

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

The Bismarck Planning & Zoning Commission met on October 25, 2023, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> 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, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner, Cole Johnson and Wendy Van Duyne 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, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

**MINUTES**

Chair Schwartz called for consideration of the minutes of the September 27, 2023 meeting.

**MOTION:** Commissioner Wangen made a motion to approve the minutes of the September 27, 2023 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

**CONSIDERATION**

**2. SILVER RANCH FOURTH ADDITION – PRELIMINARY PLAT  
ZONING MAP AMENDMENT**

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

**PUBLIC HEARING – ZONING MAP AMENDMENT  
BREI ESTATES FIRST ADDITION, LOT 1, BLOCK 1**

Chair Schwartz called for the public hearing on the zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, BREI Estates First Addition. The property is located in northwest Bismarck, in the northwest quadrant of the intersection of North Washington Street and West Lasalle 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 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 zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, BREI Estates First Addition.

Commissioner Zent asked if the project is just a zoning map amendment. Ms. Wollmuth confirmed that this has already been platted and the request is only for a zoning map amendment and that the applicant will be requesting a reduction to the non-access line and access to the property would be from West LaSalle Drive.

Commissioner Schell asked Ms. Wollmuth to explain why staff does or does not consider the elementary school across the street and the arterial roadway when recommending approval. Ms. Wollmuth explained that North Washington Street is a wide roadway and Bismarck has several elementary schools adjacent to a variety of zoning districts and staff does not believe it has a negative impact.

Chair Schwartz opened the public hearing.

Randy Bakke, the applicant, came forward to address any questions or concerns.

Commissioner Levchak asked if there is any prospective client or operation for the property. Mr. Bakke replied there is not.

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 map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, BREI Estates First Addition. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Field, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

## **PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT AND ZONING MAP AMENDMENT PARADISE VALLEY SECOND ADDITION**

Chair Schwartz called for the public hearing on a zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and major subdivision final plat for Paradise Valley Second Addition. The property is located in south Bismarck, in the southeast quadrant of the intersection of South Washington Street and East Burleigh Avenue (A replat of Lot 1 and Lot 20, Block 4, all of Block 5 and all of Block 6, Paradise Valley Addition).

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 major

subdivision final plat and 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 proposed zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and major subdivision final plat for Paradise Valley Second Addition, with the following condition:

1. Revisions to the Development Agreement for Paradise Valley Second Addition are approved in conjunction with Bismarck City Commission review of the final plat.

Commissioner Schell asked whether the reference to existing zoning districts in the proposed draft zoning ordinance is being repetitive. Ms. Wollmuth stated that the language used is the standard for zoning map amendment ordinances.

Chair Schwartz opened the public hearing.

Andrew Thill, with Lowry Engineering, came forward to respond to any questions or concerns.

Commissioner Schell asked for the main goal of the replat. Mr. Thill said the pond plans had to be modified to help with the efficiency of the stormwater system.

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

Mayor Schmitz left the meeting.

**MOTION:** Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and major subdivision final plat for Paradise Valley Second Addition, with the condition that revisions to the Development Agreement for Paradise Valley Second Addition are approved in conjunction with Bismarck City Commission review of the final plat. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Field, Levchak, Lukens, Schell, Schwartz, Wangen, and Zent voting in favor of the motion.

#### **PUBLIC HEARING – SPECIAL USE PERMIT – ACCESSORY BUILDING LOT 1, BLOCK 1, SUNNY-VIEW ACRES NINTH SUBDIVISION**

Chair Schwartz called for the public hearing on a special use permit to increase the allowable size of accessory structures to 3,200 square feet on Lot 1, Block 1, Sunny-view Acres Ninth Subdivision. The property is located north of Bismarck, along the north side of 76th Avenue NE, between Stone Loop and Moonstone Lane.

Mr. Johnson gave an overview of the request, stating that the proposed special use 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 increase the maximum allowable size of accessory structures up to 3,200 square feet on Lot 1, Block 1, Sunny-view Acres Ninth Subdivision.

Commissioner Zent asked if the property contained any other buildings. Mr. Johnson stated, to staff's knowledge, no additional buildings are on site. Commissioner Zent then asked what the use of the building will be. Mr. Johnson stated that staff's understanding is the building is to be used for personal storage and not a commercial use.

Commissioner Schell asked about the exhibit showing 3,200.5 feet. Mr. Johnson replied that the exhibit is a concept drawing, and the special use permit would allow the maximum 3,200 square feet only.

Chair Schwartz opened the public hearing.

Tim Klein, an adjacent property owner, came forward to voice his concern that allowing oversized buildings at one residence would lead to more residences having oversized buildings overpowering the homes in the neighborhood.

Chair Schwartz asked Mr. Klein if he had any accessory buildings on his property. Mr. Klein replied that he does not, but if he did, he would make it 1,500 square feet.

There being no further comments or questions, 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 allowable size of accessory structures to 3,200 square feet on Lot 1, Block 1, Sunny-view Acres Ninth Subdivision. Commissioner Field seconded the motion, and the motion was unanimously approved with Commissioners Field, Levchak, Lukens, Schell, Schwartz, Wangen, and Zent voting in favor of the motion.

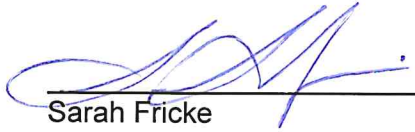
## **OTHER BUSINESS**

Vance Reinbold came forward to address the Commission to propose a zoning amendment to change the definition of family, regarding unrelated individuals, to reduce the number of unrelated individuals residing in a home from four to three. He stated street parking is congested and with the allowance of four individuals, houses are being rented to five or six non-related individuals. Mr. Reinbold then stated Mr. Ehreth researched other communities and Fargo and Sioux Falls have a limit of three, while Grand Forks, Dickinson, and Minot all shared the limit of four. Commissioners and Mr. Reinbold held a discussion including impacts to the property owners and ability to enforce the ordinance. Mr. Ehreth stated complaints on this topic are infrequent and staff have not received other requests to change the ordinance. The general consensus of the Commission was to not pursue a change to the ordinance relating to the definition of family at this time. Chair Schwartz stated his appreciation for any residents coming to the commission with ideas.

## ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:00 p.m. to meet again on November 15, 2023.

Respectfully submitted,

  
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Sarah Fricke  
Recording Secretary  
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Mike Schwartz  
Chair