

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 24, 2023**

The Bismarck Planning & Zoning Commission met on May 24, 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, Robert Field, Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen, and Paul Zent.

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 April 26, 2023 meeting.

MOTION: Commissioner Levchak made a motion to approve the minutes of the April 26, 2023 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

- 3. LOT 2, BLOCK 1, MISTY WATERS – PUD AMENDMENT**
- 4. LOT 2, BLOCK 1, SCHILLING SECOND ADDITION – ZONING MAP AMENDMENT**
- 5. PART OF BLOCK 16, PARTS OF SECTIONS 4 AND 9, WACHTERS SECOND ADDITION – ZONING MAP AMENDMENT**

Commissioner Van Duyne stated that that item 4 will be a conflict of interest for her so she will be recusing herself from the public hearing on that item.

MOTION: Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve consent agenda items 3, 4 and 5, calling for public hearings on the items as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
RIVER OF HOPE ADDITION, LOT 1, BLOCK 1 AND
MEADOWLARK COMMERCIAL THIRD ADDITION, LOT 1, BLOCK 6**

Chair Schwartz called for the public hearing on the zoning map amendment for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition. The property is located in northeast Bismarck, west of State Street / US Highway 83 in the northeast quadrant of the intersection of 43rd Avenue NE and North 19th Street.

Ms. Wollmuth gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the zoning map amendment from the RT – Residential and the R10 – Residential zoning districts to the CA – Commercial zoning district for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition.

Chair Schwartz opened the public hearing.

Allison Artavia came forward to thank the commission for their consideration and stated the request is to simply improve the land to make it more accessible for future use but there are no immediate plans.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the zoning change from R10 – Residential and RT – Residential zoning districts to the CA – Commercial for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition. Commissioner Levchak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING) LOT 5, BLOCK 1, MELEDEE ACRES

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable area of accessory buildings up to 3,200 square feet on Lot 5, Block 1, Meledee Acres. The property is located south of Bismarck, west of Sibley Drive, along the north side of Dogwood Drive (7640 Dogwood Drive).

Ms. Wollmuth gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the proposed special use permit to increase the total area of accessory buildings up to 3,200 square feet on Lot 5, Block 1, Meledee Acres.

Commissioner Field asked if this property is in the floodplain. Ms. Wollmuth responded that the property is in the Special Flood Hazard Area (SFHA) and that the applicant has submitted a building permit which will need to be reviewed for compliance with floodplain regulations and approved by the city's Floodplain Administrator.

Chair Schwartz opened the public hearing.

Andrea Adolf came forward to address any concerns or questions.

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 special use permit to increase the total allowable area of accessory buildings up to 3,200 square feet on Lot 5, Block 1, Meledee Acres. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:16 p.m. to meet again on June 28, 2023.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair