



## Community Development Department

**DATE:** May 3, 2022

**FROM:** Ben Ehreth, AICP, Community Development Director

**ITEM:** Boden Addition – Zoning Change, Major Subdivision Final Plat and Private Drive and Utility Agreement

### **REQUEST:**

Ron and Ruth Knutson are requesting approval of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential and Conditional RT – Residential zoning districts and a major subdivision final plat for Boden Addition. This action would create 23 lots for small-scale offices, 26 lots for one and two-family dwellings, two small R5-zoned lots that will be transferred to adjacent properties and a large lot for stormwater management.

The property is located in north Bismarck, on the east side of North Washington Street and the south side of East Lasalle Drive (part of the W1/2 of Section 16, T139N-R80W/City Lands and a replat of Lots 2 and 3, Block 1 and Lot 4, Block 2, Boulder Ridge Fifth Addition).

Please place this item on the May 10, 2022, and May 24, 2022 City Commission meeting agendas.

### **BACKGROUND INFORMATION:**

The Planning & Zoning Commission held a public hearing on these requests on April 27, 2022.

Numerous residents spoke at the public hearing and submitted written comments. The majority of the comments were in opposition to the request, citing concerns with traffic, the safety of children going to and from Liberty Elementary north of the site, and a desire to retain this area as single-family residential. A minority of comments were in favor, citing the developers willingness to work with neighbors and opportunities for small businesses. Copies of the written comments received are attached.

At the conclusion of public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-

Residential, R10-Residential, Conditional R10-Residential and Conditional RT-Residential zoning districts and major subdivision final plat for Boden Addition, with the following conditions:

1. A private drive and utility agreement is signed by developer prior to scheduling a public hearing with the City Commission.
2. The required utility capital charges are paid prior to recordation of the plat
3. Lots 49 and 50, Block 1, are combined with adjoining lots in conjunction with recordation of the plat such that all ordinance requirements are met.

The Planning and Zoning Commission recommended the conditional R10-Residential zoning district for Lots 24 and 35-48, Block 1 to be restricted to single-family dwellings only, and the applicant concurred. The ordinance attached reflects this revision.

**RECOMMENDED CITY COMMISSION ACTION:**

May 10th meeting of the Board of City Commissioners – consider the request for a zoning change as outlined in Ordinance 6504 and call for a public hearing on this item for the May 24th meeting.

May 24th meeting of the Board of City Commissioners – hold a public hearing on the zoning change as outlined in Ordinance 6504, consider the major subdivision final plat for Boden Second Addition, consider the private drive and utility agreement related to the project, and take final action on the three related requests.

**STAFF CONTACT INFORMATION:**

**PLAT AND ZONING CHANGE:**

Ben Ehreth, AICP | Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)

Kim Lee, AICP | Planning Manager | 355-1846 | [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)

Daniel Nairn, AICP | Senior Planner | 355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

**PRIVATE DRIVE AND UTILITY AGREEMENT:**

Gabe Schell, PE | City Engineer | 355-1505 | [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ORDINANCE NO. 6504**

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

Lots 49 - 52, Block 1, Boden Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the R10 – Residential zoning district:

Lots 25-34, Block 1, Boden Addition

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the Conditional R10 – Residential zoning district, subject to the condition that only single-family dwellings are permitted:

Lots 24 and 35 - 48, Block 1, Boden Addition

Section 4. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the Conditional RT – Residential zoning district:

Lots 1 - 23, Block 1, Boden Addition

This Conditional RT – Residential zoning district is subject to the following additional standards:

1. *Use Restrictions*. All residential uses are prohibited, including but not limited to single-family, multifamily, rowhouses, and group homes. Additionally, drive-throughs are prohibited.
2. *Building Height*. Building heights shall be limited to two (2) stories and thirty (35) feet.
3. *Building Area*. Each lot is limited to one (1) principal structure with a footprint of no less than one-thousand two hundred (1,200) square feet and no greater than four thousand five hundred (4,500) square feet. Attached garages are permitted, and up to one thousand (1,000) square feet of parking area in an attached garage to a principal structure will not count towards the maximum square footage of the building area. No accessory structures are permitted, although decks, porches, patios, and other building features are permitted.
4. *Building Design*. All buildings shall be designed in a general residential character, including a pitched roof, a front entry visible from the private street shown on the plat, and windows on the front building façade. Garage doors may be no greater than nine (9) feet in height.
5. *Parking*. Off-street parking shall be provided according to the office building classification in Section 14-03-10 (Off-Street Parking and Loading). Area within attached garages shall not be included in calculations of the required minimum off-street parking spaces, and up to three (3) spaces provided within said garages may be counted toward the required minimum off-street parking.

6. *Landscaped Buffer.* A landscaped buffer of at least twenty (20) feet in width shall be installed at the time of initial site development in compliance with all requirements of Section 14-03-11(10) as a visual screen for Lot 23, Block 1, Boden Addition.
7. *Interior Landscaping.* Each lot shall include a landscaped area of not less than fifteen (15) percent of the total lot area, excluding the area reserved as an access easement, to be planted with trees, shrubs, grass, or other cultivated vegetation at the time of lot development. Said landscaped area must include at least one shade tree on each lot.
8. *Lighting.* All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky. Private access roads may include streetlights in a matching style of up to twenty (20) feet in height.
9. *Signs.* Each lot is limited to one (1) wall sign or one (1) monument sign oriented toward a private street of Boden Addition, and one (1) wall sign oriented toward a public right-of-way. The total allowable area of signs on a lot is sixty (60) square feet. Said signs may not be internally illuminated. Additionally, one (1) sign may be permitted within each platted sign and landscape easement in compliance with all requirements of Chapter 14-03.1 (Signs) that apply to the RT – Residential zoning district.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

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Above this line used for recordation purposes only.

### PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

The City of Bismarck (the "City") and Ronald & Ruth Knutson (the "Owner") make this Development Agreement with regard to the development of the property located in Bismarck, North Dakota and with the property ("the Property") described as follows:

Lots 1-52 Block 1 Boden Addition to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop the Property for residential and commercial use and is requesting utilizing a private drive(s), road(s) or access easement(s) (the "Private Drive") to provide access and services to the parcels platted within the Property and identified above. The Property is located east of Washington Street and south of LaSalle Drive.

The City agrees to the proposed use of a Private Drives provided the utilities listed below ("Private Utilities") which serve the individual parcels within the Property are also privately owned, except where the City has agreed in writing to own Utilities.

By replatting this part of Boulder Ridge 5<sup>th</sup> Addition as Boden Addition, the Owner desires to assume the right of way of Onyx Drive south of LaSalle Drive and the Public Utilities located within the right of way of Onyx Drive south of LaSalle Drive. The City agrees to the Owner assuming the roadway and utilities with the following provisions:

1. The Owner will install a sanitary manhole in line with the existing sanitary sewer main located in Onyx Drive within the Boden Addition plat boundary to designate the point of demarcation between City sanitary sewer and private sanitary sewer. The sanitary manhole will be part of the private utility.

Alternately, the Owner may choose to install a Y-connection on the existing sanitary sewer main in LaSalle Drive for connection to the private sewer main and remove the sanitary sewer lead to the Onyx Drive sewer from the sanitary sewer manhole in LaSalle Drive.

2. The Owner will install a new valve after the existing T on the existing Onyx Drive water main. The valve will mark the point of demarcation between City water utility and private. The valve will be part of the private utility.
3. The existing streetlight located on the west side on Onyx Drive (end of circuit) will be removed by the Owner and delivered to Public Works Solid Waste Facility. The streetlight will be disconnected at the previous streetlight by a qualified electrician. Any damage to the streetlight or the streetlight components will be the responsibility of the Owner.
4. The Owner, by executing this Agreement, accepts the transfer of the roadway, sanitary sewer main and water main located within the Onyx Drive right of way, in exchange for the receipt of the roadway, sanitary sewer main and water main, the Owner agrees that it will hereinafter be responsible for the ownership, maintenance and repair of the roadway, sanitary sewer main and water main and will incorporate it into its sanitary sewer system to be managed and maintained in the same manner as the rest of its system other than as stated in this Agreement.
5. As a result of this transfer of the roadway, sanitary sewer main and water main, the City will have no further responsibility or obligation for the maintenance or operation of the roadway, sanitary sewer main and water main, except as included in this agreement as a Private Drive and Private Utility or as required by City Ordinance or City Policy.

The Private Drive and Private Utilities will include but not be limited to the following:

Private Drive: The paved roadway or access from the City right-of-way, including all curb and gutter, pavement surface, subgrade and drain tile, driveway approaches and all signage including the private drive name and no parking fire lane signage if required by emergency services.

Water: The water main from the city main, all curb stops between the City main and individual properties being served, water hydrants and valves and all equipment needed to operate the private water system in accordance with state and local requirements.

Sanitary Sewer: The sewer main from the city sewer main, including the Y-connection at the city main, the Y-connections and manholes between the city main and individual

properties and all equipment needed to operate the private sanitary sewer system in accordance with state and local requirements.

Street Lighting: Streetlight poles, streetlight fixtures, electrical conduit and conductor, equipment needed to power and control the streetlights and all equipment needed to operate the private streetlighting system.

Storm Water Facilities: Storm sewer from the City storm system, inlets, manholes, detention ponds, water quality control systems, pump stations and all other equipment and facilities needed to operate the private storm sewer system in compliance with federal, state and local storm water requirements.

The construction, maintenance, operation and replacement of the Private Drive and Private Utilities located with the Property, or located outside the Property but serving exclusively the Property, are all entirely the responsibility of the Owner and its assigns, and the City shall have no responsibility with regard thereto, except that the City will maintain and repair utilities owned by the City.

The installation and use of the Private Drive and Private Utilities does not relieve the Owner from participating in the construction, maintenance, operation and replacement of City facilities as it relates to City funding methods and policies to fund City improvements.

A non-exclusive easement in favor of the City and any other applicable government authority or agency who has jurisdiction over the Property, is granted by this document upon and across the Property for purposes of performing such duties related to law enforcement, fire protection, life safety, health, sanitation and other matters as shall be required from time to time for the purpose of performing their authorized duties.

The Owner has the authority to grant an Easement to the City for purposes of servicing the Private Utilities within the Property and has the authority to expand such grant as deemed appropriate by the Owner.

