern Pacific Addition, which is adjacent to this site to the north. He stated that discussions have begun with this property owner, and an access easement over this shared drive would ultimately be required. The southern driveway would also be used to access the property directly to the west of this site, 110 East Avenue A, because the shared access driveway currently used by this property would be removed as part of this project. He stated that this property is under the same ownership.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends approval of the proposed design for four multi-family residential buildings at 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street, as presented in all submitted documents and materials with the following conditions:

1. Any variances necessary from front yard setbacks are obtained from the Board of Adjustment prior to issuance of a building permit.
2. Any variances necessary from minimum off-street parking requirements are obtained from the Board of Adjustment prior to issuance of a building permit.
3. An access easement is obtained for use of a shared access with Lot 3, Block 16, Northern Pacific Addition.

4. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

At this time Mr. Donat distributed sample materials and presented the project in detail.

There was a discussion about the window design, the height of the proposed retaining wall, siding materials, acquiring a driveway access easement, landscape, ADA conformity and exterior lighting.

Several Authority members expressed concern about the height of the retaining wall taking elevation into account and wanted to see a more complete image of the elevation as compared to neighbors' homes.

Mr. Nairn added that Authority members should specify in their motion that any approval of the project shall include the demolition.

**MOTION:** A motion was made by Mr. Fink and seconded by Mr. Walth to approve the designs for new construction of all five proposed multi-family residential buildings on the sites at 112-120 East Avenue A and 506-510 North 2<sup>nd</sup> Street, as well as the demolition of all existing buildings on the sites, as presented to the Authority in all submitted documents and materials, with the following conditions:

1. Any variances necessary from front yard setbacks are obtained from the Board of Adjustment prior to issuance of a building permit.
2. Any variances necessary from minimum off-street parking requirements are obtained from the Board of Adjustment prior to issuance of a building permit.
3. An access easement is obtained for use of a shared access with Lot 3, Block 16 of Northern Pacific Addition.
4. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

The motion passed unanimously with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

### **RENAISSANCE ZONE PROJECT –202-220 EAST AVENUE A AND 500-506 NORTH 3<sup>RD</sup> STREET - LANDER GROUP EAST PROJECT– NEW CONSTRUCTION**

Mr. Nairn gave an overview of the staff report and stated that the applicant, The Boutrous Group,

Inc., is requesting approval of a New Construction Renaissance Zone project and Downtown Design Review approval for the construction of four-story multi-family residential building at 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street. Mr. Nairn stated that the owners intend to combine the seven existing parcels into one lot, demolish the two structures currently on the lot and build one structure. Mr. Nairn stated that the timeline for both Lander Group projects lists work to begin in March of 2020.

Mr. Nairn stated that, based on information about public notification, staff recommends to continue the Lander Group East Project for 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street for four multi-family residential buildings.

Chair Christianson opened the public hearing.

There being no comments, Chair Christianson closed the public hearing.

**MOTION:** A motion was made by Mr. Fink and seconded by Mr. Zenker to continue the public hearing for a New Construction Renaissance Zone project at 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street. The motion passed unanimously by voice vote with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

### **DOWNTOWN DESIGN REVIEW – 202-220 EAST AVENUE A AND 500-506 NORTH 3<sup>RD</sup> STREET - LANDER GROUP EAST PROJECT**

Mr. Nairn gave an overview of the staff report and stated that the applicant, The Boutrous Group, Inc., is requesting Downtown Design Review approval for the design and proposed materials of new multi-family residential structures at 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street. He stated that the proposed multi-family building would be four-stories in height with a ground-floor parking area within the building, and a pedestrian plaza on the corner of East Avenue A and North 3<sup>rd</sup> Street.

Mr. Nairn stated that there are no setback requirements for this property and there are fourth-floor terraces. The building would occupy the majority of the area of the site. He stated that the setbacks from North 2<sup>nd</sup> Street, East Avenue A, and North 3<sup>rd</sup> Street range from 13-17 feet and the design addresses several elements of the Downtown Design Guidelines.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends approval of the proposed design for a four-story multi-family residential building at 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street, as presented in all submitted documents and materials with the following conditions:

1. Any variances necessary from minimum off-street parking requirements are

obtained from the Board of Adjustment prior to issuance of a building permit.

2. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

Authority members discussed setback requirements, the variable condition of how many units would be created, parking spaces and a need for a variance for parking because the property is outside the Downtown Parking District.

At this time Mr. Donat distributed sample materials and presented the project in detail.

Ms. Smith stated a concern about the awkward space created by a large dark blank wall proposed on the north side. Chair Christianson stated that he appreciates that concern and Mr. Walth also expressed concern of how the dark north wall will look aesthetically. Mr. Donat clarified how tall that wall would be and that the elevation grade assists in it not being as noticeable as the images show.

Mr. Whittey stated that he would like to see a requirement for the landscaping to be irrigated. Mr. Donat stated that the owner is very sensitive to maintaining a pedestrian-friendly environment.

**MOTION:** A motion was made by Mr. Walth and seconded by Mr. Zenker to approve the designs for new construction of the proposed four-story multi-family residential building on the sites at 202-220 East Avenue A and 500-506 North 3<sup>rd</sup> Street, as well as the demolition of all existing buildings on the sites, as presented to the Authority in all submitted documents and materials, with the following conditions:

1. Any variances necessary from minimum off-street parking requirements are obtained from the Board of Adjustment prior to issuance of a building permit.
2. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

Chair Christianson and Mr. Whittey thanked the applicant and architect for proceeding with the project.

## **OTHER BUSINESS INFORMATION SESSION FROM CITY ATTORNEY**

Ms. Combs stated that she was making rounds to all the City boards as a reminder of the rules of protocol and enumerated a few suggestions.

## **ELECTION OF CHAIR AND VICE-CHAIR FOR 2020**

Mr. Nairn stated that boards traditionally elect new officers during the first meeting of each year.

**MOTION:** A motion was made by Mr. Zenker and seconded by Mr. Fink to re-appoint Jim Christianson as Chair and re-appoint Todd Van Orman as Vice-Chair of the Renaissance Zone Authority. The motion passed unanimously with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

## **REPORT FROM THE CITY STAFF**

Mr. Nairn stated that a projecting sign was approved at 214 East Main Avenue.

Mr. Nairn also stated that Mr. Anderson, the new owner of 402 East Main Avenue, otherwise known as the Barrister Building or the old Woolworths building, has improvements planned to remove stucco prior to changes to the façade being made. The owner is appearing in front of Authority members to request an approval to begin removing the stucco before presenting the façade improvement project to Authority members as a downtown design review project. This project would not be a Renaissance Zone project.

Mr. Anderson stated that he would like to focus on the corner of North 4<sup>th</sup> Street and East Main Avenue and restore it to its original look. He stated that he eventually intends to remove the stucco on the entire building and reface the storefronts of the building to its original look. He stated that he first needs to see the state of the underlying brick before he can plan the façade project.

Mr. Christianson noted that Mr. Anderson is also the owner of a nearby building downtown and successfully improved that façade.

Ms. Lee stated that the property is in the Downtown Historic District but is not listed as a contributing structure due to the resurfacing material used on the façade.

Mr. Anderson stated that depending on what he finds behind the stucco he would prefer restoring it to its original condition.

Chair Christianson thanked the applicant for his work and willingness to invest in downtown.

**MOTION:** A motion was made by Mr. Zenker and seconded by Mr. Van Orman to allow the owner to begin removing the stucco from the building façade at 402 East Main Avenue with the intention of presenting a project for the Downtown Design

Review Committee to review in the next few months. The motion passed unanimously with members Fink, Gawrylow, Keiser, Van Orman, Zenker, Walth and Chair Christianson voting in favor.

### **REPORT FROM THE DOWNTOWNERS**

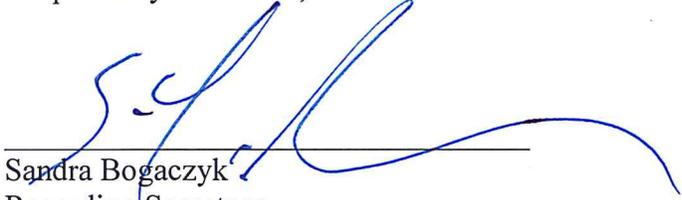
Ms. Herzog stated that The Downtowners are working on getting transit access for NDSU Bismarck students working at Sanford since they are not permitted to park in Sanford lots but are paying student fees for access to transit.

Ms. Herzog stated that The Downtowners are considering parking ramp that may be suitable for a proposed expansion of Sanford Health Center. She is also trying to develop ways to increase the use of public transit that include commercial uses.

### **ADJOURNMENT**

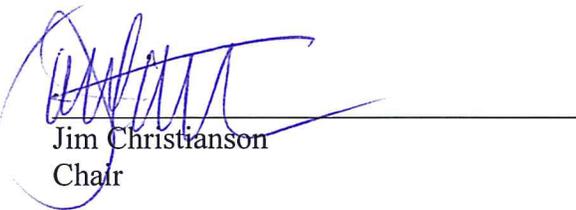
There being no further business, the meeting of the Bismarck Renaissance Zone Authority adjourned at 4:57 p.m. to meet again on February 13, 2020.

Respectfully submitted,



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Sandra Bogaczyk  
Recording Secretary



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Jim Christianson  
Chair