

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 24, 2021

The Bismarck Planning & Zoning Commission met on March 24, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schwartz, and Trent Wangen.

Commissioners Brian Bitner, Brian Eiseman, Vernon Laning, Wendy Van Duyne and Paul Zent were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the February 24, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the February 24, 2021 meeting, as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

CONSIDERATION

- 2. LOT 2, BLOCK 1, J & L ADDITION – ZONING CHANGE**
- 3. LOTS 23-24, BLOCK 23, STURGIS ADDITION – ZONING CHANGE**
- 4. EAST 67 FEET OF LOT 1 AND LOTS 2-3, BLOCK 1, HAMILTON'S FIRST ADDITION – ZONING CHANGE**

Chair Schwartz said he would like item #4 pulled for discussion.

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items 2 and 3, calling for public hearings on the items as recommended by staff. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

Mr. Nairn explained that the legal description for item 4 needs to be modified slightly to include the south 61 feet of Lot 1, Block 1, Hamilton's First Addition. He said a public hearing can still be called for as recommended by staff and the requests will be held until the applicant is ready to proceed with a minor subdivision final plat.

MOTION: Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve consent agenda item 4, with the additional area noted by staff, calling for a public hearing on the item as recommended by staff. Commissioner Martin seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION PART OF CLEAR SKY ADDITION

Chair Schwartz called for final consideration of the annexation of part of Clear Sky Addition. The property is located east of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE.

Ms. Wollmuth 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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koenig Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition, with the understanding that:

1. A development agreement specifying the timing for the annexation of lots adjacent to Smette Bend, Hermanson Drive, Holmes Drive, Koenig Drive, Goodiron Drive, Fettig Drive and Orgaard Drive is approved by the City Commission.

Commissioner Levchak asked what the bumped-out area on Smette Bend is reserved for.

Ms. Wollmuth said that is to be a City sanitary-sewer lot for a lift station to serve the annexed properties.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koenig Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition, with the understanding that: 1. A development agreement specifying the timing for the annexation of lots adjacent to Smette Bend, Hermanson Drive, Holmes Drive, Koenig Drive, Goodiron Drive, Fettig Drive and Orgaard Drive is approved by the City Commission. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

(Secretary's Note: The legal description indicated above for this request was further refined before forwarding on to the City Commission for final action. The map showing the annexation area is correct, but some street references were extraneous. The lots addressed to be addressed in the development agreement were also modified. The final description used for the annexation ordinance was Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, Lots 1-16, Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11, the rights-of-way adjacent to the above referenced lots for Holmes Drive, Fettig Drive, Koenig Drive, Orgaard Drive and Goodiron Drive, as well as the Fettig Drive right-of-way adjacent to Lot 9, Block 7, the Hermanson Drive right-of-way adjacent to Lots 47-51, Block 1 and Lots 9-13, Block 7 and the Smette Bend right-of-way adjacent to Lots 18-47, Block 1, Lots 2-8, Block 4 and Lots 10-21, Block 8.)

CONTINUED PUBLIC HEARING – ZONING CHANGE THE EAST 250 FEET OF LOT 2, BLOCK 3, KMK ESTATES

Chair Schwartz called for the continued public hearing on a zoning change from the Conditional RT-Residential zoning district to the Conditional CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The property is located in northeast Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE and Ash Coulee Drive.

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

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

Mr. Nairn presented a conditional zoning ordinance that incorporated items requested by the Planning and Zoning Commission during their previous meeting, and also stated that neighboring property owners were re-notified of the request for the continued public hearing.

Mr. Nairn said based on these findings, staff recommends denial of the zoning change from the Conditional RT – Residential zoning district to the Conditional CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates, as outlined in the draft conditional zoning change ordinance attached to the staff report.

Commissioner Bakken asked if the adjacent property to the north is zoned for a commercial office use.

Mr. Nairn confirmed that offices have been approved on this lot and added that it is zoned Conditional-RT, which from a zoning perspective is different from commercial.

Commissioner Bakken asked if any protest was heard when that zoning was changed. Mr. Nairn said not to his knowledge.

Commissioner Martin asked if the church and parking lot along the North Washington Street corridor were grandfathered into the R5-Residential zoning district, or if those are allowable uses.

Mr. Nairn said they are allowable uses and the church is an allowed use with a special use permit.

Commissioner Martin said all uses surrounding this location are allowable then. Mr. Nairn said that is correct and he is not aware of any non-conformities.

Commissioner Schell asked how the North Dakota Century Code governs a petition number when there is opposition to a request.

Mr. Nairn explained that any property owner within 150 feet can sign a petition and if the owners of 20% of this land, exclusive of any rights-of-way, oppose the request then that would be deemed a qualifying protest.

Mr. Ehreth added that the motion at the previous meeting was to table the request with the direction to notice the request in the newspaper so the staff recommendation is to hold the public hearing as advertised.

Chair Schwartz opened the continued public hearing.

Nate Wolf, Old 10 Bar and Grill, said they were contracted at a different nearby location and that site became too costly. He said at the last meeting they got to the point of approval and then the conditions of the approval were requested. He said the language on the petition that circulated is not indicative of the proposed use and operation which would be 65% the sale of food. He said they do not promote drink specials or binge drinking and they want to be part of the neighborhood. He said kids can come and be in the arcade and have fun and it is very family oriented, not a party bar.

Commissioner Bakken asked what the hours of operation would be. Mr. Wolf said the Mandan location is currently open from 11AM-11PM and he is not sure if they will exactly mirror that or not.

Justin Kringstad, 3718 Horizon Place, thanked those present for having the foresight to see the issues and that the original letters to owners may have misunderstood. He said they have nothing against the restaurant or the owners, but there is a need to protect the neighborhood long-term. Mr. Kringstad presented the petition for a previous zoning change request in this location and said that Mr. Kessel, the property owner seeking the rezoning, signed it and was able to come to a compromise with the owners and the City Commission then approved it, so a protest was not necessary. He said the staff report is well written and it includes multiple non-compatibility findings and it is concerning for a not well-lit area with a lot of activity and children to have this use. He said he supports the restaurant, just not in this location.

Sarah Kolberg, 3720 High Meadows Circle, said they live in the second cul-de-sac back from the location and they are excited about a restaurant possibly being part of the community, but some road improvements are needed. She said there is nowhere to go for restaurants in the vicinity and she wants to support local businesses. She added that they do not need another church or office and she is also concerned about the petition after she talked to others who were not fully aware of what exactly it was they were signing.

Chair Schwartz asked for confirmation that she favors the request but wants to see some road improvements also. Ms. Kolberg said that is correct.

Parnel Plante, 568 Cottonwood Loop, said 200 Arabian Avenue belonged to his father, Gary, and he thought it also would be an office type use in the future. He said they do have a pending sale on the house that is there now and if the zoning changes then a lot of things will be unknown.

