

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 22, 2023**

The Bismarck Planning & Zoning Commission met on March 22, 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 Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner and Wendy Van Duyne were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the February 22, 2023 meeting.

MOTION: Commissioner Schmitz made a motion to approve the minutes of the February 22, 2023 meeting, as presented. Commissioner Levchak seconded the motion, and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

2. LOT 1, BLOCK 1, BASIN ELECTRIC FOURTH ADDITION – ZONING CHANGE

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve consent agenda item 2, calling for a public hearing on the item as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
SYKES SECOND ADDITION**

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Sykes Second Addition. The property is located in southeast Bismarck, south of East Bismarck Expressway between Burlington Drive and Northern Plains Drive, along the south side of Airway Avenue (a replat of Lots 1-3, Block 2, Sykes 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, based on the above findings, staff recommends approval of the minor subdivision final plat titled Sykes Second Addition, with the following condition:

1. A development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat.

Chair Schwartz opened the public hearing.

Molly Barnes with Northern Improvement Company appeared to answer any questions.

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

MOTION: Commissioner Levchak made a motion to recommend approval of the minor subdivision final plat titled Sykes Second Addition, with the condition that a development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent.

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

Chair Schwartz called for the final consideration on the partial annexation of Silver Ranch Fourth Addition and Silver Ranch Third Addition on 35.79 acres.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the partial annexation of Silver Ranch Third Addition and Silver Ranch Fourth Addition. 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.

Chair Schwartz then called for the public hearing on a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts for Silver Ranch Fourth Addition, and a major subdivision final plat for Silver Ranch Fourth Addition. The proposed plat is 24 lots in five blocks on 36.31 acres and is located northeast of Bismarck, north of 43rd Avenue NE and west of 52nd Street NE along extensions of Silver Boulevard.

Mr. Nairn 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 zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts, and approval of 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, Noble Drive, and Halverson Avenue in conjunction with plat recordation.

Chair Schwartz opened the public hearing.

Landon Niemiller from Swenson Hagen & Co. was present to answer any questions or address any concerns.

There being no questions or 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 zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial 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, Noble Drive, and Halverson Avenue in conjunction with plat recordation. 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.

OTHER BUSINESS

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 5:13 p.m. to meet again on April 26, 2023.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair