



Bismarck Planning and Zoning Commission

MEETING
November 19, 2025

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

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

1. APPROVAL OF MEETING MINUTES

- A. Consider approval of minutes
- B. Guide to Public Participation
- C. Map of all items on the agenda

2. PUBLIC COMMENT

Limited to items on this meeting's Consent agenda, or the previous Planning and Zoning Commission meeting.

3. CONSENT AGENDA

A. Meadow Village Addition First Replat (JW)

Planned Unit Development Amendment | PUDA2025-004 | Consideration
Staff recommends: Call for Public Hearing

4. **REGULAR AGENDA**

A. **Pebble Creek Addition, Block 9, Lot 33 (LO)**

Zoning Map Amendment | ZC2025-017 | Public Hearing
Staff recommends: Approve

B. **Rural Accessory Structure Size (IJ)**

Zoning Ordinance Text Amendment | ZOTA2025-005 | Public Hearing
Staff recommends: Approve

C. **Boutrous Second Addition, Block 1, Part of Lots 1&2 (LO)**

Special Use Permit | SUP2025-016 | Public Hearing
Staff recommends: Approve

5. **OTHER BUSINESS**

6. **ADJOURN**

A. The next meeting of the Planning & Zoning Commission is scheduled for December 17, 2025.

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

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
October 22, 2025

The Bismarck Planning & Zoning Commission met on October 22, 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. Vice Chair Johnson presided and was present in the Tom Baker Meeting Room.

Commissioners present were Robert Field, Cole Johnson, Amber Larson, Gabe Schell, Mike Schmitz and Sheldon Sivak.

Commissioners Brian Bitner, Mike Schwartz, Trent Wangen and Paul Zent were absent.

Staff members present were Brady Blaskowski – Building Inspections Director, Sandra Bogaczyk – Office Assistant II, Isak Johnson – Planner, Daniel Nairn – Planning Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Vice Chair Johnson called for consideration of the minutes of the September 24, 2025 meeting.

Commissioner Schell requested a change to the last statement on page 6 to state that the City owns property across Silbernagel Drive, not 43rd Avenue NE.

MOTION: Commissioner Schell made a motion to approve the minutes of the September 24, 2025 meeting, as corrected. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schmitz and Sivak voting in favor of the motion.

PUBLIC COMMENT

Vice Chair Johnson opened the public comment period.

Karen Bonnet commented on the September 24, 2025 public hearing on Silver Ranch Third Addition Third Replat Minor Subdivision Final Plat and Zoning Map Amendment. She noted that there is a spring between Silbernagel Drive and 43rd Avenue NE that should be protected from environmental damage during development and thanked commissioners for protecting her land from being annexed.

Wayne Martieson requested to be removed from the Extraterritorial Area. Commissioner Schmitz acknowledged that staff is aware of his request and are reviewing it.

Tamara Unterseur stated that she appreciated the discussions surrounding the Extraterritorial Area and felt she has little control over her family's property east of 66th Street NE due to the zoning regulations and their inability to develop land for fifty years, which she felt was an excessive amount of time to defer development plans and cited the Metropolitan Planning Organization (MPO) and a standard time frame for Plans. Commissioner Schell explained that the MPO typically works with at least a 30 to 50-year time frame to plan infrastructure.

Mr. Nairn stated that a 50-year outlook is typical in municipalities for infrastructure plans and development projections.

There being no further comments, Vice Chair Johnson closed the public comment period.

CONSIDERATION

3A. PEBBLE CREEK ADDITION, BLOCK 9, LOT 33 ZONING MAP AMENDMENT

3B. RURAL ACCESSORY STRUCTURE SIZE ZONING ORDINANCE TEXT AMENDMENT

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

PUBLIC HEARING – MIRIAM INDUSTRIAL PARK FIFTH ADDITION MINOR SUBDIVISION FINAL PLAT

Vice Chair Johnson called for the public hearing on the minor subdivision final plat of Miriam Industrial Park Fifth Addition. The property is located in northeast Bismarck, north of East Divide Avenue, south of Miriam Avenue, on the east side of Commerce 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 minor subdivision final plat would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Miriam Industrial Park Fifth Addition.

Vice Chair Johnson opened the public hearing.

Landon Niemiller, a representative of the property owner, said that the project is a good opportunity to clean up all the disparate Auditors lots in that area.

Commissioner Schell asked if the applicant could please detail the reason for the sewer line easement. Mr. Niemiller stated that the purpose is to create an ability for workers to get access, should they need to.

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

MOTION: Based on the findings contained in the staff report, Commissioner Larson made a motion to approve the minor subdivision final plat of Miriam Industrial Park Fifth Addition. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schmitz and Sivak voting in favor of the motion.

PUBLIC HEARING – PARTS OF RIVERVIEW ADDITION AND MCKENZIE’S ADDITION PLANNED UNIT DEVELOPMENT AMENDMENT

Vice Chair Johnson called for the public hearing on a Planned Unit Development amendment of parts of Riverview Addition and McKenzie’s Addition. The property is located in west-central Bismarck, west of North Washinton Street between West Avenue A and West Rosser Avenue, along the east side of Raymond Street.

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

Ms. Oster said, based on the findings, staff recommends approval of the Planned Unit Development amendment on Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie’s Addition.

Commissioner Schell asked how the 55-foot building height was calculated. Ms. Oster showed the last image in the staff report showing the topography of the property along Raymond Street and stated that an average height according to the slope was measured.

Vice Chair Johnson opened the public hearing.

Mother Mary Joseph thanked commissioners for considering this project and noted the beautiful chapel inside which will benefit the neighborhood.

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

MOTION: Based on the findings contained in the staff report Commissioner Sivak made a motion to recommend approval of the Planned Unit Development amendment on Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie’s Addition. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schmitz and Sivak voting in favor of the motion.

PUBLIC HEARING – HAYCREEK TOWNSHIP, E1/2, S25 SPECIAL USE PERMIT

Vice Chair Johnson called for the public hearing on a special use permit to increase the allowable area of accessory structures to 15,000 square feet on Auditor’s Lot S-3 in the East ½ of Section 25, Hay Creek Township. The property is located west of Bismarck, between Interstate 94 and Wilderness Cove Road, along the west side of River Road.

Ms. Wollmuth provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the special use would not adversely impact public health, safety, and general welfare. Ms. Wollmuth stated that Lonnie Barth, the property owner, intends to build a 10,943 square foot accessory building in addition to the existing approximately 4,000 square foot accessory building, and place a manufactured home on the lot.

Ms. Wollmuth said, based on the findings, staff recommends approval of the special use permit to increase the allowable area of accessory buildings to 15,000 square feet on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township.

Vice Chair Johnson opened the public hearing.

There being no comments, Vice Chair Johnson closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the special use permit to increase the allowable area of accessory buildings to 15,000 square feet on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township. Commissioner Field seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schmitz and Sivak voting in favor of the motion.

PUBLIC HEARING – 2025 AMENDMENTS TO GROWTH PHASING PLAN PLAN AMENDMENT

Vice Chair Johnson called for the public hearing on revisions to the Growth Phasing Plan, included within the Together 2045 Comprehensive plan. Mr. Nairn stated that this plan is reviewed annually to evaluate changing development conditions and available capacity to absorb projected growth, and that this year the plan is being used to determine changes to Bismarck's extraterritorial area. Mr. Nairn presented on the growth trends, projections for the future, and amount of land needed to support future growth.

Mr. Nairn explained the proposed changes to the Growth Phasing Plan and noted that there may be some changes to the Plan as presented since both the City Commission and County Commission are reviewing for use as the extraterritorial area.

Mr. Nairn 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 revision to the Growth Phasing Plan would not adversely impact public health, safety, and general welfare.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the Growth Phasing Plan of the Comprehensive Plan, as described in the staff report and attachments.

Vice Chair Johnson opened the public hearing.

There being no comments, Vice Chair Johnson closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the revised Growth Phasing Plan as presented by staff. Commissioner Larson seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Larson, Schell, Schmitz and Sivak voting in favor of the motion.

OTHER BUSINESS

ARTS AND CULTURE MASTER PLAN PRESENTATION

Ms. Oster stated that the City of Bismarck was awarded an Our Town grant from the National Endowment for the Arts in 2022 to create an Arts and Culture Master Plan (Plan) for Bismarck. As contained in the Agenda Packet, community engagement for this Plan occurred between late 2024 and early 2025 and shall be provided to City Commission for adoption after the final input from each of the boards and commissions is incorporated. Ms. Oster presented the Arts and Culture Master Plan to Commissioners, as included in the Agenda Packet and called for comments.

