

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 25, 2023**

The Bismarck Planning & Zoning Commission met on January 25, 2023, 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 Brian Bitner, Cole Johnson, Paul Levchak, Dan Lukens, Gabe Schell, Mike Schmitz, Mike Schwartz, and Trent Wangen.

Commissioners Paul Zent and Wendy Van Duyne were absent.

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

TERMS AND OATHS OF OFFICE

Chairman Schwartz thanked current and previous Commissioners for their service in guiding decisions in city planning.

New oaths of office were shared with those Commissioners present at this time and notarized for filing with City Administration. Chair Schwartz welcomed commissioner Daniel Lukens to the Commission. Commissioner Lukens stated he moved to Bismarck in July of 2022 and wants to be more involved in the community.

MINUTES

Chair Schwartz called for consideration of the minutes of the December 21, 2022, meeting.

MOTION: Commissioner Schmitz made a motion to approve the minutes of the December 21, 2022, meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

CONSIDERATION

- 2. LOTS 1-8, BLOCK 1, HAY CREEK PARK ADDITION – ZONING CHANGE**
- 3. TALL PINES SUBDIVISION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**

MOTION: Based on the findings contained in the staff reports, Commissioner Wangen made a motion to approve consent agenda items 2 and 3, calling for public hearings and granting tentative approval on the items as recommended by staff. Commissioner Bitner seconded the motion and it was unanimously approved with Commissioners Bitner, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

**CONTINUED PUBLIC HEARING – ZONING CHANGE AND
MAJOR SUBDIVISION FINAL PLAT
TNK RANCH SUBDIVISION**

Chair Schwartz called for the continued public hearing on the zoning change and major subdivision final plat for TNK Ranch Subdivision. The proposed plat is two lots in one block on 40.17 acres and is located northeast of Bismarck, north of 43rd Avenue NE along the east side of 80th Street NE (NW¼ of the SW¼ of Section 16, T139-R79W/Gibbs Township).

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

1. The proposed zoning change generally conforms to the Future Land Use 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 Gibbs Township Board of Supervisors has been notified of the proposed final plat and recommended denial;
5. 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;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

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

1. All technical requirements for approval of a major subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.
3. The Gibbs Township Board of Supervisors has recommended tentative approval of the proposed plat.

4. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
5. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.
6. 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.
7. 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.
8. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn reminded the Commission that the placement of the driveway or the validity of an off-site access easement is not part of either of these requests and that, based on these findings, staff recommends approval of the zoning change and major subdivision final plat for TNK Ranch Subdivision.

Chair Schwartz asked if approving the plat would set a precedent. Mr. Nairn said it would not because the request meets all subdivision requirements.

Chair Schwartz opened the public hearing.

Holly Beck, Holly Beck Surveyors, came forward to address comments from the previous meeting. She said she is dual licensed as a surveyor and engineer and explained that a requirement of these licenses is to understand and follow the North Dakota Code of Ethics. Her company's duty is to serve the public, not the individual clients, without bias and a violation of the code would result in revocation of her license. She then stated that only a land surveyor can determine land boundaries. Ms. Beck then stated that a previous owner granted the public access easement, and it is valid.

Dave Tschider, attorney for the landowners, came forward and stated he listened to the December 21 meeting and stated the discussion of that meeting went off track as the neighbors were contesting the access easement, not the plat or the zoning change. He

stated the quit claim deed that transferred the property to the current owners is valid and the access easement has nothing to do with the platting process. He then stated concerns about the septic system have nothing to do with the requests and the suggestion of an alternative access from 66th Street is inappropriate. He then advised the Commission to approve the requests.

Commissioner Levchak asked to see exactly where the roadway crossed onto the adjacent property owner's land. (did someone point to where it was on the map?)

Gerald Miller, Gibbs Township Supervisor, came forward to say that Gibbs Township has decided to step back from this contention and provided a suggestion for an alternative access to the property in a letter to the Burleigh County Commission (attached as Exhibit A).

Commissioner Schell asked if both parties had agreed to the alternative access. Kim Fettig replied that they were seeing the letter to the County for the first time.

Mr. Tschider came forward to reiterate that the access proposal has nothing to do with the requests.

Ms. Beck came forward and stated that from an engineering standpoint, she questions the financial responsibility for moving the driveway.

Tracy Driscoll, a neighbor, came forward to state her concern about potential increased traffic, including farm vehicles operating on site. Commissioner Levchak questioned this concern as only one additional house would be allowed on the property and there are currently no plans to build.

Mr. Tschider stated this area has been used for farming and ranching activities for many years and that type of traffic would remain the same. Commissioner Levchak then made a statement agreeing that traffic conditions would not change as the proposed plat is 50 acres.

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

Commissioner Bitner stated the roadway location would have to be dealt with outside of the Planning and Zoning Commission.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and the major subdivision final plat for TNK Ranch Subdivision. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

Commissioner Bitner departed the meeting.

**PUBLIC HEARING – ANNEXATION, ZONING CHANGE AND
MAJOR SUBDIVISION FINAL PLAT
SILVER RANCH FOURTH ADDITION**

Chair Schwartz called for the public hearing on the partial annexation of Silver Ranch Fourth Addition and Silver Ranch Third Addition, a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, CA – Commercial, and P – Public zoning districts for Silver Ranch Fourth Addition, and a major subdivision final plat for Silver Ranch Fourth Addition. The proposed plat is 35 lots in eight blocks on 67.9 acres and is located northwest of Bismarck, north of 43rd Avenue NE and west of 52nd Street NE along extensions of Silver Boulevard and Silbernagel Drive.

Mr. Nairn 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; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare

Mr. Nairn then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan of Together 2045.
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.

Mr. Nairn then gave the findings related to land use for the major subdivision final plat:

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the Major Street Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. A neighborhood park agreement including this plat was approved by the Bismarck Parks and Recreation District in conjunction with Silver Ranch Third Addition;
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.

Mr. Nairn said, based on these findings, staff recommends approval of the partial annexation for Silver Ranch Third Addition and Silver Ranch Fourth Addition as indicated on the attached draft ordinance; the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, CA – Commercial, and P – Public zoning districts for Silver Ranch Fourth Addition; , and the major subdivision final plat for Silver Ranch Fourth Addition, with the following condition:

1. Temporary turnaround easements are dedicated at the termini of Silver Boulevard, Keeble Drive, Silbernagel Drive, Noble Drive, and Halverson Avenue in conjunction with plat recordation.

Chair Schwartz opened the public hearing.

Commissioner Levchak asked about the R10 zoning district being zoned school use. Mr. Nairn said Bismarck Public Schools intends to purchase 10 acres on the north side of the R10 portion for a future career academy.

Landon Niemiller, Swenson, Hagen and Co., came forward to provide clarification on the R10 portion of the plat. He noted that if BPS does not purchase the land, the R10 zoning district would allow the property to be developed for single and two-family residential.

Commissioner Schell asked about the change from the preliminary plat and whether the stormwater easements on the intersection of Noble Drive and 52nd Street NE would allow for sanitary sewer service. Mr. Niemiller confirmed that the sanitary sewer plan was reviewed thoroughly and he can provide that information if requested.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the partial annexation of Silver Ranch Third Addition and Silver Ranch Fourth Addition; the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, CA – Commercial, and P – Public zoning districts for Silver Ranch Fourth Addition; and the major subdivision final plat for Silver Ranch Fourth Addition, with the condition that temporary turnaround easements are dedicated at the termini of Silver Boulevard, Keeble Drive, Silbernagel Drive, Noble Drive, and Halverson Avenue in conjunction with plat recordation. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE

REPLAT OF HOMAN ACRES

LOTS 9, 10 AND THE SOUTH 25.4 FEET OF LOT 11, BLOCK 7

Chair Schwartz called for the public hearing on the zoning change from the RT-Residential zoning district to the R10 – Residential zoning district for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres. The property is located in central Bismarck, in the northeast quadrant of the intersection of West Central Avenue and North Kavaney Drive.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan, in Together 2045;
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.

Ms. Wollmuth stated that the Homan Acres area was developed in the early 1960s and both residences were constructed in 1964. A single-family dwelling was constructed on Lot 9 and a two-family dwelling was constructed on Lot 10 and the South 25.4 feet of Lot 11. At the time of construction, both properties were zoned for single and two-family dwellings. She noted that the property was zoned RT – Residential in the 1980s, likely to encourage redevelopment of the area for office uses. Rezoning portions of the community to encourage redevelopment was a common practice during this time. Unfortunately, this created non-conforming properties.

Ms. Wollmuth also noted that the property owner of Lot 9 has requested a building permit for an addition to their residence, and because single and two-family dwellings are not permitted within the current RT – Residential zoning district, one could not be issued. This proposed zoning change would bring both properties into conformance with the zoning code.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from the RT – Residential zoning district to the R10 – Residential zoning district for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres.

