

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 24, 2025**

The Bismarck Planning & Zoning Commission met on September 24, 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, Gabe Schell, Mike Schmitz (via Zoom), Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Larson and Lukens were absent.

Staff members present were Brady Blaskowski – Building Official, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Acting Community Development Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the August 27, 2025 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the August 27, 2025 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

CONSIDERATION

**3A. PARTS OF RIVERVIEW ADDITION AND MCKENZIE'S ADDITION
PLANNED UNIT DEVELOPMENT AMENDMENT**

**3B. 2025 AMENDMENTS TO GROWTH PHASING PLAN
GROWTH PHASING PLAN AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Zent made a motion to approve consent agenda items 3A and 3B, calling for public hearings as recommended by staff. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

**CONTINUED PUBLIC HEARING – WILLIAM BLACKSTONE ADDITION
MAJOR SUBDIVISION FINAL PLAT, ZONING MAP AMENDMENT, and ANNEXATION**

Chair Schwartz called for the continued public hearing on a zoning map amendment from the A – Agriculture zoning district to the Conditional RM10 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts, major subdivision final plat titled William Blackstone Addition, and annexation of all of the proposed plat and all of Tyler Parkway from 57th Avenue NW to the northern boundary of the plat. The property is located northwest of Bismarck, west of North Washington Street and north of 57th Avenue NW, along the west side of Tyler Parkway (Part of the SE¼ of Section 7, T139N-R80W/ Hay Creek Township).

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

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the annexation, zoning map amendment and major subdivision final plat titled William Blackstone Addition, with the following conditions:

1. Temporary turnaround easements at the termini of Hoberg Drive, Berning Lane, and James Wright Avenue are provided prior to recording the final plat.
2. Separate dedicated right-of-way or a separate easement to the City of Bismarck for all municipal services from 57th Avenue NW to the southern boundary of plat is required prior to plat recordation.
3. A development agreement outlining installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, gate and knox box, and restoration of Lot 12 to a buildable lot be submitted prior to plat recordation.

Chair Schwartz asked Ms. Wollmuth if staff have any additional concerns from the August public hearing on this item. Ms. Wollmuth replied that staff is comfortable with the changes and recommends approval with the proposed conditions.

Commissioner Schell stated that execution of the development agreement regarding a proposed temporary access from the subdivision to Tyler Parkway would be more appropriate at the public hearing by the Bismarck City Commission, rather than at the time of plat recordation. Ms. Wollmuth said that change could be made as part of the motion at this meeting.

Chair Schwartz opened the public hearing.

Bob Martin, a representative of the property owner, said the applicant has no issue with any of the requests made by the Planning and Zoning Commission.

Three adjacent property owners spoke in opposition to the proposed development.

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

Ms. Wollmuth reminded the commission to include any additional conditions with a motion.

Commissioner Schell explained the City Engineering department's approval of the access point locations, stating that traffic would generally not be travelling through the intersections as both sides of Tyler Parkway are residential neighborhoods that do not further connect. He said traffic safety is always the main concern.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve the annexation, zoning map amendment and major subdivision final plat titled William Blackstone Addition, with the conditions that a temporary turnaround easements at the termini of Hoberg Drive, Berning Lane, and James Wright Avenue are provided prior to recording the final plat; separate dedicated right-of-way or a separate easement to the City of Bismarck for all municipal services from 57th Avenue NW to the southern boundary of plat is required prior to plat recordation, and; a development agreement outlining installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, gate and Knox box, and restoration of Lot 12 to a buildable lot be submitted prior to the public hearing with the City Commission. Commissioner Wangen seconded the motion, and the motion was approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – OLIVE TREE SECOND SUBDIVISION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a major subdivision final plat titled Olive Tree Second Subdivision. The property is located northwest of Bismarck, along the west side of Burnt Creek Loop and south side of Dietrich Place.

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 Olive Tree Second Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., said the request is an expansion of the existing rural residential lot for the property owner to build an accessory structure.

Commissioner Schell said 42 feet of non-access roadway exists on the section line and 32 feet of statutory right-of-way still exists.

There being no 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 titled Oliver Tree Second Subdivision Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH THIRD ADDITION THIRD REPLAT MINOR SUBDIVISION FINAL PLAT AND ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on a zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat. The property is located in northeast Bismarck, in the northeast quadrant of the intersection of 43rd Avenue NE 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 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 contained in the staff report, staff recommends approval of the zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat.

Commissioner Zent asked if the average lot size of 48 feet x 120 feet is consistent with the rest of Silver Ranch. Mr. Johnson explained that the lot size is consistent with the requested zoning.

Commissioner Schell asked why part of the plat will remain zoned RM20. Mr. Johnson stated that R10 – Residential permitted twin homes, while RM – Residential districts would permit townhome-style units in groups of three or more. The RM – Residential district also has a slightly larger side yard setback than the R10 – Residential. Therefore, to facilitate the applicant's building plans, they were requesting mostly R10 – Residential lots, but with some remaining RM20 – Residential lots.

Chair Schwartz opened the public hearing.

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

Mr. Nairn confirmed that there are other lots in Silver Ranch Third Addition that are consistent with the requested zoning.

Commissioner Schell said the city owns the property across Silbernagel Drive and intends to have a fire station there in the future.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – SILVER RANCH FIFTH ADDITION, PART OF BLOCKS 2-5 ANNEXATION

Chair Schwartz called for final consideration on an annexation on Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, part of Silver Ranch Fifth Addition. The property is located east by northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halverson 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 annexation would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the annexation of Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, Silver Ranch Fifth Addition with the condition that the previously approved annexation of Lots 20-27, Block 3, Lot 44, Block 4, and Lots 32-34, Block 5, Silver Ranch Fifth Addition, and adjoining rights-of-way of Davies Drive and Halverson Avenue (identified as ANN2025-001, included in Ordinance 6626) is recorded prior to this annexation

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the annexation of Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, Silver Ranch Fifth Addition with the condition that the previously approved annexation of Lots 20-27, Block 3, Lot 44, Block 4, and Lots 32-34, Block 5, Silver Ranch Fifth Addition, and adjoining rights-of-way of Davies Drive and Halverson Avenue (identified as ANN2025-001, included in Ordinance 6626) is recorded prior to this annexation. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH FIFTH ADDITION ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on a revision to the zoning map amendment for Silver Ranch Fifth Addition, specifically for the Planned Unit Development (PUD) to adjust the front yard setbacks and lot width. The property is located northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halverson 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 revision to the zoning map amendment would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the revised zoning map amendment for Silver Ranch Fifth Addition.

Commissioner Schell asked if the lot width would need to be adjusted after the plat is approved.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., explained that the corner lots are pie shaped and have a 20 foot front yard setback and the request provides more flexibility for those lots.

Commissioner Schell said he has concerns with the shortened driveways causing vehicles to block the public right-of-way/sidewalks. Mr. Niemiller said the driveways will be a standard length.

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 revised zoning map amendment for Silver Ranch Fifth Addition. Commissioner Sivak seconded the motion, and the motion was approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SHORT TERM RENTALS ZONING ORDINANCE TEXT AMENDMENT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area.

Ms. Oster provided an overview of the request and, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning ordinance text amendment would not adversely impact public health, safety, and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area.

Commissioner Johnson asked why a requirement to comply with International Building Code is needed in the ordinance. Mr. Blaskowski explained that the IBC has been included to safeguard and protect tenants.

Chair Schwartz opened the public hearing.

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

Commissioner Schell asked if the ordinance includes any permit requirements for a short-term rental or if it is a zoning designation only. Ms. Oster said that the ordinance amendment, as written, does not require a permit.

Chair Schwartz thanked the stakeholder group and staff. He said he would have preferred a more restrictive ordinance, but this can be amended again in the future.

Commissioner Schell addressed the public comment that came in an email related to traffic concerns. He said the zoning ordinance includes language related to off street parking.

Commissioner Johnson asked if unrelated individuals are able to rent individual rooms in a large house. Ms. Oster said the Title 14 includes language regarding limitations to the number of unrelated individuals in a single family residence, which would cover short-term rentals in a single-family residence. Commissioner Johnson stated things like traffic and noise are covered in the existing ordinance.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Nairn updated the commissioners on public notice signs, which were placed on properties for the first time for this hearing. Commissioners held a discussion including the materials used and possibilities to make the signs more noticeable.

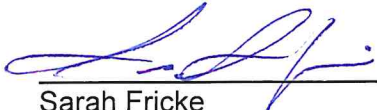
Mr. Nairn then introduced two consultants working on the Land Development Code (LDC). Mary Madden from Madden Planning and Jenny Baker from Clarion Associates explained the process and status of the LDC, in particular Module 1.5 relating to downtown and Module 2 relating to development standards. Commissioner Johnson asked about the use of PUDs to allow certain uses. Ms. Baker explained that the new LDC includes more flexible zoning districts to make them more usable. Mr. Nairn explained that many of the existing PUDs and conditional zoning districts may not be necessary but some will continue to be in place.

Chair Schwartz announced that Commissioner Lukens would no longer be part of the Planning and Zoning Commission and thanked him for his service.

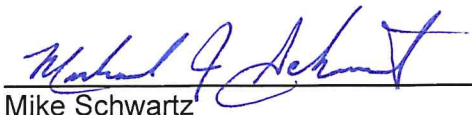
ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:45 p.m. to meet again on October 22, 2025.

Respectfully submitted,



Sarah Fricke
Recording Secretary



Mike Schwartz
Chair