

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 17, 2025**

The Bismarck Planning & Zoning Commission met on December 17, 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 Brian Bitner (via Zoom), Cole Johnson, Gabe Schell, Sheldon Sivak, Trent Wangen and Paul Zent.

Commissioners Robert Field, Amber Larson, and Mike Schmitz 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 called for consideration of the minutes of the November 19, 2025 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the November 19, 2025 meeting. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC COMMENT

Chair Schwartz opened the public comment period.

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

CONSIDERATION

**3A. COTTONWOOD PARKVIEW ADDITION FIRST REPLAT, BLOCK 1, LOTS 2-9,
ZONING MAP AMENDMENT**

**3B. EDGEWOOD VILLAGE SEVENTH ADDITION FIRST REPLAT, BLOCK 1, LOTS 1-50
ZONING MAP AMENDMENT**

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

PUBLIC HEARING – MEADOW VILLAGE ADDITION FIRST REPLAT PLANNED UNIT DEVELOPMENT AMENDMENT

Chair Schwartz called for the public hearing on the planned unit development amendment for Meadow Village Addition First Replat. The property is located in south Bismarck, east of South Washington Street, in the northwest quadrant of the intersection of East Burleigh Avenue and Boston Drive, along the north and south sides of Freiburg Lane.

Ms. Wollmuth explained the proposed amendment would reduce the front yard setback for lots adjacent to public roadways from 25 feet to 15 feet.

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 planned unit development amendment 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 planned unit development amendment for Meadow Village Addition First Replat.

Chair Schwartz opened the public hearing.

Arthur Goldammer, the developer, explained the development is being finalized and the change to the PUD is necessary.

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 planned unit development amendment for Meadow Village Addition First Replat. Commissioner Johnson seconded the motion. The motion was unanimously approved with Commissioners Bitner, Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor.

PUBLIC HEARING – SECLUDED ACRES FOURTH SUBDIVISION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on minor subdivision final plat titled Secluded Acres Fourth Subdivision. The property is located southwest of Bismarck, west of South Washington Street, between West Burleigh Avenue and 48th Avenue SW, along the west side of Thornburg Drive (a replat of Lot 1, Block 1, Secluded Acres Third Addition).

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 minor subdivision 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 Secluded Acres Fourth Subdivision.

Commissioner Schell asked if the proposal will meet setback requirements for existing drain fields. Ms. Wollmuth said that according to the information submitted, this requirement would be met. Commissioner Schell also asked about the proposed platted access easement and

access to Thornburg Drive, and any coordination with the County Highway Department. Ms. Wollmuth stated that the Burleigh County Highway Department has reviewed and approved the plans, there will be one access point to serve Lots 2 and 3 and Lot 1 will be accessed from the public roadway.

Chair Schwartz opened the public hearing.

Cody Strothman, the property owner, explained the plan for the three lots.

Commissioner Zent asked for the acreage of each lot. Mr. Strothman said two lots will be 1.5 acres and one will be 2 acres.

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

Commissioner Johnson asked if staff considered the public comments on this item regarding the proposed lot sizes. Ms. Wollmuth explained that the current zoning of RR – Residential requires a minimum of 65,000 square feet or 1.5 acres for each lot. She went on to say that the proposed plat meets the size requirements for lots located within the RR – Residential zoning district and this is why staff is making a recommendation to approve the proposed plat.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve the minor subdivision final plat titled Secluded Acres Fourth Subdivision. Commissioner Sivak seconded the motion. The motion was unanimously approved with Commissioners Bitner, Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor.

PUBLIC HEARING – PROMONTORY POINT VI ADDITION PARTS OF BLOCKS 2, 11 & 12 ANNEXATION

Chair Schwartz called for final consideration on the annexation of Parts of Blocks 2, 11 and 12, Promontory Point VI Addition. The property is located in northwest Bismarck, north of Interstate 94, north of the intersection of Clairmont Road and 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 contained in the staff report, staff recommends approval of the annexation of Parts of Blocks 2, 11 and 12, Promontory Point VI Addition.

Commissioner Schell stated that on December 16, the Bismarck City Commission adopted a new policy making utility capital charges due when building permits are applied for, rather than at the point of subdivision recordation.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the annexation of Parts of Blocks 2, 11 and 12, Promontory Point VI Addition. Commissioner Sivak seconded the motion. The motion was unanimously approved with Commissioners Bitner, Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor.

**PUBLIC HEARING – WACHTERS SEVENTEENTH ADDITION, BLOCK 2, 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 restaurant on Lot 1, Block 2, Wachter's Seventeenth Addition. The property is located in southcentral Bismarck, east of University Drive, in the southeast quadrant of the intersection of South 11th Street and East Bismarck Expressway.

Ms. Oster explained that the site is currently nonconforming for landscaping requirements. Perimeter parking lot landscaping will be required along East Bismarck Expressway and South 11th Street and trees may also be required depending on the width of the boulevard available.

Ms. Oster stated that the proposed location of the drive lane does not meet the minimum width required in the ordinance for drive-throughs.

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 adversely impact public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends continuation of the public hearing for the special use permit to allow a drive-through in conjunction with a restaurant on Lot 1, Block 2, Wachter's Seventeenth Addition to give the applicant additional time to provide the changes required to make the drive-through conform to the ordinance, including a survey.

Commissioner Schell asked if the applicant had other options to comply with the ordinance. Ms. Oster explained that the drive-through could be moved to another side of the building.

Chair Schwartz opened the public hearing.

The applicant, Kevin Cavanagh, said he has an easement from the adjacent property owner for the required additional one foot.

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

Ms. Oster explained that even with the easement, the proposal does not meet the requirements outlined in the zoning ordinance for approval. She explained that stacking is measured starting at the pick-up window.

Mr. Cavanagh said it will be expensive to delay his project another month.

Mr. Nairn explained that the ordinance states stacking must be entirely on the parcel but the applicant has the possibility to apply for a lot line adjustment to add an additional one foot to the parcel and another month would allow for this.

Commissioner Schell said a change in use will trigger a site plan review for landscaping and the routing of traffic and he said as City Engineer, he is not comfortable approving this without reviewing all of the information.

Mr. Nairn explained that city staff's job is to follow the ordinance and base their recommendations on that.

Commissioner Bitner commented that nine feet is wide enough to accommodate most vehicles.

Commissioner Johnson noted that there are other drive-throughs in the downtown area that do not entirely fit on their parcels.

Commissioners discussed opportunities to approve the request by including conditions to the approval.

MOTION: Commissioner Johnson made a motion to approve the special use permit to allow a drive-through in conjunction with a restaurant on Lot 1, Block 2, Wachter's Seventeenth Addition with the condition that the easement is reviewed and approved by city staff. Commissioner Bitner seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Nairn said the Planning and Zoning Commission will have new members beginning in January. He said that membership may change again in March when the ETA boundary is effective, because Planning and Zoning Commissions must live in the ETA they represent.

Chair Schwartz thanked Paul Zent for his service to the Planning and Zoning Commission and Paul Zent thanked the commissioners and staff for their hard work.

Mr. Nairn said staff will hold a training session for new commissioners in March, after the ETA boundary changes and membership changes.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:59 p.m. to meet again on January 28, 2026.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary



Mike Schwartz
Chair