

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
April 23, 2025**

The Bismarck Planning & Zoning Commission met on April 23, 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 Robert Field, Cole Johnson, Amber Larson (via Zoom), Gabe Schell, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Lukens, and Schmitz were absent.

Staff members present were Hilary Balzum – CDBG Program Administrator, Brady Blaskowski – Building Official, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Julie Mees – City Attorney, Daniel Nairn – Planning Manager, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the March 26, 2025 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the March 26, 2025 meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

**2A. SCHAFFER HEIGHTS, BLOCK 2, LOT 1 LESS LOT 1A AND LOT 2, LESS LOT 2A
ZONING MAP AMENDMENT**

**2B. DAYBREAK SECOND ADDITION, BLOCK 1, LOT 1 AND BLOCK 6, LOT 1
ZONING MAP AMENDMENT AND FUTURE LAND USE PLAN AMENDMENT**

**2C. SILVER RANCH FIFTH ADDITION
ZONING MAP AMENDMENT AND PRELIMINARY PLAT**

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

UPDATE ON 2025-2029 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PLAN

Hilary Balzum provided an overview of the 2025-2029 Community Development Block Grant (CDBG) Consolidated Plan, which has been prepared for the CDBG program that is administered by the Planning Division of Community Development. The City of Bismarck participates in the CDBG program as an entitlement community receiving an annual allocation from the United States Department of Housing and Urban Development (HUD), which is then used to meet one of the three national objectives set by HUD which must include either a benefit to low-to-moderate-income persons, the removal of slum or blight or an urgent need typically associated with a declared national disaster. Ms. Balzum explained the required five-year CDBG Consolidated Plan to serve as the framework for the City's goals and objectives over the five-year period.

PUBLIC HEARING – BODEN ADDITION, BLOCK 1, LOTS 1-23 & 25-34 ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on the zoning map amendment from R10 – Residential to Conditional RT – Residential on Lots 25-34, Block 1, Boden Addition and revisions to the conditions of this entire conditional district, including Lots 1-23, Block 1, Boden Addition. The request also includes an amendment of a portion of this area in the Future Land Use Plan from Urban Neighborhood (UN) to Neighborhood Mixed Use (NMU). The property is located in north Bismarck, on the east side of North Washington Street and the south side of East Lasalle Drive.

Mr. Nairn explained that the staff report, presentation, and mailings used the correct legal description, but the advertisement in the newspaper included a legal description which omitted some of the lots. It was readvertised for a new public hearing to allow adequate notification required by the zoning ordinance.

Mr. Nairn explained the text changes to the RT – Residential zoning district. The maximum building footprint would change from 4,500 SF + 1,000 SF garage to 5,500 SF. The overall footprint would not change, but a garage would be optional. Sign size would change from 60 SF total on a lot to 45 SF for each sign, up to two if adjacent to a public right-of-way. A commercial parking lot for shared use among lot owners within the subdivision would be permitted. Finally, there would be a landscaped buffer installed, but that would be on the lots that were discussed last month and would not adversely impact the public health, safety, and general welfare.

Mr. Nairn said, 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.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment to revise the conditions of this entire conditional district, including Lots 1-23, Block 1, Boden Addition.

Commissioner Schell reiterated that this item was heard and approved at the March meeting, and this public hearing is on only the portion missing from the legal advertisement.

Chair Schwartz opened the public hearing.

Jason Petryszyn, Swenson Hagen & Co., explained the four components to the conditional zoning map amendment request, including storage, signage, parking lots, and landscape buffering.

Dawn Ulmer, a neighbor adjacent to Boden Addition, asked for clarification on the previous plans versus this new request. She disagrees with the approval of the request because of the adjacent residential area.

Mr. Petryszyn responded giving details on the garage spaces, explaining that the footprint does not change from the original plans. The developer is making plans based on demand. He said the allowable size of each sign is decreased with the addition of the conditions to the zoning ordinance.

Commissioner Field asked what the neighbors at the back of the businesses would see from their properties. Mr. Petryszyn said there will be a landscape buffer and the businesses will face the interior streets.

Chair Schwartz asked if the footprint of the new plans has changed from the original plans. Mr. Petryszyn stated that nothing has changed since last month's public hearing.

Commissioner Johnson asked how many lots will be used for parking. Mr. Petryszyn said one and a half lots would be occupied for parking.

Parker Pladson, Boden Development, stated they are bound by the size of the building to determine the size of each parking lot.

Pamela Sharp, Boulder Ridge resident, spoke in opposition to the request due to wanting the area to remain residential only.

Ms. Ulmer, said the footprint does not matter, it is the appearance of a parking lot in the neighborhood. She said her initial question, why wasn't the property across North Washington Street used for the project, has not been answered.

Mr. Petryszyn explained that the parking requirements are based on the building size, per ordinance, they included garage spaces to reduce the size of the parking lot.

Commissioner Johnson stated parking lots are only allowed in the Conditional RT – Residential zoning district.