The City, and the Owner, for good and valuable consideration hereby acknowledged, agree to the following terms and conditions:

1. The Owner agrees to submit a site plan for approval which demonstrates the location and dimension of the Private Drive in relation to the intended structures. The site plan will also show the location, size and material of the Private Utilities along with the required storm water submittals.

2. The Owner agrees to grant the City access over, across and on the Property to permit the City to accomplish the purpose as stated in this agreement.
3. The Owner agrees and understands that the City has no obligation to perform any maintenance or repair of any of the Private Utilities on the Property.
4. The City agrees to provide the following services:
  - Scheduled yearly fire hydrant flushing.
  - Technical assistance in the event a water main break or sewer failure should it occur.
  - Locating and providing curb stop shut-offs such that the Owner can service the Private Utilities
5. The City agrees to provide solid waste collection service consistent with the zoning and use of the Property during the normal course and operation of this service within the City.
6. The City agrees to exercise reasonable care when performing the maintenance described herein. Further, the City agrees to perform all services in a workmanlike manner, and to schedule the maintenance by the City Public Works Department in a manner which will provide efficiency and economy consistent with timeliness.
7. The Owner agrees to hold the City harmless from any and all damages that may occur due to the process and actions taken during or following any and all of services provided herein. The Owner will release, defend, indemnify, protect, and hold harmless the CITY and City officers, agents, representatives, employees, and contractors from and against any and all claims of personal injury, property damage or any other actions, administrative proceedings, judgments, damages, penalties, fines, costs, liabilities, interests, or losses, including costs, expenses, and attorneys' fees, arising out of the services provided under this agreement.
8. This Agreement will run with the land as to the parcels within the Property and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within the Property, as well as record this Agreement with the Burleigh County Recorder. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

9. This Agreement may not be modified, except in writing and signed by both parties.

10. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.

This Agreement shall bind the parties, their successors, assigns and heirs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Ronald & Ruth Knutson  
Owners

\_\_\_\_\_  
Ronald Knutson

\_\_\_\_\_  
Ruth Knutson

STATE OF NORTH DAKOTA            )  
  ) ss:  
COUNTY OF BURLEIGH            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

\_\_\_\_\_  
Notary Public  
State of North Dakota

(SEAL)



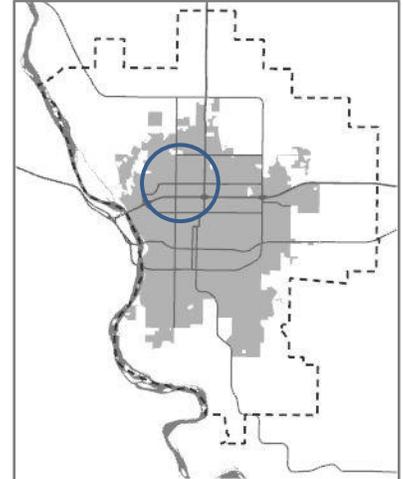
# STAFF REPORT

Application for: **Zoning Change**  
**Major Subdivision Final Plat**

Project ID: ZC2022-002  
FPLT2022-002

## Project Summary

<i>Title:</i>	Boden Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Ron and Ruth Knutson
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	In north Bismarck, on the east side of North Washington Street and the south side of East Lasalle Drive (part of the W1/2 of Section 16, T139N-R80W/City Lands and a replat of Lots 2 and 3, Block 1 and Lot 4, Block 2, Boulder Ridge Fifth Addition)
<i>Project Size:</i>	20.0 Acres
<i>Request:</i>	Plat and rezone for development of small-scale office buildings and single and two-family residential



## Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 parcels and 3 lots	<i>Number of Lots:</i>	52 Lots in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Small-scale offices, two-family residential and single-family residential
<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	A – Agricultural R5 – Residential	<i>Zoning:</i>	R5 – Residential R10 – Residential Conditional RT – Residential
<i>Uses Allowed:</i>	A – Agriculture R5 – Single-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential Conditional RT – Offices and multi-family residential
<i>Max Density:</i>	A – 1 unit / 40 acres R5 – 5 units / acre	<i>Max Density:</i>	R5 – 5 units / acre R10 – Single and two-family residential Conditional RT – 30 units / acre

(continued)

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## Property History

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<i>Zoned:</i>	<i>10/2012</i>	<i>Platted:</i>	<i>04/2013</i>	<i>Annexed:</i>	<i>04/2013</i>
	<i>R5 - Residential</i>		<i>Boulder Ridge 5th</i>		

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## Staff Analysis

Ron and Ruth Knutson are requesting approval of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts and a major subdivision preliminary plat for Boden Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 15<sup>th</sup> and 22<sup>nd</sup> and 65 letters were mailed to the owners of nearby properties on April 12<sup>th</sup> (letters were sent early in anticipation of a snowstorm).

### *Review History*

A plat for this area, also titled Boden Addition, was considered by the Planning and Zoning Commission in the Spring of 2021, and a public hearing on the final plat was held on June 23, 2021, then continued to August 25, 2021, at which point the request was further continued to allow time for the developer to work with neighbors to address concerns raised at the hearing.

Because the current version of Boden Addition has been substantially altered, the previous consideration and tentative approval of Boden Addition is no longer valid, and a revised preliminary plat and zoning change were considered on March 23, 2022. The Planning and Zoning Commission called for a public hearing on this zoning change and tentatively approved this revised preliminary plat.

The primary difference in the new version of Boden Addition is the introduction of residential uses to the east side of the subdivision, which was previously all proposed for office uses. The

number of lots available for office use has been reduced from 44 to 23, and an additional 25 residential lots are now included.

### *Surrounding Context*

Adjacent uses include an elementary school to the north across East Lasalle Drive, single-family residential and stormwater detention to the east, single-family residential to the south, and an assisted living and skilled care facility to the west across North Washington Street.

The area includes three lots within Boulder Ridge 5th Addition, and unplatted land to the east of this subdivision. Portions of the area were also included on a preliminary plat for Boulder Ridge 8<sup>th</sup> Addition, which has been withdrawn by the applicant.

### *Land Uses*

The proposed development includes two distinct parts. The western portion of the subdivision, near North Washington Street, consists of small-scale offices and the eastern portion of residential uses, specifically single-family and two-family residential.

The office buildings on the western portion would be individually sited on one of 23 lots zoned Conditional RT – Residential, in a scale and arrangement similar to a residential development. The zoning district would include conditions to align with this design concept, in order to limit the impact to the surrounding neighborhood.

A draft conditional zoning ordinance is attached, including some of the following:

*(continued)*

- Minimum and maximum building sizes and heights, and prohibition of accessory structures
- Basic design standards to resemble residential construction
- Limit on the height of garage doors
- A landscaped buffer on the periphery and internal landscaping on each lot
- Lighting standards to limit light trespass
- Limits on number and size of commercial signs

The underlying zoning district of RT – Residential would allow general office or medical office uses. Commercial retail and service uses, as well as industrial uses, would not be allowed.

#### *Access and Transportation*

All access to the development would be made by private driveway loops connected to East LaSalle Drive to the north at two points. The internal roadway network and underlying utilities would be owned and managed by an association for the development. A small segment of Onyx Drive has already been dedicated and improved, and this would be partially reconstructed and revert to a private road to be managed by the association.

Each lot would include enough parking to meet the minimum requirements in the zoning ordinance. A cross-parking agreement within the association would potentially alleviate any possible strain on the parking. Parking on the private drives would be limited due to width needed for fire access and direct-access parking areas.

A 20-foot wide path with enhanced paving would be installed to connect the private roadways within Boden Addition to Basalt Drive. This is necessary to provide a secondary emergency access to Boden Addition. This was not required for the initial version reviewed in 2021 but is now

required because of the addition of residential uses into the subdivision. The path may be used by bicycles and pedestrian but will be restricted for motor vehicles.

#### *Parks and Open Space*

The inclusion of residential uses within this plat invokes the Neighborhood Parks and Open Space policy. The Bismarck Parks and Recreation Board considered a proposal by the developer to include a neighborhood park within Boden Addition. On November 16, 2021, the Board ultimately decided to continue the existing plan of locating a park for the Boulder Ridge neighborhood approximately a quarter mile to east of Boden Addition along an extension of Normandy Drive. This park would be developed with a future subdivision of currently vacant land.

#### *Other Issues*

Stormwater for the development would be collected in Lot 51 to the east, which would be owned and maintained by a private association of property owners. It is anticipated that one association would be created for Boden Addition, including both office and residential uses.

Boden Addition includes one lot zoned R5 – Residential for development of a single-family home. This lot would be disconnected from the remainder of the subdivision and would be accessed directly from Basalt Drive. Two substandard lots, Lots 49-50, would be dedicated within this plat and then transferred for combination with the adjacent residential properties to the north. They are not buildable in their present form.

The creation of any new lots in the corporate limits is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

*(continued)*

**Required Findings of Fact (relating to land use)***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; and
  8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
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 requirements of the neighborhood parks and open space policy have been discussed by the Bismarck Parks and Recreation District and confirmation about satisfaction of requirements is forthcoming;
  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; and
  11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

*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;

*(continued)*

**Staff Recommendation**

Based on the above findings, staff recommends approval of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts, as outlined in the attached draft ordinance, and approval of the major subdivision final plat for Boden Addition, with the following condition:

1. A private drive and utility agreement is signed by developer prior to scheduling a public hearing with the City Commission
2. The Bismarck Parks and Recreation District confirms whether the Neighborhood Parks and Open Space

Policy would be met through the park currently proposed for the Boulder Ridge neighborhood

**Attachments**

1. Draft Conditional Zoning Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Major Subdivision Final Plat
7. Major Subdivision Preliminary Plat

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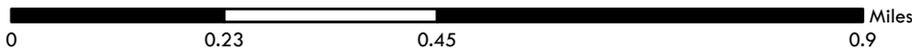
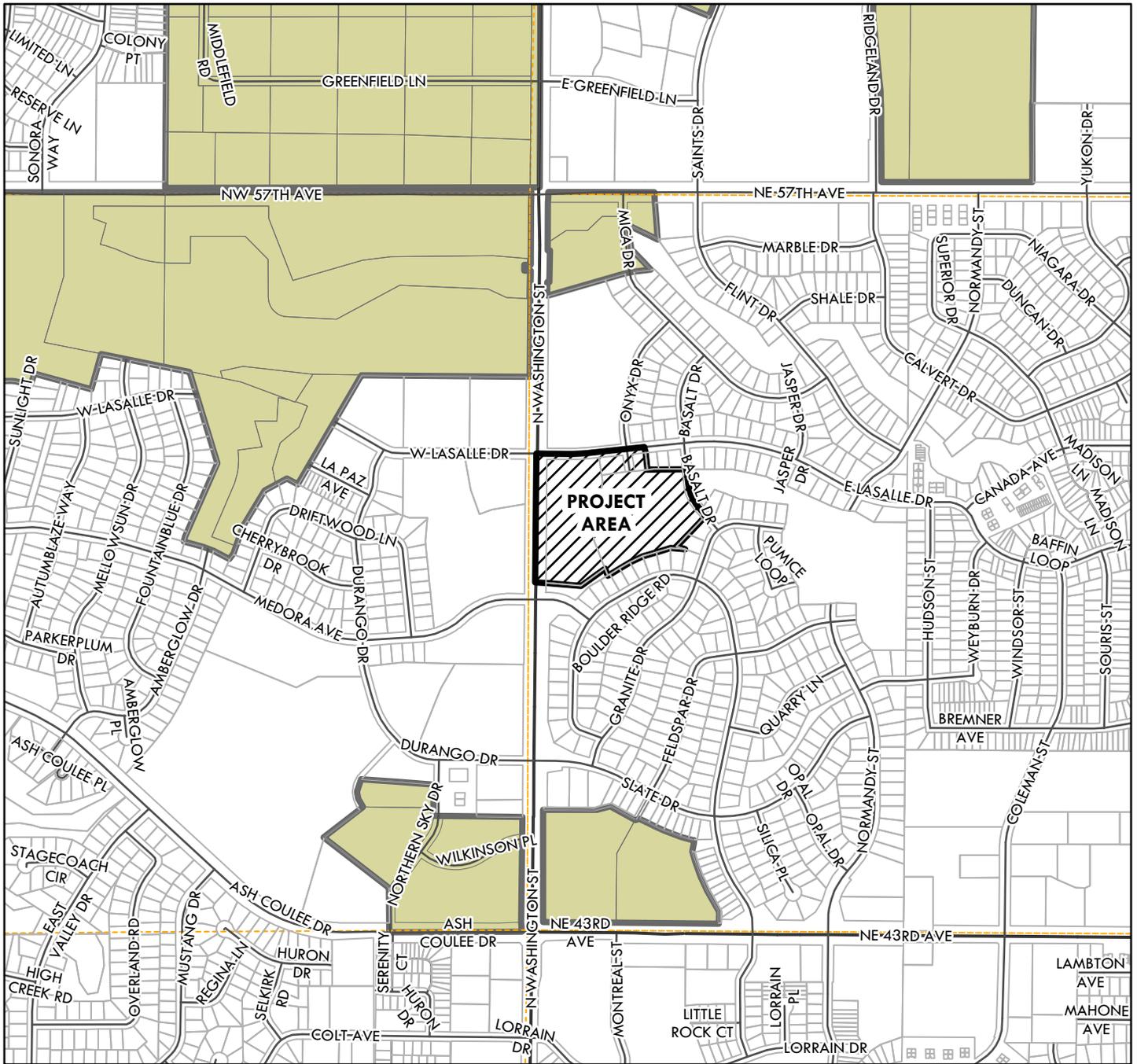
*Staff report prepared by:* Daniel Nairn, AICP, Senior Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)



# Location Map

## BODEN ADDITION V2

FPLT2022-002  
ZC2022-002

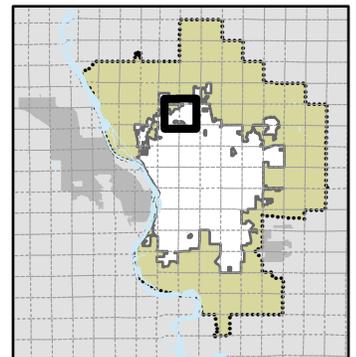


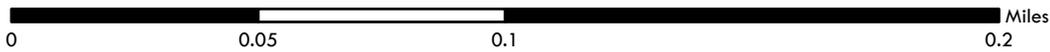
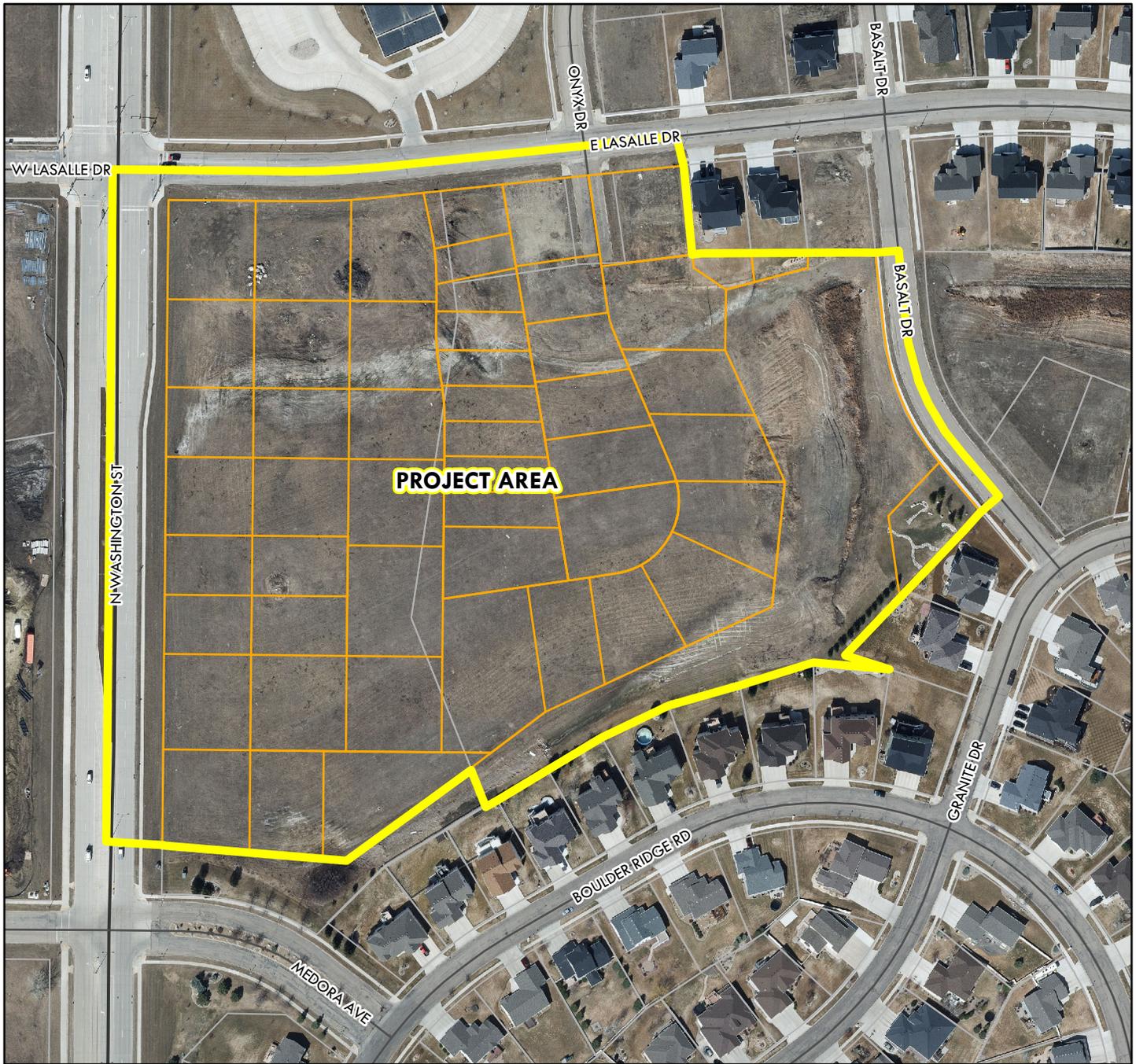
- City Limits
- Bismarck ETA Jurisdiction

City of Bismarck  
Community Development Department  
Planning Division  
March 14, 2022 (HLB)

*Section, township, and range indicated in orange*

*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.*



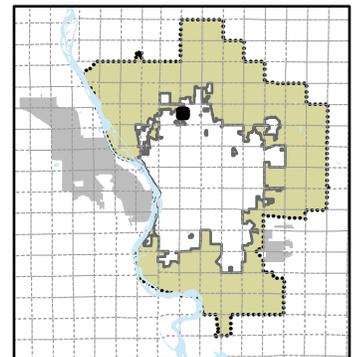


 City Limits     Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck  
Finance Department  
IT/GIS Division  
March 11, 2022

*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.*





# Zoning and Plan Reference Map

BODEN ADDITION V2

PPLT2022-002  
ZC2022-002

## Zoning Districts

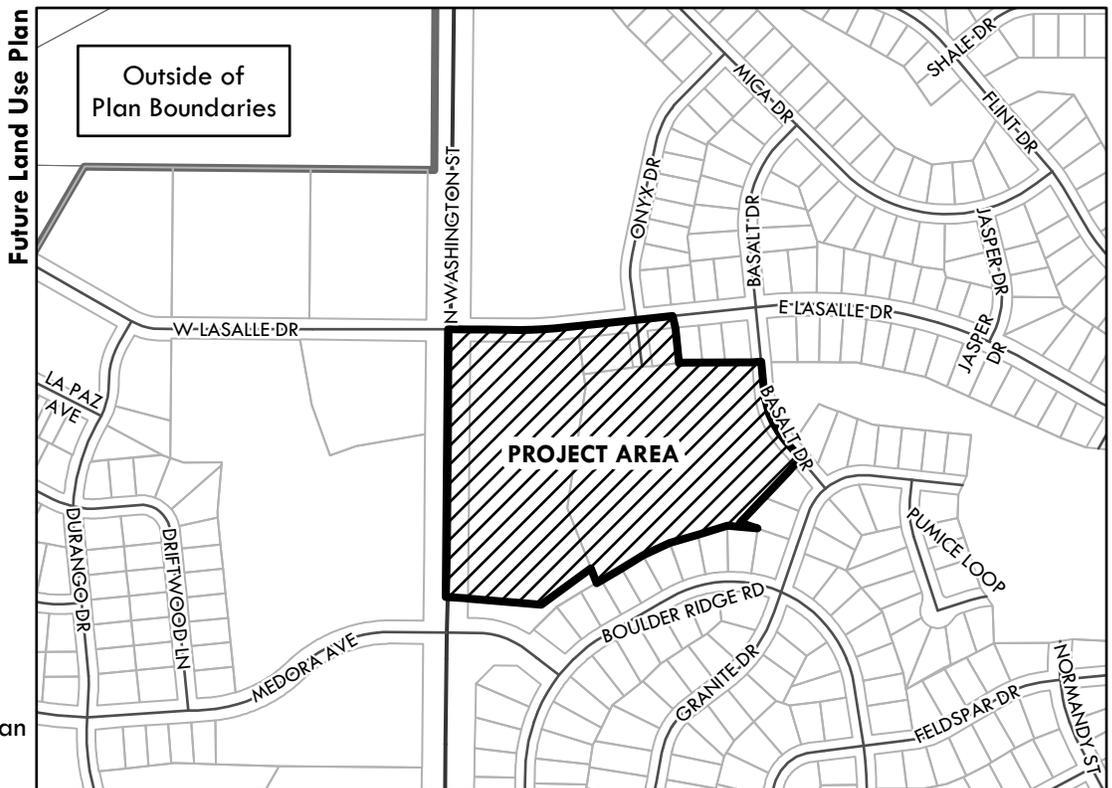
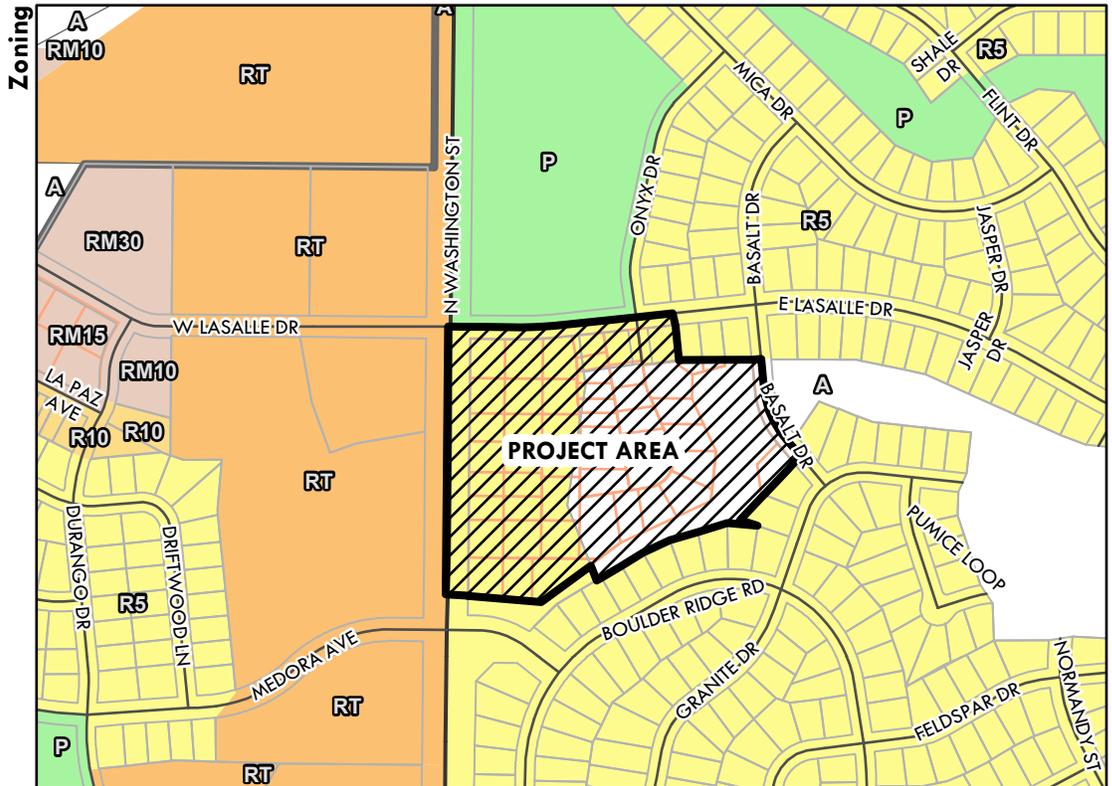
<b>A</b>	Agriculture
<b>RR</b>	Rural
	Residential
<b>R5</b>	Residential
<b>RMH</b>	Manufactured Home Residential
<b>R10</b>	Residential
<b>RM</b>	Residential Multifamily
<b>RT</b>	Residential (Offices)
<b>HM</b>	Health and Medical
<b>CA</b>	Commercial
<b>CG</b>	Commercial
<b>MA</b>	Industrial
<b>MB</b>	Industrial
<b>PUD</b>	Planned Unit Development
<b>DC</b>	Downtown Core
<b>DF</b>	Downtown Fringe

## Future Land Use Plan

<b>CONSRV</b>	Conservation
<b>BP</b>	Business Park
<b>C</b>	Commercial
<b>C/MU</b>	Commercial/Mixed Use
<b>CIVIC</b>	Civic
<b>HDR</b>	High Density Residential
<b>I</b>	Industrial
<b>LDR</b>	Low Density Residential
<b>MDR</b>	Medium Density Residential
<b>MDR-/MU</b>	Medium Density Residential/Mixed Use
<b>O/MU</b>	Office/Mixed Use
<b>RR-C</b>	Clustered Rural Residential
<b>RR</b>	Standard Rural Residential
<b>UR</b>	Urban Reserve

## Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road



*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.*



City of Bismarck  
Community Development Dept.  
Planning Division  
March 11, 2022

**Proposed New Zoning Map**

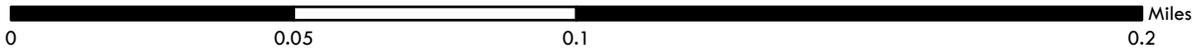
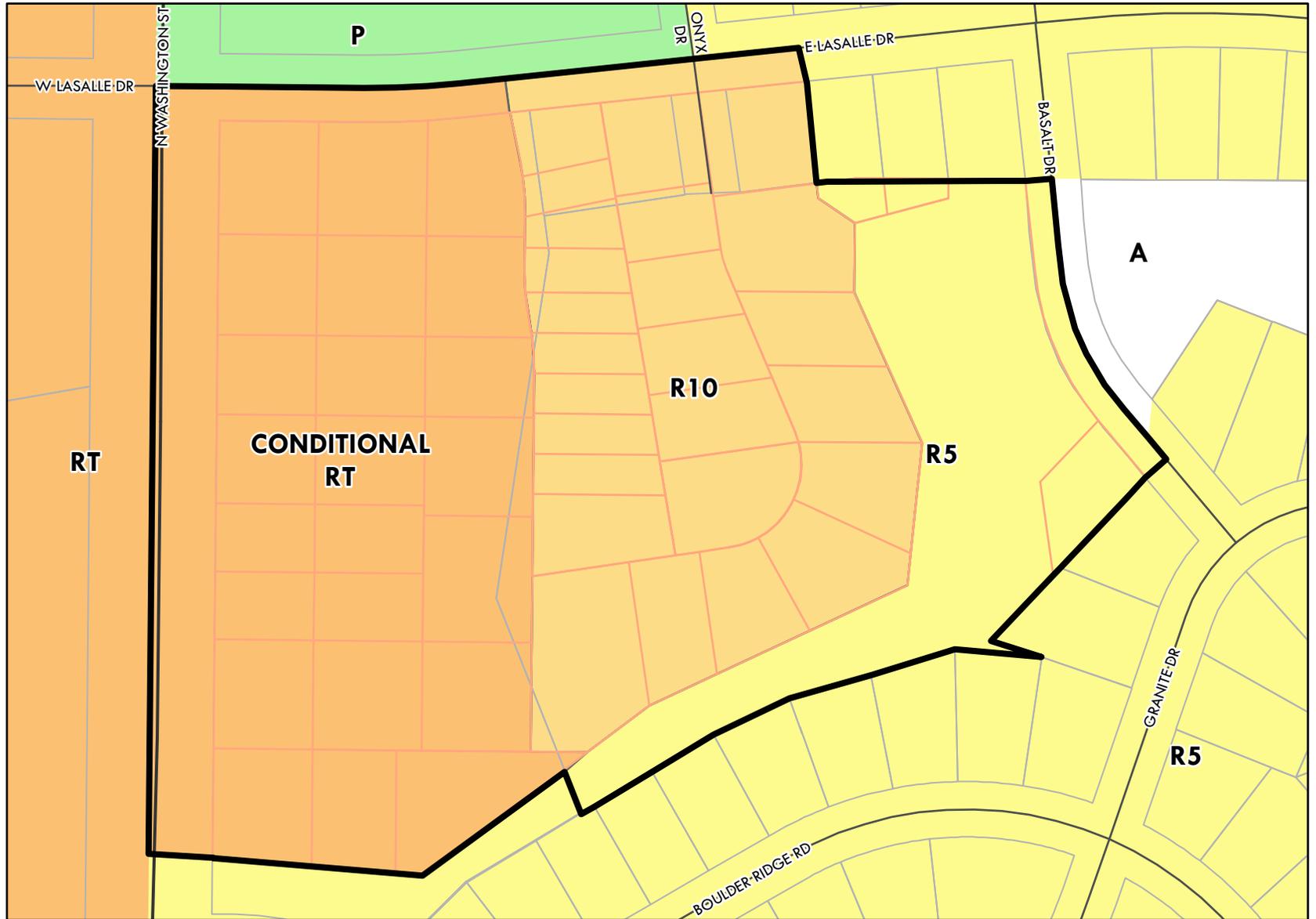
Project Area (zoning within is proposed)

City Limits

*Zoning Districts*

- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

*A "C-" prior to the district indicates that special conditions would apply to the zoning district*



*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.*



# BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2  
BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET  
RIGHT-OF-WAY, PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST  
HALF OF BASALT DRIVE RIGHT-OF-WAY & PART OF THE WEST 1/2 OF  
SECTION 16, TOWNSHIP 13 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY,  
NORTH DAKOTA

## BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

### DESCRIPTION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2 BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET RIGHT-OF-WAY, PART OF THE SOUTH HALF OF LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST HALF OF BASALT DRIVE RIGHT-OF-WAY & PART OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

### DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 83 DEGREES 44 MINUTES 56 SECONDS EAST; ALONG THE BOUNDARY OF SAID BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 46.7 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 37 SECONDS EAST; ALONG SAID BOUNDARY, AND ITS EASTERN EXTENSION, A DISTANCE OF 283.73 FEET TO THE CENTRELINE OF BASALT DRIVE RIGHT-OF-WAY; THENCE SOUTH 06 DEGREES 05 MINUTES 15 SECONDS EAST; ALONG SAID CENTRELINE, A DISTANCE OF 106.62 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT; CONTINUING ALONG SAID CENTRELINE, ON A 1,000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 17.94 FEET; THENCE SOUTH 59 DEGREES 59 MINUTES 11 SECONDS EAST; CONTINUING ALONG SAID CENTRELINE, A DISTANCE OF 83.72 FEET TO THE NORTHEASTERLY EXTENSION OF THE NORTHERN LINE OF LOT 2 BLOCK 4 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 43 DEGREES 54 MINUTES 10 SECONDS WEST; ALONG SAID EXTENSION AND SAID NORTHERN LINE AND THE NORTHERN LINE OF LOT 1 BLOCK 4 BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 308.88 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 70 DEGREES 58 MINUTES 21 SECONDS EAST; ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 66.34 FEET TO THE BOUNDARY OF BOULDER RIDGE FIRST ADDITION; THENCE NORTH 84 DEGREES 54 MINUTES 21 SECONDS WEST; ALONG SAID BOUNDARY, A DISTANCE OF 104.39 FEET; THENCE SOUTH 74 DEGREES 08 MINUTES 33 SECONDS WEST; CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 206.71 FEET; THENCE SOUTH 64 DEGREES 13 MINUTES 52 SECONDS WEST; CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 104.40 FEET; THENCE SOUTH 58 DEGREES 21 MINUTES 52 SECONDS WEST; CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 18.8 FEET TO THE BOUNDARY OF LOT 1 BLOCK 4 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 21 DEGREES 35 MINUTES 08 SECONDS WEST; ALONG SAID BOUNDARY, A DISTANCE OF 32.94 FEET; THENCE SOUTH 33 DEGREES 31 MINUTES 02 SECONDS WEST; ALONG SAID BOUNDARY, A DISTANCE OF 210.8 FEET; THENCE NORTH 85 DEGREES 16 MINUTES 30 SECONDS WEST; CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 328.08 FEET TO THE CENTRELINE OF NORTH WASHINGTON STREET RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 50 SECONDS EAST; ALONG SAID CENTRELINE, A DISTANCE OF 811.02 FEET TO THE CENTRELINE OF LASALLE DRIVE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 28 MINUTES 02 SECONDS EAST; ALONG SAID CENTRELINE, A DISTANCE OF 248.34 FEET; THENCE EASTERLY AND TO THE LEFT; CONTINUING ALONG SAID CENTRELINE, ON A 1,000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 114.35 FEET; THENCE NORTH 83 DEGREES 58 MINUTES 27 SECONDS EAST; CONTINUING ALONG SAID CENTRELINE, A DISTANCE OF 403.04 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 2 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 08 DEGREES 08 SECONDS EAST; ALONG SAID NORTHERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 148.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.01 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON [ ] THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET; AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.  
809 BASIN AVENUE  
BISMARCK, NORTH DAKOTA  
58504

TERRY BALZER  
PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO. 3559

### APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE \_\_\_\_\_ 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, I HAVE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ – CHAIRMAN

ATTEST  
BETH EHRETH – SECRETARY

### APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.

ATTEST  
REITH J. HUNKE – CITY ADMINISTRATOR

### APPROVAL OF CITY ENGINEER

I, GABRIEL J. SHELLE, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BODEN ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SHELLE  
CITY ENGINEER

### OWNER'S CERTIFICATE & DEDICATION

I, KNOW ALL MEN BY THESE PRESENTS THAT RON KNUTSON AND RUTH KNUTSON BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BODEN ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES OR OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS, WATERMAIN, AND SANITARY SEWER EASEMENTS TO THE LANDOWNERS OF BODEN ADDITION, THEIR TENANTS, VISITORS AND LICENSEES. SAID EASEMENT TO INCLUDE THE PAUL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREINAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPAIR ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS, AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONTRACTORS, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY HERENAFTER DESCRIBED. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT SEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

THEY FURTHERMORE GRANT AN EMERGENCY ACCESS & PEDESTRIAN ACCESS EASEMENT TO THE CITY OF BISMARCK; SAID EASEMENT SHALL BE FOR THE PURPOSES OF ACCESS AND EGRESS TO PROVIDE FIRE AND POLICE PROTECTION, AMBULANCES AND RESCUE SERVICES, AND WILL PROVIDE TEMPORARY ACCESS TO THE LANDOWNERS OF BODEN ADDITION, THEIR TENANTS, VISITOR AND LICENSEES IN THE EVENT OF EMERGENCIES. SAID EASEMENT SHALL ALSO BE FOR THE PURPOSES OF INGRESS AND EGRESS FOR PEDESTRIAN AND NON-MOTORIZED VEHICLES. NO STRUCTURES OR SHALL BE CONSTRUCTED ON SAID EASEMENT THAT WOULD INTERFERE OR IMPAIR THE NORMAL OPERATION OF THE EASEMENT AREA. NO PARKING OF VEHICLES WITHIN THE EASEMENT SHALL BE PERMITTED.

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

RON KNUTSON

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME PERSONALLY APPEARED RON KNUTSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES \_\_\_\_\_

RUTH KNUTSON

STATE OF NORTH DAKOTA

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME PERSONALLY APPEARED RUTH KNUTSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

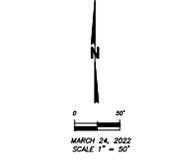
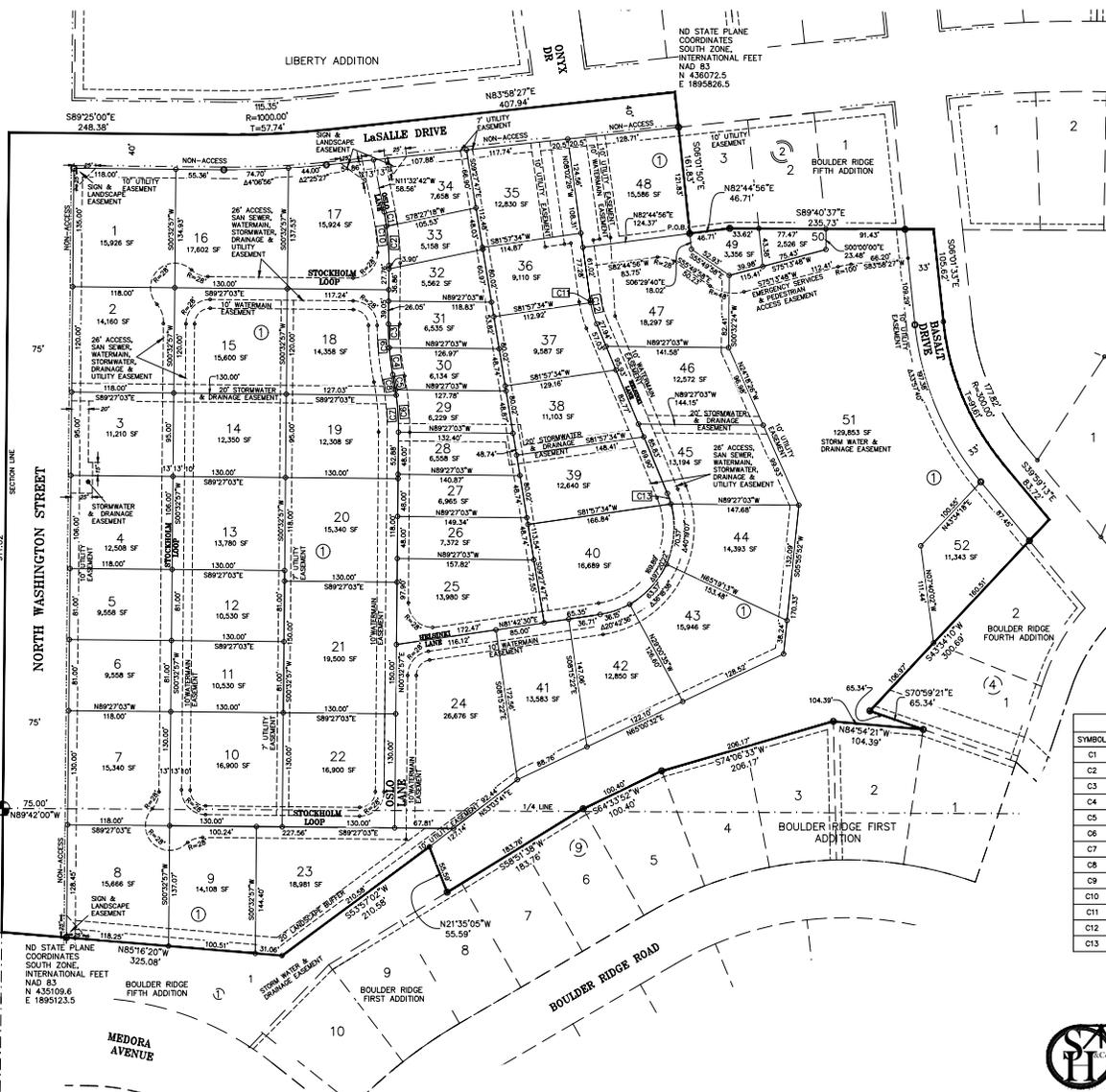
NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES \_\_\_\_\_



SWENSON, HAGEN & COMPANY P.C.  
809 Basin Avenue  
Bismarck, North Dakota 58501  
Phone: (701) 221-2000  
Fax: (701) 221-2006  
www.swhcp.com  
Construction Management

# BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2  
 BOULDER RIDGE FIFTH ADDITION, PART OF THE EAST 1/2 OF NORTH WASHINGTON STREET RIGHT-OF-WAY, PART OF THE SOUTH HALF OF  
 LASALLE DRIVE RIGHT-OF-WAY, PART OF THE WEST HALF OF BASALT DRIVE RIGHT-OF-WAY, & PART OF THE WEST 1/2 OF  
 SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST  
**BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA**



**NOTES**

BASES OF BEARING:  
 NORTH DAKOTA STATE PLANE SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATA:  
 NORTH DAKOTA STATE PLANE COORDINATE SYSTEM  
 NAD 83 SOUTH ZONE  
 ADJUSTMENT OF TIDE  
 UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

METRIC BENCHMARK:  
 TBD

**AREA DATA**

LOTS	126,522.51	13.0	ACRES
TOTAL	126,522.51	3.50	ACRES
TOTAL	126,522.51	3.50	ACRES

**CURVE TABLE**

SYMBOL	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH
C1	300.00'	33°45'00"	9.34'	18.68'
C2	300.00'	83°31'33"	22.36'	44.64'
C3	300.00'	50°09'14"	13.50'	26.99'
C4	300.00'	6°40'57"	17.51'	34.99'
C5	300.00'	23°30'21"	6.82'	13.64'
C6	300.00'	97°35'00"	24.22'	48.33'
C7	300.00'	80°41'17"	21.17'	42.26'
C8	300.00'	3°45'54"	9.86'	19.71'
C9	300.00'	11°50'11"	31.01'	61.98'
C10	300.00'	12°05'39"	31.78'	63.32'
C11	107.00'	1°27'38"	1.36'	2.73'
C12	107.00'	14°57'02"	14.04'	27.92'
C13	100.00'	7°16'22"	6.36'	12.69'

**SWENSON, HAGEN & COMPANY P.C.**

100 Bank Avenue  
 Bismarck, North Dakota 58501  
 701.221.2212  
 shc@swensonhagen.com  
 701.221.2212  
 Fax 701.221.2006  
 swensonhagen.com  
 Construction Management

# BODEN ADDITION

BEING A REPLAT OF LOT 2 & 3 BLOCK 1, LOT 4 BLOCK 2  
BOULDER RIDGE FIFTH ADDITION &  
PART OF THE WEST 1/2 OF  
SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST  
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

20.0 ACRES  
EXISTING ZONING: R5/A  
PROPOSED ZONING: CONDITIONAL RT, R10, R5, P  
52 LOTS

OWNER: **RON & RUTH KNUTSON**  
ADDRESS: 555 HIGHWAY 1804 NE  
BISMARCK, ND 58503

OWNER: **BOULDER RIDGE DEVELOPMENT, INC**  
101 SLATE DR.  
BISMARCK, ND 58503

OWNER: **FIVE GUYS INVESTMENT, LLP**  
101 SLATE DR.  
BISMARCK, ND 58503

OWNER	LOT	AREA	STATUS
OWNER	1	10,000 SF	RESERVED
OWNER	2	10,000 SF	RESERVED
OWNER	3	10,000 SF	RESERVED
OWNER	4	10,000 SF	RESERVED
OWNER	5	10,000 SF	RESERVED
OWNER	6	10,000 SF	RESERVED
OWNER	7	10,000 SF	RESERVED
OWNER	8	10,000 SF	RESERVED
OWNER	9	10,000 SF	RESERVED
OWNER	10	10,000 SF	RESERVED
OWNER	11	10,000 SF	RESERVED
OWNER	12	10,000 SF	RESERVED
OWNER	13	10,000 SF	RESERVED
OWNER	14	10,000 SF	RESERVED
OWNER	15	10,000 SF	RESERVED
OWNER	16	10,000 SF	RESERVED
OWNER	17	10,000 SF	RESERVED
OWNER	18	10,000 SF	RESERVED
OWNER	19	10,000 SF	RESERVED
OWNER	20	10,000 SF	RESERVED
OWNER	21	10,000 SF	RESERVED
OWNER	22	10,000 SF	RESERVED
OWNER	23	10,000 SF	RESERVED
OWNER	24	10,000 SF	RESERVED
OWNER	25	10,000 SF	RESERVED
OWNER	26	10,000 SF	RESERVED
OWNER	27	10,000 SF	RESERVED
OWNER	28	10,000 SF	RESERVED
OWNER	29	10,000 SF	RESERVED
OWNER	30	10,000 SF	RESERVED
OWNER	31	10,000 SF	RESERVED
OWNER	32	10,000 SF	RESERVED
OWNER	33	10,000 SF	RESERVED
OWNER	34	10,000 SF	RESERVED
OWNER	35	10,000 SF	RESERVED
OWNER	36	10,000 SF	RESERVED
OWNER	37	10,000 SF	RESERVED
OWNER	38	10,000 SF	RESERVED
OWNER	39	10,000 SF	RESERVED
OWNER	40	10,000 SF	RESERVED
OWNER	41	10,000 SF	RESERVED
OWNER	42	10,000 SF	RESERVED
OWNER	43	10,000 SF	RESERVED
OWNER	44	10,000 SF	RESERVED
OWNER	45	10,000 SF	RESERVED
OWNER	46	10,000 SF	RESERVED
OWNER	47	10,000 SF	RESERVED
OWNER	48	10,000 SF	RESERVED
OWNER	49	10,000 SF	RESERVED
OWNER	50	10,000 SF	RESERVED
OWNER	51	10,000 SF	RESERVED
OWNER	52	10,000 SF	RESERVED



CONDITIONAL RT: LOTS 1-23  
R10: LOTS 24-48  
R5: LOTS 49-51



SCALE - 1" = 60'  
VERTICAL DATUM: NAVD 88  
MARCH 8, 2022



**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boden proposal - rezoning  
**Date:** Monday, April 25, 2022 11:44:47 AM

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**From:** Dawn Ulmer <[REDACTED]>  
**Sent:** Sunday, April 24, 2022 9:15 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Boden proposal - rezoning

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

Zoning Commission:

As residents of the Boulder Ridge Development we are begging the zoning commission to put an end to this request for a zoning change related to the 7th section of the Boulder Ridge Development. (Proposed "Boden Development") This section of property **which is within 100 feet of the main entrance to the original street named "Boulder Ridge Road" is supposed to remain either agriculture or Single family homes** according to promises made by the developer of the Boulder Ridge Community. The property is in the backyard of residents who invested their money in a **"prime residential development"**. There are single family homes surrounding it, and an elementary school across the street from it. **It would be unethical to change this zoning to anything but single family homes.** Right now water drains through this property, efficiently - adding the cement that comes with businesses and townhomes WILL cause more water issues for many residents. There will also be more traffic and our home values will be negatively affected. **We did not purchase homes on Boulder Ridge Road, in the Boulder Ridge Community to be surrounded and locked in by commercial property or duplexes!** When Cam Knutson began this request he stated that if we did not allow the 30 to 40 businesses he was proposing, the new plan would be even more "dense" and create more traffic. **This is the plan he is bringing to you now.** The plan for businesses, townhomes and a few single family homes is not what was originally proposed by those who developed Boulder Ridge! As the Zoning Commission, if you support this plan, you are sending the message that tax paying residents do not matter, and you are willing to allow a developer's profits to be a priority rather than the tax paying residents. Please do not change the zoning to anything that will allow commercial properties and townhomes or duplexes. PLEASE keep the zoning for either agricultural or single family dwellings. **Keep this a prime residential neighborhood as we were promised!**

We searched over a year for a house and finally, my husband and I found the perfect home located on 4906 Boulder Ridge Road. At the time we were making the deal on the home, there was nothing behind us, we had a clear view for as far as we could see. Of course, we knew it would not be empty forever so we asked about the

zoning and were told the property right behind us was zoned agriculture. We were told a portion would remain open as a drainage field. **After speaking with the inspector, a zoning commission member and most importantly the developer we were told that this piece of property would stay zoned agriculture until the time that it was needed for more single family dwellings.** After receiving the assurance that Boulder Ridge would remain a “Prime Residential Community” we invested everything we had in this location. Over the years houses went up by the hundreds, a school was built, commercial properties were constructed, specials were assessed, water bill was doubled and still we have been happy with our purchase. It was shocking to hear there was a plan to put a 3 story building behind us a couple years ago. We spoke up at the meeting and luckily Mayor Seminary stood up for us and stated that **“As a zoning commission it is important for the city of Bismarck to protect residential zoning”** There was a vote and the zoning was not changed at that time. The next plan was to add 40 businesses and this was voted down. Next, there was an idea to have a park, which is something that sounded much more appealing. It would be very nice to have a park with beautiful trees etc. But then we were told if our community voted for the park it would automatically mean we agreed to have commercial property and a new zoning. Basically they want to put commercial property adjacent to the original street in Boulder Ridge, Our “prime residential community”.

Cam and Ron both used the tactic of threatening that if we did not allow the businesses, they would go for twin homes which would be much more “dense” and add more concrete and more traffic. **These proposals were all thrown at us rather than respecting the original promise that was made - to keep Boulder Ridge a prime residential community.** If a zoning commission decides to join forces with the developer who has already admitted that our best interest is not his first concern, then this is a sad situation. Please do the right thing.

Do not allow a developer to trick families into believing they are investing in a Prime Residential Community and then make an attempt to completely change the zoning, reducing the value of homes on Boulder Ridge Road. This is a developer/s attempt to profit at the expense of residents who paid a high price to live in this neighborhood. **Please protect residential zoning and keep Boulder Ridge a “prime residential community”.**

**Thank you,  
Dawn Ulmer**



**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boden Plat and Re-Zone Development  
**Date:** Wednesday, April 27, 2022 10:10:50 AM

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Thank you,

Allison Carlson  
Office Assistant II

City of Bismarck – Community Development  
221 N 5th St  
PO Box 5503  
Bismarck, ND 58501

Office: (701) 355-1465  
Fax: (701) 222-6450  
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Instagram: [instagram.com/bismarckndgov](https://instagram.com/bismarckndgov)

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

From: Craig Thurow <[REDACTED]>  
Sent: Wednesday, April 27, 2022 12:21 AM  
To: Planning - General Mailbox <[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)>  
Subject: Boden Plat and Re-Zone Development

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

Dear Planning and Zoning Commissioners,

My wife and I became residents of Bismarck when we purchased a home. In the Boulder Ridge Development 1st Addition in October, 2014.

I attended the Boulder Ridge Town Hall Boden presentation by the Developer Cam Knutson at the Liberty School last summer. And have followed the Boden proposal development changes thru conversation and document sharing within the HOA.

Following are my concerns regarding this zoning proposal change.

After purchase of our home we became members of the Boulder Ridge Home Owners Association. And received copies of the HOA Bylaws and Declaration of Restrictions and Obligations.

1) In the Declarations of Restrictions and Obligations dated June 7, 2005. By the Boulder Ridge Development, Inc. and Five Guys Investment, LLP, referred to as the Developer.

On page 2 - It states 1. Purposes: that said lots with in the Real Property shall be used for RESIDENTIAL (emphasis mine) purposes as set out on the development plan of Developer, including as Developer may hereafter amend such development plan.

Since June, 2005 the Developer has added Boulder Ridge 2nd, 3rd, 4th, 5th, 6th and 7th Additions. And has

remained consistent with RESIDENTIAL purpose home construction. Except for three office buildings built in 2015 in the 1st Addition near the North Washington Street /Slate Drive street intersection Boulder Ridge entrance/exit. These office buildings have had minimal impact to the neighborhood. Because they have adequate private parking lots and access to/from North Washington Street.

June 2005 to April 2022 is 16 years 10 months . The consistency of the Boulder Ridge Development is being changed. Because a new Developer has a different vision with the zoning change to Conditional RT - Residential . That will include 23 lots for development of office use buildings and 25 lots for single and two family residential development.

The Boden development is adjacent to Liberty Elementary school. The school and the development will have adjacent street entrances and exits to East Lasalle Drive.

I frequently walk thru this location and when the school buses and parents. Deliver or pickup their young students the traffic flow is terrible. To add 23 lots for business use entrance and exit adjacent to the school at this location. There are no designated pedestrian walkways for the young students. To cross south along East Lasalle Drive and Basalt Drive. To their homes along Granite Drive, Pumice Loop and Boulder Ridge Road. This proposed traffic pattern is simply NOT SAFE for elementary age children!

Access and transportation within the new development it states will meet MINIMUM requirements in the zoning ordinance. A cross parking agreement within the association would potentially alleviate any possible strain on parking. How well is this parking plan going to work when there is another three day blizzard. With 18" of snow piled along the curb and gutter Bismarck experienced two weeks ago!

In closing this plan to include 23 small office buildings in a location that has for past 17 years been residential and adjacent to an elementary school. Is the wrong plan in a great neighborhood please vote NO to this zoning change proposal.

Sincerely,

Craig and Jennifer Thurow  
301 Slate Drive  
Bismarck 58503

Sent from my iPhone

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boden Addition  
**Date:** Wednesday, April 27, 2022 10:09:05 AM

---

Thank you,

**Allison Carlson**  
Office Assistant II

**City of Bismarck – Community Development**  
221 N 5th St  
PO Box 5503  
Bismarck, ND 58501

Office: (701) 355-1465

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Instagram: [instagram.com/bismarckndgov](https://instagram.com/bismarckndgov)

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**From:** Nathan Sundt <[REDACTED]>  
**Sent:** Tuesday, April 26, 2022 5:02 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Cc:** Daniel Nairn <dnairn@bismarcknd.gov>  
**Subject:** Fwd: Boden Addition

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

Members of the Planning and Zoning Commission

We are writing in strong opposition to the proposed rezoning request for the Boden Addition to allow R-10 and commercial development. We have concerns with the newly proposed zoning in general and concerns about excess traffic.

Boulder Ridge is primarily a residential development. We purchased our home for that reason. The portion of proposed RT is currently zoned R5 and the rest was zoned Ag. The newly proposed section R5 is located in a storm water easement and would be unlikely to ever be developed for single family homes. If this development is allowed to go through as proposed it will drastically change the nature of the development by mixing in commercial with residential.

The traffic on LaSalle Dr before and after school is already congested. Allowing this development to proceed as proposed would add traffic from 23 business plus 25 residential homes all entering/exiting the development onto LaSalle Dr directly across

from the school. Creating an 8:00 AM work rush for 23 businesses and an elementary school would pose a safety risk for all the children walking to school. Keeping this development as all residential would have less of an impact on traffic.

Nathan & Collette Sundt  
425 E Lasalle Dr

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boden Addition  
**Date:** Tuesday, April 26, 2022 3:30:04 PM

---

Thank you,

**Allison Carlson**  
Office Assistant II

**City of Bismarck – Community Development**  
221 N 5th St  
PO Box 5503  
Bismarck, ND 58501

Office: (701) 355-1465  
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Instagram: [instagram.com/bismarckndgov](https://instagram.com/bismarckndgov)

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**From:** [REDACTED] >  
**Sent:** Tuesday, April 26, 2022 12:33 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Boden Addition

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

Dear Sir or Madam:

This is regarding the request by Ron & Ruth Knutson to change the zoning for the Boden Addition of Boulder Ridge.

Boulder Ridge has **no** parks. Knutson's have promised a park on Normandy St. , just north of Felspar since Boulder Ridge was started. Now they want to develop the area along Washington St., again without a park.

Boulder Ridge is a large area with many children living here who need safe places to play. Both the Normandy St. location and an area in Boden Addition need parks as this area covers too great an area for children to walk to just 1 park.

Whatever you decide on their request I ask that you insist on parks **with a time limit to have them completed.**

Thank you,  
LeAna Hug  
4719 Normandy St.

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boulder Ridge development  
**Date:** Tuesday, April 26, 2022 3:06:24 PM

---

Thank you,

Allison Carlson  
Office Assistant II

City of Bismarck – Community Development  
221 N 5th St  
PO Box 5503  
Bismarck, ND 58501

Office: (701) 355-1465  
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Instagram: [instagram.com/bismarckndgov](https://instagram.com/bismarckndgov)

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

From: Jesse Brock <[REDACTED]>  
Sent: Tuesday, April 26, 2022 1:04 PM  
To: Planning - General Mailbox <[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)>  
Subject: Boulder Ridge development

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

Hello,

I would like to see the development of a city park in the boden development. Boulder ridge must stay on par with similar neighborhoods like Elk Ridge with a park accessible all year. Please consider this in your plan as you move forward with the boden site.

Jesse Brock

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Jenny Wollmuth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#); [Ben Ehreth](#)  
**Subject:** FW: Vote No to zoning request change by Ron and Ruth Knutson  
**Date:** Tuesday, April 26, 2022 9:29:06 AM

---

Thank you,

Allison Carlson  
Office Assistant II

City of Bismarck – Community Development  
221 N 5th St  
PO Box 5503  
Bismarck, ND 58501

Office: (701) 355-1465  
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Instagram: [instagram.com/bismarckndgov](https://instagram.com/bismarckndgov)

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

From: Pam Sharp [REDACTED] >  
Sent: Monday, April 25, 2022 3:07 PM  
To: Planning - General Mailbox <[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)>  
Subject: Vote No to zoning request change by Ron and Ruth Knutson

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

,My name is Pam Sharp. I have lived in Boulder Ridge for several years and I oppose the requested zoning change that would allow for an office park directly across from Liberty Elementary. Boulder Ridge residents were assured that Boulder Ridge would remain residential and it should remain that way.

Please vote no on this request.

Pam Sharp  
524 Slate Drive  
Bismarck, ND

Sent from my iPad

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Opposed to the Biden development  
**Date:** Monday, April 25, 2022 11:45:49 AM

---

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

From: Michell Swenson <[REDACTED]>  
Sent: Sunday, April 24, 2022 1:47 PM  
To: Planning - General Mailbox <[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)>  
Subject: Opposed to the Biden development

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

As a resident of the Boulder Ridge community, I am writing to express my opposition to the refining request for the Biden development. This is a residential area with a school in close proximity. We bought our current home because there was very limited office space within Boulder Ridge.

I am highly opposed to any redoing request to now add commercial office space. LaSalle is a very busy road with people traveling at speeds higher than the posted speed limit with little to no presence by the Bismarck City PD. Similar concerns with traffic on Washington, which I have expressed concerns with before. We have two schools, Liberty and Horizon, within this area. Traffic that drives at high rates of speed, with very little enforcement from the PD. Adding commercial office space will increase traffic, which will place children at risk. Many, many children walk and ride bike to school. Adding commercial office space by rezoning has no place and I strongly encourage you to not allow this rezoning to happen.

Michell Swenson  
4610 Boulder Ridge Rd

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Boden Addition April 27 Agenda Item  
**Date:** Monday, April 25, 2022 11:45:18 AM  
**Attachments:** [Boulder Ridge Developer Promise.pdf](#)

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**From:** Lyle Halvorson <[REDACTED]>  
**Sent:** Sunday, April 24, 2022 2:43 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Boden Addition April 27 Agenda Item

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

Members of the Bismarck Planning and Zoning Commission –

I am writing to oppose the proposed rezoning request for the Boden Addition to allow for commercial development.

We live at the corner of Granite Drive and Basalt Avenue. This land is directly behind our home. We did not buy a half-million dollar home to live adjacent to an office park. The Boulder Ridge developer's webpage says this: "The place you want to be! We are committed to providing a very special and exceptional housing environment at Boulder Ridge." That's the promise made to those of us who invested in the neighborhood. I've attached a PDF from the Boulder Ridge developer's website that describes our neighborhood as "Bismarck's premier development." That's how it should remain. An office park adds no value to my investment or to the neighborhood.

A commercial development is not appropriate for this neighborhood and you as members of the planning and zoning commission should not allow for such a zoning change. And you should not pass the buck and defer to the city commission. This proposal should be stopped by the Planning and Zoning Commission.

Had we known what is under consideration today for this property, we would have never purchased a home in Boulder Ridge. We believe the requested zoning change to allow for commercial development in our back yard is going to result in a significant decline in the value of our home.

Another concern the Planning and Zoning Commission should consider is the proximity to Liberty Elementary School. Traffic into and out of this office park would be directly across the street from the elementary school. I hope you would consider the safety of these children and the increase in traffic associated with 23 office buildings.

Please deny the Conditional RT zoning request.

Lyle Halvorson  
4912 Granite Dr.

Bismarck, ND 58503

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Meeting Agenda March 23, 2022, Agenda Item number 3 Boden Addition  
**Date:** Wednesday, March 23, 2022 9:01:07 AM

---

**From:** Brandon Vaughan <[REDACTED]>  
**Sent:** Wednesday, March 23, 2022 7:37 AM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Meeting Agenda March 23, 2022, Agenda Item number 3 Boden Addition

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

Hello,

I'm writing this letter in strong opposition to the zoning change and development proposed in Agenda Item number 3, Boden Addition. I live at 4913 Granite Dr, Bismarck, ND 58503. My front door will look out at this addition as my neighbors across the street backyards will be directly adjacent to this addition. When we purchased our home we were sold an idea of Boulder Ridge. The idea was of an exclusive community of high end homes constrained by a reasonable homeowners association and its bylaws. This new development is the opposite of single family, high end homes. There are multi-family units on small lots and office buildings proposed in this plan. This is not the vision of Boulder Ridge that was sold to the current homeowners. This plan also places two entrances to the division from LaSalle Dr within a corridor of Onyx and Washington. This is the same corridor of LaSalle that Liberty Elementary School sits on. The driveway to Liberty Elementary and Onxy Drive will be virtually traffic locked in the mornings if this proposal is approved. I drop my children off every morning at Liberty and there are many times I wait to get out of the drop off area because traffic is backed up from Washington all the way past Onxy. This added congestion from packing in multi-family homes and businesses into this area, rather than single family homes, may lead to safety concerns for children getting to and from Liberty because of the added amount of traffic naturally occurring from the occupancy of these proposed structures. Again, I strongly oppose this proposed plan. This area should be developed into only single family housing as intended for Boulder Ridge and to ensure traffic safety for the children of Liberty Elementary and the neighborhood.

Respectively,

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: Agenda item #3 - please vote no  
**Date:** Wednesday, March 23, 2022 8:57:49 AM

---

**From:** Christine Taylor <[REDACTED]>  
**Sent:** Tuesday, March 22, 2022 4:29 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Agenda item #3 - please vote no

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

My name is Christine Taylor. I live in Boulder Ridge and I am opposed to changing the zoning for the proposed Boden Addition.

Thank you,  
Christine Taylor

[Sent from Yahoo Mail on Android](#)

## Kim Lee

---

**From:** Scott Osadchuk <[REDACTED]>  
**Sent:** Tuesday, March 22, 2022 12:03 PM  
**To:** Kim Lee  
**Subject:** RE: city commission meeting

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

Thanks Kim,

**Scott Osadchuk, MSN RN, CASC**  
[REDACTED]

---

**From:** Kim Lee <klee@bismarcknd.gov>  
**Sent:** Tuesday, March 22, 2022 11:31 AM  
**To:** Scott Osadchuk <[REDACTED]>  
**Cc:** Daniel Nairn <dnairn@bismarcknd.gov>; Ben Ehreth <behreth@bismarcknd.gov>  
**Subject:** RE: city commission meeting

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Scott –

Based on your response, we will have the Chair announce that your application has been withdrawn at tomorrow night's Planning and Zoning Commission meeting and treat it as withdrawn in our records.

If you decide to request a special use permit for an EMC in the future, you will need to reapply at that time.

Please let me know if you have any questions.

**Kim L. Lee, AICP**

Planning Manager  
701-355-1846

---

**From:** Scott Osadchuk <[REDACTED]>  
**Sent:** Monday, March 21, 2022 4:35 PM  
**To:** Kim Lee <[klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)>  
**Cc:** Daniel Nairn <[dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)>; Ben Ehreth <[behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)>  
**Subject:** RE: city commission meeting

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

Then let's cancel.

**Scott Osadchuk, MSN RN, CASC**

[REDACTED]

---

**From:** Kim Lee <[klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)>  
**Sent:** Monday, March 21, 2022 4:23 PM  
**To:** Scott Osadchuk <[REDACTED]>  
**Cc:** Daniel Nairn <[dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)>; Ben Ehreth <[behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)>  
**Subject:** RE: city commission meeting

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Scott –

A special use permit must be put to use within 24 months or it expires, so it would not be good for 3-4 years, only 2 years.

**Kim L. Lee, AICP**

Planning Manager  
701-355-1846

---

**From:** Scott Osadchuk <[REDACTED]>  
**Sent:** Monday, March 21, 2022 3:11 PM  
**To:** Kim Lee <[klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)>  
**Cc:** Daniel Nairn <[dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)>; Ben Ehreth <[behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)>  
**Subject:** RE: city commission meeting

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

How long is the permit good? i.e. if we decide to do the sign 3-4 years from now could we still use the same permit?

**Scott Osadchuk, MSN RN, CASC**

[REDACTED]

---

**From:** Kim Lee <[klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)>  
**Sent:** Monday, March 21, 2022 2:52 PM  
**To:** Scott Osadchuk <[REDACTED]>  
**Cc:** Daniel Nairn <[dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)>; Ben Ehreth <[behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)>  
**Subject:** RE: city commission meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Scott –

This was advertised as a public hearing at Wednesday's Planning and Zoning Commission meeting and the packets went out in Friday's mail and were posted on our website on Friday.

Does this mean you are withdrawing your request for a special use permit? If so, we can note that the request has been withdrawn at the beginning of the meeting and again when we got to that item on the agenda.

If the application is withdrawn, you would need to reapply in the future.

Please let me know for sure if it is your intention to withdraw the application.

Thanks –

**Kim L. Lee, AICP**

Planning Manager  
701-355-1846

---

**From:** Scott Osadchuk <[REDACTED]>  
**Sent:** Monday, March 21, 2022 9:45 AM  
**To:** Kim Lee <[klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)>  
**Subject:** city commission meeting

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

Kim,

I would like to cancel our meeting with the city commission this Wednesday. We decided not to do the sign.

Sorry for the late response,

**Scott Osadchuk, MSN RN, CASC**

[REDACTED]

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Agenda item #3: Boden Development  
**Date:** Tuesday, March 22, 2022 1:23:23 PM

---

**From:** Brenda Milkey <[REDACTED]>  
**Sent:** Tuesday, March 22, 2022 12:51 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Agenda item #3: Boden Development

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

Hello,

We respectfully would like to ask you to vote in opposition to changing the Boulder Ridge zoning based upon the following concerns:

1.) Two entrances off of E LaSalle are basically directly across from an entrance to the elementary school that is heavily used. Traffic is already tough in the morning before adding drivers trying to get to work in an office complex at 8am! So dangerous...especially if we're getting rid of time changes and the sun won't be up until after school starts in the winter. There are elementary students walking and biking(weather permitting) crossing to the school. This is a safety concern!

2.) We bought our homes with the understanding this was a family home development and not zoned for commercial use. Boulder Ridge was marketed as noted below by Knutson Homes as:

## **Boulder Ridge Fifth Addition...**

### **Bismarck, North Dakota's Premiere Development**

"We are committed to providing a very special and exceptional housing environment at Boulder Ridge."

3.) Homeowners with homes of considerable value in the region may lose buyers and home value if their home is in close proximity to an office building.

Thank you for your consideration.

Brenda and Henry Milkey  
Sent from my iPhone

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Item 3 : Boden addition  
**Date:** Tuesday, March 22, 2022 1:09:40 PM

---

**From:** [REDACTED]  
**Sent:** Monday, March 21, 2022 8:20 PM  
**To:** Planning - General Mailbox <planning@bismarcknd.gov>  
**Subject:** Item 3 : Boden addition

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

Planning commission:

In regards to the change in zoning requested in the Boden Addition. I want you to know that I am against this change.  
Why would you want to change a residential zoning to allow commercial property between a residential neighborhood and an elementary school ?  
We do not need more traffic near the elementary school. This is a safety issue for our children. There is already enough traffic before and after school.  
We purchased our lot and built a home with the understanding that this was an upscale residential neighborhood. We do not want commercial property in our backyard.

This is the third time the Knutson's have requested this change. How many times are you willing to hear his arguments for zoning change? They are just interest in making more money by changing this to commercial instead of selling individual lots. Promising a park was just a ploy to try and get this through.

Please let all the commissioners know the above.

Thank you for your time.

Barb 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: Agenda Item #3 - Please Vote NO  
**Date:** Tuesday, March 22, 2022 1:06:22 PM

---

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

From: Pam Sharp <[REDACTED]>  
Sent: Tuesday, March 22, 2022 8:35 AM  
To: Planning - General Mailbox <[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)>  
Subject: Agenda Item #3 - Please Vote NO

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

My name is Pamela Sharp and I live in Boulder Ridge. I am strongly opposed to changing the zoning for the proposed Boden Addition.

Commercial buildings should not be across the street from an elementary school. It is dangerous and also changes the type of development homeowners were promised when they invested in homes in Boulder Ridge.

Please Vote NO on Agenda Item #3

Thank You

Pamela Sharp  
524 Slate Drive

Sent from my iPad

**From:** [Planning - General Mailbox](#)  
**To:** [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)  
**Subject:** FW: Agenda Item #3  
**Date:** Tuesday, March 22, 2022 12:39:26 PM

---

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

From: Sandy Wiedenmeyer <[REDACTED]>  
Sent: Monday, March 21, 2022 9:29 PM  
To: Planning - General Mailbox <planning@bismarcknd.gov>  
Subject: Agenda Item #3

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

I am a resident in the Boulder Ridge Addition and I am strongly opposed to the zoning change proposed in this project. It should remain residential zoning as is the majority of the surrounding area. Just north of this proposed addition is an elementary school. Adding businesses in this area, especially with two main entrances on LaSalle, would increase and change the type of traffic in the area making it more dangerous for the children walking and parents picking up their children. It is not desirable to have businesses in a school and residential area. Also the people who own homes to the south of this, with their back yards to this new addition, were assured when they purchased that future additions would be residential.

Sandy Wiedenmeyer  
5025 Boulder Ridge Road

Sent from my iPhone