

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 25, 2026**

The Bismarck Planning & Zoning Commission met on February 25, 2026, 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, Mike Schwartz, Conner Swanson, Trent Wangen, and Al Wangler.

Commissioners Brian Bitner, Sheldon Sivak, and Kendra Taylor were absent.

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

MINUTES

Chair Schwartz stated the minutes of the January 28, 2026 meeting will be considered at the March 25, 2026 meeting.

PUBLIC COMMENT

Chair Schwartz opened the public comment period.

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

CONSIDERATION

**3A. COTTAGE GROVE ADDITION
ZONING MAP AMENDMENT, and MAJOR SUBDIVISION PRELIMINARY PLAT**

**3B. JMAC INDUSTRIAL SECOND ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION PRELIMINARY PLAT**

**3C. SLEEPY WILLOW ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION PRELIMINARY PLAT**

**3D. FP – FLOODPLAIN DISTRICT
ZONING ORDINANCE TEXT AMENDMENT**

Commissioner Wangler asked if the 20-foot setbacks in Cottage Grove Addition would affect driveways. Mr. Johnson responded that 20-foot setbacks are the minimum required setback and will not affect driveways.

MOTION: Based on the findings contained in the staff reports, Commissioner Wangen made a motion to approve consent agenda items 3A, 3B, 3C, and 3D calling for public hearings as recommended by staff. Commissioner Schmitz

seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Swanson, Wangen, and Wangler voting in favor of the motion.

**PUBLIC HEARING – JFP FOXHAVEN SUBDIVISION
MAJOR STREET PLAN AMENDMENT, ZONING MAP AMENDMENT, and
MAJOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on a major subdivision final plat for JFP Foxhaven Subdivision as well as an accompanying zoning map amendment from the A – Agricultural zoning district to the RR – Residential zoning district and major street plan amendment (MSPA) for a segment of a future alignment of 76th Avenue NE. The property is located northeast of Bismarck, between 73rd Avenue NE and Arcata Drive, along the west side of 41st Street NE.

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 street plan amendment, zoning map amendment, and major 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 A – Agricultural zoning district to the RR – Residential zoning district, major street plan amendment (MSPA) for a segment of a future alignment of 76th Avenue NE and major subdivision final plat for JFP Foxhaven Subdivision

Commissioner Schmitz asked what the impact of the major street plan amendment would be on the adjacent property owner to the east of the proposal. Mr. Johnson replied that the major street plan provides guidance on potential future roadways but does not require the road to be built at any specific time or by any specific party.

Commissioner Field said that the property will be split between the City of Bismarck and Burleigh County jurisdiction as of March 1 and asked why the owner is making this request now. Mr. Johnson said staff did communicate the change in jurisdiction with the applicant and the applicant chose to have the request completed prior to the deadline by City staff.

Commissioner Schell asked whether city staff had communicated to the adjacent property owner to the east that whether the road is built or not depends on future development which is their choice to make. Mr. Johnson said a letter was mailed with an explanation and phone conversations had occurred as well.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., explained that staff wants to allow 76th Avenue NE to continue through eventually, so a temporary cul-de-sac was added within the subdivision and the future alignment was shifted to the east. Mr. Niemiller said the property owner to the west does not intend to develop their five-acre property in the near future.

Bernie and Mona Heid, the property owners to the east of the proposal, spoke in opposition to the request noting concerns of a road being built on top of their drainfield and a reduction in water pressure due to new development. Commissioner Schell explained that if they

choose to develop in the future, municipal water and sanitary sewer would be available in this area, and if they choose not to develop, the property will remain 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 Swanson made a motion to approve the zoning map amendment from the A – Agricultural zoning district to the RR – Residential zoning district, the major street plan amendment (MSPA) for a segment of a future alignment of 76th Avenue NE, and the major subdivision final plat for JFP Foxhaven Subdivision. Commissioner Schell seconded the motion.

Commissioners Johnson, Field, and Wangen noted concerns primarily with the major street plan amendment portion of the request. Commissioner Wangen and Field said they feel approval will negatively impact the adjacent property owner to the east.

Commissioner Wangler asked if this is denied, could it be appealed to the City Commission or would it then be Burleigh County's jurisdiction.