CHANGES TO DEPARTMENT STRUCTURE

Mr. Nairn noted some changes in the Community Development Department. He stated that Brady Blaskowski is now the Building Inspections Director and he is the Planning Director and there is no longer the Department of Community Development.

ADJOURNMENT

There being no further business, Vice Chair Johnson declared the Bismarck Planning & Zoning Commission adjourned at 5:58 p.m. to meet again on November 19, 2025.

Respectfully submitted,

Sandra Bogaczyk
Recording Secretary

Cole Johnson
Vice Chair

BISMARCK PLANNING AND ZONING COMMISSION

GUIDE TO PUBLIC PARTICIPATION

The Planning and Zoning Commission welcomes and values public input during its meetings. The following procedures for public comment are to ensure that all individuals have a fair opportunity to be heard while maintaining an orderly, transparent, and efficient meeting environment. There are two opportunities available:

Public Hearings

All public hearing items are shown on the regular agenda, which is when comments on these items should be given.

1. **Introduction.** The Chair of the Planning and Zoning Commission introduces the item on the agenda and asks staff to present a report.
2. **Staff Report:** A planner presents the staff report. The presentation will be an overview of the written staff report included in the agenda packet with a visual presentation of materials.
3. **Commission Questions.** Commissioners may ask staff questions, but they will not discuss the request or share an opinion prior to obtaining input from the public.
4. **Open Public Hearing.** The Chair will then open the public hearing on the request and ask if anyone would like to speak to the commission.
5. **Applicant Statement.** The applicant is traditionally given the courtesy to present their proposal or any additional information first.
6. **Public Statements.** The hearing is then opened to the public to voice their support, opposition, or give any comments regarding the item. This is the opportunity to approach the podium.
7. **Close Hearing.** The Chair closes the hearing for the item once all interested people have spoken, and no more public comments are allowed.
8. **Commission Discussion.** Commissioners discuss the proposal. They may ask staff or the applicant questions or for clarification of items stated during the public hearing.
9. **Commission Action.** The Planning and Zoning Commission makes its decision on that item.

Other Public Comments

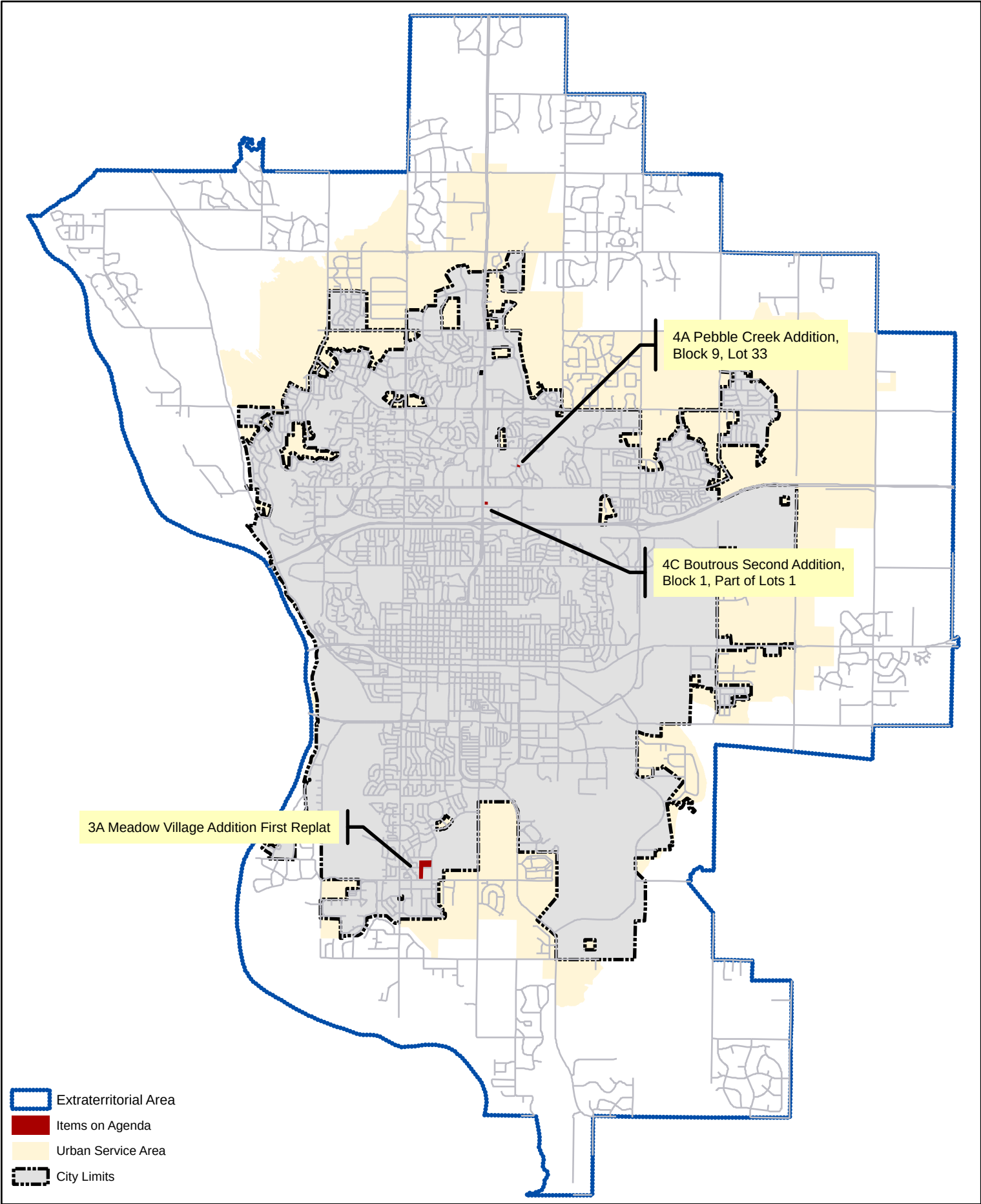
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

