

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 28, 2025**

The Bismarck Planning & Zoning Commission met on May 28, 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 Cole Johnson, Daniel Lukens (via Zoom), Gabe Schell, Mike Schmitz, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Field, and Larson, were absent.

Staff members present were Brady Blaskowski – Building Official, 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 April 23, 2025 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the April 23, 2025 meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

**2A. CRUZ SUBDIVISION
PRELIMINARY PLAT AND ZONING MAP AMENDMENT**

**2B. VOSS SUBDIVISION
PRELIMINARY PLAT**

**2C. MUNICIPAL FOURTH ADDITION FIRST REPLAT
BLOCK 1, LOTS 2 & 3
PLANNED UNIT DEVELOPMENT AMENDMENT**

**2D. DIMENSIONAL STANDARDS IN P – PUBLIC ZONING DISTRICT
ZONING ORDINANCE TEXT AMENDMENT**

2E. LINCOLN TOWNSHIP, SECTION 22, SW¼

MOTION: Based on the findings contained in the staff reports, Commissioner Wangen made a motion to approve consent agenda items 2A, 2B, 2C, 2D, and 2E, calling for public hearings as recommended by staff. Commissioner Zent

seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion. Lukens was unavailable for the vote.

**PUBLIC HEARING – SCHAFER HEIGHTS
BLOCK 2, LOT 1 LESS LOT 1A AND LOT 2, LESS LOT 2A
ZONING MAP AMENDMENT**

Chair Schwartz called for the public hearing on the zoning map amendment from the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schafer Heights. The property is located in central Bismarck, west of Ward Road between College Drive and Edwards Avenue.

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 Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schafer Heights.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the intention is to convert the site into dorms and classrooms. Chair Schwartz asked if the existing building will remain the same. Mr. Niemiller said the plan is to leave the building as it is.

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 from the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schafer Heights. Commissioner Johnson seconded the motion, and the motion was approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion. Lukens was unavailable for the vote.

**PUBLIC HEARING – DAYBREAK SECOND ADDITION
BLOCK 1, LOT 1 & BLOCK 6, LOT 1
ZONING MAP AMENDMENT**

Chair Schwartz called for the public hearing on a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition. The property is located north Bismarck, north of 57th Avenue NE and west of Ridgeland Drive, along the north and south side of 64th 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 from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition.

Commissioner Schell asked for an explanation of the difference between the existing zoning and the conditional zoning. Ms. Wollmuth explained that commercial uses like a large retail store, or a filling station would not be permitted with the conditional zoning proposed.

Chair Schwartz opened the public hearing.

Jason Petryszyn – Swenson Hagen & Co said the applicant intends to build an apartment complex with three stories plus ground level parking underneath, causing the building height to go over the current allowable height.

There being no further 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 zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – SILVER RANCH FIFTH ADDITION
ZONING MAP AMENDMENT
PRELIMINARY PLAT
ANNEXATIONS**

Chair Schwartz called for the public hearing on a major subdivision final plat, two partial annexations, and a zoning map amendment from the existing A – Agricultural zoning district to the RM20 – Residential zoning district and a PUD – Planned Unit Development for Silver Ranch Fifth Addition. The property is located east, northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halvorson 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 major subdivision final plat, partial annexations, and proposed zoning map amendment would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the major subdivision final plat, two partial annexations, and a zoning map amendment from the existing A – Agricultural zoning district to the RM20 – Residential zoning district and a PUD – Planned Unit Development for Silver Ranch Fifth Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the PUD will be used for a 55+ community with smaller lot sizes, slab on grade homes and a community center. He said he has worked with the Parks department on open spaces, landscaping, buffering and trails.

Commissioner Zent asked if the property will have two access points upon completion. Mr. Niemiller explained that the project will be completed in phases The first phase to be annexed includes the lot with the community center for the development.

Commissioner Schell asked who owns the stormwater drainage easement. Mr. Niemiller said the Home Owners Association is the current owner. Commissioner Schell asked if the HOA also includes Silver Ranch Third and Fourth. Mr. Niemiller said Silver Ranch Fifth has its own HOA.

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

MOTION: Commissioner Johnson made a motion to approve the major subdivision final plat and zoning map amendment for Silver Ranch Fifth Addition, as well as the two partial annexations of Silver Ranch Third Addition and Silver Ranch Fifth Addition. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**FINAL CONSIDERATION – NORTHERN SKY SECOND ADDITION FIRST REPLAT
BLOCK 2, LOT 1
ANNEXATION**

Chair Schwartz called for final consideration on the annexation on Lot 1, Block 2, Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

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 annexation would not adversely impact the public health, safety, and general welfare. Ms. Oster stated that the applicant wanted to adjust the boundaries of the area proposed to be annexed and had requested that the request be continued.

Ms. Oster said, based on the findings contained in the staff report, staff recommends continuation of the annexation of Lot 1, Block 2, Northern Sky Second Addition First Replat in order to adjust the boundary.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to continue the annexation request of Lot 1, Block 2, Northern Sky Second Addition First Replat. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – NORTHERN SKY SECOND ADDITION FIRST REPLAT
BLOCK 2, LOT 1
SPECIAL USE PERMITS**

Chair Schwartz called for the public hearing on two special use permits to allow drive-throughs in conjunction with a restaurant and a coffee shop on Lot 1, Block 2, Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

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 uses would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the two special use permits to allow drive-throughs in conjunction with a restaurant and a coffee shop on Lot 1, Block 2, Northern Sky Second Addition First Replat, including granting a waiver to reduce the required stacking spaces from 12 spaces to 3 for the proposed restaurant, and with the condition special use permits do not become effective until annexation of the property occurs.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. told the commission that a lot modification and annexation are currently in process. There will be no ordering in the drive-through lane of the restaurant; the restaurant will be online ordering only.

Commissioner Schell asked for the function of the message board since there is no ordering. Mr. Niemiller explained that the plans include an electronic message board as back up for customers that have not ordered online, and orders would not be placed from that board

Chair Schwartz asked how the restaurants would handle an overflow of vehicles. Mr. Niemiller explained there is no contingency plan for that occurrence as of now.

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

MOTION: Commissioner Johnson made a motion to approve the two special use permits to allow drive-throughs in conjunction with restaurants on Lot 1, Block 2, Northern Sky Second Addition First Replat. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MEADOWLARK COMMERCIAL ELEVENTH ADDITION
MINOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Meadowlark Commercial Eleventh Addition. The property is located in north-central Bismarck, east of State Street, north of 43rd Avenue Northeast, on the east side of North 19th 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 minor subdivision final plat would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the minor subdivision final plat for Meadowlark Commercial Eleventh Addition, including granting a subdivision waiver to allow reduced lot areas for Lots 1 and 2, with the following conditions:

1. A signed development agreement for utility capital charge payment will be due prior to recordation of the plat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained the applicant's desire to have smaller commercial lots with shared parking and utilities. Half of the area is unbuildable due to the slope.

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

MOTION: Commissioner Wangen made a motion to approve the minor subdivision final plat for Meadowlark Commercial Eleventh Addition, including granting a subdivision waiver to allow reduced lot areas for Lots 1 and 2, with the condition that a signed development agreement for utility capital charge payment will be due prior to recordation of the plat. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

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

Chair Schwartz called for the public hearing on revisions to 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 minor subdivision final plat and zoning map amendment would not adversely impact the public health, safety, and general welfare. He noted that the reason these items returned to the Planning and Zoning Commission after it was previously approved at the April 23, meeting, was due to some changes to easements and the PUD language.

Mr. Johnson said, based on the findings, staff recommends approval of the zoning map amendment from the RM15 – Residential zoning district to the PUD – Planned Unit Development and the minor subdivision final plat for Southland Third Addition with the following condition:

1. A utility agreement between the City and the Developer is accepted prior to the recordation of the plat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained they would like to adjust the easement locations and setbacks with the goal of adding affordable housing in the community.

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

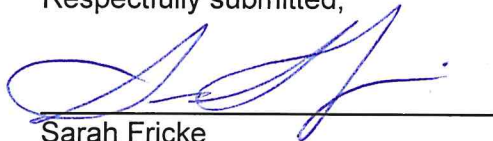
MOTION: Commissioner Zent made a motion to approve the zoning map amendment from the RM15 – Residential zoning district to the PUD – Planned Unit Development and the minor subdivision final plat for Southland Third Addition with the condition that a utility agreement between the City and the Developer is accepted prior to the recordation of the plat. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

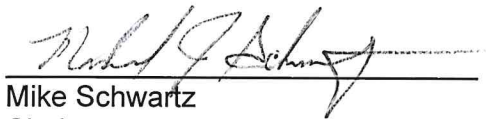
ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on June 25, 2025.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair