

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 15, 2021**

The Bismarck Planning & Zoning Commission met on December 15, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

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

Commissioners Brian Bitner and Wendy Van Duyne were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the November 17, 2021 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the November 17, 2021 meeting, as presented. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

CONSIDERATION

There were no items scheduled for consideration at this time.

Commissioner Bakken joined the meeting at this time.

FINAL CONSIDERATION – ANNEXATION

LOTS 18-27 AND 29-32, BLOCK 1; LOTS 2-8, BLOCK 4; AND LOTS 8-10, BLOCK 8, CLEAR SKY ADDITION AND A PORTION OF HOLMES DRIVE ADJACENT TO LOT 8, BLOCK 4 AND LOTS 8-10, BLOCK 8, CLEAR SKY ADDITION

Chair Schwartz called for final consideration of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition. The property is located East of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE.

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

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition.

Commissioner Martin joined the meeting at this time.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT SOUTH MEADOWS THIRD ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat and the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning districts for South Meadows Third Addition and final consideration of the annexation of Lot 1, Block 1, Burleigh Avenue Addition. The proposed plat is 13 lots in two blocks on 3.98 acres and is located in southwest Bismarck, west of South Washington Street along the south side of Burleigh Avenue (a replat of Lot 1, Block 1, Burleigh Avenue Addition, all of South Meadows Second Addition).

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

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth then gave the findings related to land use for the zoning change:

1. The proposed zoning change for the eastern portion of the proposed plat generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended; the proposed zoning change for the western portion of the proposed plat 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 proposed zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

5. The proposed subdivision would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on the above findings, staff recommends approval of the annexation of Lot 1, Block 1, Burleigh Avenue Addition, the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning district, and minor subdivision final plat for South Meadows Third Addition.

Commissioner Schell asked if the existing access point on Burleigh Avenue would remain. Ms. Wollmuth said it was there to serve the single-family house, but now that the house is gone that access will no longer be used.

Commissioner Laning asked if all of the structures on the property are to be demolished. Ms. Wollmuth said that is correct; the existing house has been demolished and new two-family structures would be built.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to approve the annexation of Lot 1, Block 1, Burleigh Avenue Addition, the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning district, and minor subdivision final plat for South Meadows Third Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT BASIN ELECTRIC FOURTH ADDITION

Chair Schwartz called for the public hearing on the final plat for Basin Electric Fourth Addition. The proposed plat is two lots in one block on 2.90 acres and is located in north-central Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street (part of the NE ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township and a replat of all of Tract 4A of Lot 1, Block 1, Basin Electric Third Addition).

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

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the final plat for Basin Electric Fourth Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the final plat for Basin Electric Fourth Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, , Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT MUNICIPAL FIFTH ADDITION

Chair Schwartz called for the public hearing on the final plat for Municipal Fifth Addition. The proposed plat is one lot in one block on 9.29 acres and is located in east Bismarck, south of East Main Avenue, north of Vermont Avenue, along the east side of South 26th Street (Tract 335, Lots 1 and 2, Block 1, Sloven Second Subdivision and part of the SW ¼ of Section 2, T138N-R80W/Lincoln Township).

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

1. All technical requirements for approval of a final plat have been met;

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the final plat for Municipal Fifth Addition.

Chair Schwartz opened the public hearing.

Commissioner Zent asked if there are environmental concerns with this proposal. Mr. Hutchings said some cleanup of the area was needed but that has been taken care of.

Commissioner Bakken asked if access easements have been identified, since this is the future site of Public Health and there could be more traffic generated in the area. Commissioner Schell said the site plan would identify any new access needed and it is likely the properties would have joint access.

Commissioner Bakken said rail traffic sometimes causes traffic to back up, so he is glad it is being thought out now.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the final plat for Municipal Fifth Addition. Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson,

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

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT HORIZON CONDOS ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat for Horizon Condos Addition. The proposed plat is six lots in one block on 3.469 acres and is located in northwest Bismarck, west of North Washington Street and north of LaPaz Avenue (a replat of Lot 1, Block 3, BREI Estates First Addition Replat).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the minor subdivision final plat for Horizon Condos Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Horizon Condos Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 1, BLOCK 4, SECOND ADDITION TO BREEN'S SUB-DIVISION

Chairman Schwartz called for the public hearing on a rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-Division. The property is located north of Bismarck, west of US Highway 83 and north of ND Highway 1804 in the northwest quadrant of the intersection of 79th Avenue NE and 7th Street NE (6007 79th Avenue NE).

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

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located.
3. The Hay Creek Township Board of Supervisors has not yet made a recommendation for the proposed lot split.
4. The proposed lot split is compatible with adjacent land uses.
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.
6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
7. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed lot split would not adversely affect the public health, safety and general welfare.
9. The proposed lot split is compatible with adjacent land uses/
10. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.
11. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
12. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.
13. The proposed lot split would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division as shown in the attached lot split exhibit.

