

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
October 23, 2024**

The Bismarck Planning & Zoning Commission met on October 23, 2024, 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 (via Zoom), Robert Field, Cole Johnson, Amber Larson, Daniel Lukens (via Zoom), Gabe Schell, 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, Rachel Lukaszewski – MPO Executive Director, Daniel Nairn – Planning Manager, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

CONSIDERATION

- 2A. PUBLIC NOTICE SIGNS
ZONING ORDINANCE TEXT AMENDMENT**
- 2B. WASHINGTON SQUARE ADDITION, L1&3, B1
ZONING MAP AMENDMENT**
- 2C. KILBER NORTH ADDITION FIRST REPLAT
ZONING MAP AMENDMENT**
- 2D. HUCHLER PARK ADDITION
ZONING MAP AMENDMENT**
- 2E. REALIGNMENT OF FUTURE ROCKY ROAD
MAJOR STREET PLAN AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Zent made a motion to approve consent agenda items 2A, 2B, 2C, 2D, and 2E, calling for public hearings as recommended by staff. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – ARRIVE 2050
BMMPO 2025-2050 METROPOLITAN TRANSPORTATION PLAN**

Chair Schwartz called for the public hearing on Bismarck-Mandan Metropolitan Planning Organization (BMMPO) 2050 Metropolitan Transportation Plan. Rachel Lukaszewski introduced Jason Carbee of HDR, the MPO consultant for the Arrive 2050 plan.

Mr. Carbee provided a presentation to the commission and explained they are seeking a motion to recommend approval of the plan to the Board of City Commissioners. Included in the presentation were goals, objectives, public engagement, federal compliance, safety, funding and the future forecast of the plan.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Larson made a motion to accept the BMMPO 2050 Metropolitan Transportation Plan, Arrive 2050. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT PART OF LINCOLN TOWNSHIP, SECTION 22

Chair Schwartz called for the public hearing on the future land use plan (FLUP) amendment from Urban Reserve Mid-Term (URA) FLUP designation to the Industrial Flex (IF) designation for Part of Lincoln Township, Section 22, T138N-R80W. The property is located south of Bismarck, along the north side of 48th Avenue SE, between 12th Street SE to the west and University Drive to the east.

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 future land use 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 future land use plan amendment for Part of Lincoln Township, Section 22, T138N-R80W, as presented.

Commissioner Zent asked if the property was in the floodway. Mr. Johnson replied that the proposed area is not, but the area immediately to the west is in the floodplain.

Chair Schwartz opened the public hearing.

John Lowry from Lowry Engineering came forward to answer any questions. He explained that Imperial Valley's lagoons are located within the property on a separate parcel of land.

An adjacent property owner named Arnie Zent stated that he lives in Imperial Valley and is concerned with the property owner of the proposed site controlling noxious weeds. He said the dirt piles are home to thistle that is destroying hay crops in the area. He would like the property owner to manage the weed problem in the future.

Another property owner, Barbara Koch, owns property to the east of the proposed area expressed her concerns with the weed problem as well. She stated she is also concerned with access to the property and soil disturbances.

Chair Schwartz asked if she has voiced her concerns to any public entities. Ms. Koch said she had not contacted anyone yet but planned to in the near future.

Arnie Zent said he tried to contact the Burleigh County Weed Board, but it has been without an officer for three years so there was no one to help him. Commissioner Bitner explained that a new weed officer has started recently and advised Mr. Zent to call again.

Mr. Lowry stated he will notify the property owners of the concerns raised.

Commissioner Sivak asked Mr. Lowry about Ms. Koch's concerns with soil disturbances. Mr. Lowry explained that some of the dirt was used as fill dirt and said reclamation of the land would be taken care of.

Mr. Johnson then explained that a permit for an approach would be obtained from the Burleigh County Highway Department, if it has not already been acquired.

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

Commissioner Larson thanked the neighbors for coming forward to voice their concerns. Commissioner Bitner reassured the residents that the weed problem has been noted and that the new weed officer will take care of it.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the future land use plan amendment from the Urban Reserve Mid-Term (URA) FLUP designation to the Industrial Flex (IF) designation for Part of Lincoln Township, Section 22, T138N-R80W. Commissioner Field seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING 2024 GROWTH PHASING PLAN AMENDMENT

Chair Schwartz called for the public hearing on the Community Development Department's proposal to make no changes to the Growth Phasing Plan, most recently included within the Together 2045 Comprehensive Plan.

Mr. Nairn 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 recommends no change to the Growth Phasing Plan of Together 2045 Bismarck's Comprehensive Plan.

Commissioner Schell asked Mr. Nairn to elaborate on developability categories of the graphics. Mr. Nairn explained that there are three categories of readiness: 1. serviceable, meaning utilities are available or will be soon; 2. Platted but not yet serviced; and 3. Annexed but never platted. Commissioner Schell added that development readiness is constantly changing and that maps may not always reflect present reality.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Zent made a motion to approve staff's recommendation to make no changes to the Growth Phasing Plan. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT – RELIGIOUS INSTITUTION TALL PINES SUBDIVISION, LOT 2, BLOCK 1

Chair Schwartz called for the public hearing on the special use permit for a religious institution on Lot 2, Block 1, Tall Pines Subdivision. The property is located northeast of Bismarck, between 52nd Street NE and 66th Street NE, along the north side of 57th 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 special use 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 special use permit for a religious institution on Lot 2, Block 1, Tall Pines Subdivision with the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Commissioner Schell asked if this project would trigger the construction of Silbernagel Drive. Ms. Wollmuth explained that this project would not trigger the construction of Silbernagel Drive.

Chair Schwartz opened the public hearing.

Chris Hanson, a representative of the church, came forward to answer any questions.

Commissioner Zent asked if construction will start in the spring or this fall.

Mr. Hanson stated that they plan to have the footings poured before winter and they plan to have the building completed in September of 2025.

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

MOTION: Commissioner Bitner made a motion to approve the special use permit for a religious institution on Lot 2, Block 1, Tall Pines Subdivision with the conditions that the special use is put into use within twenty-four (24) months of the adoption of this resolution and all other terms and conditions of the zoning ordinance are met. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Larson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Nairn presented the commission with an overview of the Major Street Plan including the background and purpose of the plan. He said Bismarck has always had a plan, it was simply called something else, and they were shown on plats. Roadway plans are necessary to ensure roads connect in the future. He then stated that for every subdivision that is reviewed by staff, compliance with the Major Street Plan is included with the review.

Commissioner Zent questioned damage to roads from construction vehicles driving on streets. Commissioner Schell explained that trucks should stay on truck routes as long as possible but eventually have to drive on local streets. The city has much less control over non-city contracted vehicles but do impose weight restrictions during certain times of the year.

Commissioner Johnson said he understands why landowners are concerned when they see a proposed roadway going through their property and those concerns will continue.

Mr. Nairn agreed that the notification process needs to be clearer about the intentions of a Major Street Plan Amendment.

Commissioner Schell stated that even though a road is included in the Major Street Plan, it would only be constructed if the landowner decides to subdivide, and the plan is only a guide for future planning.

Chair Schwartz stated that no one thinks of traffic until one is in it and understanding the plan is important.

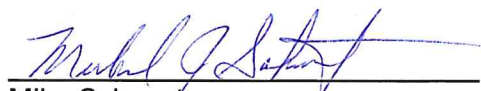
Commissioner Zent thanks Mr. Nairn for his research and explanation.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:05 p.m. to meet again on November 20, 2024.

Respectfully submitted,



Sarah Fricke
Recording Secretary

Mike Schwartz
Chair