

BISMARCK PLANNING & ZONING COMMISSION MEETING MINUTES

June 23, 2021

The Bismarck Planning & Zoning Commission met on June 23, 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, Cole Johnson, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schwartz, Trent Wangen and Paul Zent.

Commissioners Brian Bitner and Wendy Van Duyne 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, and Daniel Nairn – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the May 26, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the May 26, 2021 meeting, as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

CONSIDERATION

2. POTTER POINTE ADDITION (RECONSIDERATION) – ZONING CHANGE

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve consent agenda item 2, 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, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION MEMORY THIRD ADDITION

Chair Schwartz called for final consideration of the annexation of Memory Third Addition. The property is located in north Bismarck, along the east side of US Highway 83 / State Street and the south side of Brookside Lane (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites).

Mr. Hutchings 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. Hutchings said, based on these findings, staff recommends approval of the annexation of Memory Third Addition (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites) and all of the right-of-way for Brookside Place.

Commissioner Levchak asked if there would be an assessment for Brookside Lane and if there might be annexation to include the lots to the east as well.

Commissioner Schell said if or when those lots are annexed and depending on the policy at the time they would be required to pay the same as the other properties in the continuous district.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Memory Third Addition (currently known as Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites) and all of the right-of-way for Brookside Place. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION PARTS OF SILVER RANCH FIRST ADDITION AND SILVER RANCH FIRST ADDITION FIRST REPLAT

Chair Schwartz called for final consideration of the annexation of parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat. The property is located in northeast Bismarck, south of 43rd Avenue NE and east of Silver Boulevard.

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 Silver Ranch First Addition and Silver Ranch First Addition First Replat, more specifically described as Lots 2-4, Block 4; Lots 4-8, Block 5 and all adjoining rights-of-way, Silver Ranch First Addition First Replat; and Lots 15-21, Block 2; Lots 1 and 8-12, Block 8; Lots 5-12 and 15-22, Block 9; and Lots 5-12, Block 10 and all adjoining rights-of-way, Silver Ranch First Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat, more specifically described as Lots 2-4, Block 4; Lots 4-8, Block 5 and all adjoining rights-of-way, Silver Ranch First Addition First Replat; and Lots 15-21, Block 2; Lots 1 and 8-12, Block 8; Lots 5-12 and 15-22, Block 9; and Lots 5-12, Block 10 and all adjoining rights-of-way, Silver Ranch First Addition. Commissioner Johnson seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT BODEN ADDITION

Chair Schwartz called for the public hearing on the major subdivision final plat and the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential and Conditional RT – Residential zoning districts for Boden Addition. The proposed plat is 46 lots in 1 block on 18.4 acres and is located in north Bismarck, on the west side of North Washington Street and the south side of East Lasalle Drive.

Mr. Nairn gave an overview of the requests, including the following findings related to land use for the zoning change:

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 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 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 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.

Mr. Nairn then gave the findings related to land use for the major subdivision 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 preliminary plat is within an area already under agreement for a neighborhood park.
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.

Commissioner Johnson asked if there is a private drive ordinance that would define curb and gutter requirements.

Mr. Nairn said they are required to follow fire apparatus roadway standards which dictate width, but not necessarily curbs, gutters or lights, but the developer does plan on following some previously set standards for streetlighting.

Commissioner Bakken asked if this would be similar to the office buildings on Slate Drive and if so, what was the process like for that development. He also asked if there would be access points on Onyx Drive and if a signal has been considered to allow for student access and extra traffic.

Mr. Nairn said it would be similar to the Slate Drive development which is also zoned RT-Residential, but each of these offices would be standalone buildings. He said the School Safety Crossing study in 2017 made some recommendations for this location including things such as more sidewalks and crosswalks, but that timeframe is yet to be discussed.

Commissioner Martin said the ordinance says the minimum building size is 200 square feet and that seems very small and not harmonious with the surrounding area.

Mr. Nairn said that is a revision quirk in the text formatting and said it actually reads 1,200 square feet.

Commissioner Levchak said there is 46 lots proposed with 44 for office buildings and one residential lot and asked what the remaining one lot is intended to be used for.

Mr. Nairn said that would be Lot 45 and said it is intended for stormwater detention.

Commissioner Levchak asked if water and sewer would be private here. Mr. Nairn said that is correct.

Commissioner Levchak asked how that would be metered. Commissioner Schell answered that there would be a private utility agreement recorded against the property so the roles of all parties are known. He said it is anticipated the water main would be owned by the association and each lot would have a private line.

Commissioner Levchak said he is concerned about kids cutting through the area without sidewalks and they would have to walk in the street, especially during the winter.

Mr. Nairn said there is not an obvious route to the school through the site and there would be more sidewalk connectivity as development proceeds in this area.

Chair Schwartz opened the public hearing.

Cam Knutson, Boulder Ridge Development, said they have been preparing this project for about a year and previous projects of theirs include Elk Ridge, Hawktree and Whispering Bay. He said they worked with Bismarck Public Schools to secure the new school site in Elk Ridge and now are working on this infill project. He said it is a large site but the time is right with there being a variety of options suitable for this location including apartments, twinhomes, retail, commercial, assisted living, storage units, food and coffee services or a gas station. He said the site could fit 98 single-sided twinhomes, but there is a lot of small businesses that want ownership and investment in their space so he chose to develop offices instead. The buildings would be around 1,200 square feet, smaller than most single-family homes, and they did take the surrounding neighborhood into consideration. He added that Oak Ridge in West Fargo is a similar arrangement, but this would not be as dense or eclectic in nature. He said it would include a narrow street which helps reduce traffic speed. He said the Rocking Horse Farm is another high demand and successful similarly designed development they researched. Mr. Knutson closed by explaining the density would be about 7.2 square feet of land for each square foot of building and values of similar developments have increased vastly lately. He then explained some of the proposed restrictive covenants and design standards and with-it only being business office uses they expect it to be a fairly quiet area after 5PM and on the weekends. Mr. Knutson showed other examples of office buildings near residential areas in Bismarck and stated that residential property values were not adversely affected by the offices. Mr. Knutson said they have met with a few adjacent property owners and would like to get more neighborhood input and revise their plans in order to move through the rest of the approval process.

Commissioner Laning asked if each unit would have off-street parking. Mr. Knutson said each lot would have their own parking.

Commissioner Levchak asked if any of this area could include single-family homes. Mr. Knutson said that could be an option, but the proximity to North Washington Street and low-lying land somewhat complicates that and would likely not allow that to work successfully.

Commissioner Levchak asked if they would retain ownership or have an office owner's association in the development. Mr. Knutson said they would be involved in the development process with direct oversight and the covenants would be enforced through a design review process. He said he does not intend to retain any offices as rentals.

Commissioner Levchak asked if an individual would be allowed to purchase multiple lots and then rent the space out on their own as an investment. Mr. Knutson said they have not considered that possibility, but that option would likely not be very appealing as the design is geared towards small business owners.

Commissioner Bakken said this would likely not serve heavy traffic uses. Mr. Knutson said that is correct and that developing high traffic uses on this site does not interest him.

Commissioner Johnson asked for more information on the possibility of sidewalks and safety. Mr. Knutson said there would be sidewalks around the perimeter of the site and an elementary school crossing. He said there is presently a crossing guard there and he does not see any issues with this being a shortcut through presently.

Commissioner Levchak asked if the LaSalle Drive access points meet all of the emergency access requirements. Mr. Knutson said it was decided it would be better to have access on LaSalle Drive rather than on North Washington instead of putting another street back into the development. He said they did discuss the roadway network and access with staff.

Commissioner Schell asked if the sign and landscape easement plans could be explained further.

Mr. Knutson said the signs within these easements would be small scale and are to be designed yet but would be similar to the other sites.

Jamie Wagendorf, 534 East LaSalle Drive, said he lives two blocks east of Liberty Elementary and his concern is safety. He asked why this development needs to be in this location and suggested there is multiple other sites nearby that are open for development. He said the nearby residents already have the stormwater ditch paid for and asked what would happen to that and if traffic and business feasibility studies have been conducted.

Mr. Ehreth said business feasibility studies are not typical development requirements.

Mr. Wagendorf said 46 businesses is concerning, especially on LaSalle Drive and North Washington Street. He said that is a major connection and adding two access points on the south side will only make it busier. He then asked who is paying for these improvements and how to increase safety for the elementary kids while doing it. He then asked what will happen to their property taxes and assessments because of this and he suggests an alternate entry point for the school further north so they can avoid LaSalle Drive.

Lyle Halverson, 4912 Granite Drive, said this development would be directly behind his house and the proposed vegetative buffer will take years to mature. He said Slate Drive has three offices out of sight and this area was zoned P-Public when he bought his home, and had he known it would change to this he would not have bought it. He said approving this request would be outrageous and he is concerned about the impact on property values. He added that this is a different type of proposal because Boulder Ridge is not a new development and asked that it please be denied. *(Secretary's Note: The western portion of this property has been zoned R5 – Residential since it was platted in 2012 and the eastern portion is unplatted and still zoned A – Agricultural.)*

Jon Breitbach, 305 East LaSalle Drive, said Lots 33-34 would share a lot line with his and he was excited to live close to an elementary school and liked the neighborhood. He said this proposal threatens that and asked that it please be denied.

Dan Wrolstad, 5024 Boulder Ridge Road, said he did his research when buying his home and with the R5-Residential zoning he decided to build where he did. He said that came with certain expectations and asked that this request please be voted against.

Dawn Ulmer, 4906 Boulder Ridge Road, said there are more homes developed here than what the map showed and there is a lot of children who walk through the area and play. She said it is a beautiful place and they were told it would stay a green and residential area. She added that they invested in their properties based on trust and new development is ok but not between homes and an elementary school. She asked if the pond is for water retention and said the City should protect their zoning rights and it should stay zoned R5-Residential. She said RT-Residential would allow more units and asked what would happen if the zoning

changes and the development does not happen; what then could be developed? She said they need to think some more and people have moved here to retire and they have not complained in the past but this is serious. She said it is a good concept, but this is not going to improve the area and it would be better to get an environmental grant and make the area a park in order to preserve it and protect it. She said they cannot just change things on people, especially when they were promised it would not change.

Cal Collins, 4700 Granite Drive, said he agrees with all of the points made especially that of safety issues. He said there are a lot of kids in the area and this would add traffic at peak times, especially with there being talk of a potential daycare here. He said he was the transportation director for Bismarck Public Schools for 15 years and he knows the issues. He said to please consider denying this request and putting it somewhere away from an elementary school.

Mr. Knutson said he was asked to consider other uses on the east side of the property and he understands the concerns expressed. He said this trend is truly good and he knows a compromise can be found. He added that the safety concerns have been noted and that is always a concern of theirs as well. He said he would like to work further with the adjacent homeowners and scale back on the east side and find a development design that they all can mostly agree on.

Jason Petryszyn, Swenson, Hagen & Co., said Boulder Ridge First Addition was done in 2003 and they have worked through multiple master plans and as needs changed and the elementary school was needed, they had to change some plans as well. He said they take ownership in the reality that development concepts have changed and have put a lot of time and energy into the what-if questions and do take pride in their efforts. He said there are multiple uses prohibited by the proposed ordinance and regardless of what is developed there would need to be some type of detention pond on site. He added that they are trying to not promote walking shortcuts and drain ways can help with that. He then said they are trying to limit the concerns stated including impervious surfaces and this would be at an overall lesser density, but if done sensitively and mindfully it can be a tasteful product.

Justin Hughes, 4814 Pumice Loop, Boulder Ridge HOA President, said he submitted his comments in writing and said he is strenuously opposed to the requests on behalf of many others in the area. He said when they discussed square footage they talked about value and concerns and the need to distinguish a number of other properties with increased property values, but they need to think about the evidence and the more apt comparison would be properties adjacent or not adjacent to a commercial area. He said these people made educated investments.

Mr. Wagendorf said he would rather have cows in that space like what used to be behind Horizon Heights.

Ms. Ulmer said she is also concerned about the construction work that will take place for several months.

Roger Harris, 527 East LaSalle Drive, said he has lived here since only 2019 but he has invested time and money here and it is not a business area. He said Fargo does not interest him and he wants his daughter to grow up in a neighborhood, not a business district and to please consider not approving these requests.

Dave Roose, 4912 Granite Drive, said he agrees with all of the comments provided and said the proposal is very up-and-coming, but it should be in a new, not an existing, housing development. He said he does not want to have to see watershed or environmental berms or backs of buildings and parking lot lights from his house.

JoAnn Monson, 4912 Boulder Ridge Road, said she has lived here for 14 years and has learned a lot from buying a home. She said there have been drainage issues in this area and she does not need a pond by her home. She said if it becomes bad enough then her property will end up being the one to catch all of it and smarter minds need to be involved with this decision. She said there is a lot of square footage involved with nothing to protect her from that stormwater runoff.

Additional written comments in opposition of the requests are attached as Exhibits A-V.

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

Commissioner Schell asked exactly what the allowable uses would be within the requested conditional RT zoning. Mr. Nairn said RT would allow offices and multi-family, but there would be restrictions in this ordinance that would restrict to only offices of business and medical uses and no commercial uses, with the exception of light retail and if a child care was to be developed it would require a special use permit.

Commissioner Bakken asked what the future holds for the access plans and roadways in the area.

Commissioner Schell said the School Safety Crossing study from 2017 made recommendations based on travel patterns and crossing needs. He said he anticipates more sidewalk connectivity as development continues and travel patterns could change with that. He said they monitor those patterns with Bismarck Public Schools to help resolve any issues that arise.

MOTION: Commissioner Bakken made a motion to continue the requests for a zoning change from the A – Agricultural and R5 – Residential zoning districts to the Conditional RT – Residential and R5 – Residential zoning districts and the final plat for Boden Addition, to the August meeting of the Planning and Zoning Commission to allow time for the applicant to work with nearby property owners and potentially modify the development plan. Commissioner Martin seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

Mr. Nairn said staff would be re-notifying the adjacent property owners of the requests again prior to the continued public hearing.

**PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING)
LOT 12, BLOCK 5, COPPER RIDGE SUBDIVISION (6309 COPPER RIDGE LANE)**

Chair Schwartz called for the public hearing on a special use permit to increase the area of accessory buildings to 2,792 square feet on Lot 12, Block 5, Copper Ridge Subdivision. The property is located southeast of Bismarck, south of 62nd Avenue SE in the northeast

quadrant of the intersection of Copper Ridge Lane and Kayley Drive (6309 Copper Ridge Lane).

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 Apple Creek Township Board of Supervisors has verbally recommended approval of the proposed special use.
4. 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.
5. Adequate public facilities and services are in place or would be provided at the time of development.
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
7. 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.
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. 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 area of accessory buildings to 2,792 square feet on Lot 12, Block 5, Copper Ridge Subdivision.

Commissioner Schell asked if the new building would be connected off of the existing driveway. Mr. Hutchings said that is correct.

Chair Schwartz opened the public hearing.

Mr. Mewes said his only concern with having to request the special use permit is that his lot is exactly 65,000 square feet and the ordinance for a larger building in the RR-Residential zoning district says the property needs to be more than 65,000 square feet so he wants to make sure he can have 3,200 square feet of accessory buildings.

Mr. Hutchings replied that with 65,000 square feet he would be able to go up to 3,200 square feet. There is a typographical error in the ordinance, but it has been interpreted to allow up to 3,200 square feet on a lot 65,000 square feet or greater.

Mr. Mewes said he just wants to make sure he does not have to remove the other accessory building he already has. Mr. Hutchings clarified and said they would treat this as a property that would allow up to 3,200 square feet and Mr. Mewes would not have to remove his existing structure.

Commissioner Schell said the staff report does define that exception correctly.

