



Bismarck Planning and Zoning Commission

MEETING AGENDA July 23, 2025

Tom Baker Meeting Room	City-County Office Building	5:00 PM
-------------------------------	------------------------------------	----------------

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. **Lunde Addition (IJ)**

Preliminary Plat | PPLT2025-007 | Consideration
Staff recommends: Call for Public Hearing

B. **Boulder Ridge Commercial Addition (LO)**

Zoning Map Amendment | ZC2025-015 | Consideration
Staff recommends: Call for Public Hearing

Preliminary Plat | PPLT2025-008 | Consideration
Staff recommends: Call for Public Hearing

C. **Northern Pacific Addition, Block 10, Lots 1-4 (IJ)**

Future Land Use Plan Amendment | FLUP2025-005 | Consideration
Staff recommends: Call for Public Hearing

Zoning Map Amendment | ZC2025-013 | Consideration
Staff recommends: Call for Public Hearing

D. **William Blackstone Addition (JW)**

Zoning Map Amendment | ZC2023-009 | Consideration
Staff recommends: Call for Public Hearing

E. **South Meadows Addition Third Replat, Block 1, Lots 1-10 (LO)**

Future Land Use Plan Amendment | FLUP2025-004 | Consideration
Staff recommends: Call for Public Hearing

Zoning Map Amendment | ZC2025-014 | Consideration
Staff recommends: Call for Public Hearing

F. **Keeping of Chickens within City Limits (JW)**

Zoning Ordinance Text Amendment | ZOTA2025-002 | Consideration
Staff recommends: Call for Public Hearing

3. **REGULAR AGENDA**

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

Zoning Map Amendment | ZC2025-012 | Public Hearing
Staff recommends: Approve

Final Plat | FPLT2025-005 | Public Hearing
Staff recommends: Approve

B. **Boulder Ridge Commercial Addition (LO)**

Annexation | ANNX2025-004 | Final Consideration
Staff recommends: Approve

C. **Oakland Subdivision, Block 1, Lot 4 (JW)**

Special Use Permit | SUP2025-010 | Public Hearing
Staff recommends: Approve

D. **McKenize & Coffin's Addition, Block 91, Lots 1-16 & 24-29 (IJ)**

Special Use Permit | SUP2025-011 | Public Hearing
Staff recommends: Approve

4. **OTHER BUSINESS**

- A. Introduction of Public Comment Period

5. **ADJOURN**

- A. The next meeting of the Planning and Zoning Commission is scheduled for August 27, 2025.
- B. Building Permit Data: [Month to Date](#) or [Year to Date](#)

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 25, 2025**

The Bismarck Planning & Zoning Commission met on June 25, 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 Robert Field, Cole Johnson, Amber Larson, Gabe Schell, Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Lukens, and Schmitz were absent.

Staff members present were 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 May 28, 2025 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the May 28, 2025 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

**2A. ELK RIDGE FOURTH ADDITION
PRELIMINARY PLAT AND ZONING MAP AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Larson made a motion to approve consent agenda item 2A, calling for a public hearing as recommended by staff. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, 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 the final consideration on an annexation of the eastern portion of 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 said, based on the findings contained in the staff report, staff recommends approval of the annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat.

Commissioner Schell noted that utility capital charges would be due prior to recordation of the annexation ordinance, but any funds held in abeyance are added to special assessments the year following the annexation.

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

PUBLIC HEARING – FETTIG SUBDIVISION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a re-approval of a major subdivision final plat titled Fettig Subdivision. The property is located east of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10.

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

Ms. Wollmuth explained that the Planning and Zoning Commission and City Commission approved the proposed plat in 2024, but prior to recordation a site plan was reviewed and staff noted that an additional stormwater and drainage easement was needed on Lot 2, Block 1, and that this re-approval is a result of the added easement.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends re-approval of the major subdivision final plat titled Fettig Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. explained that the reason for re-approval is the addition of drainage easements to the plat to protect any potential future owners.

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

Commissioner Schell asked if the previous condition to annex the property still applies. Ms. Wollmuth said that the annexation petition has been submitted and the conditions of the previous approval have been met.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to re-approve the major subdivision final plat titled Fettig Subdivision. Commissioner Zent seconded the motion, and the motion was unanimously approved with Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – VOSS SUBDIVISION MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a major subdivision final plat titled Voss Subdivision. The property is located south of Bismarck, south of 48th Avenue SE, along the west side of 12th Street SE.

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

Ms. Wollmuth said, based on the findings, staff recommends approval of the major subdivision final plat titled Voss Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co explained that the property owner is platting to allow a single-family home.

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

MOTION: Commissioner Johnson made a motion to approve the major subdivision final plat titled Voss Subdivision. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MUNICIPAL FOURTH ADDITION FIRST REPLAT BLOCK 1, LOTS 2&3 PLANNED UNIT DEVELOPMENT AMENDMENT

Chair Schwartz called for the public hearing on the PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. The property is located in west-central Bismarck, between Schafer Street and Canary Avenue, along the south side of Edwards Avenue.

Ms. Wollmuth provided an overview of the request and stated that, the existing PUD as well as the proposed amendment, include provisions related to high-quality design, slope preservation, landscaping, and other development and aesthetic standards. She explained that the PUD amendment 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.

She added that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the planned unit development 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 PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat.

Commissioner Johnson asked how much flexibility will be allowed on the plans for the site. Ms. Wollmuth replied that the PUD is written specifically to be a hotel with an event center. Chair Schwartz opened the public hearing.

Cameron Fleck – CD Holdings explained the project plans including parking above the ordinance required amount. He added that the project will not impact the area's nature trails.

Commissioner Johnson asked about the aspect of the destination center. Mr. Fleck said the intention for this project is to be a tourist destination.

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

Mr. Nairn said the ordinance does allow minor changes to the plan, allowed by the Community Development Director. Any major changes to the plan would require Planning and Zoning Commission approval.

Commissioner Johnson stated that this site is a premier location and should be a premier destination and an asset to the city. Commissioner Larson said architectural appearance was a major concern for this area and should continue to be so.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the PUD amendment for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SHOULTS ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Shoults Addition. The property is located in central Bismarck, in the northwest quadrant of the intersection of South 3rd Street and East Front 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 would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat titled Shoults Addition.

Commissioner Schell asked if there are any private utilities in the vacated Second Street right-of-way. Mr. Johnson said there are utility easements on the plat and said the consultant would provide further information.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. told the Commission they want to split the property into two lots. He said no utilities exist on the old plat but they have added easements to this proposed plat and increased the right-of-way to 80 feet of East Front Avenue.

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

MOTION: Commissioner Wangen made a motion to approve the minor subdivision final plat titled Shoults Addition. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – VILLAGE COOPERATIVE ADDITION MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Village Cooperative Addition. The property is located in north Bismarck, north of Ash Coulee Drive, in the southwest corner of the intersection of North Washington Street and Medora Avenue.

Ms. Oster provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed 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 titled Village Cooperative Addition.

Chair Schwartz opened the public hearing.

Andrew Schaefer – Real Estate Equities Development, LLC explained the intention is to develop a senior housing project on the eastern lot and future development on the western lot.

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

MOTION: Commissioner Larson made a motion to approve the minor subdivision final plat titled Village Cooperative Addition. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH THIRD ADDITION SECOND REPLAT MINOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat titled Silver Ranch Third Addition Second Replat. The property is located in northeast Bismarck, north of

Welder Avenue and east of Silver Boulevard, along future extensions of Halverson Avenue and Silbernagel Drive.

Mr. Johnson provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed minor subdivision final plat would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat titled Silver Ranch Third Addition Second Replat.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. said the applicant is replatting to build twin homes.

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

MOTION: Commissioner Wangen made a motion to approve the minor subdivision final plat titled Silver Ranch Third Addition Second Replat. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – BASIN ELECTRIC FOURTH ADDITION
BLOCK 1, LOT 1
SPECIAL USE PERMIT – DRIVE THROUGH**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition. The property is located in north, central Bismarck in the southwest quadrant of the intersection of East Century Avenue and North 19th Street.

Mr. Johnson provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed special use would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition.

Commissioner Zent asked if the lot was currently vacant. Mr. Johnson confirmed that the lot was vacant.

Commissioner Johnson asked if there would be any additional requirements due to stacking between multiple windows. Mr. Johnson stated staff did not find any instances of this, but staff did not have concerns with the provided information.

Commissioner Schell asked if the applicant has the right to install access on the south side of the lot. Mr. Johnson said he believes there is an access easement on the south side of the lot.

Chair Schwartz opened the public hearing.

Landon Niemiller – Swenson Hagen & Co. said the lot currently contains a sign. He then confirmed the access easement on the south side of the property. Commissioner Schell said if the applicant is not able to get an additional access easement, they will need to come back to Planning and Zoning for approval.

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

MOTION: Commissioner Zent made a motion to approve the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Basin Electric Fourth Addition. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – COUNTRY WEST V SECOND REPLAT
BLOCK 1, LOT 1
SPECIAL USE PERMIT – DRIVE-THROUGH**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat. The property is located 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.

Ms. Oster provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed special use would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1, Country West V Second Replat.

Commissioner Zent asked if the coffee shop would be located within the existing building. Ms. Oster said that there would be no new construction.

Commissioner Schell asked if the proposed drive-through lane would affect the existing bank drive through lanes. Ms. Oster said the drive-through lane on the west portion would be used by both the bank and the coffee shop.

Chair Schwartz opened the public hearing.

Jason Petryszyn – Swenson Hagen & Co. said not all of the drive-through bank lanes are being used currently so the north end is a free lane that will be the stacking portion for the coffee shop. A parking analysis was conducted, and no additional parking is needed per the ordinance.

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

MOTION: Commissioner Wangen made a motion to approve a special use permit to allow a drive-through in conjunction with a coffee shop on Lot 1, Block 1,

Country West V Second Replat. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – DIMENSIONAL STANDARDS IN P – PUBLIC ZONING DISTRICT ZONING ORDINANCE TEXT AMENDMENT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to amend and simplify the regulations regarding height and setbacks for P – Public zoning districts.

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 zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the zoning ordinance text amendment.

Commissioner Zent encouraged staff to make the side yard setback wider as five feet seems too small.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Wangen made a motion to approve the zoning ordinance test amendment to amend the regulations regarding height and setbacks for P – Public zoning districts. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schwartz, Sivak, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

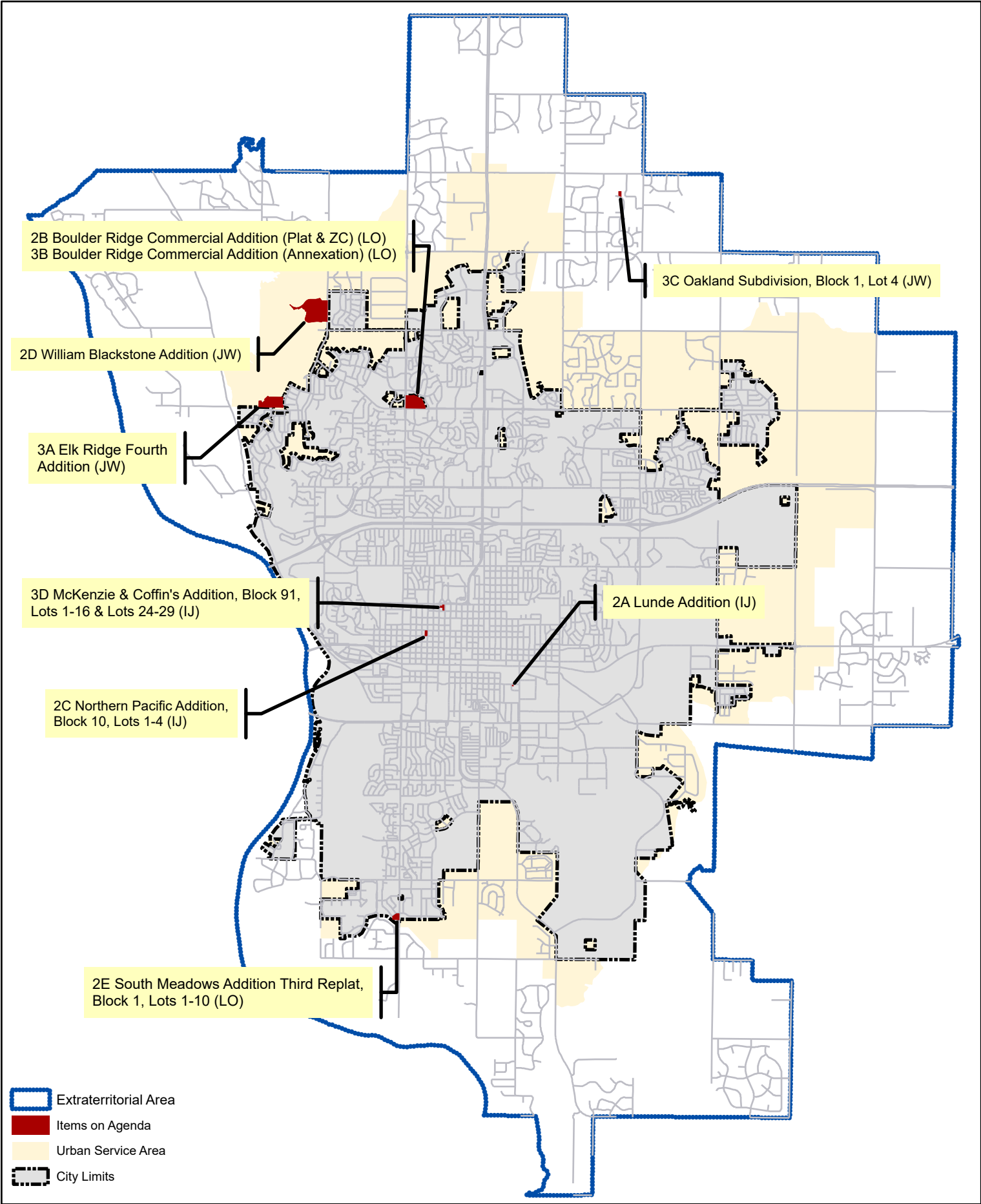
ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:13 p.m. to meet again on July 23, 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

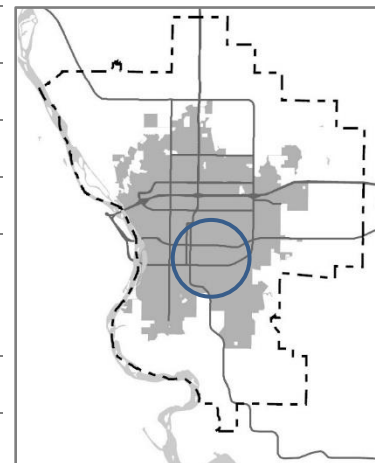
July 23, 2025

Application for: **Preliminary Plat**

Project ID: **PPLT2025-007**

Project Summary

<i>Title:</i>	Lunde Addition
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Viking Builders, Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & co
<i>Project Location:</i>	In central Bismarck, in the southeast quadrant of the intersection of East Bowen Avenue and South 18th Street
<i>Project Size:</i>	0.41 acres
<i>Applicant Request:</i>	Plat the property to facilitate twin home 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>	1 parcel	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Vacant	<i>Land Use:</i>	Twin home residential
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<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>	East Bowen

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	N/A
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Viking Builders, Inc. is requesting approval of a major subdivision preliminary plat for Lunde Addition. The property is located in a older part of central Bismarck that, despite being within city limits for much of Bismarck's history, has never been platted. The request is to take the existing

single parcel of land and plat two lots in one block to facilitate a twin home development.

Municipal infrastructure such as streets, water, and sewer services are already in place. The property is zoned R10 – Residential and that is not being proposed 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 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 major subdivision preliminary plats are referenced in review standards below.

The proposed subdivision is surrounded on all sides by single- and two-family residences with some industrial uses further to the north and east. One block to the south is Tatley-Eagles Park.

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.

(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 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. East Bowen Avenue is identified as an existing collector roadway. This roadway is already constructed and impacts to the roadway as a result of the proposed subdivision are expected to be minimal. 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 11-a](#), Section 14-09-04(2)a(vii))

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District. The proposed subdivision is within a quarter mile of Tatley-Eagles Park (located to the south). As such, the residents would be served by the existing park infrastructure. A waiver letter from the Bismarck Parks and Recreation District is attached at the end of this report.

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 15](#), 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.

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,

(continued)

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), 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 proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the 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. A utility capital charge for the one additional lot will be due at the time of 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 tentative approval/call for a public hearing for the major subdivision preliminary plat of Lunde Addition.

Attachments

1. Zoning and Plan Reference Map
2. Preliminary Plat
3. Neighborhood Park and Open Space Policy Waiver Letter

(continued)

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov



Zoning and Plan Reference Map

LUNDE ADDITION

PPLT2025-007

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

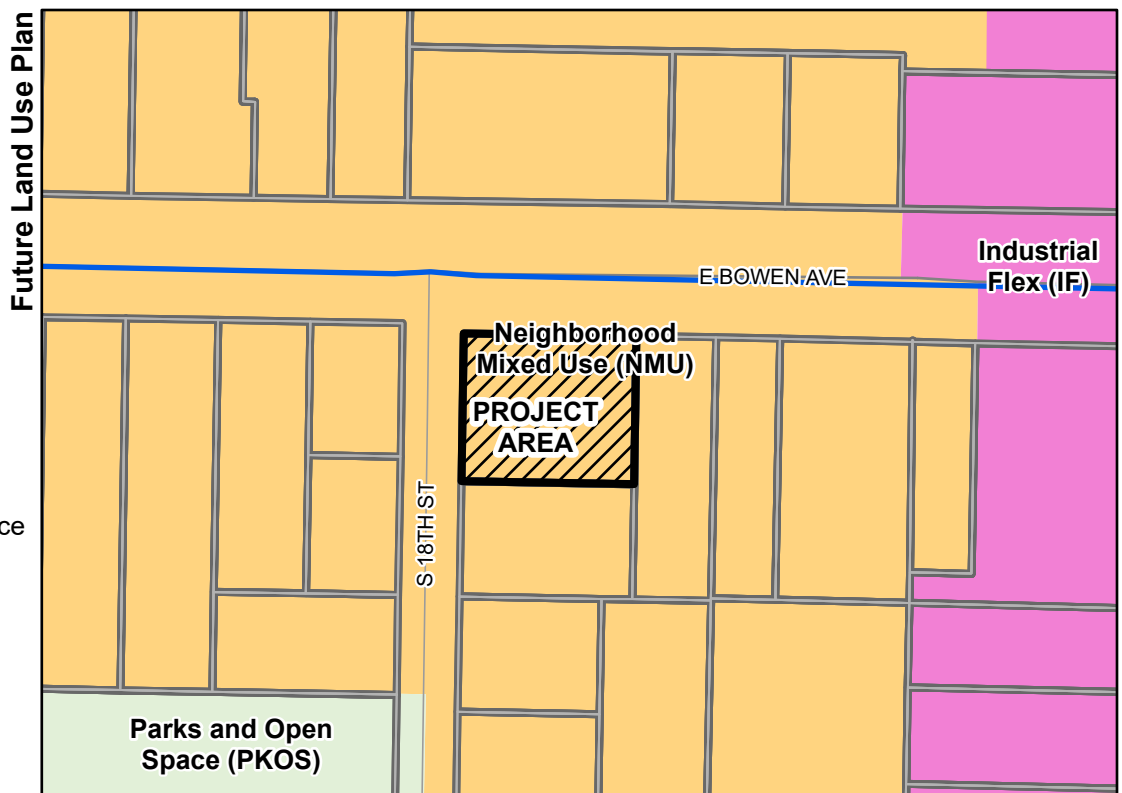
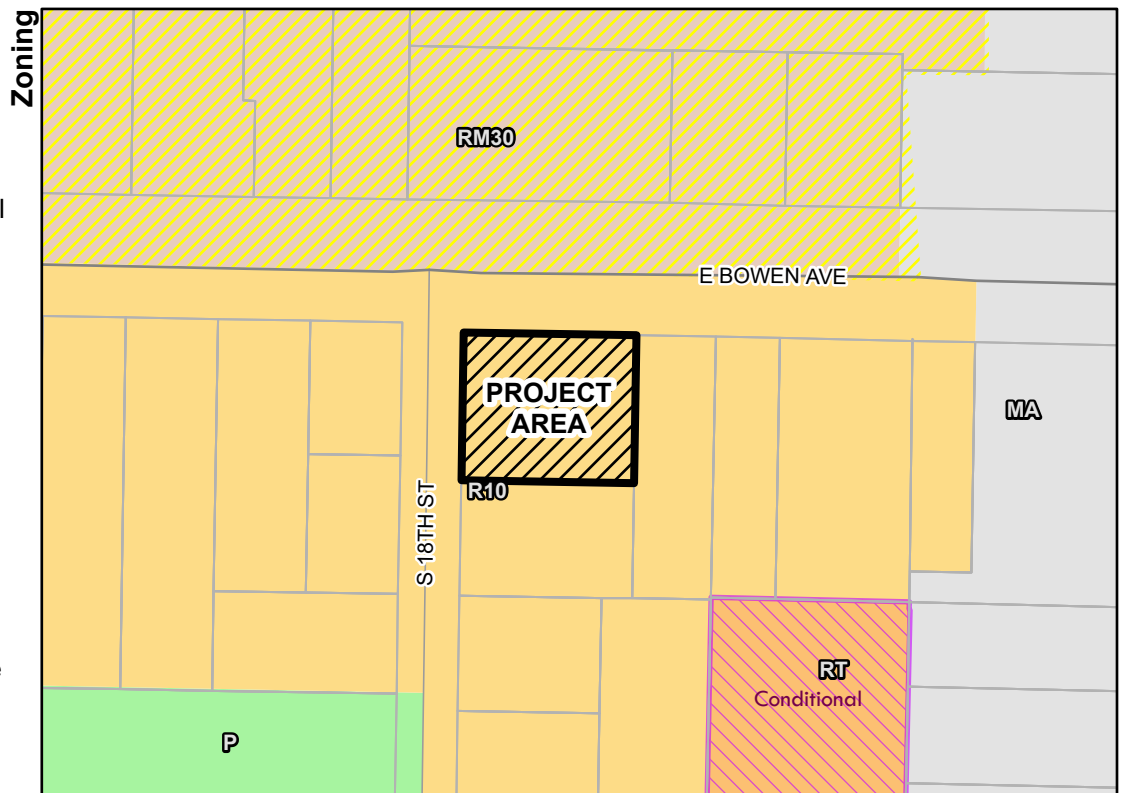
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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

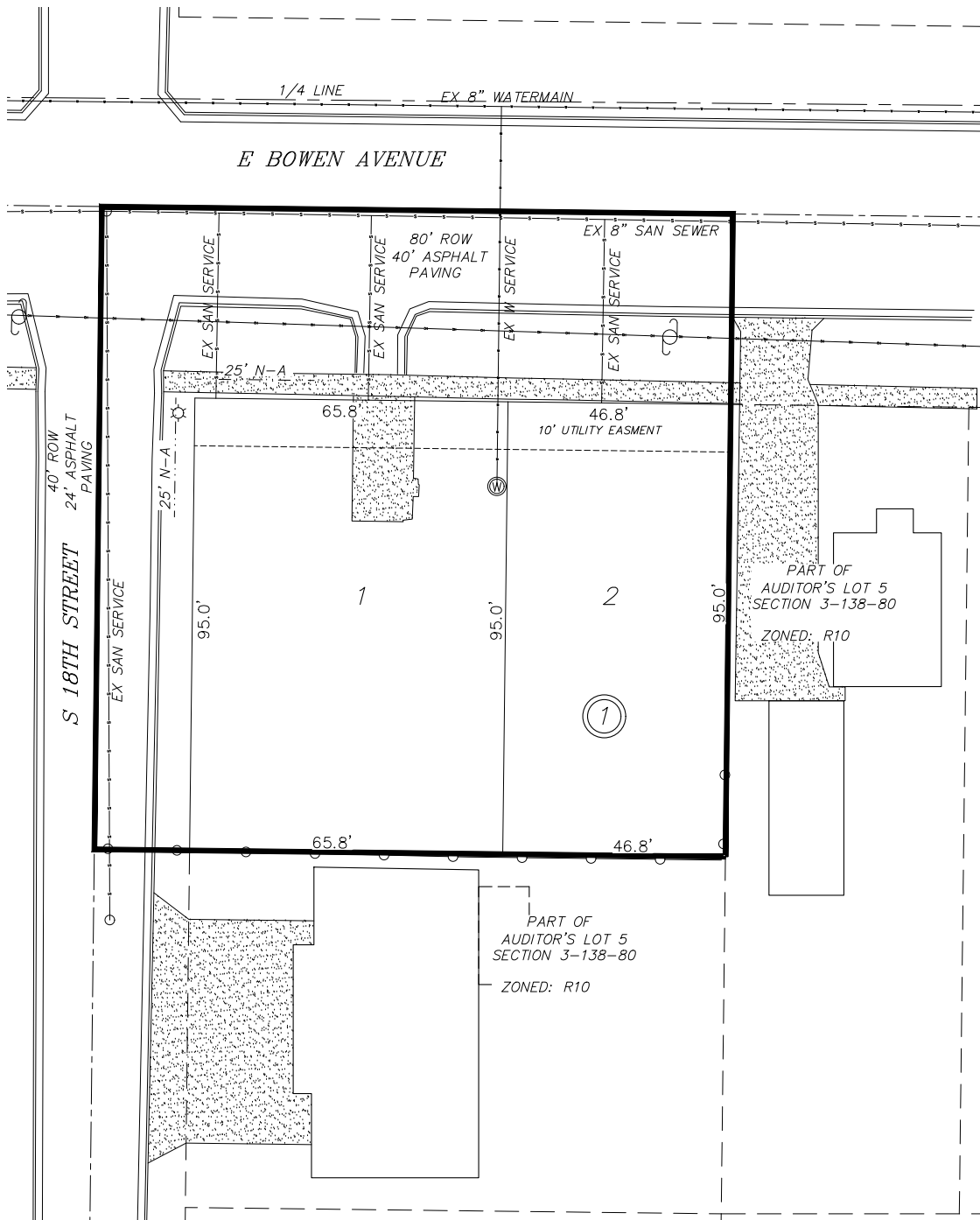


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 90 180 360 Feet



City of Bismarck
Community Development
Planning Division
July 8, 2025



LUNDE ADDITION

PART OF THE SW 1/4 OF SECTION 3
TOWNSHIP 138 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE -- 1" = 10'
VERTICAL DATUM: NAVD 88
JULY 9, 2025

0.41 ACRES
EXISTING ZONING: R10
2 LOTS 1 BLOCK

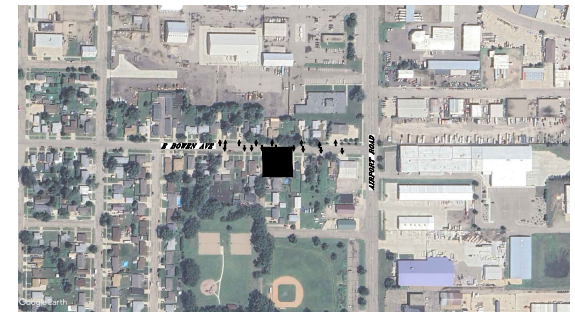
OWNER: VIKING BUILDERS, INC.

CENTERLINE LENGTHS:

BOWEN AVE---133 LF (COLLECTOR)
18TH ST---135 LF (LOCAL)

MAXIMUM ALLOWABLE HOUSING UNITS:

R10 --2 UNITS



LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.

3002 Arroyo Avenue
Bismarck, North Dakota 58504
shc@swensonhagen.com
Phone (701) 223-2000
Fax (701) 223-2006

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

June 26, 2025

City of Bismarck Community Development
Isak Johnson, Planner
221 N. 5th Street
Bismarck, ND 58501

Re: Waiver Letter for Lunde Addition (PPLT2025-007)

Dear Isak:

Lunde Addition is a major subdivision currently in the preliminary plat process and any major plat that is zoned residential would be included in the Neighborhood Park and Open Space policy. We appreciate your continued partnership with the policy and your notice of this project moving forward.

Since the plat is just two lots in one block and is only 0.4 acres in close proximity to Tatley Eagles Park, Bismarck Parks and Recreation District is providing a waiver of the Neighborhood Park and Open Space Policy for the Lunde Addition plat.

Please let me know if you have any questions.



Kevin Klipfel
Executive Director

STAFF REPORT

Agenda Item # 2B

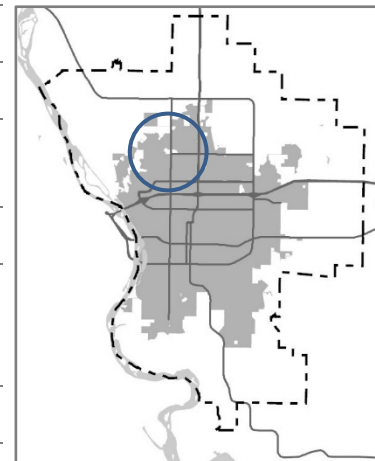
July 23, 2025

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

Project ID: **PPLT2025-008**
ZC2025-015

Project Summary

<i>Title:</i>	Boulder Ridge Commercial Addition
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Wilment Properties LLC Wilment Development LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest Bismarck, in the northeast quadrant of the intersection of North Washington Street and 43rd Avenue Northeast
<i>Project Size:</i>	23.6 acres, more or less
<i>Applicant Request:</i>	Plat and rezone for future commercial 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>	5 parcels in 1 Block	<i>Lots/Blocks:</i>	4 Lots in 2 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial uses
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	CA – Commercial CG – Commercial	<i>Zoning:</i>	CA – Commercial CG – Commercial
<i>Uses Allowed:</i>	CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CA – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CA – 30 units / acre CG – 42 units / acre

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/2005 & 01/2025
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	06/2005
<i>Neighborhood:</i>	Boulder Ridge	<i>Annexed:</i>	Portions in 2005, 2006, & 2007

(continued)

Project Narrative

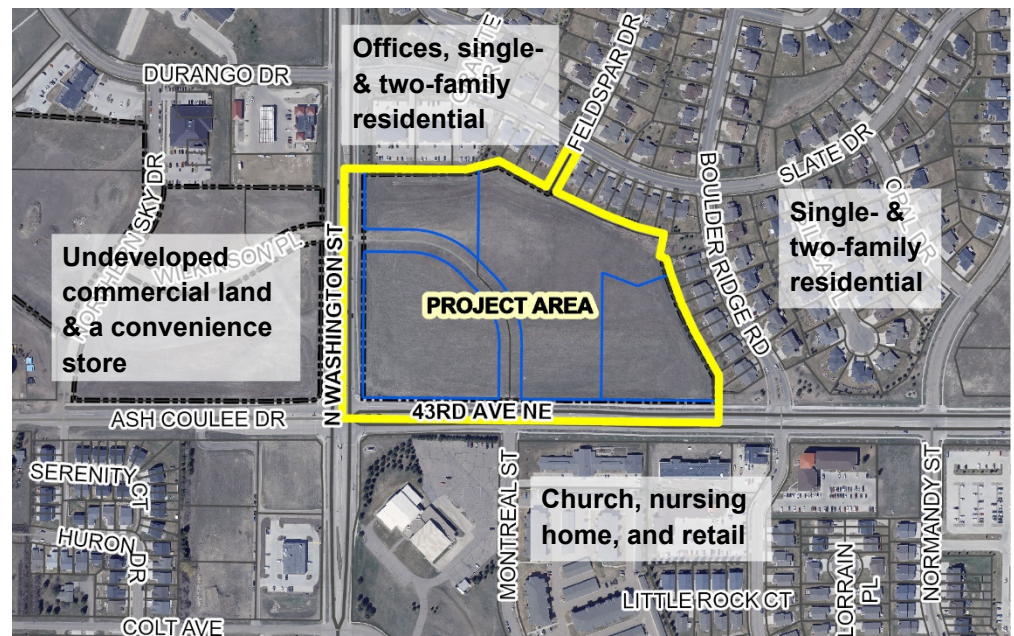
Wilment Properties LLC and Wilment Development LLC are requesting approval of a major subdivision preliminary plat titled Boulder Ridge Commercial Addition and a zoning map amendment from the CA – Commercial and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1, Block 1, Boulder Ridge Commercial Addition. The proposed plat would create 4 lots in 2 blocks.

The applicant has also submitted an annexation for the whole area within the proposed plat. However, due to timing constraints associated with notification requirements for annexations, the applicant has requested that the annexation request be considered separately at this stage in the process.

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 annexations are referenced in review standards below.

Adjacent uses include offices and single- and two-family residential to the north; single- and two-family residential to the east; a church, nursing home, multi-family residential, and retail uses to the south across 43rd Avenue Northeast; and a

convenience store and undeveloped commercial land to the west across North Washington Street.

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.

(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.

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. North Washington Street and 43rd Avenue Northeast are included in the proposed plat and are existing arterial roadways. 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. An existing shared use trail is incorporated into the right-of-way for 43rd Avenue Northeast and an existing street bike connection is available along the right-of-way for Slate Drive. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal 11-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.

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. Access via North Washington Street and 43rd Avenue Northeast will be limited to right in, right out access points to avoid traffic conflicts. 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. 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.

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

(continued)

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), 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. An annexation request has been submitted alongside this subdivision request.

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. Utility capital charges will be due at the later of three points: platting and annexation, establishing a water and sewer escrow, or receipt of a street petition.

The associated annexation request also triggers the held in abeyance costs for previous regional stormwater improvements and the previous construction improvements to North Washington Street. The costs associated with the annexed portion will be attached to that property after annexation occurs. The special assessments would then start the year following the annexation completion.

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

(continued)

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.

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 Community Mixed Use 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 multi-family residential and general commercial uses. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

Lot 1, Block 1, Boulder Ridge Commercial Addition includes a stormwater and drainage easement directly adjacent to the office uses to the north. The previous platted landscape buffer that was included with the plat of Boulder Ridge First Addition is not included on the plat as buffering requirements are included in Section 14-03-11.10. This section notes that the location of the buffer yards be located “along the entire length of any lot line where two land uses of differing intensity abut.” However, landscaping installed in this manner within the stormwater and drainage easement would be difficult to maintain and keep alive and would not meet the intent of the ordinance. As such, staff has noted that the placement of the required landscaping be located on the interior portion of the stormwater and

drainage easement for Lots 1-3, Block 1, Boulder Ridge Commercial Addition.

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 districts of CA – Commercial and CG – Commercial were established in 2007 and 2024, respectively. Conditions have changed since this time. Lot 1, Block 1, Boulder Ridge Commercial Addition would have two different zoning designations (CA – Commercial and CG – Commercial) which would create issues in administering and interpreting zoning requirements for this lot. The applicant has requested that the CA – Commercial zoning district portion be rezoned to align with the lot’s majority zoning of CG – Commercial.

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 not adversely impact housing opportunities in any way.

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 of complete neighborhoods.
- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- C3(b): Improve safety by reducing potential points of conflict, including pedestrian/vehicular conflict, by

(continued)

consolidating and/or limiting direct access to major roadways.

- G2(b) Prioritize annexation of tracts that are contiguous to city limits and easily provided municipal services, as identified as Expansion Priority 2 in the Growth Phasing Plan.

This request, including the associated subdivision plat and annexation requests, would potentially encourage development within this area and provide potential amenities to the surrounding area.

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.

Staff Recommendation

Based on the above findings, staff recommends tentatively approving a major subdivision preliminary plat titled Boulder Ridge Commercial Addition and calling for a public hearing for a zoning map amendment from the CA – Commercial and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1, Block 1, Boulder Ridge Commercial Addition.

Attachments

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

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
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 CA – Commercial and CG - Commercial zoning districts and included in the CG – Commercial zoning district:

Lot 1, Block 1, Boulder Ridge Commercial 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 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

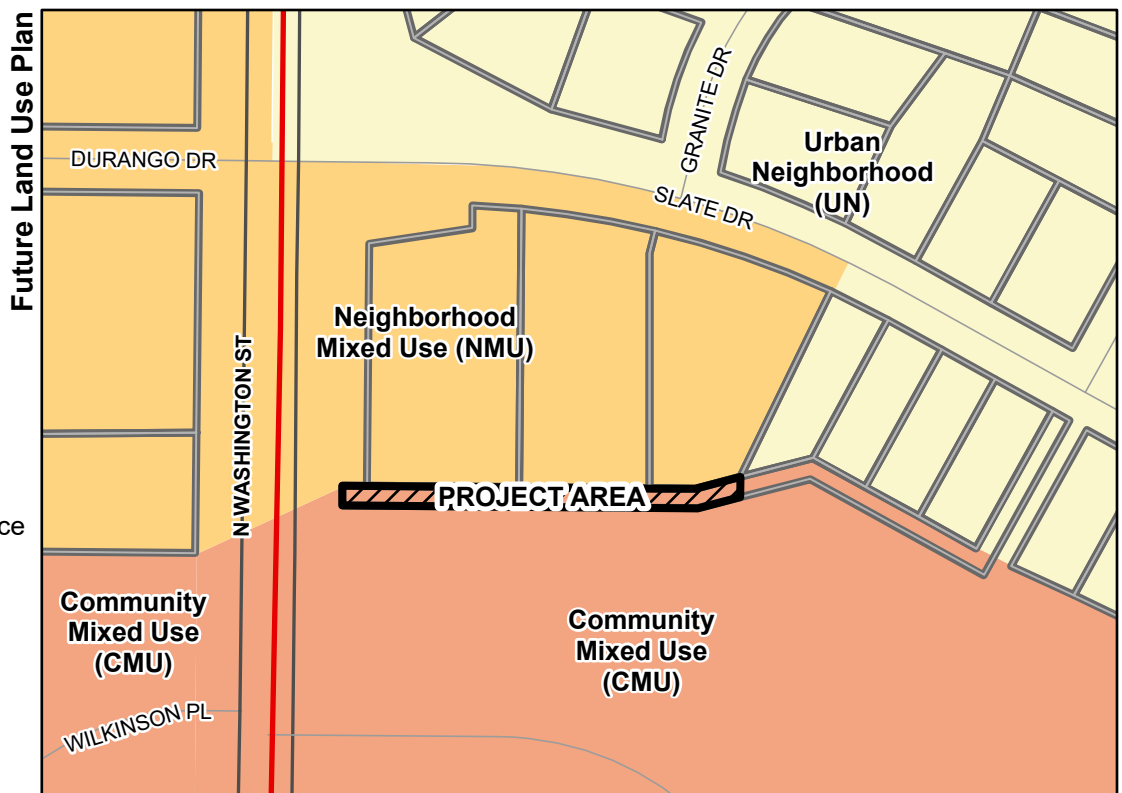
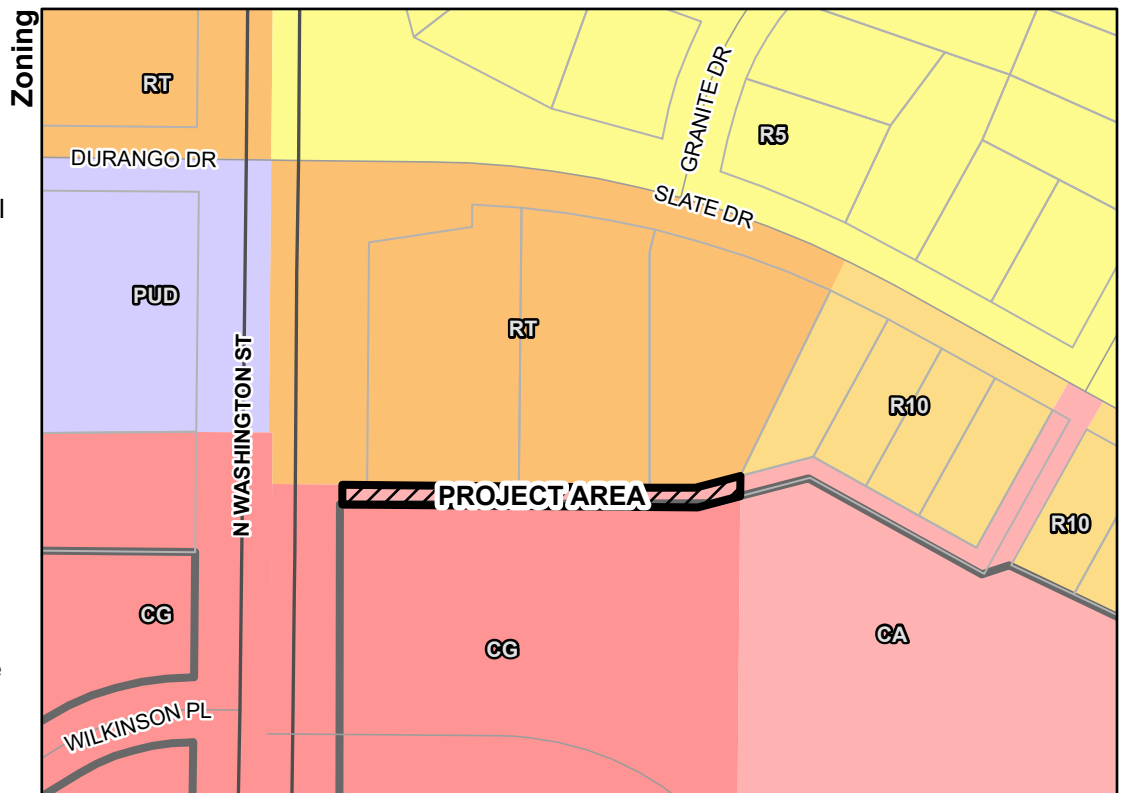
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

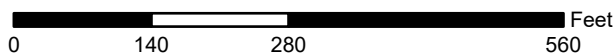
— Future Shared Trail

Major Street Plan

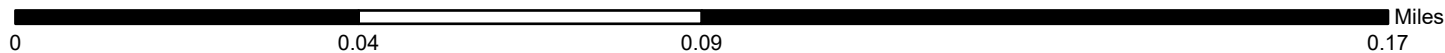
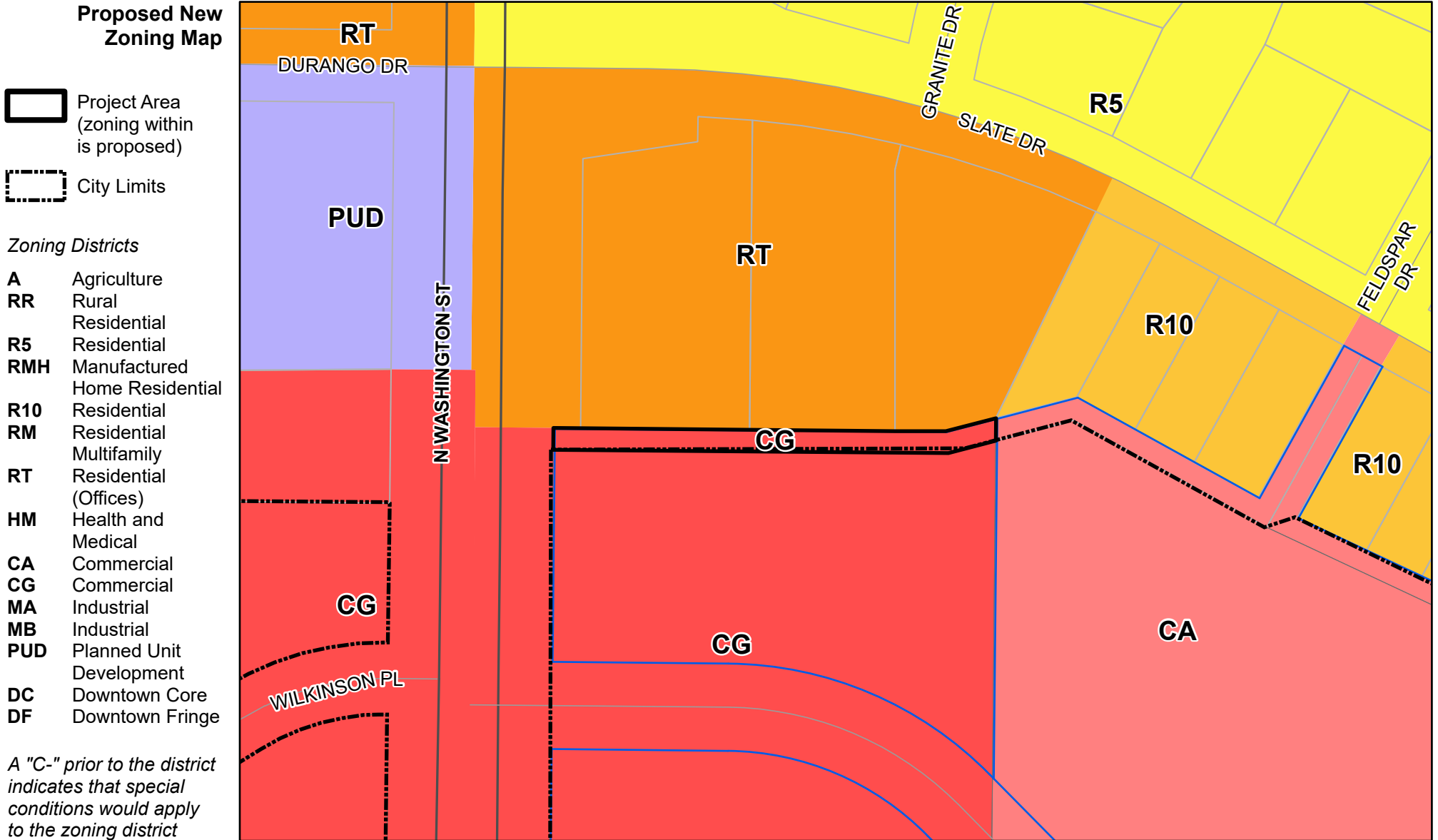
- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- ▬ City Limits



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 herein.



City of Bismarck
Community Development
Planning Division
July 14, 2025



*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.*

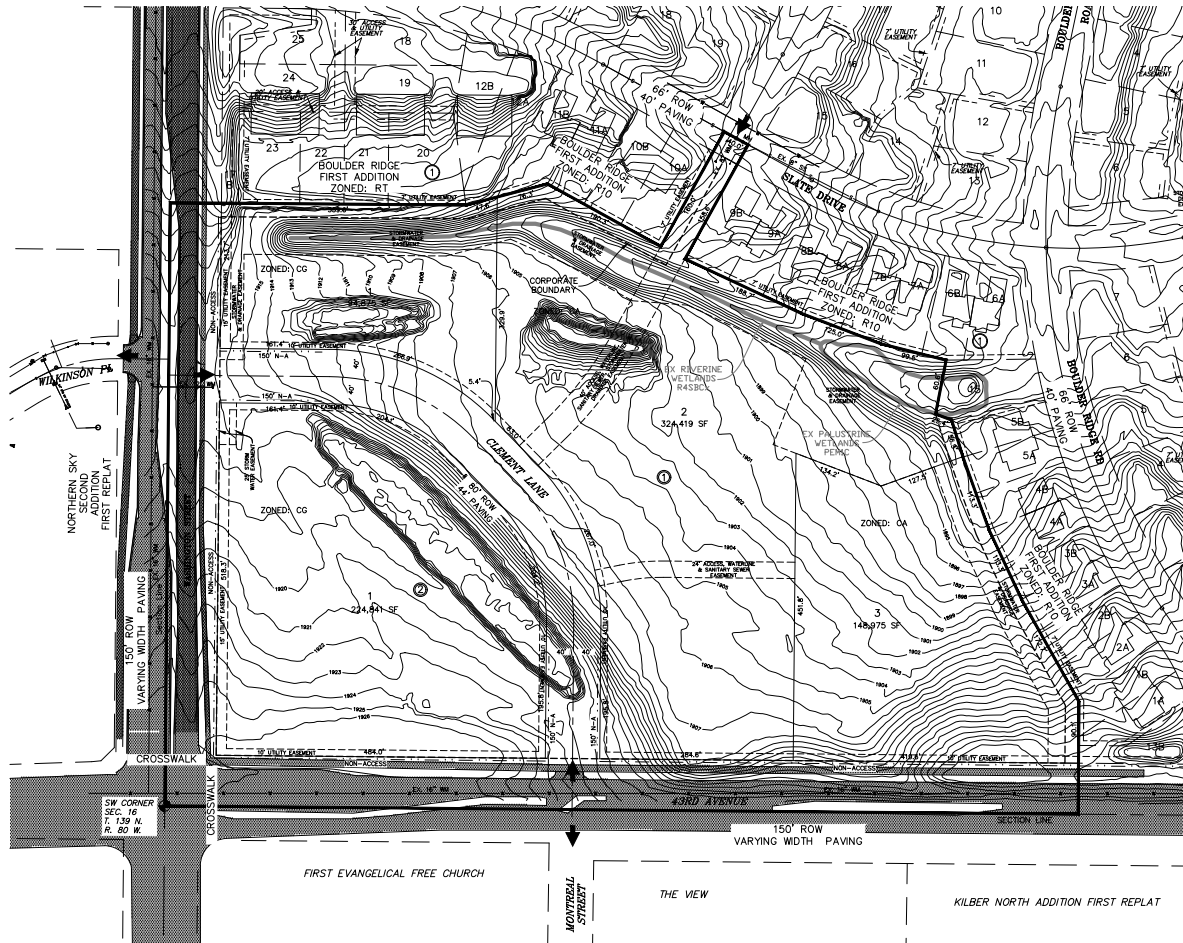


City of Bismarck
Community Development
Planning Division
July 14, 2025

BOULDER RIDGE COMMERCIAL ADDITION

PART OF THE SW 1/4 OF SECTION 16 TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

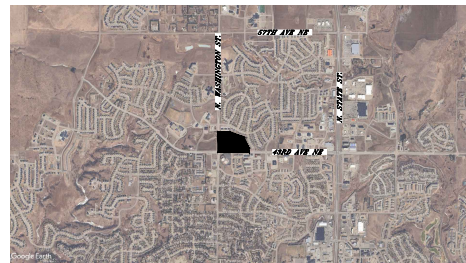
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
JULY 10, 2025

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

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



LOCATION MAP

CENTERLINE LENGTHS:

CLEMENT LN---1,078 LF (LOCAL)
WASHINGTON ST---887 LF (ARTERIAL)
43RD AVE---1349 LF (ARTERIAL)

ZONE "X" FEMA 38015C078SE
EFFECTIVE 6-6-24

23.6 ACRES
EXISTING ZONING: CA/CG
4 LOTS 2 BLOCKS

OWNER: WILMENT PROPERTIES, LLC
3250 ROCK ISLAND PL #4
BISMARCK, ND 58504



SWENSON, HAGEN & COMPANY P.C.
3002 ARWAY AVENUE
BISMARCK, NORTH DAKOTA 58504
shc@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

STAFF REPORT

Agenda Item # 2C

July 23, 2025

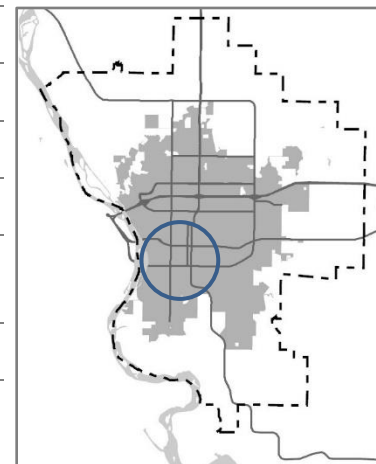
Application for: **Zoning Map Amendment**
Future Land Use Plan
Amendment

Project ID: **ZC2025-013**

FLUP2025-005

Project Summary

<i>Title:</i>	Northern Pacific Addition, Block 10, Lots 1-4
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Multiple (see Attachment #3)
<i>Project Contact:</i>	Isak Johnson, Planner, AICP
<i>Project Location:</i>	In central Bismarck, on the west side of North 3rd Street, between East Avenue B and East Avenue C
<i>Project Size:</i>	45,000 SF
<i>Applicant Request:</i>	Rezone the area to permit greater flexibility of uses for possible future development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	8 parcels in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Various residential uses	<i>Land Use:</i>	Various residential uses and possible office or commercial uses
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Downtown (DT)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	DF – Downtown Fringe
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	DF – Mixed-use development including retail, multi-family residential, single-family residential, and office uses
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	DF – 42 units / acre

Area Information

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

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	08/1924
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

The Community Development Department is requesting approval of a zoning map amendment from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district, as well as a Future Land Use Plan (FLUP) amendment from the Urban Neighborhood (UN) designation to the Downtown (DT) designation on Lots 1-4, Block 10, Northern Pacific Addition.

Planning staff received an inquiry for development in this area that would not be permitted within the existing RM30 – Residential zoning district. Upon further discussion with the property owner, Planning staff were open to a zoning map amendment in this area to the DF – Downtown Fringe zoning district due to the adjacency of

property already zoned DF – Downtown Fringe, and the proximity to the rest of downtown.

To remain in line with past precedent, staff typically rezones either half-blocks or whole blocks to downtown zoning districts. Therefore, staff conducted initial public outreach to the other property owners for their initial feedback, as described in the *Public Engagement* section below.

Staff now present this report to the Planning and Zoning Commission for their formal initiation of the zoning map amendment by calling for a public hearing if they see fit to do so.

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, but is being proposed to change to Downtown (DT). The UN areas are places for quiet enjoyment of home life, while DT is the heart of the community in the historic center of Bismarck. Goals and objectives of this plan as they relate to

zoning map amendments and Future Land Use Plan Amendments are referenced in review standards below.

The project area is in an older part of Bismarck's core, just north and west of what is currently zoned DF – Downtown Fringe. It is surrounded primarily by residential uses, ranging from houses

(continued)

to small apartment buildings. There are non-residential uses such as offices and a church in the vicinity as well.

Public Engagement

As a staff initiated zoning map amendment involving multiple property owners, staff began public engagement by sending a letter to each property owner whose property would potentially have its zoning changed on June 20, 2025.

This letter informed them about the differences between the zoning districts, offered contact information for Planning staff, and informed them of an informational meeting on July 9, 2025, for any interested property owners to attend. One letter was returned as undeliverable. No property owners attended the meeting.

Standard public engagement for public hearings 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.

Zoning Map Amendment

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

Yes, with a formal amendment to the Future Land Use Plan. In conjunction with this request, the applicant requests approval of an amendment to the Future Land Use Plan to change the project area to Downtown (DT). The existing UN designation envisions a variety of residential housing types but generally would not include commercial or office uses. The DT designation would include all the housing types seen in UN, and more, while also providing flexibility for commercial and office uses. The proposed zoning district would generally conform to the character of this district. The project area is currently in a block that is directly adjacent to blocks to the east and south that are identified as DT in the FLUP. A plan reference map is attached to this staff report.

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 all of the residential uses that are currently present, as well as commercial and office uses. 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 RM30 - Residential was established prior to 1980. Conditions have changed since this time. The City adopted its comprehensive plan, Together 2045, in December 2022, which notes goals of increasing housing variety, affordability, and commercial opportunities at various scales. Since then, there have been inquiries for potential new development in the core of Bismarck, including

(continued)

this area. This zoning map amendment would increase the number of options for smaller scale commercial and/or office uses without reducing opportunities for housing choices.

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 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(a): Support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.
- S4: Promote urban neighborhoods and districts that are livable and compact in scale.
- S7: Embrace the unique role of downtown in the social and economic life of the community.
- G1: Encourage infill and redevelopment of land already connected to municipal services.

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.

Future Land Use Plan Amendment

The proposed amendment is compatible with adjacent land uses, both existing and proposed in the Future Land Use Plan ([FLUP standards](#))

Yes. The adjacent uses are described in the Project Context section above. The adjacent Future Land Use Plan designations are Urban Neighborhood (UN) and Downtown (DT). A change in the project area's FLUP designation to DT would simply extend the boundary of the existing DT in the area.

The proposed amendment is suitable for the natural conditions of the site, including topography, drainage, wetlands, and other natural conditions ([FLUP standards](#))

Yes. The area proposed for amendment does not contain any natural conditions that would substantially impede development in the character of the proposed district. Stormwater management, grading, and other land alternation activities that occur with site development would not be out of the ordinary for this land use.

(continued)

The proposed amendment is aligned with the Major Street Plan or accompanied by an amendment to the Major Street Plan that would render it in alignment (FLUP standards)

Yes. The boundaries of the proposed Future Land Use Plan amendment are reasonably aligned with the future roadway corridors shown on the Major Street Plan. East Avenue C, on the north side of the project area, is an existing (constructed) collector roadway in the Major Street Plan.

The proposed amendment does not adversely affect the City's ability to provide municipal utilities in the future to or beyond the district(s) proposed for amendment (FLUP standards)

Yes. The proposed amendment is within an area already serviced by municipal services and would not negatively impact these services.

The current Future Land Use Plan designation is not adequate to meet the needs of the community or suitable for this tract of land, as justified by the applicant, and the proposed land use designation would, to some degree, alleviate this condition (FLUP standards)

Yes. The applicant has provided the following justification for the need to change the plan. Following the adoption of the City's comprehensive plan, Together 2045, in December 2022, there has been an increased focus on providing more housing variety, affordability, and flexibility for commercial uses in the core of Bismarck.

Staff have received inquiries regarding redevelopment in the older neighborhoods of Bismarck for both residential and commercial opportunities. This amendment would continue to support all residential uses currently present while also supporting more commercial or office uses on a more compact scale. City of Bismarck Staff find this justification to be valid.

The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck's

Comprehensive Plan and other adopted plans and policies (FLUP standards)

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

- S1(a): Support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.
- S4: Promote urban neighborhoods and districts that are livable and compact in scale.
- S7: Embrace the unique role of downtown in the social and economic life of the community.
- G1: Encourage infill and redevelopment of land already connected to municipal services.

The proposed amendment would not adversely affect the public health, safety, and general welfare (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed amendment to the Future Land Use Plan 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 zoning map amendment from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district as well as for the Future Land Use Plan (FLUP) amendment from the Urban Neighborhood (UN) designation to the Downtown (DT) designation for Lots 1-4, Block 10, Northern Pacific Addition.

Attachments

1. Draft Zoning Ordinance
2. Draft Future Land Use Plan Resolution
3. List of Property Owners

(continued)

- | | |
|----------------------------------|---|
| 4. Zoning and Plan Reference Map | 7. Letter to Owners |
| 5. Plan Amendment Map | 8. Comparison of RM30 and DF Zoning Districts |
| 6. Proposed Zoning Map | |
-

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 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 RM30 – Residential zoning district and included in the DF – Downtown Fringe zoning district:

Lot 1-4, Block 10, Northern Pacific 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.

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
AMENDMENT TO THE FUTURE LAND USE PLAN (FLUP2025-005)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck's Future Land Use Plan, which establishes districts in the City of Bismarck and its extraterritorial area that are planned to take shape by the year 2045; and

WHEREAS, said Future Land Use Plan was adopted as part of Together 2045 Bismarck's Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

WHEREAS, the Future Land Use Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2025 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Future Land Use Plan from the Urban Neighborhood (UN) designation to the Downtown (DT) designation for the area shown on the attached exhibit and described, more or less, as:

Lots 1-4, Block 10, Northern Pacific Addition in the City of Bismarck, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Future Land Use Plan to reflect the amendments hereby resolved.

Adopted this 9th Day of September, 2025.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator 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 Board of City Commissioners held on this September 9th, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT

Property Owners within Proposed DF - Downtown Fringe Rezoning Area

Property Owner Name	Owner Mailing Address	Owner City State	Owner ZIP Code
NEUSTEL, YUJING	906 4TH ST NE APT 5	FESSENDEN ND	58438-7313
HLS PROPERTIES LLC	7400 MILKY WAY RD	BISMARCK ND	58503-6786
BB40 LLC	7160 62ND AVE SE	BISMARCK ND	58504-9285
PLATINUM DEVELOPERS, INC	2020 3RD ST SE STE F2	MANDAN ND	58554-6455
LEUWER, TRACY E & LEUWER, LORE	1814 E BOULEVARD AVE	BISMARCK ND	58501-2834
CLOOSKI PROPERTIES LLP	612 W TURNPIKE AVE	BISMARCK ND	58501-1579
A TO Z RENTALS LLC	2454 TIMBERLANE PL	BISMARCK ND	58504-8918
DILLER, ANNA R	610 N 3RD ST	BISMARCK ND	58501-3664

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

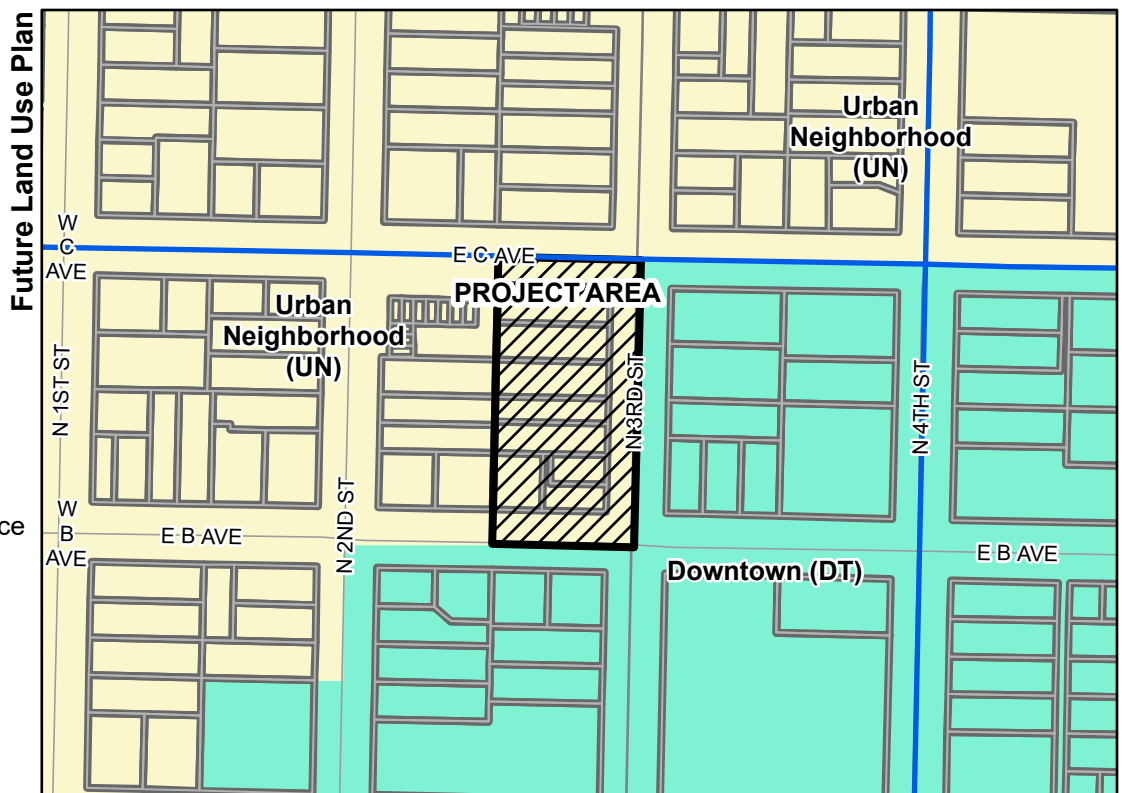
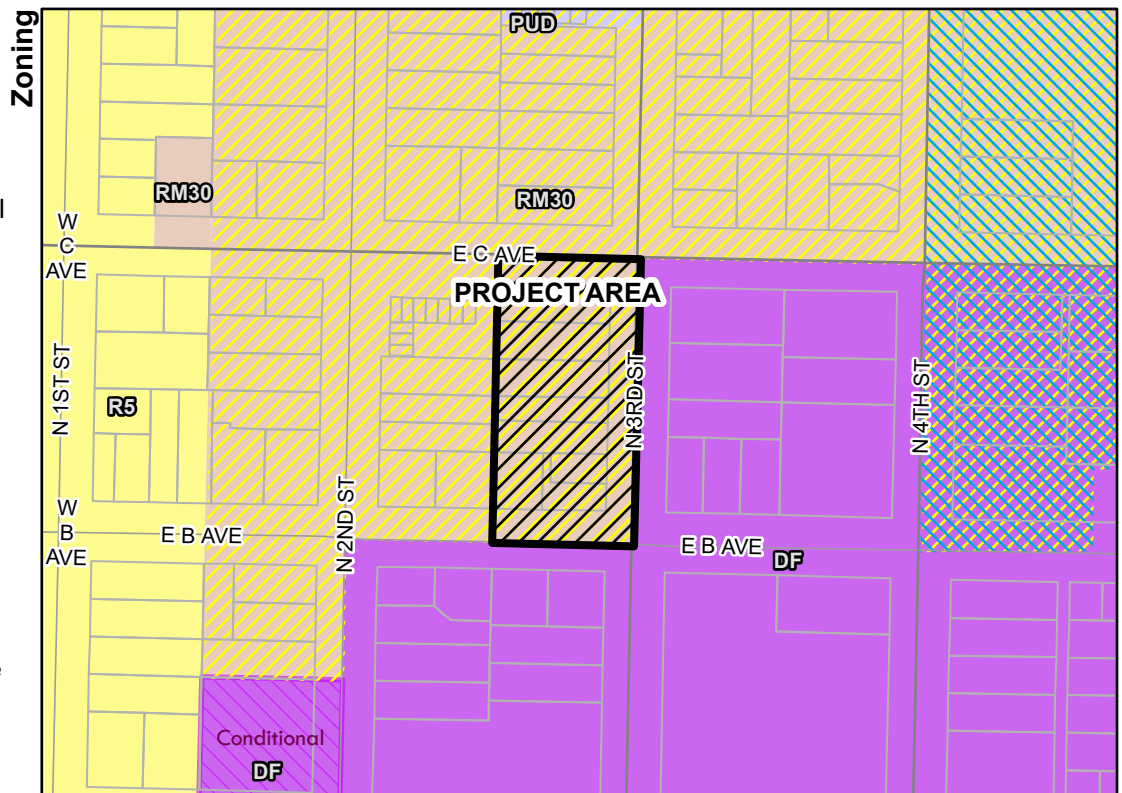
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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

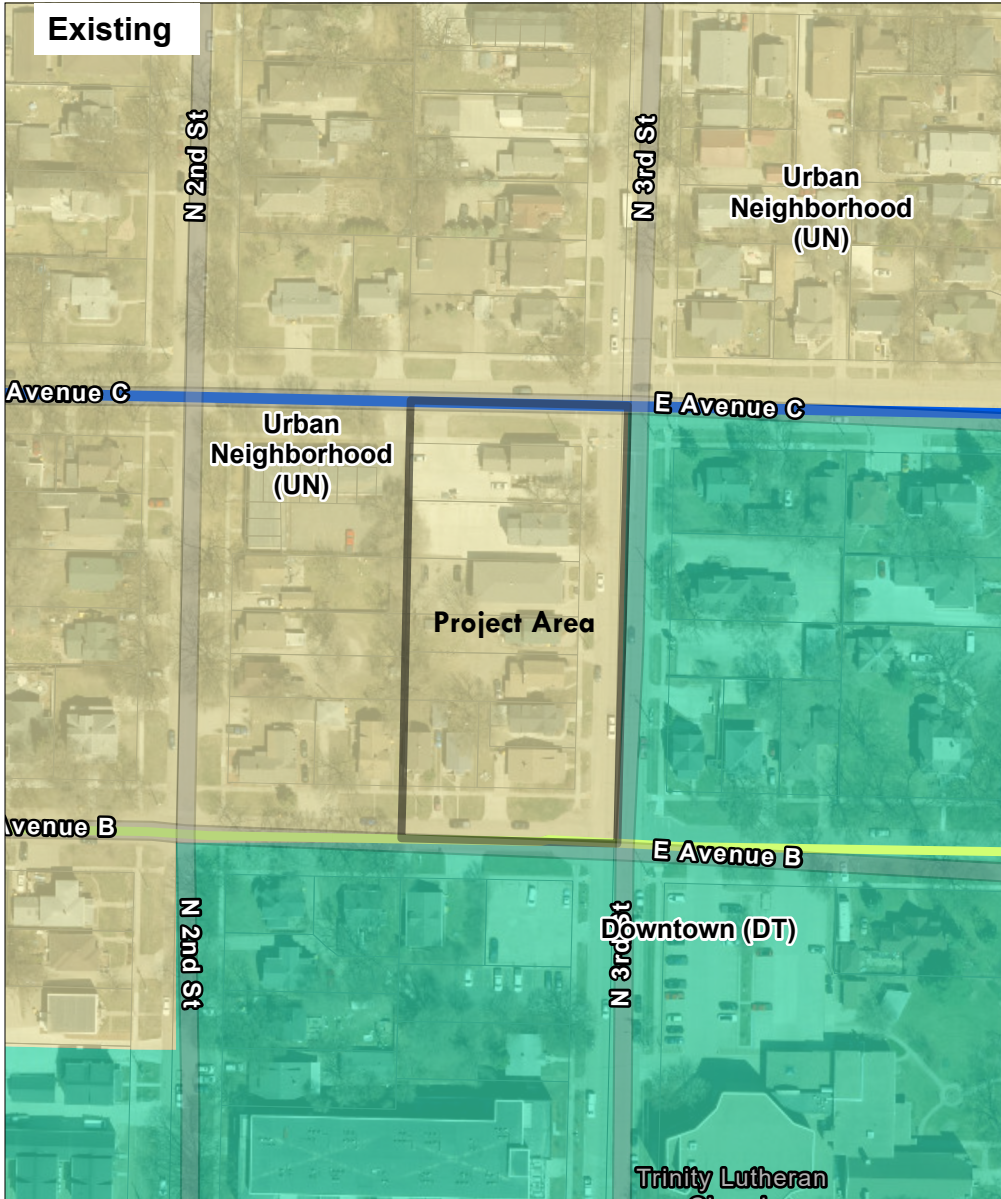


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

0 185 370 740 Feet



City of Bismarck
Community Development
Planning Division
July 9, 2025



Proposed New Zoning Map

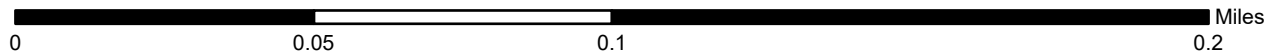
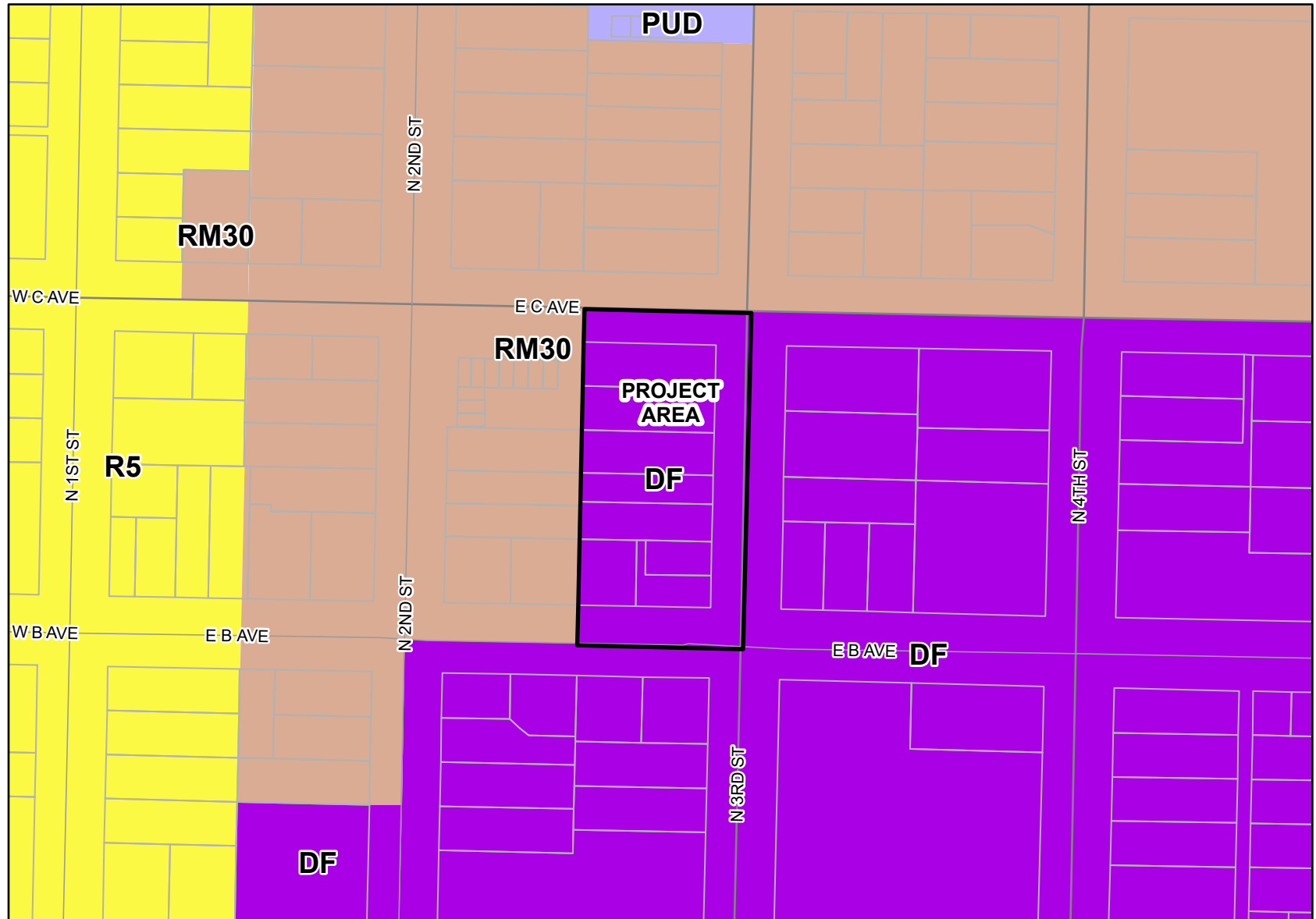
 Project Area (zoning within is proposed)

 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



*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.*





June 20, 2025

Re: Potential Expansion of DF – Downtown Fringe Zoning District

Dear Owner,

The City of Bismarck's Community Development Department – Planning Division is considering a zoning change to the DF – Downtown Fringe zoning district for an area in which you own property. The area is currently within the RM30 – Residential zoning districts. The proposed area is depicted on the attached map in black outline. A chart of some differences between these districts is also included.

Properties in the Downtown Fringe (DF) zoning district are subject to downtown design review approval from the Downtown Design Review Committee for all new construction, building alterations, and streetscape improvements. This process protects property values by encouraging higher-quality and consistent design standards for the area.

Planning staff have been approached about a redevelopment project in this area and believe a rezoning to the DF – Downtown Fringe zoning district would provide greater opportunities for new redevelopment or increased flexibility for improvement of existing buildings in this area.

The City intends to initiate this zoning change with the Planning and Zoning Commission at their July 23, 2025, meeting. There are no application fees for this zoning change, and a change in zoning would not directly result in any change to assessed property values or special assessments.

If you have any questions or concerns about this proposal, please feel free to call Isak Johnson at 701-355-1850 or email at ijohnson@bismarcknd.gov. We will hold an information session for property owners on this zoning change at 4:00 PM, on July 9, 2025, in the David J. Blackstead Meeting Room located on the 2nd floor of the City/County Office Building. You are welcomed to attend this in person or by phone call upon request.

If this proceeds, there will also be a public hearing held with the Planning and Zoning Commission, and you will receive further notification of this hearing.

Sincerely,



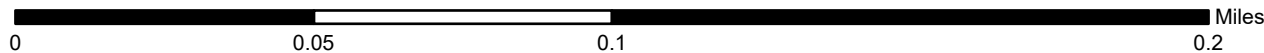
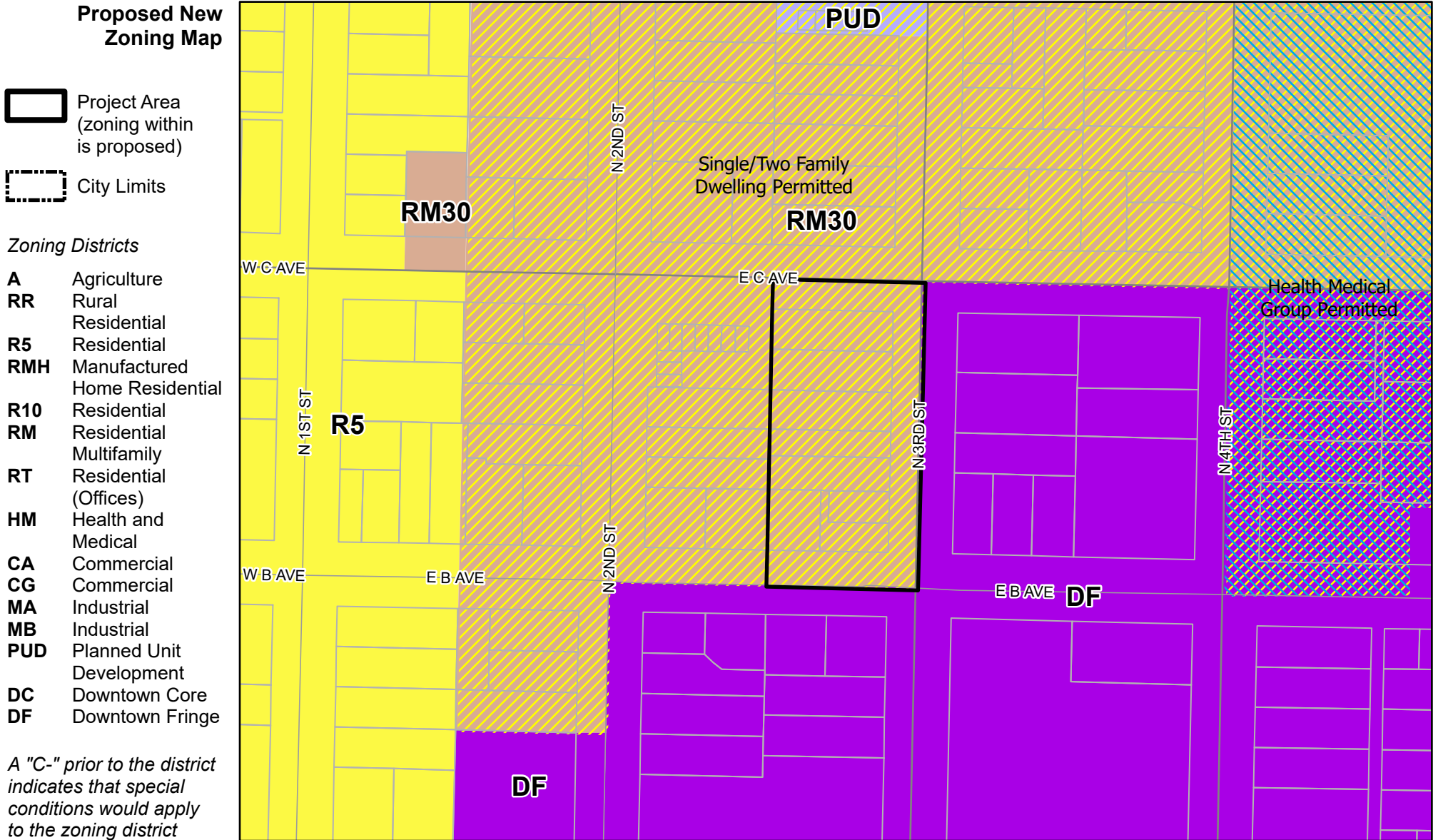
Daniel Nairn, AICP

Planning Manager, Community Development Department
City of Bismarck



The following table describes some of the differences between the existing and proposed zoning districts:

	Existing	Proposed
	RM30 – Residential	DF – Downtown Fringe
<i>Typical Uses Allowed</i>	Multifamily residential; medical, single and two-family residential also allowed	Commercial, office, multifamily residential, mixed use, single and two-family residential
<i>Front Setbacks (distance of structures from street)</i>	Minimum of 25 feet, or aligned with nearby buildings	No minimum setback; maximum of 25 feet
<i>Side Setbacks (distance of structures from side property line)</i>	10 feet setback	No setback (unless building code requires for fire protection)
<i>Rear Setbacks (distance of structures from rear property line)</i>	20 feet setback	No setback
<i>Building Height</i>	60 feet maximum	75 feet maximum
<i>Lot Coverage (amount of lot that can be filled with buildings/parking)</i>	50% of lot	100% of lot
<i>Signs</i>	Follow stricter residential sign standards. Digital require special permit.	Follow stricter downtown standards. No digital or off-premise signs, etc.
<i>Design Review</i>	Not applicable	Projects reviewed for compliance with Downtown Design Guidelines



*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.*



STAFF REPORT

Application for: **Zoning Map Amendment**

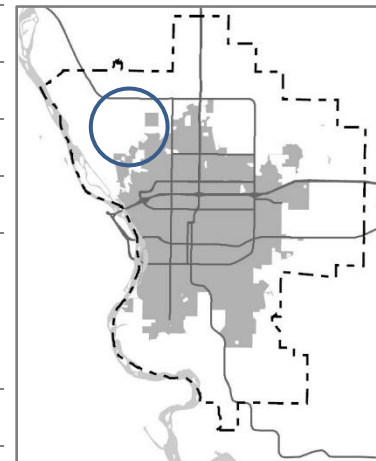
Agenda Item # 2D

July 23, 2025

Project ID: **ZC2023-009**

Project Summary

<i>Title:</i>	William Blackstone Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Michael Ward
<i>Project Contact:</i>	Nic Cullen, PE, Houston Engineering
<i>Project Location:</i>	Northwest of Bismarck, west of North Washington Street and north of North 57th Avenue, along the west side of Tyler Parkway (Part of the SE¼ of Section 7, T139N-R81W/ Hay Creek Township)
<i>Project Size:</i>	59.24 acres
<i>Applicant Request:</i>	Reconsideration of previously considered zoning map amendment
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel	<i>Lots/Blocks:</i>	118 Lots in 9 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single and multi-family residential, public park and stormwater facilities
<i>Future Land Use:</i>	Urban Neighborhood (UN) Parks and Open Space (PKOS)	<i>Future Land Use:</i>	Urban Neighborhood (UN) Parks and Open Space (PKOS)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RM30 – Residential R10 – Residential R5 – Residential P – Public Use
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RM30 – Multi-family residential R10 - Residential R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	RM30 – 30 units / acre R10 – Residential R5 – 5 units / acre P – N/A

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Lincoln's Inn	<i>Annexed:</i>	N/A

Project Narrative

Michael Ward is requesting approval of a zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R10 – Residential, R5 – Residential and P – Public zoning district.

Background Information

A zoning map amendment from the A – Agriculture zoning district to the R5 – Residential zoning district for all of the proposed plat except for Lot 1, Block 2, which is proposed to be zoned RM30 – Residential and Lot 1, Block 6, which is proposed to be zoned P – Public, and a major subdivision preliminary plat were considered by the Planning and Zoning Commission at their meeting on January 24, 2024.

During review of proposed building designs for Lots 2-12, Block 6 and Lots 1-8 and Lots 22-27, Block 7 of the proposed plat, the applicant and their consultant determined that a zoning of R10 – Residential would be needed as the buildings proposed would not meet lot coverage requirements for the R5 – Residential zoning district. The R10 – Residential zoning district provides for more flexibility and allows for both single- and two-family dwellings with a lot

coverage limit of 40% of the lot size. The R5 – Residential zoning district allows 30% lot coverage. Staff is comfortable with this change; however, since the R10 – Residential zoning district was not considered at the Planning and Zoning Commission meeting on January 24, 2024, the request needs to be reconsidered and called for a public hearing.

The overall request for approval of the plat has been delayed as the applicant's consultant have been working with the US Army Corps of Engineers (USAC) concerning impacts to wetlands within the platted area and mitigation requirements. Staff understands that the USAC recently approved a permit for the proposed wetland mitigation, and that the corresponding stormwater management plan has been modified and is currently being reviewed by City Engineering.

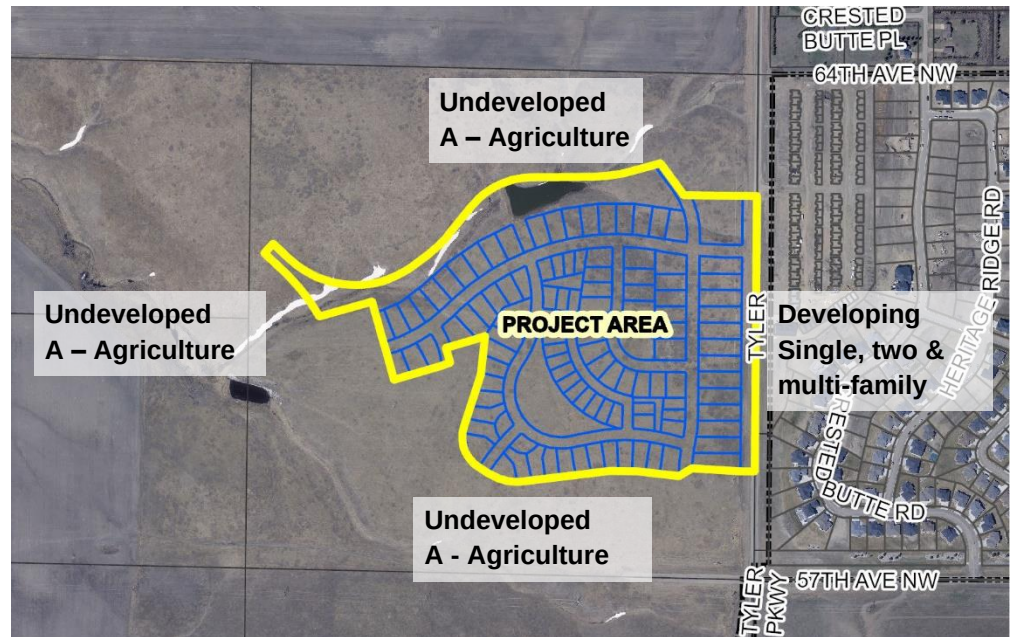
A public hearing for the zoning map amendment, final plat, and annexation of the proposed plat will be scheduled with the Planning and Zoning Commission when the stormwater management plan has been approved.

(continued)

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 Parks and Open Space (PKOS) and Urban Neighborhood (UN) in the Future Land Use Plan. The PKOS areas are spaces kept in a largely natural state, providing many important functions for the community and ecosystem. The UN areas are areas for quiet enjoyment of home life and are predominantly residential with a mix of housing types. Goals and objectives of this plan as they relate to the zoning map amendment and preliminary plat are referenced in review standards below.

The area is surrounded by undeveloped A – Agriculture zoned property to the north, west and south, and developing single-, two- and multi-family residential to the east, across Tyler Parkway.

The majority of the plat is proposed to be developed as single-family residential with one lot in the northeast portion of the plat being multi-family. Future subdivisions within this area may require a greater mix of housing types and density to adhere to the Future Land Use Plan.

The proposed plat includes non-buildable lots for green space, stormwater detention and walking trails. Lot 12, Block 9, adjacent to Tyler Parkway, would be utilized as temporary access to meet secondary access requirements for the plat. Development of this lot and the adjacent lots north and south would be delayed until secondary access is provided when subsequent plats for the adjacent area are completed. A development agreement may be required to address the timing and mechanisms for removal of the temporary access and the ownership of the non-buildable lots.

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 Community Development Activities map.

(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 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 Parks and Open Space (PKOS) and Urban Neighborhood (UN) 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. However, future subdivisions within this area may require a greater mix of housing types and density to adhere to the Future Land Use Plan.

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 urban residential development with green spaces and a neighborhood park. 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 – Agriculture was established prior to 1980. Conditions have changed since this time. In particular, Bismarck adopted a Comprehensive Plan which acts as a guiding document for further development in the near- and long-term future.

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

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

I1: Provide access to parks and outdoor places for all residents.

I1a) Ensure neighborhood parks are included within newly developed residential subdivisions so that all residents have a small park within a half-mile walk from home.

I2: Preserve connected greenway corridors throughout the community.

2a) Preserve the natural landscape within coulees, steep slopes, and low-lying areas identified as Parks and Open Space in this plan during the process of development review through either dedication of separate unbuildable lots or easements.

2c) Coordinate stormwater management with passive recreational use in the design and management of greenway corridors and ponds.

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

(continued)

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.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts for William Blackstone Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1854 | 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 P – Public zoning district:

Lot 1, Block 6, William Blackstone Addition

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

Lots 1-20, Block 1; Lots 1-3, Block 3; Lots 1-17, Block 4; Lots 1-13, Block 5; Lots 9-21, Block 7, Lots 1-12, Block 8, and Lots 1-13, Block 9, William Blackstone Addition

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

Lots 2-12, Block 6; Lots 1-8 and Lots 22-27, Block 7, William Blackstone Addition

The following described property shall be excluded from the A – Agricultural zoning district and included in the RM30 – Residential zoning district:

Lot 1, Block 2, William Blackstone 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.

DRAFT

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

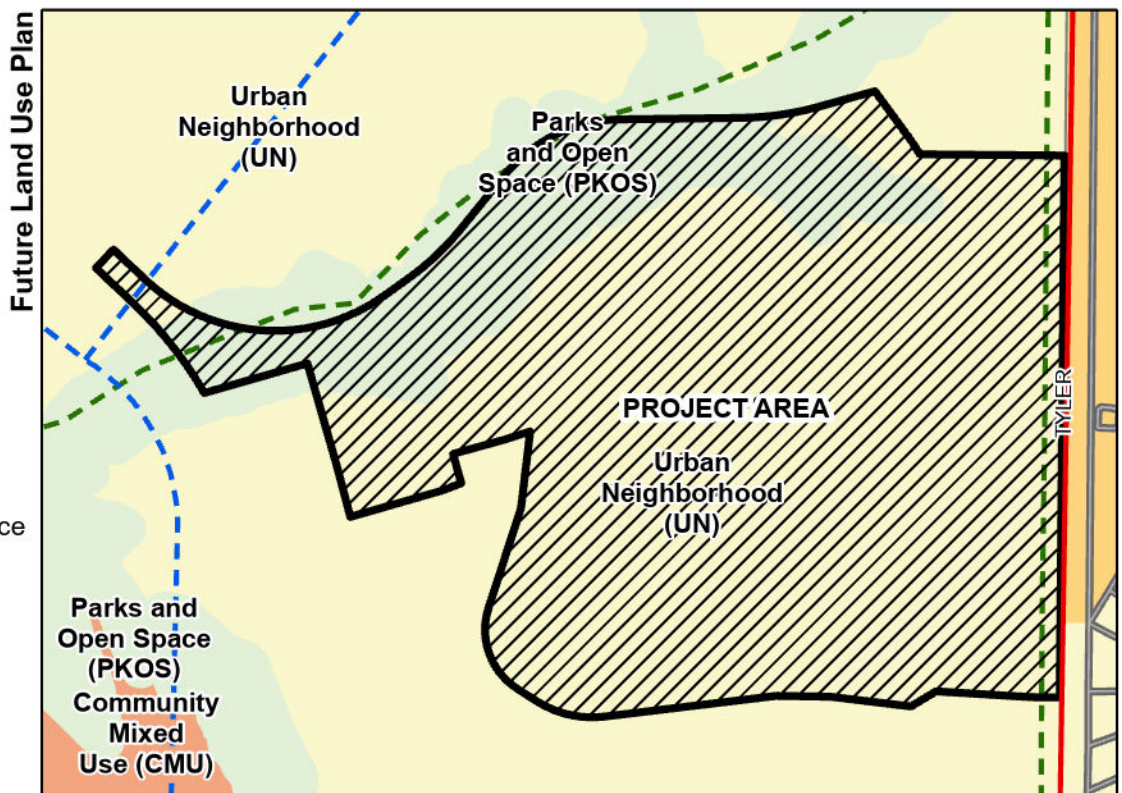
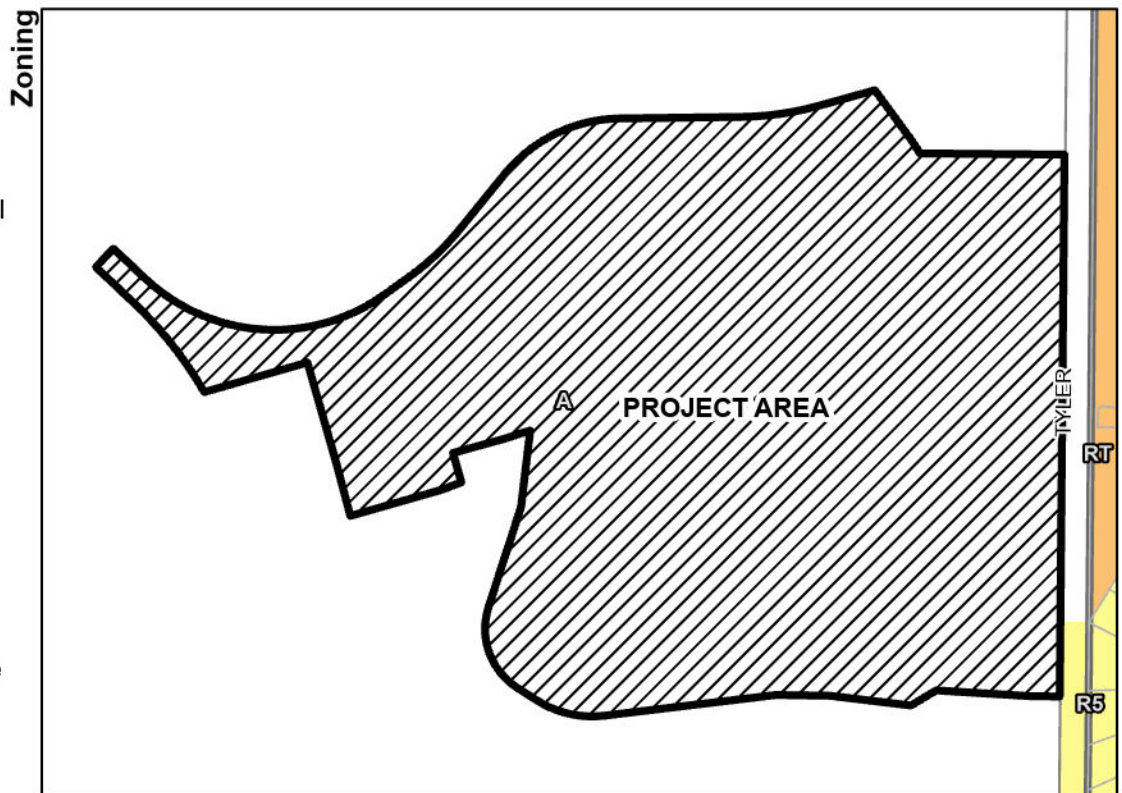
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

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.

0 370 740 1,480 Feet



City of Bismarck
Community Development
Planning Division
July 15, 2025

Proposed New Zoning Map

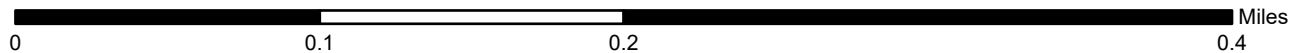
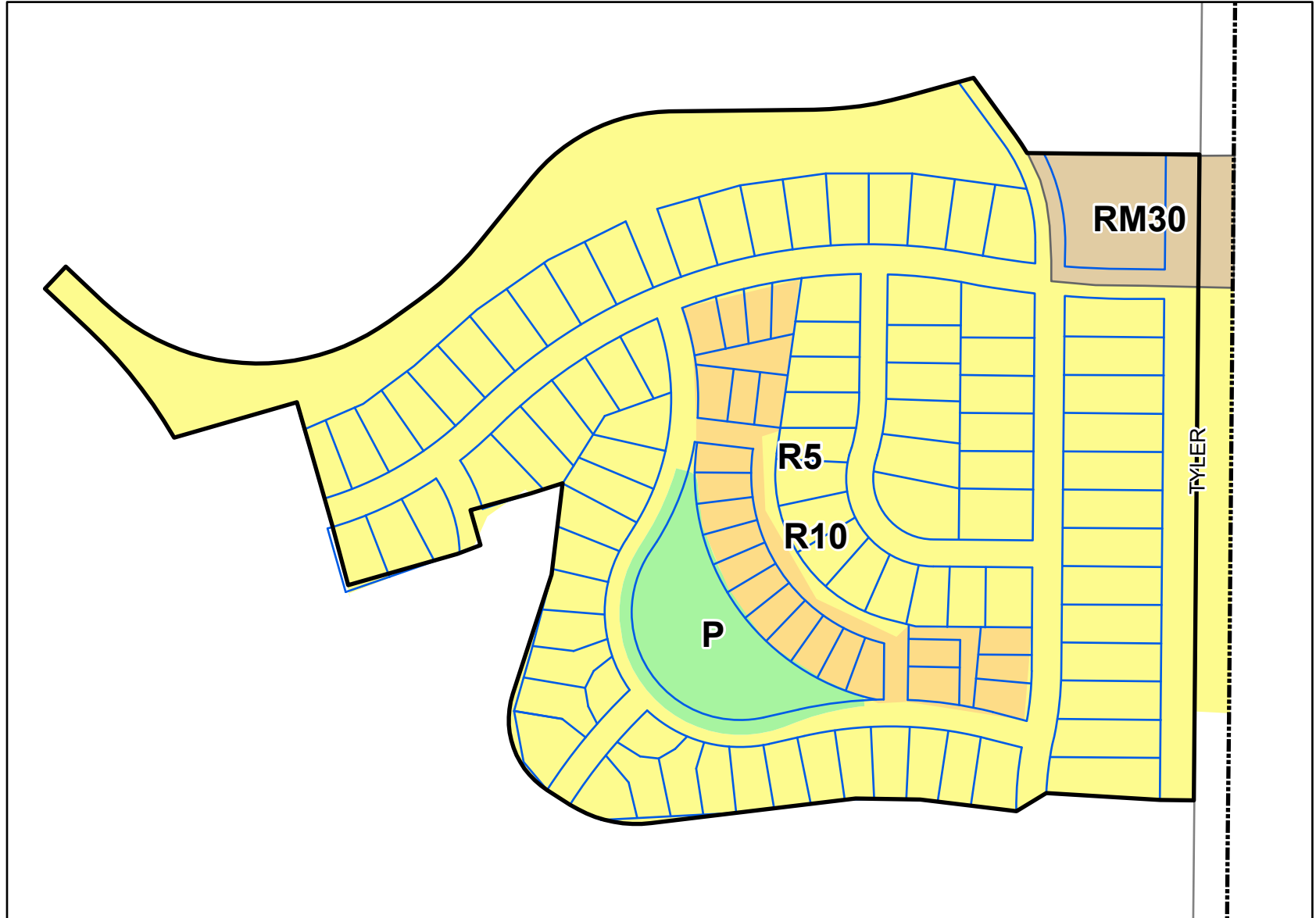
 Project Area
(zoning within
is proposed)

 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*



*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
July 16, 2025

STAFF REPORT

Agenda Item # 2E

July 23, 2025

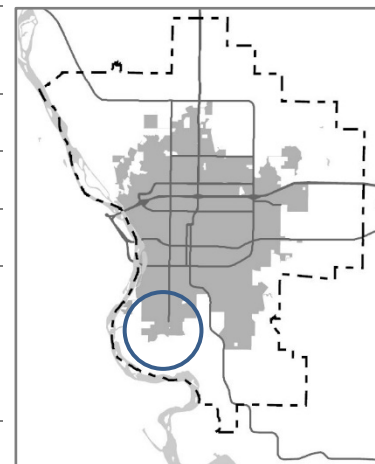
Application for: **Future Land Use Plan
Amendment
Zoning Map Amendment**

Project ID: **FLUP2025-004**

ZC2025-014

Project Summary

<i>Title:</i>	South Meadows Addition Third Replat, Block 1, Lots 1-10
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	In southwest Bismarck, south of West Burleigh Avenue, in the southwest quadrant of the intersection of South Washington Street and Meridian Drive
<i>Project Size:</i>	4.01 acres, more or less
<i>Applicant Request:</i>	Rezone and amend the Future Land Use Plan for multi-family development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	10 Lots in 1 Block	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Multi-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	RM20 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	RM20 – Multi-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	RM20 – 20 units / acre

Area Information

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

Property History

<i>Zoned:</i>	09/2017
<i>Platted:</i>	06/2022
<i>Annexed:</i>	2014

(continued)

Project Narrative

Investcore, Inc. is requesting approval of a zoning map amendment from the R10 – Residential zoning district to the RM20 – Residential zoning district and a Future Land Use Plan amendment from the Urban Neighborhood designation to the Neighborhood Mixed Use designation on Lots 1-

10, Block 1, South Meadows Addition Third Replat.

A lot modification request has been requested in conjunction with this request and is currently under review by staff.

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, although the applicant has requested an amendment that would render the entire project area as Neighborhood Mixed Use (NMU) if approved. The UN areas are places for quiet enjoyment of home life, and 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 zoning map amendments and Future Land Use Plan amendments are referenced in review standards below.

Adjacent uses include single- and two-family residential to the west and north across Meridian Drive, a public utility facility and single-family

residential to the south, and undeveloped single- and two-family residential to the east across South Washington Street.

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.

(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.

Future Land Use Plan Amendment

The proposed amendment is compatible with adjacent land uses, both existing and proposed in the Future Land Use Plan ([FLUP standards](#))

Yes. The adjacent uses are described in the Project Context section above. The adjacent Future Land Use Plan designations are Urban Neighborhood to the north, west, and east, and a mix of Urban Neighborhood and Rural Residential designations to the south.

The proposed amendment is suitable for the natural conditions of the site, including topography, drainage, wetlands, and other natural conditions ([FLUP standards](#))

Yes. The area proposed for amendment does not contain any natural conditions that would substantially impede development in the character of the proposed district. Stormwater management, grading, and other land alternation activities that occur with site development would not be out of the ordinary for this land use.

The proposed amendment is aligned with the Major Street Plan or accompanied by an amendment to the Major Street Plan that would render it in alignment ([FLUP standards](#))

Yes. The boundaries of the proposed Future Land Use Plan amendment are reasonably aligned with the future roadway corridors shown on the Major Street Plan.

The proposed amendment does not adversely affect the City's ability to provide municipal utilities in the future to or beyond the district(s) proposed for amendment ([FLUP standards](#))

Yes. The proposed amendment is within an area already serviced by municipal services and would not negatively impact these services.

The current Future Land Use Plan designation is not adequate to meet the needs of the community or suitable for this tract of land, as justified by the applicant, and the proposed land use designation would, to some degree, alleviate this condition ([FLUP standards](#))

Yes. The applicant has provided the following justification for the need to change the plan. The applicant is proposing to amend the zoning in this area from R10 – Residential zoning district which allows single- and two-family residential uses to the RM20 – Residential zoning district which would allow multi-family residential uses. Multi-family residential uses would align with the Neighborhood Mixed Use designation in the Future Land Use Plan rather than the Urban Neighborhood designation. City of Bismarck Staff find this justification to be valid.

The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck's Comprehensive Plan and other adopted plans and policies ([FLUP standards](#))

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

- T1(c): Examine existing land use regulations to identify opportunities to support and increase in the development of housing choice across the spectrum of affordability.

The proposed amendment would not adversely affect the public health, safety, and general welfare ([Goal S10-a](#))

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

(continued)

Zoning Map Amendment

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

Yes, with a formal amendment to the Future Land Use Plan. In conjunction with this request, the applicant requests approval of an amendment to the Future Land Use Plan. If the amendment is approved as presented in this staff report, the proposed zoning map amendment is within the area currently designated as Urban Neighborhood in the Future Land Use Plan, and if the amendment is approved as presented in this staff report, this would change to Neighborhood Mixed Use (NMU) in the Future Land Use Plan. UN areas are places for quiet enjoyment of home life and NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. The proposed zoning district would generally conform to the character of this district. A plan reference map is attached to this staff report.

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 multi-family residential uses. 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 R10 - Residential was established on September 26, 2017. Conditions have changed since this time including the adoption of a new comprehensive plan, Together 2045. This area of Bismarck has seen an increase in diverse housing types within the past several years. The applicant would like to develop this area into multi-family residential.

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 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.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.
- S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

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

(continued)

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.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on a zoning map

amendment from the R10 – Residential zoning district to the RM20 – Residential zoning district and a Future Land Use Plan amendment from the Urban Neighborhood designation to the Neighborhood Mixed Use designation on Lots 1-10, Block 1, South Meadows Addition Third Replat.

Attachments

1. Draft Zoning Ordinance
2. Draft Future Land Use Plan Resolution
3. Zoning and Plan Reference Map
4. Plan Amendment Map
5. Proposed Zoning Map

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
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 R10 – Residential zoning district and included in the RM20 – Residential zoning district:

Lots 1-10, Block 1, South Meadows Addition Third Replat

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.

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
AMENDMENT TO THE FUTURE LAND USE PLAN (FLUP2025-004)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck's Future Land Use Plan, which establishes districts in the City of Bismarck and its extraterritorial area that are planned to take shape by the year 2045; and

WHEREAS, said Future Land Use Plan was adopted as part of Together 2045 Bismarck's Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

WHEREAS, the Future Land Use Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2025 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Future Land Use Plan from the Urban Neighborhood (UN) designation to the Neighborhood Mixed Use (NMU) designation for the area shown on the attached exhibit and described, more or less, as:

Lots 1-10, Block 1, South Meadows Addition Third Replat in the City of Bismarck, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Future Land Use Plan to reflect the amendments hereby resolved.

Adopted this 9th Day of September, 2025.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator 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 Board of City Commissioners held on this September 9, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT

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

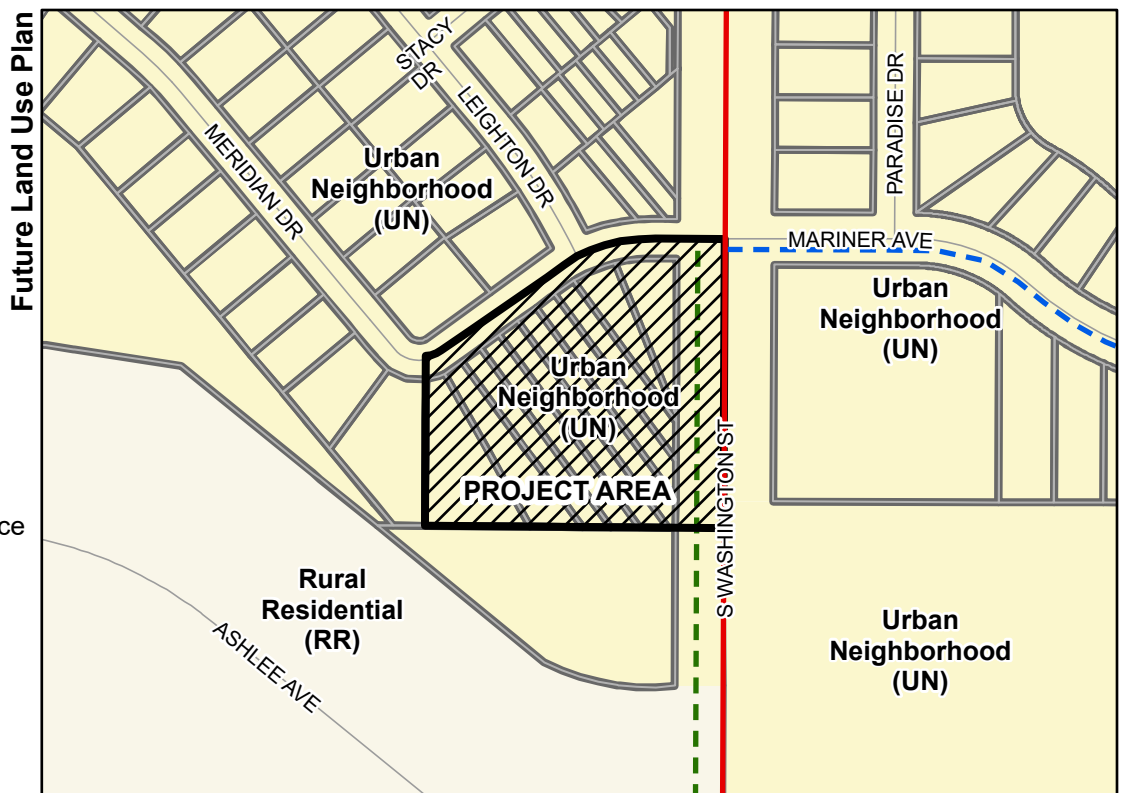
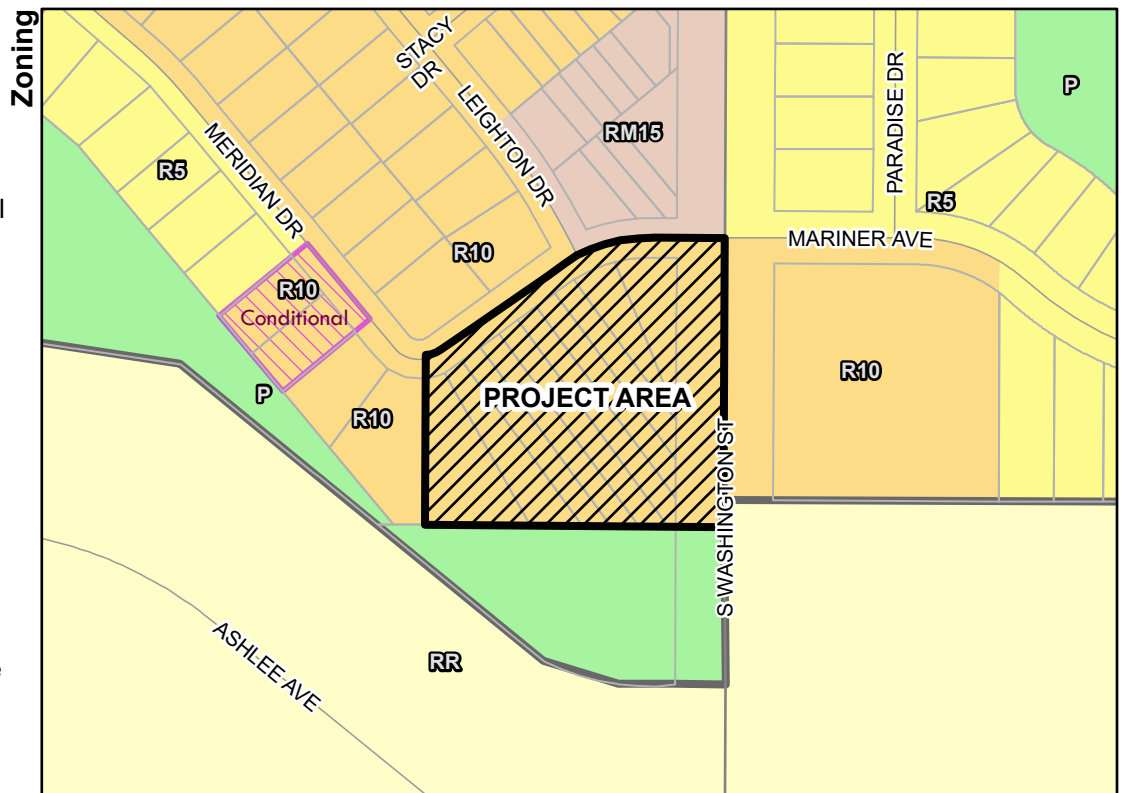
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

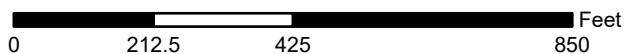
— Future Shared Trail

Major Street Plan

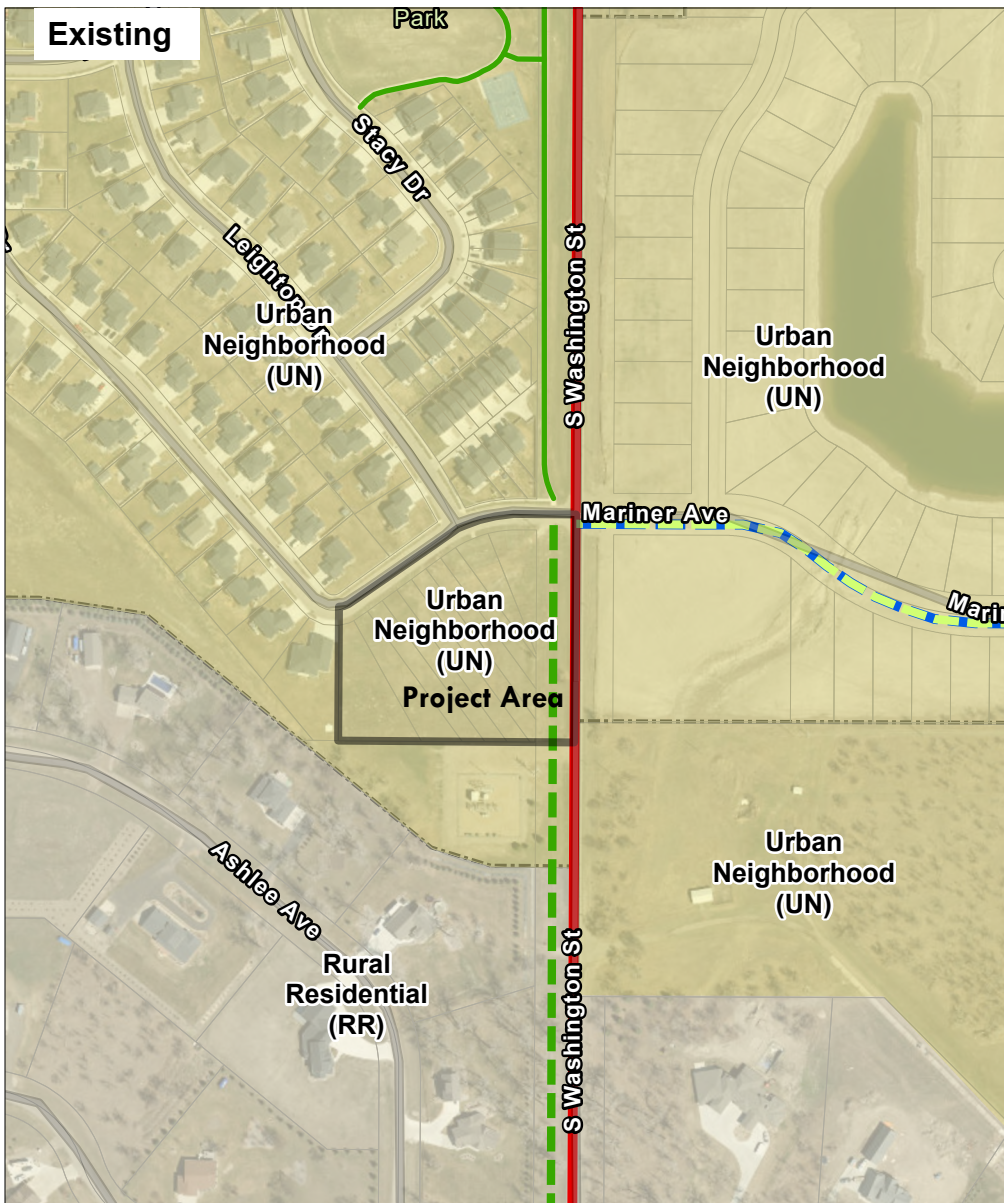
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



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
July 14, 2025



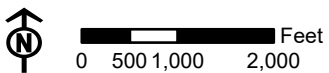
City of Bismarck
Community Development
Planning Division
July 16, 2025

City Limits
 Bismarck ETA
Future Land Use Plan
 Urban Neighborhood (UN)

Neighborhood Mixed Use (NMU)
 Rural Residential (RR)
Major Street Plan
 Future Collector

Existing Arterial
Active Mobility Plan
 Future Shared Use Trail
 Future Street Bike Connection

Existing Shared Use Path



Proposed New Zoning Map

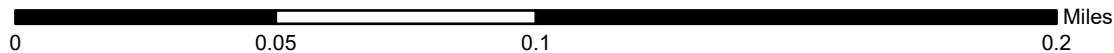
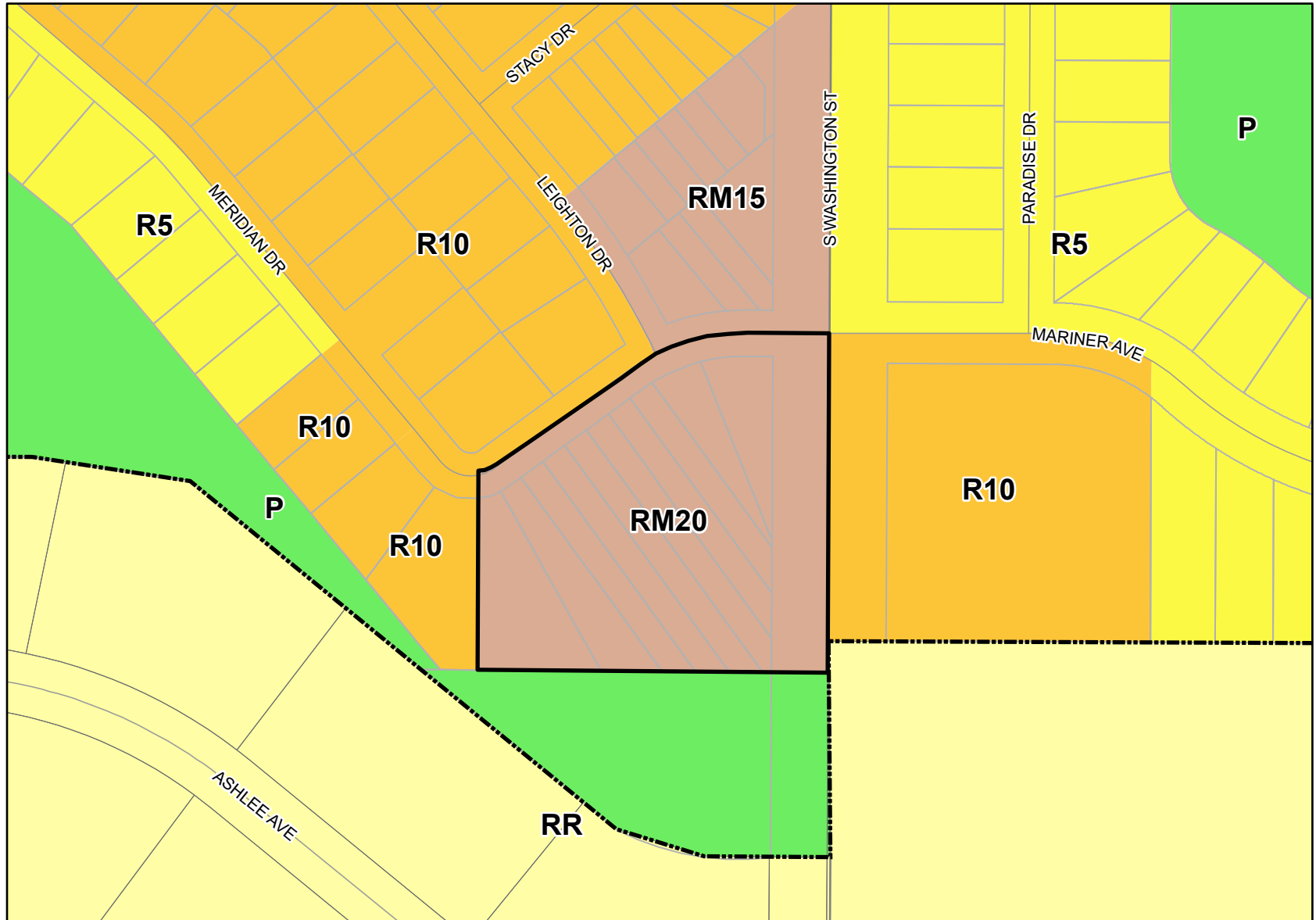
 Project Area
(zoning within
is proposed)

 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*



*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
July 14, 2025

STAFF REPORT

Agenda Item # 2F

July 23, 2025

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2025-002**

Project Summary

<i>Title:</i>	Keeping of Chickens
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM, Senior Planner
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 to allow chickens to be kept within City limits and to eliminate setback requirements for coops within residential properties in the extraterritorial area
<i>Staff Recommendation:</i>	Call for public hearing

Project Narrative

The Community Development Department requests approval of a zoning ordinance text amendment to Sections 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 to allow chickens to be kept within City limits and to eliminate setback requirements for coops within residential properties in the extraterritorial area.

The Bismarck City Commission at their meeting on February 25, 2025, asked staff from the Community Development Department to pursue a zoning ordinance text amendment to allow chickens to be kept within City limits.

Background Information

The Bismarck Planning and Zoning Commission in 2021, directed Community Development staff to prepare a zoning ordinance text amendment to allow chickens in the R5, R10, and RM residential zoning districts within City limits.

The Planning and Zoning Commission recommended approval of an ordinance; however, upon introduction at the Bismarck City Commission at the June 8, 2021, meeting, the ordinance was denied an opportunity to move forward for a public hearing.

The Bismarck City Commission approved a zoning ordinance text amendment in 2017 to allow no more than 10 hens to be kept in the RR and RR residential zoning districts within extraterritorial area.

Sources of Information

A stakeholder group, including representatives from the public, Bismarck City Commission, Dakota Zoo, NDSU Extension, and City staff from the Police Department, Public Health Department, and City Attorney's office, was created to help draft the ordinance. The group met four times between April and July to review requirements from peer communities and educational products from NDSU Extension in Burleigh County.

The group focused on drafting an ordinance to provide City residents within residential zoning districts an opportunity to keep chickens with clear and enforceable requirements.

Proposed Changes

Proposed changes include the following:

- A statement of intent clarifying that chickens must be kept at an individual or

(continued)

household scale promoting the health, safety, and general welfare of the citizens of the city.

Commercial production is not permitted.

- Notification that the City of Bismarck will not be responsible to secure chickens at large or be liable for damage to any property or injury to any chicken.
- Permit requirements, permit revocation and appeals processes.

The stakeholder group and staff noted a permit should be required. A minimal fee is recommended to cover administrative costs. Permits would include contact information and a signed statement that the applicant will at all times keep chickens confined in a coop and run and will not allow chickens to run at large.

- Overall standards, including fencing requirements, coop locations, and the number of hens permitted.

The stakeholder group proposed that 6 hens should be permitted, a coop or run must be surrounded by a privacy fence or wall at least 6 feet in height, and a coop must meet accessory building setbacks.

The stakeholder group also discussed other fowl such as quail and duck but ultimately decided that only chickens should be included in the draft ordinance.

- Elimination of increased setback requirements for coops within residential properties in the extraterritorial area.

The stakeholder group agreed that the location requirements for properties within the City and extraterritorial should be similar and decided that the requirement to locate a coop 150 feet from a neighboring residence or structure within the extraterritorial area should be removed from the existing ordinance.

Public Engagement

An online survey promoted through the City's website and social media accounts was held between March 21 and April 1, 2025, and 655 responses were received. Survey results to whether or not chickens should be allowed within City limits and if residents would keep chickens if allowed were split fairly evenly. Forty-four percent of respondents stated that chickens should not be allowed, and 56% said they should be allowed. Thirteen percent stated that, if allowed, they would not keep chickens, 48% stated they would, and 39% were undecided.

Fourteen independently submitted public comments have been received since the February 25, 2025, Bismarck City Commission meeting. Seven in favor and seven opposed. Comments are attached for your review.

Both survey comments and independently submitted comments reflected a mix of support and opposition, with many emphasizing the need for clear and enforceable regulations.

Standard public engagement for the proposed zoning ordinance text amendment will commence if the Planning and Zoning Commission calls for a public hearing on this request.

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](#))

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

(continued)

- S5(a): Preserve the ability for rural residents to keep animals, gardens, and other agriculture practices appropriate to the scale of the lot.
- I7(a): Support the local food system, including productions, distribution, promotion, and retail.

Although commercial production would not be permitted within residential zoning districts, residents owning chickens would enjoy eggs produced on their property.

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. Portions of this section of the zoning ordinance was previously adopted in 2017 to allow keeping chickens (hens) within the extraterritorial area. The Bismarck City Commission at their meeting on February 25, 2025, asked staff from the Community Development Department to pursue a zoning ordinance text amendment to allow chickens to be kept within City limits.

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.

If the Planning and Zoning Commission approves the draft ordinance, staff will work with the City Attorney to make any modifications to Title 3 pertaining to animal control and protection to alleviate potential conflicts with the draft ordinance. Any modifications will be forwarded to the City Commission for approval along with the draft ordinance.

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 calling for a public hearing on the zoning ordinance text amendment to allow backyard chicken keeping within City limits and to reduce coop setback requirements for properties within the extraterritorial area.

Attachments

1. Draft zoning ordinance text
2. Public comment

(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 14-02-03, 14-03-06, 14-04-01, and 14-04-01.1 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE KEEPING OF CHICKENS IN COORPORATE LIMITS.

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

Section 1. Amend. Section 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Chicken: A type of domesticated fowl known as Gallus Gallus Domesticus.

Chicken Coop: A fully enclosed, detached non-residential structure for the purpose of housing chickens.

Chicken Run: An enclosed outside yard for keeping chickens.

(Ord. 4165, 07-21-87; Ord. 4424, 03-31-92; Ord. 4486, 04-27-93; Ord. 4529, 07-06-93; Ord. 4564, 11-23-93; Ord. 4631, 08-30-94; Ord. 4735, 11-14-95; Ord. 4756, 05-14-96; Ord. 4828, 03-25-97; Ord. 4880, 12-30-97; Ord. 4912, 07-14-98; Ord. 4936, 09-08-98; Ord. 5122, 07-10-01; Ord. 5139, 11-13-01; Ord. 5163, 04-09-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5287, 12-16-03; Ord. 5365, 10-26-04; Ord. 5468, 10-25-05; Ord. 5527, 06-27-06; Ord. 5528, 06-27-06; Ord. 5540, 08-22-06; Ord. 5584, 03-27-07; Ord. 5599, 04-24-07; Ord. 5678, 07-22-08; Ord. 5689, 08-26-08; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5811, 03-22-11; Ord. 5859, 01-24-12; Ord. 5887, 05-22-12; Ord. 5958, 03-

26-13; Ord. 6020, 11-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050, 05-27-14; Ord. 6118, 05-12-15; Ord. 6172, 10-27-15; Ord. 6190, 03-08-16; Ord. 6203, 05-24-16; Ord. 6218, 07-26-16; Ord. 6310, 02-27-18; Ord. 6311, 02-27-18; Ord. 6424, 06-12-20; Ord. 6423, 07-25-20; Ord. 6456, 03-29-21; Ord. 6505, 05-24-22, Ord. 6513, 07-26-22; Ord. 6570, 02-05-24, Ord. 6579, 06-29-24, Ord. 6583, 10-30-24, **Ord XXXX, [DATE]**)

Section 2. Amend. Section 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Incidental Uses, is hereby enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in **Sections 14-04-01, 14-04-01.1 or 14-04-17** of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed.

* * * * *

6. Backyard Chicken Keeping:

- a. Intent: Allow the keeping of chickens at an individual or household scale while promoting the health, safety, and general welfare of the citizens of the city.
- b. Chickens at large: The City of Bismarck will not be liable for damage to any property or injury to any chicken, nor is it the City's responsibility to secure chickens at large. Failure to comply with requirements outlined in this section will constitute a violation and be grounds for revocation of the permit.
- c. Permit Required: A person shall not keep chickens or maintain a coop or run unless granted a permit by the City.

The permit is tied to the applicant and the land and is non-transferrable.

d. Permit Revocation. The permit may be revoked by the Zoning Administrator by written notice for failure to comply with requirements outlined hereon, or any other local or state regulation. Application fees for revoked permits shall not be refunded. The permittee may appeal the revocation of the permit in accordance with Section 14-06-03 of this ordinance.

e. A permit application shall include the following:

1. The applicable fee.

2. A signed statement that the applicant/permittee will at all times keep chickens confined in a coop and run and will not allow chickens to run at large.

f. Standards:

1. Chickens may only be kept on a property in which the primary use is single-family residential.

2. Chickens may only be kept on a property that conforms to the minimum allowable lot size as set by the zoning district standards.

3. Roosters shall not be allowed. As soon as a rooster is identified, it shall be removed from the property.

4. Chickens, as permitted under this subsection, shall only be kept and raised for private use.

5. Chicken coops must meet applicable setbacks for allowable accessory buildings.

6. Chickens must be kept at all times in either a coop, run, or enclosed building.

7. For single-family residential properties within the City limits, the following additional standards shall apply:

a. No more than six (6) hens are allowed on any lot / parcel.

b. A coop or run must be surrounded by a solid privacy fence or wall at least six (6) feet in height.

8. For single-family residential properties within the extraterritorial area, outside of cooperate limits, and zoned RR – Residential or RR5 – Residential, the following additional standards shall apply:

a. No more than ten (10) hens are allowed on any lot / parcel.

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94; Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16; Ord. 6234, 10-25-16; Ord. 6235, 10-25-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6423, 07-25-20; Ord. 6570, 02-05-24, Ord. 6579, 06-29-24, Ord. 6583, 10-30-24 Ord XXXX, [DATE])

Section 3. Amend. Section 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR – Residential, is hereby enacted to read as follows:

14-04-01. RR – Residential District. In any RR – Residential district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

* * * * *

~~e. Chicken Hens and Coops in areas outside of the cooperate limits, provided that the animals are kept for private use only; that no male chicken (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setback and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~

(Ord. 4564, 11 23 93; Ord. 4577, 02 01 94; Ord. 4631, 08 30 94; Ord. 4756, 05 14 96; Ord. 4772, 06 25 96; Ord. 4828, 03 25 97; Ord. 4875, 10 14 97; Ord. 5280, 09-23-03; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5369, 11-23-04; Ord. 5566, 12-12-06; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24, 6583, 10-30-24, Ord XXXX, [DATE])

Section 4. Amend. Section 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR5 – Residential, is hereby enacted to read as follows:

14-04-01.1. RR5 – Residential District. In any RR5 – Residential district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

* * * * *

~~e. Chicken Hens and Coops in areas outside of the cooperative limits, provided that the animals are kept for private use only; that no male chicken (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setback and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~

(Ord. 5296, 02-24-04; Ord. 5371, 11-23-04; Ord. 5902, 06-26-12; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24, Ord. 6583, 10-30-24, Ord XXXX, [DATE])

Section 5. 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 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

Jenny Wollmuth

From: Daniel Nairn
Sent: Monday, April 7, 2025 11:35 AM
To: [REDACTED]
Cc: Jenny Wollmuth
Subject: RE: Chicken within city limit--NO

Bruce,

Thanks for reaching out. We will include you comment in compilation provided to City Commission.

Best,

Daniel Nairn, AICP
Planning Manager
701-355-1854

From: [REDACTED]
Sent: Monday, April 7, 2025 9:38 AM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Chicken within city limit--NO

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Sorry I missed the survey about the topic of allowing residents to rise chickens on their property.
My vote and everyone I have talked to and everyone they have talked to vote a definite NO!!!!!!!
I will keep mine and others' comments by mayor/commissioner s' comments at their last meeting out his communication except their statements were not well received.
Request: for us with low vision Please leave survey links up longer and flash by slower.
Thank You,

Bruce Wiese
[REDACTED]

Jenny Wollmuth

From: Ben Ehreth
Sent: Friday, March 14, 2025 8:13 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Greg Zenker <gzenker@bismarcknd.gov>
Sent: Thursday, March 13, 2025 2:46 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Cc: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Fw: Online Form Submittal: Contact Commissioner Zenker

FYI

Greg Zenker

Bismarck City Commissioner

gzenker@bismarcknd.gov

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 13, 2025 2:44 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Conner
Last Name	Swanson
Address	323 E Avenue B
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	I support allowing chickens in city limits.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Daniel Nairn
Sent: Thursday, March 6, 2025 3:37 PM
To: Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

Daniel Nairn, AICP
Planning Manager
701-355-1854

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Thursday, March 6, 2025 6:58 AM
To: Ben Ehreth <behreth@bismarcknd.gov>; Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 5, 2025 9:38 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Curtis
Last Name	Hojian
Address	2417 Pointe Loop

Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	
Email	
Comments	Chickens in Bismarck I am totally against chickens in city limits. People can't even take care of dogs in town. My neighborhood stinks like dog crap the last few times it warmed up. Let's not create another problem we can't take care of and enforce! Police or city staff don't have time to babysit people that can't follow the rules. People prove it everyday with their dogs in town!! I am a no keep Bismarck clean. Thanks for hearing my comments Curt Hojian

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Thursday, March 20, 2025 8:53 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Wednesday, March 19, 2025 12:28 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 19, 2025 12:19:32 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Karisa
Last Name	Ross
Address	801 North 4th Street
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	Good afternoon!! I am messaging in support of backyard chickens. My husband and I have been longtime homeowners in the central Bismarck/cathedral area and we would love if chickens being allowed in town were to pass. I fully understand that there would be licinsing, restrictions, and approval necessary to make this happen but I genuinely feel it would be a net positive for the people of this city. Thank you for your time! Karisa J. Ross

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Thursday, May 29, 2025 2:54 PM
To: Jenny Wollmuth
Cc: Daniel Nairn
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

Hello Jenny,

Please see following a comment regarding the keeping of chicken ordinance.

Thanks,
Ben

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Thursday, May 29, 2025 2:18 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 29, 2025 2:08 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Kevin
Last Name	Gisinger
Address	606 South 17th st
Address2	<i>Field not completed.</i>
City	Bismarck
State	North Dakota
Zip	58504
Phone Number	
Email	
Comments	Please do whatever you have to and stop this backyard chicken raising nonsense. Chickens should be on farms not in neighborhood back yards. I do think if this is approved these city wanna be farmers will be in the same areas they like to stick the homeless shelters and soup kitchens and any other areas these homeless people can get something for nothing. It has got to be one of the stupidest things I have ever heard. I have lived in Bismarck for 67 years so I have heard a lot of stupid ideas come from our local government. I bet you will not see chickens in Promitory Point, Boulder Ridge, or The Silver Ranch development. You will never see anything for the homeless in those areas either. We like putting things like that in the less affluent parts of town.

I watched the tail end of a meeting the other night and it sure seems Mr Risch gets almost giddy when he talks about it. If this idiotic idea does move forward one of the requirements should be that the person who wants to raise chickens must get the written permission on an application supplied and approved by the city from any neighbors within 500 feet of their residence in all directions. If any one homeowner does not approve of the chickens then the application is denied. Who from the city is going to be the lucky one to go out and inspect chicken coops so they are built correctly and not made out of duct tape and cardboard. What happen if a neighbor complains about noise or health conditions? Sounds like a good no wage job for Mr. Risch Seems like there are better ways to spend taxpayer dollars. Please respond so I know you at least read this. Thank You for your time.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Thursday, March 20, 2025 10:07 AM
To: Jenny Wollmuth; Daniel Nairn
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Wednesday, March 19, 2025 2:17 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 19, 2025 1:42 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Melissa
Last Name	Guthmiller
Address	1507 East Bowen Avenue
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58504
Phone Number	
Email	
Comments	I am writing to you today because I am 300% against allowing chickens or any "farm animals" in our city. We have enough of a problem with people abusing, not feeding, not wanting, and ditching dogs, cats, and rabbits in this town. It is absolutely heartbreaking. What happens when the price of eggs and chicken meat goes back to a price everyone can afford? What will happen to those chickens? People have good intentions, but can't seem to follow through with taking care of the animals they have for their (the animals) short life time. I have enough stray animals that I feed and clean up after and I don't even own an animal. It would be better to take care of the overload of rescued animals and get the stray population under control before we even consider allowing one more animal to be subjected to the "busy city life". Second point, Chickens carry diseases and illness that affects humans. Cross contamination is a huge problem.

Let's keep them on the farm where they belong.

Thank you for taking the time to read this
Melissa Guthmiller

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Daniel Nairn
Sent: Wednesday, May 21, 2025 4:14 PM
To: Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

Daniel Nairn, AICP

Planning Manager
701-355-1854

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Date: Wednesday, May 21, 2025 at 1:13 PM
To: Ben Ehreth <behreth@bismarcknd.gov>, Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 21, 2025 1:11:32 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Michael
Last Name	Neigum
Address	<i>Field not completed.</i>
Address2	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>
Phone Number	
Email	

Comments

Hello. I am contacting you in support of changing the city ordinance regarding livestock and to allow chickens within city limits. I base this on several factors. First, several of our largest cities in the state already allow this. Second, it would allow for hobbies, food and so forth to be unrestricted in this area. I understand there could be some opposition to changing these rules. Most of those concerns are unfounded and lack merit. No one is asking for roosters to be allowed. The noise is just not there. I firmly believe we should not be limiting 95% of the responsible people that would create zero issues just because of 5% that may. If that is the mentality and argument against having chickens, then it could be applied is so many other areas as well. Please consider allowing chickens and focus on the benefits, not the theories of what negative could happen. That type of mindset would have stopped so many "now in place" concepts that have worked just fine. Thank you. Respectfully, Mike.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Daniel Nairn
Sent: Monday, March 3, 2025 7:47 PM
To: Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

Daniel Nairn, AICP

Planning Manager
701-355-1854

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Date: Monday, March 3, 2025 at 6:15 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>, Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, March 3, 2025 6:12:01 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Mike
Last Name	Wardzinski
Address	1741 Wichita Drive

Address2	<i>Field not completed.</i>
City	Bismarck
State	North Dakota
Zip	58504
Phone Number	
Email	
Comments	I understand that there is a proposal to allow chickens in the city limits. Please do not approve this. The risks (noise, health, and sanitation of coops) outweigh the benefits of being able to get free eggs. Thank you, Mike Wardzinski

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Daniel Nairn
Sent: Thursday, March 6, 2025 3:26 PM
To: Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

I'll just keep passing these along for collection.

Daniel Nairn, AICP
Planning Manager
701-355-1854

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Thursday, March 6, 2025 2:59 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>; Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 6, 2025 2:44:46 PM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rebecca
Last Name	Larson
Address	218 juniper Dr

Address2	Field not completed.
City	Bismarck
State	North Dakota
Zip	58503
Phone Number	
Email	
Comments	Sir, I am vehemently opposed to chickens being allowed to live in the city limits. I love my city, neighborhood and street and turning backyards into farmyards would compromise the integrity of city living. Chickens are filthy animals. Wild animals such as coyotes would find their way into our backyards more than they do already. I have a small poodle that is placed on a tether multiple times each day and I fear for his life if more coyotes wander into my yard looking for an easy meal. I live on Juniper Drive and in the last 3 years I have already seen 4 different coyotes in my backyard at various times. Please keep Bismarck the clean city I've known for the last 46 years that I've been a resident. Becky Larson

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Thursday, May 22, 2025 12:09 PM
To: Jenny Wollmuth
Cc: Daniel Nairn
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

The following is a comment related to the keeping of chickens ordinance.

Ben Ehreth, AICP

Department Director

City of Bismarck

Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Greg Zenker <gzenker@bismarcknd.gov>
Sent: Wednesday, May 21, 2025 8:45 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Cc: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Fw: Online Form Submittal: Contact Commissioner Zenker

FYI.

Greg Zenker
Bismarck City Commissioner

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 21, 2025 8:40 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rebecca
Last Name	Swift
Address	1108 N Mandan St
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]

I am writing this to the Mayor and the members of the Bismarck City Commission regarding the keeping of chickens in Bismarck City Limits.

I was raised on a farm near Tuttle, ND until I was in my teens, so I do have a lot of experience with raising chickens. The following are areas of concern:

Chickens make noise. You have heard the term "getting up with the chickens"... Well they really do get up very early. And even if you don't allow roosters, you have that buck-buck-buck- buuuuuuck- going on and then repeat. That can go on for a long time.

Chickens smell bad. A 6 foot limit inside lot lines is not enough to keep the smell from the neighbors yard, especially on a windy day. Their droppings are very liquid and cannot be picked up like other animals. Coops need to be cleaned often, and if they aren't they smell really bad. If there are certain requirements

for the coops, who is going to make sure that people comply? Chickens also can carry diseases, Avian Bird Flu being one of them. They can also carry lice, attract rodents, and pick on each other, especially if they aren't fed enough.

Chickens can fly right over 6 foot fences. They are very difficult to catch. You need a wire hook with a handle and in the meantime, be prepared for them to fly over the fence again.

As far as providing eggs for the family, by the time you build/purchase a coop, feed, feeders/waterers, water heaters, and some form of straw/hay to cover the ground to be able to pick up the chicken droppings, raising chickens will be very expensive. Chickens only lay one egg a day and they stop laying when the days get darker longer. A chicken will produce eggs for 2-3 years under good circumstances. What will you do with them after that? They need to be fed and watered without forgetting. The cute little baby chicks can turn into cranky hens that scratch and fly at you when you go to gather eggs.

Now put that all together and imagine a nice barbecue going on in the back yard amongst the smell of your neighbors chicken coop poop, the bucking and flying of the chickens over the fence. Neighbors angry with neighbors. And who is going to be the chicken police? Personally, I think that our Police Department has way too much on their hands than to have to try and catch and monitor somebody's chickens.

I say if you want chickens, move out of town and you can raise an entire flock. Believe me, it's not as easy and as much fun as you think.

Thank you for your time,
Rebecca Swift

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Thursday, March 13, 2025 10:30 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Greg Zenker <gzenker@bismarcknd.gov>
Sent: Monday, March 3, 2025 3:42 PM
To: Ben Ehreth <behreth@bismarcknd.gov>
Cc: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Fw: Online Form Submittal: Contact Commissioner Zenker

FYI.

Greg Zenker
Bismarck City Commissioner

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, March 3, 2025 3:35:59 PM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Rosalyn
Last Name	Weber
Address	2737 Pacific Ave
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	
Email	
Comments	Hello Commissioner Zenker, I write to you in support of backyard chickens in the Bismarck city limits. With the sky-high price of eggs, allowing Bismarck residents to raise egg-laying hens would save residents money and help insulate residents from egg supply chain issues through localized food production. If residents are worried about noise, the city can take steps to limit the flocks to only hens and limit the number of chickens. Mandan limits backyard chickens to only 4 hens, while West Fargo limits a flock to 6 hens. Outside from the winter months, one hen provides on average 3-4 eggs per week. If Bismarck allowed a maximum of 5 hens that could easily feed a family of four, with the hope that each hen lays at least 3 eggs. If neighboring residents are concerned about the smell, the city can take steps to require a minimum distance of the pen from a neighbor's property, as well as the limit the size of the entire pen, which includes a coop (where the chickens roost and lay

eggs) and a run (where the chickens can walk and forage). Both the cities of West Fargo and Mandan have pen size limitations and distance requirements from a neighbor's yard.

One consideration between West Fargo and Mandan's permit requirements is the costs for a permit. Mandan requires a hefty \$100 for a permit application and an annual payment of \$50 for a permit renewal. West Fargo's permit is much more affordable at \$25 for the permit application and each year for the permit renewal. Having a cost associated with backyards chickens will generate some additional revenues, but I caution against high permit fees as the commission shouldn't price out those most in need who could raise their own food.

Thanks for your consideration of this issue. It is very exciting and I hope the commission brings together a robust stakeholder group to advise on this issue.

Sincerely,
Rosalyn

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Monday, March 17, 2025 9:09 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

FYI also I'm only forwarding the ones where I don't see either of your names included in the initial forward. I see the Mayor has included Daniel on many of these and I have not forwarded those comments.

Ben Ehreth, AICP

Department Director

City of Bismarck

Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Saturday, March 15, 2025 11:44 AM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, March 15, 2025 11:04:19 AM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Sarah
Last Name	Torgerson
Address	922 N 31st Street
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58501
Phone Number	[REDACTED]
Email	[REDACTED]
Comments	Good morning, I wanted to let you know that I and many of my friends are very excited to hear that the city is reconsidering allowing backyard chickens in Bismarck. I think it is such a great way to allow us all to be more independent and great way to start teaching kids about responsibility. Egg prices have been so high off and on for the past year, and having access to fresh eggs will be helpful on grocery bills. I hadn't heard yet when the public meeting about this topic is, but I am planning on coming to support this new plan. Thanks, Sarah Torgerson

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Friday, March 14, 2025 9:31 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Commissioner Zenker

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Greg Zenker <gzenker@bismarcknd.gov>
Sent: Thursday, March 6, 2025 8:42 AM
To: Ben Ehreth <behreth@bismarcknd.gov>
Cc: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Fw: Online Form Submittal: Contact Commissioner Zenker

FYI.

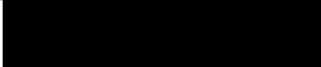
Greg Zenker
Bismarck City Commissioner

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, March 6, 2025 8:26:14 AM
To: Greg Zenker <gzenker@bismarcknd.gov>
Subject: Online Form Submittal: Contact Commissioner Zenker

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Commissioner Zenker

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Tammy
Last Name	Kellam
Address	2610 Lexington Dr
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	
Email	
Comments	Good Morning: I just want to put my 2 cents in, in regards to chickens in city limits. You have Animal Control already running around with abandoned animals of all types - this is only going to create more chaos for them, the police and everyone else. I am adamantly against having chickens in city limits - they want to farm, move out of town. You will have individuals getting them cause they are so "cute" and having no idea how to care for them properly, and then they become too expensive so lets not care for them or dump them! I say NO to chickens in Bismarck city limits.

Email not displaying correctly? [View it in your browser.](#)

Jenny Wollmuth

From: Ben Ehreth
Sent: Friday, March 28, 2025 8:59 AM
To: Daniel Nairn; Jenny Wollmuth
Subject: FW: Online Form Submittal: Contact Mayor Schmitz

FYI

Ben Ehreth, AICP
Department Director

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1842
Email: behreth@bismarcknd.gov
Website: bismarcknd.gov

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov |
Threads: threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:**
youtube.com/bismarckndgov

***Disclaimer:** This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.*

From: Michael Schmitz <mschmitz@bismarcknd.gov>
Sent: Friday, March 28, 2025 6:23 AM
To: Ben Ehreth <behreth@bismarcknd.gov>
Subject: Fwd: Online Form Submittal: Contact Mayor Schmitz

Mike Schmitz
Mayor
City of Bismarck
Phone 701.934.5040

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, March 28, 2025 6:13:47 AM
To: Michael Schmitz <mschmitz@bismarcknd.gov>
Subject: Online Form Submittal: Contact Mayor Schmitz

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Contact Mayor Schmitz

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions, and suggestions for making Bismarck an even better place to live. This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions, or advertisements will not be considered.

First Name	Tiia
Last Name	Kilwein
Address	4111 steel pl
Address2	<i>Field not completed.</i>
City	Bismarck
State	ND
Zip	58503
Phone Number	
Email	
Comments	We would really like to be able to have chickens and ducks in Bismarck. Mandan allows them so why arnt we able to as well.

Email not displaying correctly? [View it in your browser.](#)

STAFF REPORT

Agenda Item # 3A

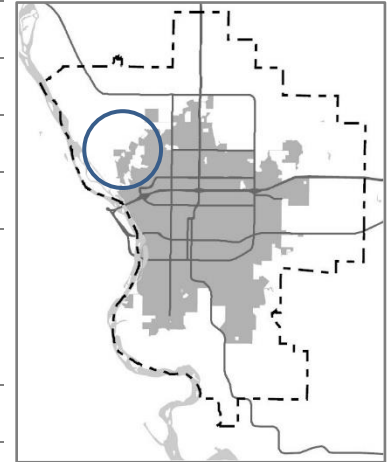
July 23, 2025

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

Project ID: **ZC2025-012**
FPLT2025-005

Project Summary

<i>Title:</i>	Elk Ridge Fourth Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Section 18 Land LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest of Bismarck, between North Washington Street and River Road, east of Tyler Parkway and north of Frisco Way (Part of the SW¼ of Section 18, T139N-R80W/Hay Creek Township)
<i>Project Size:</i>	23.65 acres
<i>Applicant Request:</i>	Zone and plat property for future single-family development
<i>Staff Recommendation:</i>	Approve



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

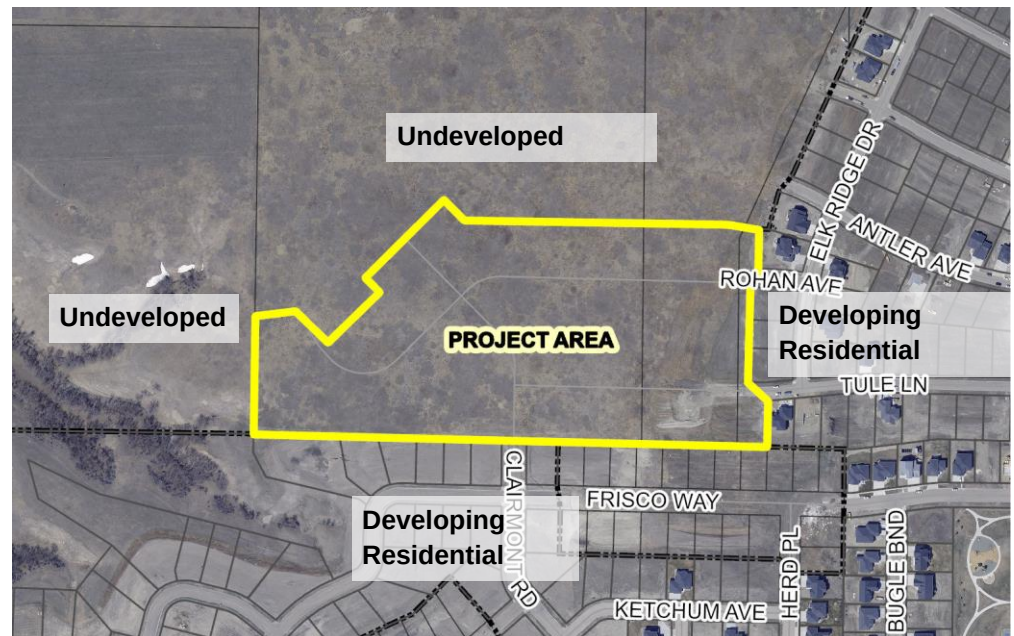
Section 18 Land LLC is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat titled Elk Ridge Fourth Addition.

The 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 and annexation ordinance is recorded.

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

The Planning and Zoning Commission considered this request at their meeting of June 25, 2025, and called for a public hearing on the zoning map amendment and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune

on July 11 and 18, and 29 postcards were mailed to the owners of nearby properties on July 11, 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

(continued)

Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

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 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 of 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.

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.

(continued)

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.

Major Subdivision Final Plat

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. No specific conditions were placed on the approval 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 rights-of-way and easements that extended into and through the plat. Rights-of-way and 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.

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](#))

(continued)

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 15, 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. The stormwater management plan states that the homeowner's association for the proposed plat will be developed and will be responsible for regular maintenance of the stormwater pond own and maintain the stormwater pond. Regular maintenance consists of mowing, weed control and other standard periodic maintenance.

The City of Bismarck would be responsible for sediment removal and any needed structure repairs for the stormwater facilities on Lot 1, Block 1 of the proposed plat.

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. 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 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.

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

(continued)

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.

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 approval of the proposed zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat for Elk Ridge Fourth Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat
5. Final Plat

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

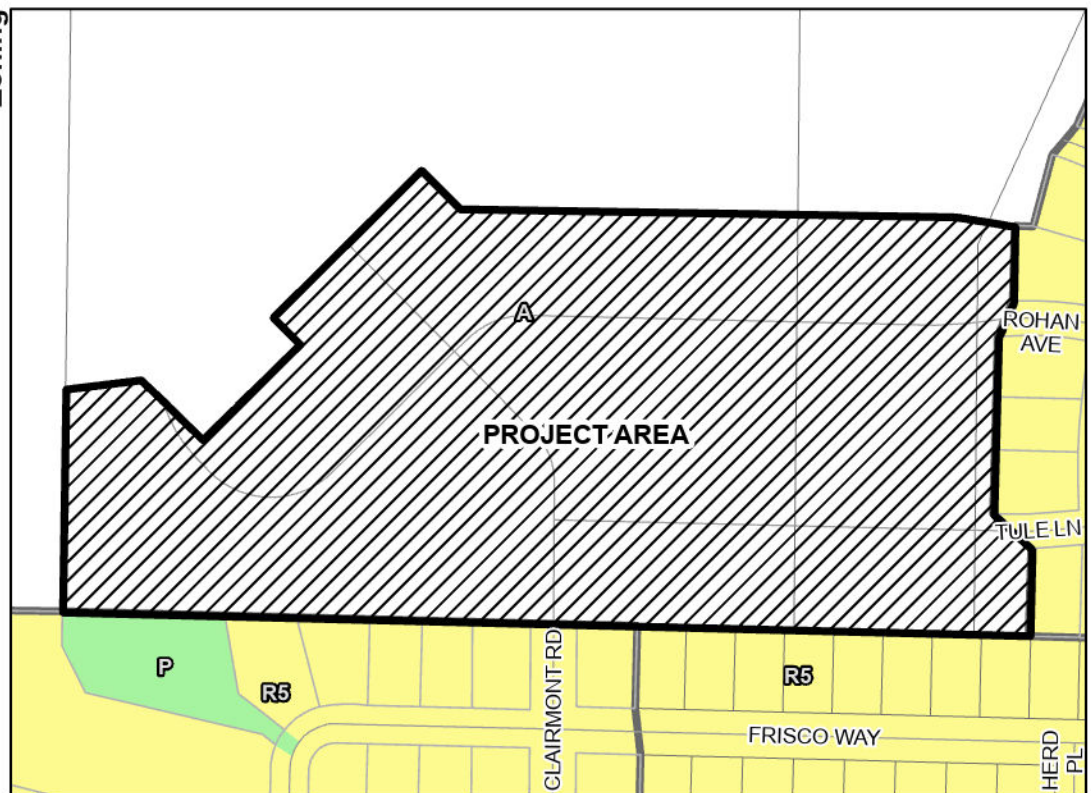
Active Mobility Plan

— Future Shared Trail

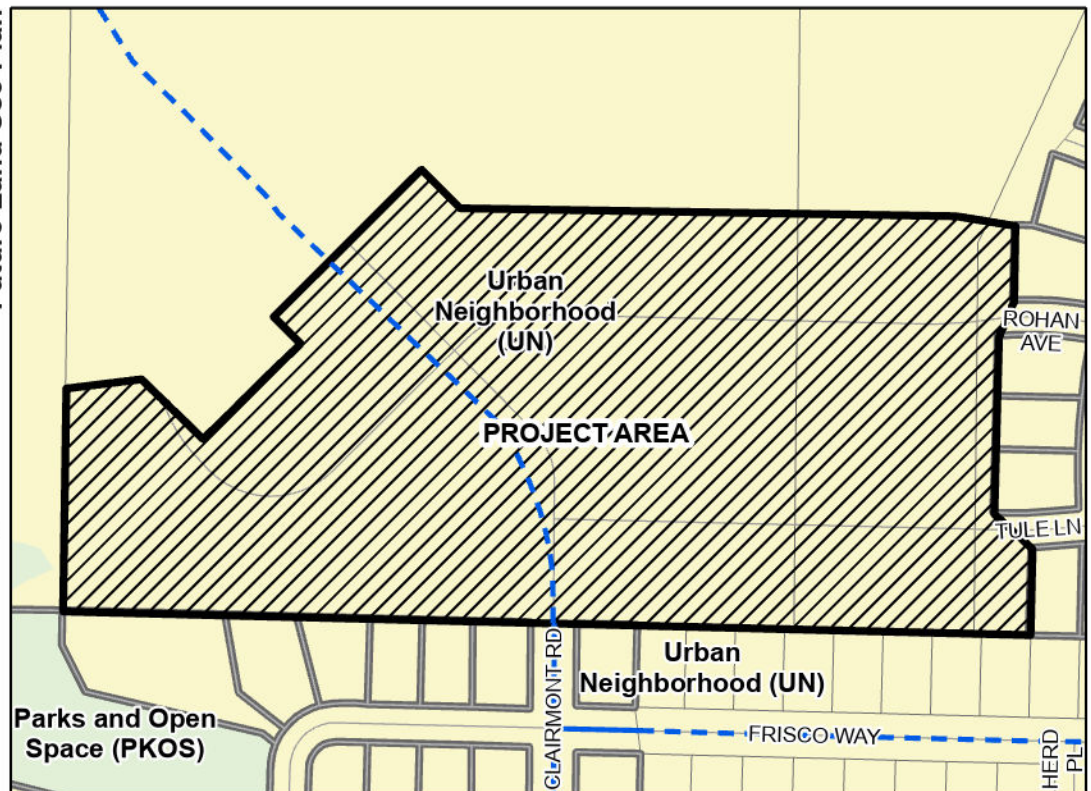
Major Street Plan

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

Zoning



Future Land Use Plan



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

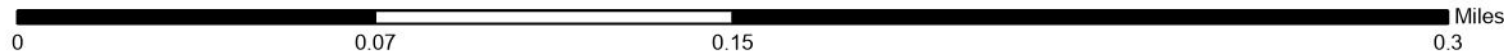
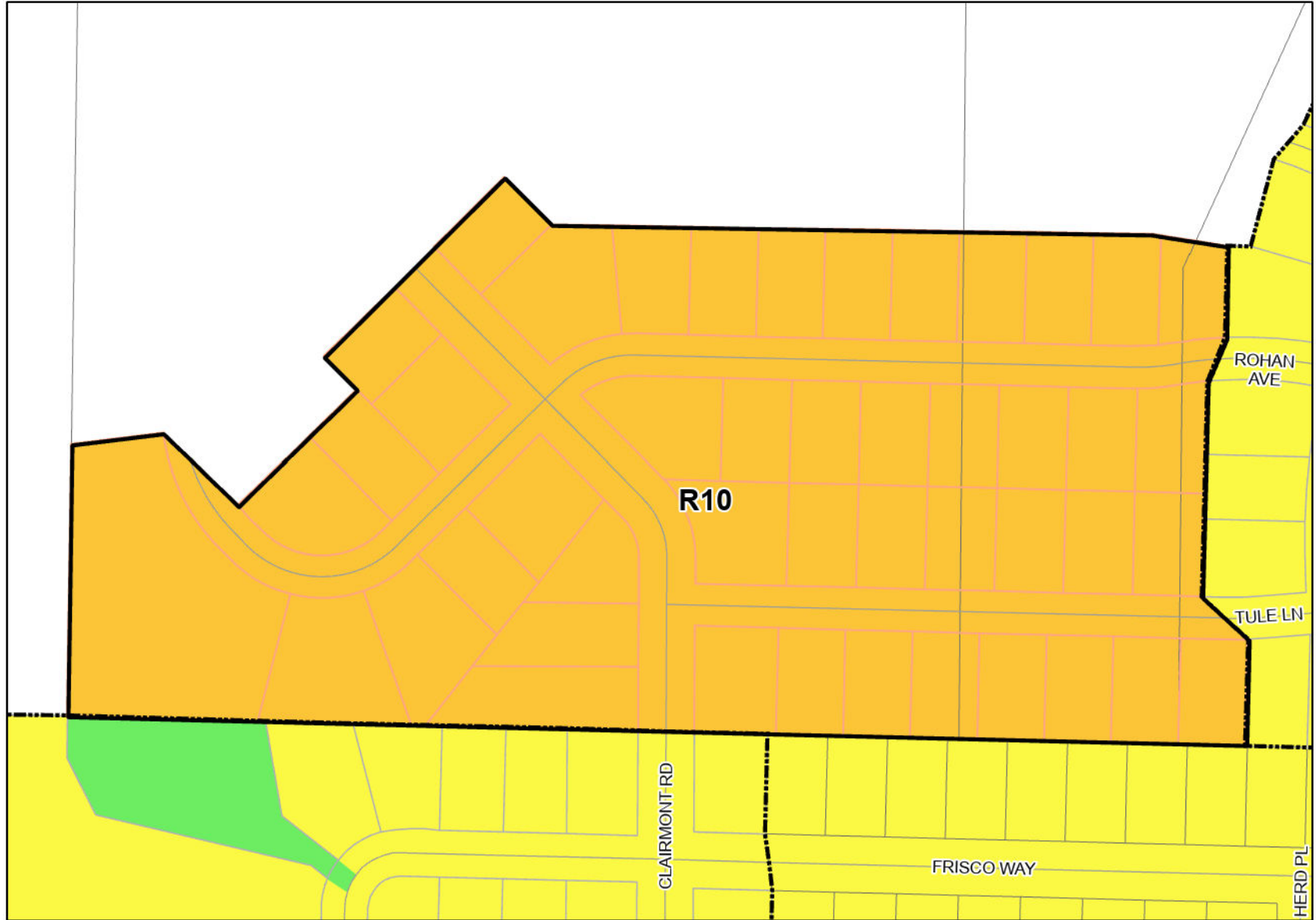
 Project Area
(zoning within
is proposed)

 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*



*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.*

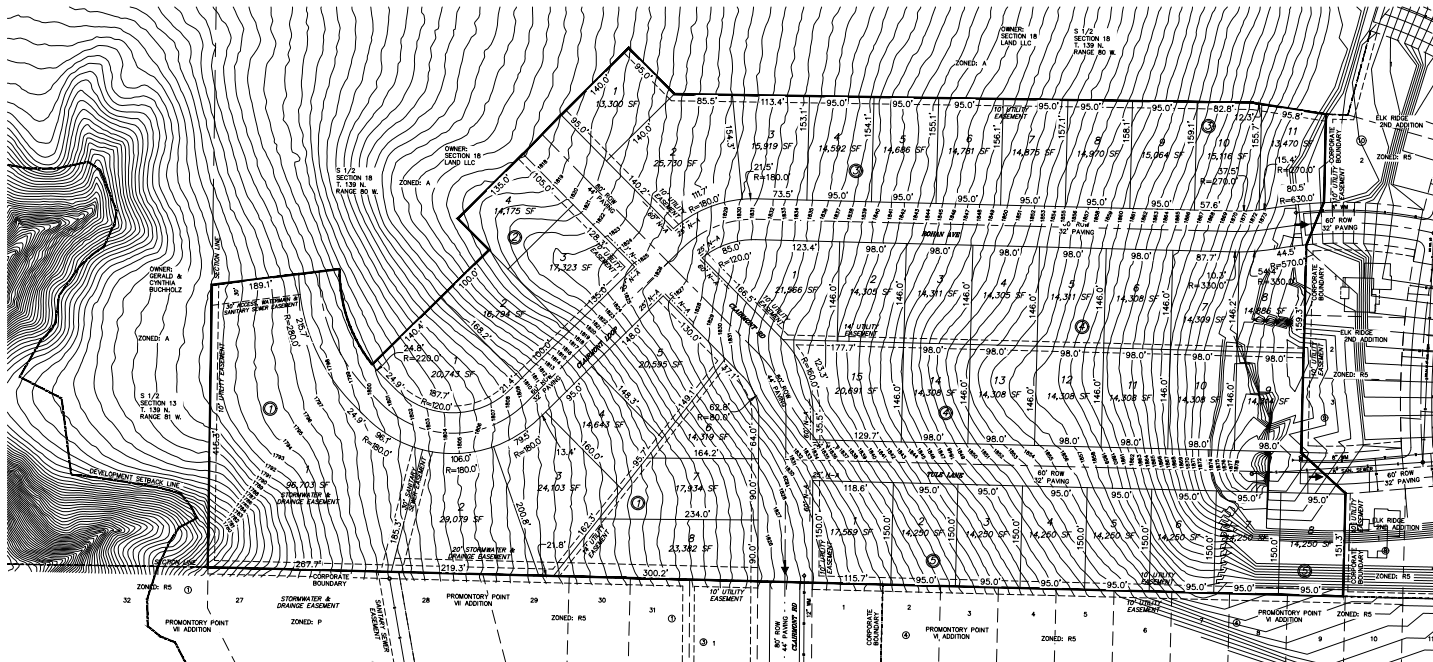


City of Bismarck
Community Development
Planning Division
June 17, 2025

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

MAXIMUM ALLOWABLE HOUSING UNITS:
R10 --90 UNITS

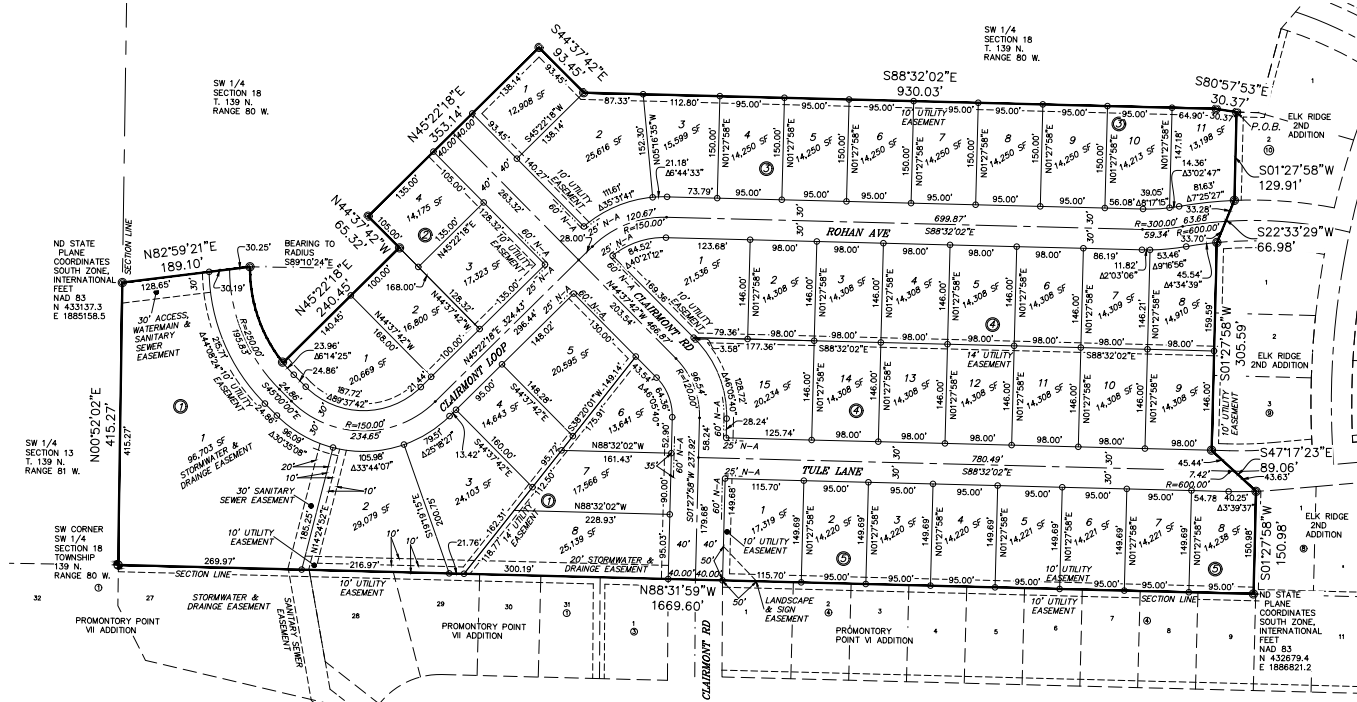


SWENSON, HAGEN & COMPANY P.C.
3002 Arroyo Avenue
Bismarck, North Dakota 58504
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
Phone (701) 221-2000
Fax (701) 221-2006
shc@swensonhagen.com

ELK RIDGE FOURTH ADDITION

PART OF THE SOUTHWEST 1/4 OF SECTION 18
TOWNSHIP 139 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASED ON BEARINGS
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
GROUND DISTANCE

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

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

AREA DATA

LOTS	824,728 S.F.	18.89 ACRES
STREETS	201,548 S.F.	4.71 ACRES
TOTAL	1,026,276 S.F.	23.60 ACRES

DESCRIPTION

PART OF THE SOUTHWEST 1/4 OF SECTION 18, 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 LOT 2 BLOCK 10 ELK RIDGE SECOND ADDITION; THENCE SOUTH 01 DEGREE 27 MINUTES 58 SECONDS WEST, ON THE WEST LINE OF SAID ELK RIDGE SECOND ADDITION, A DISTANCE OF 129.91 FEET; THENCE SOUTH 22 DEGREES 33 MINUTES 29 SECONDS WEST, CONTINUING ON SAID WEST LINE, A DISTANCE OF 66.98 FEET; THENCE SOUTH 01 DEGREE 27 MINUTES 58 SECONDS WEST, CONTINUING ON SAID WEST LINE, A DISTANCE OF 305.59 FEET; THENCE SOUTH 47 DEGREES 17 MINUTES 23 SECONDS EAST, CONTINUING ON SAID WEST LINE, A DISTANCE OF 89.06 FEET; THENCE SOUTH 01 DEGREE 27 MINUTES 58 SECONDS, CONTINUING ON SAID WEST LINE, A DISTANCE OF 150.98 FEET TO THE SOUTH LINE OF SAID SECTION 18; THENCE NORTH 88 DEGREES 31 MINUTES 59 SECONDS WEST, ON SAID SOUTH LINE, A DISTANCE OF 1669.60 FEET TO THE WEST LINE OF SAID SECTION 18; THENCE NORTH 00 DEGREES 52 MINUTES 02 SECONDS EAST, ON SAID WEST LINE, A DISTANCE OF 415.27 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 21 SECONDS EAST, A DISTANCE OF 189.10 FEET; THENCE SOUTHERLY AND TO THE LEFT, ON A 250.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 89 DEGREES 10 MINUTES 24 SECONDS EAST, AN ARC LENGTH OF 152.00 FEET; THENCE NORTH 45 DEGREES 32 MINUTES 18 SECONDS EAST, A DISTANCE OF 240.45 FEET; THENCE NORTH 44 DEGREES 17 MINUTES 42 SECONDS WEST, A DISTANCE OF 65.32 FEET; THENCE NORTH 45 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 353.14 FEET; THENCE SOUTH 44 DEGREES 37 MINUTES 42 SECONDS EAST, A DISTANCE OF 85.45 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 02 SECONDS EAST, A DISTANCE OF 930.03 FEET; THENCE SOUTH 80 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 30.37 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 23.66 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.
3002 ARWAY AVENUE
BISMARCK, NORTH DAKOTA
58504

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

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 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 BRETH - 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 DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE ORDINANCES 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. 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 "ELK RIDGE FOURTH ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BISMARCK NORTH DEVELOPERS, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ELK RIDGE FOURTH ADDITION", 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 ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

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 THEREOF FOR 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.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

RON KNUTSON, PRESIDENT
BISMARCK NORTH DEVELOPERS, LLC
555 HWY 1804 NE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED RON KNUTSON OF SECTION 18 LAND, LLC, 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 _____

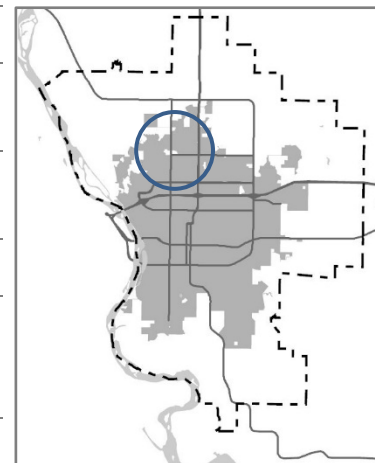
SWENSON, HAGEN & COMPANY P.C.

3002 ARWAY AVENUE
BISMARCK, NORTH DAKOTA 58504
dsh@swensondag.com
Phone (701) 221-2600
Fax (701) 221-2600

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

Project Summary

<i>Title:</i>	Boulder Ridge Commercial Addition
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Wilment Properties LLC Wilment Development LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest Bismarck, in the northeast quadrant of the intersection of North Washington Street and 43rd Avenue Northeast
<i>Project Size:</i>	19.89 acres, more or less
<i>Applicant Request:</i>	Annex property for future commercial development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	5 parcels in 1 Block	<i>Lots/Blocks:</i>	4 Lots in 2 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial uses
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	CA – Commercial CG – Commercial	<i>Zoning:</i>	CA – Commercial CG – Commercial
<i>Uses Allowed:</i>	CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	CA – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CA – 30 units / acre CG – 42 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Boulder Ridge

Property History

<i>Zoned:</i>	04/2005 & 01/2025
<i>Platted:</i>	06/2005
<i>Annexed:</i>	Portions in 2005, 2006, & 2007

(continued)

Project Narrative

Wilment Properties LLC and Wilment Development LLC are requesting approval of an annexation on Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition.

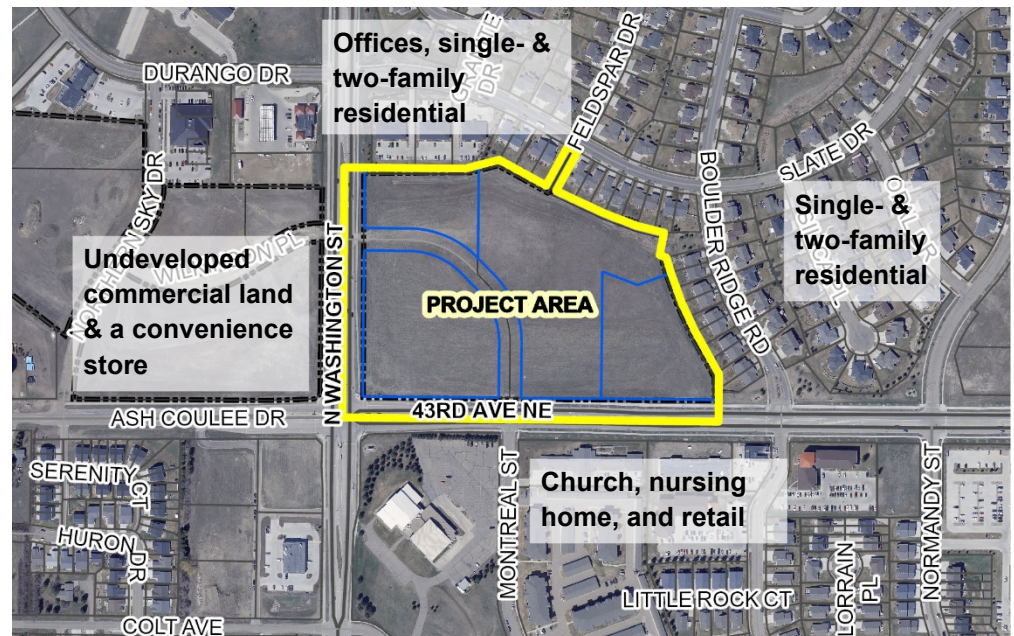
This annexation request is in conjunction with a zoning map amendment and a major subdivision plat to facilitate future commercial development in this area. In order to connect to municipal services for any proposed development, the property would need to be annexed.

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 annexations are referenced in review standards below.

Adjacent uses include offices and single- and two-family residential to the north; single- and two-family residential to the east; a church, nursing home, multi-family residential, and retail uses to the south across 43rd Avenue Northeast; and a convenience store and undeveloped commercial land to the west across North Washington Street.

Public Engagement

Annexations do not have a public hearing before the Planning and Zoning Commission. 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.

(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 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 of proposed annexation is clearly contiguous to the existing corporate boundaries. 100% 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. Utility capital charges will be due at the later of three points: platting and annexation, establishing a water and sewer escrow, or receipt of a street petition.

This annexation request also triggers the held in abeyance costs for regional stormwater improvements and the construction of North Washington Street. The costs associated with the annexed portion will be attached to that property after annexation occurs. The special assessments would then start the year following the annexation completion.

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation on Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map

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:

Lots 1-3, Block 1 and Lot 1, Block 2, Boulder Ridge Commercial Addition, and all the adjoining right-of-way of Clement Lane

The above described tract of land contains 19.89 acres, 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.

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

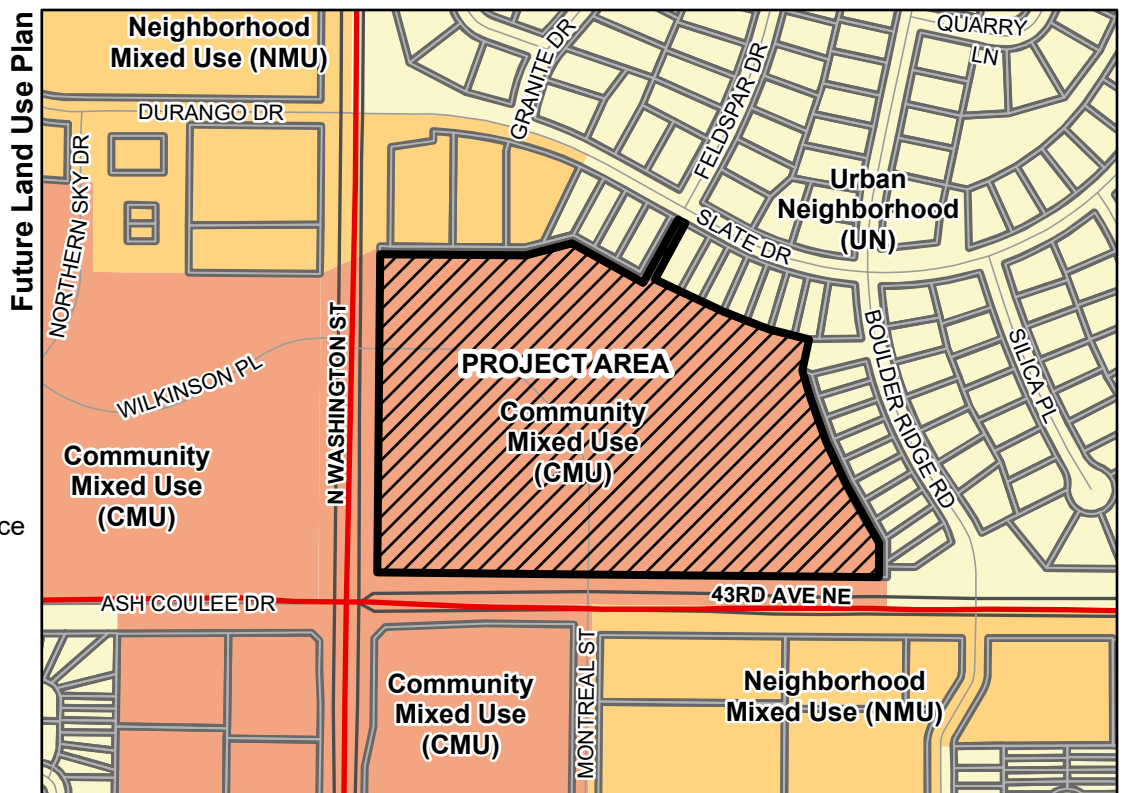
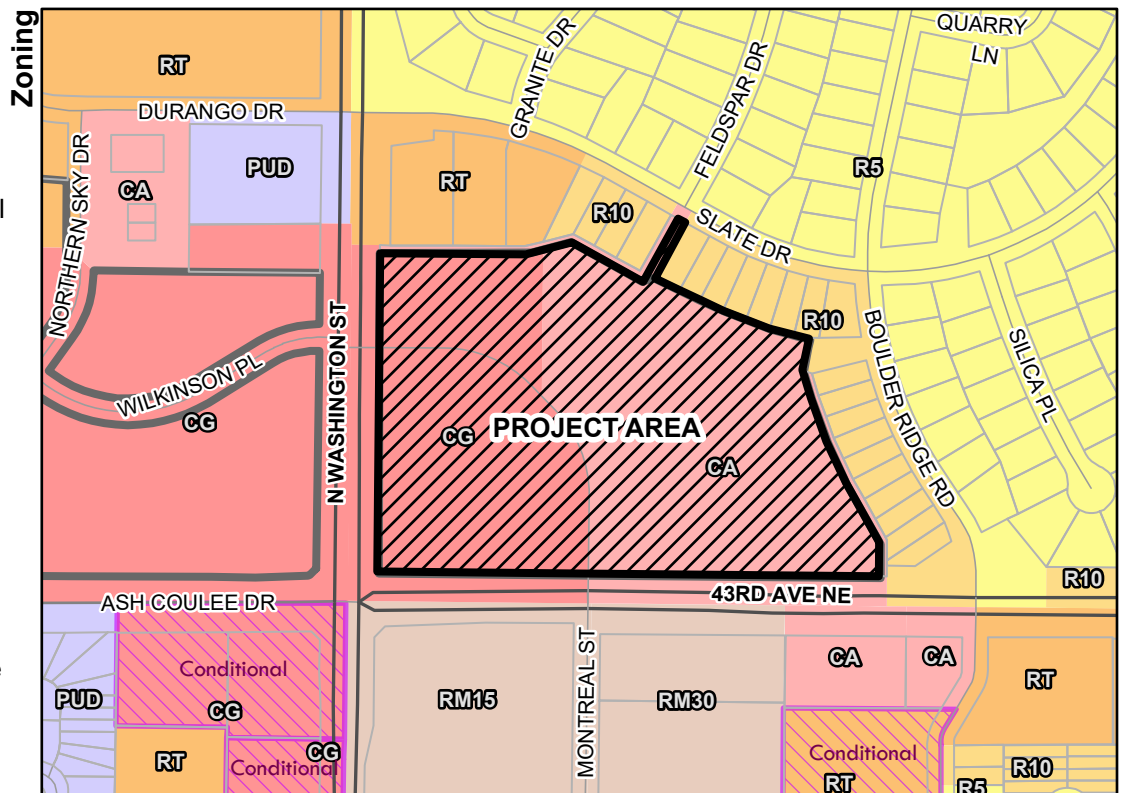
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Rural Urban Reserve Mid/Long-Term

Active Mobility Plan

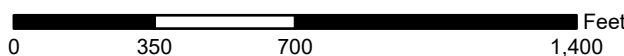
— Future Shared Trail

Major Street Plan

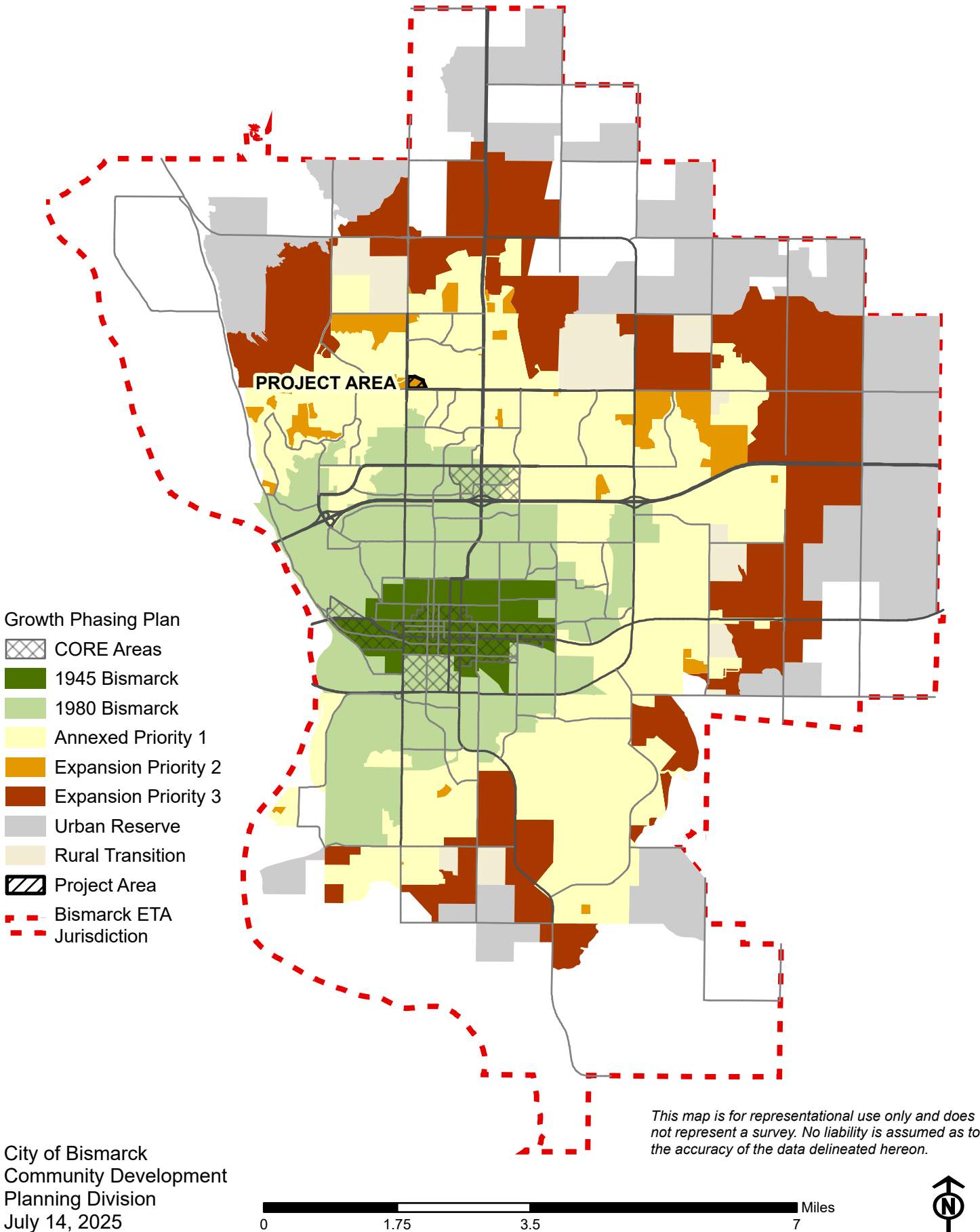
—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
—	City Limits



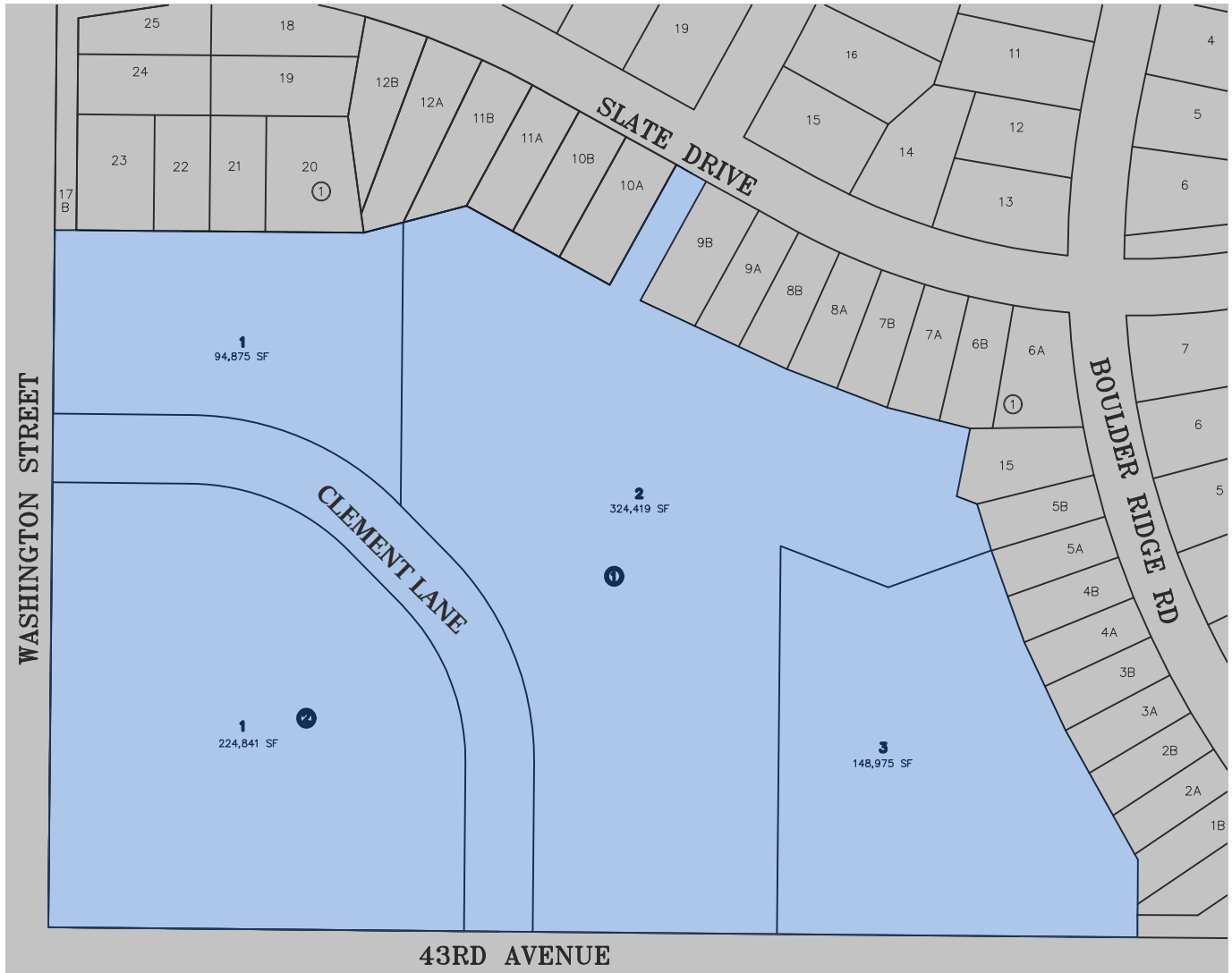
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
July 14, 2025



BOULDER RIDGE COMMERCIAL ADDITION ANNEXATION EXHIBIT

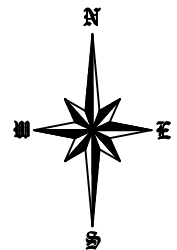


CURRENT ANNEXATION



PROPOSED ANNEXATION

LOT 1, BLOCK 1, BOULDER RIDGE COMMERCIAL ADDITION
 LOT 2, BLOCK 1, BOULDER RIDGE COMMERCIAL ADDITION
 LOT 3, BLOCK 1, BOULDER RIDGE COMMERCIAL ADDITION
 LOT 1, BLOCK 2, BOULDER RIDGE COMMERCIAL ADDITION
 CLEMENT LANE RIGHT-OF-WAY



JULY 10, 2025



SWENSON, HAGEN & COMPANY P.C.
 3002 Airway Avenue P.O. Box 1135
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2606

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

STAFF REPORT

Agenda Item # 3C

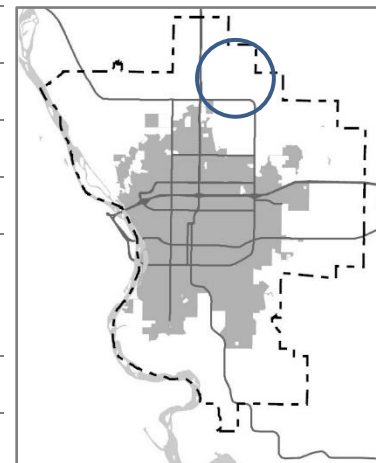
July 23, 2025

Application for: **Special Use Permit**

Project ID: **SUP2025-010**

Project Summary

<i>Title:</i>	Oakland Subdivision, Block 1, Lot 4
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Tanner and Andrea Broderick
<i>Project Contact:</i>	Tanner Broderick
<i>Project Location:</i>	North of Bismarck, east of US Highway 83, between 71st Avenue NE and 84th Avenue NE, along the north side of Grey Fox Lane
<i>Project Size:</i>	1.68 acres
<i>Applicant Request:</i>	Increase allowable area of accessory buildings to 3,200 square feet
<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>	Single-family residential	<i>Land Use:</i>	Single-family 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

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

Property History

<i>Zoned:</i>	08/2014
<i>Platted:</i>	08/2014
<i>Annexed:</i>	N/A

(continued)

Project Narrative

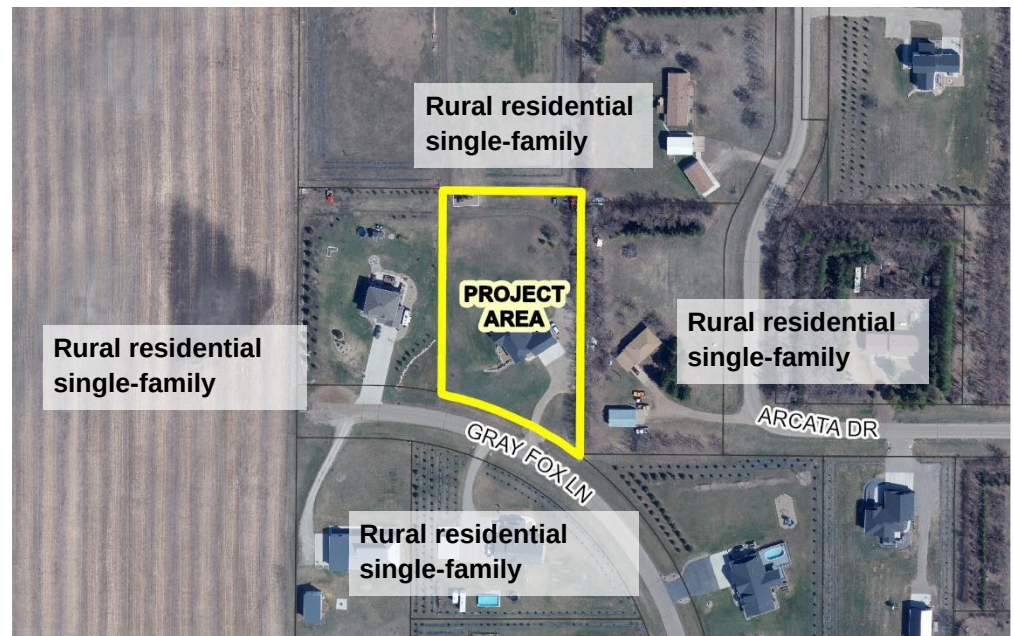
Tanner and Andrea Broderick are requesting approval of a special use permit to increase the allowable area of accessory structures to 3,200 square feet on Lot 4, Block 1, Oakland Subdivision.

The property is zoned RR – Residential and is large enough to have up to 3,200 square feet of accessory structures on the property with approval of 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 Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to the proposed special use permit are referenced in review standards below.

Adjacent land uses include rural residential single-family to the north, east, west, and south across Grey Fox Lane.

Public Engagement

Hay Creek Township was notified of this request on July 15, 2025.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune

on July 11 and 18, and 56 postcards were mailed to the owners of nearby properties on July 11, 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

(continued)

Code of Ordinances, and relevant state law. Findings 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. The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(5), which states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).” The size of the lot is 1.68 acres (73,180 square feet) and the applicant is proposing to construct a 3,200 square foot building.

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)

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 to increase the allowable area of accessory structures to 3,200 square feet on Lot 4, Block 1, Oakland Subdivision.

Attachments

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

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

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY
STRUCTURES TO 3,200 SQUARE FEET
IN OAKLAND SUBDIVISION (SUP2025-010)**

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 4, Block 1, Oakland Subdivision have requested approval of a special use permit to allow an increased allowable size of accessory structures to 3,200 square feet in the RR – Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on July 23, 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 increasing the allowable size of accessory structures to 3,200 square feet on Lot 4, Block 1, Oakland Subdivision 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 23rd day of July 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 July 23, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ben Ehreth
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	

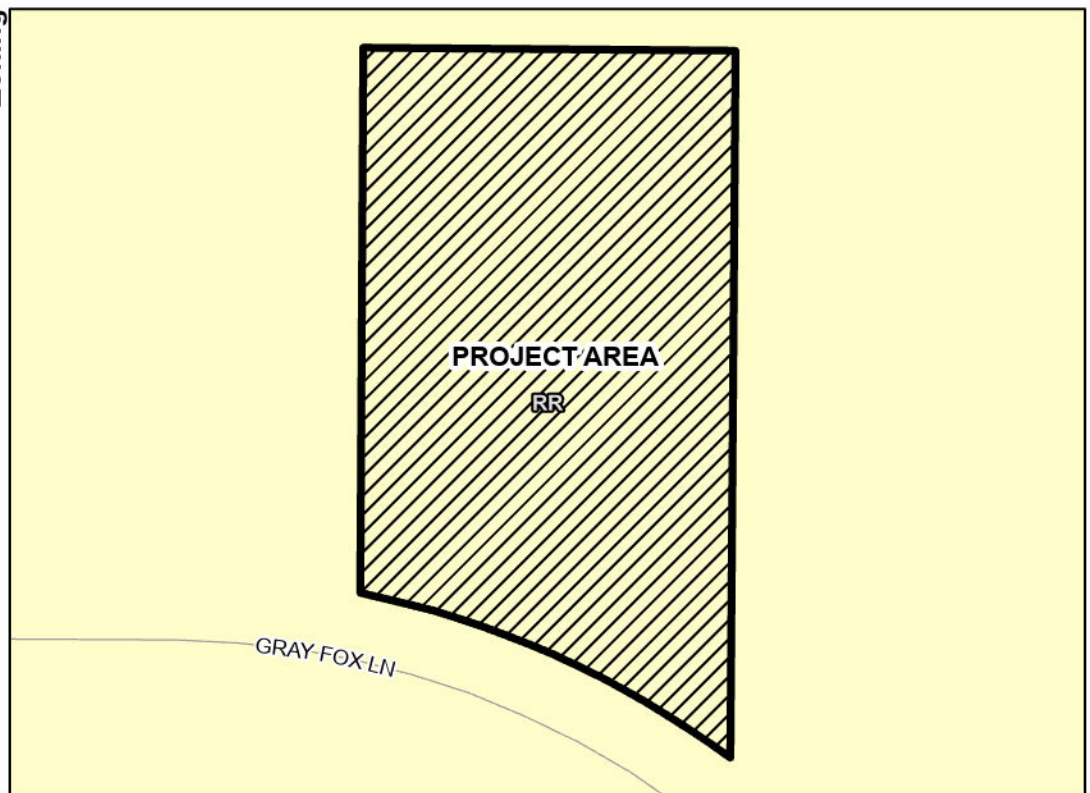
Active Mobility Plan

— Future Shared Trail

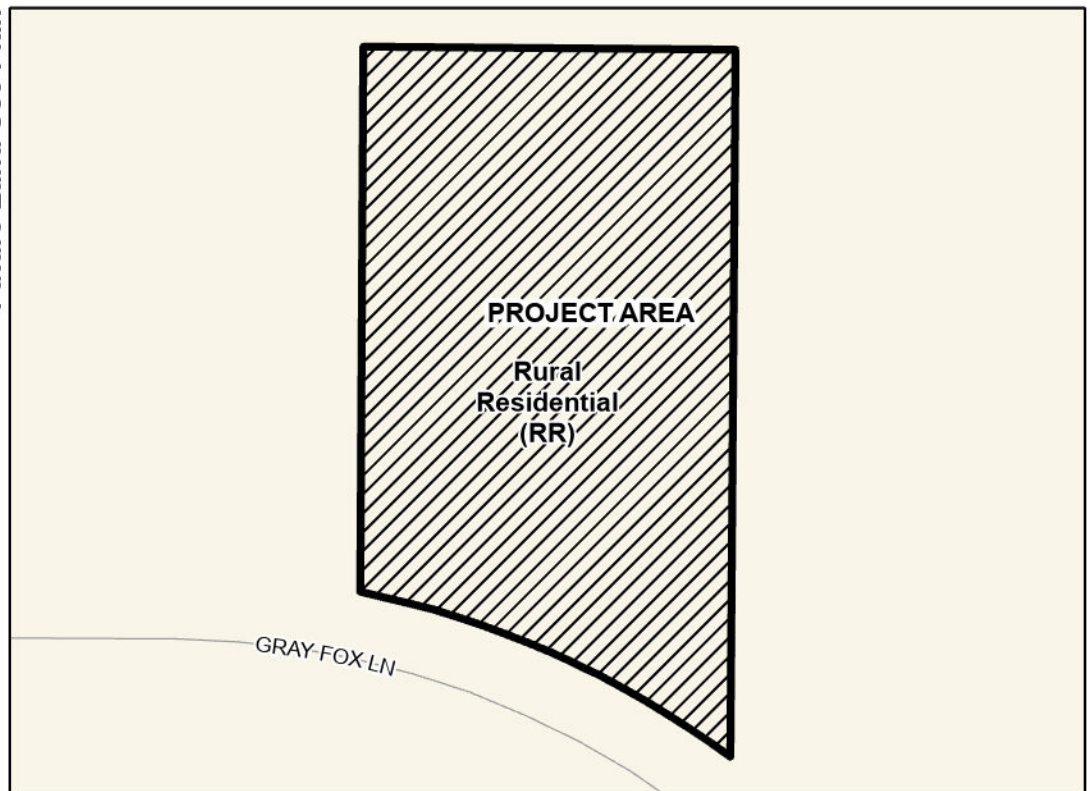
Major Street Plan

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

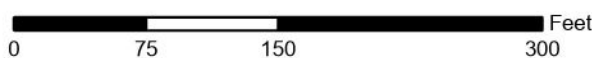
Zoning



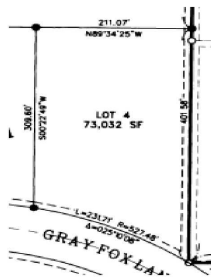
Future Land Use Plan



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
July 14, 2025



YARD SETBACKS:

FRONT: 40'

REAR: 50'

SIDE YARDS: 15'-15'

STAFF REPORT

Application for: **Special Use Permit**

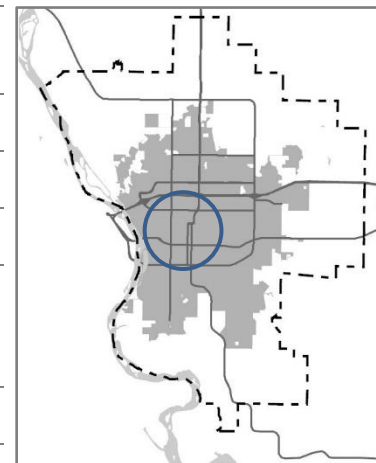
Agenda Item # 3D

July 23, 2025

Project ID: **SUP2025-011**

Project Summary

<i>Title:</i>	Mckenzie & Coffins Addition, Block 91, Lots 1-16 & Lots 24-29
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	McCabe Methodist Church
<i>Project Contact:</i>	Shannon Schlinger, Mann Signs
<i>Project Location:</i>	In central Bismarck, along the west side of North 6th Street, between East Avenue F and East Boulevard Avenue
<i>Project Size:</i>	80,750 SF
<i>Applicant Request:</i>	Replace an existing sign with an electronic message center sign
<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>	Religious institution	<i>Land Use:</i>	Religious institution
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	RM30 – Residential
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	RM30 – Multi-family residential
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	RM30 – 30 units / acre

Area Information

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

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	12/1882
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Mann Signs, Inc., on behalf of McCabe Methodist Church, is requesting approval of a special use permit (SUP) for an electronic message center (EMC) sign on Lots 1-16 & Lots 24-29, Block 91, McKenzie and Coffin's Addition, and vacated alley adjacent to said lots.

The proposed sign would be in approximately the same location as an existing, non-EMC sign, and would include some static (non-electronic) sign

components as well. EMC signs are required to meet both dimensional and operational requirements as outlined in the findings below.

The sign is proposed to be placed at (or near) the location of an existing sign on the northeast corner of the property. Its orientation would be such that it is primarily visible from East Boulevard Avenue.

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 special use permits for EMC signs are referenced in review standards below.

To the north is the North Dakota State Capitol grounds. To the west, south, and east are a variety of residential uses and one office.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 11 and 18, and 73 postcards were mailed to the owners of nearby properties on July 11, 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.

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

14-03.1-07(5)d-f Electronic Message Center Signs for Non-residential Uses Near Residential Uses

Yes. The proposed EMC sign meets the appropriate dimensional requirements for the issuance of an SUP for an EMC within 150 feet of residential uses.

- Each parcel is limited to one (1) EMC sign.
- The electronic portion of the sign is limited to no more than 32 square feet in area and cannot exceed 50% of the total sign area.

The applicant has acknowledged the related operational requirements and sign features necessary for the issuance of an SUP for an EMC within 150 feet of residential uses as well (14-03.1-07(5)e-f). And has stated their intent to meet those requirements.

- The sign illumination shall be limited to 0.3 foot-candles above ambient light levels.
- Between 7:00 am and 9:00pm, each frame shall hold for no less than three (3) seconds, and outside of these hours the sign must either be turned off, or hold on a constant frame.
- Transition effects between frames shall be limited to instantaneous or continuous fading transitions from one static frame to another. The usage of full-motion video, pre-recorded or livestreamed, is prohibited.

- If a malfunction occurs, the sign must freeze to a static image.
- The sign must be equipped with a mechanism to detect and adjust its brightness to ambient light conditions.

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 zoning map amendment 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)

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.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an electronic message center sign for Lots 1-16 & 24-29, Block 91, McKenzie and Coffin's Addition, and the vacated alley adjacent to said lots.

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Proposed Sign Dimensions
5. Acknowledgement of operational requirements

Attachments

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 ELECTRONIC MESSAGE CENTER SIGN
IN MCKENZIE AND COFFIN'S ADDITION (SUP2025-011)**

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 Lots 1-16 & Lots 24-29, and adjacent vacated alley, Block 91, McKenzie and Coffin's Addition have requested approval of a special use permit to allow an electronic message center sign in the RM30 - Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on July 23, 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 an electronic message center sign on Lots 1-16 & Lots 24-29, and adjacent vacated alley, Block 91, McKenzie and Coffin's 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 23rd Day of July, 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 July 23, 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

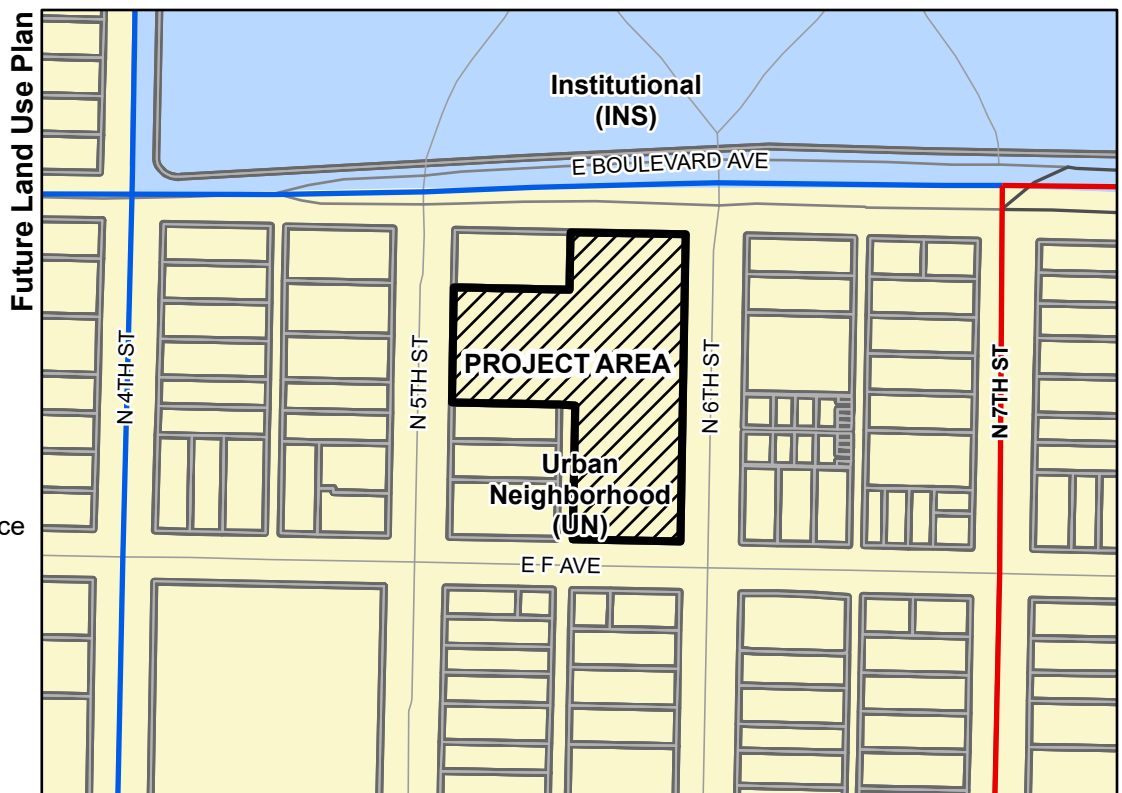
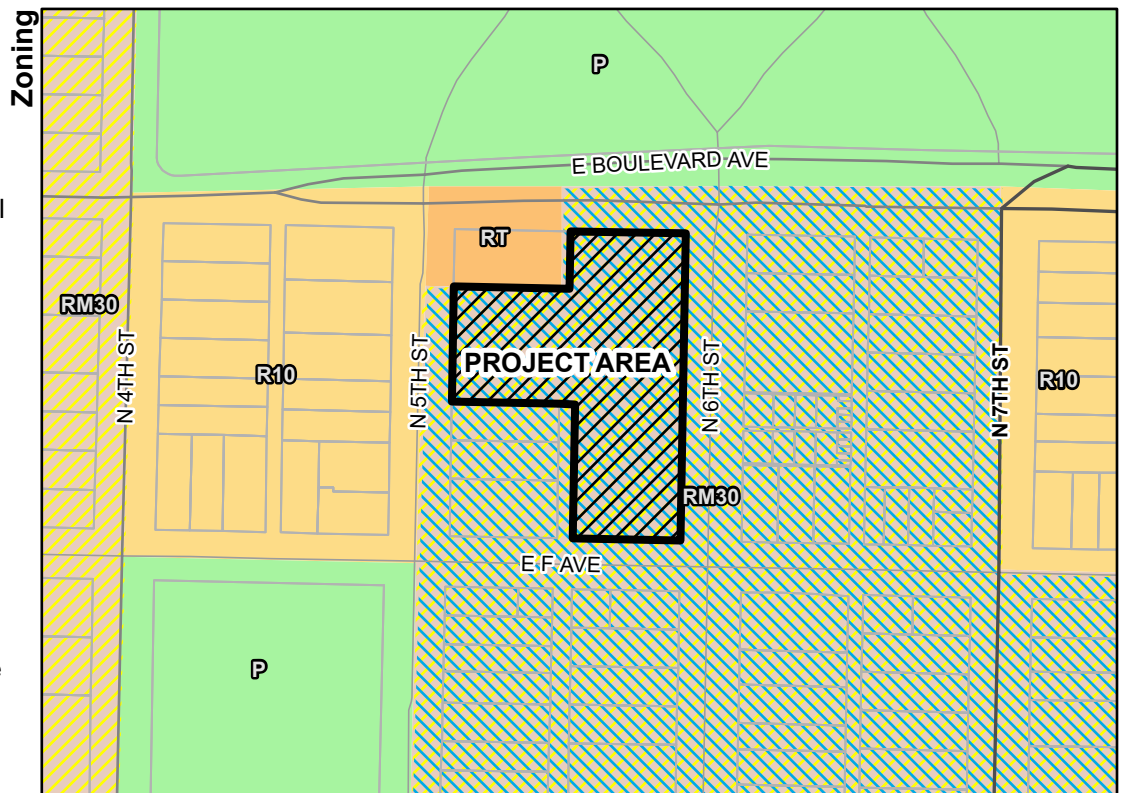
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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

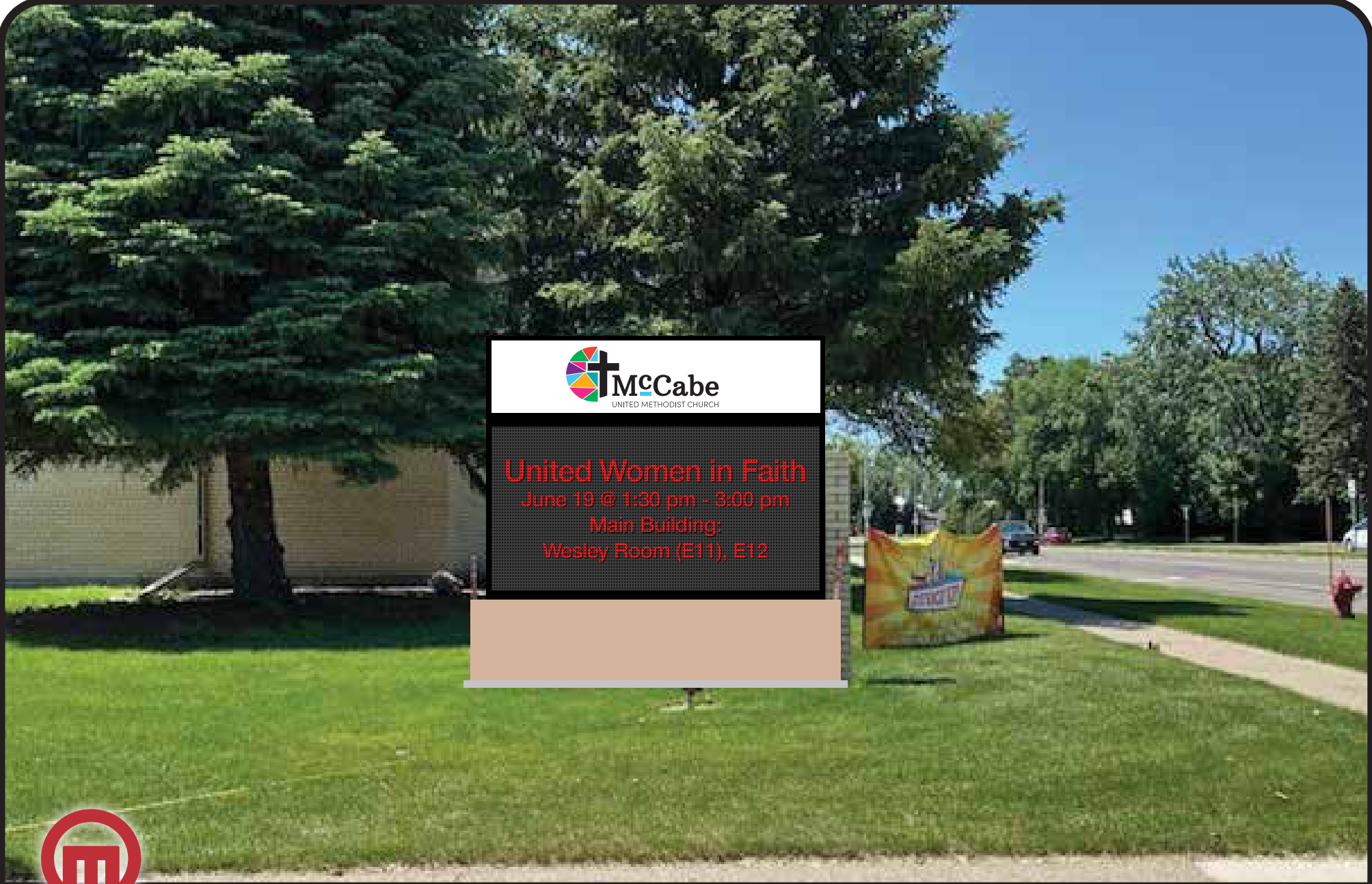


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

0 180 360 720 Feet



City of Bismarck
Community Development
Planning Division
July 8, 2025



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**McCabe United
Methodist Church**

APPROVAL:

X

WORK ORDER:

44616

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.



mann
SIGNS, INC

1507 Continental Ave
Bismarck, ND 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**McCabe United
Methodist Church**

APPROVAL:

X

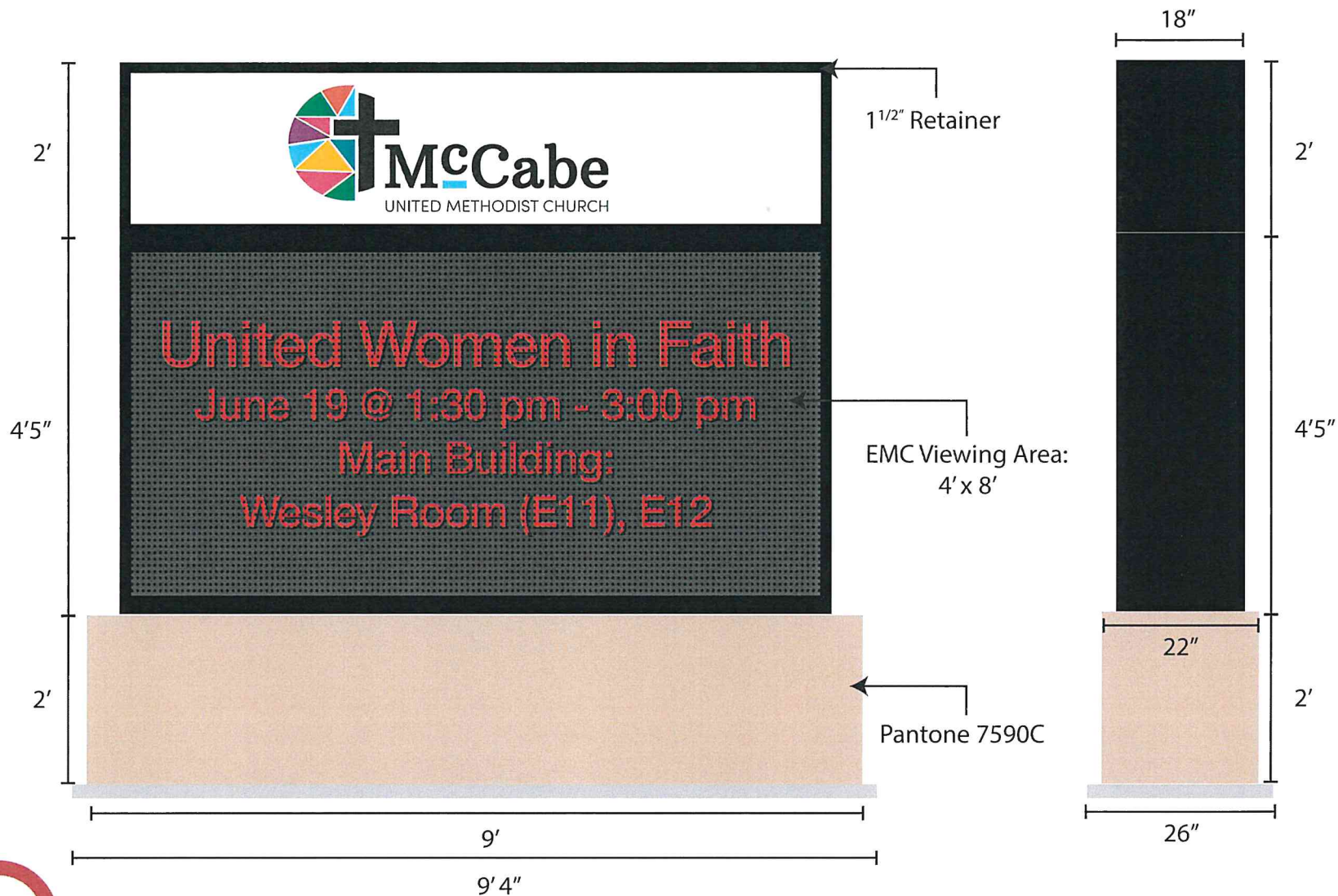
WORK ORDER:

44616

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.

Side View:



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

McCabe United
Methodist Church

APPROVAL:

X

WORK ORDER:

44616

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.

McCabe Methodist Church

Customer has read and understands the following operational requirements for the EMC sign on their property at 1030 N 6th St. Bismarck ND.

Operational requirements

- **Brightness.** The sign shall not exceed a maximum illumination level of 0.3 foot candles above ambient light levels.
- **Frame Hold Time.** The sign shall have a frame hold time of no less than three (3) seconds between 7:00am and 9:00pm. The sign shall hold on a constant frame or be turned off between 9:00pm and 7:00 am.
- **Effects.** The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.
- **Video.** The use of streaming video or full-motion video on any electronic message center is prohibited.

Sign Features. This Electronic message center will be equipped with the following features:

- A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs: and
- A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of light detector/photocell.

Signed by:



Date:

