

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 27, 2023**

The Bismarck Planning & Zoning Commission met on September 27, 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 Robert Field, Cole Johnson, Daniel Lukens, Gabe Schell, Wendy Van Duyne, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner, Payl Levchak and Mike Schmitz were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the August 23, 2023 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the August 23, 2023 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

3. LOT 1, BLOCK 1, BREI ESTATES FIRST ADDITIONS – ZONING MAP AMENDMENT

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

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
TRILLIUM FIFTH ADDITION**

Chair Schwartz called for the public hearing on the minor subdivision final plat for Trillium Fifth Addition. The property is located in southeast Bismarck, in the northeast quadrant of Burlington Drive and Morrison Avenue (a replat of Lots 1 & 2, Block 2, Trillium 4th Addition, and Parts of Morrison Avenue & Burlington Drive Rights-of-Way).

Mr. Johnson 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.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat for Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area, per findings from the Engineering Department.

Chair Schwartz opened the public hearing.

Molly Barnes, the applicant came forward to thank staff, request approval, and answer any questions from the commissioners.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the minor subdivision final plat for Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area. Commissioner Lukens seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (ELECTRONIC MESSAGE CENTER) LOT 5, BLOCK 1, GRANDVIEW HEIGHTS

Chair Schwartz called for the public hearing on a special use permit to allow an electronic message center sign on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights. The property is located in northwest Bismarck, along the south side of Burnt Boat Drive, between Broadview Lane and North Grandview Lane (1715 Burnt Boat Drive).

Mr. Johnson 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.

Mr. Johnson said, based on the findings, staff recommends approval of the proposed special use permit to allow an electronic message center sign on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights, with the condition that operational requirements of an electronic message center sign within 150 feet of residential uses are met in accordance with Section 14-03.1-07(5)e of the Bismarck Code of City Ordinances.

Chair Schwartz opened the public hearing.

Commissioner Zent asked if the sign would be lit all night. Scott Hager with Bismarck Sign Co. LLC came forward and stated that the owners intend to follow all code requirements, which allows the sign to remain on at night but with no frame changes.

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

Commissioner Schell questioned the addition of the condition to follow the ordinance. Mr. Nairn answered that it is not strictly necessary but does provide the owner and applicant with clear instructions.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the special use permit to allow an electronic message center on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights with the conditions stated in the staff report. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 2 AND LOT 4, BLOCK 1, BRIESE SUBDIVISION

Chair Schwartz called for the public hearing on a rural residential lot split for Lot 2 and Lot 4, Block 1, Briese Subdivision. The property is located northwest of Bismarck, west of River Road in the northwest quadrant of the intersection of Sandy River Road and Fernwood Drive (4310 Fernwood Drive and 4130 Sandy River Drive).

Ms. Wollmuth gave an overview of the request, stating that the proposed rural residential lot split would reconfigure the property boundary between Lot 2 and Lot 4 to create a new parcel for development. The applicants are proposing to construct a single-family dwelling on the new parcel. She then 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 rural residential lot split on Lot 2 and Lot 4, Block 1, Briese Subdivision, with the following conditions:

1. Prior to the issuance of any building permits for the new parcel:
 - a. The frontage road along the west side of Fernwood Drive be removed
 - b. The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission
 - c. The platted non-access line along the east side of the proposed new parcel, adjacent to Fernwood Drive, be vacated by the City Commission
 - d. Approval of a second access to Lot 4 be approved by the Burleigh County Commission
 - e. An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder

Commissioner Zent asked if staff had any comments from the township. Ms. Wollmuth stated Hay Creek Township was notified but staff had not received any response.

Chair Schwartz asked if the back of the lot is buildable. Ms. Wollmuth answered that the applicant's consultant created a unique shape in order to meet minimum size, depth and width requirements outlined in the RR – Residential zoning district requirements.

Chair Schwartz opened the public hearing.

Tamara Unterseher, the applicant, came forward to explain her need for the lot modification.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the rural residential lot split for Lot 2 and Lot 4, Block 1, Briese Subdivision including the conditions that prior to the issuance of any building permits for the new parcel: The frontage road along the west side of Fernwood Drive be removed; The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission; The platted non-access line along the east side of the proposed new parcel, adjacent to Fernwood Drive, be vacated by the City Commission; Approval of a second access to Lot 4 be approved by the Burleigh County Commission; An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder. Commissioner Field seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, 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 5:26 p.m. to meet again on October 25, 2023.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair