

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 23, 2022**

The Bismarck Planning & Zoning Commission met on March 23, 2022, 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.

Commissioners present were Steve Bakken, Brian Bitner, Cole Johnson, Paul Levchak, Kevin Martin, Gabe Schell and Paul Zent.

Commissioners Vernon Laning, Mike Schwartz, Wendy Van Duyne and Trent Wangen 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.

Mr. Ehreth brought to the attention of those present that while Chair Schwartz and Vice Chair Laning are unavailable for this meeting, the Planning and Zoning Commission should elect a Chair Pro Tem to preside over the meeting at this time.

MOTION: Commissioner Bakken made a motion to elect Commissioner Zent as Chair Pro Tem to preside over the meeting. Commissioner Johnson seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Martin, Schell and Zent voting in favor of the motion.

Chair Pro Tem Zent presided and was present in the Tom Baker Meeting Room.

MINUTES

Chair Pro Tem Zent called for consideration of the minutes of the February 23, 2022 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the February 23, 2022 meeting, as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Martin, Schell and Zent voting in favor of the motion.

CONSIDERATION

- 2. BLOCKS 1 AND 2, MEADOW VILLAGE ADDITION – ZONING CHANGE**
- 3. BODEN ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- 4. PARADISE VALLEY ADDITION – ZONING CHANGE, FRINGE AREA ROAD MASTER PLAN AMENDMENT AND PRELIMINARY PLAT**
- 5. DATA CENTER ORDINANCE – ZONING ORDINANCE TEXT AMENDMENT**

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve consent agenda items 2, 3, 4 and 5, calling for a public hearing on or granting tentative approval of the items as recommended

by staff. Commissioner Johnson seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Martin, Schell and Zent voting in favor of the motion.

(Secretary's Note: While a public hearing was not advertised or offered on Consent Agenda Item #3, requests for a zoning change and preliminary plat for Boden Addition, multiple public comments on the item were received and are attached as Exhibits A-F.)

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SHAMROCK INDUSTRIAL PARK REPLAT

Chair Pro Tem Zent called for the public hearing on the minor subdivision final plat for Shamrock Industrial Park First Replat. The proposed plat is two lots in one block on 4.47 acres and is located in southeast Bismarck, south of Bismarck Expressway along the west side of Airport Road (a replat of Lots 7-9, Block 5, Shamrock Industrial Park).

Mr. Hutchings 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 waived the requirement for a 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.

Mr. Hutchings said, based on these findings, staff recommends approval of the minor subdivision final plat for Shamrock Industrial Addition First Replat.

Chair Pro Tem said this used to be the S & B Landscaping site.

Commissioner Johnson asked if it would be allowed, or would they have to seek, additional access off of Airport Road.

Mr. Hutchings said one change to the plat has been made since it was included in the packet. This change is related to the access for the proposed Lot 2, which is also the access that the proposed Lot 1 will utilize via access easements through Lot 2. The version of the plat in the packet did not clearly show a break in the non-access line in the NE corner of the proposed plat.

The amended version was shown on the screen.

Mr. Hutchings noted that the access point onto the constructed portion of Airport Road is a shared access point located further north of this proposed plat within an access driveway located within the widened ROW in this area.

To ensure that no additional direct access is proposed to Airport Road, a plat note has been added to indicate the City Engineer must approve the access point onto Airport Road.

Landon Niemiller, Swenson, Hagen & Co., said there would be access and water and sewer easement for access and services and the existing access there now should be sufficient.

Commissioner Levchak asked if the intended occupant is known at this time. Mr. Niemiller said as of now he only knows it would be shop condos for commercial business uses.

Chair Pro Tem Zent said he is familiar with the spaces and has been told it might be a business for spa and pool supplies.

Chair Pro Tem Zent opened the public hearing.

There being no comments, Chair Pro Tem Zent closed the public hearing.

MOTION: Commissioner Bakken made a motion to approve the minor subdivision final plat for Shamrock Industrial Park First Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Martin, Schell and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

Chair Pro Tem Zent called for the public hearing on the minor subdivision final plat for Cottonwood Parkview Addition First Replat. The proposed plat is 12 lots in four blocks on 20.17 acres and is located in south Bismarck, south of Santa Fe Avenue and north of East Burleigh Avenue, between South Washington Street and Boston Drive (a replat of Lots 3-9, Block 1, Lot 1, Block 2, Lot 1, Block 3, Lot 1, Block 6, Cottonwood Parkview Addition).

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

Ms. Wollmuth said, the proposed plat is being requested to correct existing right-of-way inaccuracies for Kamrose Drive and Dortmund Drive within the plat and create two additional lots for two-family development along the east side of South Washington Street. Based on these findings, she indicated that staff recommends approval of the minor subdivision final plat for Cottonwood Parkview Addition First Replat.

Chair Pro Tem Zent opened the public hearing.

There being no comments, Chair Pro Tem Zent closed the public hearing.

MOTION: Commissioner Bakken made a motion to approve the minor subdivision final plat for Cottonwood Parkview Addition First Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Schell and Zent voting in favor of the motion. Commissioner Martin abstained.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT NORTHERN SKY SECOND ADDITION FIRST REPLAT

Chair Pro Tem Zent called for the public hearing on the minor subdivision final plat for Northern Sky Second Addition First Replat. The proposed plat is three lots in three blocks on 23.38 acres and is located in northwest Bismarck, along the west side of North Washington Street and the north side of Ash Coulee Drive (a replat of Northern Sky Second Addition).

Mr. Hutchings 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; and
5. 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 minor subdivision final plat for Northern Sky Second Addition First Replat.

Chair Pro Tem Zent opened the public hearing.

Mr. Niemiller said it was decided to replat the entire subdivision due to later learning that a utility box would be within the right-of-way and to avoid any confusion for development, with the only small change being to the right-of-way.

Commissioner Levchak said it appears the roadway jogs slightly to the east. Mr. Niemiller said that is correct and that was on purpose to make the entire right-of-way 66 feet wide.

There being no further comments, Chair Pro Tem Zent closed the public hearing.

Commissioner Bitner asked if there were any special assessments held in abeyance for improvements in this area that would be applied upon annexation of the property.

Commissioner Schell said that is correct and the costs are held here and elsewhere for items such as streets and watershed needs. He said they have not performed the calculation for specials held in abeyance yet, but it usually is on a per square foot calculation for each improvement type.

Mr. Hutchings said that calculation could probably be provided once it is available. Commissioner Schell said he would work on it and with Mr. Hutchings and relay that information once it is done.

MOTION: Commissioner Bakken made a motion to approve the minor subdivision final plat for Northern Sky Second Addition First Replat. Commissioner Bitner seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Johnson, Levchak, Martin, Schell and Zent voting in favor of the motion.

OTHER BUSINESS

UPDATE ON TOGETHER 2045

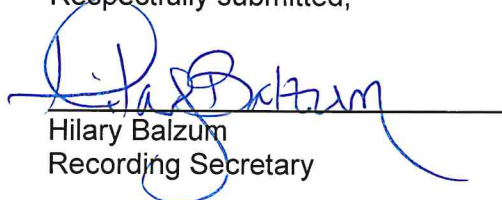
Mr. Nairn said this is a quieter time of work on the plan and they have collected more information and are now processing all of it in order to compile and detail it. He said the focus groups will reconvene and review some of the draft goals and objectives and staff expects to be able to provide the first draft in May.

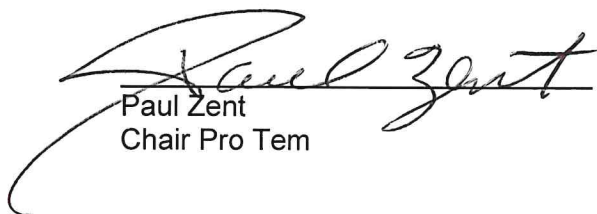
There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Pro Tem Zent declared the Bismarck Planning & Zoning Commission adjourned at 5:32 p.m. to meet again on April 27, 2022.

Respectfully submitted,


Hilary Balzum
Recording Secretary


Paul Zent
Chair Pro Tem

From: [Planning - General Mailbox](#)
To: [Hillary 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

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>
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: 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: 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: [Hillary 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](#)

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 Onyx 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 Onyx. 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