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 special use permit to increase the area of accessory buildings to 2,792 square feet on Lot 12, Block 5, Copper Ridge Subdivision. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARE FACILITY)
EAST 180 FEET OF LOT 1, LESS THE NORTH 44 FEET, AND THE EAST 180 FEET OF
LOTS 2-4, BLOCK 2, AIRPORT ROAD ADDITION (910 SOUTH 18TH STREET)**

Chair Schwartz called for the public hearing on a special use permit to allow a child care center on the East 180 feet of Lot 1, less the North 44 feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition. The property is located in southeast Bismarck, north of East Bismarck Expressway and west of Airport Road on the west side of South 18th Street (910 South 18th Street).

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 a child care center on the East 180 feet of Lot 1, less the North 44 feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition, with the following conditions:

1. Modifications to the building are made to comply with fire code and building code requirements prior to occupation.
2. Required landscaping is installed prior to occupation.
3. A sidewalk connection to the south linking the parcel to the existing sidewalk on Bismarck Expressway is installed.

Commissioner Laning asked if there would be landscaping on the south end of the property as well. Mr. Nairn said it would be perimeter parking lot landscaping so not as wide, but it would include the south and east sides. He said they would have to avoid the 25-foot site triangle at the corner of the property however.

Commissioner Schell asked who would be responsible for maintaining that landscaping. Mr. Nairn said the applicant is in the process of purchasing the property and it would be the responsibility of the owner to maintain.

Commissioner Bakken asked what the elevation is like on the back side of the property. Mr. Nairn said there is not a significant grade change and said there is a greater grade on the south side of 17th Street, but there is not a concern about the grade difference on this site.

Chair Schwartz opened the public hearing.

Written comments are attached as Exhibit W.

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 special use permit to allow a child care center on the East 180 feet of Lot 1, less the North 44 feet, and the East 180 feet of Lots 2-4, Block 2, Airport Road Addition, with the following conditions: 1. Modifications to the building are made to comply with fire code and building code requirements prior to occupation; 2. Required landscaping is installed prior to occupation; 3. A sidewalk connection to the south linking the parcel to the existing sidewalk on Bismarck Expressway is installed. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT
ACCESSORY STRUCTURES LOCATED IN THE SPECIAL FLOOD HAZARD AREA
(SFHA)**

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to accessory structures located in the special flood hazard area (SFHA).

Mr. Blaskowski gave an overview of the amendment, stating that the City Commission, at their meeting on December 8th of last year, directed staff to review and propose changes to ordinance requirements for accessory structures located within the SFHA. A stakeholder group comprised of industry professionals and staff was formed in January 2021. This group reviewed FEMA and State guidelines, and peer community requirements for accessory structures located within the SFHA. Proposed changes to the existing construction and elevation requirements outlined in the proposed zoning ordinance are a result of their review.

Mr. Blaskowski also thanked the stakeholder group as their insight and comments throughout the process have been greatly appreciated by staff.

Mr. Blaskowski 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. Blaskowski said based on these findings, staff recommends approval of the zoning ordinance text amendment of Section 14-04-19 of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Commissioner Schell asked for a general explanation of the floodplain district applicability as it relates to floodplain management.

Mr. Blaskowski said it is an overlay district to all other zoning districts and designates properties that are located in the SFHA, as adopted by FEMA's Flood Insurance Rate Map (FIRM).

Mr. Johnson asked if the FIRM is different from the Community Rating System (CRS). Mr. Blaskowski said they are different and explained that the CRS designation is awarded to communities that go above and beyond FEMA and State floodplain management practices. He also stated that the FIRM is the map that designates areas within a community that are located within the SFHA.

Commissioner Schell asked if these text amendments are in coordination with the State and FEMA. Mr. Blaskowski said any zoning ordinance text amendment related to the FP-Floodplain district requires approval by the State Water Commission and FEMA and the changes have been reviewed and approved by the State and FEMA, and the stakeholder group as well.

Commissioner Zent asked how many properties might benefit from this change. Mr. Blaskowski said for those building in the SFHA it quite a few that end up benefitting.

Chair Schwartz opened the public hearing.

Dennis Wetzel, 6111 Apple Creek Drive, said there was a lot of involvement in the proposed changes and asked if Burleigh County is planning on changing their ordinance as well since this will impact more residents in the ETA.

Mr. Ehreth said they did realize some inconsistencies as they were working on their changes and do intend to have long-term conversations with Burleigh County to better align the two zoning ordinances.

Mr. Wetzel said they have been restricted in the past and asked why 600 square foot buildings were decided on.

Mr. Ehreth said they did propose a larger square footage initially, but FEMA suggested the 600 square foot limit and would not consider anything larger.

Mr. Wetzel said the Fargo zoning ordinance does not define a limit and asked why this ordinance is more limited, although it will help with accessory buildings, it will still limit some property developments. He then asked the difference between engineered versus non-engineered structures and if wetproofing guidelines will be part of the permitting process. He said there was a lot of neighborhood interest in this item and feels it will help a lot and asked if notifications were sent to property owners of the change.

Mr. Ehreth said because a zoning ordinance text amendment could essentially impact the entire community these types of public hearings are only noticed in the paper.

Mr. Wetzel said he knows his neighbor, Mr. Skager, has a structure that is more than 600 square feet so this would not change his case as it relates to an appeal he has requested for a denied variance since his building is already constructed.

Mr. Ehreth said that is correct and added the City Commission would have the final decision on that appeal.

Mr. Blaskowski explained that engineered versus non-engineered openings are determined by the National Flood Insurance Program (NFIP), such as net openings and lift openings with a flood event and damage prevention options with smaller structures.

Mr. Schell asked if this would potentially increase their CRS rating.

Mr. Blaskowski said it would not, but would not hurt it either.

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 ordinance text amendment of Section 14-04-19 of the City Code of Ordinances) relating to the accessory structures located in the special flood hazard area (SFHA). Commissioner Zent seconded the motion and the motion was unanimously

approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

Commissioner Bakken said he would like to thank that stakeholders' group, especially Mr. Blaskowski and Ms. Wollmuth, for their diligent work to make this process easier for some residents wanting to expand the development of their properties.

OTHER BUSINESS

TOGETHER 2045 UPDATE

Mr. Nairn said the Together 2045 Advisory Committee and Technical Committee have been meeting and working through various needs and concepts for the comprehensive plan. He said the website for information is bismarcknd.gov/together2045. He added that survey cards went out, of which 238 responded to date, and the first public meetings on the plan are scheduled for September.

Commissioner Schell asked what the format and location of the public meetings will be. Mr. Nairn said there will be one on the north side of town and one on the south side of town, possibly at public schools and everyone is free to follow their updates online as well.

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 7:52 p.m. to meet again on July 28, 2021.

Respectfully submitted,


Hilary Balzum
Recording Secretary


Mike Schwartz
Chair

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Public Comment for Biden Addition of Boulder Ridge Development
Date: Tuesday, June 15, 2021 10:43:55 AM

From: Gordon Lemmel < >
Sent: Monday, June 14, 2021 7:01 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Public Comment for Biden Addition of Boulder Ridge Development

CAUTION: *External Email - Use caution clicking links or opening attachments*****

To whom it may concern:

I have no substantial objection to the completion of this phase of development.

My two concerns are as such:

1) The developer provides no neighborhood-sized park space. A park should be within a 15 minute walk for any neighborhood (per NRPA recommended sizing guidelines and parks and recreation best practices). The closest green space to our neighborhood are Horizon and New Generation, and the area north of 43rd, between Washington and Hwy. 83 has no public parks. Lots 28, 29, 34, 35 and 36 would make a great location for such a neighborhood sized park.

2) The conditional RT zoning makes no sense, as the proposed plat drawing shows no location for "small scale offices." I support the idea of providing small offices and business along the Washington corridor, should they provide amenities or conveniences that makes the neighborhood more walkable.

Thank you for the opportunity to provide comment. I would be happy to discuss these further with you.

Sincerely,

Gordon Lemmel, ASLA, PLA
344 E LaSalle Dr, Bismarck, ND 58503
p.

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Community Development Department - Planning & Zoning Commission - Final Plat for Boden Addition
Date: Thursday, June 17, 2021 3:21:38 PM
Attachments: [Letter to Community Development Department - Bismarck Planning & Zoning Commission - In opposition to zoning of small scale offices.pdf](#)

From: Brandon Vaughan < >
Sent: Thursday, June 17, 2021 3:14 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Brandon Vaughan < >
Subject: Community Development Department - Planning & Zoning Commission - Final Plat for Boden Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Hello,

Attached is my signed letter in opposition to the zoning of the Boden Addition in Boulder Ridge to anything other than single family housing, for safety concerns because of the proximity to Liberty Elementary School.

Sincerely,

Brandon Vaughan

Brandon Vaughan
4913 Granite Dr.
Bismarck, ND 58503

June 17, 2021

Bismarck Planning & Zoning Commission
Community Development Department
PO Box 5503
Bismarck, North Dakota 58506-5503

To the Bismarck Planning & Zoning Commission:

I write this letter in opposition of the proposed zoning of small-scale offices for the proposed plat for Boden Addition by Ron and Ruth Knutson. This addition is directly across the street from my house and from Liberty Elementary School. This addition should be zoned for only Residential- single-family housing. In allowing small-scale offices zoning, a large influx of traffic would be brought down LaSalle at the same time an already large influx of traffic is going on with Liberty Elementary School being at the same corner of Washington and LaSalle. That corridor between Washington and Onyx is the only way to get in and out of the proposed development and is also the only way to get in and out of the school. The backup of traffic on LaSalle from the streetlight at the intersection with Washington already goes past the intersection of LaSalle and Onyx during drop off and pickup time of school. Adding business traffic to that would place additional congestion to this intersection as the only ways into this development lie within the same corridor. This additional traffic would put the children at risk as this is the main road they use to walk and bike to school.

Allowing zoning of only single-family homes is the only safe option for this section of land in order to protect the flow of traffic to the school and to protect the children living in the area and going to that school.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Brandon Vaughan". The signature is written in a cursive, flowing style.

Brandon Vaughan
4913 Granite Dr.
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boulder Ridge project
Date: Monday, June 21, 2021 9:37:03 AM

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

From: Jamie Wagendorf <>
Sent: Sunday, June 20, 2021 10:52 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boulder Ridge project

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Good day,

My name is Jamie Wagendorf. I live at 534 E Lasalle Drive. I just moved to this neighborhood in December 2020. I moved to this location because I wanted a home where my kids would be safe and be able to grow up in a neighborhood of family and friends. I moved to this location due to the safe and quick commutes to my kids schools, where they can either walk or ride bike both to school and back home.

I fear that if the Boden Addition is built, ALL of this will be taken away from us.

First of all, I have heard that up to 40 offices and commercial properties would be built on corner of Washington and Lasalle. If this happens, what will happen to my kids safe commute to school and back home? I would no longer feel safe having them walk or ride bike as the amount of traffic in that area will increase dramatically. To me, it just doesn't make sense to put all these buildings right across the street from an Elementary school and that will be in the back yards of many homes. The traffic of buses and parents dropping off and picking up kids is already bad enough. And now you want to add this? Have traffic and vehicle feasibility studies been done? If so, we want to see those results.

Second, the roads are currently not wide enough. You need roads with turning lanes, and Lasalle isn't wide enough to add those. Where will the entry points into this area be?

Third, what will happen to our property taxes and specials? Can you tell us all at the meetings that not one cent will be added to our property taxes or special assessment balances due to your proposed project?

And lastly, what evidence or proof can you provide homeowners that this type of development won't lower the value of our homes? It certainly won't increase the value that is for sure.

I saw Cam Knutson on the news tonight promoting a swimming pool at Hawktree. I think this site on Lasalle would be much better served with a public pool and more single family housing than any office buildings would. Who benefits from offices? You do Mr Knutson. Who benefits from single family homes and public pools? Families do. Don't let money and greed win out over families here. We owe it to our children and community to keep our neighborhoods safe. And putting a 40 building office complex in our neighborhood will take our safety and turn it into traffic jams, backed up traffic, homeowners not able to get out of their driveways as they wait for car after car to go by Lasalle will turn into another Washington Street, but without any lights. Without any crosswalks Without any stop signs. Without turning lanes. This will all lead to a huge traffic increase, only increasing risk of auto accidents and of children being hit by vehicles. This only puts our kids in danger when they are out walking or biking.

All these things in this email I pointed out that us homeowners in Boulder Ridge deserve to know must be addressed at the meeting.

Concerned citizen,

Jamie Wagendorf

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Monday, June 21, 2021 4:47:14 PM

From: Jesse Schuette <>
Sent: Monday, June 21, 2021 12:38 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Please don't approve the zoning changes. We don't need office space built in this area. Please keep the residential zoning (single family housing). Thank you.

Jesse Schuette
Boulder Ridge Resident

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boulder Ridge - Boden Development
Date: Monday, June 21, 2021 4:49:26 PM

From: Austin Schwab <>
Sent: Monday, June 21, 2021 12:59 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boulder Ridge - Boden Development

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Good day,

My name is Austin Schwab I moved to this neighborhood in 2020. I moved to this location because I wanted a home where my kids would be safe and be able to grow up in a neighborhood of family and friends. I moved to this location due to the safe and quick commutes to my kids schools, where they can either walk or ride bike both to school and back home.

I fear that if the Boden Addition is built, ALL of this will be taken away from us.

First of all, I have heard that up to 40 offices and commercial properties would be built on corner of Washington and Lasalle. If this happens, what will happen to my kids safe commute to school and back home? I would no longer feel safe having them walk or ride bike as the amount of traffic in that area will increase dramatically. To me, it just doesn't make sense to put all these buildings right across the street from an Elementary school and that will be in the back yards of many homes. The traffic of buses and parents dropping off and picking up kids is already bad enough. And now you want to add this? Have traffic and vehicle feasibility studies been done? If so, we want to see those results.

Second, the roads are currently not wide enough. You need roads with turning lanes, and Lasalle isn't wide enough to add those. Where will the entry points into this area be?

Third, what will happen to our property taxes and specials? Can you tell us all at the meetings that not one cent will be added to our property taxes or special assessment balances due to your proposed project?

And lastly, what evidence or proof can you provide homeowners that this type of development won't lower the value of our homes? It certainly won't increase the value that is for sure.

Don't let money and greed win out over families here. We owe it to our children and community to keep our neighborhoods safe. And putting a 40 building office complex in our neighborhood will take our safety and turn it into traffic jams, backed up traffic, homeowners not able to get out of their driveways as they wait for car after car to go by Lasalle will turn into another Washington Street, but without any lights. Without any crosswalks Without any stop signs. Without turning lanes. This will all lead to a huge traffic increase, only increasing risk of auto accidents and of children being hit by vehicles. This only puts our kids in danger when they are out walking or biking.

All these things in this email I pointed out that us homeowners in Boulder Ridge deserve to know must be addressed at the meeting.

Concerned citizen,

Austin Schwab
5210 Jasper

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From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition June 23 Public Hearing
Date: Monday, June 21, 2021 4:49:52 PM

From: Lyle Halvorson < >
Sent: Monday, June 21, 2021 4:44 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: 'Dave Roose' < >
Subject: Boden Addition June 23 Public Hearing

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Members of the Bismarck Planning and Zoning Commission –

We are writing to strongly oppose the proposed rezoning request for the so-called Boden Addition to allow for commercial development.

We live at the corner of Granite Drive and Basalt Ave. This land is directly behind our home. We did not buy a \$520,000 home in “Bismarck’s premier development” to live adjacent to 44 office buildings. When we purchased our home, this land was zoned public. At some point it was rezoned to R5-Residential, which is what it should remain. We do not want to look over 44 office buildings and their parking lots while sitting on our back deck. (One of the lots on the east side of the drainage area, #46, borders our property, but the developer told us this lot will remain zoned as single-family residential.)

It's outrageous that the city would allow land to be rezoned to commercial in an existing residential neighborhood. Had we known what is under consideration today for this property, we would have never purchased a home in Boulder Ridge. What will happen to the value of our home? Who can answer that question? We believe an office park in our back yard is going to result in a significant decline in the value of our home.

Another significant concern the Planning and Zoning Commission should consider is the proximity to Liberty Elementary School. The two street entrances / exits to this office park would be directly across the street from the elementary school. Has any consideration been given to the increased traffic associated with this development and the safety of these young children walking to and from school?

Living on the east end of this proposed development, we have concerns about storm water runoff. Right now during a heavy rain and since the redevelopment of Washington Street, a literal river forms near Washington Street and runs behind the homes on Boulder Ridge Road directly at our home. Standing on our deck, it sounds like a rapids. Also, with the assisted living / long-term care facility being built on the west side of Washington, their drainage goes through a large culvert under Washington and runs parallel to LaSalle. But that “river” will become streets and office buildings.

Where will that water go? Many of us in this area don't have a lot of faith in the city's engineers after being assessed a second time because of the faulty watershed planning that has already occurred.

Finally, why weren't homeowners notified of the proposed office park earlier? The developer give us just a few days' notice of his informational meeting, which also happened to be Father's Day, when many families already had plans and were unable to attend. And why weren't all homeowners in Boulder Ridge sent letters by the city? This impacts the entire development and not just those of us who live within a block or two. The lack of notice gives the appearance that approval of this project has been "greased."

If the developer wants to introduce a concept of office buildings disguised as homes in Bismarck, let him put it in a new development where people buying homes know what is going to be in their back yard. At the developer's meeting Sunday evening, he repeatedly compared this proposed development to one in West Fargo. However, the West Fargo development has nothing close to 44 office buildings and it's not surrounded by half-million dollar single-family homes.

Please deny the RT zoning request.

Lyle Halvorson and David Roose
4912 Granite Dr.
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Tuesday, June 22, 2021 9:03:28 AM

From: Sarah Baer < >
Sent: Monday, June 21, 2021 5:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition

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Planning and Zoning Commission,

My name is Sarah Sappington and I live in the Boulder Ridge development. It has come to my attention the intent for the Boden addition (agenda item 5 in the upcoming June 23rd meeting) of Boulder Ridge and the proposed zoning change to Conditional RT Residential zone allowing office buildings to be placed across from Liberty Elementary. I am concerned that with the change of the zoning to RT Residential that the developer would place offices immediate adjacent to the elementary school. This would jeopardize the safety and well-being of our children that attend this school, with an increase of traffic and access to the neighborhood as a thorough-fair along LaSalle and over to State street. With more people accessing offices we also risk more attention to our children and houses including crime and noise.

While I understand that our neighborhood does have an office park already, one thing to consider is that the Boulder Ridge Office park is on the outskirts of the Boulder ridge housing development and located on Slate and Washington which is away from the elementary school. As an alternative to placing offices next to the existing school, it would make more sense for office development to continue near the current office park and closer to 43rd and Washington rather than a new development near the Liberty Elementary school.

I understand that the commission is slated to approve the Boden addition, but am requesting for the health, safety, and well-being of our neighborhood to request no change to the zoning and no office development near our elementary school.

I appreciate your consideration in this matter.

Thanks,
Sarah Sappington
Sent from iPhone

From: [Ben Ehreth](#)
To: [Hilary Balzum](#)
Cc: [Kim Lee](#); [Daniel Nairn](#)
Subject: FW: Online rezoning inquiry
Date: Tuesday, June 22, 2021 9:07:59 AM

Please include this with the public comment on Boden.

Ben Ehreth, AICP

Department Director

City of Bismarck – Community Development

221 N 5th St.
PO Box 5503
Bismarck, ND 58506-5503

Office: 701-355-1840

Direct: 701-355-1842

Fax: 701-222-6450

Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov | Instagram: bismarckndgov

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From: Nancy Guy <nguy@bismarcknd.gov>
Sent: Tuesday, June 22, 2021 8:34 AM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Online rezoning inquiry

Good morning Ben,

I received this online inquiry from Warren & Kathy Larson, regarding a rezoning in Boulder Ridge requested by Ron Knutson. It sounds to me like this rezoning request has not yet made its way to the Planning & Zoning Board's agenda for consideration. Is that correct?

Thanks Ben!

Nancy Guy

City Commissioner

City of Bismarck

221 N 5th St.

PO Box 5503

Bismarck, ND 58501

Office: 701-355-1300

Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |

Instagram: bismarckndgov

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From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Monday, June 21, 2021 9:34 PM

To: Nancy Guy <nguy@bismarcknd.gov>

Subject: Online Form Submittal: Commissioner Guy

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Commissioner Guy

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions and suggestions for making Bismarck an even better place to live. **This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.**

City of Bismarck

221 N 5th Street

PO Box 5503

Bismarck, ND 58506-5503

Phone: 701-355-1300

Fax: 701-222-6470

First warren

Name*

Last Name* larson
Address 1:
Address 2:
City
State ND
Zip Code
Email*
Phone
Number
Fax
Number
Comments* Commissioner Guy. I was not able to make the meeting for property owners Sunday evening on the proposed rezoning of the Boulder Ridge Development south of Liberty School due to a previous commitment. I strongly oppose the change. Those of us who built homes in the development did so to be away from business development within our neighborhood. We have no idea what type of businesses will be in the 40+ offices. We would welcome Mr. Knutson and his son to build their office spaces on their land directly north of 57th, just a short distance away. I would hope that you vote to support the desire of the people of Boulder Ridge, rather than the needs of one developer. Thanks for reading the concerns of my wife and I.

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://bismarcknd.gov/Admin/FormHistory.aspx?SID=31820>

The following form was submitted via your website: Commissioner Guy

First Name: warren

Last Name: larson

Address 1: :

Address 2::

City:

State: ND

Zip Code:

Email: _____

Phone Number:

Fax Number:

Comments: Commissioner Guy. I was not able to make the meeting for property owners Sunday

evening on the proposed rezoning of the Boulder Ridge Development south of Liberty School due to a previous commitment. I strongly oppose the change. Those of us who built homes in the development did so to be away from business development within our neighborhood. We have no idea what type of businesses will be in the 40+ offices. We would welcome Mr. Knutson and his son to build their office spaces on their land directly north of 57th, just a short distance away. I would hope that you vote to support the desire of the people of Boulder Ridge, rather than the needs of one developer. Thanks for reading the concerns of my wife and I.

Additional Information:

Form submitted on: 6/21/2021 9:34:02 PM

Submitted from IP Address: 172.103.24.140

Referrer Page: <https://bismarcknd.gov/Directory.aspx?EID=1257>

Form Address: <http://bismarcknd.gov/Forms.aspx?FID=265>

From: [Ben Ehreth](#)
To: [Hilary Balzum](#)
Cc: [Kim Lee](#); [Daniel Nairn](#)
Subject: FW: Another online rezoning comment
Date: Tuesday, June 22, 2021 9:08:35 AM

Please also include this with the public comment on Boden.

Ben Ehreth, AICP

Department Director

City of Bismarck – Community Development

221 N 5th St.
PO Box 5503
Bismarck, ND 58506-5503

Office: 701-355-1840

Direct: 701-355-1842

Fax: 701-222-6450

Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov | Instagram:
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From: Nancy Guy <nguy@bismarcknd.gov>
Sent: Tuesday, June 22, 2021 8:57 AM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Another online rezoning comment

Hi Ben,

Here's another online inquiry in opposition to the proposed Knutson rezoning item on the P&Z agenda tomorrow. I suspect this went to all the commissioners and Mayor. Could you respond to Mr. Glasser and let him know you'll forward to P&Z, please?

Thanks!

Nancy Guy

City Commissioner

City of Bismarck

221 N 5th St.

PO Box 5503

Bismarck, ND 58501

Office: 701-355-1300

Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |

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From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Tuesday, June 22, 2021 8:52 AM

To: Nancy Guy <nguy@bismarcknd.gov>

Subject: Online Form Submittal: Commissioner Guy

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Commissioner Guy

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions and suggestions for making Bismarck an even better place to live. **This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.**

City of Bismarck

221 N 5th Street

PO Box 5503

Bismarck, ND 58506-5503

Phone: 701-355-1300

Fax: 701-222-6470

First Tyler

Name*

Last Name* Glasser
 Address 1:
 Address 2:
 City
 State ND
 Zip Code
 Email*
 Phone
 Number
 Fax
 Number
 Comments* Good morning to Whom it may concern, I am writing in strong opposition to the Knudson proposal for a zoning change for the Boden addition. This new development directly across from Liberty elementary school that I have one child going to now and will have 2 more in the near future calls for up to 45 office buildings. I live a block from Liberty Elementary school. I have many concerns with this development but the most concerning part of this is the safety of the young children that go to this school. The traffic right now without 40 plus office buildings is concerning and adding this will only make the situation worse. Please think about how you would feel if you had young children in this situation. This is dangerous and negligent for the students of this school. The infrastructure is not in place on Washington street and Lasalle to support the extra traffic that this will cause. North Washington street is busy enough right now without this. Missouri Slope is also in the process of being built across the street of this proposed development which will bring even more traffic to this area. Boulder ridge is a desirable north Bismarck development with many young families. What is 45 office buildings going to do to the property values? Mr. Knudson has plenty of other land available to put office buildings on. Boulder ridge is not the right spot for this and I ask you to put yourself in the citizens of Boulder Ridges shoes. Please take all this into consideration and vote a strong NO on this proposed development. Thank you for your time, Tyler Glasser5336 Basalt DriveBismarck, ND 58503

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://bismarcknd.gov/Admin/FormHistory.aspx?SID=31825>

The following form was submitted via your website: Commissioner Guy

First Name: Tyler

Last Name: Glasser

Address 1: :

Address 2::

City:

State: ND

Zip Code:

Email: t

Phone Number:

Fax Number:

Comments: Good morning to Whom it may concern,

I am writing in strong opposition to the Knudson proposal for a zoning change for the Boden addition.

This new development directly across from Liberty elementary school that I have one child going to now and will have 2 more in the near future calls for up to 45 office buildings. I live a block from Liberty Elementary school.

I have many concerns with this development but the most concerning part of this is the safety of the young children that go to this school. The traffic right now without 40 plus office buildings is concerning and adding this will only make the situation worse. Please think about how you would feel if you had young children in this situation. This is dangerous and negligent for the students of this school.

The infrastructure is not in place on Washington street and Lasalle to support the extra traffic that this will cause. North Washington street is busy enough right now without this. Missouri Slope is also in the process of being built across the street of this proposed development which will bring even more traffic to this area.

Boulder ridge is a desirable north Bismarck development with many young families. What is 45 office buildings going to do to the property values? Mr. Knudson has plenty of other land available to put office buildings on. Boulder ridge is not the right spot for this and I ask you to put yourself in the citizens of Boulder Ridges shoes.

Please take all this into consideration and vote a strong NO on this proposed development.

Thank you for your time,

Tyler Glasser 5336 Basalt Drive Bismarck, ND 58503

Additional Information:

Form submitted on: 6/22/2021 8:52:12 AM

Submitted from IP Address: 24.111.128.170

Referrer Page: <https://bismarcknd.gov/Directory.aspx?EID=1257>

Form Address: <http://bismarcknd.gov/Forms.aspx?FID=265>

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda item 5
Date: Tuesday, June 22, 2021 9:15:23 AM

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

From: Jacey < >
Sent: Monday, June 21, 2021 9:35 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda item 5

CAUTION: ***External Email - Use caution clicking links or opening attachments***

I am writing to express my opposition to item number 5, a proposed change in the zoning of a section of Boulder Ridge.

Thank you for your time and consideration.

Jacelyn Brown

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda Item 5
Date: Tuesday, June 22, 2021 9:19:17 AM

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

From: Brown, Preston <>
Sent: Monday, June 21, 2021 9:35 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda Item 5

CAUTION: ***External Email - Use caution clicking links or opening attachments***

I am writing to express my opposition to item number 5, a proposed change in zoning of a section of boulder ridge.

Thank you for your time and consideration.

- Preston Brown

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boulder Ridge Zoning Change
Date: Tuesday, June 22, 2021 9:19:45 AM

From: <>
Sent: Monday, June 21, 2021 10:14 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boulder Ridge Zoning Change

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Agenda #5 zoning change from residential to conditional residential to allow office buildings.

My husband and I are opposed to this zoning change. We built our house 12 years ago in a nice residential area and do not want office buildings in our backyard.

There is an elementary school across the street from this area and we do not need the increased traffic that would threaten the safety of our children.

Knutson's tried a zoning change several years ago in order to have a nursing home built there and were denied. How many times can they request a zoning change?

This property's original intent was for residential and in all fairness to those of us that have built in Boulder Ridge, it should remain residential.

Barb and Dan Wrolstad
5024 Boulder Ridge Rd
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Tuesday, June 22, 2021 9:21:00 AM

From: Ryan Kudrna < >
Sent: Tuesday, June 22, 2021 8:27 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Fwd: Boden Addition

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Good Morning

I am writing in strong opposition to Knudson proposal for zoning change for Boden Addition.

This is across the street from Liberty Elementary. Due to this:

1. This is a safety issue. Putting approx 40 office spaces directly across from an elementary school is dangerous and negligent, if approved.
2. The infrastructure is not in place to accommodate this type of "residential" zoning.
3. This zone is smack dab in the middle of Boulder Ridge development. This area is a respected and desirable subdivision in NW Bismarck. Re-zoning this would decrease property values significantly.

Please vote not on this proposal.

--

Ryan Kudrna
5401 Mica Drive
Bismarck ND 58503

--

Ryan

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition in Boulder Ridge
Date: Tuesday, June 22, 2021 9:21:23 AM

From: Tyler Glasser < >
Sent: Tuesday, June 22, 2021 8:50 AM
To: ; Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition in Boulder Ridge

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Good morning to Whom it may concern,

I am writing in strong opposition to the Knudson proposal for a zoning change for the Boden addition.

This new development directly across from Liberty elementary school that I have one child going to now and will have 2 more in the near future calls for up to 45 office buildings. I live a block from Liberty Elementary school.

I have many concerns with this development but the most concerning part of this is the safety of the young children that go to this school. The traffic right now without 40 plus office buildings is concerning and adding this will only make the situation worse. Please think about how you would feel if you had young children in this situation. This is dangerous and negligent for the students of this school.

The infrastructure is not in place on Washington street and Lasalle to support the extra traffic that this will cause. North Washington street is busy enough right now without this. Missouri Slope is also in the process of being built across the street of this proposed development which will bring even more traffic to this area.

Boulder ridge is a desirable north Bismarck development with many young families. What is 45 office buildings going to do to the property values? Mr. Knudson has plenty of other land available to put office buildings on. Boulder ridge is not the right spot for this and I ask you to put yourself in the citizens of Boulder Ridges shoes.

Please take all this into consideration and vote a strong NO on this proposed development.

Thank you for your time,

Tyler Glasser
5336 Basalt Drive

Bismarck, ND 58503

From: [Susan Pick](#)
To: [Hilary Balzum](#)
Subject: Boden Addition reasoning
Date: Tuesday, June 22, 2021 10:33:04 AM

CAUTION: ***External Email - Use caution clicking links or opening attachments***

I am writing in opposition of the rezoning of Boden Addition. Agenda item #5 on the upcoming planning and zoning commission meeting agenda.

Thanks Hilary!

Susan Ronning

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Opposition to Boden Addition - Pt W/2 of Section 15-T139N-R80W
Date: Tuesday, June 22, 2021 2:12:48 PM

From: Hughes, Justin < >
Sent: Tuesday, June 22, 2021 1:56 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc:
Subject: Opposition to Boden Addition - Pt W/2 of Section 15-T139N-R80W

CAUTION: ***External Email - Use caution clicking links or opening attachments***

To Mr. Daniel Nairn and Bismarck Community Development Department – Planning Division:

On behalf of myself individually, and in my capacity as President of the Boulder Ridge Homeowners' Association, I write to formally oppose the proposed zoning change requested for the above-referenced property, being Boden Addition to the City of Bismarck. The City of Bismarck should deny the requested zoning change for the reasons discussed below.

