

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 22, 2025**

The Bismarck Planning & Zoning Commission met on January 22, 2025, 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. Dakota Media Access was present to record the meeting and archive on freetv.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner (via Zoom), Cole Johnson, Daniel Lukens (via Zoom), Gabe Schell, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Field, Larson, and Schmitz were absent.

Staff members present were 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 December 18, 2024 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the December 18, 2024 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion. Commissioners Bitner and Lukens arrived late.

CONSIDERATION

**2A. MISSOURI VALLEY COMPLEX, BLOCK 1, LOTS 1, 3-29
ZONING MAP AMENDMENT**

**2B. KILBER NORTH ADDITION FIRST REPLAT, BLOCK 1, LOT 3
ZONING MAP AMENDMENT**

**2C. BARBIE'S NEIGHBORHOOD SUBDIVISION, BLOCK 1, LOT E OF LOT 1
ZONING MAP AMENDMENT
FUTURE LAND USE PLAN AMENDMENT**

**2D. GEORGE SUBDIVISION
ZONING MAP AMENDMENT
FUTURE LAND USE PLAN AMENDMENT**

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

PUBLIC HEARING – SYKES SECOND ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Sykes Second Addition. The property is located in southeast Bismarck, south of Airway Avenue and east of University Drive, in the northwest quadrant of the intersection of Burlington Drive and Wanchena Way (Lot 2A and Lot 2B of Lot 2, Block 1, Sykes Addition).

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 minor plat would not adversely impact the public health, safety, and general welfare. Ms. Wollmuth explained that a plat of the same title was approved in 2023 but was withdrawn.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat titled Sykes Second Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that a site plan related to most of this property has been approved.

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

MOTION: Based on staff's recommendation, Commissioner Zent made a motion to approve the minor subdivision final plat titled Sykes Second Addition. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MUNICIPAL SIXTH ADDITION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on the major subdivision final plat for Municipal Sixth Addition. The property is located in west Bismarck, west of W Divide Avenue and south of Interstate 94 (Tract G1, Government Lot 1, Part of the N½ of Section 31, and Part of the S½ of Section 30).

Commissioner Johnson stated that he is professionally involved in one of the parcels on this property and offered to recuse himself if the commission felt it is a conflict of interest. No objections were made by the commissioners. Commissioner Zent stated because he works at the Gateway to Science, he is willing to recuse himself if any of the commission felt there is a conflict of interest. No objections were made.

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 major subdivision final plat would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the major subdivision final plat for Municipal Sixth Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the major subdivision final plat for Municipal Sixth Addition. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – PARADISE POINTE SUBDIVISION ZONING MAP AMENDMENT AND MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a zoning map amendment from the A – Agricultural zoning district to the RR5 – Residential zoning district and a major subdivision final plat for Paradise Pointe Subdivision. The property is located east by southeast of Bismarck, between Lincoln Road and 62nd Avenue SE, along the west side of 52nd Street SE.

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 major subdivision final plat and the zoning map 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 zoning map amendment from the A – Agricultural zoning district to the RR5 – Residential zoning district and a major subdivision final plat for Paradise Pointe Subdivision.

Chair Schwartz asked if this was part of Apple Creek Township. Mr. Johnson explained that this plat is in Lincoln Township, which is not organized and therefore staff has no communication with it.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained City Engineering had requested additional easements for water and sewer to enable the extension of future utilities and that those easements are available at the time they are needed.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve the zoning map amendment from the A – Agricultural zoning district to the RR5 – Residential zoning district and a major subdivision final plat for Paradise Pointe Subdivision. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Bitner, Johnson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – CIESLAK SUBDIVISION
MAJOR SUBDIVISION FINAL PLAT, ZONING MAP AMENDMENT
FUTURE LAND USE PLAN AMENDMENT**

Chair Schwartz called for the public hearing on a Future Land Use Plan amendment from the Parks and Open Space (PKOS) land use designation to the Rural Residential (RR) and Parks and Open Space (PKOS) land use plan designations, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat titled Cieslak Subdivision.

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, future land use plan amendment, and major subdivision final plat 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 Future Land Use Plan amendment from the Parks and Open Space (PKOS) land use designation to the Rural Residential (RR) and Parks and Open Space (PKOS) land use plan designations, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat titled Cieslak Subdivision.

Commissioner Zent asked if this area would be used for residential purposes only. Ms. Wollmuth explained that, if approved, the property will be zoned RR – Residential which allows for single family and accessory buildings.

Chair Schwartz asked if staff received any comments from Apple Creek Township. Ms. Wollmuth replied that no comments had been received.

Chair Schwartz opened the public hearing.

Nic Cullen – Houston Engineering, offered to answer questions for the commission.

Commissioner Schell asked Mr. Cullen to confirm that his client is aware that the stormwater and drainage easements are above and beyond what is typically in a floodway. Mr. Cullen stated that the client is aware of the constraints and there is no plan to do any work within the floodway or stormwater easement.

Richard Cieslak, the property owner, confirmed that he has no plans for outbuildings in the area.

Commissioner Zent asked Mr. Cieslak if he is aware of how easily that area floods. Mr. Cieslak stated that he is familiar with the property and which areas do not flood.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the Future Land Use Plan amendment from the Parks and Open Space (PKOS) land use designation to the Rural Residential (RR) and Parks and Open Space (PKOS) land use plan designations, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat titled Cieslak Subdivision.

Commissioner Zent seconded the motion, and the motion was unanimously approved with Bitner, Johnson, Lukens, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

ELECTION OF OFFICERS:

Chair Schwartz opened nominations for the election of Chair and Vice Chair at this time.

Chair Schwartz stated that he would enjoy continuing being chair. Commissioner Zent made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning and Zoning Commission. Commissioner Wangen seconded the motion and, with Commissioners Bitner, Johnson, Lukens, Schell, Schwartz, Wangen, Sivak, and Zent voting in favor of the motion, Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Johnson stated that he would enjoy continuing being vice-chair. Mr. Wangen made a motion to elect Cole Johnson as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Zent seconded the motion and with Bitner, Johnson, Lukens, Schell, Schwartz, Wangen, Sivak, and Zent voting in favor of the motion, Cole Johnson was elected Vice Chair of the Bismarck Planning and Zoning Commission.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:30 p.m. to meet again on February 26, 2025.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair