



Bismarck Planning and Zoning Commission

MEETING AGENDA June 25, 2025

Tom Baker Meeting Room	City-County Office Building	5:00 PM
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The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.

1. **APPROVAL OF MEETING MINUTES**

- A. Consider approval of minutes
- B. Map of all items on the agenda
- C. Public Hearing procedures and protocol

2. **CONSENT AGENDA**

A. **Elk Ridge Fourth Addition (JW)**

Preliminary Plat | PPLT2025-006 | Consideration
Staff recommends: Call for Public Hearing

Zoning Map Amendment| ZC2025-012 | Consideration
Staff recommends: Call for Public Hearing

3. **REGULAR AGENDA**

A. **Northern Sky Second Addition First Replat, Block 2, Lot 1 (LO)**

Annexation | ANNX2025-002 | Final Consideration
Staff recommends: Approve

B. **Fettig Subdivision (JW)**

Major Subdivision Final Plat | FPLT2024-002 | Public Hearing
Staff recommends: Approve

C. **Voss Subdivision (JW)**

Major Subdivision Final Plat | FPLT2025-003 | Public Hearing
Staff recommends: Approve

D. **Municipal Fourth Addition First Replat, Block 1, Lots 2 & 3 (JW)**

PUD Amendment | PUDA2025-002 | Public Hearing
Staff recommends: Approve

E. **Shoults Addition (IJ)**

Minor Subdivision Final Plat | MPLT2025-004 | Public Hearing
Staff recommends: Approve

F. **Village Cooperative Addition (LO)**

Minor Subdivision Final Plat | MPLT2025-005 | Public Hearing
Staff recommends: Approve

G. **Silver Ranch Third Addition Second Replat (IJ)**

Minor Subdivision Final Plat | MPLT2025-006 | Public Hearing
Staff recommends: Approve

H. **Basin Electric Fourth Addition, Block 1, Lot 1 (IJ)**

Special Use Permit | SUP2025-009 | Public Hearing
Staff recommends: Approve

I. **Country West V Second Replat, Block 1, Lot 1 (LO)**

Special Use Permit | SUP2025-008 | Public Hearing
Staff recommends: Approve

J. **Dimensional Standards in P - Public Zoning District (IJ)**

Zoning Ordinance Text Amendment | ZOTA2025-003 | Public Hearing
Staff recommends: Approve

4. **OTHER BUSINESS**

5. **ADJOURN**

A. The next meeting of the Planning and Zoning Commission is scheduled for July 23, 2025.

B. Building Permit Data: [Month to Date](#) or [Year to Date](#)

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 28, 2025**

The Bismarck Planning & Zoning Commission met on May 28, 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 Cole Johnson, Daniel Lukens (via Zoom), Gabe Schell, Mike Schmitz, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Field, and Larson, were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the April 23, 2025 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the April 23, 2025 meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

**2A. CRUZ SUBDIVISION
PRELIMINARY PLAT AND ZONING MAP AMENDMENT**

**2B. VOSS SUBDIVISION
PRELIMINARY PLAT**

**2C. MUNICIPAL FOURTH ADDITION FIRST REPLAT
BLOCK 1, LOTS 2 & 3
PLANNED UNIT DEVELOPMENT AMENDMENT**

**2D. DIMENSIONAL STANDARDS IN P – PUBLIC ZONING DISTRICT
ZONING ORDINANCE TEXT AMENDMENT**

2E. LINCOLN TOWNSHIP, SECTION 22, SW¼

MOTION: Based on the findings contained in the staff reports, Commissioner Wangen made a motion to approve consent agenda items 2A, 2B, 2C, 2D, and 2E, calling for public hearings as recommended by staff. Commissioner Zent

seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion. Lukens was unavailable for the vote.

**PUBLIC HEARING – SCHAFFER HEIGHTS
BLOCK 2, LOT 1 LESS LOT 1A AND LOT 2, LESS LOT 2A
ZONING MAP AMENDMENT**

Chair Schwartz called for the public hearing on the zoning map amendment from the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schaffer Heights. The property is located in central Bismarck, west of Ward Road between College Drive and Edwards Avenue.

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 zoning map amendment would not adversely impact the 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 the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schaffer Heights.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the intention is to convert the site into dorms and classrooms. Chair Schwartz asked if the existing building will remain the same. Mr. Niemiller said the plan is to leave the building 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 Zent made a motion to approve the zoning map amendment from the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schaffer Heights. Commissioner Johnson seconded the motion, and the motion was approved with Commissioners Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion. Lukens was unavailable for the vote.

**PUBLIC HEARING – DAYBREAK SECOND ADDITION
BLOCK 1, LOT 1 & BLOCK 6, LOT 1
ZONING MAP AMENDMENT**

Chair Schwartz called for the public hearing on a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition. The property is located north Bismarck, north of 57th Avenue NE and west of Ridgeland Drive, along the north and south side of 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 zoning map amendment would not adversely impact the 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 the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition.

Commissioner Schell asked for an explanation of the difference between the existing zoning and the conditional zoning. Ms. Wollmuth explained that commercial uses like a large retail store, or a filling station would not be permitted with the conditional zoning proposed.

Chair Schwartz opened the public hearing.

Jason Petryszyn – Swenson Hagen & Co said the applicant intends to build an apartment complex with three stories plus ground level parking underneath, causing the building height to go over the current allowable height.

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 zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH FIFTH ADDITION ZONING MAP AMENDMENT PRELIMINARY PLAT ANNEXATIONS

Chair Schwartz called for the public hearing on a major subdivision final plat, two partial annexations, and a zoning map amendment from the existing A – Agricultural zoning district to the RM20 – Residential zoning district and a PUD – Planned Unit Development for Silver Ranch Fifth Addition. The property is located east, northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halvorson 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 major subdivision final plat, partial annexations, and proposed zoning map amendment would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the major subdivision final plat, two partial annexations, and a zoning map amendment from the existing A – Agricultural zoning district to the RM20 – Residential zoning district and a PUD – Planned Unit Development for Silver Ranch Fifth Addition.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the PUD will be used for a 55+ community with smaller lot sizes, slab on grade homes and a community center. He said he has worked with the Parks department on open spaces, landscaping, buffering and trails.

Commissioner Zent asked if the property will have two access points upon completion. Mr. Niemiller explained that the project will be completed in phases. The first phase to be annexed includes the lot with the community center for the development.

Commissioner Schell asked who owns the stormwater drainage easement. Mr. Niemiller said the Home Owners Association is the current owner. Commissioner Schell asked if the HOA also includes Silver Ranch Third and Fourth. Mr. Niemiller said Silver Ranch Fifth has its own HOA.

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

MOTION: Commissioner Johnson made a motion to approve the major subdivision final plat and zoning map amendment for Silver Ranch Fifth Addition, as well as the two partial annexations of Silver Ranch Third Addition and Silver Ranch Fifth Addition. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

FINAL CONSIDERATION – NORTHERN SKY SECOND ADDITION FIRST REPLAT BLOCK 2, LOT 1 ANNEXATION

Chair Schwartz called for final consideration on the annexation on Lot 1, Block 2, Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

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 the public health, safety, and general welfare. Ms. Oster stated that the applicant wanted to adjust the boundaries of the area proposed to be annexed and had requested that the request be continued.

Ms. Oster said, based on the findings contained in the staff report, staff recommends continuation of the annexation of Lot 1, Block 2, Northern Sky Second Addition First Replat in order to adjust the boundary.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to continue the annexation request of Lot 1, Block 2, Northern Sky Second Addition First Replat. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – NORTHERN SKY SECOND ADDITION FIRST REPLAT
BLOCK 2, LOT 1
SPECIAL USE PERMITS**

Chair Schwartz called for the public hearing on two special use permits to allow drive-throughs in conjunction with a restaurant and a coffee shop on Lot 1, Block 2, Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

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 uses would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the two special use permits to allow drive-throughs in conjunction with a restaurant and a coffee shop on Lot 1, Block 2, Northern Sky Second Addition First Replat, including granting a waiver to reduce the required stacking spaces from 12 spaces to 3 for the proposed restaurant, and with the condition special use permits do not become effective until annexation of the property occurs.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. told the commission that a lot modification and annexation are currently in process. There will be no ordering in the drive-through lane of the restaurant; the restaurant will be online ordering only.

Commissioner Schell asked for the function of the message board since there is no ordering. Mr. Niemiller explained that the plans include an electronic message board as back up for customers that have not ordered online, and orders would not be placed from that board

Chair Schwartz asked how the restaurants would handle an overflow of vehicles. Mr. Niemiller explained there is no contingency plan for that occurrence as of now.

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

MOTION: Commissioner Johnson made a motion to approve the two special use permits to allow drive-throughs in conjunction with restaurants on Lot 1, Block 2, Northern Sky Second Addition First Replat. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MEADOWLARK COMMERCIAL ELEVENTH ADDITION
MINOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Meadowlark Commercial Eleventh Addition. The property is located in north-central Bismarck, east of State Street, north of 43rd Avenue Northeast, on the east side of North 19th Street.

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 minor subdivision final plat would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the minor subdivision final plat for Meadowlark Commercial Eleventh Addition, including granting a subdivision waiver to allow reduced lot areas for Lots 1 and 2, with the following conditions:

1. A signed development agreement for utility capital charge payment will be due prior to recordation of the plat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained the applicant's desire to have smaller commercial lots with shared parking and utilities. Half of the area is unbuildable due to the slope.

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

MOTION: Commissioner Wangen made a motion to approve the minor subdivision final plat for Meadowlark Commercial Eleventh Addition, including granting a subdivision waiver to allow reduced lot areas for Lots 1 and 2, with the condition that a signed development agreement for utility capital charge payment will be due prior to recordation of the plat. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SOUTHLAND THIRD ADDITION MINOR SUBDIVISION FINAL PLAT ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on revisions to a minor subdivision final plat for Southland Third Addition and a zoning map amendment from the RM15 – Residential zoning district to a PUD – Planned Unit Development for Lots 1-28, Block 1, Southland Third Addition. The property is located in south Bismarck, east of South Washington Street, west of Peach Tree Drive, on the south side of Santa Fe 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 proposed minor subdivision final plat and zoning map amendment would not adversely impact the public health, safety, and general welfare. He noted that the reason these items returned to the Planning and Zoning Commission after it was previously approved at the April 23, meeting, was due to some changes to easements and the PUD language.

Mr. Johnson said, based on the findings, staff recommends approval of the zoning map amendment from the RM15 – Residential zoning district to the PUD – Planned Unit Development and the minor subdivision final plat for Southland Third Addition with the following condition:

1. A utility agreement between the City and the Developer is accepted prior to the recordation of the plat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained they would like to adjust the easement locations and setbacks with the goal of adding affordable housing in the community.

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

MOTION: Commissioner Zent made a motion to approve the zoning map amendment from the RM15 – Residential zoning district to the PUD – Planned Unit Development and the minor subdivision final plat for Southland Third Addition with the condition that a utility agreement between the City and the Developer is accepted prior to the recordation of the plat. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Lukens, Schell, Schmitz, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

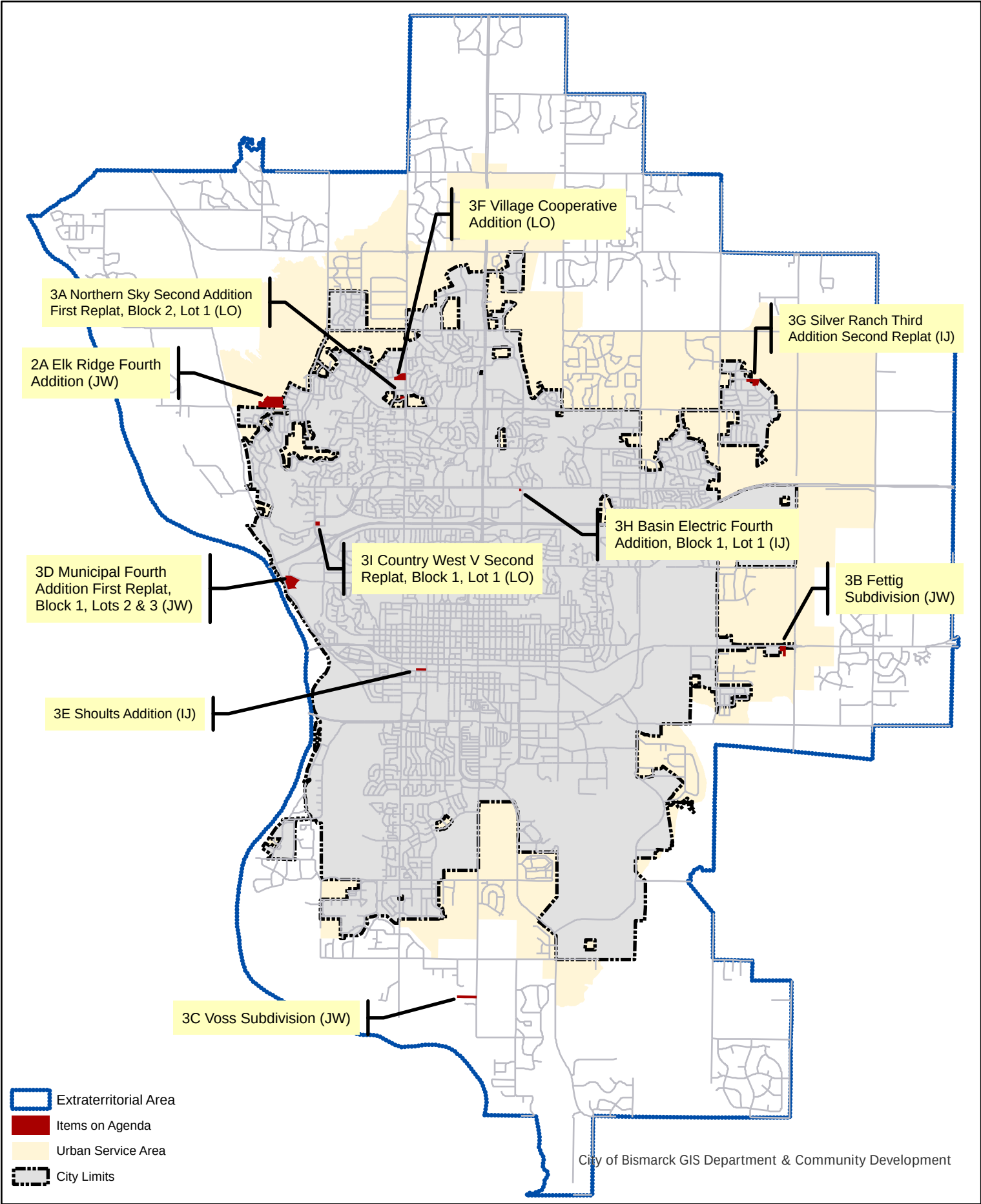
ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on June 25, 2025.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.



BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name on the sign-in sheet, step up to the podium, speak clearly, adjust microphone if necessary, state both your first and last names, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, the materials will be distributed to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing for the agenda item. No comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff for any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

STAFF REPORT

Agenda Item # 2A

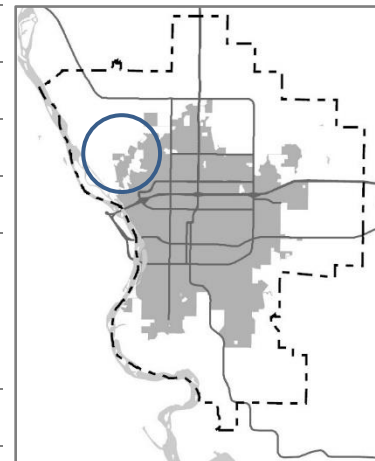
June 25, 2025

Application for: **Zoning Map Amendment**
Preliminary Plat

Project ID: **ZC2025-012**
PPLT2025-006

Project Summary

<i>Title:</i>	Elk Ridge Fourth Addition
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Section 18 Land LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	In northwest Bismarck, between North Washington Street and River Road, east of Tyler Parkway and north of Fisco Way (Part of the S½ of Section 18, T139N-R80W/Hay Creek Township)
<i>Project Size:</i>	23.8 acres
<i>Applicant Request:</i>	Zone and plat property for future single-family development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Parts of 2 parcels	<i>Lots/Blocks:</i>	46 lots in 5 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	R10 – 10 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Elk Ridge	<i>Annexed:</i>	N/A

(continued)

Project Narrative

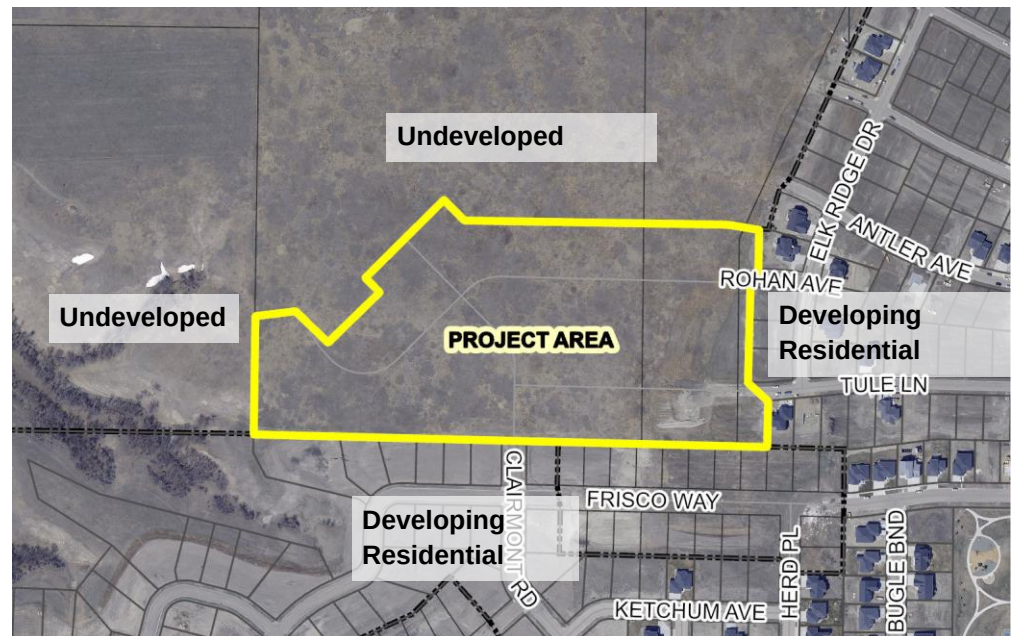
Section 18 Land LLC is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision preliminary plat titled Elk Ridge Fourth Addition.

That applicant has indicated that annexation of the proposed plat will occur at a later date. Building permits for any structures within the plat will not be issued until annexation has been approved.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are a place for quiet enjoyment of home life. Goals and objectives of this plan as they relate to the proposed zoning map amendment and plat are referenced in review standards below.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development

Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the development of single- and two-family homes. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of A – Agricultural is the default for any piece of land that has not been otherwise zoned. The property is adjacent to the Elk Ridge neighborhood which continues to develop and expand. Therefore, the proposed zoning of the property to the R10 – Residential zoning district at this time will help to facilitate future phases of development.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The proposed zoning map amendment would facilitate the development of single- and two-family homes.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S1: Encourage the formation and growth complete neighborhoods.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

(continued)

Major Subdivision Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. Clairmont Road, a collector roadway, is included within the proposed plat. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision in Elk Ridge Park. Therefore, the requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway

Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat.

Lot 1, Block 1 of the proposed plat is fully encumbered by a stormwater and drainage easement and will function as a stormwater pond for the development.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA),

(continued)

also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed preliminary plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due prior to annexation of the proposed plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on the proposed zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and tentative approval of the major subdivision preliminary plat for Elk Ridge Fourth Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Preliminary Plat

(continued)

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R10 – Residential zoning district:

Lots 1-8, Block 1; Lots 1-4, Block 2; Lots 1-11, Block 3; Lots 1-15, Block 4, and Lots 1-8, Block 5, Elk Ridge Fourth Addition.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

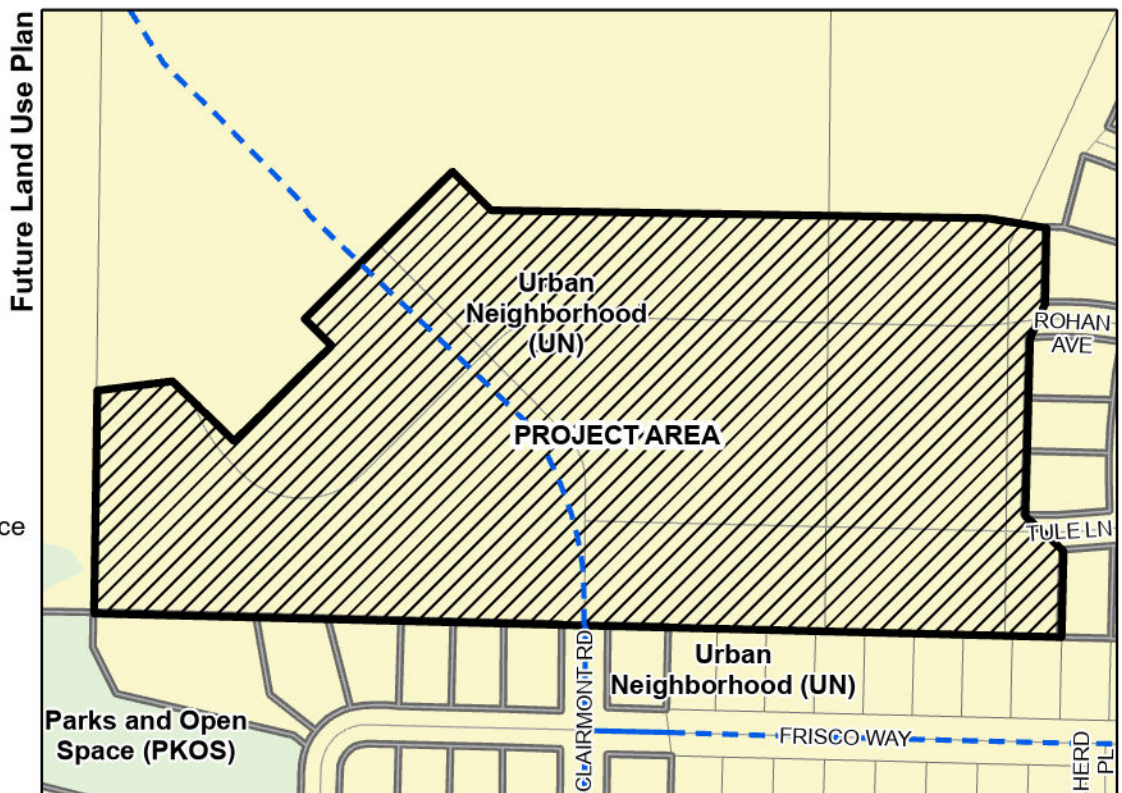
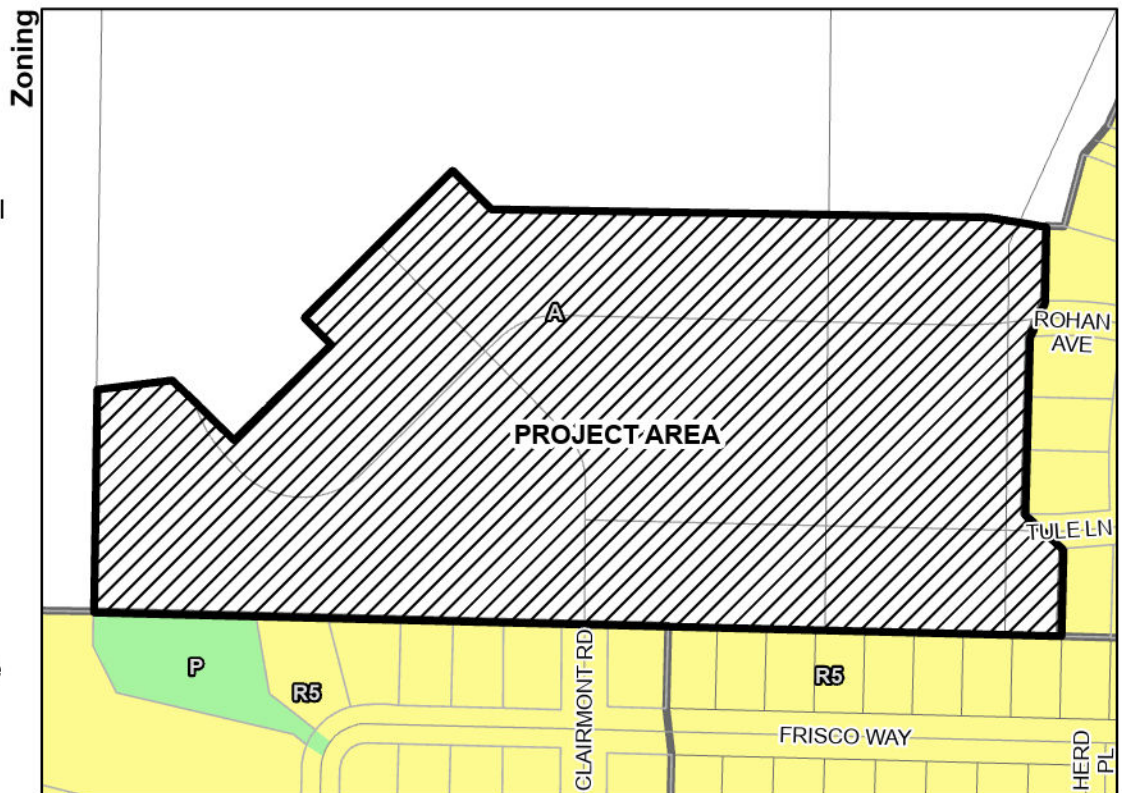
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 240 480 960 Feet



City of Bismarck
Community Development
Planning Division
June 17, 2025

Proposed New Zoning Map

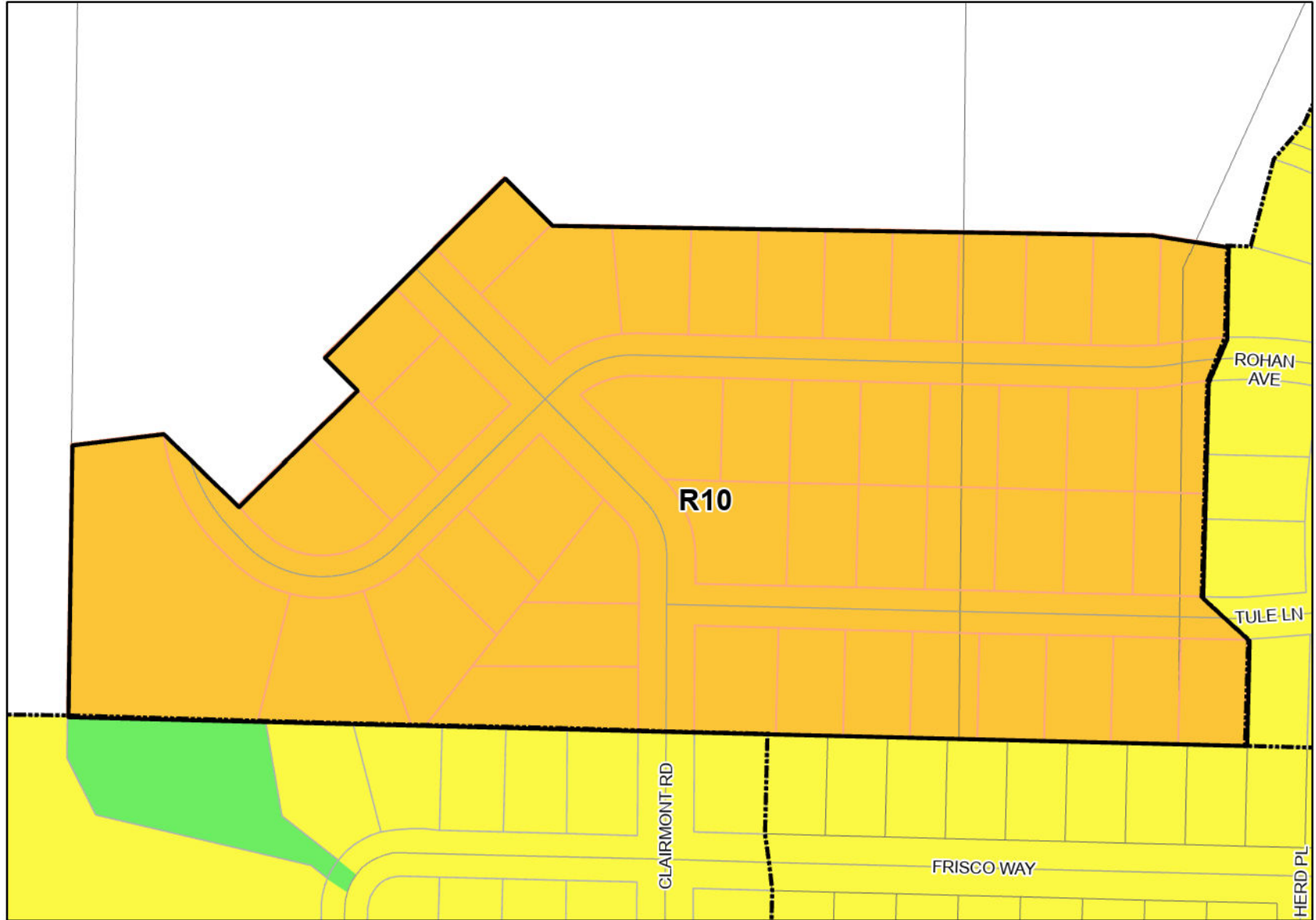
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district



0 0.07 0.15 0.3 Miles



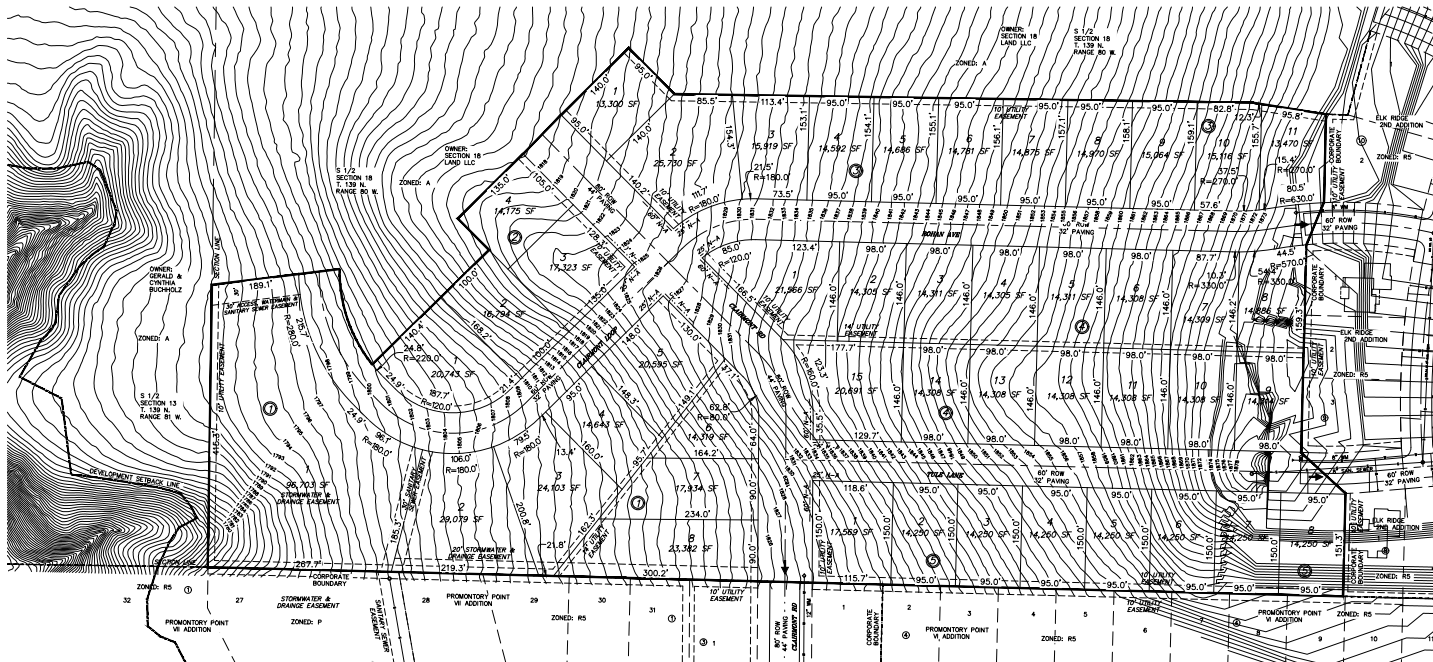
City of Bismarck
Community Development
Planning Division
June 17, 2025

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ELK RIDGE FOURTH ADDITION

PART OF THE SOUTH 1/2 OF SECTION 18
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
MAY 22, 2025



LOCATION MAP

23.8 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R10
46 LOTS

OWNER: SECTION 18 LAND LLC
555 HWY 1804 NE
BISMARCK, ND 58503

CENTERLINE LENGTHS:
CLAIMANT ROAD---800 LF (COLLECTOR)
CLAIMANT LOOP---750 LF (LOCAL)
TULE LANE---790 LF (LOCAL)
ROMAN AVE---972 LF (LOCAL)

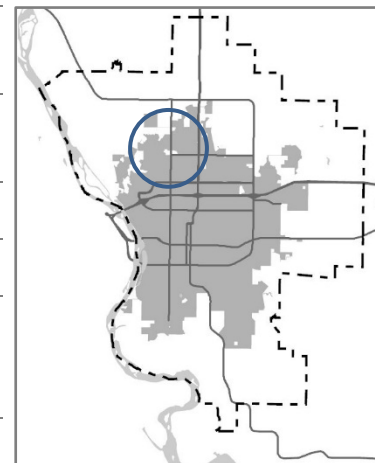
MAXIMUM ALLOWABLE HOUSING UNITS:
R10 ---90 UNITS



SWENSON, HAGEN & COMPANY P.C.
3802 Arroyo Avenue
Bismarck, North Dakota 58504
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
Phone (701) 223-2000
Fax (701) 223-2006
shc@swensonhagen.com

Project Summary

<i>Title:</i>	Northern Sky Second Addition First Replat, Block 2, Lot 1
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Wilment Development, LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place
<i>Project Size:</i>	46,101 square feet, more or less
<i>Applicant Request:</i>	Annex this lot for development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Parcel in 1 Block	<i>Lots/Blocks:</i>	1 Parcel in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Drive-through restaurants
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Horizon Heights

Property History

<i>Zoned:</i>	07/2024
<i>Platted:</i>	06/2022
<i>Annexed:</i>	N/A

(continued)

Project Narrative

Wilment Development, LLC is requesting approval of an annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat.

The applicant has requested a lot modification for this lot to create two separate parcels. The annexation associated with this request is for the eastern parcel that will be created from that request.

This annexation request is associated with the development of two drive-throughs in conjunction

with a restaurant and coffee shop on the eastern portion of this lot. In order to connect to municipal services for those proposed uses, the property would need to be annexed.

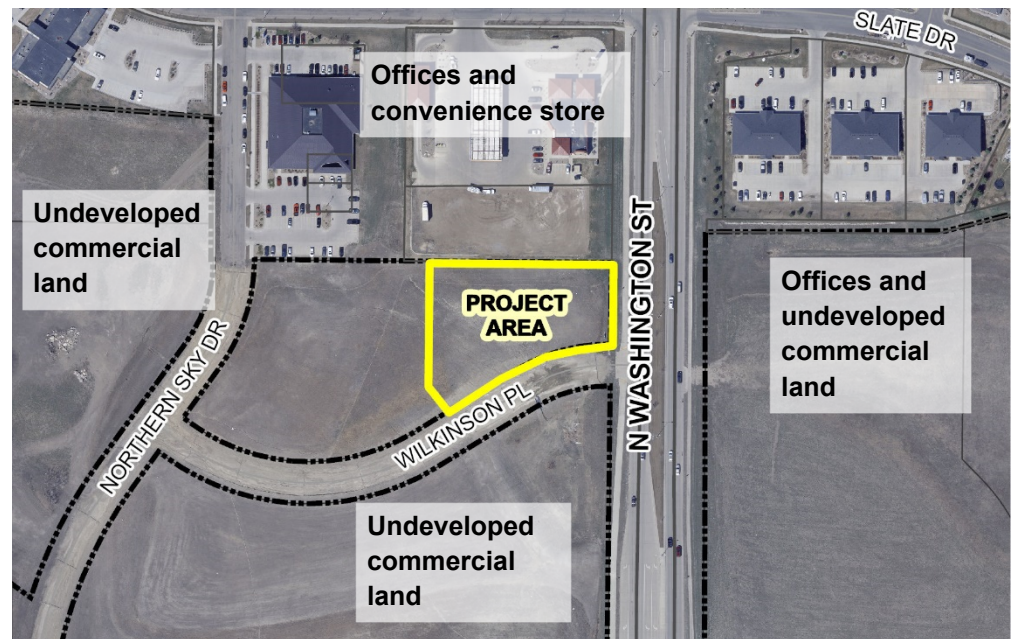
The current annexation request is only for the eastern portion of Lot 1. The western portion of this lot as well as the other lots within this subdivision will be annexed when development of the properties occurs or by February 25, 2030, as per a development agreement between the City and the current property owner, whichever comes first.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to the annexation request are referenced in review standards below.

Adjacent uses include offices and a convenience store to the north; undeveloped commercial

property to the south across Wilkinson Place; undeveloped commercial property and Horizon Middle School to the west; and undeveloped commercial property, offices, and single- and two-family residential to the east across North Washington Street.

Public Engagement

Hay Creek Township was notified of this request on May 6, 2025.

(continued)

Annexations do not have a public hearing before the Planning and Zoning Commission. However, four postcards were mailed to the owners of nearby properties on May 17, 2025. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Annexation

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Priority 2.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area proposed for annexation is clearly contiguous to the existing corporate boundaries. 74% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, would be held with the City Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The lot modification associated with Lot 1, Block 2, Northern Sky Second Addition First Replat will require that each lot be vested for a 2" meter capacity. A utility capital charge of \$24,732 will apply to both parcels.

This annexation request also triggers the held in abeyance costs for regional stormwater improvements and the construction of North Washington Street. Capital utility charges and held in abeyance costs associated with the eastern portion of Lot 1 will be due prior to recordation of this annexation. The capital utility charge and the held in abeyance costs associated with the western remainder of Lot 1 will be due at the time that portion is annexed.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not

(continued)

adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map
4. Certificate of Survey

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

ALL THAT PART OF BLOCK 2 NORTHERN SKY SECOND ADDITION FIRST REPLAT OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2; THENCE SOUTH 00 DEGREES 32 MINUTES 16 SECONDS WEST, ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 127.23 FEET TO THE SOUTH LINE OF SAID BLOCK 2; THENCE NORTH 89 DEGREES 27 MINUTES 44 SECONDS WEST, ON SAID SOUTH LINE, A DISTANCE OF 1.49 FEET; THENCE WESTERLY AND TO THE LEFT, CONTINUING ON SAID SOUTH LINE, ON A 283.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 571.71 FEET; THENCE SOUTH 58 DEGREES 36 MINUTES 32 SECONDS WEST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 113.33 FEET; THENCE NORTH 31 DEGREES 23 MINUTES 28 SECONDS WEST, A DISTANCE OF 50.43 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 33 SECONDS EAST, A DISTANCE OF 187.21 FEET TO THE NORTH LINE OF SAID BLOCK 2; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, A DISTANCE OF 274.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 46,101 SF, MORE OR LESS.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

DRAFT



Zoning and Plan Reference Map

ANNX2025-002

NORTHERN SKY SECOND ADDITION FIRST REPLAT, B2 L1

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

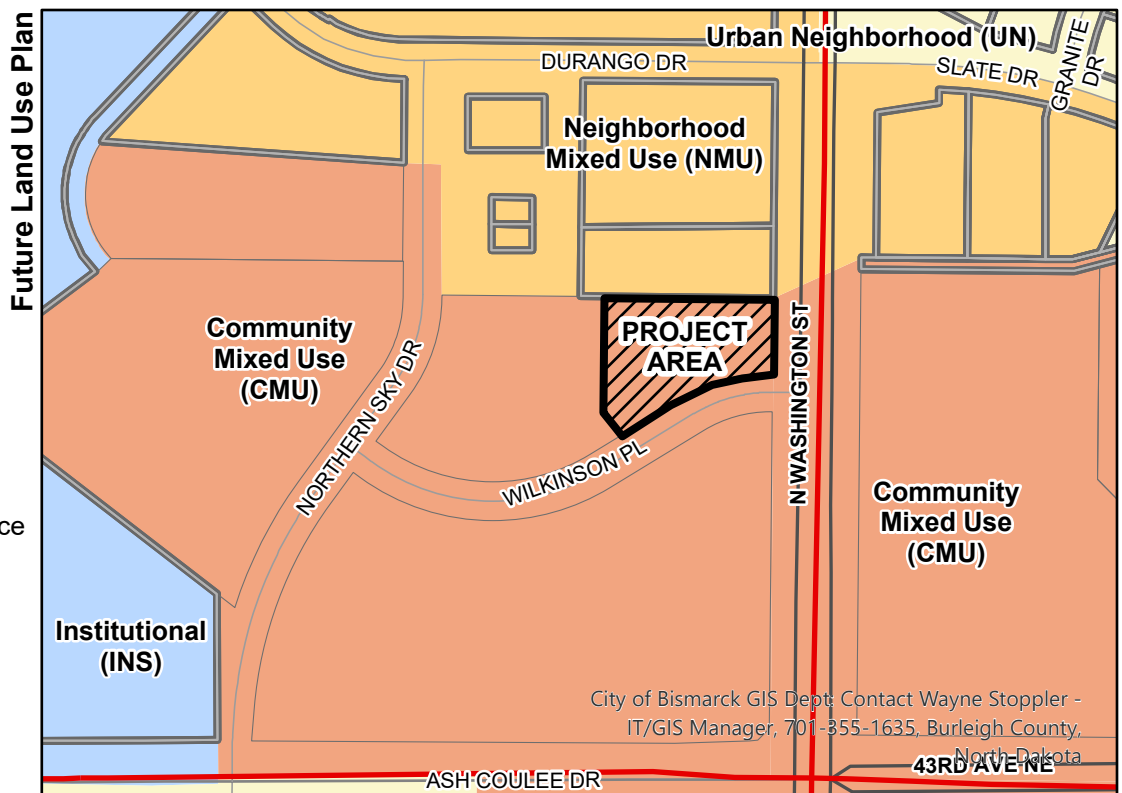
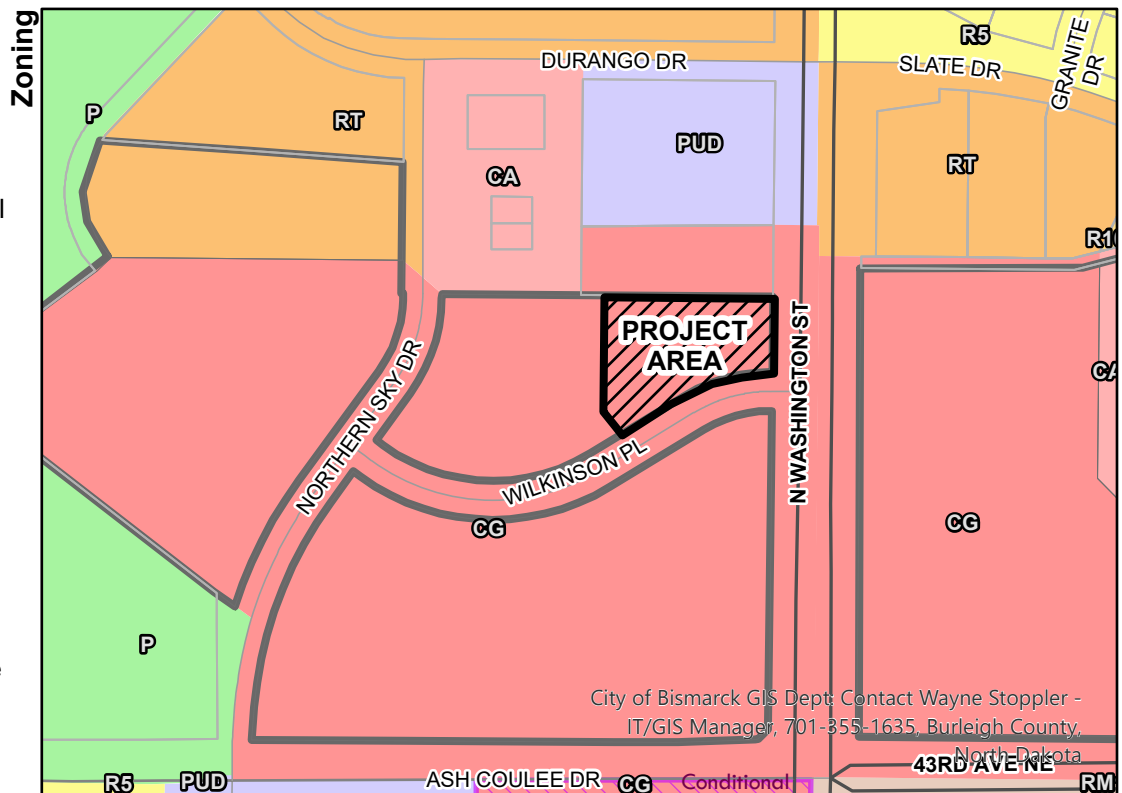
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

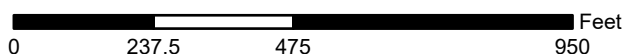
— Future Shared Trail

Major Street Plan

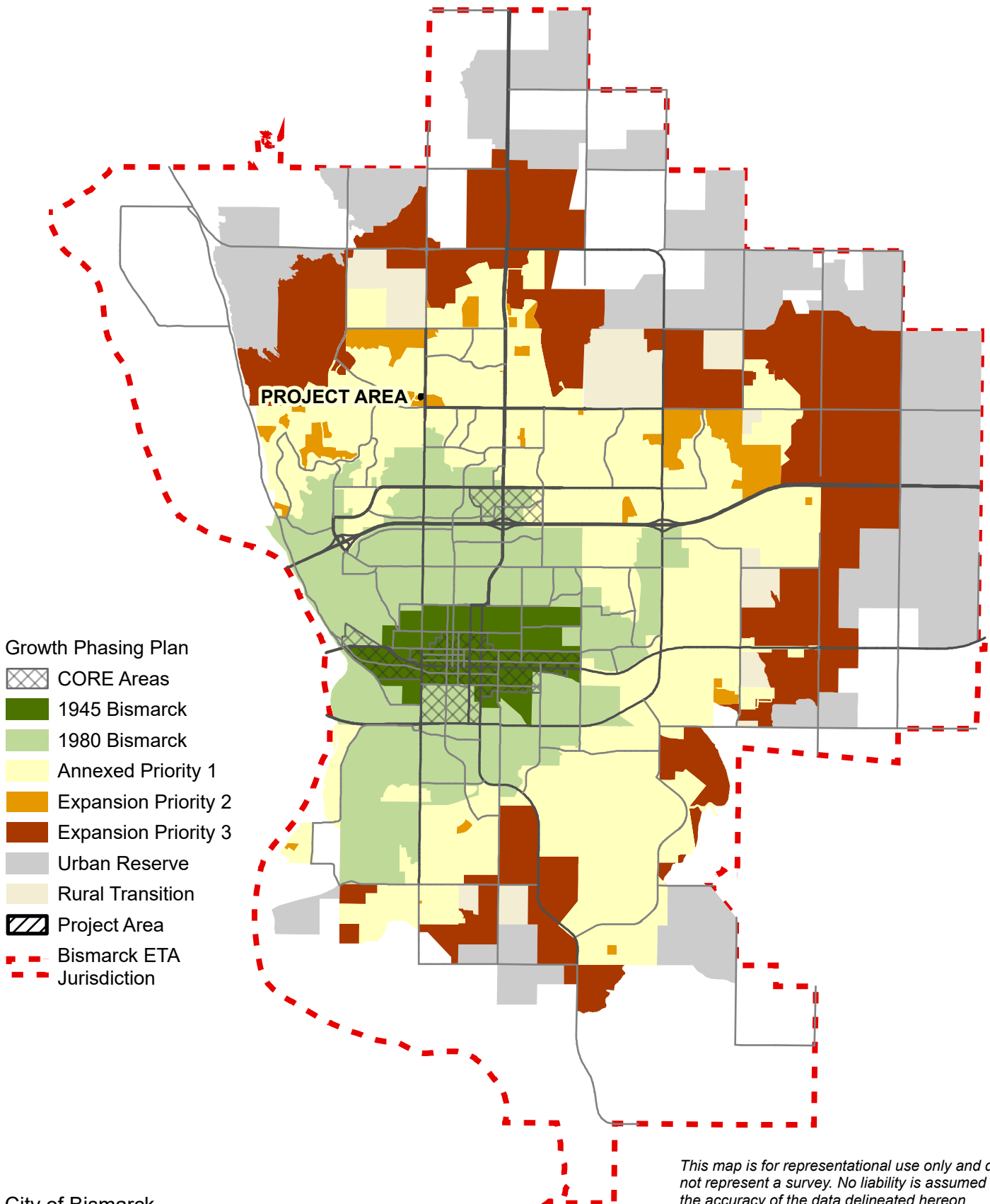
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



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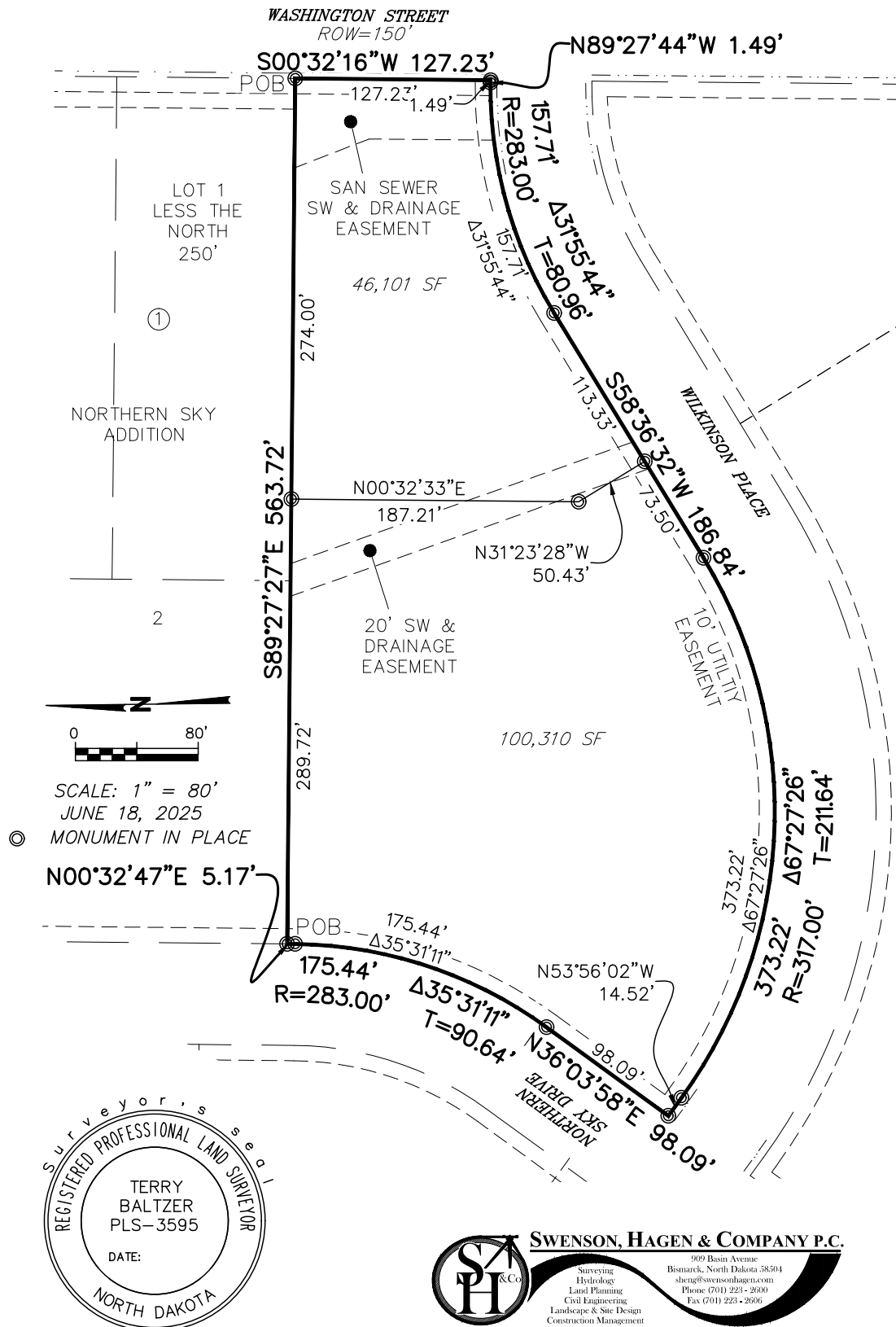


City of Bismarck
Community Development
Planning Division
June 17, 2025



CERTIFICATE OF SURVEY

BLOCK 2 NORTHERN SKY SECOND ADDITION FIRST REPLAT
OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



CERTIFICATE OF SURVEY

ALL THAT PART OF BLOCK 2 NORTHERN SKY SECOND ADDITION FIRST REPLAT OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2; THENCE SOUTH 00 DEGREES 32 MINUTES 16 SECONDS WEST, ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 127.23 FEET TO THE SOUTH LINE OF SAID BLOCK 2; THENCE NORTH 89 DEGREES 27 MINUTES 44 SECONDS WEST, ON SAID SOUTH LINE, A DISTANCE OF 1.49 FEET; THENCE WESTERLY AND TO THE LEFT, CONTINUING ON SAID SOUTH LINE, ON A 283.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 571.71 FEET; THENCE SOUTH 58 DEGREES 36 MINUTES 32 SECONDS WEST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 113.33 FEET; THENCE NORTH 31 DEGREES 23 MINUTES 28 SECONDS WEST, A DISTANCE OF 50.43 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 33 SECONDS EAST, A DISTANCE OF 187.21 FEET TO THE NORTH LINE OF SAID BLOCK 2; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, A DISTANCE OF 274.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 46,101 SF, MORE OR LESS.

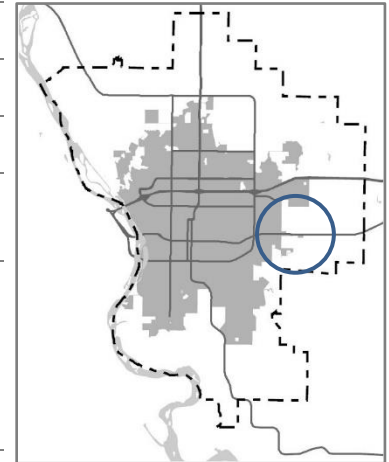
ALL THAT PART OF BLOCK 2 NORTHERN SKY SECOND ADDITION FIRST REPLAT OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 2; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, ON THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 289.72 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 33 SECONDS EAST, A DISTANCE OF 187.21 FEET; THENCE SOUTH 31 DEGREES 23 MINUTES 28 SECONDS EAST, A DISTANCE OF 50.43 FEET TO THE SOUTH LINE OF SAID BLOCK 2; THENCE SOUTH 58 DEGREES 36 MINUTES 32 SECONDS WEST, ON SAID SOUTH LINE, A DISTANCE OF 73.50 FEET; THENCE WESTERLY, AND TO THE RIGHT, CONTINUING ON SAID SOUTH LINE, ON A 317.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 373.22 FEET; THENCE NORTH 53 DEGREES 56 MINUTES 02 SECONDS WEST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 14.52 FEET TO THE WEST LINE OF SAID BLOCK 2; THENCE NORTH 36 DEGREES 03 MINUTES 58 SECONDS EAST, ON SAID WEST LINE, A DISTANCE OF 98.09 FEET; THENCE NORTHERLY AND TO THE LEFT, CONTINUING ON SAID WEST LINE, ON A 283.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 175.44 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 47 SECONDS EAST, CONTINUING ON SAID WEST LINE, A DISTANCE OF 5.17 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 100,310 SF, MORE OR LESS.

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	East of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of all of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apples Creek Township)
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Re approve plat with additional easements
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and 2 parcels	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Commercial (hotel) and single-family	<i>Land Use:</i>	Commercial (hotel), single-family, and single-family in conjunction with commercial use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agricultural CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/1978
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	07/2009 (Highway Subdivision)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	N/A

Project Narrative

Robert Fettig is requesting re-approval of a major subdivision final plat titled Fettig Subdivision.

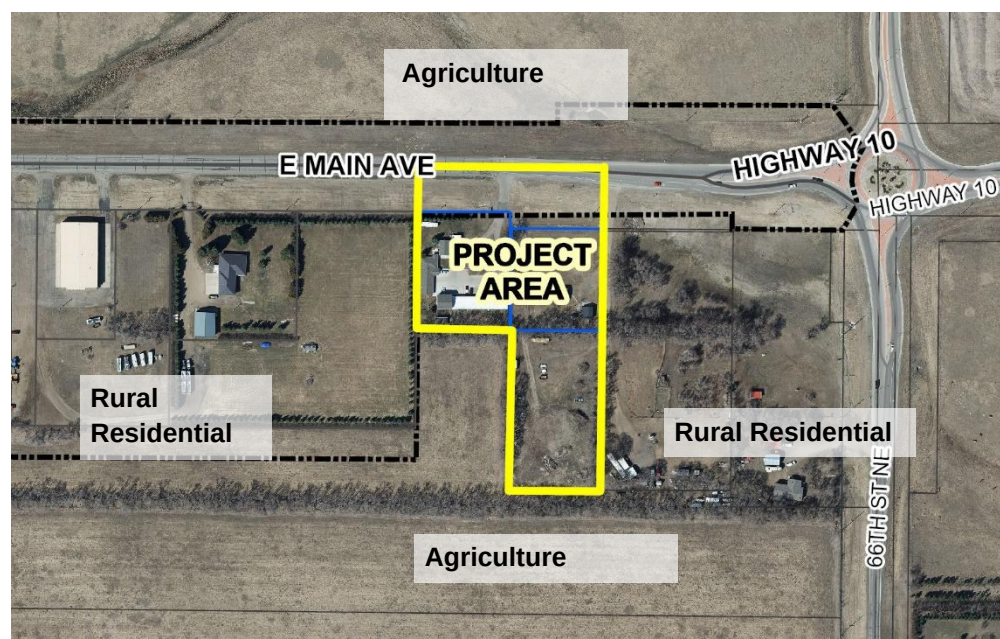
The plat along with a zoning map amendment from the A – Agricultural, and CG – Commercial zoning districts to the CG – Commercial zoning district was approved by the Planning and Zoning Commission on May 22, 2024, and the City Commission on June 25, 2024, with the understanding that a signed annexation petition is submitted prior to recording the proposed plat. The required petition has been submitted, and the zoning map amendment will be completed when the plat is recorded.

Prior to recording the plat, a site plan was submitted for staff review. During review, it was noted that an additional stormwater and drainage easement would be required as a result of the proposed development. This easement was added to Lot 2, Block 1 of the proposed plat. Since the plat has not been recorded with the Burleigh County Recorder, it is appropriate to hold another public hearing on this plat and receive Planning and Zoning Commission and City Commission approval of the proposed changes.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



(continued)

Public Engagement

Planning and Zoning Commission (Previous Action)

Apple Creek Township was notified of this request on April 19, 2024.

The Planning and Zoning Commission approved the proposed plat at their meeting on May 22, 2024.

City Commission (Previous Action)

The Bismarck City Commission at their meeting on June 25, 2024, approved the proposed plat with the understanding that a signed annexation petition is submitted prior to recording the proposed plat. The required petition has been submitted.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and June 20, and 16 letters were mailed to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

(continued)

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail could be incorporated into the right-of-way for East Main Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, access easements have been added to

the proposed plat to provide future access to adjacent properties.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Access to all three lots within the proposed plat would be from one existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. The City Engineer, with concurrence with the County Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the

(continued)

*South-Central Regional Water District ([Goal G3-f](#),
Section 14-09-04(2)d)*

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes, with submittal of the required annexation petition and the approval of the development agreement by the Bismarck City Commission on June 25, 2024.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

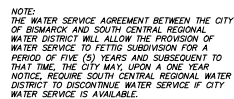
Staff recommends approval of the major subdivision final plat for Fetting Subdivision.

Attachments

1. Revised Final Plat
2. Final Plat (approved 6/24/25)
3. Preliminary Plat

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

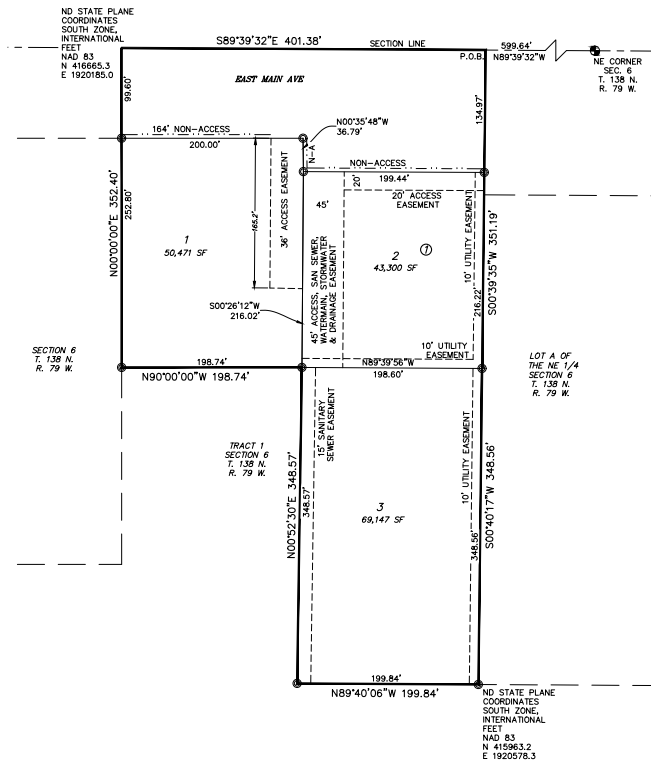
BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF
SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhager.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID NE 1/4 THAT IS NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 599.84 FEET FROM THE NE CORNER OF SAID NE 1/4; THENCE SOUTH 02 DEGREES 39 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE AND ITS NORTHERLY EXTENSION OF LOT 1 OF SAID NE 1/4, A DISTANCE OF 351.19 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 348.57 FEET; TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 40 MINUTES 00 SECONDS WEST, ALONG THE BOUNDARY OF TRACT 1 OF SECTION 6, A DISTANCE OF 198.84 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 348.57 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 198.74 FEET TO THE WEST LINE OF HIGHWAY SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 352.40 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 401.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 4.82 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION AND REDEDICATION OF ALL RIGHTS-OF-WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2024.

MICHAEL T. SCHMITZ--PRESIDENT

ATTEST: JASON TOMANEK--CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL--CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, ROBERT FETTING, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FETTING SUBDIVISION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR TO STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY ALSO DEDICATE ACCESS EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

THEY FURTHER GRANT A WATERMAIN & SANITARY SEWER EASEMENT TO THE CITY OF BISMARCK, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBERT FETTING
6319 E MAIN AVE
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED ROBERT FETTING, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE SYSTEM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

VERTICAL BENCHMARK:
SE CORNER FETTING SUBDIVISION
ELEV. 1706.19 (NAVD 88)



0' 60'

SCALE-1" = 60'

MONUMENT IN PLACE

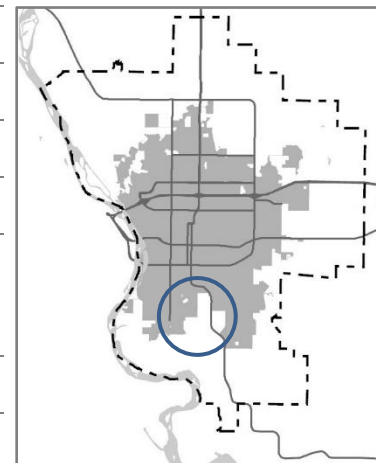
AREA DATA	
LOTS	156,918 SF, 3.74 ACRES
STREETS	48,893 SF, 1.14 ACRES
TOTAL	205,811 SF, 4.82 ACRES



SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
dsh@swensohagen.com
Phone (701) 223-2600
Fax (701) 223-2600
Civil Engineering
Landscaping & Site Design
Construction Management

Project Summary

<i>Title:</i>	Voss Subdivision
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Mark and Shirley Voss
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	South of Bismarck, south of 48th Avenue SE, along the west side of 12th Street SE (Part of the NE ¼, Section 28 T39N/R80W)
<i>Project Size:</i>	5 acres
<i>Applicant Request:</i>	Plat property for future rural residential development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 parcels	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural residential	<i>Land Use:</i>	Rural residential
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	RR – 1 unit per 65,000 square feet

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	12/1976
<i>Township:</i>	Lincoln (not organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Sibley	<i>Annexed:</i>	N/A

(continued)

Project Narrative

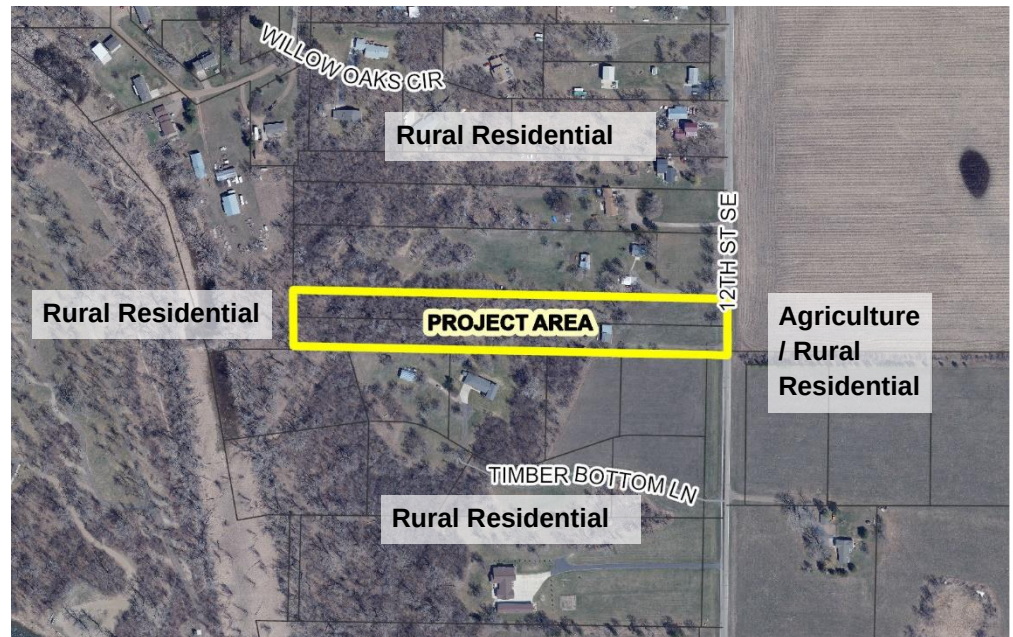
Mark and Shirley Voss are requesting approval of a major subdivision final plat titled Voss Subdivision.

The proposed plat is located within the RR – Residential zoning district and consists of one lot in one block.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city live. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent uses include rural residential uses to the north, south and west, and undeveloped agricultural land to the east across 12th Street SE.

Public Engagement

The Planning and Zoning Commission tentatively approved the proposed plat at their meeting on May 28, 2025.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 38 postcards were mailed

to the owners of nearby properties on June 13, 2025.

The project is located within Lincoln Township, which is not organized. Therefore, no communications with the township have occurred.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

(continued)

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision is not within the city limits or the urban service area boundary of the City of Bismarck. Therefore, planning for future municipal services is not necessary.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. 12th Street SE located along the east side of the proposed plat is a section line roadway, and the required 75 feet of right-of-way has been dedicated with the proposed plat. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed plat. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision.

(continued)

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement.

There is an existing access to the property, which will remain. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. The City Engineer, with concurrence from the County Engineering, has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes, with restrictions on development. A portion of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and

therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f, Section 14-09-04\(2\)d](#))

Yes. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat. The City of Bismarck will retain rights to extend municipal water into the proposed subdivision after five years.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the final plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff

(continued)

find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for Voss Subdivision.

Attachments

1. Zoning and Plan Reference Map
2. Final plat
3. Preliminary Plat

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

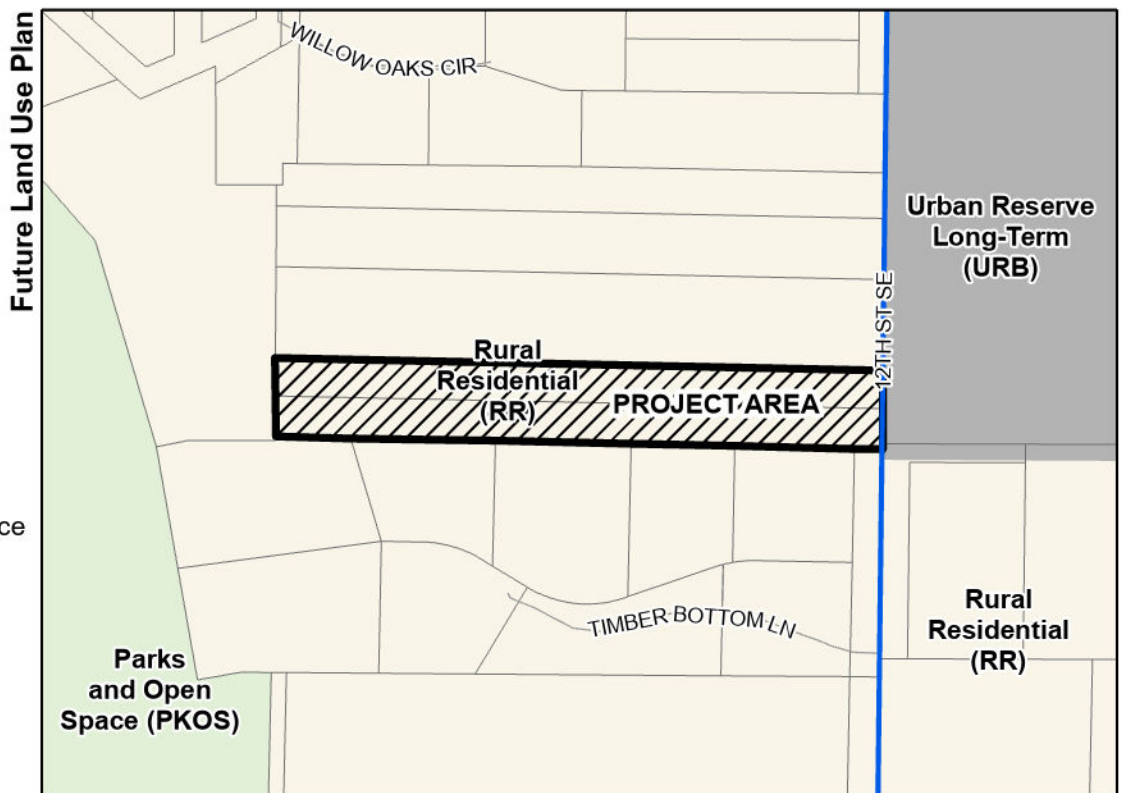
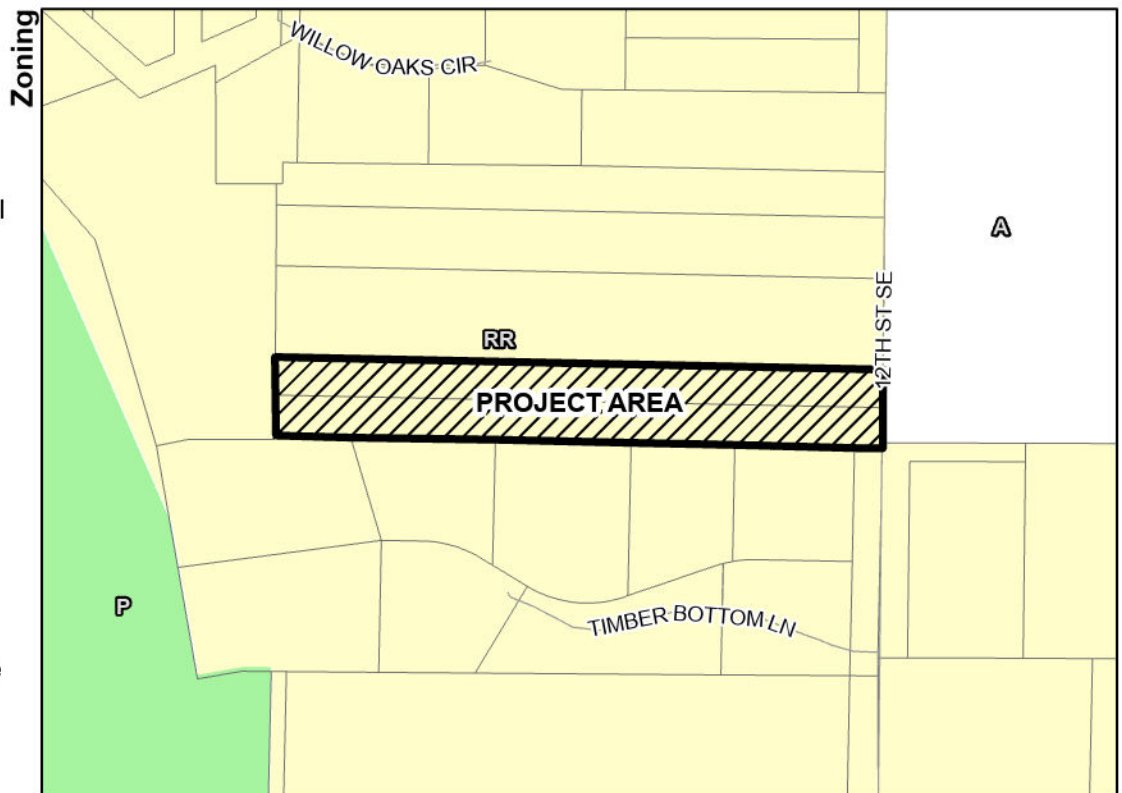
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



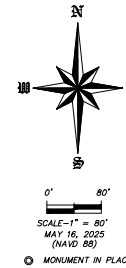
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 305 610 1,220 Feet



City of Bismarck
Community Development
Planning Division
May 19, 2025

VOSS SUBDIVISION
PART OF THE NORTHEAST 1/4 OF SECTION 28
TOWNSHIP 138 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO VOSS SUBDIVISION FOR A PERIOD OF FIVE (5) YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.

AREA DATA		
LOTS	205,245 S.F.	4.72 ACRES
STREETS	12,382 S.F.	0.28 ACRES
TOTAL	217,627 S.F.	5.00 ACRES

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY CHORDANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1988
UNITS ARE INTERNATIONAL FEET

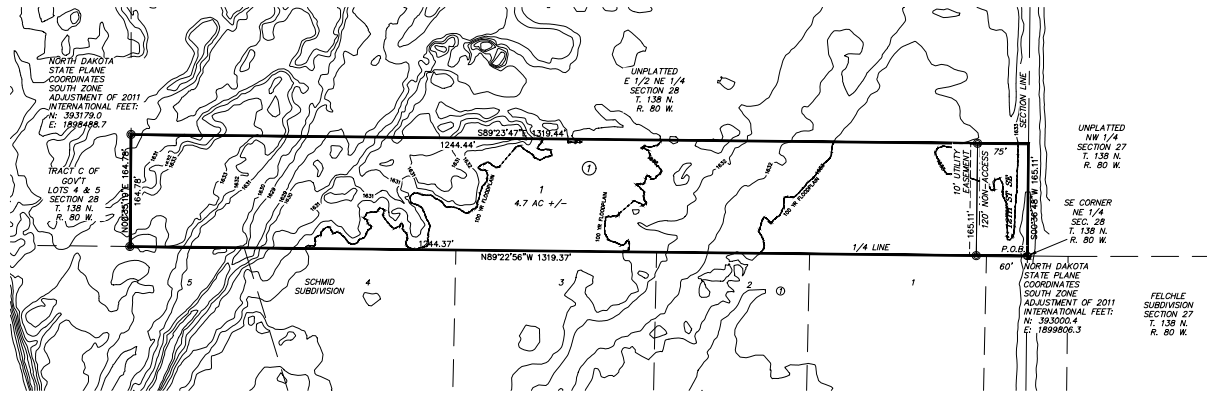
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

VERTICAL BENCHMARK:

ALUMINUM CAP
SE CORNER NE 1/4 SEC. 28, T. 138 N., R. 80 W.
ELEV. 1634.22 (NAVD 88)

FLOODPLAIN INFORMATION

FROM FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 301030000E
DATED JAN. 1, 2004
ELEVATION: 1632.6 (NAVD 88)



DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 138 NORTH RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 28, THENCE NORTH 89 DEGREES 22 MINUTES 46 SECONDS WEST, ON THE SOUTH LINE OF SAID NE 1/4, A DISTANCE OF 1319.37 FEET TO THE EAST LINE OF TRACT C OF GOVERNMENT LOTS 4 & 5 OF SECTION 28, TOWNSHIP 138 NORTH, RANGE 80 WEST; THENCE NORTH 00 DEGREES 35 MINUTES 19 SECONDS EAST, ON SAID EAST LINE, A DISTANCE OF 164.78 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 47 SECONDS EAST, A DISTANCE OF 1319.44 FEET TO THE EAST LINE OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 36 MINUTES 48 SECONDS WEST, ON SAID EAST LINE, A DISTANCE OF 165.11 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 5.00 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2022. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
3002 ARWAY AVE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 35195

APPROVAL OF CITY PLANNING & ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF 2022.

MICHAEL SCHMITZ, MAYOR

ATTEST
JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF 2022.

BRIAN BITNER-CHAIR

ATTEST: MARK SPLOSKOWSKI
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MARK VOSS & SHIRLEY VOSS BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "VOSS SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE UTILITY EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

MARK VOSS
201 STUTTGART DR
BISMARCK, ND 58504

ON THIS DAY OF 2025, BEFORE ME PERSONALLY APPEARED MARK VOSS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

SHIRLEY VOSS
201 STUTTGART DR
BISMARCK, ND 58504

ON THIS DAY OF 2025, BEFORE ME PERSONALLY APPEARED SHIRLEY VOSS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

BURLEIGH COUNTY, NORTH DAKOTA



← ACCESS POINTS

SCALE - 1" = 60'
VERTICAL DATUM: NAVD 88
MAY 13, 2025



STAFF REPORT

Agenda Item # 3D

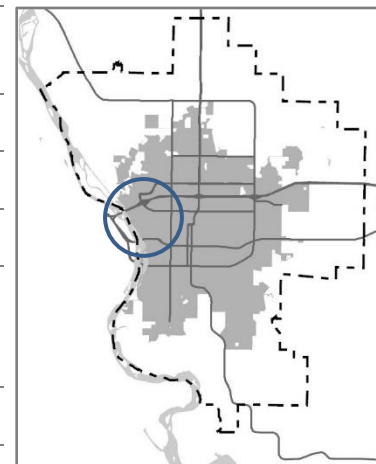
June 25, 2025

Application for: **Planned Unit Development
Amendment**

Project ID: **PUDA2025-002**

Project Summary

<i>Title:</i>	Municipal Fourth Addition First Replat, Block 1, Lots 2 and 3
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	CD Holdings, LLC
<i>Project Contact:</i>	Nic Cullen, PE, Houston Engineering
<i>Project Location:</i>	In west-central Bismarck, between Schafer Street and Canary Avenue, along the south side of Edwards Avenue
<i>Project Size:</i>	13.63 acres
<i>Applicant Request:</i>	Amend the existing PUD for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Hotel/motel, multifamily, and event center
<i>Future Land Use:</i>	Institutional (INS)	<i>Future Land Use:</i>	Institutional (INS)
<i>Zoning:</i>	PUD – Planned Unit Development	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	10/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	01/2023
<i>Neighborhood:</i>	Bismarck State	<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

CD Holdings, LLC is requesting approval of a PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat.

The proposed PUD amendment would allow for a 102-foot-tall hotel with multifamily units on the upper floors, event/convention space, commercial and office space, and an associated parking lot on Lot 2.

Uses for Lot 3 are proposed to be defined at a later date, under a specific development proposal, and submitted as a subsequent PUD amendment. In the interim, Lot 3 is proposed to remain in its undisturbed natural state.

Background Information

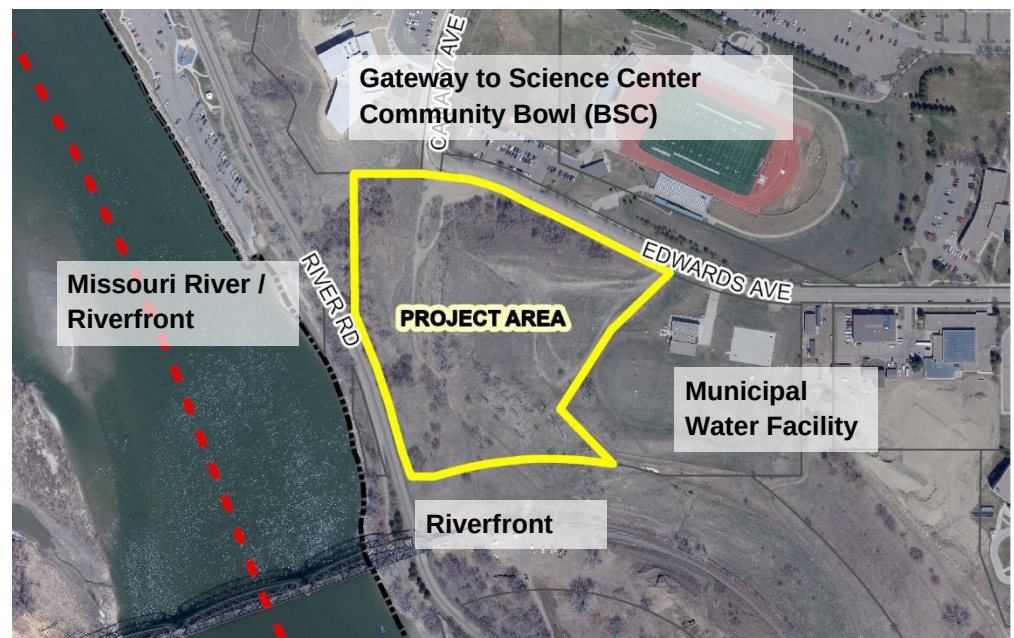
The existing Planned Unit Development (PUD) was adopted in October of 2022, upon sale of the land by the City of Bismarck to a private party, to allow a climbing gym as a primary use and additional uses to support the primary use (such as office space, storage, and maintenance facilities). The climbing gym never materialized.

The existing PUD includes provisions related to high-quality design, slope preservation, landscaping, and other development and aesthetic standards.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Institutional (INS) in the Future Land Use Plan. The INS areas are places of cultural, political, or administrative significance to the general public. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

The project area is located along the west side of Bismarck State College near the Missouri River. As such, it is surrounded by land that is zoned P – Public to the north and east, and the remainder of the existing PUD land is to the west and south. Much of the land to the west and south is undeveloped and is part of the existing natural riverfront. To the north is the Bismarck State

(continued)

College Community Bowl, and to the east is a municipal water storage facility managed by City of Bismarck Public Works.

Public Engagement

The Planning and Zoning Commission considered this request at their meeting of May 28, 2025, and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13, and 20, and six postcards were mailed to owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The following objectives of the plan would be advanced through the amended planned unit development.

- *S2(a): Ensure that those who enter Bismarck through entrance corridors designated in this plan have a positive impression of the city.*

- *S2(d): Encourage excellence and innovation in local architecture, particularly in areas of high visibility such as downtown, and along major corridors.*
- *I6(c): Limit development and retain natural vegetation on steep slopes susceptible to landslides and subsidence, with use of geotechnical studies, as necessary, to determine level of risk.*

The proposed Planned Unit Development (PUD) amendment includes design standards intended to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. Adjacent uses include the Bismarck State College Community Bowl to the north, a water storage facility to the east, and undeveloped land/riverfront to the south and west. The amended planned unit development includes landscaping and screening requirements outlined in Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) to mitigate any potential negative impacts on these uses.

Natural features of the site would be preserved, insofar as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes, with completion of a geotechnical exploration conducted by a Geotechnical Engineer licensed in the State of ND for the proposed project. The amended planned unit development incorporates existing natural features into the design of the development to the greatest extent feasible. However, there are known issues of instability on

(continued)

the Missouri River bluffs, and a geotechnical exploration would be necessary to safely build.

The PUD includes provisions that a geotechnical exploration for slope stability must be performed by a Geotechnical Engineer licensed in the State of ND and that all recommendations provided in this report shall be followed. Staff would require this to be completed, and all recommendations followed prior to approval of a site plan for the proposed development.

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed planned unit development is served entirely by existing public rights-of-way without need for an internal circulation system.

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

Yes. The proposed PUD amendment would allow for a 102-foot-tall hotel with multifamily units on the upper floors including event/convention space, and office space, and an associated parking lot on Lot 2 with increased design standards. These uses, as designed and laid out in the proposed planned unit development, would be compatible and harmonious with the surrounding area.

Proper administrative procedures related to the request are being followed (Section 14-04-18)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a planned unit development amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the proposed Planned Unit Development (PUD) amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat.

Attachments

1. Draft PUD Amendment Resolution
2. Zoning and Plan Reference Map
3. Conceptual Design

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**MAJOR PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT MUNICIPAL FOURTH
ADDITION FIRST REPLAT**

Ordinance Number	6527
Final Passage and Adoption:	October 25, 2022
Ordinance Amendment Number:	6527A
Amendment Passage and Adoption:	

WHEREAS, Ordinance No. 6527 was adopted by the Board of City Commissioners on October 25, 2022; and,

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on June 25, 2025 regarding this request for a Planned Unit Development (PUD) amendment in accordance with provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a Planned Unit Development (PUD) amendment on Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat is hereby approved:

Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat is subject to the following standards:

1. *Conformance to Submitted Documents.* The development must generally conform to the conceptual site layout and elevation views submitted in conjunction with the application for a Planned Unit Development (PUD) amendment zoning district amendment.
2. *Uses Permitted.* The uses within the district shall be limited to the following:
 - a. *Principal Uses.* The following principal uses shall be allowed on Lot 2:
 - i. Commercial recreation uses, limited to climbing facilities, fitness facilities and similar uses on Lot 2.
 - ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to 4 hours in a 24hour period; and multi-purpose meeting rooms on Lot 2.
 - i. Hotel, with convention center

- ii. Education group.
 - iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to the PUD. In the interim, Lot 3 is to remain in its undisturbed natural state until an amendment to the PUD ordinance is approved.
- b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on Lot 2:
 - ~~i. Accessory uses and buildings commonly associated with principal uses, including offices, equipment storage and maintenance facilities on Lot 2.~~
 - i. Multifamily, no more than ten (10) percent of the gross floor area of principal use.
 - ii. Restaurant.
 - iii. Retail sales and service uses limited to uses that are related or complementary to the principal use.
 - iv. Commercial parking lot developed in conjunction with principal use.
 - v. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.
- 3. *Special Uses.* The following uses shall be allowed with a special use permit and as an accessory to the principal uses:
 - a. ~~Childcare center on Lot 2.~~
 - b. Microbrew pub.
 - c. Domestic distillery.
 - d. Any special use for Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.
 - b. *Side Yard.* Each lot shall have two side yards of not less than ten (10) feet in width.
 - c. *Rear Yard.* Each lot shall have a rear yard of not less than ten (10) feet in depth.

- d. *Lot Coverage*: The lot coverage of the principal building, any accessory buildings, and required parking shall not exceed ~~fifty (50)~~ seventy-five (75) percent of the total lot area.
 - e. *Building Height*. The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. 102 feet. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed proposal submitted as an amendment to this PUD.
5. *Development Standards*. The following development standards shall apply to all development within this district.
- a. *Design Standards*. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope of the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
 - i. *Site Design and Layout*. The layout of the site and the principal building on Lot 2 shall generally conform to the materials and information submitted in conjunction with the application for a Planned Unit Development.
 - ii. *Building Design and Materials*. All buildings must be designed by a Professional Architect, registered in the state of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.
 - iii. *Slope Preservation*. Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site. A geotechnical exploration for slope stability shall be required for this site. This exploration, along with any subsequent geotechnical recommendations, must be performed by a Geotechnical Engineer licensed in the State of North Dakota. All recommendations provided in the geotechnical report shall be followed.
 - iv. *Renovations and Additions*. All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.
 - v. *Artwork*. Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.

- b. *Lighting.* All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.
- c. *Off-Street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading), based on square footage and uses.
- d. *Landscaping and Screening.* Landscaping and **buffer yards screening** shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

In addition to the requirements of Section 14-03-11, a buffer yard shall be installed along the northeastern 250 feet, as measured from the southern edge of the Edwards Avenue right-of-way, of the common lot line between Lots 1 and 2. Said buffer yard shall be planted with a minimum of four (4) large shade or conifer trees and two (2) small conifer or ornamental trees per 100 feet. Wherever possible, as determined during the site plan review process and with the permission of the City, said landscaping shall be installed within the 15-foot landscape easement included on the face of the plat over Lot 1.

- e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
- 7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning and Zoning Commission.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this June 25, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota

Date





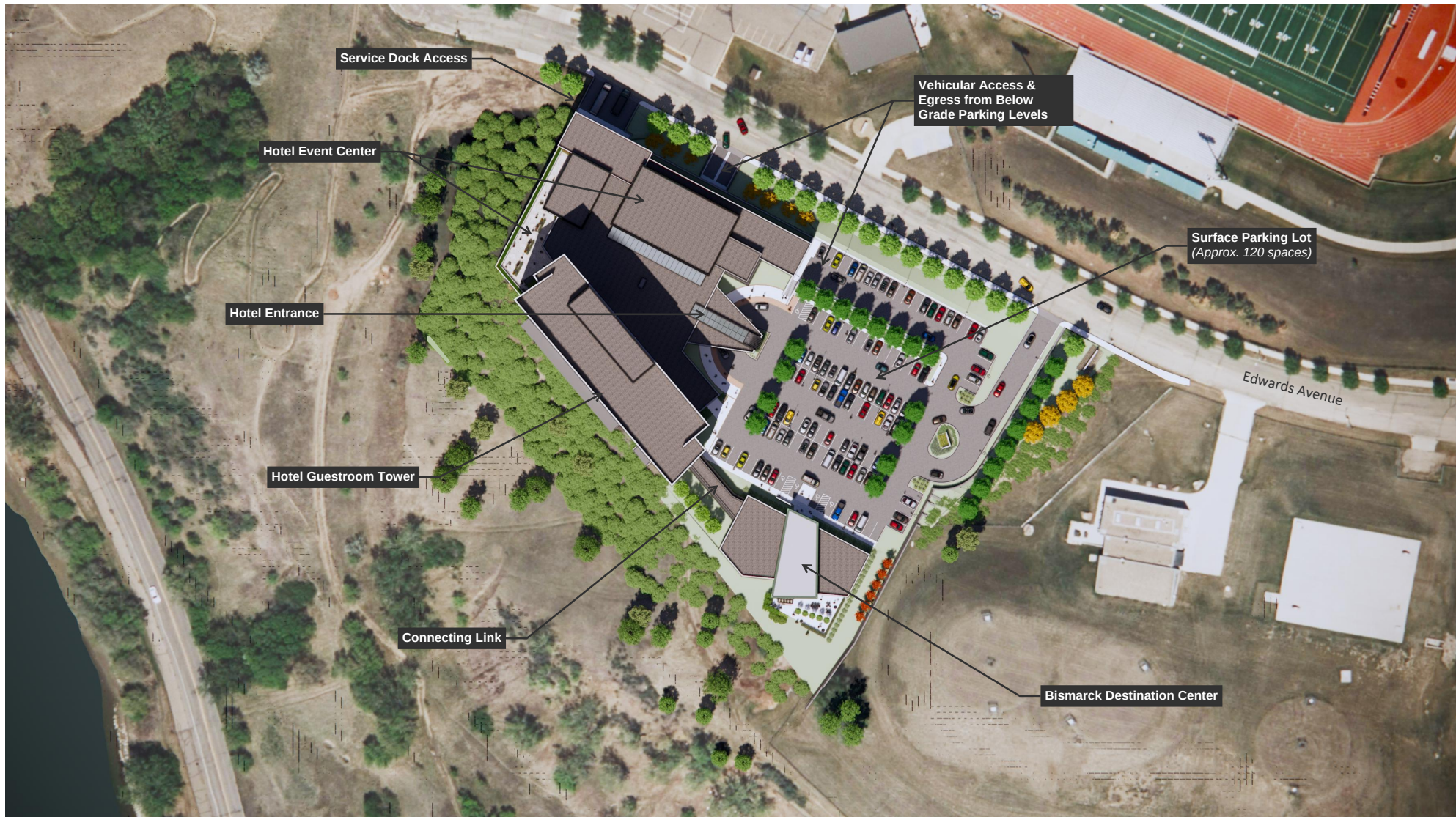
Missouri River

Edwards Avenue

esg

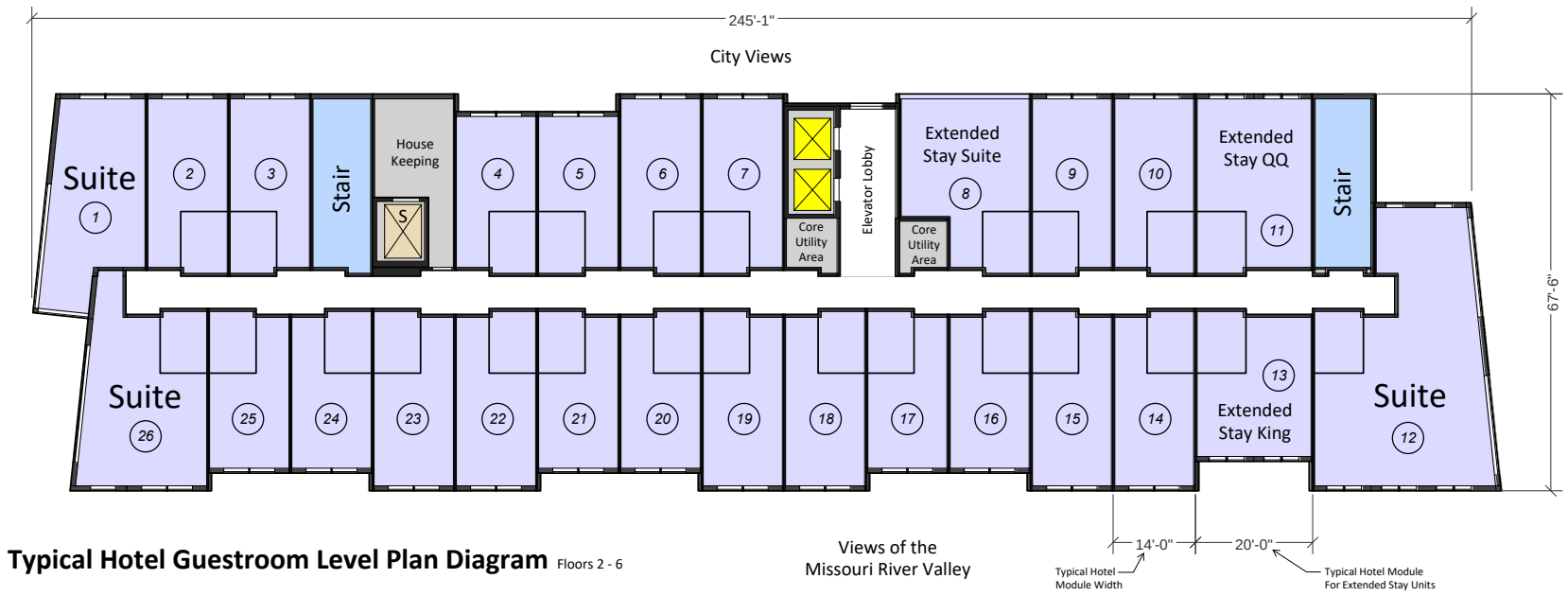
PROPOSED RIVERFRONT HOTEL
Bismarck, ND

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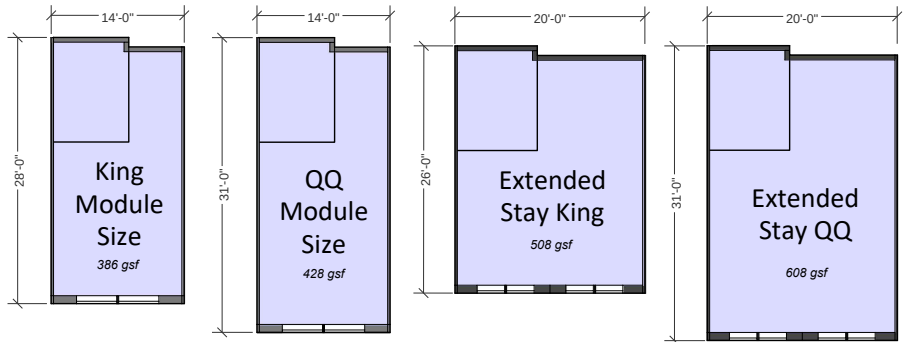


Conceptual Design - April 4, 2025





Typical Hotel Guestroom Level Plan Diagram Floors 2 - 6

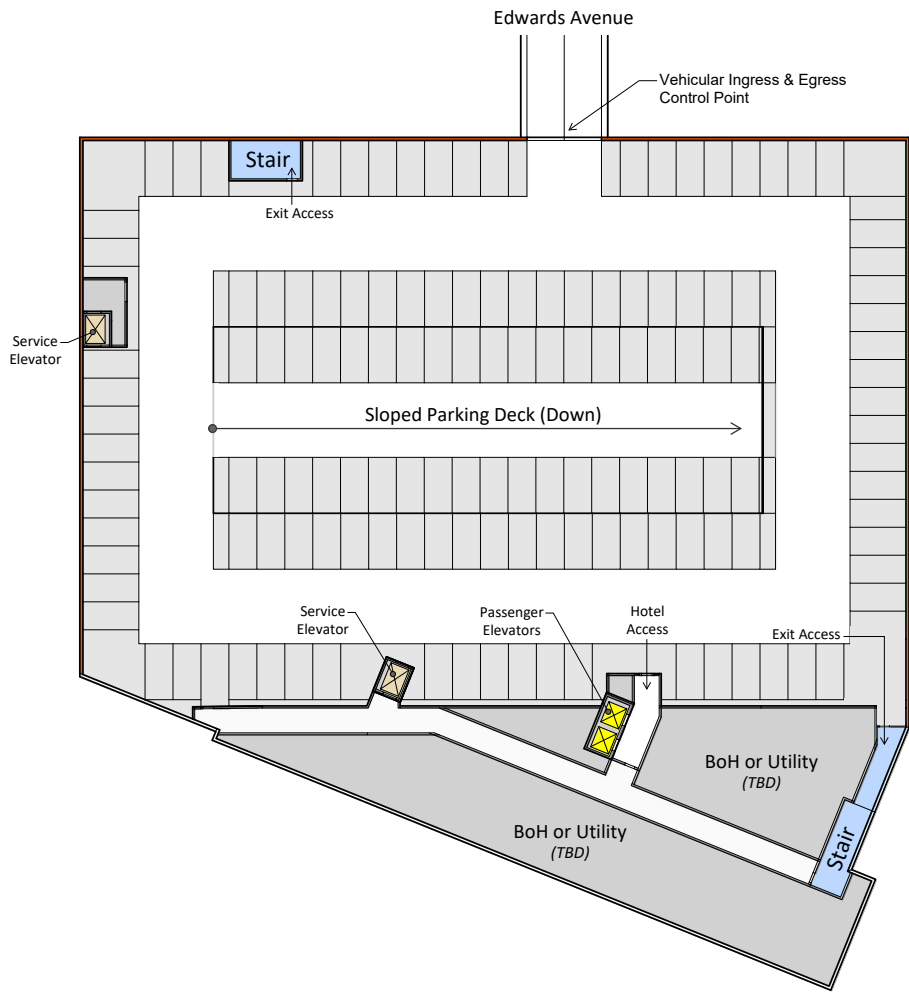


Suggested Guestroom Mix	King	Premium King	Extended Stay King	QQ	Extended Stay QQ	Suite	Extended Stay Suite	Keys per Floor
Floor 7	8	3	1	9	1	3	1	26
Floor 6	8	3	1	9	1	3	1	26
Floor 5	8	3	1	9	1	3	1	26
Floor 4	8	2	1	10	1	3	1	26
Floor 3	8	2	1	10	1	3	1	26
Floor 2	8	2	1	10	1	3	1	26
	48	15	6	57	6	18	6	156

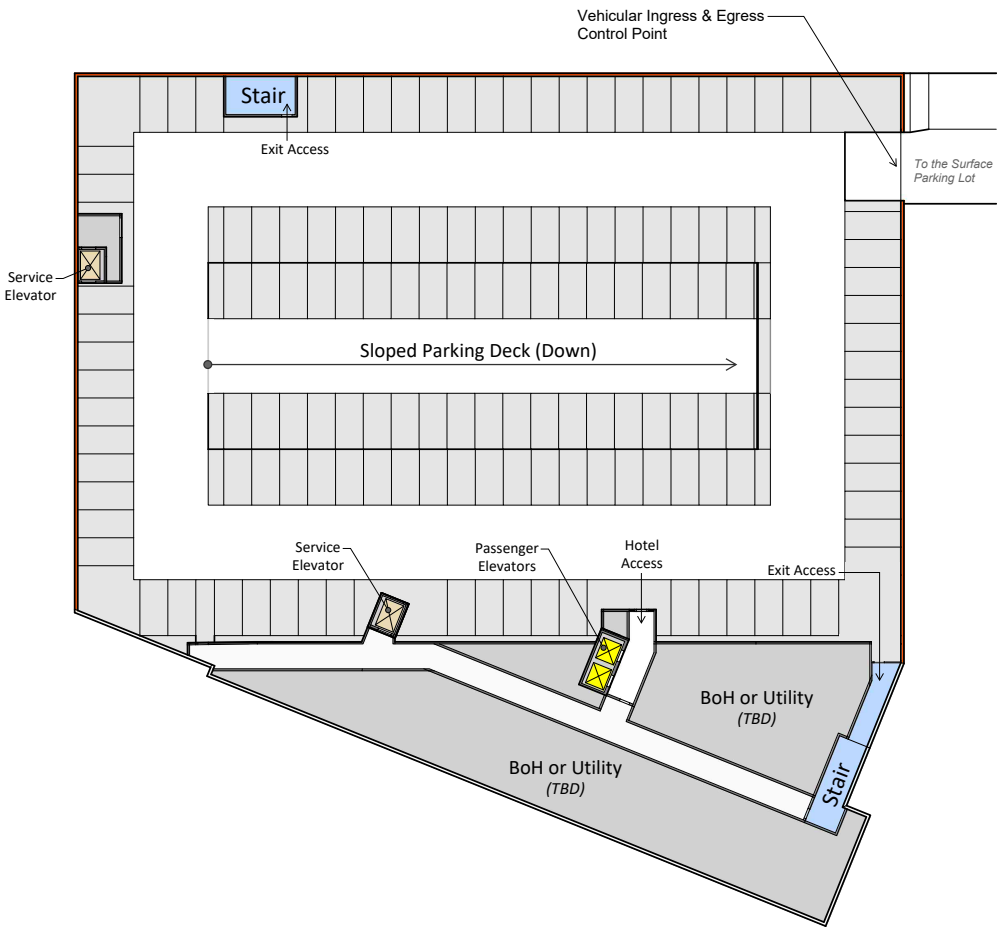
Total Hotel Keys

Percentages by Type	30.8%	9.6%	3.8%	36.5%	3.8%	11.5%	3.8%
	44.2%		40.4%		15.4%		



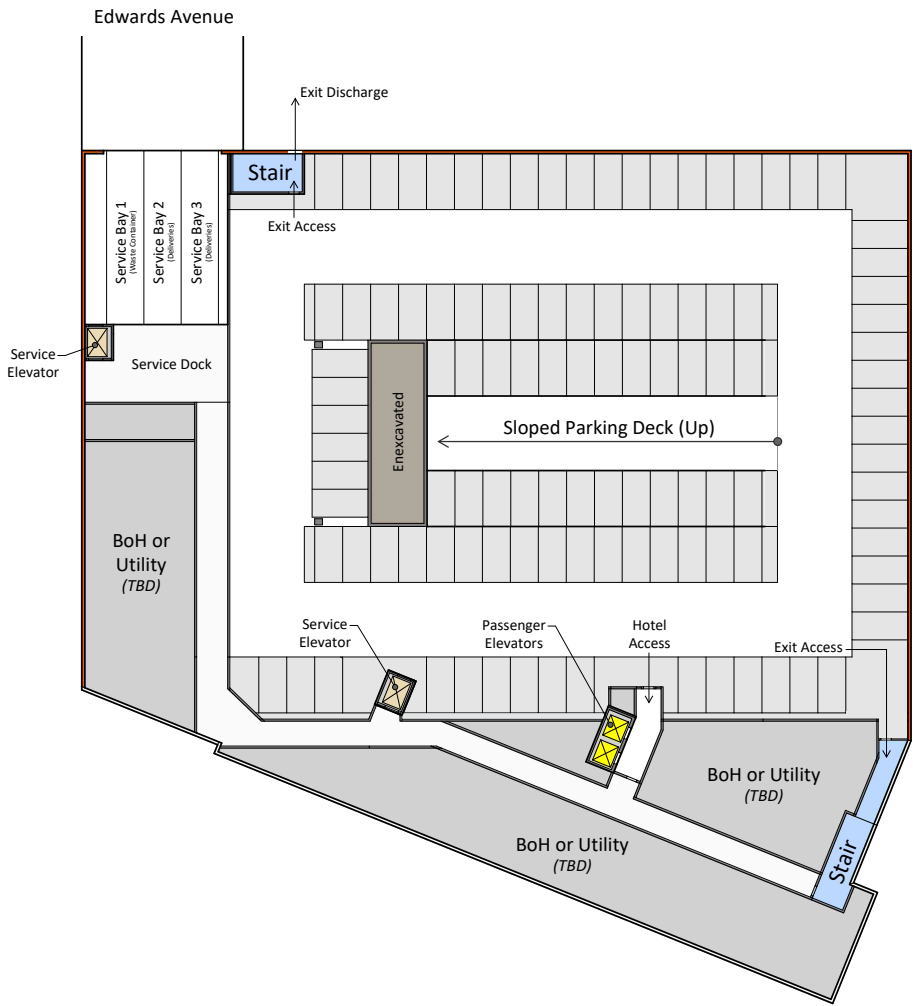


Level P2 Plan Diagram



Level P1 Plan Diagram





Level P3 Plan Diagram

Review of Bismarck Zoning Code	
Required Off-Street Parking Spaces	Spaces
Places of Public Assembly (Events)	
No Fixed Seating - 900 occupants	
1 space per 5 occupants	180
Hotels - 1 space for each GR	
Use 150 for some flexibility	150
Full Service Restaurant	
1 space for each 75 sf of gross dining area plus 1 space for each employee. Outdoor patio areas	
3,000 / 75 = 40 plus 15 employees	55
Bar, Tavern or Lounge	
1 space for each 60 sf of gross floor area plus 1 space for each employee. Outdoor patio areas	
1,000 / 60 = 20 plus 8 employees	28
Bismarck Destination Center	
Assembly - estimate 150 occupants	
1 space per 5 occupants	30
Museum or gallery area	
1 space for each 360 gsf	
Estimate 10,000 sf = 27 spaces	27
Staff Office Areas - est. 5,000 sf	
1 space for each 360 gsf	14
Total Qty. of Required Spaces	484

Total Project Floor Area (Interior & Parking Only)	Floor Area GSF
Floor 7	15,065
Floor 6	15,065
Floor 5	15,065
Floor 4	15,065
Floor 3	15,065
Floor 2	15,065
Floor 1	48,155
Parking Level P1	60,232
Parking Level P2	60,232
Parking & Service Level P3	60,232
Total GSF	319,241

Breakout of Levels 1-7 Only	138,545
Breakout of Parking Levels Only	180,696

Meeting and Event Space Floor Areas	Floor Area SF
Main Ballroom (divisible into 4 rooms)	7,540
Junior Ballroom (divisible into 2 rooms)	2,735
Meeting Rooms (5 to 6 rooms)	2,910
Total Area	13,185

Prefunction Area (approx.)	5,090
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Off-Street Parking Space Quantities	Spaces
Ground Level Surface Parking	120
Parking Level P1	138
Parking Level P2	137
Parking Level P3	103
Total Qty. of Spaces	498

For now, we are providing more spaces than the minimum quantity required.



Missouri River



esc

RIVERFRONT HOTEL
Bismarck, ND







esg

PROPOSED RIVERFRONT HOTEL
Bismarck, ND









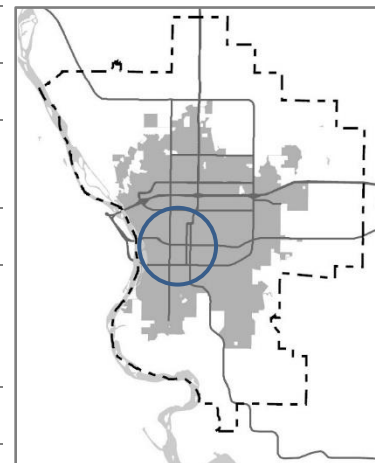
HOTEL

esg

RIVERFRONT HOTEL
Bismarck, ND
Page 14 of 12

Project Summary

<i>Title:</i>	Shoults Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Capital Entertainment Corp (owner) Shoults Strategies (applicant)
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	In central Bismarck, in the northwest quadrant of the intersection of South 3rd Street and East Front Avenue
<i>Project Size:</i>	3.6 acres
<i>Applicant Request:</i>	Replat the property for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 tract in 2 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Vacant commercial	<i>Land Use:</i>	TBD
<i>Future Land Use:</i>	Downtown (DT)	<i>Future Land Use:</i>	Downtown (DT)
<i>Zoning:</i>	DC – Downtown Core	<i>Zoning:</i>	DC – Downtown Core
<i>Uses Allowed:</i>	DC – Mixed-use development including retail, multi-family residential, commercial and office uses	<i>Uses Allowed:</i>	DC – Mixed-use development including retail, multi-family residential, commercial and office uses
<i>Max Density:</i>	DC – 42 units / acre	<i>Max Density:</i>	DC – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Downtown

Property History

<i>Zoned:</i>	01/2019
<i>Platted:</i>	02/1874
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Shoults Strategies, with the consent of Capital Entertainment Corp. (the current owner), is requesting approval of a minor subdivision final plat titled Shoults Addition. The plat consists of a replat of Tract 118 of Part of Blocks 5 & 7, Original Plat.

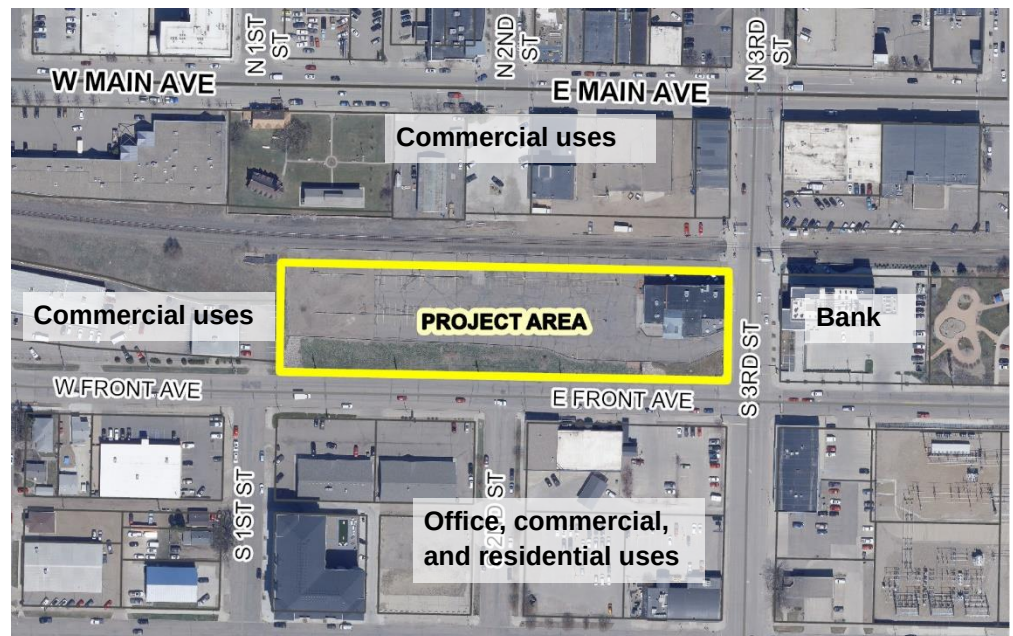
The applicant intends to split the existing one tract of land into two parcels in one block, with relevant

access and utility easements, to facilitate future development. The eastern of the two new lots has an existing structure which was previously used as a bar. The western, new lot would remain as the existing parking lot until possible future development. The replat includes the entire right-of-way of East Front Avenue along the project area, and the western half of the North 3rd Street right-of-way

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Downtown (DT) in the Future Land Use Plan. The DT area is the heart of the community in the historic center of Bismarck. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

The property is on the southwest edge of downtown Bismarck. As such, it is surrounded by a variety of commercial, office and residential uses. Any development that could be expected as a result of this plat would fit within the mixed-use context of the area.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 35 postcards were mailed to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

(continued)

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges for a 2" water meter will be due prior to the recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Shoults Addition.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Isak Johnson, AICP, Planner

(continued)

701-355-1850 | ijohnson@bismarcknd.gov

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

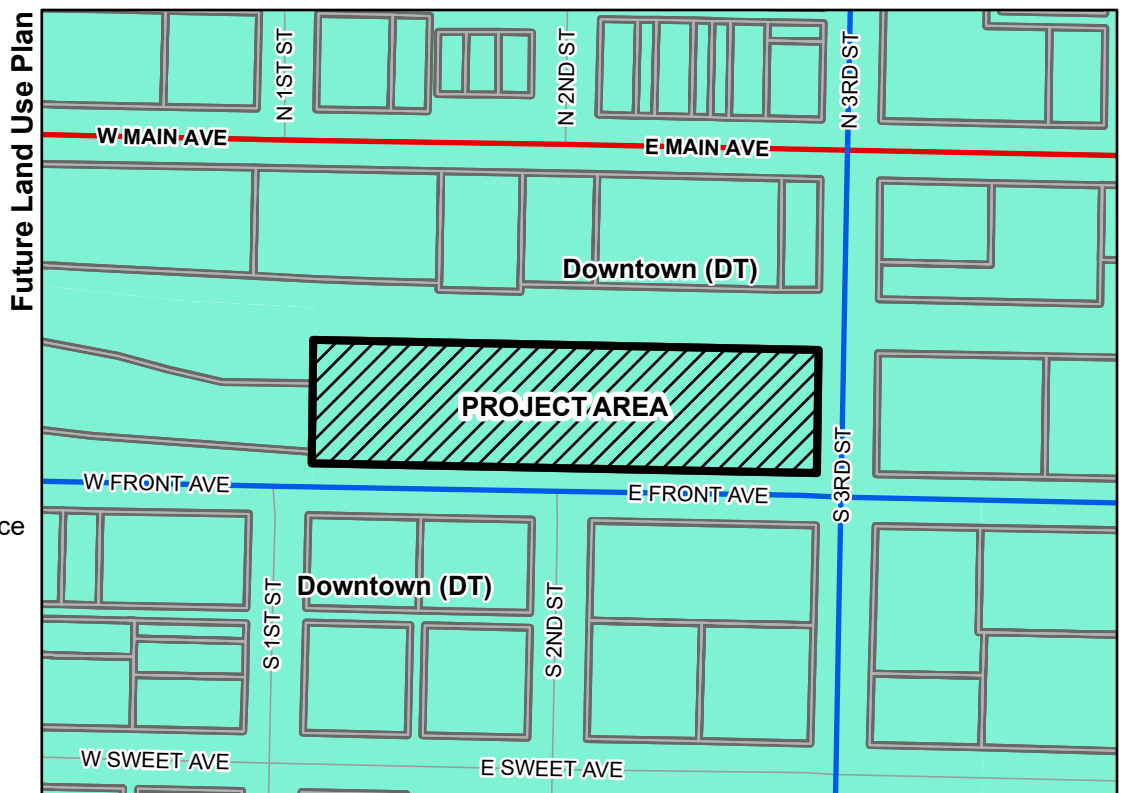
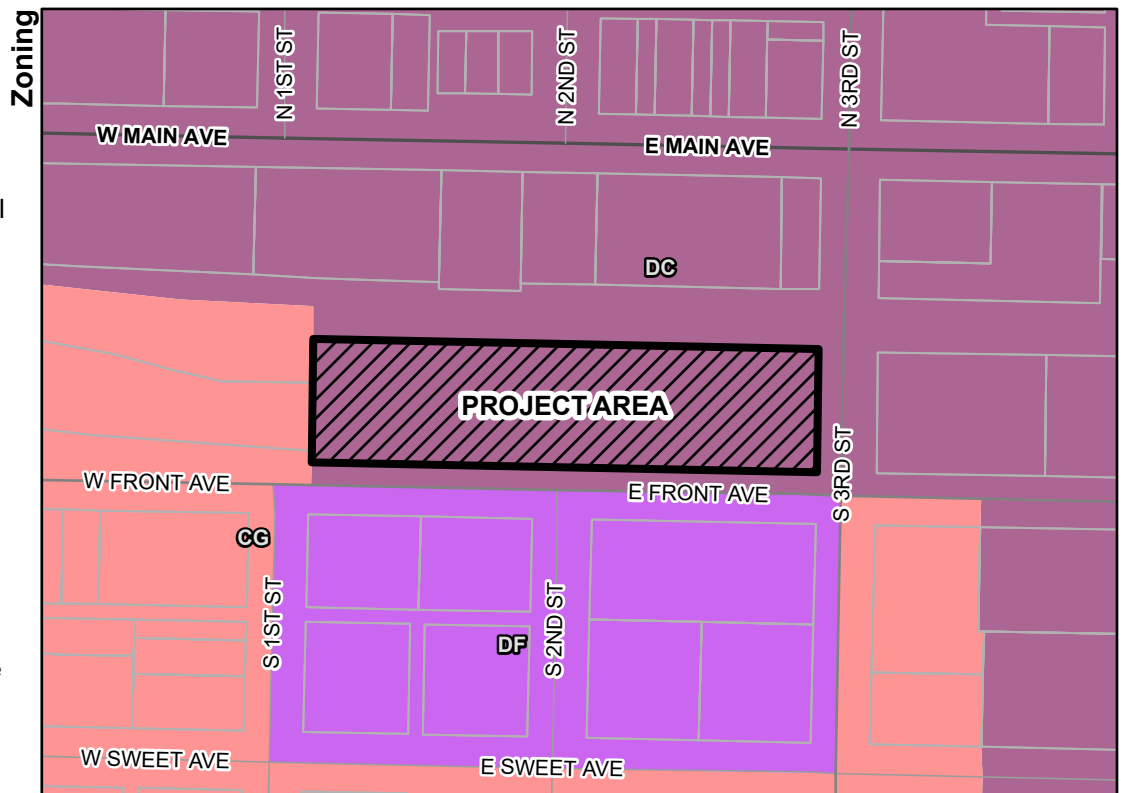
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

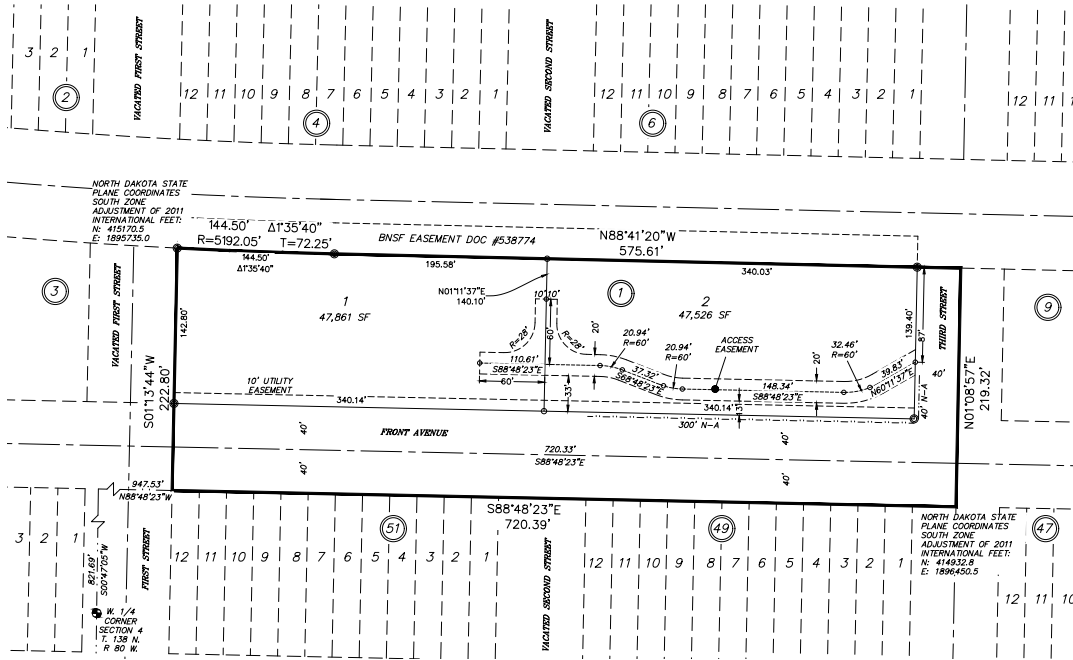
0 187.5 375 750 Feet



City of Bismarck
Community Development
Planning Division
June 16, 2025

SHOULTS ADDITION

BEING A REPLAT OF TRACT 118 OF BLOCKS 5 & 7
OF THE ORIGINAL PLAT AKA EDWINTON
AND PART OF FRONT AVENUE AND THIRD STREET RIGHTS-OF-WAY
PART OF THE NORTH 1/2 OF SECTION 4
TOWNSHIP 138 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



- MONUMENT TO BE SET
- MONUMENT IN PLACE

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

DESCRIPTION

BEING A REPLAT OF TRACT 118 OF BLOCKS 5 & 7 OF THE ORIGINAL PLAT AKA EDWINTON, AND PART OF FRONT STREET AND THIRD STREET RIGHTS-OF-WAY, PART OF THE NORTH 1/2 OF SECTION 4, TOWNSHIP 138 NORTH RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF FRONT AVENUE RIGHT-OF-WAY AND THE CENTERLINE OF THIRD STREET RIGHT-OF-WAY, THENCE NORTH 01 DEGREE 08 MINUTES 57 SECONDS EAST, ON SAID CENTERLINE, A DISTANCE OF 218.32 FEET TO THE SOUTH LINE OF THE BNSF RAILROAD RIGHT-OF-WAY, THENCE NORTH 88 DEGREES 41 MINUTES 20 SECONDS WEST, ON SAID SOUTH LINE, A DISTANCE OF 575.61 FEET, THENCE WESTERLY AND TO THE RIGHT, CONTINUING ON SAID SOUTH LINE, ON A 5192.05 FOOT RADIUS CURVE, AN ARC LENGTH OF 144.50 FEET TO THE EAST LINE OF VACATED FIRST STREET RIGHT-OF-WAY, THENCE SOUTH 01 DEGREES 13 MINUTES 44 SECONDS WEST, ON SAID EAST LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 222.80 FEET TO THE SOUTH LINE OF FRONT AVENUE RIGHT-OF-WAY, THENCE SOUTH 88 DEGREES 48 MINUTES 23 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 720.39 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.64 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2022, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2022.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST
JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHILL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHILL
CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS ____ DAY OF _____, 2025, BEFORE ME PERSONALLY APPEARED
THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING & ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE ____ DAY OF _____, 2022, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING & ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

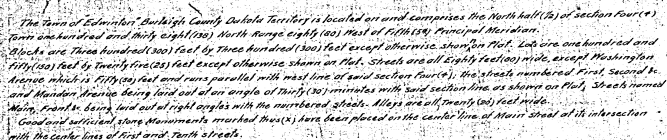
MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRHART - SECRETARY

BURLEIGH CO.