Chair Schwartz asked if he is opposed to the request because of what is unknown. Mr. Plante said yes and added that he supported many of the points in opposition made by Mr. Kringstad.

Brenda Foster, Bianco Realty, said she is representing the buyer of 200 Arabian Avenue and they are concerned about the change for a restaurant not being a positive change.

Commissioner Levchak asked if the buyer would be opposed to an office-type use. Ms. Foster said they are not but they are opposed to a restaurant and/or a bar because of the smells, traffic and lights and the appeal of the house property would be lost.

Tim Porter, 3301 Overlook Drive, said he is not against a bar and grill, just not in this location. He said he is concerned about the impact it would have on homeowners with significant investments and there is a walking path right in front of where the restaurant would be built.

Jerry Gates, 3848 Renee Drive, said he lives just north of this location and there is so much traffic now and it is not regulated so adding more vehicles would only make it worse. He said there is so much noise and too many people going too fast on Washington. He said that is not a controlled entrance and there is not a similar situation anywhere else in Bismarck.

Art Bakke, 411 Arabian Place, said many people use Arabian Avenue to get to North Washington Street and at the 2014 meeting when compromise for the RT-Residential zoning took place - it was felt that a commercial zoning district would have too many allowable uses and they wanted less traffic. He said he is not opposed to a restaurant and boosting the economy, but safety needs to be first. He added that if it is approved and the property purchase falls through then there will be an open commercial lot here. He said the Mandan location restaurant closes at 11PM, but the bar can stay open until 1AM.

Additional written comments in opposition to the request are attached as Exhibits A-O.

Additional written comments in support of the request are attached as Exhibits P-Q.

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

Commissioner Martin said regardless of the intent of the business, the community response is strong and a precedent possibly being set is concerning. He said they are in a tough spot to go against the staff recommendation.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to deny the zoning change from the Conditional RT – Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. Commissioner Wangen seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – FINAL PLAT
FIRST RESPONDERS SECOND ADDITION**

Chair Schwartz called for final consideration of the annexation and public hearing on the final plat for First Responders Addition. The proposed plat is 1 lot in 1 block on 1.98 acres and is located east of Bismarck, east of East Bismarck Expressway and south of East Main Avenue / County Highway 10 in the southwest quadrant of the intersection of Midwest Drive and 52nd Street SE (part of Lot 7A and 7B of Auditor's Lot 7 and part of the W½ of 52nd Street right-of-way in the SE¼ of Section 1, T138N-R80W/Lincoln Township).

Ms. Wollmuth gave an overview of the requests, 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.

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

1. All technical requirements for approval of a major 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.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the annexation and final plat for First Responders Second Addition, with the following condition:

1. The existing stormwater and drainage easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat.

Chair Schwartz opened the public hearing.

Abe Ulmer, Toman Engineering Co., said he is available to answer any technical questions and stated the applicant would sell the property and they have submitted a site plan for review by City staff for development.

Commissioner Levchak asked what the intended use might be. Mr. Ulmer said it is zoned industrial and the plan is for it to be two 4-unit shop condos with landscaping.

Commissioner Levchak asked if the spaces would be leased or rented. Mr. Ulmer said they would be rented or purchased as individual condo units.

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 annexation and final plat for First Responders Second Addition, with the following condition: 1. The existing stormwater and drainage easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat. Commissioner Levchak seconded the motion and the motion was approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
MISSOURI MEADOWS SUBDIVISION (FKA SOUTHBAY FOURTH ADDITION
THIRD REPLAT)**

Chair Schwartz said it has been requested by the applicant that the next item, formerly known as Southbay Fourth Addition Third Replat, be referred to as Missouri Meadows Subdivision going forward.

Ms. Wollmuth explained that this was requested in order to avoid any confusion between a similarly named subdivision nearby.

Chair Schwartz called for the public hearing on the minor subdivision final plat for Missouri Meadows Subdivision (fka Southbay Fourth Addition Third Replat). The proposed plat is two lots in one block on 3.58 acres and is located in southwest Bismarck, west of South Washington Street and east of England Street, along the south side of West Burleigh Avenue (a replat of the West 256 feet of Lot 1, Block 1, Southbay Fourth Addition).

Ms. Wollmuth 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) with written concurrence from the County Engineer.
3. Portions of the proposed subdivision are 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
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
6. 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 minor subdivision final plat for Missouri Meadows Subdivision (fka. Southbay Fourth Addition Third Replat).

Commissioner Levchak asked if access to the area would be from the western edge of the property.

Ms. Wollmuth said that is correct, that access would be on the west edge and then south to Lot 2. She said there is a private access easement and an approach that has already been approved by the County Engineer.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said a lot split was originally discussed but staff recommended a minor plat be acquired to better have access for emergency services and the property owners.

Chair Schwartz asked if the access would be paved. Mr. Niemiller said as development moves forward the roadways would be improved.

Commissioner Levchak asked what the water and sewer services here would be. Mr. Niemiller said it would be rural water services and a septic system.

Additional written comments in opposition to the request are attached as Exhibit R.

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

Commissioner Bakken asked if the City has the ability to dictate tree maturity requirements.

Ms. Combs said if it is not specified then they would not infer it.

Mr. Ehreth said he understands that existing mature trees can count towards a landscape requirement.

Mr. Hutchings said they could count toward the requirements but it would not be required here because of the single-family zoning status.

Commissioner Bakken asked if it could be required even given the zoning. Ms. Wollmuth stated that this subdivision is not required to add a landscaping buffer and landscaping buffers are required of a the more intensive use. She stated that a 15-foot landscaping buffer was platted along the northern boundary of the subdivision adjacent to the south because it is multi-family.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the minor subdivision final plat for Missouri Meadows Subdivision (fka Southbay Fourth Addition Third Replat). Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Martin, Schell, Schwartz and Wangen voting in favor of the motion. Commissioner Levchak opposed the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT THE RIDGE AT HAWKTREE SECOND REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat for The Ridge at Hawktree Second Replat. The proposed plat is 20 lots in three blocks on 5.37 acres and is located north of Bismarck, north of Highway 1804 NW and south of the Hawktree Golf Club, along the east side of Hawktree Drive and the south side of Ridge Way (a replat of Tracts 8027, 8027A, 8029 and 8029A of Lot 1, Block 1; Tracts 3631, 3631A, 3633 and 3633A of Lot 3, Block 1; Tracts 3701, 3701A, 3703, 3703A, 3707, 3707A, 3709 and 3709A of Lot 4, Block 1; Tracts 8139, 8139A, 8141 and 8141A of Lot 5, Block 1; Replat of Lots 18-25, Block 1, The Ridge at Hawktree).

Mr. Nairn 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) with written concurrence from the County Engineer.
3. The Hay Creek Township Board of Supervisors has been notified of the proposed final plat.
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
6. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat for The Ridge at Hawktree Second Replat.

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 Bakken made a motion to approve the minor subdivision final plat for The Ridge at Hawktree Second Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING)
LOT 5, BLOCK 2, HIGH PLAINS COUNTRY ESTATES (3724 HIGH PLAINS ROAD)**

Chair Schwartz called for the public hearing on a special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates. The property is located south of Bismarck, south of East Burleigh Avenue and west of 12th Street SE, along the west side of High Plains Road (3724 High Plains Road).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
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. Hutchings said, based on these findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates.

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 Bakken made a motion to recommend approval of the special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

OTHER BUSINESS

UPDATE ON COMPREHENSIVE PLAN

Mr. Ehreth shared that City staff has been working to develop and update multiple plans that need refreshing. He said they aim to do this every five years, but this particular refresh would consolidate all of their plans into one plan called Together2045, as it will involve many other entities and look as far out as 2045. He said it will take approximately 18 months to develop and it will be public facing, but some portions will be fielded out to resources such as students from Bismarck Public Schools and their Career Academy's graphic design students. He added that regular updates will continue to be provided as it progresses.

Commissioner Levchak asked if they have an estimated completion date. Mr. Ehreth said they are shooting for December 2022.

Commissioner Bakken said it is exciting to be able to include so many groups of individuals and some great work has already been done towards this accomplishment.

Chair Schwartz asked if outside of the steering bodies, will there be other public input opportunities.

Mr. Ehreth said there will be and he will share the participation plan in the near future.

DEMO OF ONLINE MAP

Mr. Nairn said Community Development and GIS have been working on an info-sharing tool that is an online map that shows City Planning projects and their various statuses of where they are at in their completion process. He gave an overview of the types of projects and statuses, how to access the assigned staff member, reports, meeting dates and just making this information more generally accessible from home. He said this will likely be the most up to date platform for information and will be available on the City website in the near future.

Commissioner Bakken asked if there as an estimated date that it will be on the website. Mr. Nairn said they want to share this with the City Commission also so it should be available publicly in the next couple of weeks.

OTHER BUSINESS

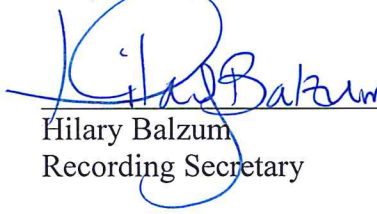
Mr. Hutchings gave an update on a previously discussed zoning change in Fischer Addition that was taken off of the agenda because of the need for concurrence with an adjacent property owner. He said that request has now been formally completely withdrawn.

There was no other business to discuss at this time.

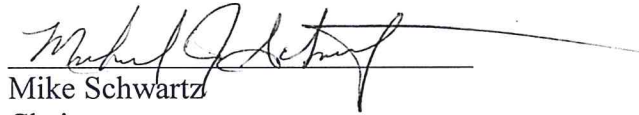
ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:41 p.m. to meet again on April 28, 2021.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Mike Schwartz
Chair

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: KMK Zoning Petition as of March 21 2021
Date: Monday, March 22, 2021 1:14:03 PM
Attachments: [KMK Zoning Petition Signatures As of 3-21-21 Filed 3-21-21.pdf](#)

Daniel Nairn
701-355-1854

From: JJ Kringstad < >
Sent: Sunday, March 21, 2021 5:16 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>; Jannelle Combs <jcombs@bismarcknd.gov>
Subject: KMK Zoning Petition as of March 21 2021

External Email - Use caution clicking links or opening attachments
Hello Jannelle and Daniel,

Attached you will find the petition to keep the KMK Estates property at the corner of Washington and Arabian zoned as conditional RT and to deny a change to CA (neighborhood commercial) zoning, in any form, on that property.

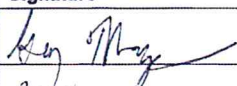
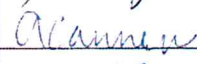
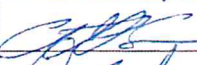
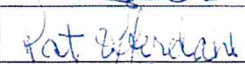
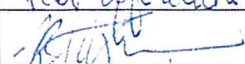
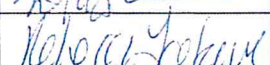
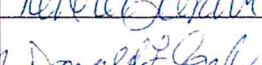
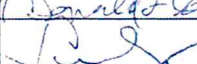
Daniel - Please note, on page 9 of the petition that Raymond Glasser is the President of "Child Inc" which owns the large adjacent property at 3707 N Washington Street. Child Inc is the parent company of the Early Childhood Learning Centers (ECLC) in Bismarck, which are preschool and child care facilities.

Jannelle - The attached petition should be adequate to trigger the 75% majority vote at the City Commission, but Daniel will certainly be able to confirm. If this petition needs to be filed in a more formal manner to properly proceed, please let me know.

Thank you,
Justin J. Kringstad

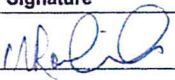
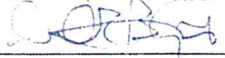
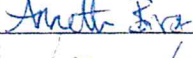
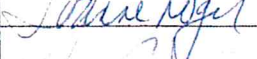
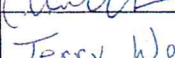
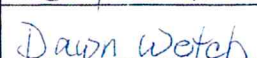
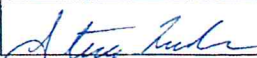
Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

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Printed Name	Signature	Address	Comments (Optional)	Date
GREG MAYER		460 ARABIAN AVE		2-28-21
Gail Mayer		460 Arabian Ave		2-28-21
Ann Cannon		532 Arabian Ave.		2-28-21
Shane Cannon		532 Arabian Ave		2-28-21
Chris Spies		520 Arabian Ave		2-28-21
Joel Brackman		512 Arabian Ave		2-28-21
Joel Spies		520 Arabian Ave		2-28-21
Pat Offerdahl		515 Arabian Ave		2-28-21
Robert Lohr		505 Arabian Ave		2-28-21
Rebecca Lohr		505 Arabian Ave		2-28-21
Donald Saylor		419 Arabian Place		2-28-21
Laura Saylor		419 Arabian Place		2-28-21

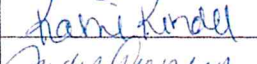
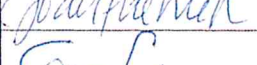
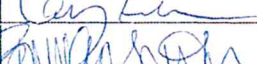
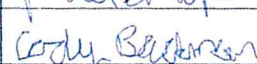
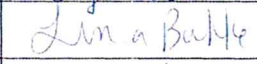
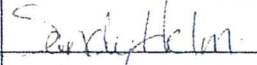
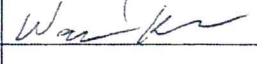
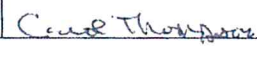
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Printed Name	Signature	Address	Comments (Optional)	Date
Maecus Redlich		431 Arabian Pl Bismarck ND	oppose CA	2-28-21
Barbara Johnson		401 Arabian Pl		3-28-21
David RB Pitt		433 Arabian Pl		2-28-21
Jennifer Byers		433 Arabian Pl		2-28-21
Justin Birst		439 Arabian Pl		2-28-21
Annette Birst		439 Arabian Pl		2-28-21
Loanne Lugin		455 Arabian Pl		2-28-21
Al Hagan		421 Arabian Ave		2-28-21
Christine Corbett		421 ARABIAN AVE		2-28-21
Terry Wetch		400 Arabian Ave		2-28-21
Dawn Wetch		400 Arabian Ave.		2/28/21
Steve Lacher		408 Arabian Ave		3/01/21

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Printed Name	Signature	Address	Comments (Optional)	Date
Nara Lacher		408 Arabian Ave.		3/2/21
ARTHUR BAKKE		411 ARABIAN PLACE BISMARCK ND 58503		3/2/21
Hami Kindel		521 Arabian Ave Bismarck ND 58503		3/2/21
Body Freeman		533 Arabian Ave Bismarck ND 58503		3/2/21
Corey Freeman		533 Arabian Ave Bismarck ND 58503		3/2/21
Brooklyn Smith		543 Arabian Ave BIS ND 58503		3/2/21
Baret Smith		533 Arabian Avenue Bismarck ND 58503		3/2/21
Cody Beckman		512 Arabian Ave Bismarck ND 58503		3/2/21
Tina Bakke		411 Arabian Place BIS. ND 58503		3/8/21
Sarahly Helm		3158 Horizon Place Bismarck ND 58503		3/8/21
Wayne Helm		3757 Horizon Pl Bismarck ND 58503		3/8/21
Carel Thompson		3737 Horizon Pl Bismarck ND 58503		3/8/21

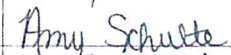
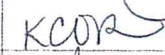
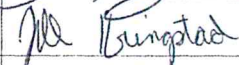
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Printed Name	Signature	Address	Comments (Optional)	Date
Katie Kringstad	<i>Katie Kringstad</i>	3718 Horizon Pl Bismarck, ND 58503		3-7-21
J.J. Kringstad	<i>J.J. Kringstad</i>	3718 Horizon Pl Bismarck ND 58503		3-7-21
Brock Outcrop	<i>Brock Outcrop</i>	3861 Horizon Pl Bismarck, ND 58503		3-7-21
CHAD LINDEMAN	<i>Chad Lindeman</i>	313 AKARLAN AVE. BISMARCK ND 58503		3-7-21
Jon Dignan	<i>Jon Dignan</i>	435 High Meadows Pl Bismarck, ND. 58503		3-7-21
Deb Dignan	<i>Deb Dignan</i>	435 High Meadows Pl Bismarck ND 58503		3-7-21
Doyle Emmel	<i>Doyle Emmel</i>	401 High Meadows Pl Bismarck, 58503		3-7-21
Jon Kolberg	<i>Jon Kolberg</i>	3720 High Meadows Cir Bismarck ND 58503		3-7-21
Eileen Hanner	<i>Eileen Hanner</i>	3803 High Meadows Cir Bismarck ND 58503		03-07-21
James Langlois	<i>James Langlois</i>	3741 High Meadows Cir Bismarck ND 58503		3/7/21
Pamela Plante	<i>Pamela Plante</i>	200 Arabian Ave. Bismarck, ND 58503		3-7-21
Sabon Kemmis	<i>Sabon Kemmis</i>	103 Versailles Ave Bismarck ND 58503		3-7-21

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Printed Name	Signature	Address	Comments (Optional)	Date
JERRY GATES		3848 Renee Dr		3/7/21
Tamie Gates		3848 Renee Dr		3-7-21
Gayle Grenz		3830 Renee Dr.		3-7-21
Amy Schulte		3835 Renee Dr.		3-7-21
Derek Schulte		3835 Renee Dr.		3/7/21
Dan Friesz		100 Versailles Ave		3/7/21
Kayla Corbin		138 E Calgary Ave		3/7/21
Matthew Stoltz		143 E Calgary Ave		3/7/21
Ben Kringstad		125 E Calgary Ave		3/7/21
Jill Kringstad		125 E Calgary Ave		3/7/21
Holly Hochhalter		107 E Calgary Ave		3/7/21
Gary Malo		146 E. Calgary Ave		3/7/21

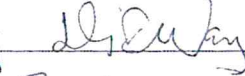
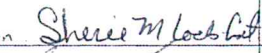
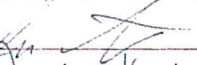
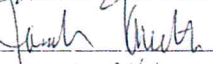
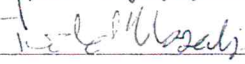
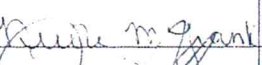
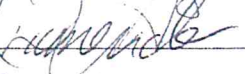
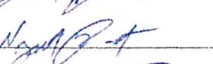
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Printed Name	Signature	Address	Comments (Optional)	Date
Brandi Sonnesen	<i>Brandi Sonnesen</i>	201 E Calgary Ave Bismarck ND 58503		3-6-21
Jeremy Sonnesen	<i>Jeremy Sonnesen</i>	204 E Calgary Ave Bismarck, ND 58504		3-6-21
James Dean	<i>James Dean</i>	124 W Edmonton Dr Bismarck ND 58503		3-7-21
Catherine Bryan	<i>Catherine Bryan</i>	136 W Edmonton Bismarck, ND 58503		3-7-21
Shelby Kost	<i>Shelby Kost</i>	202 W EDMONTON Bismarck ND 58503		3-7-21
Delbert Kost	<i>Delbert Kost</i>	202 W. Edmonton Dr. Bismarck, ND 58503		3-7-21
JOLIE KLEIMMONT	<i>Jolie Kleimont</i>	216 W. EDMONTON DR Bismarck ND 58503		3-7-21
Jeremy LaFave	<i>Jeremy LaFave</i>	306 W. Edmonton Bismarck 58503		3-7-21
George Weber	<i>George Weber</i>	322 W EDMONTON DR Bismarck, ND		3/7/21
Stef Mahan	<i>Stef Mahan</i>	305 W Edmonton Dr. Bismarck, ND 58503		3/7/21
Jim Hall	<i>Jim Hall</i>	225 W EDMONTON DR. Bismarck ND 58503		3-7-21
Jeff Jacobchick	<i>Jeff Jacobchick</i>	211 W Edmonton Dr. Bismarck ND 58503		3-7-21
Ken Lewis	<i>Ken Lewis</i>	11 W Edmonton Dr.		3/7/21

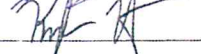
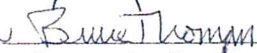
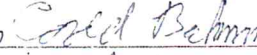
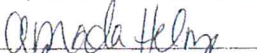
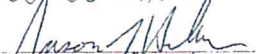
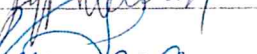
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Printed Name	Signature	Address	Comments (Optional)	Date
Dennis E. Wang		417 High Meadows Pl		3-7-21
Darvin Buxer		421 High Meadows Pl		3-7-21
Sherie Loeb-Lanton		409 High Meadows Pl		3-7-2021
Josh Kauten		3721 High Meadows Cir		3-7-21
Jordan Knutson		3721 High Meadows Circle		3-7-21
Todd Gosselin		3512 High Meadows Cir		3-7-21
Nicole Frank		3760 High Meadows Cir		3-7-21
Diane Anderson		3738 Horizon Pl		3/8/21
Wyatt Pollert		3824 Renee Dr		3/10/21
Wyatt Pollert		3805 Renee Dr		3/10/2021
Wyatt Pollert		3751 Renee Dr		3/10/2021
Wyatt Pollert		3803 Renee Dr		3/10/2021

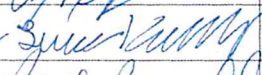
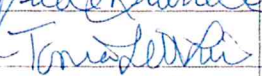
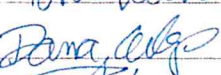
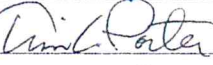
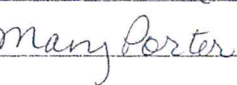
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Printed Name	Signature	Address	Comments (Optional)	Date
Wyatt Biegt		3811 Renee Dr		3/10/2021
Kyle Herman		3810 & 3812 Renee Dr		3/10/2021
BRUCE THOMPSON		3737 HORIZON DR		3-17-2021
Corde/ Beckman		512 Arabian Ave		3/18/2021
Amanda Helm		3810 Horizon Place		3/20/2021
Jason Helm		3810 Horizon Place		3-20-21
James Demke		321 Arabian Ave		3-21-21
Alissa Demke		321 Arabian Ave		3-21-21
Jeff Neuberg		413 High Meadows		3-21-21
Vivian Lang		201 Buckskin Ave.		3/24/2021
Robert Schaff		250 Buckskin Ave.		5/20/21
NADINE SCHAFF		250 Buckskin Ave		5-20-21

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Printed Name	Signature	Address	Comments (Optional)	Date
CASEY ANDERSEN		3738 HORIZON PL	PERSONAL REP FOR LEVUS PRICES	3/20/2021
Lucas Kaczmarek		3842 Renee Dr		3/21/21
Nicole Brunelle		280 Arabian Ave		3/21/21
Tonia Lill-Undeman		313 Arabian Ave		3/21/21
Dana Oukrop		3801 Horizon PL		3-21-21
RAL GLASSER		2824 Promontory Dr	Child Inv President	3-21-2021
Tim Porter		3301 Overlook Dr		3-21-2021
MARY PORTER		3301 Overlook Dr		3-21-2021

From: [Daniel Nairn](#)
To: [JJ Kringstad](#)
Cc: [Hilary Balzum](#)
Subject: RE: KMK Estates Zoning Change - STRONGLY OPPOSED
Date: Friday, February 26, 2021 8:48:21 AM
Attachments: [KMK Agreement 10-27-2014 Kessel Signed.pdf](#)
[image001.png](#)
[image003.png](#)
[image005.png](#)

Justin,

Thank you. We will make sure to share your comment, and the attached agreement, with the Planning and Zoning Commission before their March 24 public hearing.

Best,

Daniel Nairn, AICP
Senior Planner
City of Bismarck
Community Development
221 N. 5th Street
Bismarck, ND 58506
701-355-1854

From: JJ Kringstad < >
Sent: Thursday, February 25, 2021 5:22 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: KMK Estates Zoning Change - STRONGLY OPPOSED

External Email - Use caution clicking links or opening attachments

Regards to the proposed zoning change from Conditional RT to Commercial for the following property:

East 250 feet of Lot 2, Block 3, KMK Estates

(Can you please pass this information along to the Planning and Zoning Commission members?)

Hello Daniel,

I am a property owner on Arabian Ave ~500ft west of the property noted above. Myself and my wife are absolutely opposed to the concept of a zoning change to allow a restaurant/bar on that property.

We, along with many other impacted property owners, were not aware of the application to change from Conditional RT to Commercial and were shocked to find out after the meeting last night (Feb 24th).

We completely agree with the staff recommendation to deny the application for every single reason outlined by Daniel Nairn in his report, particularly the following excerpts.

2. The proposed zoning change is not compatible with adjacent land uses and zoning;
5. The zoning change is not in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

Additionally, when the property was rezoned to Conditional RT in 2014, it was after much hard work by neighboring property owners and the current applicant Jerry Kessel. Attached to this email you will find the signed agreement and recommendation to the city commission in Oct 2014 between the current owner, Jerry Kessel (first signature), and the neighbors to zone it to its current RT status. The attached agreement and subsequent decision by the city commission gave all of us in the area the confidence we needed to continue to grow, invest, and develop this great neighborhood. The attempt now by the property owner to go back on the attached agreement with neighbors and the city is incredibly disheartening, as the neighboring properties would suffer greatly if a restaurant/bar was allowed to be built on that property.

Please note, we are not trying to interfere with the development of the land under the current Conditional RT provisions. The light office/commercial options are much more appropriate for the neighborhood without the hindrance of late night traffic, noise, lighting, and waste/cooking odors.

Lastly, please know that the reason you did not have opposition last night (24th) was due to the 350' notification boundary being too limited and even those inside the boundary that I have spoken with did not receive/or misplaced the letter. We are very thankful the commission will be taking up the topic at the March 24th meeting, as you will most certainly have a room full of opposing impacted property owners.

If you have any questions about the current application's impacts on our neighborhood or the previous zoning agreement, please do not hesitate to contact me.

Thank you,
Justin J. Kringstad

We, the undersigned neighbors of Lot 2, Block 3, of KMK Estates and the undersigned owner of Lot 2, Block 3, KMK Estates agree that the Bismarck City Commission should approve the following zoning change for the Lot 2, Block 3, KMK Estates:

West 250': R10

East 260': Conditional RT – Maximum of two stories, and no apartment buildings.

Dated: Oct 27, 2014

PRINTED NAME	SIGNATURE	ADDRESS
Jeromy & Gina A. Kessy	<i>[Signature]</i>	200 Arabian Ave
Justin J. Kingsstad	<i>[Signature]</i>	3718 Horizon Pl.
BRUCE THOMPSON	<i>[Signature]</i>	3737 HORIZON PL.
Dana Outcrop	<i>[Signature]</i>	3801 Horizon Pl.
Brock Outcrop	<i>[Signature]</i>	3801 Horizon Pl.
Jason J. Helm	<i>[Signature]</i>	3810 Horizon Pl.
Amanda Helm	<i>[Signature]</i>	3810 Horizon Pl.
Wayne Helm	<i>[Signature]</i>	3758 Horizon Pl.
Sandra Helm	<i>[Signature]</i>	3758 Horizon Pl.
Nicole Brunelle	<i>[Signature]</i>	280 Arabian Ave
Adam L. Nystrom	<i>[Signature]</i>	280 Arabian Ave
James Demke	<i>[Signature]</i>	321 Arabian
Joleen Schulte	<i>[Signature]</i>	3741 High Meadows Circle
Cordel Backman	<i>[Signature]</i>	512 Arabian Ave
ARTHUR M. BAKKE	<i>[Signature]</i>	411 ARABIAN PLACE BIS
Bob LEBKE	<i>[Signature]</i>	419 ARABIAN PL BIS.
Lina Bakke	<i>[Signature]</i>	411 Arabian Place Bis

[illegible]

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: ZONING MEETING
Date: Wednesday, March 10, 2021 9:16:51 AM

From: Sherie Loeb-Cantlon < >
Sent: Wednesday, March 10, 2021 7:22 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZONING MEETING

External Email - Use caution clicking links or opening attachments
I am writing in regards to the proposed change to.

- Request of Jerry Kessel for approval of a zoning change from the Conditional RT-Residential zoning district to the Conditional CA-Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The property is located in northwest Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE/Ash Coulee Drive.

Why was this never brought to the attention of the home owners around that area? Larger areas of the neighborhood were contacted when they asked that plot to go from single family to multiple family and small commercial.

This proposed change will cause undue excessive traffic on both Arabian and the road to the North of the plot which doesn't even have sidewalks, and North Washington St. The traffic is already congested during main traffic times in the morning and afternoon. Adding additional turning traffic for a large business at that area would negatively effect all motorist that use the road in that area.

I am AGAINST this change in zoning and feel that this change was trying to be passed without input from the homeowners of the area. I was luckily informed by a homeowner who was in the 300 foot notification area.

If there are additional information you need from me to assist with getting this request to change denied please contact me. My telephone listed below is the best way.

Sherie Loeb-Cantlon

409 High Meadows Pl

Bismarck, ND 58503

[Sent from Yahoo Mail on Android](#)

Date: 3/11/2021

RE: Changing zoning between Buckskin and Arabian

To whom it may concern:

I am opposed to changing the zoning on the property between Buckskin and Arabian for the following reasons.

1. The city planning and zoning department recommended not changing this zoning.
2. It will create a hazard on an already extremely busy street. Trying to turn left will create a safety hazard.
3. The city treats a zone change like going thru a McDonalds. They can change their minds at any time. People who bought property and have investments in their property knowing that this zoning would be residential and then subsequently having it changed is not fair to that property owner.
4. This would be spot zoning. Comparing it to 2 churches in the area is someone (our Mayor) who is doing everything he can to push his agenda.

I am opposed to this zoning change. Maybe the city needs to figure out how they are going to move all this traffic north and south when they have limited north south roads. Poor Planning!

Concerned citizen.

Bruce & Carol Thompson
3737 Horizon Place
Bismarck, ND 58504

March 15, 2021

Mr. Mike Schwartz, Chairman
City of Bismarck Planning & Zoning
Box 221 N 5th Street
Bismarck, ND 58501

RE: TRAKiT Project ID: ZC2020-12
Jerry Kessel & Cody Stern Zoning Change KMK Estates
Bismarck, ND

Dear Mr. Schwartz:

We received a letter dated February 12, 2021 requesting a zoning change to the East 250 feet of Lot 2, Block 3, KMK Estates. We are opposed to the change in zoning and respectfully request that the zoning change be denied. We provide the following for your consideration.

- This is a residential neighborhood. Commercial use on this site may negatively impact noise levels in the neighborhood. Potentially in the evenings when families are home together.
- There are commercially zoned areas located to the north at 43rd Avenue and south at Century Avenue. A restaurant would fit with these commercially zoned areas better than the proposed residentially zoned area.
- Restaurants will increase the traffic flows in the residential neighborhood. We have concerns with traffic leaving the restaurant, particularly traveling west on Arabian Avenue.

We respectfully request that you deny the zoning change. Your positive consideration is appreciated. Thank you.

Sincerely,



Bruce Thompson

From: [Planning - General Mailbox](#)
To: [Ben Ehreth](#); [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Concerns about a proposed plan to rezone land on N Washington Ave
Date: Thursday, March 18, 2021 9:37:28 AM

From: Kristi Whitman <>
Sent: Thursday, March 18, 2021 9:17 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>; Kim Lee <klee@bismarcknd.gov>
Subject: Concerns about a proposed plan to rezone land on N Washington Ave

External Email - Use caution clicking links or opening attachments

Dear Bismarck City Planners,

I am writing to share my concerns about a proposed plan to rezone an area of land on N Washington Ave, between Buckskin and Arabian Avenues. I've been made aware of discussions to rezone this land, with proposed plans of building a bar grill restaurant in the space.

This is concerning for several reasons.

I feel the biggest issue with this plan is the close proximity to a childhood care center, which is located across the street. Many cities recognize the very real threat of drunk drivers and therefore have strict ordinances related to liquor sale or liquor establishments being built in close proximity to daycares, schools, or playgrounds. It would be a mistake to allow construction of a drinking establishment this close to a child care center. Washington is already a high-trafficked, busy road, which only exacerbates the risk.

The proposed land is located in an area that is largely and primarily residential, with several nearby churches. From a business standpoint, the decision to build a bar grill in this space is perplexing. The failure rate of restaurants in the United States is greater than 60% in the first year, with poor location cited as one of the most common reasons for failure. There are plenty of other areas in the Bismarck metro that would be far more suitable (and safe) for a bar grill establishment, and the business owner would be more likely to succeed.

The other concern is related to the fairness of rezoning this land in the way proposed. I am aware that others who own land on or near Washington Ave (including the adjacent lot to the one in question) were denied the same rezoning request in recent years. If the city approves this request, after denying the others, it will show unfairness and bias.

Thank you for reviewing my concerns, and I hope you will take these points into consideration. My family lives in the neighborhood, and are strongly opposed to this plan.

Sincerely,
K. Whitman

Dear Sirs,

MAR 19 2021

I am looking at 55+ housing or buckskin loop, have concerns, it is a quiet, conservative senior country living.

All of the neighbors were told they will never be commercial property.

Also great concern of The huge traffic flow on Washington,

Thank-You
Kathy Saneibel

MAR 19 2021

Planning & Zoning Committee

In reference, to the rezoning of the corner of N. Washington St. & Arabian, I write this letter.

I have spoken with about five KMK residents, on Buckskin & Arabian. They do not ^{want} the re-zoning of Arabian/Wash.

To my right, the owner of 200 Arabian, Gary Plante passed away. Behind me, the neighbors did not want apartments, because of possible criminal offenders.

Behind me, my neighbors are mad, because I sold my property (125 Buckskin) and now is going to have offices. I never wanted to ever sell this land, but

in the past few years, I have
paid close to \$80,000 in property
to special assessments. We are
retired & could not afford anymore.
My neighbor to the left, is
mad also, because he has
more taxes, because of my sale.
He & I think few other
homeowners still have hard to
sell. They feel commercial
buildings will cost them sales.
Hope this helps, to understand
the community. It is a quiet
community with many widows,
seniors, and retired people.

Thank you
H.D.-g

Reasons why no one objected
to zoning change to CA
Zoning categories don't know
computer technology & Zoom.
Poor internet connection to work
Pandemic - COVID rules

Were informed city staff
voted to deny zoning
change.

People of KMK, annexation
agreement (2002) were told
there would never be
commercial property off N.
Washington St.

Budstein Ave. Specials
can not afford anymore
special assessments.

Scott & Kathy Allen

Louise Heupel Estate

Had to sell, couldn't
afford \$185,000 in special
assessments. Sold family
home, moved to Utah.

Specials Buckhorn Ave

125	126,966	
207	51,359	
301 -	185,535	
300	94,816	
250	93,527	
200	185,535	
425	62,197	Colt

Senior Living Community

Edgewood Vista

Huntington 35+
2 developments

Emergency Route - N Washington

Ambulances & Police
daily.

Sess,

MAR 18 2021

Nobody came to the rezoning meeting about N. Washington St and Arabian drive. People were told the staff were going to deny this change. The community agreed, we seniors do not want commercial properties. We were told it would not happen. We brought our homes as a quiet, senior housing community. The city told the people we would not have commercial zoning in the area. Washington St. is too busy already.

R. J. L.

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Against proposed zoning change
Date: Monday, March 22, 2021 9:11:09 AM

Daniel Nairn
701-355-1854

From: Tonia Lill < >
Sent: Monday, March 22, 2021 8:13 AM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Against proposed zoning change

External Email - Use caution clicking links or opening attachments

Good morning,

We are unable to attend the city meeting on Wednesday night as our daughter plays volleyball for University of Mary and she has a game. We have signed the petition against the zoning change to the area of land on corner of Washington and Arabian but wanted to send you an email as well. We would not appreciate the noise/traffic that a bar/restaurant would bring to the neighborhood, especially due to the fact that the busier times would be from 7pm-1am. That would be very disruptive to the quiet neighborhood and the families that live in this area which is why we are very opposed to this zoning change.

Thank you.

Chad Lindeman and Tonia Lill-Lindeman

Sent from my T-Mobile 4G LTE Device
Get [Outlook for Android](#)

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Zoning response
Date: Wednesday, March 24, 2021 1:22:33 PM

Daniel Nairn
701-355-1854

From: Casey Anderson < >
Sent: Wednesday, March 24, 2021 12:40 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Zoning response

External Email - Use caution clicking links or opening attachments

My name is Casey Anderson
I live at 3738 Horizon Pl

Regarding the proposal to put a restaurant in the vacant lot on the corner of Arabian and Washington I would like to express that I am opposed

Respectfully
Casey D. Anderson

Get [Outlook for iOS](#)

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Arabian Ave zoning
Date: Wednesday, March 24, 2021 2:23:10 PM

-----Original Message-----

From: Judy Maslowski <>
Sent: Wednesday, March 24, 2021 1:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Arabian Ave zoning

External Email - Use caution clicking links or opening attachments

Hello; I am writing in regard to the proposed restaurant and bar on the corner of Arabian Avenue and North Washington. I am a Realtor with Bianco Realty.

I currently have the home at 200 Arabian Ave. listed and we have a buyer who just put in an offer a week ago— the purchase price of the home is almost \$700,000. The buyer was made aware that the lot to the east is zoned commercial, but, at the time that the property was purchased by Gary Plante in 2018 and the existing home on the property was renovated, The owner of the property, Gary Plante, now deceased, was told that most likely an office or bank would be going on that property.

With the amount of traffic that a bar and grill would bring, as a realtor, I strongly oppose that option. It would devalue the property surrounding that area. I previously had a home down the street at 520 Arabian Avenue, so as a prior resident of that neighborhood, I would have been very unhappy to have a bar and grill down the street! I know that the buyer and his realtor are also in opposition to a bar and grill. Please do not allow such a busy business to be allowed. Thank you for your consideration. Judy

Judy Maslowski
Realtor

Bianco Realty Inc
601 E Bismarck Expressway

Sent from my iPhone

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Concern with Possible New Zoning
Date: Wednesday, March 24, 2021 2:56:10 PM

Daniel Nairn
701-355-1854

From: Dana Oukrop < >
Sent: Wednesday, March 24, 2021 2:56 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Concern with Possible New Zoning

External Email - Use caution clicking links or opening attachments

To whom it may concern,

My address is 3801 Horizon Place. My backyard faces east. I have 3 High School age daughters that also live with us. Feeling safe and protected is a big deal!!

I think changing the zoning ordinance would hurt our community. We are a residential area. We excepted the zoning for Light commercial. But going forward with the new plan would not be a good idea.

Now we would be thinking parking lot, restaurant, bar, and hurt our safe feeling we have at our home. So please, we do not want the change in zoning. Please consider our plea. I planned on being at the meeting, but something came up and I was not able to attend.

Thanks,

Dana Oukrop

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Zoning change at Washington and Arabian
Date: Wednesday, March 24, 2021 8:45:42 AM

Daniel Nairn
701-355-1854

From: Michael J. Kordonowy < >
Sent: Tuesday, March 23, 2021 4:12 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Zoning change at Washington and Arabian

External Email - Use caution clicking links or opening attachments

Daniel..we want to express our objection to the proposed change of zoning at the corner of Washington and Arabian. Before purchasing our new home on Buckskin Loop we asked about the vacant properties and were told that they were zoned residential. We were not happy when we saw the change on the corner of Buckskin and Washington to commercial and in retrospect wish we had voiced our objection to that! Why allow commercial in a residential area?

Seems like it could have been kept in the 43rd Ave. area. We think our city planning commission let our neighborhood down. It almost seems like this was slipped in when people had other issues like dealing with the corona virus and / or were snowbirds and were gone. Now they want to slip in a restaurant which will most likely be operating 7 days of the week bringing in more traffic trying to get on and off Washington and extra noise from deliveries and service vehicles not to even mention the lighting 24/7 for the parking lot! We hope the planning commission will do the right thing for the neighborhood and deny this request for a restaurant! Michael @ Catherine Kordonowy

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Ben Ehreth](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Rezoning from Residential to Commercial in existing Residential neighborhood.
Date: Wednesday, March 24, 2021 12:48:32 PM

From: Bob <>
Sent: Wednesday, March 24, 2021 12:30 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning from Residential to Commercial in existing Residential neighborhood.

External Email - Use caution clicking links or opening attachments

March 24, 2021

Mike Schwartz, Chairman, and
Planning Board Members
221 N. 5th St.
Bismarck, ND 58506

RE: Request for Opposition to Zoning Change Request for Arabian Ave. and Washington St.

Dear Chairman and Board Members,

We are writing to express our strong opposition to rezoning the parcel from Residential to Commercial, located at the Northwest quadrant of Arabian Ave. and Washington St. N.. While the local community may be unable to prevent development, that in itself will be detrimental to the area, nearly all residents in the neighborhoods are completely opposed to the addition of Commercial re-zoning that will cause traffic and safety problems. The city would probably need additional Traffic Signals installed at this location to handle the already traffic stressed Washington St. and the intersection of Calgary Ave., just to the South.

We own the home directly behind the Early Childhood Learning Center where we have lived for 36 years. This parcel

is also within 1000 feet of a school which may also present problems if a Bar and Grill Saloon will occupy it, with alcohol and possible marijuana use, now that marijuana laws have changed.

We urge you to disapprove the proposed rezoning. From recent meetings and discussions with our neighbors, We know our opinions are shared by many who have not managed to attend meetings or write letters and emails.

Thank you for your continued service and support of our communities.

Best regards,

Robert and Mavis Fried
3756 Renee Dr
Bismarck, ND

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Old 10 Support
Date: Monday, March 22, 2021 3:54:31 PM

Daniel Nairn
701-355-1854

From: Aasta Eggert < >
Sent: Monday, March 22, 2021 3:09 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Cc:
Subject: Old 10 Support

External Email - Use caution clicking links or opening attachments

Good afternoon Daniel,

I'm writing to you today to let you know that Old 10 has my full support in their expansion into Bismarck. I have been told that there have been letters of concern and negativity being brought forward on this subject matter. I work for a local Economic Development Corporation here in town and northwest Bismarck is growing at an amazingly fast rate! This area of the city is booming and will only continue to grow. Hawktree, Promontory Point, St. Mary's High School, Area 51, local businesses and all of the BPS Schools are in a area with no local restaurants near them. With all of that expansion and growing and there is a clear need for a sit down, family friendly restaurant. As a community and as a city we need to come together to support our local restaurant's and encourage them to grow into places where they see a need. As a resident of northwest Bismarck, I look forward to the day where my family and I can walk to a restaurant, sit down together, and enjoy a meal. I encourage you to please take a look at the growth of our city and realize that with growing homes, businesses and families, should come change. Old 10's expansion into northwest Bismarck will bring jobs into our community, a gathering place for family and friends and will bring new revenue into our city. I am proud to attach my name to this letter of support and encourage you to please think about the tremendous economic growth and the positive local impact this decision will make on our community.

If you have any questions or if you need further support, please don't hesitate to contact me at
, or my husband Quinn at .

Thank you,

Aasta & Quinn Eggert

From: [Daniel Nairn](#)
To: [Hilary Balzum](#)
Subject: FW: Restaurant North Washington
Date: Monday, March 22, 2021 3:54:43 PM

Daniel Nairn
701-355-1854

-----Original Message-----

From: Andrena Olson < >
Sent: Monday, March 22, 2021 2:05 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Restaurant North Washington

External Email - Use caution clicking links or opening attachments

Hi Daniel!

My name is Andrena Weeks. My husband and I live at 225 W Brandon Dr Bismarck. We have heard there was a possibility of Old 10 Bar and Grill adding another location to the Mandan/Bismarck area, specifically in our neighborhood. We couldn't be more excited to have them in north Bismarck, so close to home! It would be a great addition to our neighborhood.

We have eaten at their Mandan location and have had nothing but the best experience! The owners and their staff are great people, wanting to bring good food and fun Bismarck!

Thanks,
Andrena Weeks

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres
Date: Wednesday, March 24, 2021 12:53:28 PM

From: Doug Hay <>
Sent: Tuesday, March 23, 2021 4:53 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres

External Email - Use caution clicking links or opening attachments

Doug Hay
842 Mayflower Dr
Bismarck ND 58504

March 23, 2021

Bismarck Planning & Zoning Commission

I live adjacent to Bradley King's property that he has requested the minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres.

The Burleigh County Parcel Viewer and the Real Estate listing both reference the lot as 3.14 acres.

I am writing in opposition to the subdivision for the following reasons:

- The neighboring lots to the east and west are 6.34 and 12.56 acres, respectively, with a 34.68-acre lot one more to the west. The current 3.14-acre lot is already small by comparison and dividing it into 1.5 and 1.64 acre lots would dramatically change the open country rural setting, significantly reduce the site's open green space, and endanger the diverse wildlife habitat.
- The close proximity of a home on the south lot to the existing condominium owners would indicate the need for a treed landscape buffer along the property's southern edge.
- Approximately seventy Colorado Blue Spruce trees, many fourteen feet tall, exist in the driveways' planned access easement on the property's west side. It would be a tragedy to lose these mature trees. If the trees are removed, a stipulation should require Bradley King or the new owner to replant the existing trees or replace them with an equal number of similar-aged Colorado Blue Spruce trees along the south side of the property creating a landscape buffer for the current condominium owners to the south.

- The lot has been for sale for an extended period. The inability to sell the lot in a robust local real estate market would indicate the current \$219,900 asking price is too high, and comparables average less than \$100,000 for the same acreage. Dividing the property into two lots appears to be simple exploitation. This is further bolstered by the real estate ad description, *"If you are looking for land with the possibility of subdividing the land and developing..."*.

I request that the Bismarck Planning & Zoning Commission deny a subdivision request and let the real estate market determine the sellable value of the single 3.14-acre property as it exists today. If the subdivision final plat is approved, I request that a treed landscape buffer of mature trees be provided along the entirety of the property's southern edge.

Regards,
Doug Hay