

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 25, 2025**

The Bismarck Planning & Zoning Commission met on June 25, 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, Gabe Schell, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Lukens, 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 May 28, 2025 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the May 28, 2025 meeting, as presented. 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.

CONSIDERATION

**2A. ELK RIDGE FOURTH ADDITION
PRELIMINARY PLAT AND ZONING MAP AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Larson made a motion to approve consent agenda item 2A, calling for a public hearing 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.

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

Chair Schwartz called for the final consideration on an annexation of the eastern portion of 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 said, based on the findings contained in the staff report, staff recommends approval of the annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat.

Commissioner Schell noted that utility capital charges would be due prior to recordation of the annexation ordinance, but any funds held in abeyance are added to special assessments the year following the annexation.

MOTION: Based on the findings contained in the staff report, Commissioner Schell made a motion to approve the annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat. Commissioner Wangen 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 – FETTIG SUBDIVISION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a re-approval of a major subdivision final plat titled Fettig Subdivision. The property is located east of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10.

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

Ms. Wollmuth explained that the Planning and Zoning Commission and City Commission approved the proposed plat in 2024, but prior to recordation a site plan was reviewed and staff noted that an additional stormwater and drainage easement was needed on Lot 2, Block 1, and that this re-approval is a result of the added easement.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends re-approval of the major subdivision final plat titled Fettig Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained that the reason for re-approval is the addition of drainage easements to the plat to protect any potential future owners.

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

Commissioner Schell asked if the previous condition to annex the property still applies. Ms. Wollmuth said that the annexation petition has been submitted and the conditions of the previous approval have been met.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to re-approve the major subdivision final plat titled Fettig Subdivision. Commissioner Zent 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 – VOSS SUBDIVISION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a major subdivision final plat titled Voss Subdivision. The property is located south of Bismarck, south of 48th Avenue SE, along the west side of 12th Street SE.

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

Ms. Wollmuth said, based on the findings, staff recommends approval of the major subdivision final plat titled Voss Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the property owner is platting to allow a single-family home.

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

MOTION: Commissioner Johnson made a motion to approve the major subdivision final plat titled Voss 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 – MUNICIPAL FOURTH ADDITION FIRST REPLAT BLOCK 1, LOTS 2&3 PLANNED UNIT DEVELOPMENT AMENDMENT

Chair Schwartz called for the public hearing on the PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. The property is located in west-central Bismarck, between Schafer Street and Canary Avenue, along the south side of Edwards Avenue.

Ms. Wollmuth provided an overview of the request and stated that, the existing PUD as well as the proposed amendment, include provisions related to high-quality design, slope preservation, landscaping, and other development and aesthetic standards. She explained that the PUD amendment includes provisions that a geotechnical exploration for slope stability must be performed by a Geotechnical Engineer licensed in the State of ND and that all recommendations provided in this report shall be followed. Staff would require this to be completed, and all recommendations followed prior to approval of a site plan for the proposed development.

She added that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the planned unit development 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 PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat.

Commissioner Johnson asked how much flexibility will be allowed on the plans for the site. Ms. Wollmuth replied that the PUD is written specifically to be a hotel with an event center. Chair Schwartz opened the public hearing.

Cameron Fleck – CD Holdings explained the project plans including parking above the ordinance required amount. He added that the project will not impact the area's nature trails.

Commissioner Johnson asked about the aspect of the destination center. Mr. Fleck said the intention for this project is to be a tourist destination.

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

Mr. Nairn said the ordinance does allow minor changes to the plan, allowed by the Community Development Director. Any major changes to the plan would require Planning and Zoning Commission approval.

Commissioner Johnson stated that this site is a premier location and should be a premier destination and an asset to the city. Commissioner Larson said architectural appearance was a major concern for this area and should continue to be so.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. Commissioner Zent 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 – SHOULTS ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Shoults Addition. The property is located in central Bismarck, in the northwest quadrant of the intersection of South 3rd Street and East Front 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 would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat titled Shoults Addition.

Commissioner Schell asked if there are any private utilities in the vacated Second Street right-of-way. Mr. Johnson said there are utility easements on the plat and said the consultant would provide further information.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. told the Commission they want to split the property into two lots. He said no utilities exist on the old plat but they have added easements to this proposed plat and increased the right-of-way to 80 feet of East Front Avenue.