1. **Public Comment.** General public comments are received toward the beginning of the meeting.
2. **Time Limits.** Each person may comment for five minutes, unless extended by the Chair. An individual may not yield their time to another. The total comment period is limited to 30 minutes, unless extended by the Chair.

General Instructions

The following guidance applies to both public hearings and other public comments:

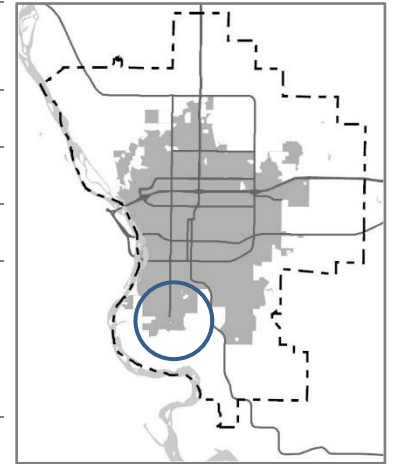
- Write your first and last name and address on the sign-in sheet at the podium.
- Adjust the microphone, if necessary, state your name, then provide comments. Traditionally, comments are addressed to the Chair and Planning and Zoning Commission.
- Comments may not be defamatory, abusive, harassing, or unlawful; include information that is exempt or confidential under North Dakota open records law; or interfere with the orderly conduct of the meeting.
- Commenters may only address the Commission, not staff, applicants, or other meeting attendees. Commissioners may question any person. The Chair may ask speakers to limit their time, not repeat previous testimony, and speak only once.
- Written materials may be distributed to the Commissioners or displayed visually on screens. Staff are available to assist.
- Reasonable accommodations will be made upon request, pursuant to the City's Title VI policy.



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

Project Summary

<i>Title:</i>	Meadow Village Addition First Replat, Block 1, Lots 1-32, and Block 2, Lots 1-39
<i>Status:</i>	Board of City Commissioners - Consideration
<i>Property Owner(s):</i>	Dakota Pioneer Land Company LLC
<i>Project Contact:</i>	Arthur Goldammer
<i>Project Location:</i>	In south Bismarck, east of South Washington Street, in the northwest quadrant of the intersection of East Burleigh Avenue and Boston Drive, along the north and south sides of Freiburg Lane
<i>Project Size:</i>	11.37 acres
<i>Applicant Request:</i>	Amend PUD to reduce front yard setback adjacent to public streets
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	71 lots in 2 blocks	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Single, two and multi-family residential	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Urban Neighborhood (UN) Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	PUD – Planned Unit Development	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	08/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	08/2022
<i>Neighborhood:</i>	Cottonwood	<i>Annexed:</i>	06/2018

(continued)

Project Narrative

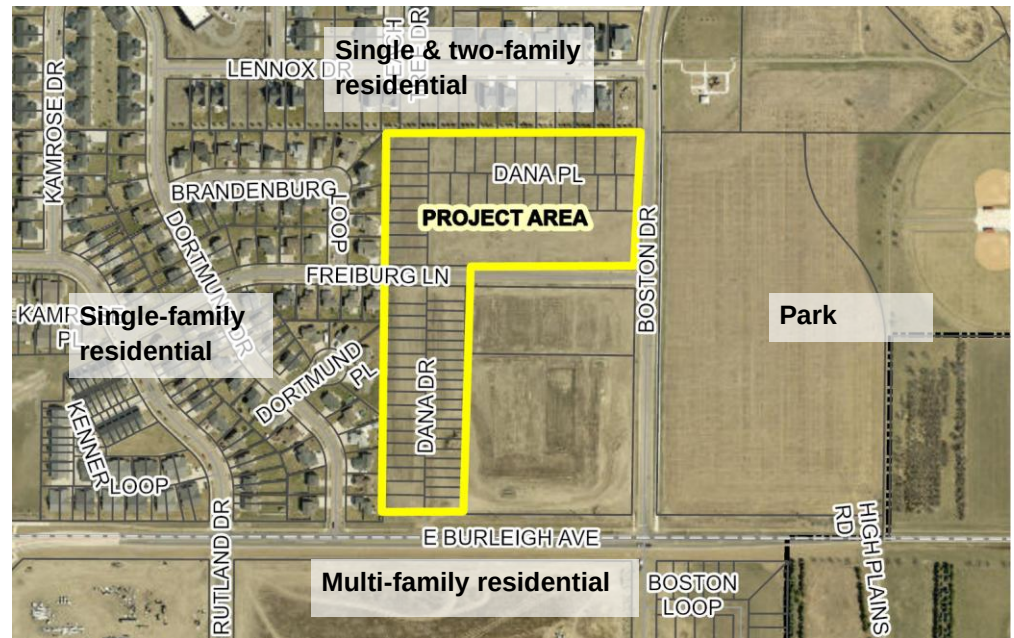
Dakota Pioneer Land Company LLC requests approval of a major Planned Unit Development amendment for Lots 1-32, Block 1, and Lots 1-39, Block 2, Meadow Village Addition First Replat.

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

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 uses. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent land uses include developing single- and two-family uses to the north, single family uses to the west, and developing multi-family uses to the south and par to the east.

Public Engagement

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

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

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

Review Standards and Findings of Fact

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

(continued)

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

Yes. The following objectives of the plan would be advanced through the amended Planned Unit Development.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.

The proposed development would meet changing demands of the community. In particular, the proposed front yard setback of 15 feet meets the proposed front yard setback for similar development in the draft Land Development Code.

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

Yes. Adjacent uses are described in the project context section above. The amended Planned Unit Development includes landscaped buffers to mitigate any potential negative impacts on these uses.

The applicant is proposing to add buffering along the west side of the subdivision to buffer the overall development of the PUD from existing single-family uses. Development that may be anticipated from the proposed amendment would have no negative impact on the surrounding properties.

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

Yes. The development includes landscaped areas surrounding the proposed multi-family development. The amended PUD incorporates these existing natural features into the design of the development to the greatest extent feasible.

Additional landscaping is proposed to be installed along the west side of the subdivision.

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

Yes. The current PUD is served entirely by existing public and private roadways. The proposed amendment would not modify the existing public rights-of-way.

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

Yes. The current PUD allows for a mix of single-, two- and multi-family uses which are compatible and harmonious with the surrounding area. The proposed amendment would not modify these uses.

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

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

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 the major Planned

(continued)

Unit Development (PUD) amendment for Lots 1-32, Block 1, and Lots 1-39, Block 2, Meadow Village Addition First Replat.

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

Attachments

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

RESOLUTION OF BISMARCK PLANNING AND ZONING COMMISSION

**MAJOR PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT
MEADOW VILLAGE ADDITION FIRST REPLAT**

Ordinance Number	6517
Final Passage and Adoption:	August 9, 2022
Ordinance Amendment Number:	6517A1
Ordinance Amendment Number:	6517A2
Amendment Passage and Adoption:	

WHEREAS, Ordinance No. 6517 was adopted by the Board of City Commissioners on August 9, 2022; and,

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on December 17, 2025 regarding this request for a Planned Unit Development (PUD) amendment in accordance with provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a Planned Unit Development (PUD) amendment on Lots 1-32, Block 1 and Lots 1-39, Block 2, is hereby approved:

Lots 1-32, Block 1 and Lots 1-41, Block 2, Meadow Village Addition First Replat is subject to the following standards:

1. *Conformance to Submitted Documents.* The development must generally conform to the site plan submitted in conjunction with the application for the Planned Unit Development. Notwithstanding, lot lines may be adjusted through the administrative lot modification process, provided all minimum dimensional requirements of this ordinance continue to be met.
2. *Application to Area Identified as Single Family Detached (SFD) on the site plan.*

Lots 1-31, Block 1, Meadow Village Addition First Replat

- a. *Uses Permitted.* The uses within the SFD area shall be limited to the following:
 - i. *Principal Use.* Single-family dwelling

b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the SFD area:

- i. *Density.* The maximum allowable density is ten (10) families per gross acre.
- ii. *Lot area.* All lots shall have a minimum area of five thousand (5,000) square feet.
- iii. *Lot width.* All lots shall have a minimum width of forty (40) feet.
- iv. *Lot coverage.* The ground area occupied by the principal building shall not exceed forty (40) percent of the total area of the lot.
- v. *Front yards.* All lots shall have a front yard setback from all public roadways ~~shall be of twenty-five (25)~~ **fifteen (15)** feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge to the private roadway/access easement.
- vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.
- vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.
- viii. *Building height.* No single-family dwelling shall exceed forty (40) feet in height.

3. *Application to Area Identified as Single Family Attached (SFA) on the site plan.*

Lots 1-39, Block 2, Meadow Village Addition First Replat

- a. *Uses Permitted.* The uses within the SFA area shall be limited to the following:
 - i. *Principal Use.* Two-family dwelling (Lots 2-39, Block 2).
 - ii. *Principal Use.* Single-family dwelling (Lot 1, Block 2).
- b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within SFA area:
 - i. *Density.* The maximum allowable density is ten (10) families per gross acre.
 - ii. *Lot area.* All lots shall have a minimum area of three thousand four hundred (3,400) square feet.

- iii. *Lot width.* All lots shall have a minimum width of thirty-one (31) feet.
- iv. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed forty (40) percent of the total lot area.
- v. *Front yards.* All lots shall have a front yard setback from all public roadways ~~shall be of twenty-five (25)~~ **fifteen (15)** feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge to the private roadway/access easement.
- vi. *Side yards.* Each two-family dwelling shall have a side yard of not less than five (5) feet on either side of the overall building.
- vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.
- viii. *Building height.* No two-family dwelling shall exceed forty (40) feet in height.

4. *Application to Area Identified as Condos on the site plan.*

Lot 32, Block 1, Meadow Village Addition First Replat

- a. *Uses Permitted.* The uses within the Condos area shall be limited to the following:
 - i. *Principal Use.* Multi-family residential.
- b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the Condos area:
 - i. *Density.* The maximum allowable density is fifteen (15) families per net acre
 - ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.
 - iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.
 - iv. *Front yards.* All lots shall have a front yard setback from all public roadways ~~shall be of twenty-five (25)~~ **fifteen (15)** feet, measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet, measured from the building edge to the private roadway/access easement.

- v. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.
- vi. *Rear yards.* All lots shall have a rear yard for principal structures of not less than ten (10) feet.
- vii. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed forty (40) percent of the total lot area.
- viii. *Building height.* No single-family dwelling shall exceed forty (40) feet in height.

5. *Application to Area Identified as Townhomes on the site plan.*

Lot 41, Block 2, Meadow Village Addition First Replat

- a. *Uses Permitted.* The uses within the Townhomes area shall be limited to the following:
 - i. *Principal Use.* Multi-family dwelling(s).
 - ii. *Accessory Use.* Accessory building (detached residential garages).
- b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the Townhomes area:
 - i. *Density.* The maximum allowable density is thirty (30) units per net acre.
 - ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.
 - iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.
 - iv. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed fifty (50) percent of the total lot area.
 - v. *Front yards.* All lots shall have a front yard setback from all public roadways of fifteen (15), measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet for multi-family dwelling(s), measured from the building edge to the private roadway/access easement. The front yard setback from all private roadways shall be zero (0) feet for accessory buildings.

- vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.
- vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (10) feet.
- viii. *Building height.* No two-family dwelling shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height, as measured to the peak of the roof.

6. *Application to Area Identified as Apartment on the site plan.*

Lot 40, Block 2, Meadow Village Addition First Replat

- a. *Uses Permitted.* The uses within the Apartment area shall be limited to the following:
 - i. *Principal Use.* Multi-family dwelling(s).
- b. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the Apartment area:
 - i. *Density.* The maximum allowable density is thirty (30) units per net acre.
 - ii. *Lot area.* All lots shall have a minimum area of seven thousand (7,000) square feet.
 - iii. *Lot width.* All lots shall have a minimum width of sixty (60) feet.
 - iv. *Lot coverage.* The ground area occupied by all principal and accessory buildings shall not exceed fifty (50) percent of the total lot area.
 - v. *Front yards.* All lots shall have a front yard setback from all public roadways shall be fifteen (15), measured from the property line; the front yard setback from all private roadways shall be fifteen (15) feet for multi-family dwelling(s), measured from the building edge to the private roadway/access easement. The front yard setback from all private roadways shall be zero (0) feet for accessory buildings.
 - vi. *Side yards.* All lots shall have two (2) side yards for principal structures of not less than five (5) feet.
 - vii. *Rear yards.* All lots shall have a rear yard for principal structures of not less than twenty (10) feet.

- viii. *Building height.* No principal building shall exceed sixty (60) feet in height. No accessory building shall exceed twenty-five (25) feet in height. For buildings in excess of two stories in height, the required side yard and rear yard setbacks shall be increased by ten (10) feet for each additional story over two (2).
7. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for residential zoning districts.
8. *Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading)
9. *Landscaping and Screening.* Landscaping, as depicted in the approved landscape plan, must be installed in conjunction with site development.
10. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

CERTIFICATE

I, Daniel Nairn, do hereby certify that I am the duly appointed, qualified Planning 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 December 17, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn
Planning Director
Bismarck, North Dakota

