

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
February 26, 2020**

The Bismarck Planning & Zoning Commission met on February 26, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chair Schwartz presided.

Commissioners present were Steve Bakken, Brian Bitner, Brian Eiseman, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Wendy Van Duyne, Trent Wangen and Mike Schwartz

Commissioner Tom Atkinson was absent.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Will Hutchings – Planner, Daniel Nairn – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Administrative Assistant and Janelle Combs – City Attorney.

**MINUTES**

Chair Schwartz called for consideration of the minutes of the January 22, 2020 meeting.

**MOTION:** Commissioner Bakken made a motion to approve the minutes of the January 22, 2020 meeting, as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PRESENTATION/PUBLIC HEARING  
2020-2045 METROPOLITAN TRANSPORTATION PLAN**

Rachel Drewlow said the Metropolitan Transportation Plan (MTP)/Arrive 2045 is what drives the Metropolitan Planning Organization (MPO) transportation planning efforts. She then distributed presentation documents for reference. The presentation is attached as Exhibit A.

Wade Kline, KLJ, said the information shared shows the process of collecting data all the way to adoption via performance-based planning. He said multiple performance targets allow for the improvement of the completion rate of construction processes as well. Mr. Kline explained how the public involvement phases identified needs and findings were then drafted through interactive meetings to help engage citizens. He added that a smart mobility workshop looked at scenarios including technology changes and how it might affect the future of local transportation. He said the alternative analysis crunched the numbers and determined priority projects based on availability funding while the macro analysis helped to short-list larger project needs, such as the Missouri River crossing. He said they worked hard

with the public to help understand goals, such as safety and security and this helped with the project scoring and ranking process. He said the interstate needs were analyzed by various methods, as well as the many needs for improvements to US Highway 83 and what the cost-effective possibilities might be. He said they reviewed short, mid and long-range projects and then they studied the various system needs as the plan moved forward. Mr. Kline stated the urban road and regional roads were considered with safety plan and a number of projects do demonstrate the entire process. He added that the Bismarck sales tax is critical and without it there would be a lot of unmet needs. He then explained that the regional program continues to focus on State Street and Interstate-94 at Bismarck Expressway, which are achievable goals, and they also have projected focuses following historic funding splits. Mr. Kline closed by saying the approval schedule of meetings is also attached to the presentation.

Commissioner Schell asked what the relationship of the Future Land Use Plan (FLUP) is to the traffic models represented.

Mr. Kline said the City's Future Land Use Plan projections drove the model, so it is ultimately derived from the FLUP.

Chair Schwartz opened the public hearing.

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

Commissioner Laning asked if the intent is to approve the MTP at this time.

Mr. Ehreth said that is the expectation as all MPO jurisdictions are to affirm that they are comfortable with it. He added the full plan is available on-line as well if more information is needed.

Commissioner Levchak said as projects move forward, they would be individually enumerated with separate approval processes.

Mr. Ehreth said that is correct and added that the approval by the Bismarck Planning and Zoning Commission allows for an eligibility for federal funding annually. He said the Transportation Improvement Plan (TIP) is a four-year construction plan that is referenced in this plan as well.

Commissioner Van Duynes asked how using this document can help in some decision-making processes in the future.

Mr. Ehreth said the process to create a Comprehensive Plan is underway which will draw from this plan as well as others and staff is still detailing that plan, as far as how to include it all. He added that the Metropolitan Transportation Plan would also be included in the Comprehensive Plan.

Commissioner Laning said the map shared indicates 71st Avenue NE as a truck bypass and asked if that is continuing to be the plan.

Ms. Drewlow said the proposed beltway around Bismarck included 71st Avenue NE and 66th Street NE. In the previous long-range plan, staff anticipated more land development in that area but development has slowed some. She said right-of-way still needs to be preserved even though the current plan does not financial constrain a full construction of the beltway within the planning-horizon.

Commissioner Bitner said he will not be voting on this item at this time, as it will come before the Burleigh County Commission at which point he will then vote.

**MOTION:** Based on the presentation and information from staff, Commissioner Bakken made a motion to adopt the 2020-2045 Metropolitan Transportation Plan (MTP)/Arrive 2045 to be forwarded for further consideration by the Bismarck City Commission. Commissioner Eiseman seconded the motion and it was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion. Commissioner Bitner abstained.

## **CONSIDERATION**

- A. LOT 4, BLOCK 2, KMK ESTATES (HUNTINGTON COTTAGES SECOND ADDITION) – ZONING CHANGE**
- B. OFF-STREET PARKING AND LOADING – ZONING ORDINANCE TEXT AMENDMENT**

Chair Schwartz called for consideration of the following consent agenda items:

- A. Lot 4, Block 2, KMK Estates (Huntington Cottages Second Addition) – Zoning Change
- B. Off-Street Parking and Loading – Zoning Ordinance Text Amendment

**MOTION:** Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items A and B, calling for public hearings on the items as recommended by staff. Commissioner Eiseman seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

## **FINAL CONSIDERATION – ANNEXATION PARTS OF BLOCKS 1-6, SILVER RANCH FIRST ADDITION FIRST REPLAT**

Chair Schwartz called for final consideration of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat. The property is located northeast of Bismarck, on the south side of 43rd Avenue NE.

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

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, more specifically described as Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5, Lots 1-21, Block 6, Silver Ranch First Addition First Replat and the 43<sup>rd</sup> Avenue NE right of way between the boundary between Lots 33 and 34, Block 1, Silver Ranch First Addition First Replat and the boundary between Lots 23 and 24, Block 1, Silver Ranch First Addition First Replat, more precisely described as the East 471.61 feet of the West 2,194.70 feet of the South 75 feet of the SW¼ of Section 18, T139N-R79W/Gibbs Township, included in Document# 845385.

**MOTION:** Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, more specifically described as Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5, Lots 1-21, Block 6, Silver Ranch First Addition First Replat and the 43<sup>rd</sup> Avenue NE right of way between the boundary between Lots 33 and 34, Block 1, Silver Ranch First Addition First Replat and the boundary between Lots 23 and 24, Block 1, Silver Ranch First Addition First Replat, more precisely described as the East 471.61 feet of the West 2,194.70 feet of the South 75 feet of the SW¼ of Section 18, T139N-R79W/Gibbs Township, included in Document# 845385. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

## **PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT HAY CREEK SUBSTATION ADDITION**

Chair Schwartz called for the public hearing on the final plat and the zoning change from the A-Agricultural zoning district to the MA-Industrial zoning district for Hay Creek Substation

Addition. The proposed plat is one lot in one block on 15 acres and is located in east Bismarck, along the east side of North Bismarck Expressway, between East Main Avenue and East Divide Avenue (part of the SW¼ of Section 36, T139N-R80W/City Lands).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/or other agencies may 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.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The proposed zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and the major subdivision final plat for Hay Creek Substation Addition.

Commissioner Schell asked if there are specific floodway and floodplain needs related to this plat.

Ms. Wollmuth replied there are and that the proposed plat it is located within the Special Flood Hazard Area, and the applicant have submitted a CLOMR, or Conditional Letter of Map Revision to relocated the floodway within the proposed plat. Once the grading is complete and the floodway is relocated and approved by staff and FEMA, a formal LOMR or Letter of Map Revision reflecting the proposed changes will be issued by FEMA.

Chair Schwartz opened the public hearing.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the A-Agricultural zoning district to the MA-Industrial zoning district and final plat for Hay Creek Substation Addition. Commissioner Bakken seconded the motion the motion was approved with Commissioners Bakken, Bitner,

Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT  
APPLE MEADOWS THIRD SUBDIVISION**

Chair Schwartz called for the public hearing on the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and final plat for Apple Meadows Third Subdivision. The proposed plat is 28 lots in two blocks on 103.1 acres and is located east of Bismarck, south of County Highway 10 between 4th Avenue SE and Apple Creek Road, along the east side of 80th Street SE (part of the SW¼ of Section 4, T138N-R79W/ Apple Creek Township).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/or other agencies may 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.
4. The Apple Creek Township Board of Supervisors has received notification of the proposed zoning change; however, they have not yet made a recommendation for the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
6. The proposed zoning change is in the public interest and is not solely for the benefit of a single property owner.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Apple Creek Township Board of Supervisors has received notification of the proposed final plat; however, they have not yet made a recommendation for the proposed final plat.
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
9. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and the major subdivision final plat for Apple Meadows Third Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said the subdivision would have lots with a minimum 1.5 acres in size and some are even larger because of the floodplain areas within. Commissioner Levchak asked if the subdivision would be serviced by rural water. Mr. Niemiller said that is correct.

Commissioner Bitner said he would be recusing himself from discussion and voting on this request.

Commissioner Levchak asked if there are restricted uses in the floodplain. Mr. Niemiller said there are and added that there are some non-buildable conservation areas and some areas would need a LOMR-F if the owner wants to bring in any fill dirt to elevate their property. Mr. Niemiller also stated that an impact to the floodway may be permitted.

Conna Cook, 8250 4<sup>th</sup> Avenue SE, said she has lived in this area since 1975 and she feels maintaining 4<sup>th</sup> Avenue SE could be a problem and the narrow width of this road is concerning, if it is only to be partially paved. She said 80<sup>th</sup> Street SE at Apple Creek Road floods and asked how the stormwater management plan will fix that. She said she is not against the development but is worried and feels the soil and water tables should also be checked. She said she will miss the view but she welcomes the new owners to the community.

Commissioner Laning asked what the road plans are.

Ms. Wollmuth said the Burleigh County Highway Department has representation here and can describe those plans.

Casey Einrem, Burleigh County Assistant Engineer, said 4<sup>th</sup> Avenue SE is to be paved from 80<sup>th</sup> Street SE to Fuji Drive and that the pavement portion of the road would be approximately 20 feet wide. He said some additional width can be added to the south with gravel. He said this would be similar to the Copper Ridge and Last Chance Subdivision developments which were paved to meet the County's policy.

Commissioner Laning asked if the contractor does the paving, would that raise the priority status for Burleigh County to continue the paving.

Mr. Einrem said typically those roads are improved as traffic needs change, and this is not a highly traveled area currently. He added that the proposal would not contribute to some flooding issues Apple Creek experiences, as there would be enough ponds in place to intercept storm water to both the north and south.

Commissioner Levchak asked what the groundwater depth is in that area. Mr. Einrem said it estimated that it sits at three to four feet and the gravel handles that well. He said 4<sup>th</sup> Avenue SE is not planned to be extended further to the east because of having to cross Apple Creek, a golf course and a floodplain in order to do so, so it will be kept as a dead-end roadway.

Commissioner Levchak said he knows other areas have failed because of the higher water table and that cost ends up coming back onto the homeowner.

Mr. Einrem said some areas within the county are worse than others as it relates to the water table, which is why there currently is not a groundwater collection requirement in the ordinance now.

Commissioner Levchak said if these houses are to have basements their sump pumps would run continuously.

Mr. Einrem said this development would be very similar to other areas within the county and while there is a concern of groundwater in some areas, it would be difficult to address those variables in an ordinance. He said there is also the concern of not having a basement in the event of severe weather so homeowners generally do a half basement, run sump pumps to ditches and then maintain those as needed.

Jason Petryszyn, Swenson, Hagen & Co., said a dig was performed to check the water table here in early 2019 and with digging 10-12 feet they did not find any oversaturation. He said it is mostly clay layers and there will be a detention pond to intercept runoff outside of the current conservation area.

Commissioner Schell asked who would own and operate the pond. Mr. Petryszyn said it would be handled by a homeowner's association.

Additional written comments in opposition to these requests are attached as Exhibits B-C.

There being no further comments, Chair Schwartz closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and final plat for Apple Meadows Third Subdivision. Commissioner Levchak seconded the motion the motion was unanimously approved with Commissioners Bakken, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion. Commissioner Bitner abstained.

## **PUBLIC HEARING – FINAL PLAT EUGENES FIRST ADDITION**

Chairman Schwartz called for the public hearing on the major subdivision final plat for Eugenes First Addition. The proposed plat is one lot on 5.07 acres and is located in north-central Bismarck north of East Divide Avenue along the west side of State Street (a replat of Lots 13-20, Block 2, Tibesar First Subdivision and part of the SE¼ of Section 28, T139N-R80W/City Lands).

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP), with the understanding that additional development of the property or division of the proposed plat will require a more detailed stormwater management plan during site plan review.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the major subdivision final plat for Eugenes First Addition.

Chair Schwartz opened the public hearing.

Commissioner Laning asked if the parcels could be combined into one and asked why the property is being platted.

Ms. Wollmuth said there are portions of the property that are not platted so in order for the development to take place, the property is required to be platted.

Commissioner Bakken asked if North 11<sup>th</sup> Street or the frontage road would be used for access.

Ms. Wollmuth said access could be by either at this time.

Commissioner Bakken asked if the primary route would be around the fire station. Ms. Wollmuth said that is not known as of yet.

Rob Illg, SEH, Inc., said the plan is to plat the property now and do a minor plat later if there is a desire to create additional lots. The property would be designed so that both the frontage road and North 11<sup>th</sup> Street could be used for access.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Schell said staff made a request to include a non-access line on North 12<sup>th</sup> Street, with the exception of existing access points, until the nature of the development is known.

**MOTION:** Commissioner Levchak made a motion to recommend approval of the major subdivision final plat for Eugenes First Addition. Commissioner Bakken seconded the motion and the request was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

## **PUBLIC HEARING – FINAL PLAT DUNN SUBDIVISION**

Chairman Schwartz called for the public hearing on the major subdivision final plat for Dunn Subdivision. The proposed plat is two lots on 8.4 acres and is located south of Bismarck, between the Missouri River and Sibley Drive, along the south side of Oahe Bend Drive (Auditor's Lot A of the NW<sup>1</sup>/<sub>4</sub>, Section 34, T138N-R80W/Lincoln Township).

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP), with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the major subdivision final plat for Dunn Subdivision.

Chair Schwartz opened the public hearing.

Mr. Niemiller said this request is essentially dividing one parcel into two lots with the plan of selling the unoccupied southern lot.

Commissioner Bitner said there is a north-south access easement to the property line and asked if that would also serve the lot to the south if it is developed.

Mr. Niemiller said it would, adding the only new access would be for a driveway.

Commissioner Levchak asked if there is a septic drain field on the new lot. Mr. Niemiller said there is as well as a rural water line.

There being no further comments, Chair Schwartz closed the public hearing.

**MOTION:** Commissioner Bakken made a motion to recommend approval of the major subdivision final plat for Dunn Subdivision. Commissioner Levchak seconded the motion and the request was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT  
SOUTHBAY FIFTH ADDITION FIRST REPLAT**

Chairman Schwartz called for the public hearing on the minor subdivision final plat for Southbay Fifth Addition First Replat. The proposed plat is 10 lots on 2.44 acres and is located in south Bismarck, east of England Street and west of Downing Street, at the intersection of West Glenwood Drive and Britannic Lane (Replat of Lots 16-21, Block 4, Southbay Fifth Addition and part of West Glenwood Drive right-of-way).

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision 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 minor subdivision final plat for Southbay Fifth Addition First Replat, including the waiver requests for the use of private streets/cul-de-sac and reduced lot widths, and with the understanding that the plat will not be forwarded to the City Commission for final action until the following conditions are met:

1. An easement release for the previously dedicated access, sanitary sewer and watermain easement is provided.
2. An agreement for the private street and private utilities is provided to be recorded with the plat.

Commissioner Bakken asked if the lot width waiver is for only two lots. Mr. Hutchings said it would be for Lots 4, 6 and 7.

Commissioner Levchak asked if the road is a private drive. Mr. Hutchings said it is and there would be a homeowner's association created that would own and maintain the roadway.

Chair Schwartz opened the public hearing.

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

**MOTION:** Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Southbay Fifth Addition First Replat, including the waiver requests for the use of private streets/cul-de-sac and reduced lot widths, and with the understanding that the plat will not be forwarded to the City Commission for final action until the following conditions are met: 1. An easement release for the previously dedicated access, sanitary sewer and watermain easement is provided; and 2. An agreement for the private street and private utilities is provided to be recorded with the plat. Commissioner Levchak seconded the motion and the request was unanimously approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT  
LOT 6 AND THE EAST 2 FEET OF LOT 7, BLOCK 2, HIGH MEADOWS NINTH  
ADDITION (436 BRUNSWICK DRIVE)**

Chair Schwartz called for the public hearing on a special use permit to allow the construction of an accessory dwelling unit within an addition to a single-family home located on Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition (436 Brunswick Drive). The property is located in northwest Bismarck, west of North Washington Street and south of Ash Coulee Drive, on the northwest side of Brunswick Drive.

Mr. Nairn 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.
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 is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to allow the construction of an accessory dwelling unit within an addition to a single-family home on Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition (436 Brunswick Drive).

Commissioner Levchak asked if the dwelling unit would be attached to the existing home.

Mr. Nairn said it would be and that it is considered an interior accessory dwelling unit.

Commissioner Levchak said that just seems like an addition onto a home to him.

Mr. Nairn said there is a dividing line when it comes to having an independent kitchen and living quarters, so they would typically be treated like separate units.

Commissioner Levchak asked if a second kitchen then of any kind would require a special use permit like this.

Mr. Nairn said that if it is a complete, independent dwelling, then that is correct.

Chair Schwartz opened the public hearing.

Ms. Combs said this would be the first accessory dwelling unit to be permitted in the City, adding that they have a grandmother who needs to be closer to her family. She said in the future they would be able to rent it out as long as they continue to live in the house and they were required to notify the neighbors of this change as well. Ms. Combs said this is a relationship occupancy and essentially would be an attached granny flat.

Commissioner Levchak asked if this were a building for personal use only would it still require a special use permit.

Mr. Ehreth replied the intent is to consider what warrants the accessory dwelling unit need and process.

Commissioner Bakken asked if any ADA compliance is required. Mr. Ehreth said it is not a publicly-accessible property so ADA requirements do not apply.

Ms. Combs said, although ADA requirements do not apply in this case, it will be constructed with ADA compatibility for accessibility purposes for their family member.

There being no further comments, Chair Schwartz closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit to allow the construction of an accessory dwelling unit within an addition to a single-family home located on Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition (436 Brunswick Drive). Commissioner Bakken seconded the motion and the motion was approved with Commissioners Bakken, Bitner, Eiseman, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

## **PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT SIGN ORDINANCE**

Chair Schwartz called for the continued public hearing on a zoning ordinance text amendment relating to amendments to the sign ordinance, which would adopt a new chapter of the zoning ordinance pertaining to the regulation of signs.

Mr. Nairn gave an overview of the proposed amendments including the history of meetings, the purpose of the zoning ordinance text amendment, why sign regulation is needed, how this would conform to the Comprehensive Plan, how public comments have been responded to and the update process and schedule.

Mr. Nairn gave an overview of the amendment, then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Nairn said based on these findings, staff recommends approval of the zoning ordinance text amendment creating Chapter 14-10 – Signs and amending or repealing various other sections in Title 4 and Title 14, as presented in the draft ordinance attached to the staff report, with an effective date of 60 days after approval by the City Commission.

Commissioner Laning asked how see-through signs would be addressed.

Mr. Nairn said 25% of a window may be completely covered and an additional 50% would be allowed to be covered if it is possible to see through the lettering.

Commissioner Levchak asked if a pole sign with a special use permit required is to ensure structural stability.

Mr. Nairn said all pole signs would require engineering and those over 50 feet high near the interstate would have a public hearing before this Planning and Zoning Commission to ensure that any impacted property owners in the area have an opportunity to comment.

Commissioner Laning asked if the Electronic Message Centers section should indicate a continuous duration.

Mr. Nairn said that can be added.

Commissioner Levchak asked how it is sometimes decided who owns a sign.

Mr. Nairn said the only differentiation would be who obtains the permit and also one other stakeholder suggestion was to remove the statement regarding wayfinding. He said there has been multiple meetings and negotiations and he feels a good faith attempt at this ordinance has been made.

Commissioner Laning asked what the handout provided comparing controlled versus non-controlled portable signs is speaking to.

Mr. Nairn said that was provided by a member of the public who is here and can further describe his concerns.

Commissioner Schell asked if a two-year special use permit would be a one-time deal.

Mr. Nairn said it would be for what is requested at that time, but multiple signs could be reviewed at a time.

Chair Schwartz opened the public hearing.

Scott Bina, Mann Signs, thanked staff for the opportunity to share concerns and give feedback. He said he feels the proposed ordinance can be a positive thing and it is important to understand what is required for permanent signs, such as engineering fees, sign design standards and site plans to ensure safety. He said he feels portable signs should have to follow the same requirements if they are going to be left up for long periods of time.

Commissioner Levchak asked if Mann Signs has a recommendation on the time limit.

Mr. Bina said option A is preferable which would be 30 days on and 15 days off.

Commissioner Bitner asked if Mann Signs offers portable signs.

Mr. Bina said they offer temporary signs, but not portable signs. He said site signs are more for commercial real estate items and they are not typically on trailers or wheels.

Commissioner Martin asked if the permitting process and other requirements can be accomplished within 30 days.

Mr. Bina said the timeframe for obtaining a permit is generally one to two weeks and the engineering process can take up to 30 days.

Kim Hagel, Awesome Signs, said they disagree with the definition used for portable signs and said they have several concerns including zoning restrictions such as in P-Public zoning districts where the placement would be limited or could require a special use permit, the time limit of 240 days per business when they were told this was a per parcel limitation. Ms. Hagel said they were recently told there would be no fee for business-owned signs, but the proposed ordinance states that all sign permits require a fee. She said the complaint process is an issue because violations can be reported from a variety of sources but on February 12<sup>th</sup> the City Attorney said only two complaints had been received for signs and she asked how the complaints would be managed. She said she feels this ordinance is not fair and these companies are offering a needed service. She said Mr. Nairn said banners would have the same stipulations as portable signs, but with no permit or documentation required. Ms. Hagel showed examples of various signs during her presentation.

Commissioner Laning said he does not see a difference between the signs in the two pictures provided.

Ms. Hagel said there is not a difference and they are on the same site and both are on trailers.

Duane Hagel, Awesome Signs, said after the meetings that have taken place it seems the allowed portable sign sizes have been reduced and said those existing signs should be grandfathered in. He said they keep asking what exactly the problem is and when they went to the last meeting they did not get any further information. He said portable signs are not being treated the same as realtor signs and site signs and he would not like a time limit, but if there is one it should be based on the business, not the property. He closed by saying their company has helped a lot of people over the last 14 years.

Commissioner Bakken asked how practical a 30-day time limit on a sign is.

Mr. Hagel said it is not practical and added that small businesses often cannot afford a big sign so they pick what works for them.

Commissioner Van Duyne asked what the average duration of a portable sign is.

Mr. Hagel said some are out for a year, some are out for less and it just depends on the need of the business and the area it is in. He said he does not feel it is fair and the rules and maps included are hard to interpret.

Commissioner Levchak asked what they might prefer the time duration be.

Mr. Hagel said he would like to see 10 months on, two months off.

Commissioner Bakken said there needs to be a difference between permanent versus temporary and said at what point does a sign need to become permanent.

Mr. Hagel said they cannot determine that and many businesses now do not agree with the time limits either.

Jamie McLean, Bismarck Mandan Board of Realtors, said a great job was done by staff with follow-up and research and that realty signs fall in to several categories. He said he understands having to possibly change how to do business.

Jordan Hauck referred to a hand-out he distributed to the Commissioners as Exhibit D and said controlled versus non-controlled signage needs to be looked at, for example in Mandan where their ordinance is not working like it should. He said he does not necessarily agree with the proposed 240-day limit and he has a customer who has a sign year-round because other methods do not work for them. He said some businesses cannot afford other advertising and their sign is well maintained.

Commissioner Levchak said controlled or not controlled, they are both portable. He said they admittedly can do business without a limited amount of time and asked how long his preferred time limit would be.

Mr. Hauck said he agrees with the others in 10 months at a time being allowed being preferable.

Commissioner Van Duyne asked what difference would be between 10 months and 240 days and asked if the enforcement would be the same.

Mr. Hauck said 10 months would still result in two months without services or income and the Mandan sign companies enforce themselves and help each other out when needed.

Commissioner Van Duyne asked what the City of Bismarck's plan is for enforcement.

Mr. Ehreth said limiting the time to 10 months would not necessarily be less challenging and City staff will find a way to make it work as needed. He said multi-tenant properties will be challenging to enforce and would be complaint based as well.

Commissioner Bakken asked if a permit requirement could be put on the building owner.

Mr. Hauck said it would be preferable for the sign company to handle the permitting portion.

Commissioner Bakken asked how often maintenance is needed on portable signs. Mr. Hauck replied every two years often sanding and repainting is needed and approximately \$4,000 a year is spent on new letters, so it can become costly.

Chair Schwartz asked if there is a 240-day limit in Mandan and if it would be beneficial to be consistent with them.

Mr. Hauck said he would rather have the 10-month limit and avoid losing more income or business.

Commissioner Levchak said he feels this ordinance addresses some major concerns and lessens the hurt a bit.

Jeremy Martin, Magnet Signs, said customers need portable and permanent sign options. He said Electronic Message Centers have their place and feels sometimes those messages get lost because they never change.

Commissioner Bakken said there is a concern of putting burden on those companies who will do right by this ordinance.

Commissioner Bitner asked if temporary signs and portable signs are being treated equally with each other.

Mr. Martin said they need to follow the same requirements otherwise how will they be tracked and it will not be fair if the requirements are not the same.

Additional comments are attached as Exhibit D.

There being no further comments, Chair Schwartz closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to continue the public hearing on the zoning ordinance text amendment relating to the sign code to the April 22nd meeting, to allow time for further discussions on time durations. Commissioner Bakken seconded the motion.

Commissioner Levchak said he feels this ordinance has too many options and some more thought needs to be given before it is brought back.

Commissioner Martin said there is a conflict with an owner-owned temporary sign and the difference of a partial foundation.

Commissioner Levchak said they have to be treated the same as far as duration and whether they are business owned or sign company owned.

Commissioner Schell asked if the ordinance defines the code needed to enforce recourse.

Mr. Ehreth said it does and they have requested an effective date in order to work through those specifics. He said they would like guidance for both staff and the sign companies as well.

Ms. Combs said enforcement would be to include inspections, notice and orders, court filings and offenses.

Commissioner Bitner asked if the sign code would be enforced in the ETA. Ms. Combs said it would be the same as abatements and nuisances, but they have mostly had compliance.

Commissioner Bitner said a lot of regulations seems to be happening while pointing at sign companies who are ultimately paying the price with unnecessary burdens.

Commissioner Levchak said there is an issue of fairness for portable versus temporary and permanent sign companies.

Commissioner Bakken asked for an explanation of the actual problem and the need for the ordinance.

Mr. Ehreth said it is part of the Supreme Court ruling of needing neutral content and also how to regulate that content, so they have attempted that by allowing site signs and whatever the business need is.

Commissioner Schell said they have the information needed and need to make a decision on durations, so he does not favor continuing the public hearing at this time.

Commissioner Martin said he would like to withdraw his motion to continue the public hearing to April 22nd. Commissioner Bakken, having seconded the motion, concurred.

Commissioner Martin said he would like to make a motion to approve the ordinance as recommended by staff, with the change of the duration to 300 days instead of 240 days.

**MOTION:** Commissioner Martin made a motion to approve the zoning ordinance text amendment related to the sign code, with the change of the duration of temporary signs from 240 days to 300 days. Commissioner Levchak seconded the motion.

Commissioner Bitner said size, fees, complaint basis and fairness are still issues, so there is not just the one outstanding issue of the time duration.

Commissioner Bakken said what is or is not enforceable is not the way to govern an ordinance.

Commissioner Bitner said he would like to see the ordinance be amended and brought back.

Commissioner Levchak said to have staff address those areas of concern and bring back a revised ordinance.

Commissioner Bitner said it just needs a little more work as far as portable, temporary and permanent definitions go.

Commissioner Levchak asked why the difference in size allowances as well and asked if those should be made the same in order to avoid any issues.

Mr. Nairn said they can be made the same and the requirement was based on the sizes of signs observed in field surveys. He said staff has no objections to increasing the allowable size of the site signs to match the portable signs.

Mr. Ehreth asked what other information might be needed prior to the next meeting.

Commissioner Bitner said he wants the concerns of the companies to be addressed by editing the draft, define temporary versus portable and the size limit, as well as the change in duration from 240 days to 300 days and the question of a fee being required or not.

Mr. Ehreth said only licensed installers would be required to report their numbers monthly and an individual business owner could install a sign with an individual permit, so those items are already defined.

Mr. Nairn said that is also part of the budget adopted by the City Commission, so it would not necessarily fall into this ordinance, but the intent is for individual portable signs to not have an associated fee and that information was relayed to the sign companies.

Commissioner Bitner said if more staff time is going to be required for enforcement that should be covered somehow as well.

Mr. Ehreth said a permit would be required, but not necessarily a fee.

Commissioner Martin said the ordinance states all permits are subject to a fee. Mr. Ehreth said that will be clarified by staff.

Chair Schwartz asked if staff can commit to making the changes discussed in a reasonable amount of time.

Mr. Nairn said they will work to.

Commissioner Schell said the portion regarding the fee gives the Commission the ability to determine an appropriate fee without specifying what it is.

Commissioner Martin withdrew his motion to approve the zoning ordinance text amendment related to sign codes, with the change of the duration of temporary signs from 240 days to 300 days. Commissioner Levchak, having seconded the motion, concurred.

**MOTION:** Commissioner Laning made a motion to continue the public hearing on the zoning ordinance text amendment related to the sign code to the April 22<sup>nd</sup> meeting, to allow time for staff to make the changes as suggested. Commissioner Van Duyne seconded the motion and with Commissioners Bitner, Laning, Martin, Van Duyne, Wangen and Schwartz voting in favor of the motion, the motion was approved. Commissioners Bakken, Eiseman, Levchak and Schell opposed.

Commissioner Bakken asked if it is possible to send the packet without the entire draft sign code attached.

Ms. Combs said distributing a digital version would be fine, but it has to contain the entire document.

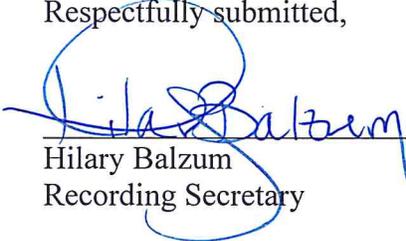
**OTHER BUSINESS**

There was no other business to discuss at this time.

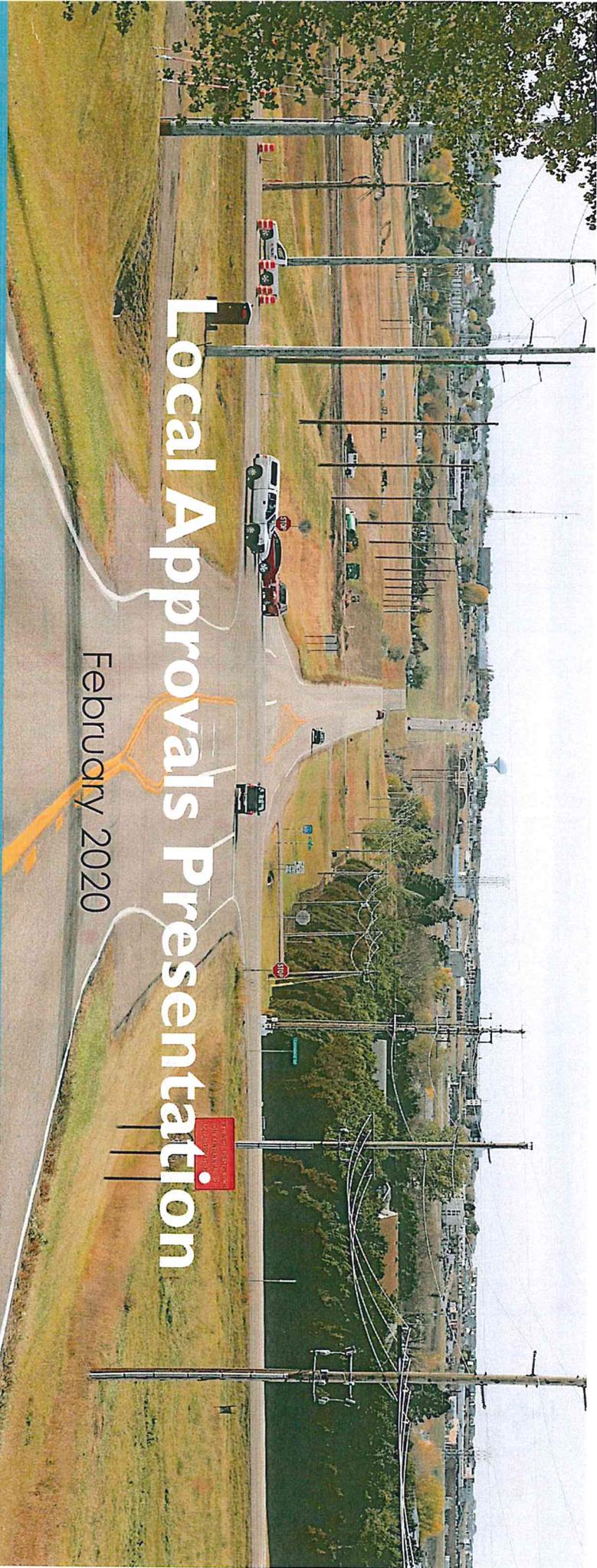
**ADJOURNMENT**

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 8:30 p.m. to meet again on March 25, 2020.

