

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 27, 2026

The Bismarck Planning & Zoning Commission met on May 27, 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 DakotaMediaAccess.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Cole Johnson, Gabe Schell, Mike Schwartz, Mike Schmitz, Conner Swanson, Kendra Taylor, and Al Wangler.

Commissioners not present were Brian Bitner and Sheldon Sivak

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 April 22, 2026 meeting.

MOTION: Commissioner Swanson made a motion to approve the minutes of the April 22, 2026 meeting. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler 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.

FINAL CONSIDERATION – SILVER RANCH FIFTH ADDITION, BLOCK 4, LOT 45 ANNEXATION

Chair Schwartz called for the final consideration of the annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and adjoining right-of-way. The property is located northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along Davies 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 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 Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining right-of-way.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and adjoining right-of-way. Commissioner Wangler seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor of the motion.

**PUBLIC HEARING – CLEAR SKY SECOND ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on the zoning map amendment from the R5 – Residential and the A – Agricultural zoning districts to the R5 – Residential zoning district and a major subdivision final plat titled Clear Sky Second Addition. The Land Development Code (LDC) zoning district equivalent for the proposed zoning map amendment would be RS-Residential Suburban. The property is located east of Bismarck, east of 52nd Street SE and north of Apple Creek Road.

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 zoning map amendment and major subdivision final plat titled Clear Sky Second Addition 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 and the A – Agricultural zoning districts to the R5 – Residential zoning district and a major subdivision final plat titled Clear Sky Second Addition with the following conditions:

1. Additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the PCSMP, are received prior to recordation of the plat.
2. Approval of the waiver of the minimum lot width subdivision standard for Lot 3, Block 4.

Chair Schwartz opened the public hearing.

Matt Geiger, the developer, was available for questions and said he agrees with staff's conditions.

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 R5 – Residential and the A – Agricultural zoning districts to the R5 – Residential zoning district (RS – Residential Suburban) and a major subdivision final plat titled Clear Sky Second Addition with the conditions that additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the PCSMP, are received prior to recordation of the plat and the waiver of the minimum lot width subdivision standard for Lot 3, Block 4 is approved. Commissioner Johnson seconded the motion, and it was

unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor of the motion.

**PUBLIC HEARING – BOULDER RIDGE EIGHTH ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential (RS – Residential Suburban) zoning district and P – Public (OS – Open Space) zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition. The property is located in north Bismarck, east of North Washington Street, between 43rd Avenue NE and East Lasalle Drive.

Ms. Wollmuth provided an overview of the request, noted one written public comment received by staff and forwarded to the Commission prior to the hearing, 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 major subdivision final plat titled Boulder Ridge Eighth Addition 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 zoning map amendment from A – Agricultural zoning district to the R10 – Residential zoning district and P – Public zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller from Swenson Hagen & Co was available to answer questions.

Gerry Pfau, a neighboring property owner, spoke with concerns of responsibility for weed control of the park space and whether a barrier would be in place to separate the park from the neighborhood.

Ms. Wollmuth said staff will work with Bismarck Parks and Recreation District to address noxious weeds.

Roger Harris, HOA president, presented questions on proposed park, including financial responsibility. Commissioner Schell explained there will be a park development agreement that uses the special assessment process to make a portion of the park assessed to the benefiting properties. Mr. Harris asked if completion of Normandy will be included with the proposed plat. Commissioner Schell affirmed that it was.

Mr. Niemiller said the assessment district for the park includes all of Boulder Ridge subdivisions, less the commercial units.

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

Ms. Wollmuth added that, per the Land Development Code, a landscape buffer is not required between these districts.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the zoning map amendment from the A –

Agricultural zoning district to the R10 – Residential (RS – Residential Suburban) zoning district and P – Public (OS – Open Space) zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition. Commissioner Swanson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor of the motion.

PUBLIC HEARING – GRAHAM ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Graham Addition. The property is located in southeast Bismarck, south of East Bismarck Expressway and east of South 12th Street, in the southwest quadrant of the intersection of Lee Avenue and Airport Road.

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 Graham Addition.

Chair Schwartz opened the public hearing.

Nic Cullen with Houston Engineering, representing in the applicant, was available to answer questions.

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

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the minor subdivision final plat titled Graham Addition. Commissioner Johnson seconded the motion. The motion was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor.

PUBLIC HEARING – MEADOW VALLEY SIXTH ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Meadow Valley Sixth Addition. The property is located in central Bismarck, on the south side of East Bismarck Expressway, between Bozeman Drive and South 7th 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 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 Meadow Valley Sixth Addition, with the following condition:

1. The easement shown on the plat as an “unrecorded” 50-foot MDU easement is appropriately documented prior to final approval by the City Commission.

Chair Schwartz opened the public hearing.

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

Commissioner Schell asked whether the applicant and MDU are confident they will reach an agreement. Mr. Johnson replied that the applicant is comfortable with the condition.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the minor subdivision final plat titled Meadow Valley Sixth Addition with the condition that the easement shown on the plat as an “unrecorded” 50-foot MDU easement is appropriately documented prior to final approval by the City Commission. Commissioner Schmitz seconded the motion. The motion was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor.

**PUBLIC HEARING – REPLAT OF BLOCK ONE OF INTERSTATE COMMERCIAL PARK
FIRST ADDITION, BLOCK 1, LOTS 1-2
SPECIAL USE PERMIT – DRIVE-THROUGH**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition. The property is located in central Bismarck, north of Interstate 94, in the southwest quadrant 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 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 the special use permit to allow a drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition.

Chair Schwartz opened the public hearing.

Abe Ulmer with ILSE said the applicant plans to demolish the existing building on the west half of the property and rebuild a new three-story building and is able to meet city ordinance requirements for the drive-through.

Chair Schwartz said the location was previously a gas station and asked about environmental contamination. Mr. Ulmer said the applicant would use monitoring wells and environmental guidelines will be followed.

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

MOTION: Commissioner Schmitz made a motion to approve the special use permit to drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition. Commissioner Swanson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor of the motion.

BY LAWS

Mr. Nairn presented a draft of by-laws that will provide guidance on conducting the meetings and explained that the Commission governs the rules and may adopt or amend at any time.

Chair Schwartz explained the purpose of the by-laws and welcomed comments from new commissioners.

Commissioner Swanson questioned how enforcement of the conflict of interest provisions of the by-laws would be handled and what the consequences for non-compliance are.

Mr. Nairn said by-laws are internal board rules and enforcement action could be removal from the board, but that staff will consult with the legal department regarding conflict of interest law applicable to the Planning and Zoning Commission.

Commissioner Schmitz said ignoring a conflict would need to be reviewed and decide if it would have affected the result of a vote for recommendation.

Commissioner Schell recommended the removal of member section be broadened. Commissioner Wangler suggested a change to the calendar year language.

MOTION: Commissioner Schmitz made a motion to continue the discussion on the by-laws to extend staff an opportunity to consult with the city attorney. Commissioner Swanson seconded the motion and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Swanson, Taylor, and Wangler voting in favor of the motion.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on June 24, 2026.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary

Mike Schwartz
Chair