Chair Schwartz opened the public hearing.

Tim Beckler, the owner of Lot 9, came forward to explain the reason for the request is that he would like to build an addition to his house.

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

MOTION: Based on the findings in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the RT – Residential zoning district to the R10 – Residential zoning district for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOTS 1 AND 2, BLOCK 1, KILBER NORTH ADDITION FIRST REPLAT**

Chair Schwartz called for the public hearing on a zoning change on Lots 1 and 2, Block 1, Kilber North Addition First Replat. The property is located in north Bismarck, east of North Washington Street on the south side of 43rd Avenue NE (4228 Boulder Ridge Road).

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan of Together 2045.
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.

Mr. Nairn said, based on these findings, staff recommends approval of the zoning change from the RT – Residential zoning district to the Conditional CA – Commercial zoning district for Lots 1 and 2, Block 1, Kilber North Addition First Replat.

Commissioner Schell asked Mr. Nairn to confirm the 2,500 square foot limit applies to each individual use and not a whole building. Mr. Nairn said that is the correct interpretation.

Commissioner Levchak asked what the difference is in having several small business uses rather than one large business on this site would be. Mr. Nairn state that staff believes that smaller-scale uses are more likely to follow the CA – Commercial intention, which is to be a neighborhood friendly area.

Chair Schwartz opened the public hearing.

Dan Keith, an adjacent property owner and a representative of The Ridge LLC, came forward to explain that in June of 2022 the owners requested a zoning change to CA – Commercial zoning district and that request was denied. After that, they decided that the current request

is more appropriate for their intentions. He then thanked the Planning Division for their guidance. He stated they plan to include seven small store fronts, but no large businesses would be affecting traffic.

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

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to recommend approval of the zoning change from the RT – Residential zoning district to the Conditional CA – Commercial zoning district for Lots 1 and 2, Block 1, Kilber North Addition First Replat. Commissioner Levchak seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
PT OF NW ¼ OF SECTION 21, T138N, R80W/LINCOLN TWP PARADISE VALLEY**

Chair Schwartz called for the public hearing on a zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 2, Paradise Valley Addition.

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

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
4. allowed by the new zoning classification at the time the property is developed;
5. 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;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on these findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 2, Paradise Valley Addition.

Chair Schwartz opened the public hearing.

Andrew Thill, Lowry Engineering, came forward to address any concerns. There were none.

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

Commissioner Schmitz asked Commissioner Schell about traffic concerns on Burleigh Avenue. Commissioner Schell replied that a traffic study had been performed for the Paradise Valley subdivision and he feels comfortable with the accommodations.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 2, Paradise Valley Addition. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE COTTONWOOD PARKVIEW ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on a zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in Together 2045;
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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat.

Chair Schwartz opened the public hearing.

Brittany Dawson, the architect representing the applicant, said this zoning change would allow for 23 additional units, which is about 40% of the allowed density if the zoning change were to be approved.

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

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to recommend approval of the zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat. Commissioner Lukens seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT (INTERNAL ADU) MISSOURI MEADOWS SUBDIVISION

Chair Schwartz called for the public hearing on a special use permit to construct an internal accessory dwelling unit within a single-family residence on Lot 1, Block 1, Missouri Meadows Subdivision.

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

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

7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit for an internal accessory dwelling unit on Lot 1, Block 1, Missouri Meadows Subdivision.

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 Wangen made a motion to approve the special use permit for an internal accessory dwelling unit on Lot 1, Block 1, Missouri Meadows Subdivision. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

ELECTION OF OFFICERS:

Chair Schwartz opened nominations for the election of Chair and Vice Chair at this time.

Commissioner Levchak made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning and Zoning Commission. Commissioner Wangen seconded the motion and, with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion, Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Schmitz made a motion to elect Cole Johnson as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Schell seconded the motion and with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion, Cole Johnson was elected Vice Chair of the Bismarck Planning and Zoning Commission.

UPDATE ON TOGETHER 2045

Mr. Nairn came forward to inform the Commissioners that the Together 2045 plan has been adopted after approval by the Bismarck City Commission on December 27, 2022. Staff handed out bound copies of the final plans to each Commissioner. Commissioner Schmitz thanked Mr. Nairn and the Planning Division for their efforts.

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 February 22, 2023.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary

Mike Schwartz
Chair