Mr. Nairn explained that city staff will see the project through to completion, including any appeal proceedings before the City Commission.

The motion was denied with Commissioners Field, Johnson, Schwartz, Wangen and Wangler voting against. Commissioners Schmitz, Schell, and Swanson voted in favor of the motion.

PUBLIC HEARING – DAYBREAK THIRD ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Daybreak Third Addition. The property is located in northwest Bismarck, north of 57th Avenue NE between North Washington Street and State Street, in the southeast quadrant of the intersection of Ridgeland Drive and 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 minor 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 minor subdivision final plat titled Daybreak Third Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., came forward to explain the purpose of the three proposed lots.

Commissioner Schell asked Mr. Niemiller to explain the buildable area of Lot 3 as it is significantly encumbered by easements. Mr. Niemiller explained the language in the WAPA easement does not allow development within the easement, but WAPA does allow for parking to be located within their easement boundary on a case by case basis after reviewing proposed site plans.

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 minor subdivision final plat titled Daybreak Third Addition. Commissioner Johnson seconded the motion. The motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Swanson, Wangen, and Wangler voting in favor.

PUBLIC HEARING – PRAIRIE HILLS SEVENTH ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on minor subdivision final plat titled Prairie Hills Seventh Addition. The property is located in west, central Bismarck along the north side of West Turnpike Avenue, between West Divide Avenue and Xavier Street.

Commissioner Johnson recused himself from the hearing due to a professional relationship with the project and left the table for the duration of the agenda item.

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 minor 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 minor plat titled Prairie Hills Seventh Addition.

Chair Schwartz opened the public hearing.

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 minor subdivision final plat titled Prairie Hills Seventh Addition. Commissioner Schmitz seconded the motion. The motion was unanimously approved with Commissioners Field, Schell, Schmitz, Schwartz, Swanson, Wangen, and Wangler voting in favor.

FINAL CONSIDERATION – HAY CREEK TWP, PART OF SECTIONS 19 & 20 ANNEXATION

Chair Schwartz opened the final consideration of the annexation of part of the South ½ of Section 19, T139N-R80W/Hay Creek Township pursuant to Document #975320 and Auditor's Lot B1 of the West ½ of Section 20, T139N-R80W/Hay Creek Township pursuant to Document #727447. The property is located northwest Bismarck, east of Clairmont Road, north of Valley Drive and East Valley 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 annexation would not adversely impact public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the annexation of annexation of part of the South ½ of Section 19, T139N-R80W/Hay Creek Township pursuant

to Document #975320 and Auditor's Lot B1 of the West ½ of Section 20, T139N-R80W/Hay Creek Township pursuant to Document #727447.

MOTION: Commissioner Schmitz made a motion to approve the annexation of part of the South ½ of Section 19, T139N-R80W/Hay Creek Township pursuant to Document #975320 and Auditor's Lot B1 of the West ½ of Section 20, T139N-R80W/Hay Creek Township pursuant to Document #727447. Commissioner Wangen seconded the motion and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Swanson, Wangen, and Wangler voting in favor.

OTHER BUSINESS

Mr. Nairn provided an update on the Land Development Code and invited the Planning and Zoning Commission to an upcoming public open house. Mr. Nairn stated that the full draft would be submitted to the Planning and Zoning Commission for consideration next month.

Commissioner Schmitz asked for more information to be shared about materials currently available for review.

Mr. Nairn referenced the drafts and map already available online at bismarckldc.org and provided the times of the open houses.

Commissioner Schwartz reminded Planning and Zoning Commissioners of the upcoming training opportunity that has been scheduled.

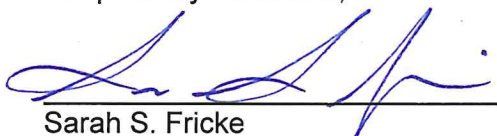
Chair Schwartz read a Resolution of Recognition of David Blackstead, who served the City of Bismarck for over 40 years.

MOTION: Commissioner Schmitz made a motion to adopt the Resolution. Commissioner Wangen seconded the motion. The motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Swanson, Wangen, and Wangler voting in favor.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:08 p.m. to meet again on March 25, 2026.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary



Mike Schwartz
Chair