Respectfully submitted,

  
\_\_\_\_\_  
Hilary Balzum  
Recording Secretary

  
\_\_\_\_\_  
Mike Schwartz  
Chair



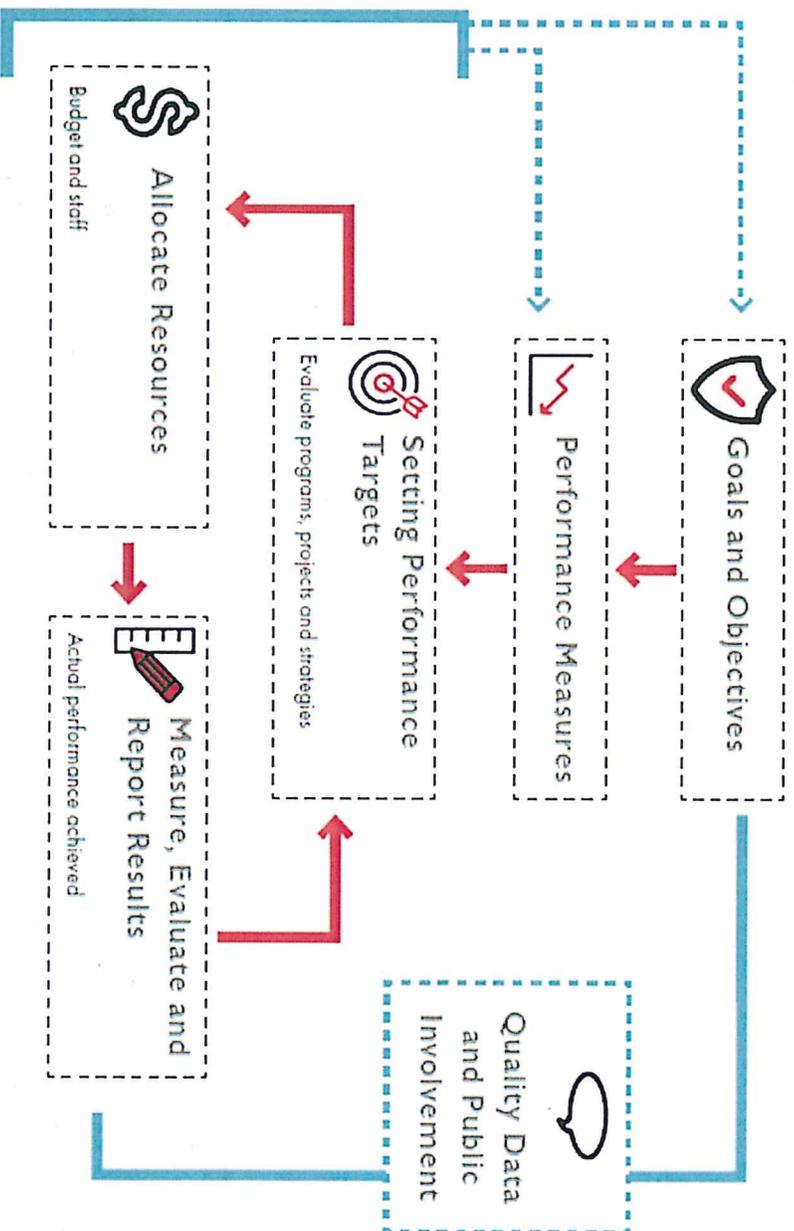
# Local Approvals Presentation

February 2020

## Bismarck-Mandan Metropolitan Transportation Plan



# Performance Based Planning

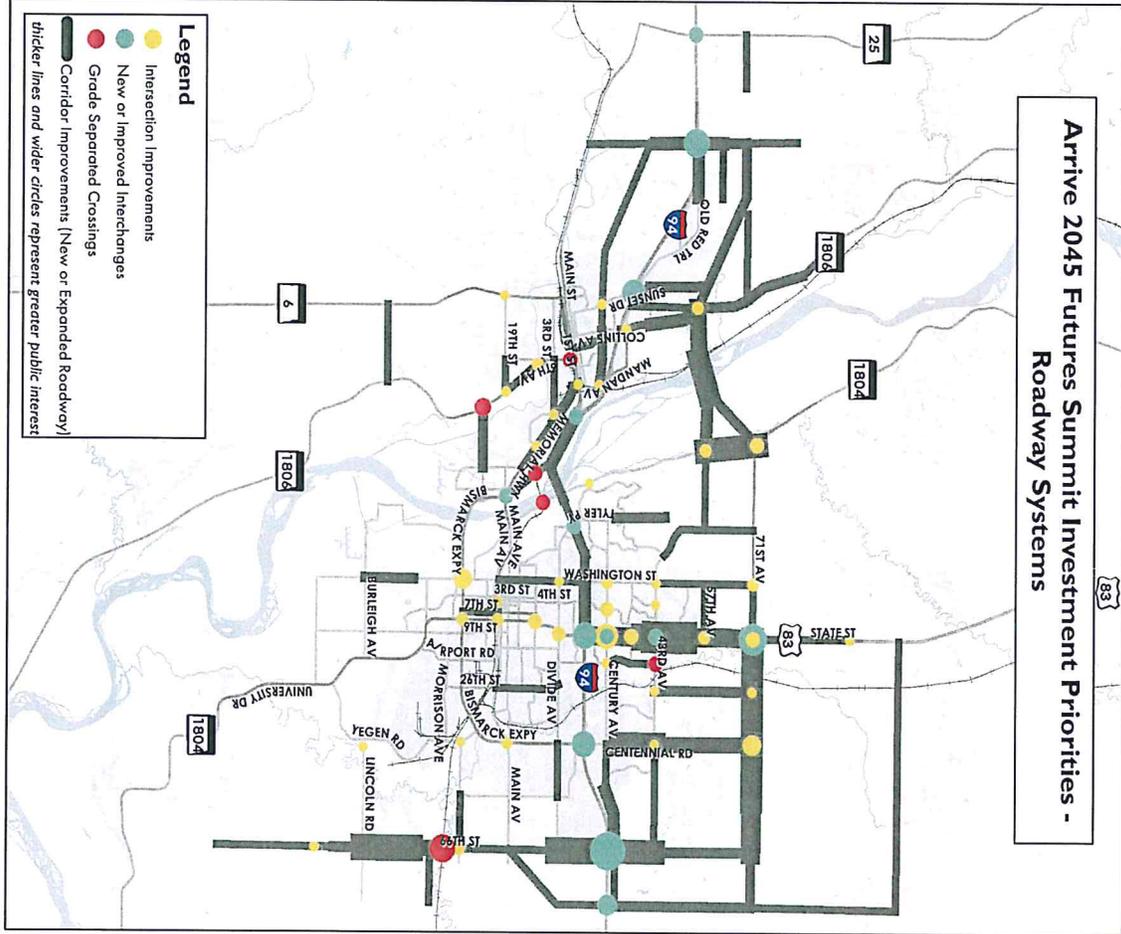


# Public Engagement Overview

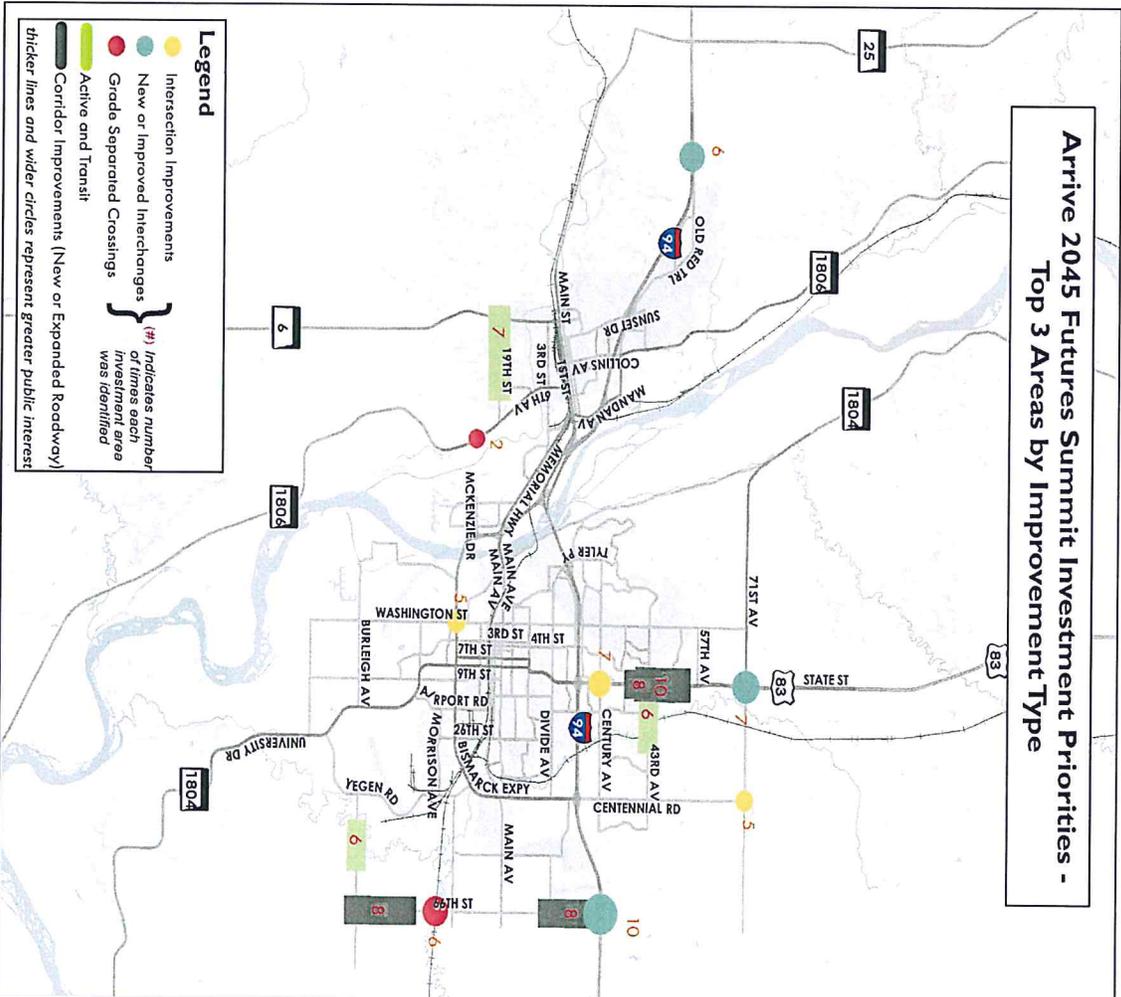
- » **Round #1 – Futures Summit**
  - » Understand **issues/needs**
- » **Round #2 – Prioritize Projects**
- » **Smart Mobility Workshop**
- » **Round #3 Draft Plan**



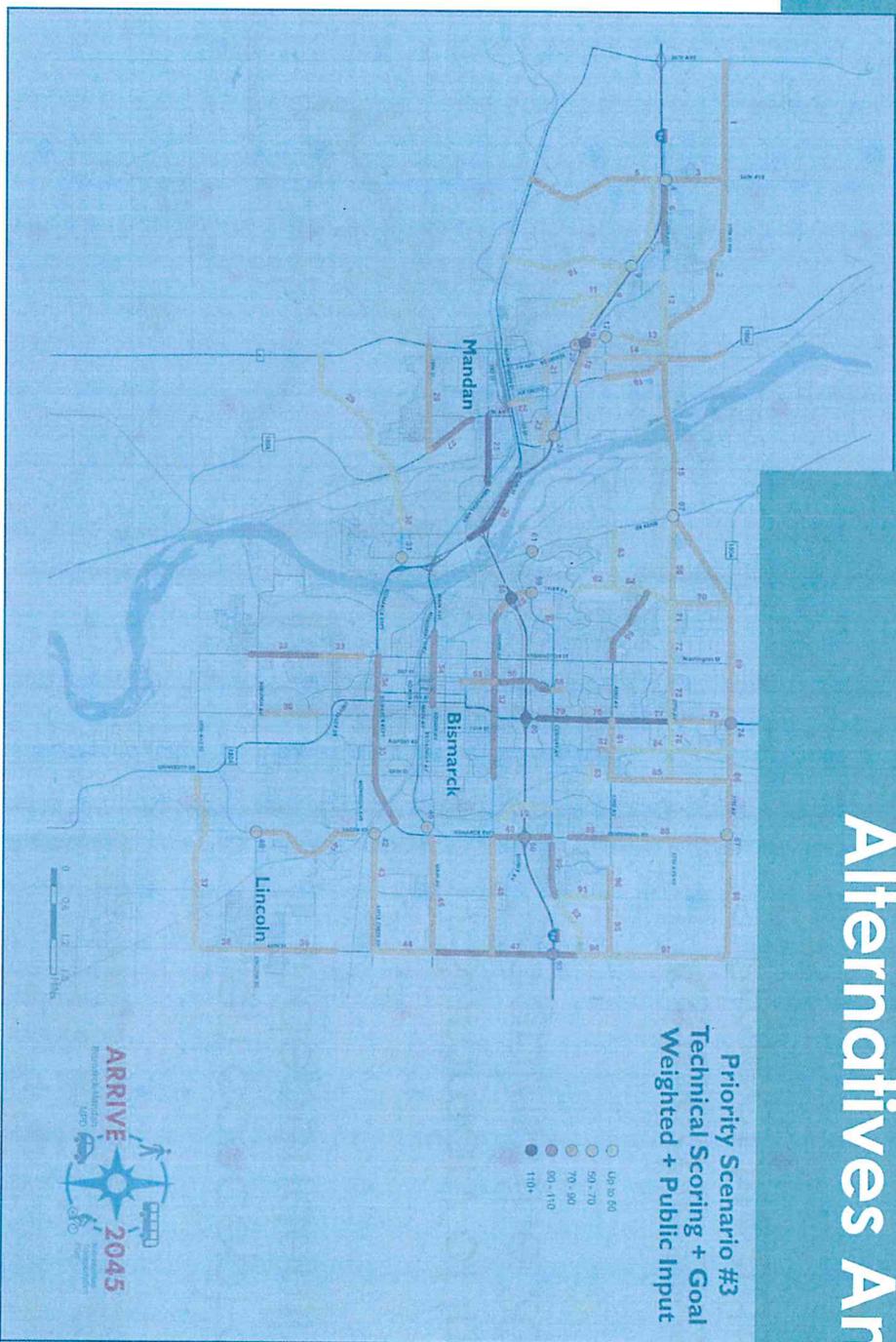
### Arrive 2045 Futures Summit Investment Priorities - Roadway Systems



### Arrive 2045 Futures Summit Investment Priorities - Top 3 Areas by Improvement Investment Type



# Alternatives Analysis



# Goal Weighting

## Prioritized Goal Results

Table 2.3: Prioritized Goals

Arrive 2045 Goals and Objectives	Total Votes	Goal Ranking	Prioritization Weight
Goal 1: Safety & Security	87	#2	4.5
Goal 2: Infrastructure Condition	96	#1	5
Goal 3: Congestion Reduction	70	#3	3.6
Goal 4: System Reliability for Freight Movement & Economic Vitality	44	#4	2.3
Goal 5: Alternative Transportation Modes to Automobile Travel	41	#6	2.1
Goal 6: Environmental Sustainability	43	#5	2.2
Goal 7: Reduced Project Delays	23	#7	1.2

» Translate public and technical input

» Allow for “scoring” to reflect both technical and public desires



# Financial Plan – Methods & Assumptions

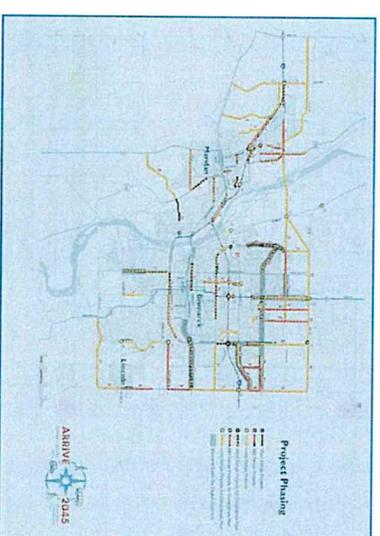
## » Revenue Estimates

- 2015- 2022 (Existing + Committed)

## » Operations & Maintenance (O&M)

## » Preservation & Maintenance (P&M) vs. Capacity/Expansion

- Evaluation of 2011 – 2022 TIP/STIP



# Short Range Constrained List

ID	Location	Route	Route	Description	Phase	Cost	Year of Construction (NOI)	Program	Urban Program Priority
6	Old Red Trail	50th Avenue	40th Avenue NW	Reconstruct at 3-lane urban section.	Short	\$8,400,000	\$9,826,812	Urban	2
18	Old Red Trail	Sunset Drive	ND 1800 / Collins Avenue	Regrade for 3-lane urban section.	Short	\$39,500	\$46,209	Safety	
21	Division Street	Sunset Drive	ND 1802 / Collins Avenue	Reconstruction.	Short	\$2,200,000	\$1,924,446	Urban	5
22	3rd Avenue NE	Moan Street	5th Street	Reconstruction.	Short	\$2,200,000	\$2,924,446	Urban (P&M)	7
23	Division Street	8th Avenue E	Mardon Avenue	Construct at 2-lane urban section.	Short	\$2,850,000	\$3,349,193	Urban	
27	Highway 1806	10th Street	Heart River Bridge	Reverent preservation project, including addition of turn lanes and signals at 8th Avenue and 10th Street.	Short	\$1,750,000	\$2,047,252	Regional	
30	Mackenzie Road	Highway 1806	35th Avenue E	Construct at 2-lane rural section. Include new bridge across Heart River. Add signals at Mackenzie Drive/ Burnside Expressway ramps and at Mackenzie Drive/40th Avenue.	Short	\$15,650,000	\$18,308,285	Urban	
31	Mackenzie Road	42th Avenue SE		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Urban	
32	Washington Street	Sudrigt Avenue	Dowagay Channel	Reconstruct at 3-lane urban street.	Short	\$8,720,000	\$10,201,197	Urban	3
33	Washington Street	Dowagay Channel	Denver Avenue	Turn lane improvements, including regrade south of Denver Avenue at 3-lane section.	Short	\$39,000	\$45,624	Safety	
34	Burnside Expressway	Washington Street	12th Street	Safety improvement.	Short	\$5,000,000	\$5,849,753	Safety	
45	Moan Avenue	Burnside Expressway	66th Street	Widen from 2-lane to 3-lane section (including intersection improvement at 55th Street).	Short	\$10,070,000	\$11,721,983	Urban	6
49	Burnside Expressway / Centennial Road	Divide Avenue	Century Avenue	Widen from 5-lane to 6-lane section.	Short	\$3,920,000	\$4,432,240	Max	
50	Burnside Expressway / Centennial Road	192		Interchange reconstruction.	Short	\$25,000,000	\$29,246,464	Interstate	
52	Divide Avenue	Turquoise Avenue	20th Street	Regrade at 3-lane urban section.	Short	\$143,000	\$167,875	Safety	
54	Roller Avenue	Moan Avenue	10th Street	Regrade at 3-lane urban section.	Short	\$62,000	\$72,531	Safety	
59	Century Avenue	Tyler Parkway		Intersection capacity improvement.	Short	\$2,200,000	\$2,924,646	Urban	
62	Tyler Parkway	Valley Drive	43rd Avenue	Construct at 3-lane urban section.	Short	\$4,200,000	\$4,983,597	Urban	
64	Tyler Parkway	43rd Avenue	57th Avenue	Overlay existing roadway to 2-lane rural section.	Short	\$520,000	\$584,929	Urban	8
65	Ash-Gable Drive	Tyler Parkway	Washington Street	Widen from 2-lane to 3-lane urban section.	Short	\$5,520,000	\$6,330,039	Urban	4
76	State Street	Cogoy Avenue	43rd Avenue	As grade improvement. Cogoy Avenue and 43rd Avenue widening to 6-lane urban section from Cogoy Avenue through 43rd Ave. intersection.	Short	\$15,185,000	\$17,744,302	Regional	
79i	State Street	43rd Avenue		Grade separation.	Short	\$30,000,000	\$34,095,257	Regional	
81	43rd Avenue	State Street	20th Street	Construct 3-lane or 4-lane urban section.	Short	\$10,000,000	\$11,198,586	Urban	1
82	10th Street	North Valley Loop/Vicco Avenue	43rd Avenue	Reconstruct at 3-lane urban section.	Short	\$1,380,000	\$1,614,405	Urban	1
87	71st Avenue	Centennial Road		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,446	Safety	
180	State Street	Cogoy Avenue	43rd Avenue	Shared use path.	Short	\$1,000,000	\$1,165,859	Regional	

>> Establish short range Federal aid priorities

>> Focus on Urban Roads Funds

>> Consider Regional Roads and Safety Programs



# Financial Analysis – Mid & Long Range

- » **Urban Program**
  - » Program generally balanced (mid to long)
- » **Regional**
  - » Program is balanced; however requires use of P&M revenue to support program.
  - » Assumes constraint of “low cost” improvements on State Street;
  - » High cost improvements on State Street remain “illustrative
- » **Interstate Program**
  - » Requires more capacity investment to support reconstruction of Exit 159; program still balanced (mid)
  - » No capacity programmed in long range

# Local Approvals Schedule

Bismarck City Planning and Zoning	Feb 26 (5:00 pm)	Tom Baker Meeting Rm City/ County Office Bldg
Bismarck City Commission	Mar 10 (5:15 pm)	221 N 5th St, Bismarck, ND
Burleigh County Planning and Zoning	Mar 11 (5:15 pm)	Tom Baker Meeting Rm City/ County Office Bldg
Burleigh County Commission	Mar 16 (5:00 pm)	221 N 5th St, Bismarck, ND
Mandan City Planning and Zoning	Feb 24 (5:30 pm)	Commission Room Mandan City Hall
Mandan City Commission	Mar 3 (5:30 pm)	205 2nd Ave NW, Mandan, ND
Morton County Planning and Zoning	Feb 27 (5:30 pm)	Commission Room Morton Cty Courthouse
Morton County Commission	Mar 12 (5:30 pm)	210 2nd Ave NW, Mandan, ND
Lincoln Planning and Zoning	Feb 25 (7:00 pm)	Lincoln City Hall 74 Sartee Road
Lincoln City Council	Mar 5 (7:00 pm)	Lincoln, ND



**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Sattler Land Development written comments from Mark and Terri Wilhelm  
**Date:** Tuesday, February 25, 2020 12:38:01 PM

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**From:** Terri Wilhelm [mailto: ]  
**Sent:** Tuesday, February 25, 2020 8:21 AM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Sattler Land Development written comments from Mark and Terri Wilhelm

Please consider our written comments about the Sattler Land Development Project that will be discussed at the February 26 Burleigh County Commission meeting.

February 25, 2020

To the Burleigh County Commission:

We are writing in regards to the planned Sattler Development off of 80<sup>th</sup> Street and 4<sup>th</sup> Avenue in Apple Creek Township.

We are writing to you not to stop or hinder this project in anyway as we knew this would probably happen someday and here it is. Rather we are writing to ask for some considerations and answers for when this land and the roadways around it are developed.

Our home at 8561 4<sup>th</sup> Ave SE has been in my family for over 50 years. I remember a day when ours was the only house on this land for miles. I grew up here and after my father passed away, we bought the home from my mother because of the serene setting and the family ties.

One of our biggest concerns with this development is the gravel road on 4<sup>th</sup> Ave which runs across the north side of the property. This road was originally built to accommodate our home and the home at end of 4<sup>th</sup> Ave. Since then a handful of other homes were built and it is also able to accommodate these residents.

First of all, this road is quite narrow and can barely accommodate two vehicles driving in opposite direction without each driver pulling over to the side of the road to allow one another to pass. This currently works fine for those who live here now because of the small amount of traffic that currently uses this road. This will not be the case with the amount of increased traffic that will come once the development is complete. Our concern is twofold, safety and preservation of the road.

We would like to ask that if this development is approved, it include a paved and widened road all the way to the end of 4<sup>th</sup> Ave SE to the Perman driveway in order to accommodate the heavy increase in traffic. If this is not possible at least in front of the entire development so the road can handle the traffic.

We would also ask that it include "additional" signage signaling it is a dead-end road and there is "NO" access.

Although the development and the planned road only goes to the west of the Wilhelm property, we know that once these 28 homes are built, this will increase the traffic on this road exponentially and not "just" to the west of the Wilhelm property.

We know from experience that when people get lost on this road and they do all the time, since it is a dead end road, they have no choice but to drive to the end of road where we live and turn around on ours or Perman's property. Many even drive into Perman's driveway or through our driveway to turn around. If the road is left as is today, the access to our home could quickly deteriorate and could likely become damaged and unusable.

As it is now, when it rains a lot or during the spring thaw, this road can barely handle the handful of people that travel it today as it becomes very muddy and uneven and hard to navigate.

This road because of the number of people who use it and the fact it is at best a secondary road is not well maintained by the county during much of the year. It simply cannot handle more traffic without some major improvements.

This road is fine the way it is now and accommodates our current needs, but in all fairness this development will bring much more traffic and should be part of the development costs not ours to pave and expand this road.

A question we also have is, how will this road be maintained if it is not paved all the way to the Perman property? Will the plow just turn around and leave the gravel road untouched?

We do know that it takes a different type of equipment to clear snow from a gravel road so as the proposal looks, there will just be this small section with possibly no maintenance if it goes through as proposed. I guess we would like some answers on how this will be maintained once this development happens.

We also know in the summer, the County applies extra gravel and grades and smooths the road to keep it drivable. Will this still be done to this small section if left unpaved? This is a concern to us.

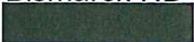
As it is now, the County may or may not plow 4<sup>th</sup> Avenue after a major storm and in fact many times Todd Perman clears it himself with his Tool Cat so we can all get to 80<sup>th</sup> Street. We have been very patient and kind concerning maintenance on this road and in all the time we have been there I think we have only complained once as we figure it is part of living in the country, but we are worried about what will happen now.

I think the only other major concern we currently have is where will the drainage from this development go? Apple Creek is just south of this development and we hope there is a good plan to contain sewage and runoff the development creates. We would like more information about this also.

Thank you for listening to our concerns. We certainly hope you make this a fair experience for all of us who currently live on and near this development as we love where we live and hope to live there in harmony for many years to come.

Sincerely,

Mark and Terri Wilhelm  
8561 4<sup>th</sup> Ave SE  
Bismarck ND 58501



**From:** [Suzanne Wald](#)  
**To:** [Planning - General Mailbox](#)  
**Cc:** [Suzanne Wald](#); [waldrnch@gmail.com](mailto:waldrnch@gmail.com)  
**Subject:** Sattler Development  
**Date:** Wednesday, February 26, 2020 9:32:29 AM  
**Attachments:** [doc06374020200226092856.pdf](#)

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Burleigh County Commission,

Attached find a letter voicing several concerns and also questions regarding the proposed Sattler Development off of 80th Street in Apple Creek Township.

Thank you,

*Sue Wald*

7717 Viking Drive  
Bismarck, ND 58501



February 25, 2020

To the Burleigh County Commission:

I am writing in regards to the planned Sattler Development off of 80th Street in Apple Creek Township to the east of Viking Drive.

Our home is at 7717 Viking Drive and was stick built on-site late 2017-18. We moved in 2 years ago this month. We chose the lot due to the quiet location and the country feel. After searching for months in the Bismarck area we continued to come back to the location as it reminded us of where we came from, a country setting on a gravel road where your neighbors were close but far enough away to not have to run into them every morning and night.

Some of my biggest concerns are the extra traffic on 80th street as it will take away that country feeling and what will this new development do to the value of our homes as our development was started in the early 2000s and is not a "keep up with the Joneses" environment which was a total draw for us as we cannot afford to do that, nor do we want to have to keep up with the neighbors.

Will this development affect our future real estate taxes? Will this development cause our development as a whole to now have to pay for specials and such even though we do not have street lights or sidewalks, etc.?

Apple Creek road is already difficult to traverse as it is very rough, how will the extra traffic affect that road, what about 80th street? Will the new development be first in line for the maintenance crews?

My husband and I would like more information about the effects of the new development in our area. Thank you for listening to my concerns. I hope the new development will not adversely affect our living experience in our development as we would like to remain in the area for years to come and would like for our neighbors to continue to live in the development as several of them were a part of the beginning of the development and others have lived there for 15+ years. I know I can speak for several of them as they voiced their similar concerns to me last fall when speculation was floating around regarding the planned Sattler development.