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

Commissioner Schell asked staff about the question regarding the public's best interest and their process to determine their recommendations to the Planning and Zoning Commission.

Mr. Nairn explained that staff was aware of the adjacent residential neighborhood which is why they included the conditions to have design standards to include lighting standards and residential characteristics for the office buildings. He noted that the area is adjacent to North Washington Street and matches the appearance of that area, which made staff comfortable recommending approval.

Commissioner Larson said she understands neighbors' concerns due to the appearance of the businesses across North Washington Street. Mr. Nairn said the conditions are different than the Conditional RT for that property and buildings with that scale and appearance would not be allowed on the property in question.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the zoning map amendment from R10 – Residential to Conditional RT – Residential on Lots 25-34, Block 1, Boden Addition, and revisions to the conditions of this entire conditional district, including Lots 1-23, Block 1, Boden Addition and an amendment of a portion of this area in the Future Land Use Plan from Urban Neighborhood (UN) to Neighborhood Mixed Use (NMU). Commissioner Zent seconded the motion, and the motion was approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – NORTHSTAR COMMERCIAL PARK THIRD SUBDIVISION ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on a zoning map amendment that would add temporary fireworks sales as an administrative special use to the existing Conditional MA – Industrial zoning district for Blocks 1, 2, and 3, Northstar Commercial Park Third Subdivision. The property is located north of Bismarck, east of US Highway 83 between Northstar Drive and 71st 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 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 to add temporary fireworks sales as an administrative special use to the existing Conditional MA – Industrial zoning district for Blocks 1, 2, and 3, Northstar Commercial Park Third Subdivision.

Commissioner Wangen asked if Hay Creek Township has given an opinion on this item. Ms. Wollmuth said that the township was notified but had not replied.

Commissioner Schell asked for details on the administrative use process. Ms. Wollmuth explained that a request is reviewed by staff and a permit is issued if all requirements are met, without a public hearing.

Commissioner Johnson stated concerns with the temporary use and the parking and traffic that comes with it.

Chair Schwartz said one of the letters received from an adjacent property owner mentions the discharge of fireworks at the site. Ms. Wollmuth said that discharge of fireworks is allowed during certain times of the year.

Commissioner Schell asked for the criteria of the administrative approval of fireworks sales. Brady Blaskowski, City Building Official, explained that the limitation is the timeframe of 30 days for this type of permit.

Chair Schwartz opened the public hearing.

Lance Holden, the owner of a fireworks stand that uses this area, explained that he does not want to be a burden on the community and always ensures trash is picked up and grass is mowed. He has not received complaints regarding fireworks discharge or trash left behind. He said he is respectful of neighbors' wishes as far as quiet hours.

Zent asked how Mr. Holden handles a fireworks ban. He said he does not set up when a ban is in place.

Commissioner Schell asked Mr. Holden if he rented a structure or set up a tent. Mr. Holden uses a tent and does not own a permanent building for this property. Another business uses a semi trailer.

There being no further 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 to add temporary fireworks sales as an administrative special use to the existing Conditional MA – Industrial zoning district for Blocks 1, 2, and 3, Northstar Commercial Park Third Subdivision. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SOUTHLAND THIRD ADDITION ZONING MAP AMENDMENT MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat for Southland Third Addition and a zoning map amendment from the RM15 – Residential zoning district to a PUD – Planned Unit Development for Lots 1-28, Block 1, Southland Third Addition. The property is located in south Bismarck, east of South Washington Street, west of Peach Tree Drive, on the south side of Santa Fe Avenue.

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 zoning map amendment and minor subdivision final plat would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat for Southland Third Addition and a zoning map amendment from the RM15 – Residential zoning district to a PUD – Planned Unit Development for Lots 1-28, Block 1, Southland Third Addition.

Commissioner Johnson asked why the PUD was used rather than R10. Mr. Johnson explained that the developer intends to build residences which would not fit other zoning districts' regulations.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained that the plan is for smaller homes on smaller lots to address the community's affordable housing issues.

Commissioner Schell asked if the developer will be comfortable with the Development Agreement to include shared utilities. Mr. Niemiller said the developer is aware and comfortable.

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

Commissioner Larson asked about challenges with parking, garbage and snow removal in this type of development. Mr. Johnson responded that the developer must follow standards for off-street parking. Commissioner Schell said for this size structure the two-car garage space is efficient.

MOTION: Commissioner Schell made a motion to approve the minor subdivision final plat for Southland Third Addition and a zoning map amendment from the RM15 – Residential zoning district to a PUD – Planned Unit Development for Lots 1-28, Block 1, Southland Third Addition with the condition the developer enter into a Utility Agreement with the City prior to plat recordation. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MIDWEST BUSINESS PARK SECOND ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Midwest Business Park Second Addition. The property is located in east Bismarck, east of North Bismarck Expressway and south of East Main Avenue, in the northwest quadrant of the intersection of 52nd Street NE and Tandem Drive.

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 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 minor subdivision final plat titled Midwest Business Park Second Addition.