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

MOTION: Commissioner Wangen made a motion to approve the minor subdivision final plat titled Shoults 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.

PUBLIC HEARING – VILLAGE COOPERATIVE ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Village Cooperative Addition. The property is located in north Bismarck, north of Ash Coulee Drive, in the southwest corner of the intersection of North Washington Street and Medora Avenue.

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 titled Village Cooperative Addition.

Chair Schwartz opened the public hearing.

Andrew Schaefer – Real Estate Equities Development, LLC explained the intention is to develop a senior housing project on the eastern lot and future development on the western lot.

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

MOTION: Commissioner Larson made a motion to approve the minor subdivision final plat titled Village Cooperative Addition. 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.

PUBLIC HEARING – SILVER RANCH THIRD ADDITION SECOND REPLAT MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Silver Ranch Third Addition Second Replat. The property is located in northeast Bismarck, north of

Welder Avenue and east of Silver Boulevard, along future extensions of Halverson Avenue and Silbernagel Drive.

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

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat titled Silver Ranch Third Addition Second Replat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. said the applicant is replatting to build twin homes.

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 Silver Ranch Third Addition Second Replat. 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 – BASIN ELECTRIC FOURTH ADDITION
BLOCK 1, LOT 1
SPECIAL USE PERMIT – DRIVE THROUGH**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition. The property is located in north, central Bismarck in the southwest quadrant of the intersection of East Century Avenue and North 19th Street.

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 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 drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition.

Commissioner Zent asked if the lot was currently vacant. Mr. Johnson confirmed that the lot was vacant.

Commissioner Johnson asked if there would be any additional requirements due to stacking between multiple windows. Mr. Johnson stated staff did not find any instances of this, but staff did not have concerns with the provided information.

Commissioner Schell asked if the applicant has the right to install access on the south side of the lot. Mr. Johnson said he believes there is an access easement on the south side of the lot.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. said the lot currently contains a sign. He then confirmed the access easement on the south side of the property. Commissioner Schell said if the applicant is not able to get an additional access easement, they will need to come back to Planning and Zoning for approval.

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

MOTION: Commissioner Zent made a motion to approve the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition. 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 – COUNTRY WEST V SECOND REPLAT
BLOCK 1, LOT 1
SPECIAL USE PERMIT – DRIVE-THROUGH**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat. The property is located in west central Bismarck, north of Interstate 94, south of West Century Avenue, in the northeast portion of the intersection of Burnt Boat Drive and Tyler Parkway.

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 special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat.

Commissioner Zent asked if the coffee shop would be located within the existing building. Ms. Oster said that there would be no new construction.

Commissioner Schell asked if the proposed drive-through lane would affect the existing bank drive through lanes. Ms. Oster said the drive-through lane on the west portion would be used by both the bank and the coffee shop.

Chair Schwartz opened the public hearing.

Jason Petryszyn – Swenson Hagen & Co. said not all of the drive-through bank lanes are being used currently so the north end is a free lane that will be the stacking portion for the coffee shop. A parking analysis was conducted, and no additional parking is needed per the ordinance.

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

MOTION: Commissioner Wangen made a motion to approve a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1,

Country West V Second Replat. 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 – DIMENSIONAL STANDARDS IN P – PUBLIC ZONING DISTRICT ZONING ORDINANCE TEXT AMENDMENT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to amend and simplify the regulations regarding height and setbacks for P – Public zoning districts.

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 ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the zoning ordinance text amendment.

Commissioner Zent encouraged staff to make the side yard setback wider as five feet seems too small.

Chair Schwartz opened the public hearing.

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

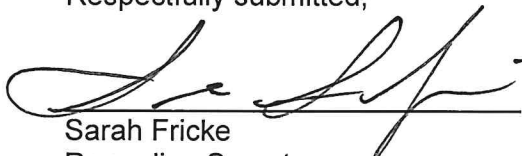
MOTION: Commissioner Wangen made a motion to approve the zoning ordinance text amendment to amend the regulations regarding height and setbacks for P – Public zoning districts. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:13 p.m. to meet again on July 23, 2025.

Respectfully submitted,


Sarah Fricke
Recording Secretary


Mike Schwartz
Chair