

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 19, 2025**

The Bismarck Planning & Zoning Commission met on November 19, 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. Vice Chair Johnson presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner (via Zoom), Robert Field, Cole Johnson, Gabe Schell, Mike Schmitz and Paul Zent.

Commissioners Amber Larson, Mike Schwartz, Sheldon Sivak, and Trent Wangen were absent.

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

MINUTES

Vice Chair Johnson called for consideration of the minutes of the October 22, 2025 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the October 22, 2025 meeting. Commissioner Field seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz and Zent voting in favor of the motion.

PUBLIC COMMENT

Vice Chair Johnson opened the public comment period.

There being no comments, Vice Chair Johnson closed the public comment period.

CONSIDERATION

**3A. MEADOW VILLAGE ADDITION FIRST REPLAT, BLOCK 1, LOTS 1-32,
AND BLOCK 2, LOTS 1-39
PLANNED UNIT DEVELOPMENT AMENDMENT**

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

PUBLIC HEARING – PEBBLE CREEK ADDITION, BLOCK 9, LOT 33 ZONING MAP AMENDMENT

Vice Chair Johnson called for the public hearing on the zoning map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition. The property is located in central Bismarck, north of East Century Avenue and east of State Street, in the northeast quadrant of the intersection of North 19th Street and Oregon Drive.

Ms. Oster explained the proposed conditions that would be placed on the ordinance related to allowable uses, hours of operation, number of visitors, and a prohibition on signs.

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 zoning map 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 map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition.

Commissioner Schell asked if the lot could accommodate the parking requirements.

Ms. Oster explained that the property includes eight off-street parking spaces along with street parking.

Commissioner Schell said with Evangel Temple's agreement to allow use of their parking lot, the parking is adequate per the ordinance.

Vice Chair Johnson opened the public hearing.

Jenny Maattala, the applicant and founder of Soul 57, explained the purpose of the business, including business hours, potential windows of increased traffic, and the plans for parking.

Commissioner Field said neighbors assumed the zoning will remain the same when they purchased their homes.

Ms. Maattala said research has shown similar businesses have not affected the value of neighboring homes and a home setting is more appealing to grieving families.

Members of the community and neighborhood came forward in favor of the request, stating the need for the service and the benefit of it being in a home setting, comparing it to a home daycare or other home occupation.

Several neighbors spoke in opposition to the request, noting concerns about property value and traffic safety. One mentioned a concern about the property being sold and being used for something other than counseling grieving children.

Commissioner Schell stated the restrictions listed in the ordinance would limit the use to grief counseling even if the property is sold in the future

There being no further comments, Vice Chair Johnson closed the public hearing. Commissioner Schmitz said that he understands the neighbors' concerns, but property owners frequently run businesses from their homes.

MOTION: Based on the findings contained in the staff report, Commissioner Schell made a motion to approve the zoning map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition. Commissioner Schmitz seconded the motion.

Commissioner Schell explained that businesses may be run out of homes by-right and said he does not see this request as a drastic change as the requested business is the only business that would be allowed.

Commissioner Schmitz agreed that approval of the request would only allow a particular service to grieving youth in the community and asked if there is a way for the property to automatically revert back to an R5 – Residential zoning if sold.

Mr. Nairn explained that the ordinance would remain zoned Conditional RT but it only allows this narrowly defined business or a single-family residence.

The motion was denied with Commissioners Bitner, Field, Johnson, and Zent voting against the motion. Commissioners Schell and Schmitz voted in favor.

PUBLIC HEARING – RURAL ACCESSORY STRUCTURE SIZE ZONING ORDINANCE TEXT AMENDMENT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to revise and update ordinances regarding total accessory structure size in rural areas to align more closely with Burleigh County's ordinance (Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17).

Mr. Johnson 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.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the zoning ordinance text amendment to Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17 of the City Code of Ordinances to revise and update ordinances regarding total accessory structure size in rural areas.

Commissioner Schell asked Commissioner Bitner if there would be any negative effect on ETA residents. Commissioner Bitner said this amendment would be an improvement to ETA residents.

Vice Chair Johnson opened the public hearing.

There being no comments, Vice Chair Johnson closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve zoning ordinance text amendment to Sections 14-03-06,

14-04-01, 14-04-01.1, and 14-04-17 of the City Code of Ordinances to revise and update ordinances regarding total accessory structure size in rural area. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, and Zent voting in favor of the motion.

**PUBLIC HEARING – BOUTROUS SECOND ADDITION, BLOCK 1, PART OF LOT 1 & 2 AND PART OF SECTION 27, T139N-R80W/HAY CREEK TOWNSHIP
SPECIAL USE PERMIT – DRIVE THROUGH IN CONJUNCTION WITH A COFFEE SHOP**

Vice Chair Johnson called for the public hearing on a special use permit to allow a drive-through in conjunction with a coffee shop on Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township. The property is located in central Bismarck, north of Interstate 94, in the northeast quadrant of the intersection of State Street and East Interstate 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 special use would not adversely impact public health, safety, and general welfare.

Ms. Oster 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 Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township.

Commissioner Schell asked for a description of the ordering process. Ms. Oster explained there will be two lanes with orders provided to customers on the south side of the structure.

Commissioner Bitner asked if they would be serving food as well as drinks.

Vice Chair Johnson opened the public hearing.

Matthew Gilbert, the applicant, attended the meeting via Zoom and explained that the business would be serving only beverages and stacking of vehicles would be on site. He then said he has been working with city staff on landscaping requirements.

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

MOTION: Commissioner Bitner made a motion to approve the special use permit to allow a drive-through in conjunction with a coffee shop on Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Schell, Schmitz, and Zent voting in favor of the motion.

OTHER BUSINESS

Daniel Narin said the Planning and Zoning Commission currently has openings and applications are due November 30. He explained the Land Development Code's module two is available to the public and staff is available for comments. Mr. Nairn said Coffee with a Planner is ongoing each week of November to allow public input into the Land Development Code.

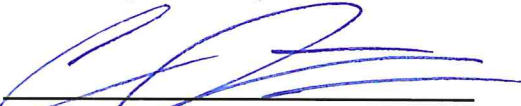
ADJOURNMENT

There being no further business, Vice Chair Johnson declared the Bismarck Planning & Zoning Commission adjourned at 7:15 p.m. to meet again on December 17, 2025.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary



Cole Johnson
Vice Chair