Boden Addition is owned by Boulder Ridge Development, Inc. and Ron and Ruth Knutson. The Boden Addition project will be developed by Knutson Development. Via letter and a meeting held June 20, 2021 at the Liberty Elementary School, Knutson Development explained the proposed Boden Addition project to Boulder Ridge residents and the Boulder Ridge HoA. As explained, Knutson Development proposed building out Boden Addition with approximately 44-46 lots each of which would contain a one or two story commercial office building. The problems with this proposed development are numerous.

First, allowing the zoning change to allow commercial development is inappropriate because nearly all the land within a quarter mile of Boden Addition is residential or designed to supplement and encourage residential development. One may point at the nearly-completed Missouri Slope Lutheran Care Center North Campus as an adjacent commercial development. While the facility will be operated as a commercial enterprise, the commercial enterprise itself is primarily residential in nature. Other non-residential development in the vicinity includes a church and Liberty Elementary School – both of which enhance or otherwise provide a service to the Boulder Ridge Development and its residents. All other non-residential commercial development near or adjacent to Boulder Ridge is either south of 43rd Avenue NE, or west of N Washington Street, providing a natural buffer for homeowners and maintaining the residential nature of Boulder Ridge. Accordingly, it is plainly evident that a commercial development immediately adjacent to what is otherwise a residential area is unacceptable.

Second, allowing the zoning change to allow commercial development is inappropriate because it will negatively impact Liberty Elementary School and the parents and children who utilize it. On any given school day the streets and area around Liberty Elementary school are full of activity. Specifically, children traveling to or from school and parents dropping off or

picking children up. Traffic on E LaSalle Drive is nearly constant between 7:15 a.m. and 8:30 a.m. and again between 2:45 p.m. and 3:15 p.m. Further, numerous people park on the road because the Liberty Elementary School parking lot is not large enough for the volume of cars. Allowing commercial development in Boden Addition will cause further chaos with added traffic because the only ingress and egress points to Boden Addition are on E LaSalle Drive. Additionally, because the traffic will consist of individuals who do not live in Boden Addition, the traffic will likely be unfamiliar with the area and the number of children around; this traffic will unnecessarily endanger children walking or biking around the school. Examples of this endangerment are already evident as many people who do not live in the area nevertheless speed along E LaSalle Drive because it is one of the nearest and quickest ways to get from N Washington Street and west to State Street and points east. Again, adding the type and volume of traffic commercial development of Boden Addition would bring will unacceptable burden parents and endanger children.

Third, allowing the zoning change to allow commercial development is inappropriate because it will likely cause further water problems for Boulder Ridge residents. The City of Bismarck is very aware of the myriad water problems facing Boulder Ridge residents. Commercial development in Boden Addition will only exacerbate the problem by introducing more impervious surface for parking lots for the proposed office buildings. Requiring a detention pond for Boden Addition would only create alternative problems because standing water would attract bugs, namely mosquitos, but could also attract children who live and play in Boulder Ridge near Boden Addition inviting potential tragedy and liability. Again, such outcomes are unacceptable.

Fourth, allowing the zoning change to allow commercial development is inappropriate because it is likely to cause decreased property values for the adjacent residences. Knutson development indicated that the proposed commercial development in Boden Addition would bring value to Boulder Ridge residents. However, no empirical evidence was provided to support its assertion. It is more likely that Boulder Ridge property values decrease because of proximity to commercial development. Thus, allowing commercial development would benefit the few owners and developers at the expense of the many Boulder Ridge homeowners, which is unacceptable.

Fifth, allowing the zoning change to allow commercial development is inappropriate because it results in perpetual oversight to enforce the conditions and restrictions placed on Boden Addition. Knutson Development indicated it would form an association akin to a homeowners' association to enforce covenants and applicable city conditions and requirements. However, if the City of Bismarck is not going to require that such association is likewise maintained by Knutson Development in perpetuity as part of approving the zoning change, there is nothing to stop Knutson Development from transferring association control to third-parties that may not abide by the private covenants let alone City-provided conditions or requirements. Failure by the association to enforce covenants or City-imposed conditions creates a financial burden on the City, which then must enforce the same to the extent legally possible; however, this burden will ultimately get shifted to taxpayers.

Sixth, allowing the zoning change to allow commercial development is inappropriate because any landscaping buffer between Boden Addition and Boulder Ridge will likely be inadequate. The Boulder Ridge properties south and east of Boden Addition are anywhere from approximately 12-18 feet higher than the Boden Addition property. Thus, in order to provide an adequate buffer for homeowners, namely something substantially blocking the view of the

commercial development, would require an earthen berm even taller than the elevation change because anything less is inadequate to shield the view of higher-elevation property owners. Trees and shrubs are an unacceptable alternative as the length of time for vegetation to grow large enough to shield the commercial development from view will be measured in decades, not months or years.

Summarily, for the above-described reasons I, individually and as President of the Boulder Ridge Homeowners' Association, strenuously urge the City of Bismarck to deny the requested zoning change for Boden Addition.

Respectfully submitted,

Justin G. Hughes
Fredrikson
& BYRON, P.A.

Attorney

1133 College Drive

Suite 1000

Bismarck, ND 58501-1215

Assistant - Mary Etter: 701-221-8642

Main: 701-221-8700

Fax: 701-221-8750

****This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (612) 492-7000. The name and biographical data provided above are for informational purposes only and are not intended to be a signature or other indication of an intent by the sender to authenticate the contents of this electronic message.****

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda Item #5 - Boden Addition
Date: Wednesday, June 23, 2021 8:08:58 AM

From: Jonathan Breitbach <>
Sent: Tuesday, June 22, 2021 7:41 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda Item #5 - Boden Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Jon and Joan Breitbach
305 E LaSalle Drive
Bismarck, ND 58503

June 22, 2021

Bismarck Planning & Zoning Commission
Community Development Department
Bismarck, ND 58506

To the Bismarck Planning and Zoning Commission:

My major concern with the proposed Boden Addition is the manner in which the financial risk vs. return ratio would be allocated. I believe that the financial risk and potential return should be allocated to the developer. The small business model being proposed in the Boden Addition places all the financial risk on the current surrounding homeowners. Without proof of concept in Bismarck, this addition would place current homeowners, surrounding the proposed area, in a state of financial uncertainty. Property values of surrounding homes would be immediately impacted based on either the desire, or lack thereof, to live in close proximity to these proposed small commercial businesses.

In contrast, I believe the Boden Addition poses very little financial risk to the developers due to its desired location. Before a small commercial addition is approved next to a residential area in Bismarck, it must first prove its validity in a subdivision that is completely designed around this small commercial/residential model. This would allow the impact on property values of residential lots surrounding the small commercial buildings to be accurately assessed. In this scenario, the market would be allowed to determine the value of the surrounding, undeveloped, residential lots before they are purchased by homeowners and the risk vs. return on investment would be properly assigned to the developers, and not fall on current homeowners. This would also allow potential homeowners the ability to opt into or out of the financial risks associated with an unproven concept.

In Bismarck, we have a developmental concept that has proven to work in the past, and it is currently being implemented into the Elk Ridge and Silver Ranch Developments. These new developments and this area of the Boulder Ridge Development, are designed around the idea of single family homes surrounding a neighborhood elementary school. This is the developmental concept that my neighbors and I chose to invest in and that has proven to provide financial security to current and future homeowners. The City of Bismarck properly zoned the land surrounding Liberty Elementary School to ensure this vision was carried out in future additions. The proposed Boden Addition threatens this vision and adds to financial uncertainty of those around it.

As a homeowner that would now share property lines with two commercial lots, I am not in favor of the proposed zoning changes. Please reject any rezoning requests and keep the land mentioned in the proposed Boden Addition zoned as A-Agricultural and R5 residential, to protect the investments of the current surrounding homeowners.

Thank you for your time and consideration.