Commissioner Laning asked if there are any special provisions for access here with the new development.

Ms. Wollmuth said the County Engineer would be the one to issue any road approach permits and would assess the distances between them as well, adding that it is likely that access to the new parcel would be from the east off 7th Street NE.

Commissioner Schell asked why the Future Land Use Plan has this area designated MDR-Medium Density Residential when the property is a rural residential use and zoning. Ms. Wollmuth said in 2014 the Future Land Use Plan stepped the future land use along that corridor down from commercial to residential to provide for a zoning transition from US

Highway 83 where commercial is identified to rural residential. She added that these lots were included as they are large, over 1.5 acres and would have the ability to redevelop as commercial once City services are available.

Chair Schwartz opened the public hearing.

Corey Palm, 800 79th Avenue NE, said he lives east of this property and when looking at the land all around the area they are mostly approximately 1.9-acre properties. He said this property would be significantly smaller and said there also appears to be an inconsistency with the southern lot line as well.

Ms. Wollmuth said based on the information gathered, the original plat had a right-of-way issue that was corrected after the plat was recorded in the 1970s and was corrected after that.

Commissioner Levchak asked where the existing drain field is located. Mr. Glaser said it is south of the driveway but does not encroach on the proposed property line as it is a good distance away.

Additional written comments in opposition to the request are attached as Exhibits A & B.

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

MOTION: Based on the findings contained in the staff report, Bakken made a motion to approve the request for a rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division, as shown on the lot split exhibit attached to the staff report. Commissioner Johnson seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Martin, Schell, Schwartz and Wangen voting in favor of the motion. Commissioners Levchak and Zent opposed the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARE CENTER)
LOT 5 LESS THE WEST 55 FEET OF THE NORTH 290 FEET TAKEN FOR STREET
RIGHT-OF-WAY, BLOCK 1, WACTHERS NORTH ADDITION AND LOT 5, BLOCK 1,
PEBBLE CREEK SIXTH ADDITION**

Chair Schwartz called for the public hearing on a special use permit for child care center to be located on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wacthers North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition. The property is located in north-central Bismarck, east of US Highway 83/State Street and north of East Century Avenue east of the intersection of Harvest Lane and North 14th Street (3225 North 14th Street).

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

1. The proposed special use does not currently comply with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, specifically building and fire code requirements.
2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends continuing the public hearing to the January meeting for the special use permit to allow a child care center on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition.

Commissioner Laning asked if all of the buildings on the property could support a child care center. Mr. Hutchings said the proposed child care center would go in a portion of the older part of the building and there are some fire code issues to be worked through.

Chair Schwartz opened the public hearing.

Dan Sipes, Evangel Assembly of God Business Administrator, said staff has been awesome at helping them throughout this process and said they are ok with the recommendation of continuing the request to address various needs.

Commissioner Laning asked if one month or two would be enough time to remedy the outstanding issues.

Mr. Sipes said however long it would take for Mr. Hutchings and staff to work through some changes with the church and their architect, in order to implement, modify, comply or revisit other items would be all the time they would need.

Mr. Hutchings said upgrades needed may need to be a condition of an approval to the request.

Commissioner Levchak said there are buildings on both North 14th Street and North 19th Street and asked which one would house the child care center. Mr. Sipes said it would go into the building on North 14th Street, which is also a preschool room area.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to continue action on the special use permit for a child care center to be located on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition until the January meeting, to allow time for further review by City staff and the applicant's design consultant. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (DIESEL FUEL TRANSLOADING FACILITY)
LOTS 15, 16 & 23, BLOCK 1, NORTHERN PLAINS COMMERCE CENTRE SECOND
ADDITION**

Chair Schwartz called for the public hearing on a special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition. The property is located in southeast Bismarck, south of Morrison Avenue along the east side of Northern Plains Drive (1901 Northern Plain Drive).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition with the following conditions:

1. The proposed facility must continue to meet all requirements.
2. If the facility becomes permanent, notification to the City is required as well as approval of a site plan for any associated improvements is required.

Commissioner Laning asked if there are regulations related to spill containment and if this is a temporary use would spill prevention measures still be in place.

Mr. Hutchings said spill containment requirements would not apply according to the North Dakota Department of Environmental Quality and said if the operation switched to permanent storage then changes would have to be applied.

Commissioner Levchak ask if this storage would be in tank cars. Mr. Hutchings said that it would be.

Commissioner Levchak asked if there would be a rail spur to move them off the main spur. Mr. Hutchings said Northern Plains Drive separates their three lots and the private spur line, that runs through or by each lot would allow placement of cars on the east and west sides.

Commissioner Levchak said he has concerns about the runoff holding ponds adjacent to this property.

Commissioner Johnson asked if there are concerns that the right-of-way that separates the properties could become blocked.

Mr. Hutchings said this is an access easement that would only serve the owner at the end of the street.