D.T.

Scale 200 ft. = 1 inch



Joseph E. Ternar, Surveyor

State of Minnesota

State of Minnesota }
County of Crow Wing } Be it remembered that on this twenty fourth day of January A.D. 1879 personally appeared before me
Joseph E. Turner to me well known to be the person who made the annexed plat and acknowledged the same to have been made
by him free and voluntary and to be correct to the best of his knowledge and belief

C. B. Steeper,
Notary Public
Grow Wing Co. Minn.

Office of Registrar of Deeds
County of Burlington

I hereby certify that the within and foregoing Plat was filed in this office for record on the ninth day of February A.D. 1874 at 11 o'clock A.M. and was duly recorded in Book A of Town Plats page

T. F. Singiser
Register of Deeds

Rank 11 Page 468

The undersigned George M. Small being the proprietor of the following described tract of land lying in the County of Berleigh and Territory of Delaware to wit: the North 1/2 of Section Four (4) Town one hundred and thirty eight (138) North, Range Eighty (80) East of the Fifth (5) principal Meridian has caused the same to be surveyed and laid out as a Townsite as is shown and represented by the annexed plat and has also caused the said plat to be sworn made to and that the same may be filed and recorded according to the Statute in such cases made and provided.

In presence of,
Thos. H. Canfield
Lyman P. Miles

State of Minnesota

State of Minnesota }
County of Crow Wing } Be it remembered that on this twenty third day of January A.D. 1879 personally appeared before me George H. Sweet
to me well known to be the person who executed the aforesaid Plat and the certificate thereon and acknowledged the same to have
been executed by him to the end that the same might be recorded as provided by law.

C. B. Sleeper
Notary Public
Craw Wing Co. Minn.

See/

I hereby certify that this plat is a true and literal exemplification of the plat of survey to which it purports to relate now on file in the Register of Deeds Office, Bismarck, N.D.

Swear and subscribed to before me this day of 1912

Checked and corrected Feb. 19, 1915

J. H. Anderson
County Surveyor

There is a plat of the survey & subdivision of all that part or parcel of the City of Bismarck, D.T. lying & being most of 34th Street and South of the Northern P.D. & 10th St. & 11th St. The streets and blocks remain as they were originally plotted & recorded. The first line of blocks south of the railroad is divided by an alley running East & West at a distance of 10 feet South of north line of said blocks, leaving the lots on the north half of said blocks 12 feet long. The South half of said blocks, and the blocks in the South tier are divided by an alley through the center of each from north to south leaving the lots on either side 12 feet long. The alleys are 2 feet wide. The numbering of the lots in each block commences at the north east corner of the North tier if proceeds West, in the South tier if proceeds South, thus around the block in each tier. The lots are 22 feet wide except those on the West boundary. Block 32 is laid out similar to Block 35.

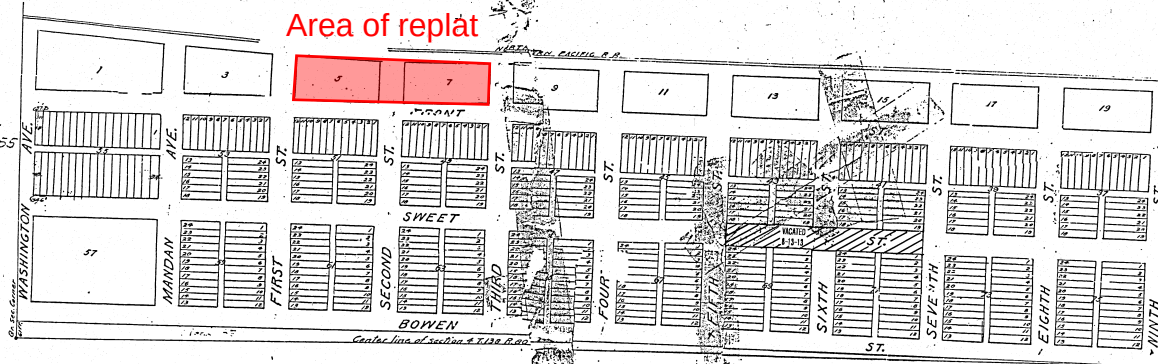
Attest
G. Louis
City Clerk

Levi M. Griffin
Mayor, Pro Tem

Chas. M. Thompson
City Engineer

O.P.

See Correction
Plat of Block 35



Checked and corrected Feb. 19, 1915.

John A. McCall
County Surveyor.

I hereby certify that this plat is a true and literal exemplification of the plat of survey to which it purports to relate
and is in the Register of Deeds Office Bismarck, D.T.

Sworn and subscribed to before me this

day of

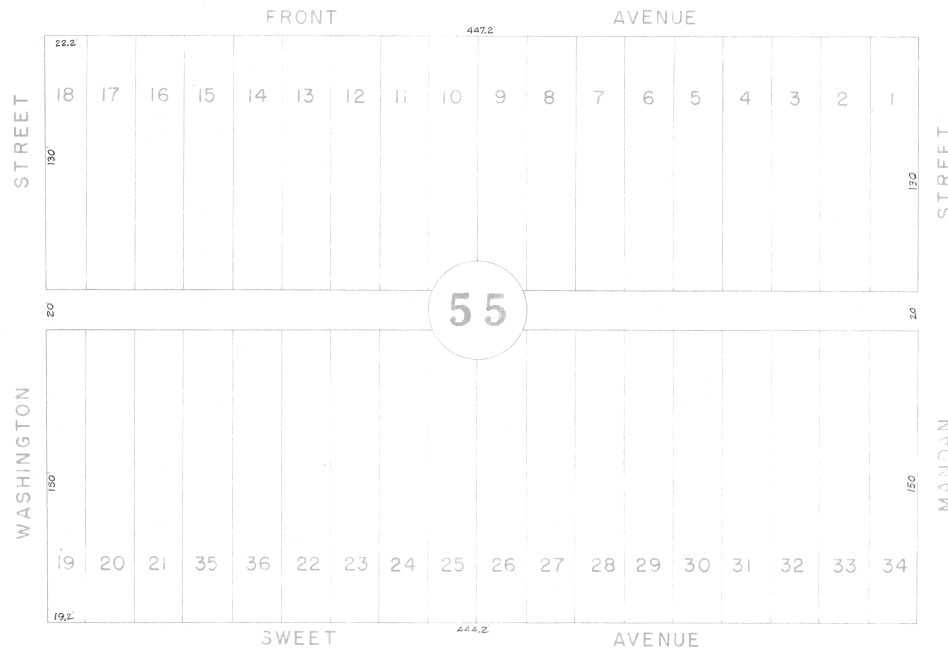
1912

Register of Deeds

16

D.H.

CORRECTED PLAT OF BLOCK NO. 55
EDWINTON, DAKOTA TERRITORY
Now Known as ORIGINAL PLAT, BISMARCK, NORTH DAKOTA



CERTIFICATE

This corrected and revised plat of Block Fifty-five (55), Original Plat, Bismarck, North Dakota has been prepared by the City of Bismarck Engineering Department as directed by a resolution of the Board of City Commissioners acting under the provisions of Chapter 40-50 of the North Dakota Revised Code of 1943, which resolution was adopted Dec. 16, 1954, and is a change of the numbering of lots twenty-two (22) to thirty-six (36) inclusive.

Except for the numbering of the said lots, all other parts and details are unchanged from the plat recorded in the office of the Register of Deeds on the 4th day of January, 1931.

I, Wm. B. Lukins, do hereby certify that this plat is correct to the best of my knowledge and belief.

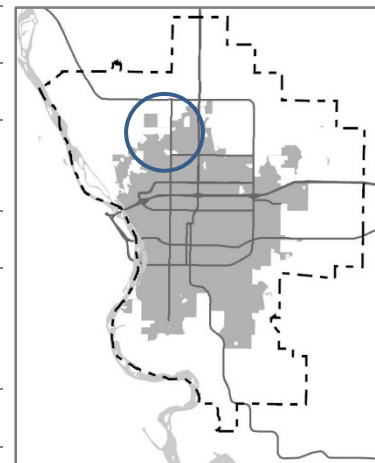
Wm. B. Lukins
Registered Land Surveyor No. 214
Dec. 19, 1958

Note:

The changes in the numbering of these lots were made so that the deeds as now recorded in the office of the Register of Deeds will correspond to the tracts of land which the holders of the deeds have claimed for many years.

Project Summary

<i>Title:</i>	Village Cooperative Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Ronald Knutson and Attas Boutrous (Owners) Ree Holdings – Bismarck, LLC (Applicant)
<i>Project Contact:</i>	Hanna Boese, PE, Lowry Engineering
<i>Project Location:</i>	In north Bismarck, north of Ash Coulee Drive, in the southwest corner of the intersection of North Washington Street and Medora Avenue
<i>Project Size:</i>	6.59 acres, more or less
<i>Applicant Request:</i>	Plat to facilitate the development of a multi-family residential building
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	2 Lots in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Multi-family residential
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	RT – Residential	<i>Zoning:</i>	RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<i>Max Density:</i>	RT – 30 units / acre	<i>Max Density:</i>	RT – 30 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Horizon Heights

Property History

<i>Zoned:</i>	04/2019
<i>Platted:</i>	07/2005
<i>Annexed:</i>	07/2005

(continued)

Project Narrative

Ree Holdings – Bismarck, LLC, with consent from the current owners Ronald Knutson and Attas Boutrous, is requesting approval of a minor subdivision final plat titled Village Cooperative Addition.

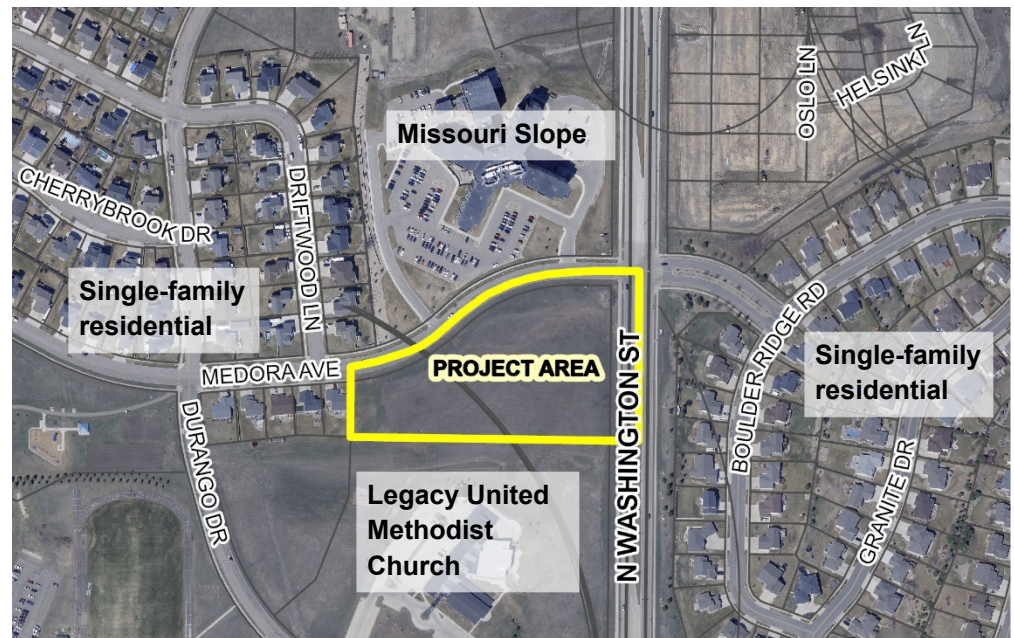
The proposed plat is a replat of Lot 1, Block 2, Good Shepherd North Addition. The proposed plat would create 2 lots in 1 block.

The property is included in the RT – Residential zoning district; a zoning map amendment is not being requested.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

Adjacent land uses include single-family residential to the east across North Washington Street and the west, Missouri Slope to the north across Medora Avenue, and Legacy United Methodist Church to the south.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 27 postcards were mailed to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning

(continued)

and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century

Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The underlying parcel was annexed before February 1, 2019, and has a non-refundable vesting for one-2" meter; the additional lot will trigger utility capital charges for a 2" capacity vesting. Capital utility charges will be due prior to recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled Village Cooperative Addition.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

(continued)

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
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Future Land Use Plan

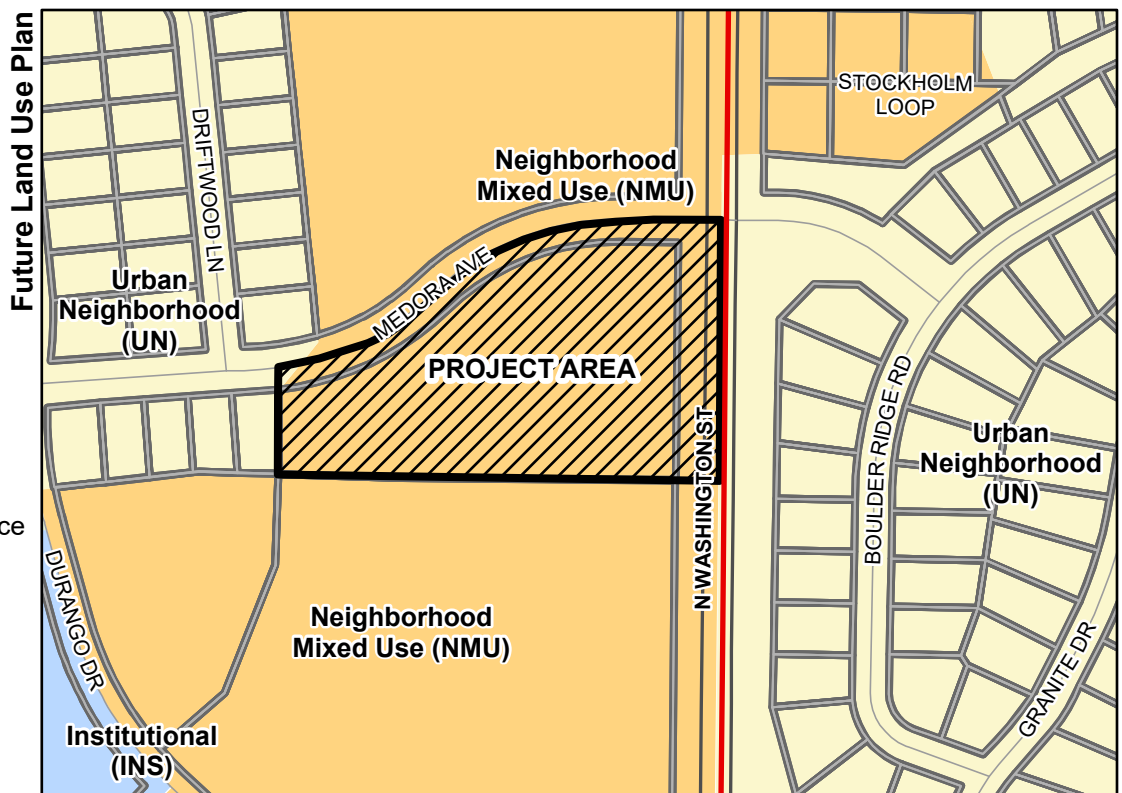
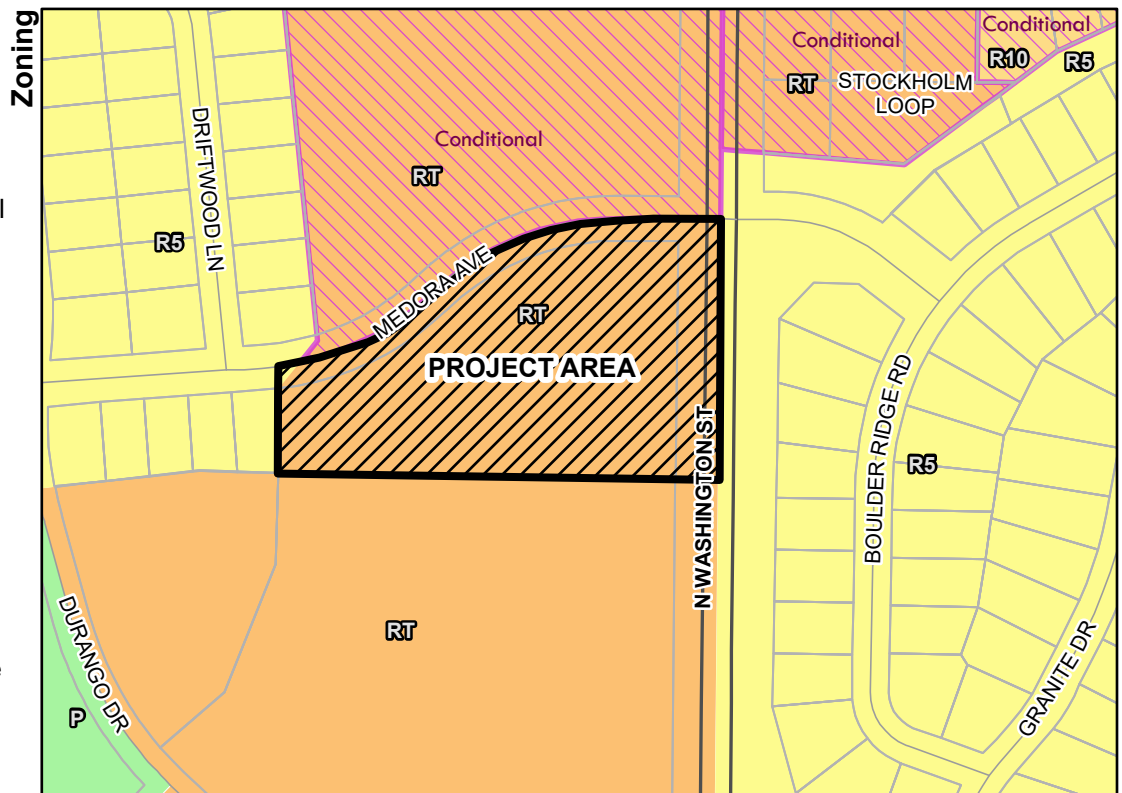
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TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 250 500 1,000 Feet



City of Bismarck
Community Development
Planning Division
June 18, 2025

A REPLAT OF LOT 1, BLOCK 2, GOOD SHEPHERD NORTH ADDITION,
IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LOWRY
ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 01/11/24

SURVEYOR'S INFORMATION
COLE A. NESET
 REGISTERED LAND SURVEYOR
 LS - 7513
 5306 51ST AVE S. STE A.
 FARGO, ND 58104

AREA		
LOTS	221,626 SF	5.08 ACRES
RIGHT OF WAY	65,839 SF	1.51 ACRES
TOTAL AREA	287,465 SF	6.59 ACRES

	BLOCK #
	MONUMENT SET
	MONUMENT FOUND
	EX. EASEMENT
	EX. PROPERTY LINE
	EX. SECTION LINE
	PROPERTY BOUNDARY LINE
	NEW ROW/PROPERTY LINE
	NEW EASEMENT LINE
	EX. NON ACCESS LINE

DATE _____

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GOOD SHEPHERD LUTHERAN CHURCH BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS GOOD SHEPHERD NORTH SUBDIVISION, AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND GAS DISTRIBUTION LINES AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

USA FAX
USA FAX, ADMINISTRATOR
GOOD SHEPHERD LUTHERAN CHURCH
BISMARCK, ND

Randy Bakke
RANDY BAKKE (NORTH 1/2 OF CANADA AVENUE)
116 N 2ND ST
BISMARCK, ND 58501

STATE OF NORTH DAKOTA

COUNTY OF BURLINGHAM

ON THIS 26 DAY OF July, 2005, BEFORE ME PERSONALLY APPEARED Randy Bakke KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE

ANNE ZIMMERMAN
Notary Public
State of North Dakota
My Commission Expires Oct. 26, 2010

Randy Bakke
NOTARY PUBLIC
NORTH DAKOTA
MY COMMISSION EXPIRES Oct 26, 2010

STATE OF NORTH DAKOTA

COUNTY OF BURLINGHAM

ON THIS 26 DAY OF July, 2005, BEFORE ME PERSONALLY APPEARED Randy Bakke KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE

ANNE ZIMMERMAN
Notary Public
State of North Dakota
My Commission Expires Oct. 26, 2010

Randy Bakke
NOTARY PUBLIC
NORTH DAKOTA
MY COMMISSION EXPIRES Oct 26, 2010

DESCRIPTION

A TRACT OF LAND LOCATED IN A PART OF THE EAST ONE HALF OF SECTION 17 - TOWNSHIP 139 NORTH - RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF BURLINGHAM, STATE OF NORTH DAKOTA BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE N00°32'28"E ON THE EAST LINE OF SECTION 17 A DISTANCE OF 1900.00 FEET TO THE POINT OF BEGINNING; THENCE N89°27'32"W A DISTANCE OF 562.10 FEET; THENCE N88°10'37"W A DISTANCE OF 217.40 FEET; THENCE N00°18'07"W A DISTANCE OF 150.00 FEET; THENCE N39°13'53"E A DISTANCE OF 110.00 FEET; THENCE N05°46'07"W A DISTANCE OF 430.00 FEET; THENCE N01°13'33"E A DISTANCE OF 170.00 FEET; THENCE S89°43'53"W A DISTANCE OF 130.00 FEET; THENCE N70°46'07"W A DISTANCE OF 48.02 FEET; THENCE N00°30'47"E A DISTANCE OF 487.67 FEET; THENCE S89°27'52"E A DISTANCE OF 944.80 FEET TO THE EAST LINE OF SAID SECTION 17; THENCE S00°32'28"W ON SAID EAST LINE A DISTANCE OF 1537.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.87 ACRES OF LAND MORE OR LESS. THE BASIS OF BEARINGS IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

SURVEYOR'S CERTIFICATE

I, ALAN W. ERICKSON, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE REPRESENTATION OF GOOD SHEPHERD NORTH SUBDIVISION, BURLINGHAM COUNTY, NORTH DAKOTA. FURTHER THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.



Alan W. Erickson
ALAN W. ERICKSON N.D. 1912-1222
ULTEIG ENGINEERS, INC. 1412 BASIN AVENUE
BISMARCK, N.D. 58504

STATE OF NORTH DAKOTA

COUNTY OF BURLINGHAM

ON THIS 26 DAY OF July, 2005, BEFORE ME PERSONALLY APPEARED ALAN W. ERICKSON KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE

MARLYN MEIER
Notary Public
State of North Dakota
My Commission Expires July 30, 2010

MARLYN MEIER
MARLYN MEIER, NOTARY PUBLIC
BURLINGHAM COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 7/30/10

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 26 DAY OF JULY, 2005, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

David Buckenstad
DAVID BUCKENSTAD - CHAIRMAN

Carl D. Hokenstad
CARL D. HOKENSTAD - SECRETARY

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 26 DAY OF April, 2005.

W. C. Wocken
ATTEST:
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF THE CITY ENGINEER

I, MEL BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE GOOD SHEPHERD NORTH SUBDIVISION, BURLINGHAM COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.



Mel Bullinger
MEL BULLINGER, P.E.
CITY ENGINEER

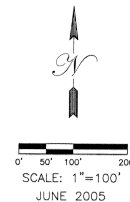
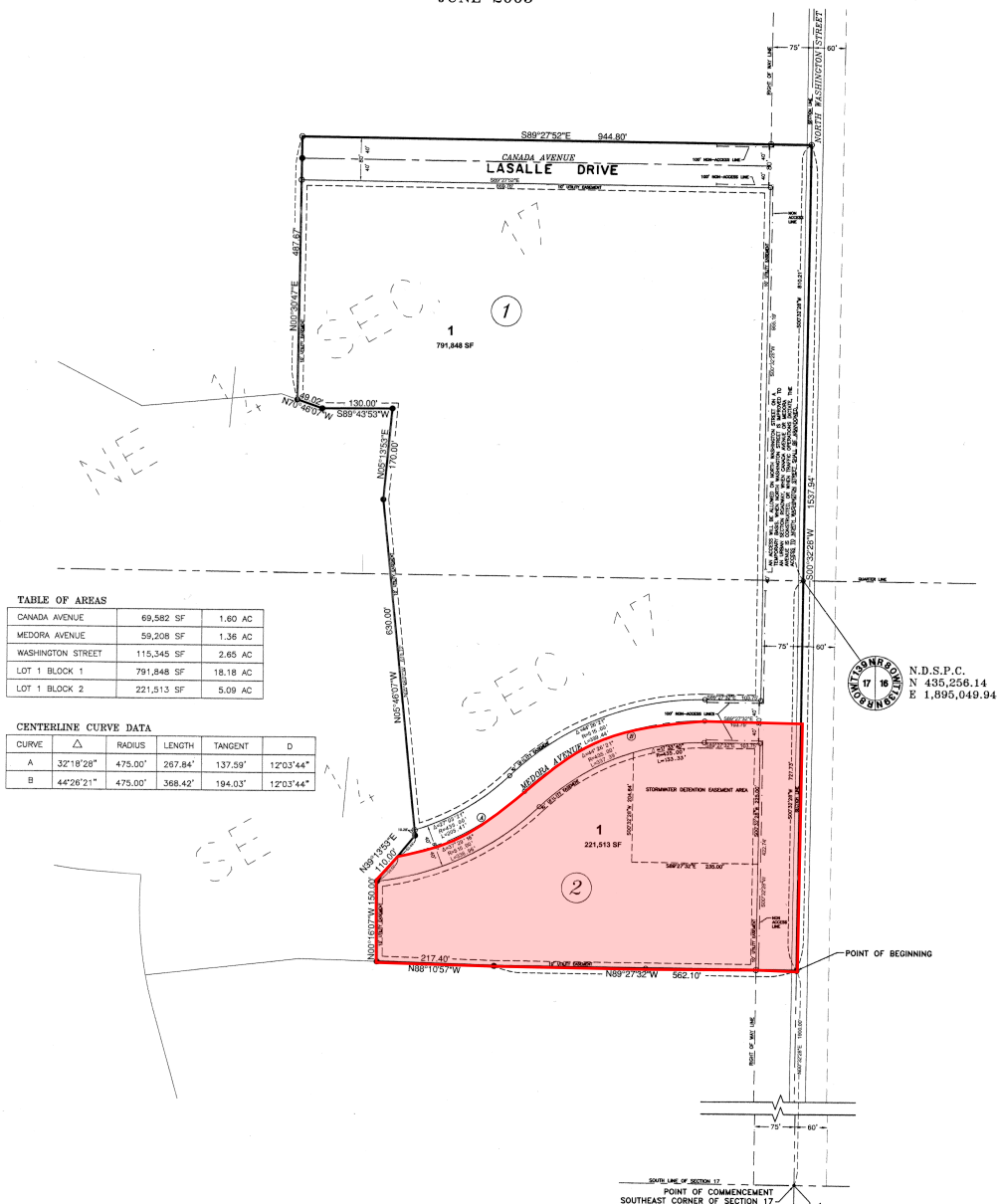
GOOD SHEPHERD NORTH ADDITION

PART OF E 1/2 OF

SECTION 17 - T139N - R80W

BISMARCK, NORTH DAKOTA

JUNE 2005



NOTES

1. COORDINATES SHOWN ARE NAD 83 (1988 ADJUSTMENT) VALUES BASED ON CITY OF BISMARCK GPS MONUMENTS, NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

- SET MONUMENT
- MONUMENT TO BE SET

Prepared by:



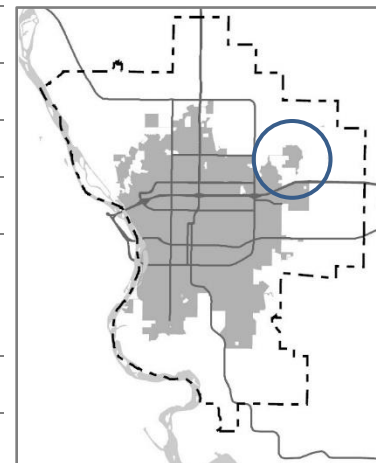
Bismarck, North Dakota
Bismarck, North Dakota 58504
Phone: 701.684.8800 Fax: 701.684.1180
Owner: Mr. Alan
Project: 100-000000

July 07, 2005

Page 86 of 112

Project Summary

<i>Title:</i>	Silver Ranch Third Addition Second Replat
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Investcore, Inc
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	In northeast Bismarck, north of Welder Avenue and east of Silver Boulevard, along future extensions of Halverson Avenue and Silvernagel Drive
<i>Project Size:</i>	6.1 acres
<i>Applicant Request:</i>	Replat lots to allow for twin home construction
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	16 lots in 2 blocks	<i>Lots/Blocks:</i>	22 lots in 2 blocks
<i>Land Use:</i>	Undeveloped residential	<i>Land Use:</i>	Two-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	R10 – 10 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Silver Ranch

Property History

<i>Zoned:</i>	12/2020
<i>Platted:</i>	11/2020
<i>Annexed:</i>	12/2023 partial, rest in process

(continued)

Project Narrative

Investcore, Inc. is requesting approval of a minor subdivision final plat titled Silver Ranch Third Addition Second Replat. This project is a replat of Lots 9-19, Block 8, and Lots 1-5, Block 14, Silver Ranch Third Addition, as well as all adjacent right-of-way for Halverson Avenue and Silbernagel Drive.

The applicant wishes to rearrange lot lines to increase the number of lots in this area to facilitate twin home development. The zoning is currently R10 – Residential and that is not being requested to change.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

The project is located in the still developing Silver Ranch neighborhood. As such, much of the area is undeveloped, but is platted and zoned in a way that it would be surrounded by a mixture of single- and two-family residential to the south and west. Some residential development to the north could be expected in the future, but the land currently to the north and east is undeveloped and may continue to be so for the near future.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 13 postcards were mailed to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning

(continued)

and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer. The replat is reorganizing lot lines of a previously approved subdivision and will utilize previously platted stormwater infrastructure as a part of that plat. No changes to the zoning are being proposed, therefore the style of development is anticipated to be similar to what was expected with the previous subdivision plat.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Some of the lots in this area have been taken into account as part of a previous twin home site plan, and the remaining capital utility charges will be due at the time a petition for street construction is received by the City Engineering Department.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Silver Ranch Third Addition Second Replat.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

(continued)

Staff report prepared by: Isak Johnson, AICP, Planner
701-355-1850 | ijohnson@bismarcknd.gov

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

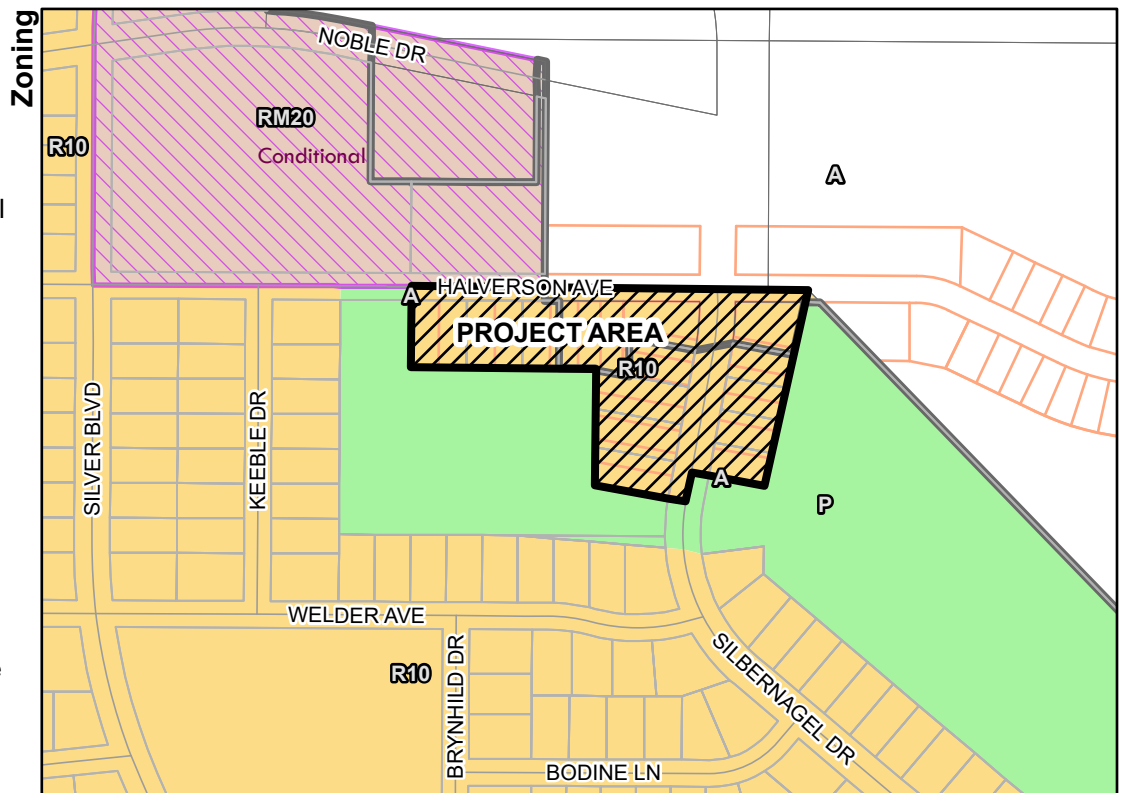
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

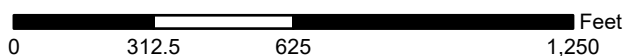
— Future Shared Trail

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
▬	City Limits



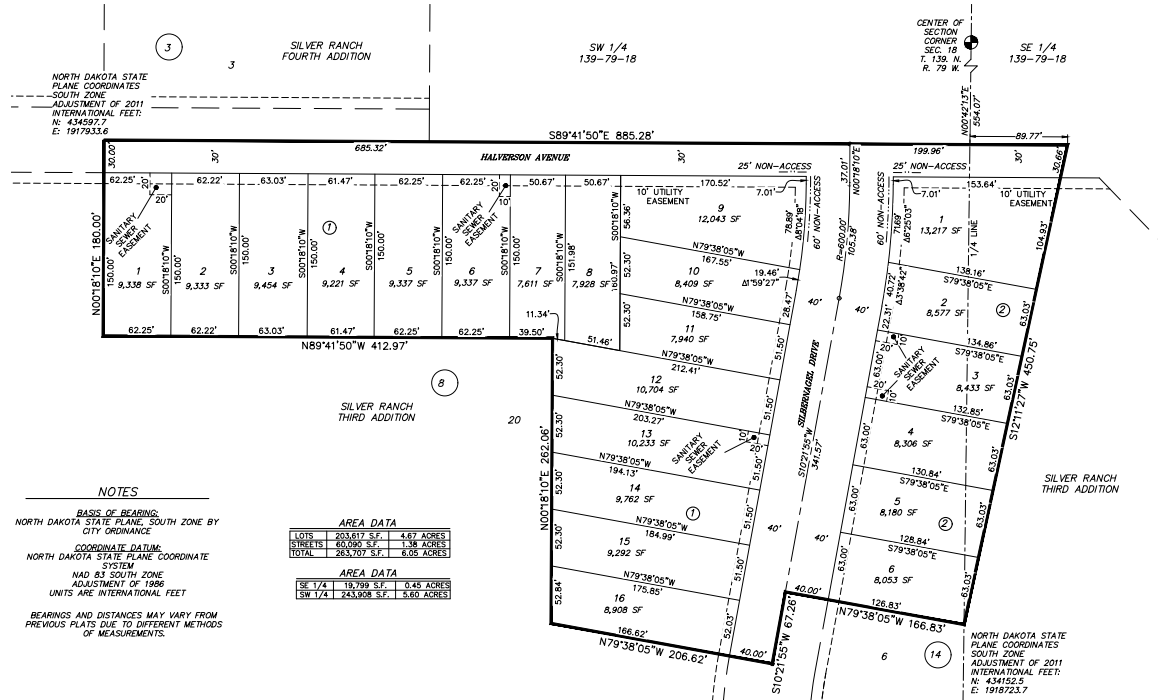
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
June 17, 2025

SILVER RANCH THIRD ADDITION SECOND REPLAT

BEING A REPLAT OF LOTS 9-19 BLOCK 8,
LOTS 1-5 BLOCK 14, PART OF THE SOUTH 1/2 OF
HALVERSON AVENUE & PART OF SILBERNAGEL DRIVE
RIGHTS-OF-WAY SILVER RANCH THIRD ADDITION
PART OF THE SOUTH 1/2 OF SECTION 18
TOWNSHIP 139 NORTH RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE
COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

AREA DATA	
LOTS	203,617 S.F. 4.67 ACRES
SUBS	62,790 S.F. 1.44 ACRES
TOTAL	266,407 S.F. 6.11 ACRES

AREA DATA	
SE 1/4	18,799 S.F. 0.43 ACRES
SW 1/4	24,998 S.F. 0.56 ACRES

DESCRIPTION

BEING A REPLAT OF LOTS 9-19 BLOCK 8, LOTS 1-5 BLOCK 14, PART OF THE SOUTH 1/2 OF HALVERSON AVENUE & PART OF SILBERNAGEL DRIVE RIGHTS-OF-WAY SILVER RANCH THIRD ADDITION, PART OF THE SOUTH 1/2 OF SECTION 18, TOWNSHIP 139 NORTH RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 20 BLOCK 8 SILVER RANCH THIRD ADDITION; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, ON THE BOUNDARY OF SAID LOT 20, A DISTANCE OF 412.97 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECONDS EAST, CONTINUING ON SAID BOUNDARY AND ITS NORTHERLY EXTENSION, A DISTANCE OF 180.00 FEET TO THE NORTH LINE OF SAID SILVER RANCH THIRD ADDITION; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, ON SAID BOUNDARY, A DISTANCE OF 885.28 FEET TO THE NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 6 BLOCK 14 SILVER RANCH THIRD ADDITION; THENCE SOUTH 12 DEGREES 11 MINUTES 11 SECONDS WEST, ON SAID WEST AND ITS NORTHEASTERLY EXTENSION, A DISTANCE OF 430.75 FEET; THENCE NORTH 79 DEGREES 38 MINUTES 05 SECONDS WEST, ON THE BOUNDARY OF SAID LOT 6 AND ITS WESTERLY EXTENSION, A DISTANCE OF 166.63 FEET TO THE CENTERLINE OF SILBERNAGEL DRIVE RIGHT-OF-WAY; THENCE SOUTH 10 DEGREES 21 MINUTES 55 SECONDS WEST, ON SAID CENTERLINE, A DISTANCE OF 67.26 FEET; THENCE NORTH 79 DEGREES 38 MINUTES 05 SECONDS WEST, A DISTANCE OF 206.62 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECONDS EAST, A DISTANCE OF 262.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 6.05 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2025, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3599

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 2025, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN BREITH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 2025, DAY OF 2025.

MICHAEL T. SCHWITZ - PRESIDENT

ATTEST
JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT INVESTCORE, INC. AND ASPIRE HOMES, INC. BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SILVER RANCH THIRD ADDITION SECOND REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE UTILITY EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHER GRANT SANITARY SEWER EASEMENTS TO THE CITY OF BISMARCK; SAID EASEMENTS TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS SANITARY SEWER EASEMENTS.

STATE OF NORTH DAKOTA)

CHAD WACHTER, PRESIDENT
INVESTCORE, INC.

COUNTY OF BURLEIGH)

ON THIS 2025, DAY OF 2025, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF INVESTCORE, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

GREG MEIDINGER, PRESIDENT
ASPIRE HOMES, INC.

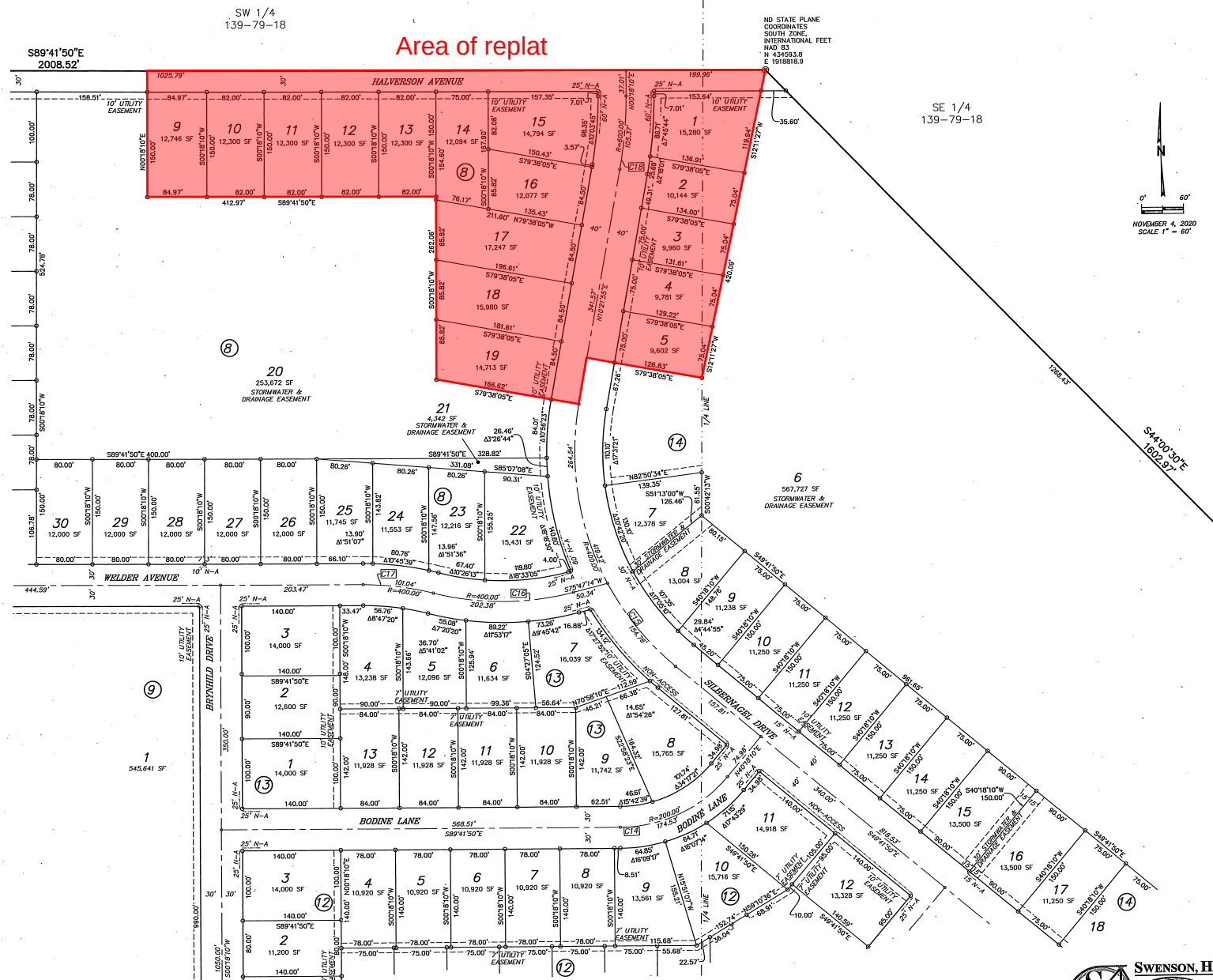
ON THIS 2025, DAY OF 2025, BEFORE ME PERSONALLY APPEARED GREG MEIDINGER OF ASPIRE HOMES, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



SWENSON, HAGEN & COMPANY P.C.
3002 Newton Avenue
Bismarck, North Dakota 58504
dsh@swensohagen.com
Phone (701) 223-2600
Fax (701) 223-2600
Civil Engineering
Landscaping & Site Design
Construction Management

SILVER RANCH THIRD ADDITION
BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



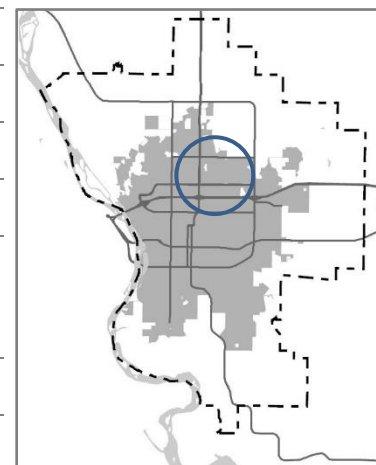
SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2666
Fax (701) 223 - 2666

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

Project Summary

<i>Title:</i>	Basin Electric Fourth Addition, Block 1, Lot 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Columbo LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	In north, central Bismarck in the southwest quadrant of the intersection of East Century Avenue and North 19th Street
<i>Project Size:</i>	22,999 sf
<i>Applicant Request:</i>	Allow drive-through in conjunction with a coffee shop
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Drive through coffee shop
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	Conditional CG – Commercial	<i>Zoning:</i>	Conditional CG – Commercial
<i>Uses Allowed:</i>	Conditional CG – Uses specified in ordinance	<i>Uses Allowed:</i>	Conditional CG – Uses specified in ordinance
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Memorial

Property History

<i>Zoned:</i>	09/2023
<i>Platted:</i>	07/2022
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

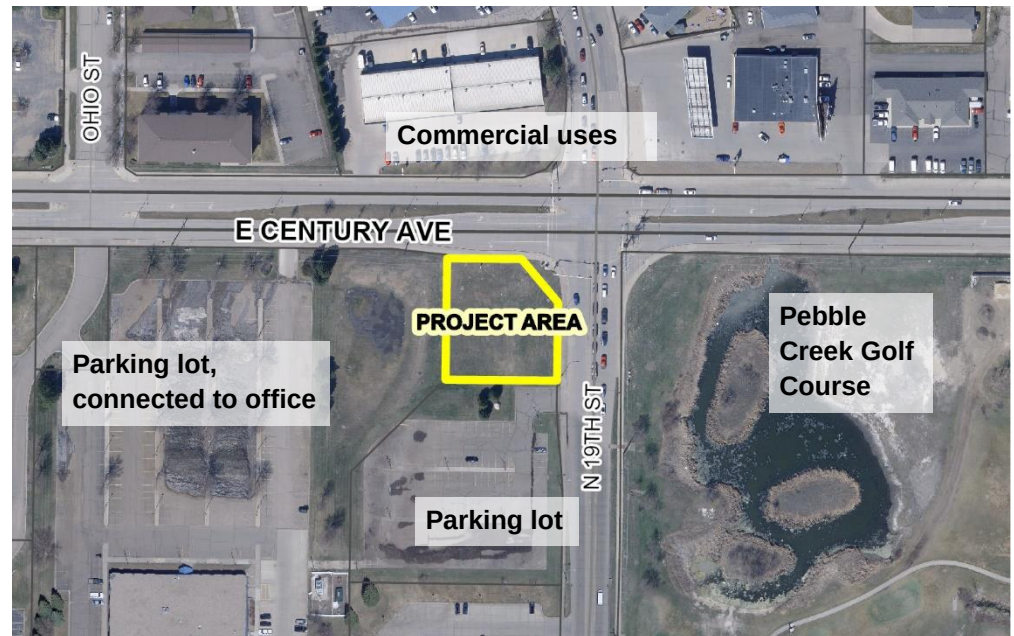
Columbo, LLC is requesting approval of a special use permit (SUP) on Lot 1, Block 1, Basin Electric Fourth Addition.

The special use permit would be used for a drive-through coffee shop. The property is zoned as a Conditional CG – Commercial district. Drive throughs, such as for a coffee shop, are permitted in this district with a special use permit.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to special use permits are referenced in review standards below.

The property is adjacent to parking lots to the west and south, with some offices farther in those directions. To the north and east, respectively, are commercial uses and Pebble Creek Golf Course.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 10 postcards were mailed

to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings

(continued)

of fact, related to land use, are presented in response to each standard.

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

Yes. Drive-in/drive-through standards outlined in 14-03-08(4)g have been, or will be, met by the proposed special use:

"1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located."

This requirement would be met according to the submitted site plan.

"2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets."

This requirement would be met according to the submitted site plan.

"3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided."

This requirement would be met according to the submitted site plan. Additionally, a drive-through in conjunction with a coffee shop requires 10 stacking spaces. This requirement would also be met according to the submitted site plan.

"4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street."

This requirement would be met according to the submitted site plan.

"5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer."

This requirement would be met according to the submitted site plan.

"6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines."

This requirement would be met according to the submitted site plan.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed special use permit would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

(continued)

Yes. The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the proposed special use permit for a drive-through in conjunction with a coffee shop for Lot 1, Block 1, Basin Electric Fourth Addition.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR A DRIVE-THROUGH
IN BASIN ELECTRIC FOURTH ADDITION (SUP2025-009)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 1, Block 1, Basin Electric Fourth Addition have requested approval of a special use permit to allow a drive-through in conjunction with a coffee shop in the Conditional CG - Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on June 25, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition is hereby approved, subject to the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 25th day of June, 2025.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this June 25, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota

Date

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

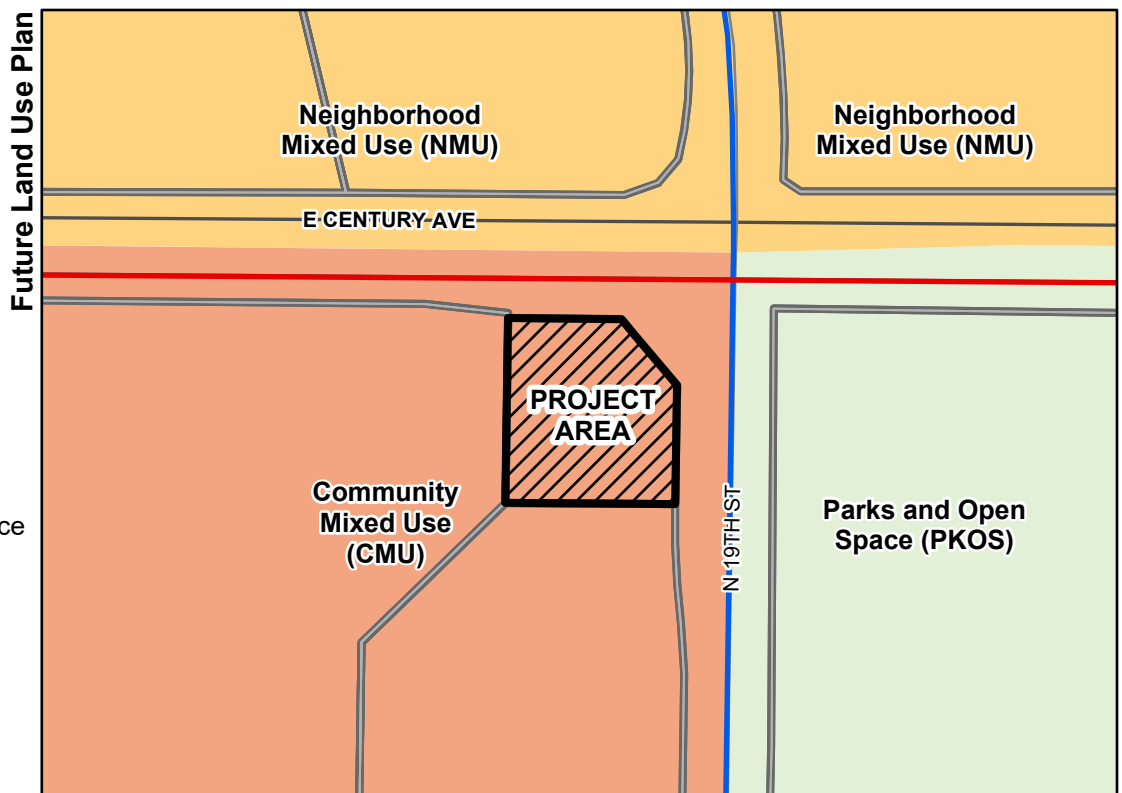
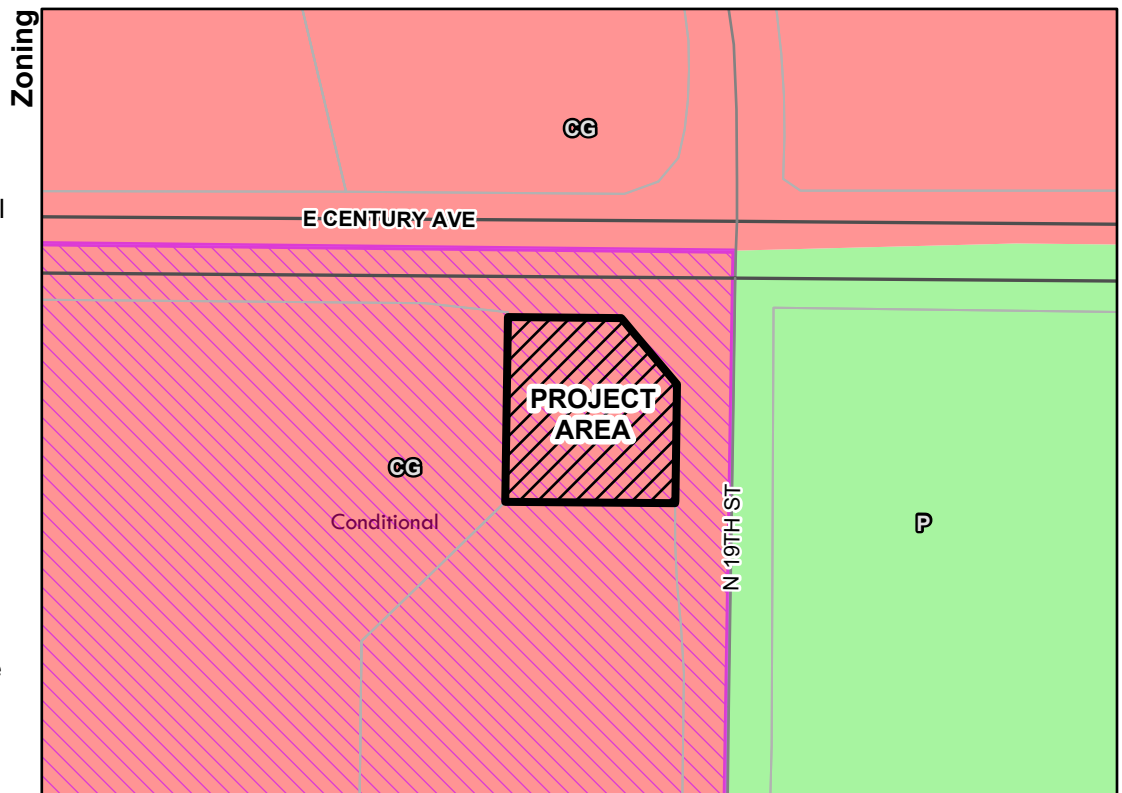
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- ▬ City Limits



*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*

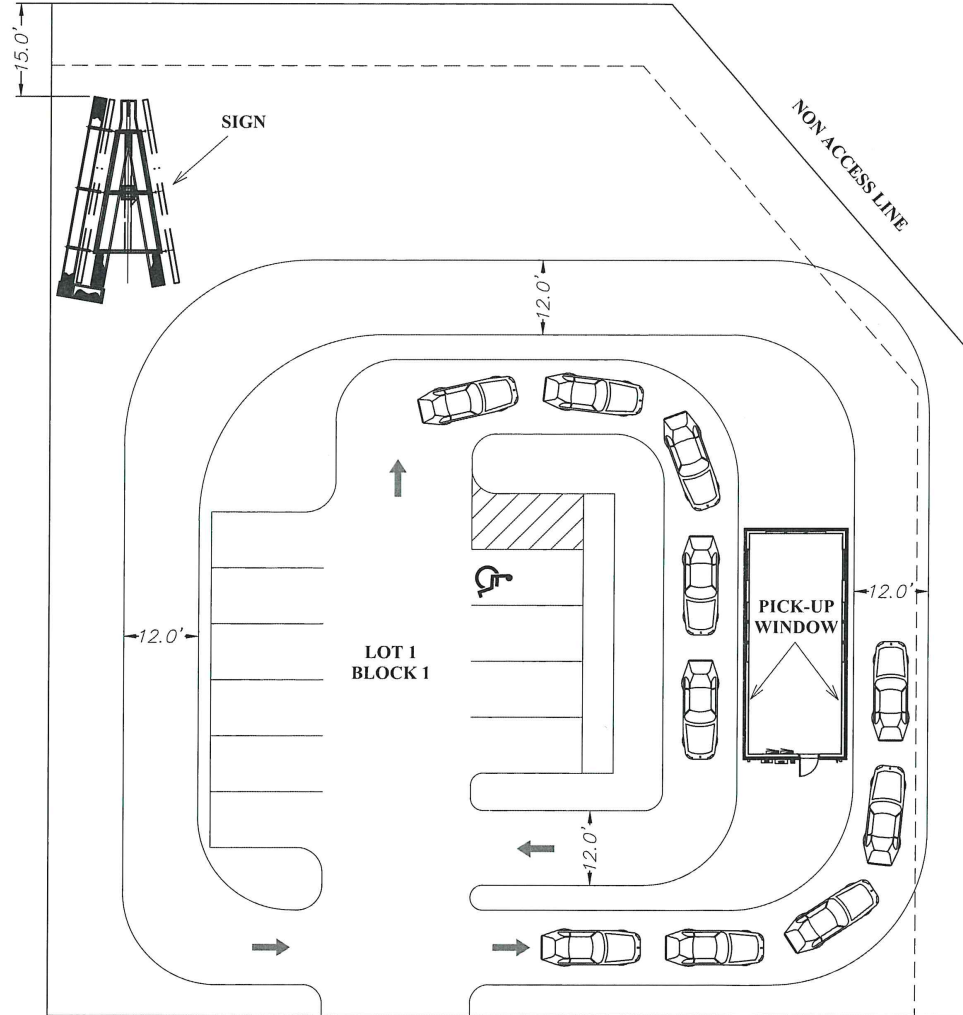
0 120 240 480 Feet



City of Bismarck
Community Development
Planning Division
June 17, 2025

EAST CENTURY AVE

NON ACCESS LINE



SIGN

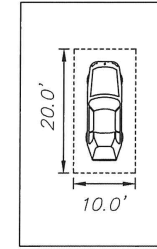
LOT 1
BLOCK 1

PICK-UP
WINDOW

NON ACCESS LINE

NON ACCESS LINE

NORTH 19TH ST



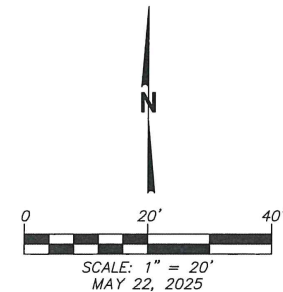
20' X 10' TYP. REQUIRED
VEHICLE STACKING

PROPOSED COFFEE SHOP WITH
TWO DRIVE-THRU WINDOWS :

VEHICLE STACKING:

REQUIRED: 10 STACKING SPACES

PROVIDED: TWO LANES OF 5
STACKING SPACES AT
EACH WINDOW



RECEIVED
MAY 23 2025

EXHIBIT 1.0 - SPECIAL USE PERMIT
LOT 1 BLOCK 1 BASIN ELECTRIC 4TH ADDITION

SWENSON, HAGEN & COMPANY P.C.
160 Basin Avenue
Bismarck, North Dakota 58101
Phone (701) 227-2900
Fax (701) 227-2905

Services:
Surveying
Land Planning
Civil Engineering
Construction Management

STAFF REPORT

Agenda Item # 31

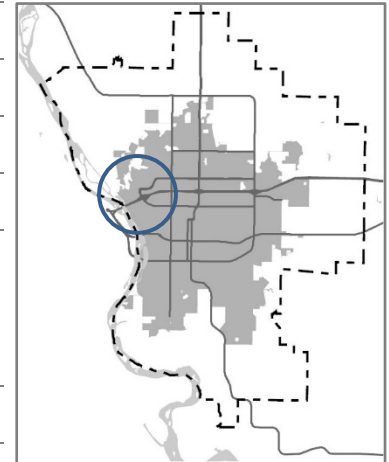
June 25, 2025

Application for: **Special Use Permit**

Project ID: **SUP2025-008**

Project Summary

<i>Title:</i>	Country West V Second Replat, Block 1, Lot 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Capital Credit Union
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	In west central Bismarck, north of Interstate 94, south of West Century Avenue, in the northeast portion of the intersection of Burnt Boat Drive and Tyler Parkway
<i>Project Size:</i>	77,066 square feet, more or less
<i>Applicant Request:</i>	Allow a drive-through in conjunction with a coffee shop
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Bank	<i>Land Use:</i>	Bank with a coffee shop
<i>Future Land Use:</i>	Destination Mixed Use (DMU)	<i>Future Land Use:</i>	Destination Mixed Use (DMU)
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Pinehurst

Property History

<i>Zoned:</i>	11/1982
<i>Platted:</i>	09/2004
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Capital Credit Union is requesting approval of a special use permit for a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat.

The property is zoned CG – Commercial. A drive-through is permitted as a special use in the CG – Commercial zoning district with approval by the Planning and Zoning Commission.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Destination Mixed Use (DMU) in the Future Land Use Plan. The DMU areas are the major commercial and employment centers that serve the entire regional trade area of Bismarck as well as visitors. Goals and objectives of this plan as they relate to this special use permit are referenced in review standards below.

Adjacent uses include a restaurant and offices to the north, restaurants and a shopping center to the east, restaurants and a convenience store to the south across Burnt Boat Drive, and a bank, offices, and the Bismarck-Mandan Convention and Visitors Bureau to the west across Tyler Parkway.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and 20, and 14 postcards were mailed to the owners of nearby properties on June 13, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

(continued)

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Yes. *Drive-in/drive-through standards outlined in 14-03-08(4)g have been, or will be, met by the proposed special use:*

"1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located."

Based on the site exhibit submitted, this requirement would be met.

"2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets."

Based on the site exhibit submitted, this requirement would be met.

"3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided."

Based on the site exhibit submitted, this requirement would be met. The drive-through requires 10 stacking spaces which are provided on the north side of the site, stacking behind the menu and ordering board. An additional three stacking spaces are available behind the coffee shop pick-up window.

"4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street."

Based on the site exhibit submitted, this requirement would be met. Access for the site is provided via an access easement on the east side of the site.

"5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer."

Based on the site exhibit submitted, this requirement would be met.

"6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines."

Based on the site exhibit submitted, this requirement would be met.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed special use permit would support the purpose of the zoning ordinance, as

(continued)

stated in the City Code of Ordinances and North Dakota Century Code.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed special use permit (Section 14-03-08(1)c)

Yes. The proposed special use permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed special use permit (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit for a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR A DRIVE-THROUGH
IN COUNTRY WEST V SECOND REPLAT (SUP2025-008)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lot 1, Block 1, Country West V Second Replat have requested approval of a special use permit to allow a drive-through in conjunction with a coffee shop in the CG - Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on June 25, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat is hereby approved, subject to the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 25th day of June, 2025.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this June 25, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth, AICP
Community Development Director
Bismarck, North Dakota

Date

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

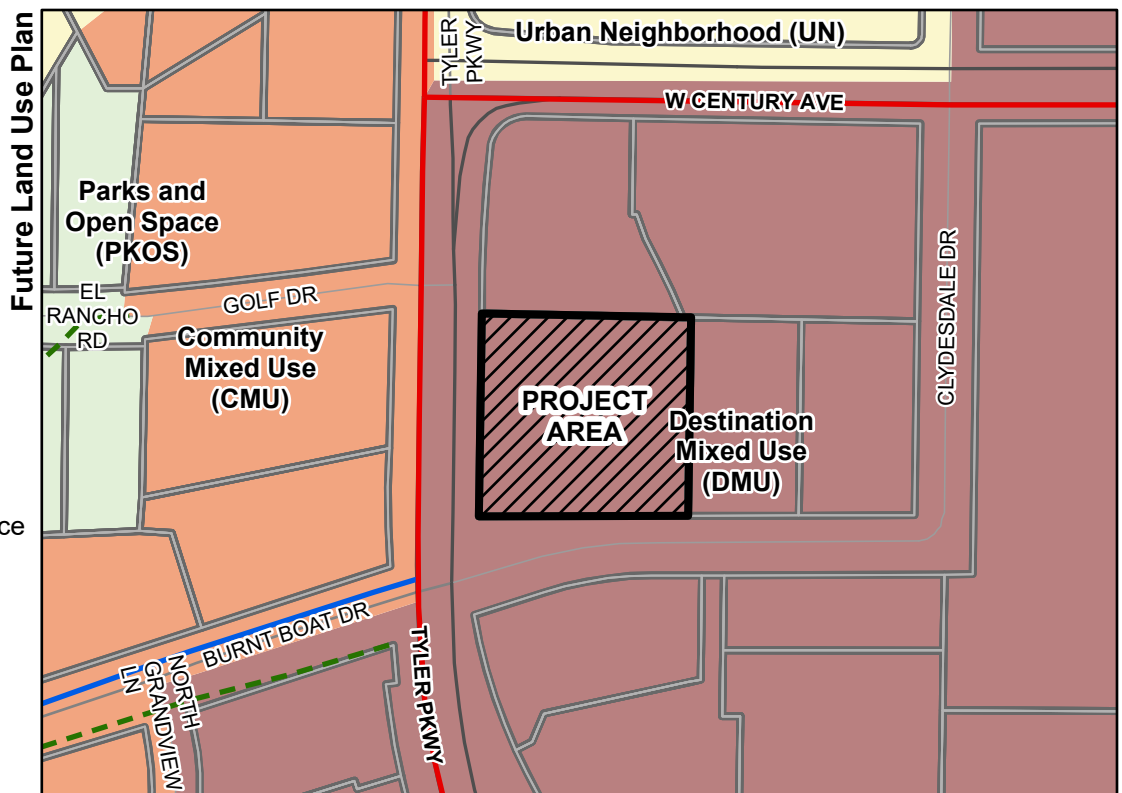
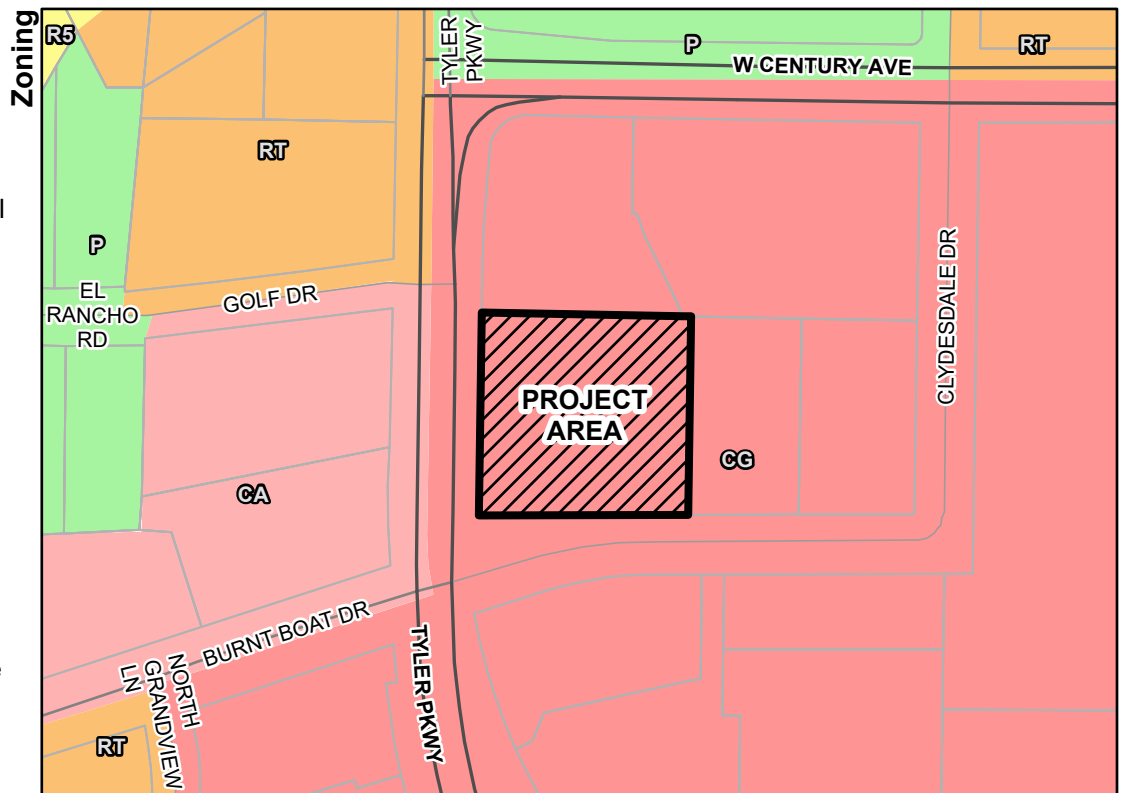
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- City Limits



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 190 380 760 Feet



City of Bismarck
Community Development
Planning Division
June 17, 2025

TYLER PKWY

40'

40'

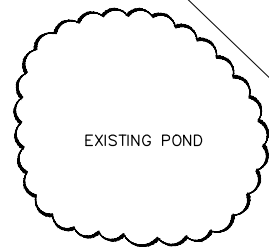
30'

NON ACCESS LINE

NON-ACCESS

274.88'

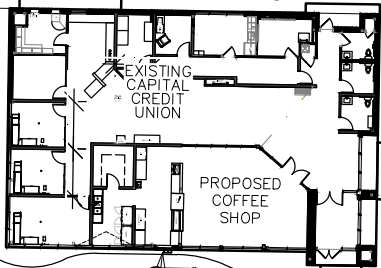
BANK DIRECTIONAL SIGN



EXISTING POND

100' NON-ACCESS
NON ACCESS LINE

10' UTILITY EASEMENT



PROPOSED COFFEE SHOP

EXISTING CAPITAL
* CREDIT UNION

MENU BOARD



PROPOSED COFFEE DRIVE-THRU LANE

PROPOSED STRIPING

BANK TELLER

BANK TELLER

ATM

COFFEE DIRECTIONAL SIGN

268.90'

13'

13'

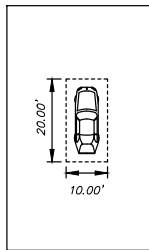
LOT 1
BLOCK 1

24'

283.50'

283.44'

BURNT BOAT DR



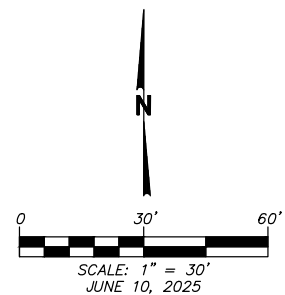
20' X 10' TYP. REQUIRED
VEHICLE STACKING

PROPOSED COFFEE SHOP WITH
DRIVE-THRU WINDOW:

VEHICLE STACKING:

REQUIRED: 10 STACKING SPACES

PROVIDED: 10 STACKING SPACES



SCALE: 1" = 30'
JUNE 10, 2025

EXHIBIT I.0 - SPECIAL USE PERMIT
LOT 1 BLOCK 1 COUNTRY WEST V 2ND REPLAT

SWENSON, HAGEN & COMPANY P.C.
3802 Avenue Avenue
Blaine, MN 55435
Phone (763) 227-2500
Fax (763) 227-2501
www.swhc.com
Land Planning
Landscape & Site Design
Construction Management

STAFF REPORT

Agenda Item # 3J

June 25, 2025

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2025-003**

Project Summary

<i>Title:</i>	Dimensional Standards in P – Public Zoning Districts
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Project Contact:</i>	Isak Johnson, Planner, AICP
<i>Request:</i>	Amend the regulations regarding height and setbacks for P – Public zoning districts (Section 14-04-16)
<i>Staff Recommendation:</i>	Approve

Project Narrative

Planning staff have been in communication with Bismarck State College and their consultants regarding a proposed project in a P – Public zoning district. During the course of initial conversations, it was noted that in this section of the zoning ordinance, Section 14-04-16, while the height limit of principal buildings is 75 feet (or 50 feet if within 300 feet of any residentially zoned district), there is a provision for increased setbacks for every “foot or fraction thereof that a building exceeds thirty-five (35) feet” such that an additional foot must add an additional four feet for each side yard and two feet for each front and rear yard.

As such, if a building were to be 75 feet in height, it would require front, rear, and side yard setbacks of 105 feet, 100 feet, and 165 feet, respectively. This is the only zoning district that has such a formula for increasing all building setbacks based on increased building height in this way. The current formula for required setbacks has been noted by staff to be complicated, and at times would render projects infeasible.

Therefore, Planning staff asked for direction from the Planning and Zoning Commission to revise and simplify this formula. At the April 23, 2025,

meeting of the Planning and Zoning Commission, the Commission directed staff to move forward.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 13 and June 20, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

(continued)

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.
- S10(a): Use zoning and other tools to require new development and redevelopments to be harmonious with existing uses in the area and support the health, safety, and public welfare of the community.
- G9: Promote Bismarck as a vibrant community with a high quality of life.

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. This section of the zoning ordinance was last revised on June 9, 2015 (Ord. 6130). The purpose of that update was to add language for reduced maximum building height within 300 feet of residentially zoned property. The portion of the ordinance that requires additional setback distance for each foot over 35 feet in height has been in place since 1953. Conditions have changed since then including the adoption of a new comprehensive plan, and changing market forces which lead to new building projects which could be limited by the current ordinance.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed. The changes are contained to the specific section for P – Public zoning district (Section 14-04-16).

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning text amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment related to the height and setback regulations for the P – Public zoning district (Section 14-04-16).

Attachments

1. Draft zoning ordinance

(continued)

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND 14-04-16 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO BUILDING HEIGHT AND SETBACKS OF P – PUBLIC USE ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amend. 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to P Public Use District, his hereby enacted to read as follows:

14-02-03. “P” Public Use District. In any P public use district the following regulations shall apply.

* * * * *

5. Side yards. Each lot shall have two (2) yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall be not less than twenty (20) per cent of the average width of the lot. On any lot having an average width of sixty (60) feet or less, each side yard shall be not less than ten (10) per cent of the width of the lot, and in no case shall a side yard be less than five (5) feet in width. On any lot having an average width greater than sixty (60) feet neither side yard shall be less than six (6) feet in width; provided, however, that for a building thirty five (35) feet or less in height, neither side yard is required to exceed fifteen (15) feet in width. Each side yard shall not be less than five (5) feet.

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7. Height Limits. No principal building shall exceed seventy-five (75) feet in height, unless said principal building is within three hundred (300) feet of a residential zoning district, in which case no principal building shall exceed fifty (50) feet in height. For each one foot or fraction thereof that a building exceeds thirty five (35) feet in height there shall

be added four (4) feet to the minimum width of each side yard, two (2) feet to the minimum depth of front yard, and two (2) feet to the minimum depth of rear yard required by this section. Any accessory building that exceeds twenty-five (25) feet in height shall be considered a principal building for the purpose of figuring yards and distance from lot boundary lines.

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(Ord. 4384, 07-30-91; Ord. 5486, 02-28-06; Ord. 6130, 06-23-15)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.