

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
July 24, 2024**

The Bismarck Planning & Zoning Commission met on July 24, 2024, 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 Brian Bitner (via Zoom), Robert Field, Cole Johnson, Gabe Schell, Mike Schmitz (via Zoom), Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

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

**MINUTES**

Chair Schwartz called for consideration of the minutes of the June 26, 2024, meeting.

**MOTION:** Commissioner Johnson made a motion to approve the minutes of the June 26, 2024, meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

**CONSIDERATION**

**2. MEADOW VILLAGE ADDITION FIRST REPLAT  
PUD AMENDMENT**

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

**PUBLIC HEARING – ZONING MAP AMENDMENT  
HAY CREEK TOWNSHIP, SECTION 25, AUDITOR'S LOT S-3**

Chair Schwartz called for the public hearing on the zoning map amendment from the A – Agriculture and RR – Residential zoning district to the A – Agriculture zoning district on Auditor's Lot S-3, Section 25, 138N-R81W/Hay Creek Township. The property is located west of Bismarck, between Interstate 94 and Wilderness Cove Road, along the west side of River Road.

Ms. Wollmuth provided 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 zoning map amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the A – Agriculture and RR – Residential zoning district to the A – Agriculture zoning district on Auditor's Lot S-3, Section 25, 138N-R81W/Hay Creek Township, as presented.

Chair Schwartz opened the public hearing.

There being no public 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 approve the zoning map amendment from the A – Agriculture and RR – Residential zoning district to the A – Agriculture zoning district on Auditor's Lot S-3, Section 25, 138N-R81W/Hay Creek Township. Commissioner Field seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

#### **PUBLIC HEARING – SPECIAL USE PERMIT (FUNERAL HOME) FAIRVIEW CEMETERY ADDITION, LOT 2, BLOCK 1**

Chair Schwartz called for the public hearing on a special use permit to allow a funeral home on Lot 2, Block 1, Fairview Cemetery Addition. The property is located in northeast Bismarck, north of Interstate 94 and west of Centennial Road, in the southwest quadrant of the intersection of East Century Avenue and Hamilton Street.

Ms. Oster provided 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. Oster said, based on the findings, staff recommends approval of the special use permit for a funeral home on Lot 2, Block 1, Fairview Cemetery Addition with the following condition:

1. The release of a 40-foot section of non-access line adjacent to Hamilton Street allowing adequate access to the site is recorded.

Commissioner Zent asked who the owner of the property is. Ms. Oster explained that Fairview Cemetery is the owner.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hage & Co, explained that Fairview Cemetery will lease the property to another organization to run the funeral home.

Chair Schwartz closed the public hearing.

**MOTION:** Commissioner Sivak made a motion to approve the special use permit for a funeral home on Lot 2, Block 1, Fairview Cemetery Addition with the condition that applicant release of a 40-foot section of non-access line adjacent to Hamilton Street allowing adequate access to the site is recorded. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH)  
CAPITAL ELECTRIC HEADQUARTERS ADDITION, LOT 2, BLOCK 1**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a fast food restaurant on Lot 1, Block 1, Capital Electric Headquarters Addition. The property is located in north-central Bismarck, in the southeast quadrant of the intersection of State Street/US Highway 83 and 43rd Avenue NE.

Ms. Wollmuth provided 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 to allow a drive-through in conjunction with a fast food restaurant on Lot 1, Block 1, Capital Electric Headquarters Addition would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a fast food restaurant on Lot 1, Block 1, Capital Electric Headquarters Addition, as presented.

Commissioner Zent asked for the name of the restaurant. Ms. Wollmuth explained that staff was not provided that information.

Chair Schwartz opened the public hearing.

There being no 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 special use permit to allow a drive-through in conjunction with a fast food restaurant on Lot 1, Block 1, Capital Electric Headquarters Addition. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (CHILDCARE CENTER)  
DAYBREAK MEDICAL ADDITION FIRST REPLAT, LOT 2, BLOCK 1**

Chair Schwartz called for the public hearing on a special use permit to allow a child care center on Lot 2, Block 1, Daybreak Medical Addition First Replat. The property is located in north Bismarck, north of East Greenfield Lane, between North Washington Street and Saints Drive (Lot 2, Block 1, Daybreak Medical Addition First Replat).

Mr. Johnson provided 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 to allow a child care center on Lot 2, Block 1, Daybreak Medical Addition First Replat would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the special use permit to allow a child care center on Lot 2, Block 1, Daybreak Medical Addition First Replat, as presented.

Commissioner Schell stated that this is a multistory building and asked whether plans exist for the other areas of the building. He then questioned whether the approval of this special use would include the entire building. Mr. Johnson said the approval is for the use and includes the entire property.

Chair Schwartz opened the public hearing.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Bitner made a motion to recommend approval of the special use permit to allow a child care center on Lot 2, Block 1, Daybreak Medical Addition First Replat. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

#### **PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING) COUNTRYSIDE ESTATES SUBDIVISION, LOT 1, BLOCK 1**

Chair Schwartz called for the public hearing on the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 1, Block 1, Countryside Estates Subdivision. The property is located east of Bismarck, located in the southeast quadrant of the intersection of 52nd Street NE and Ridgewood Drive.

Mr. Johnson provided an overview of the proposed special use permit and stated that the proposed special use permit would not adversely impact the public health, safety and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 1, Block 1, Countryside Estates Subdivision.

Commissioner Zent asked if the applicant intends to use the accessory building for anything other than personal use. Mr. Johnson stated the intended use is personal only.

Commissioner Schell asked whether the property owner intended on adding an approach to the property. Mr. Johnson explained that the accessory building access will be the same as the existing approach to the home.

Chair Schwartz asked about the existing accessory buildings. Mr. Johnson explained that the small accessory buildings would be removed.

Chair Schwartz opened the public hearing.

Kelly Grenz, the applicant, explained further that he would be removing the small, plastic shed from his property once he had the new one built.

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

**MOTION:** Commissioner Zent made a motion to approve the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 1, Block 1, Countryside Estates Subdivision. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

#### **PUBLIC HEARING – MAJOR STREET PLAN AMENDMENT EAST CENTURY AVENUE AND 52<sup>ND</sup> STREET NE**

Chair Schwartz called for the public hearing on the major street plan amendment. The property is located northeast of Bismarck, along East Century Avenue and 52<sup>nd</sup> Street NE, between Interstate 94 and East Calgary Avenue. Parts of Section 19, T139N-R79W, Gibbs Township and Section 24, T139N-R80W/Hay Creek Township.

Mr. Johnson provided an overview of the requests and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the major street plan amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the major street plan amendment as presented.

Commissioner Zent asked when construction will begin. Commissioner Schell replied that the plans will be done this fall and construction should be starting in 2025.

Chair Schwartz opened the public hearing.

Commissioner Schell indicated concerns with the road crossing Interstate 94 and indicated a desire to continue the public hearing to the August meeting. He said options have been reviewed and the City Engineering department would like to preserve the ability to cross I-94, though this proposed crossing would not be constructed at this time.

Commissioner Zent asked whether a federal highway request to cross I-94 would be required. Commissioner Schell said the envisioned crossing would be an underpass or an overpass, not a full interchange, and coordination with the relevant state and federal agencies would take place.

Chair Schwartz asked Commissioner Schell if his department would have enough time before the August meeting to discuss with planning staff to provide updated information on this item. Commissioner Schell stated that the analysis will be complete before the August meeting.

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

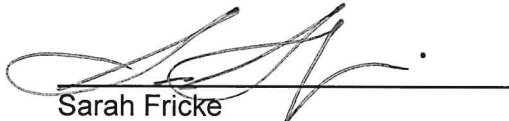
**MOTION:** Commissioner Schell made a motion to continue the public hearing on the major street plan amendment for Parts of Section 19, T139N-R79W, Gibbs Township and Section 24, T139N-R80W, Hay Creek Township. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

## **OTHER BUSINESS**

## **ADJOURNMENT**

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:42 p.m. to meet again on August 28, 2024.

Respectfully submitted,



Sarah Fricke  
Recording Secretary



Mike Schwartz  
Chair