Commissioner Schell asked if there has been coordination of hazardous materials with the fire department and the overall site needs. Mr. Hutchings said the Fire Marshall and the Building Official have reviewed the request and their comments were shared with the applicant. He said the containment requirements for any permanent tank were discussed amongst others and the Fire Marshall is comfortable with the request as proposed, but if the storage were to become permanent there would be some concerns to work through.

Commissioner Bakken asked if the owner has assured access to the property in the event of an emergency. Mr. Hutchings said that is correct and there are not any concerns of that nature.

Chair Schwartz opened the public hearing.

Justin Glaser, Tubular Transport and Logistics, said the cars come in loaded and are not loaded on site. He said trucks would connect and empty with approximately three truckloads per rail car and 10-15 rail cars per month. He said there is the potential for significant business growth and he fully agrees with the need for environmental quality protection.

Commissioner Levchak said three proposals were referenced but only this one came to fruition and asked why that is. Mr. Glaser said the other businesses lost interest throughout the process but could possibly come back at another time.

Commissioner Levchak said he is reluctant about the request it seems like a way around a permanent structure with proper containment and that is a mistake.

Commissioner Schell asked how containment would be provided. Mr. Glaser said containment tanks will be under the connection areas and then full trucks move on to various service centers.

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

Commission Schell asked what the timeframe is for a special use permit. Mr. Hutchings said they must be put to use within two years until the operation would cease and there cannot be a lapse in the approved use.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition with the following conditions: 1. The proposed facility must continue to meet all requirements; and 2. If the facility becomes permanent, notification to the City is required as well as approval of a site plan for any associated improvements is required.. Commissioner Zent seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion. Commissioner Levchak opposed the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT SIGN ORDINANCE TECHNICAL AMENDMENTS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to technical revisions to the sign ordinance.

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

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

Mr. Nairn said based on these findings, staff recommends approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Commissioner Bakken asked what the process was in finding out the needed changes and said it can be assume that the ordinance will continue to be updated as needed.

Mr. Nairn said these changes stem from discussions with those in the sign industry and are mostly minor.

Commissioner Laning asked why each electric component can only be one color. Mr. Nairn said that was written to make sure gas station price signs would not have issues, but it would not create loophole from Electronic Message Center requirements

Chair Schwartz asked how changes to the ordinance are communicated to the community. Mr. Nairn said through legal ads and also through working closely with those most impacted by the changes.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

DOWNTOWN UPDATE

Kate Herzog, The Downtowners, gave an overview of their staff members and shared information on the Renaissance Zone investments and benefits, projects and housing unit increases. She said the Infill and Redevelopment Plan has been helpful for new projects such as the Machining District and the East Main Avenue corridor study. She said there are benefits to the downtown parking requirements and the opportunity zone being available for investments and deploying capital gains in low-income census tracts. She listed multiple new projects and overviewed their benefits and how they were able to happen between the Infill and Redevelopment Plan and various ordinance changes. She said future projects such as the Sanford Heart Hospital, University of Mary site at the Public Health building and the redevelopment of the strip mall site on Bowen Avenue are anticipated also.

Commissioner Zent asked if the removal of the one-way streets in the downtown area has been a positive or negative change. Ms. Herzog said it has been positive with easier routes to plan and easier access to various businesses.

Commissioner Johnson said this highlights the importance of policies and ordinances and what affect they have on the community and it is exciting to see.

TOGETHER 2045 UPDATE

Mr. Nairn said focus groups met and provided an overview of their discussions. He said next will be to put information into a framework and work with the committees to implement it. He said they will release reports soon and should get through a lot of writing and content in the next few months.

Mr. Ehreth said past presentations have focused on the importance of policy and Together 2045 will help a lot. He said they need to prepare for the future with a new policy framework and have seen robust public engagement.

PLANNING AND ZONING COMMISSION TERMS

Mr. Ehreth said there is a City-wide effort for appointed members to have all of their terms expire in December of their respective years. He said this will help with staff efforts to organize and help with letting the public to know when these positions are coming up. He said the change will be considered by the City Commission in the near future.

Chair Schwartz asked if December could be a tough month to fill vacant positions. Mr. Ehreth said it seems that various times throughout the year do not see a heavy amount of applications, but this will possibly increase people's interest.

Commissioner Levchak asked if this would include Burleigh County appointments. Mr. Ehreth said those positions are appointed by the Burleigh County Commission and already expire in December so they would not be affected.

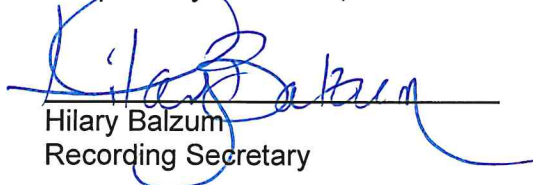
Chair Schwartz wished those present a Merry Christmas and happy holidays and said the regular meeting schedule will resume in January.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:27 p.m. to meet again on January 26, 2022.

Respectfully submitted,


Hilary Balzum
Recording Secretary


Mike Schwartz
Chair