Chair Schwartz opened the public hearing.

Abe Ulmer, ILSE, explained that the plan proposes to move the lot line 120 feet to the north and said landscaping is part of the plan to appease the requirements and the neighbors.

Commissioner Zent asked if there is access on 52nd Street. Mr. Ulmer said there is an easement and non-access lines on that side of the property, therefore there is no access.

Donovan Voller, a neighbor of the property, expressed concerns with the upkeep of the property. He said the neighbors were told when this area was zoned MA – Industrial, the buildings would be up against the landscape buffer to prevent equipment storage behind the

buildings. The landscape buffer has not been maintained over the last ten years and questioned the enforcement of the landscape buffer requirements.

Jan Wangler voiced concerns with public notification standards. She said if the buildings face south, the north side will be used to store equipment.

Mr. Ulmer provided site plan drawings showing the fence line around the back of the property with concrete on the west and north sides within the fence, and landscaping in the front along Tandem Drive. There are height rules for stored items and they are trying to keep the yard from view.

Commissioner Field asked how much traffic this will cause. Mr. Ulmer said they have 40 employees on the largest shift. Commissioner Field said he doesn't believe the road was built to endure that much traffic and asked who has to pay for road repairs. Commissioner Schell explained that part of 52nd street is annexed into the city and part is county, so the responsibility is shared.

Ms. Wangler asked about the crushed concrete coverage maintenance. Ulmer said it is temporary to save money. The applicant is able to add a solution to bind it down. The long-term solution is to pave it. Commissioner Johnson asked what the height of the fence will be. Mr. Ulmer said the fence will be 6 feet in height.

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

Ms. Wollmuth explained the Future Land Use Plan and that for Mr. Voller's neighborhood, it is the same with a different name.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the minor subdivision final plat titled Midwest Business Park Second Addition. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SHAMROCK ACRES SECOND SUBDIVISION, BLOCK 5, LOT 7 SPECIAL USE PERMIT – ACCESSORY BUILDING AND ACCESSORY DWELLING UNIT

Chair Schwartz called for the public hearing on a special use permit to increase the allowable area of accessory buildings to 3,200 square feet and allow an accessory dwelling unit on Lot 7, Block 5, Shamrock Acres Second Subdivision. The property is located north of Bismarck, east of 26th Street NE, north of 84th Avenue NE, on the east side of Dublin Drive.

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 special use 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 to increase the allowable area of accessory buildings to 3,200 square feet and allow an accessory dwelling unit on Lot 7, Block 5, Shamrock Acres Second Subdivision.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Wangen made a motion to approve the special use permit to increase the allowable area of accessory buildings to 3,200 square feet and allow an accessory dwelling unit on Lot 7, Block 5, Shamrock Acres Second Subdivision. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – HARVEST GROVE THIRD SUBDIVISION, BLOCK 3, LOT 1
SPECIAL USE PERMIT – ACCESSORY BUILDING**

Chair Schwartz called for the public hearing on a special use permit to increase the allowable area of accessory structures to 3,200 square feet on Lot 1, Block 3, Harvest Grove Third Subdivision. The property is located north of Bismarck, west of Highway 83 NE, north of 84th Avenue NE, on the east side of Caraway Drive.

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 special use 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 to increase the allowable area of accessory structures to 3,200 square feet on Lot 1, Block 3, Harvest Grove Third Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. offered to answer any questions the commissioners may have.

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

MOTION: Commissioner Zent made a motion to approve the special use permit to increase the allowable area of accessory structures to 3,200 square feet on Lot 1, Block 3, Harvest Grove Third Subdivision. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, 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 a 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.

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 minor

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

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

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. offered to explain the reason for the change and answer any questions the commissioners may have.

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

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

OTHER BUSINESS

Mr. Nairn requested feedback and direction from the Planning and Zoning Commission on drafting zoning ordinance text amendments to set regulations on short-term rental properties and dimensional standards in the P – Public zoning district.

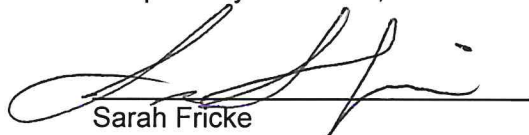
Commissioner Field asked for the time frame to determine a property to be considered short-term. Mr. Nairn responded that 30 days or less is the standard time frame. Mr. Nairn explained that this issue has been raised by the public and Land Development Code Steering Committee as a need for discussion. Mr. Nairn said staff intends to form a steering committee to determine the regulations.

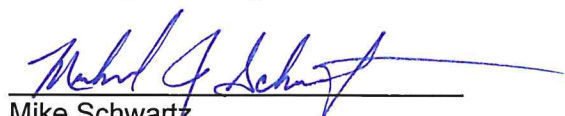
MOTION: Commissioner Zent made a motion to instruct staff to proceed with both suggestions. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:05 p.m. to meet again on May 28, 2025.

Respectfully submitted,


Sarah Fricke
Recording Secretary


Mike Schwartz
Chair