Sincerely,



Suzanne and Joe L. Wald  
7717 Viking Drive  
Bismarck, ND 58501



Here are some examples of signs around Bismarck

Not controlled by proposed ordinance



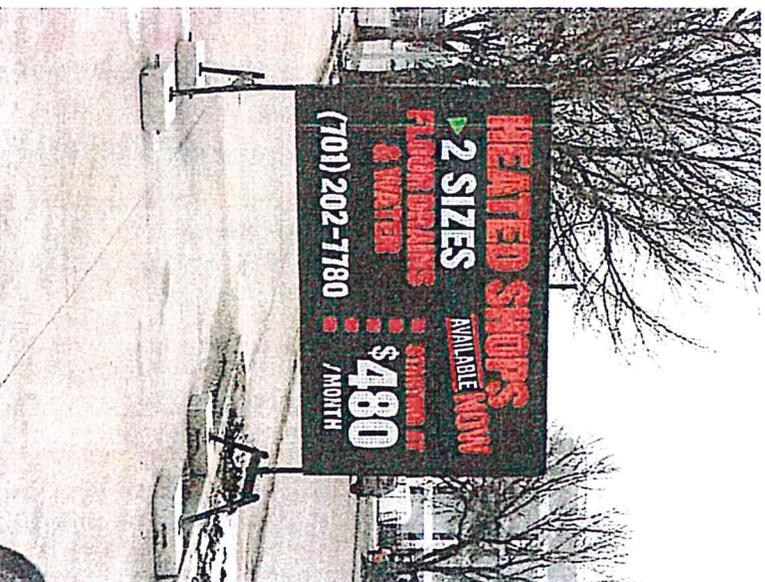
Controlled by proposed ordinance



Not Controlled



Controlled



Not Controlled



Controlled



Not Controlled



Controlled



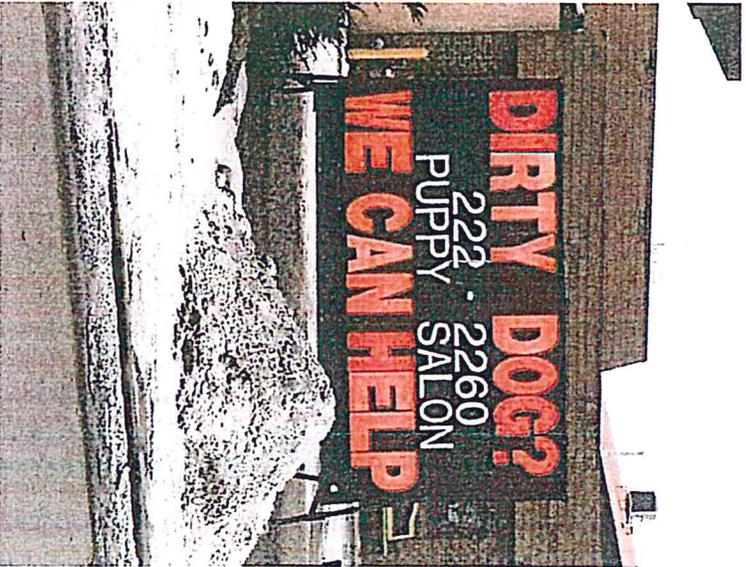
Not Controlled



Controlled



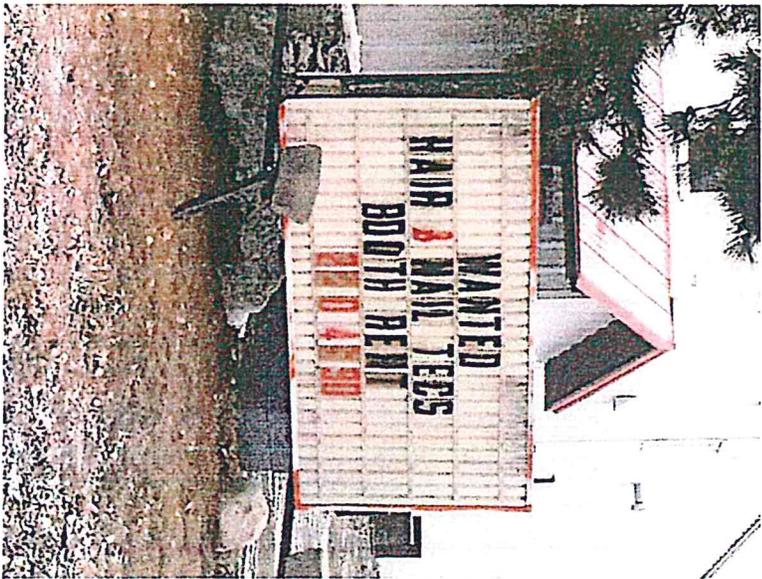
Not Controlled



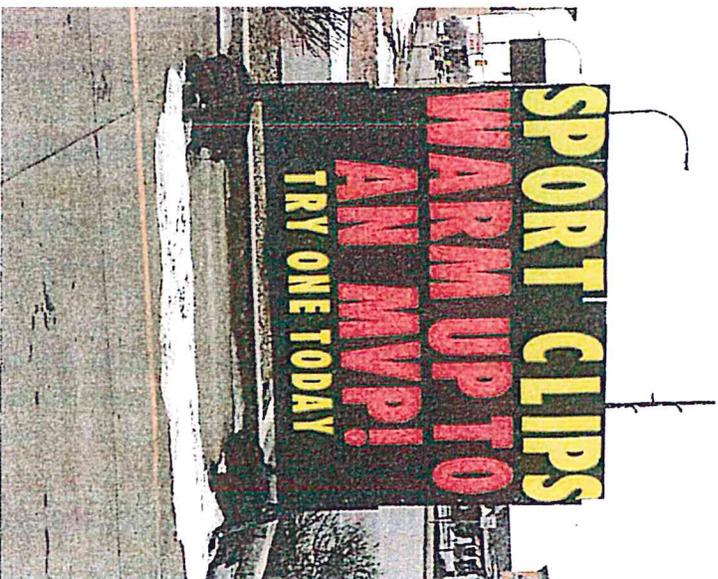
Controlled



Not Controlled



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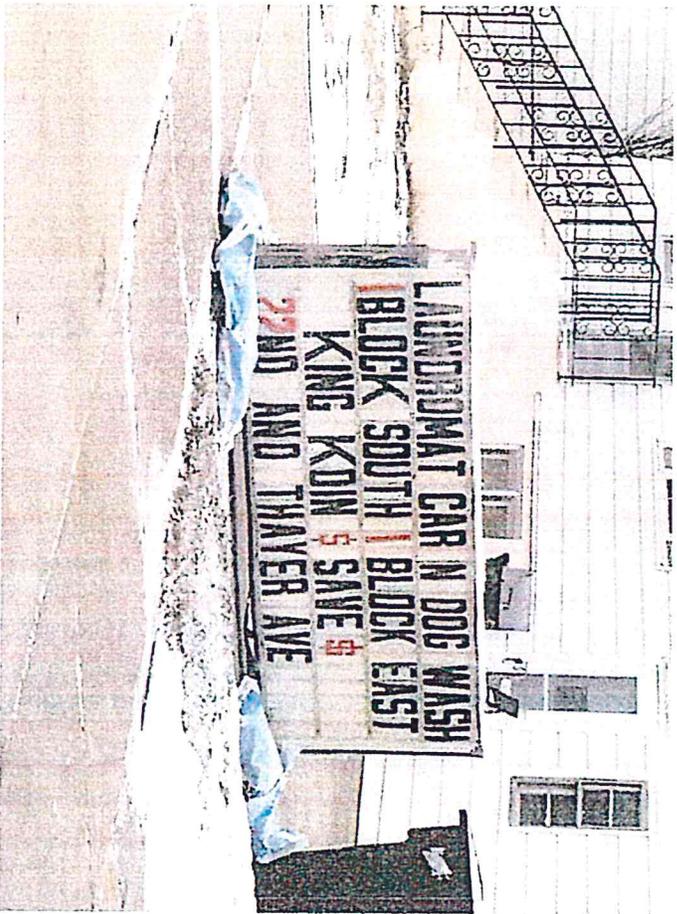
Not Controlled



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Not Controlled



Controlled



Not Controlled



Controlled



**From:** [Daniel Nairn](#)  
**To:** [Hilary Balzum](#)  
**Subject:** FW: Sign codes  
**Date:** Wednesday, February 26, 2020 4:32:16 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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**From:** Wayne Munson [mailto: [REDACTED] ]  
**Sent:** Tuesday, February 18, 2020 4:12 PM  
**To:** [REDACTED]; Brian Eiseman <[REDACTED]>; Van Duyne, Wendy <[REDACTED]>; Greg Zenker <gzenker@bismarcknd.gov>; Steve Marquardt <[REDACTED]>  
**Cc:** Brian Ritter ([REDACTED]); Ben Ehreth <behreth@bismarcknd.gov>; Daniel Nairn <dnairn@bismarcknd.gov>; Brady Blaskowski <bblaskowski@bismarcknd.gov>  
**Subject:** Sign codes

Good afternoon.

Once again I will be out of town when the Planning and Zoning commission holds a public forum to discuss the proposed codes.

I wanted to take the time to thank the staff for its diligence in preparing a Sign Code for our fair city. In the past several months we have continued to meet and share our thoughts. The code that is being proposed is still a work in progress but I think it is ready for the City Council. From the list of concerns that I started with, the staff has either answered the question or adjusted the code to a workable solution.

The items that I still have a concern with are:

Section 14-03.1-08 – Commercial Zoning Districts -Specifically Interstate oriented Free Standing Sign. Staff is requesting a Special Use Permit be applied for when a sign is requested between 50 and 80' tall.

I also asked staff to consider applying this section to properties within 660' of Highway 83 stretching from the interstate to the north city limit line.

Section 14-03.1-09 – Downtown Zoning District – Specifically prohibited signs

Electronic Message Centers are prohibited, yet we have 3 at the Event Center and 5 at commercial businesses.

At the end of the day, once the city council approves the proposed code, we will have the opportunity to challenge the code when needed with the variance process.

you for all of your hard work on this.



## Wayne Munson

Co-Founder | The Sign Guy, Bismarck Sign Co.

☎ [701-751-7777](tel:701-751-7777)

📱 [Redacted]

✉ [Redacted]

🌐 [www.BismarckSignCo.com](http://www.BismarckSignCo.com)

📍 1926 Frontier Drive, Bismarck ND 58504

