

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 27, 2021**

The Bismarck Planning & Zoning Commission met on January 27, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Schwartz presided.

Commissioners present were Steve Bakken, Brian Bitner, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Trent Wangen, Paul Zent and Mike Schwartz.

Commissioners Brian Eiseman and Wendy Van Duyne were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the December 16, 2020 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the December 16, 2020 meeting, as presented. Commissioner Bakken seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion.

CONSIDERATION

- 2. MEMORY THIRD ADDITION – PRELIMINARY PLAT AND ZONING CHANGE**
- 3. EAST 250 FEET OF LOT 2, BLOCK 2, KMK ESTATES – ZONING CHANGE**
- 4. LOTS 2 AND 3, BLOCK 1, HAY CREEK INDUSTRIAL REPLAT – ZONING CHANGE**
- 5. LOTS 3 AND 4, BLOCK 6, FISHER ADDITION – ZONING CHANGE**
- 6. LOT 1, BLOCK 19, WACHTERS THIRD ADDITION – ZONING CHANGE**
- 7. LOTS 1-24, BLOCK 6, COTTONWOOD PARKVIEW ADDITION – ZONING CHANGE**
- 8. PART OF LOT 2, BLOCK 1, REPLAT OF MILLS FIRST SUBDIVISION – ZONING CHANGE**
- 9. DOMESTIC DISTILLERIES AND MICROBREW PUBS – ZONING ORDINANCE TEXT AMENDMENT**

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

2. Memory Third Addition – Zoning Change and Preliminary Plat
3. East 250 feet of Lot 2, Block 2, KMK Estates – Zoning Change
4. Lots 2 and 3, Block 1, Hay Creek Industrial Park Replat – Zoning Change
5. Lots 2 and 4, Block 6, Fisher Addition – Zoning Change
6. Lot 1, Block 19, Wachters Third Addition – Zoning Change
7. Lots 1-24, Block 6, Cottonwood Parkview Addition – Zoning Change
8. Part of Lot 2, Block 1, Replat of Mills First Subdivision – Zoning Change
9. Domestic Distilleries and Microbrew Pubs – Zoning Ordinance Text Amendment

Commissioner Martin said he would like to remove item #7, a zoning change request for Lots 1-24, Block 6, Cottonwood Parkview Addition, for discussion.

Commissioner Levchak said he would like to remove item #2, a request for a preliminary plat and zoning change for Memory Third Addition, for discussions as he is uncomfortable doing anything further with the request without input from the neighboring property owners.

Chair Schwartz said he will pull items #2 and #7 for discussion.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve consent agenda items 3, 4, 5, 6, 8 and 9, calling for public hearings on the items as recommended by staff. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion.

Chair Schwartz called for discussion on agenda item #2.

Commissioner Levchak said the staff recommendation on agenda item #2, a zoning change and preliminary plat for Memory Third Addition, is tentative approval to an area already in upheaval without any input from the adjacent neighborhood. He said he is uncomfortable giving tentative approval.

Mr. Ehreth explained that it is typical to not have a public hearing at this time as it is a consent agenda item, but that would happen upon receipt of the final plat application and the adjacent property owner notification process.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve consent agenda item #2, calling for a public hearing and granting tentative approval on the items as recommended by staff. Commissioner Laning seconded the motion and it was approved with Commissioners Bakken, Bitner, Laning, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion. Commissioner Levchak opposed the motion.

Chair Schwartz called for discussion on agenda item #7.

Commissioner Martin said he needs to abstain from voting on this item.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve consent agenda item #7, calling for a public hearing on the item as recommended by staff. Commissioner Bakken seconded the motion and it was approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Wangen, Zent and Schwartz voting in favor of the motion. Commissioner Martin abstained.

FINAL CONSIDERATION – ANNEXATION PART OF SATTLER’S SUNRISE TENTH ADDITION

Chair Schwartz called for final consideration of the annexation of part of Sattler’s Sunrise Tenth Addition. The property is located in northeast Bismarck, east of Centennial Rd and north of East Century Avenue on an extension of Tyndale Avenue.

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 Lots 5-16, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lot 1, Block 9; Lots 1-11, Block 10, and adjoining rights-of-way, Sattler’s Sunrise Tenth Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the annexation of Lots 5-16, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lot 1, Block 9; Lots 1-11, Block 10, and adjoining rights-of-way, Sattler’s Sunrise Tenth Addition. Commissioner Martin seconded the motion and the motion was unanimously approved with

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

**FINAL CONSIDERATION – ANNEXATION
PARTS OF PROMONTORY POINT VI ADDITION AND PROMONTORY POINT
VII ADDITION**

Chair Schwartz called for final consideration of the annexation of parts of Promontory Point VI Addition and Promontory Point VII Addition. The property is located in northwest Bismarck, west of Tyler Parkway and at the northwestern end of Valley Drive.

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 Lots 12-13, Block 2, Lot 1, Block 3; Lot 1, Block 4; Lots 9-10, Block 9; and adjoining rights-of-way, Promontory Point VI Addition and Lots 3-24 and 29-31, Block 1; Lot 1, Block 2; Lots 5-10, Block 3 and Lots 1-2, Block 4, and adjoining rights-of-way, Promontory Point VII Addition, on the condition that:

1. All required sanitary sewer facilities, including a sanitary sewer lift stations, are installed to City specifications prior to development of annexed lots.

Commissioner Levchak asked if the lift station would be developer-built and paid.

Mr. Nairn said that is correct.

Commissioner Bakken asked how the park is intended to serve the neighborhood.

Mr. Nairn said the proposed park satisfies the neighborhood parks policy for both Promontory Point VI Addition and Promontory Point VII to serve the immediate area within walking distance.

Commissioner Bakken asked if street parking would be allowed around the park. Mr. Nairn said yes, street parking would be available on both sides of the streets.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township, to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

ELECTION OF OFFICERS

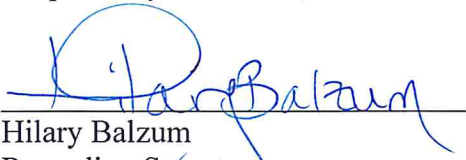
Commissioner Zent made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning Commission. Commissioner Bakken seconded the motion and, with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion, Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Martin made a motion to reelect Vernon Laning as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Bakken seconded the motion and with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion, Vernon Laning was reelected Vice Chair of the Bismarck Planning and Zoning Commission.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:22 p.m. to meet again on February 24, 2021.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Michael J. Schwartz
Chair