Jon Breitbach

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Wednesday, June 23, 2021 8:10:16 AM

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

From: Danny Anderson < >
Sent: Tuesday, June 22, 2021 11:11 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Hello, my name is Daniel Anderson. My family and I live at 4903 Pumice Loop in the Boulder Ridge Development. We would like to express our concern over the proposed zoning change for the Boden addition. We currently enjoy a quite neighborhood that is all residential. Our oldest son, Rowen, will be in first grade at Liberty Elementary this fall. Our youngest son, Renner, will start at Liberty in the fall of 2023. We love living close to the school and look forward to a time when our boys will be able to walk to school or ride bike to school by themselves. LaSalle is already a very busy road and it seems that rezoning to allow small scale offices in the Boden addition will inevitably increase the amount of traffic in the area. This is our primary concern with the rezoning, looking out for the safety of not only our children, but all of the Liberty Elementary students that walk or ride bike to school everyday. It seems the school would be better protected by surrounding it with single family homes in an R5-Residential zoned area. Please consider this letter at the public hearings on Wednesday, June 23rd at 5:00 pm regarding the rezoning of the Boden addition as I will be unable to attend due to my work schedule.

Respectfully,

Danny, Danielle, Rowen, and Renner Anderson
4903 Pumice Loop
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda Item #5 - Boden Addition
Date: Wednesday, June 23, 2021 8:10:44 AM

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

From: Jeremy and Krista Brunelle <>
Sent: Wednesday, June 23, 2021 12:43 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda Item #5 - Boden Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Dear Commissioners,

We STRONGLY oppose the proposed Boden Addition for Boulder Ridge. We reside in Boulder Ridge and have two children that will be starting school at Liberty Elementary in the coming years. The proposed area is directly across from the Elementary School. The traffic during school pickup and drop off times is already horrendous and this would surely compound the traffic/congestion. Safety for our children is a huge concern.

Also, we don't believe business or offices of any type should be part of a single family home development.

Please advocate for the kids and vote in opposition to the Boden Addition.

Respectfully,

Krista & Jeremy Brunelle

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boulder Ridge, Boden Plat
Date: Wednesday, June 23, 2021 8:11:46 AM

From: Amber Schriock <>
Sent: Wednesday, June 23, 2021 4:56 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boulder Ridge, Boden Plat

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Planning and Zoning Commission,

As a parent of a child at Liberty Elementary, I am opposed to rezoning that area from residential to business. I believe it would cause increased traffic La Salle, which is already a busy street and people frequently drive over the speed limit. Plus, there are vacant offices in other Bismarck locations. It doesn't make sense to build more.

Amber Schriock
sent from my Android device

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Opposition of the Boulder Ridge Boden Business Development
Date: Wednesday, June 23, 2021 8:12:14 AM

From: Joe Cornell <>
Sent: Wednesday, June 23, 2021 7:34 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Opposition of the Boulder Ridge Boden Business Development

CAUTION: *External Email - Use caution clicking links or opening attachments*****

To Mr. Nairn and the Bismarck Community Development Department - Planning Division:

I am writing to you this morning as a concerned parent and resident of Boulder Ridge. The newly proposed Boden Division not only jeopardizes the single family model this neighborhood was built upon, but more importantly, the everyday safety of my children and children in this neighborhood. Adding daily traffic from 40 small businesses directly across the street from Liberty Elementary not only increases the danger to children exponentially, but further compounds the traffic flow issues LaSalle Avenue is already facing on a daily basis. Not to mention, the overflow traffic that would be pushed to the residential neighborhood. There is no place for this.

Allowing zoning of only single family homes is the only option for this plot of land. It preserves the everyday safety of children, protects against overflow school zone traffic, and keeps in integrity of the neighborhood housing.

Sincerely,

Joe Cornell
4907 Granite Drive
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Wednesday, June 23, 2021 8:12:38 AM

From: Roger Harris >
Sent: Wednesday, June 23, 2021 7:57 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Good Morning Commissioners,

It has come to my attention that there will be a request to build several office spaces directly across from the Liberty Elementary School where my family and I live. We greatly oppose this for that there will be an increase in traffic to which our whole street of LaSalle has become a hazard for drivers tend to speed of up to well over 40 miles just cutting across from N. Washington to get to the other side. There is also the fact that there currently is more office space that is not occupied all over Bismarck. There is no real need to turn a residential neighborhood into a small stretch of offices that will likely be empty within the next ten years just for the sheer number of available options already available. We moved to this neighborhood because it was quiet at the time but over the years it has become more and more congested with traffic, this is not what I want my daughter to grow in to , thus I will be attending the meeting tonight with numerous others who share the same thoughts. We are trying to build a community here and we do not need more businesses effecting that. Thank you for your time and consideration,

Respectfully,

Roger Harris

From: [Daniel Nairn](#)
To: [Craig Thurow](#)
Cc: [Hilary Balzum](#)
Subject: Re: Boulder Ridge Proposed Bohen Development Proposal
Date: Wednesday, June 23, 2021 8:41:25 AM

Thank you Craig. We will forward this to the Planning and Zoning Commission.

Sent from my iPhone

> On Jun 22, 2021, at 10:31 PM, Craig Thurow < > wrote:
>
> CAUTION: ***External Email - Use caution clicking links or opening attachments***
>
>
> To : Bismarck Planning Commission
>
> I am a citizen of Bismarck with residence at 301 Slate Drive in the Boulder Ridge development .
> I attended the neighborhood meeting on June 20,2021 at Liberty Elementary school.
> Listened to presentation by Mr. Cam Knutson and provided input and comments during this meeting.
>
> I have concerns regarding this business park development as follows:
> 1) close proximity to an elementary school that traffic flows will increase. As the developments vehicle traffic enters and exits into LaSalle Avenue. There currently are no pedestrian street crossing markings on LaSalle and Onyx Drive . Or traffic control signage at this intersection.
>
> 2) developer proposal to build a large holding pond to handle parking lot and street drainage in the development. My opinion this creates a hazard for elementary students that live and walk to and from Liberty school. Fargo has had a fatal drowning of a young child. In a neighborhood water retention pond last year.
> There are many students from Liberty weather permitting that walk to and from their residences near this property.
>
> 3) Boulder Ridge residents who built homes in the beginning of this neighborhood. Were assured there would be NO commercial development by the original developer. These home owners made decision to build homes in BR for this assurance and reason.
>
> Because these concerns reasons I am against this development proposal.
>
> I would suggest the developer consider moving the proposed development. To the NW quadrant vacant lot near North Washington and West LaSalle . Directly north of this property is the completed 2020 City Watershed network located near North Washington and West 57th Avenue intersection. Developer should consider making a land swap deal with this property owner. It would eliminate the risk of another holding pond near a residential neighborhood.
>
> Thank you for reviewing my comments.
>
> Sincerely
>
> Craig Thurow
>
>
> Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Child Care Facility
Date: Tuesday, June 22, 2021 9:05:25 AM
Importance: High

Thank you for your comments. They have been forwarded to planners and commission members as part of the public record.

Kindest regards

Sandra Bogaczyk
Office Assistant II

City of Bismarck – Community Development

221 N 5th St.
PO Box 5503
Bismarck, ND 58506-5503

Office: 701-355-1840

Fax: 701-222-6450

Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov | Instagram: bismarckndgov

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From: < >
Sent: Monday, June 21, 2021 5:56 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: FW: Child Care Facility
Importance: High

CAUTION: *External Email - Use caution clicking links or opening attachments*****

This email is regard to your June 23rd zoning commission meet planed to approve the projected day care facility planned for 910 South 18th street.

Speaking on behalf on of the property owners affected by this facility, the concerns we have is maintenance of the landscaping. Previous tenants and owners failed miserably when it came to

grounds maintenance (i.e. failure to mow the lawn, weed control and picking garbage on which was blown onto the lot or thrown by transient foot traffic when the facility was empty).

We want to know how the new tenants plan to keep up the landscaping on this property. Under previous tenants and owners we have to call the city on numerous occasions to have the lawn mowed, weed control conducted and conduct overall grounds maintenance.

We as adjacent property owners have worked very hard to keep our properties maintained to a high standard only to have a an adjacent property fail to keep their commercial property properly maintained.