Date

Zoning Districts

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

Future Land Use Plan

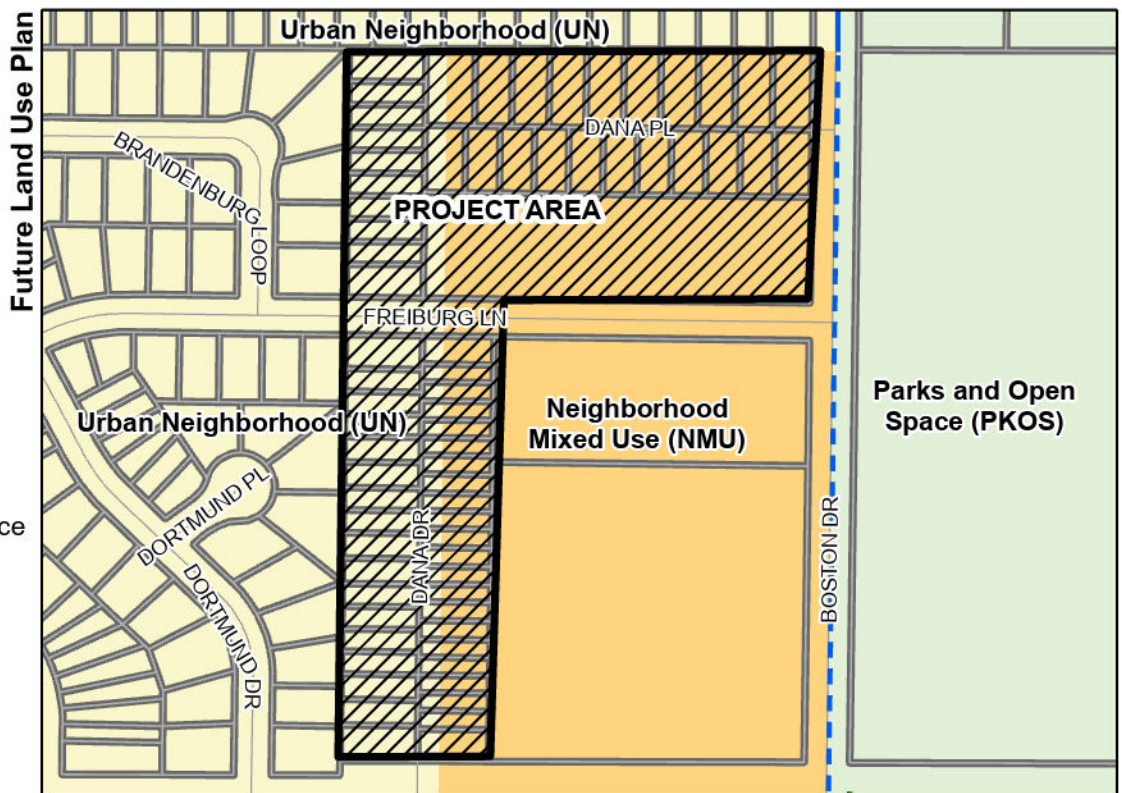
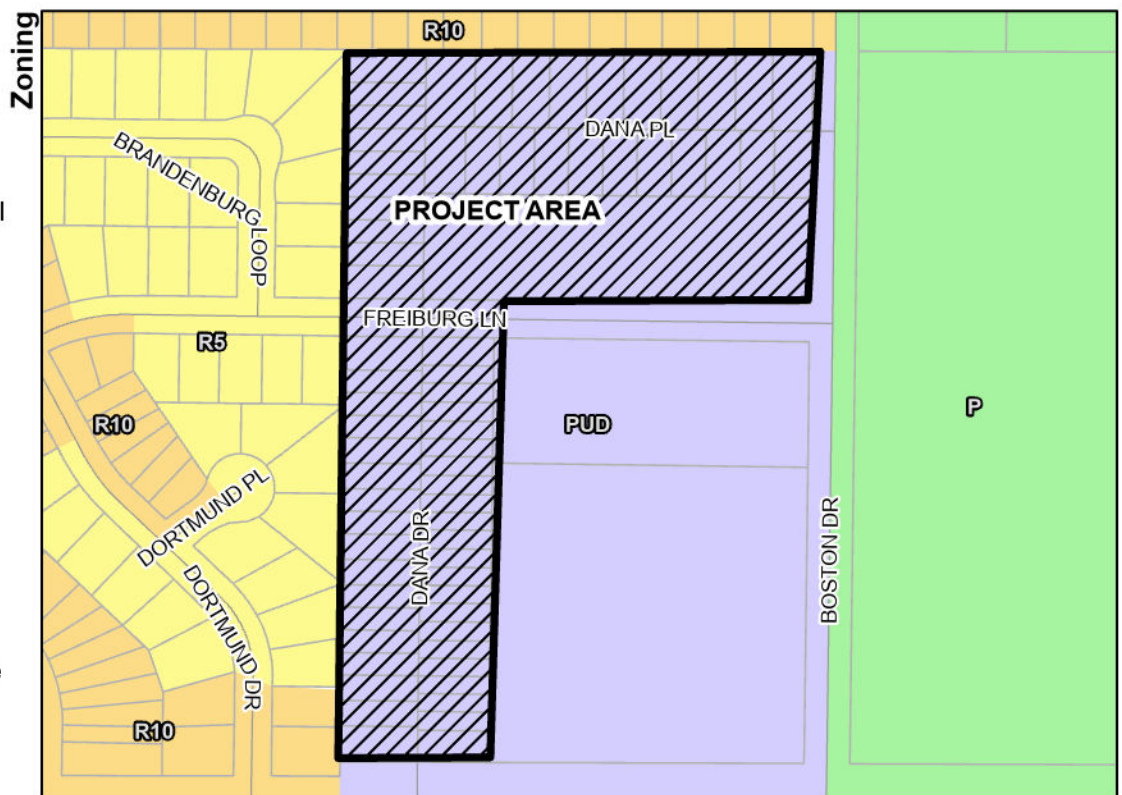
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PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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



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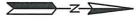
0 245 490 980 Feet



City of Bismarck
Planning Department
November 14, 2025

MEADOW VILLAGE ADDITION HOUSE LAYOUT

BISMARCK, NORTH DAKOTA
01/20/2023



0 60 120
SCALE: 1 INCH = 120 FEET

N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

LEGEND (SINGLE BUILD)

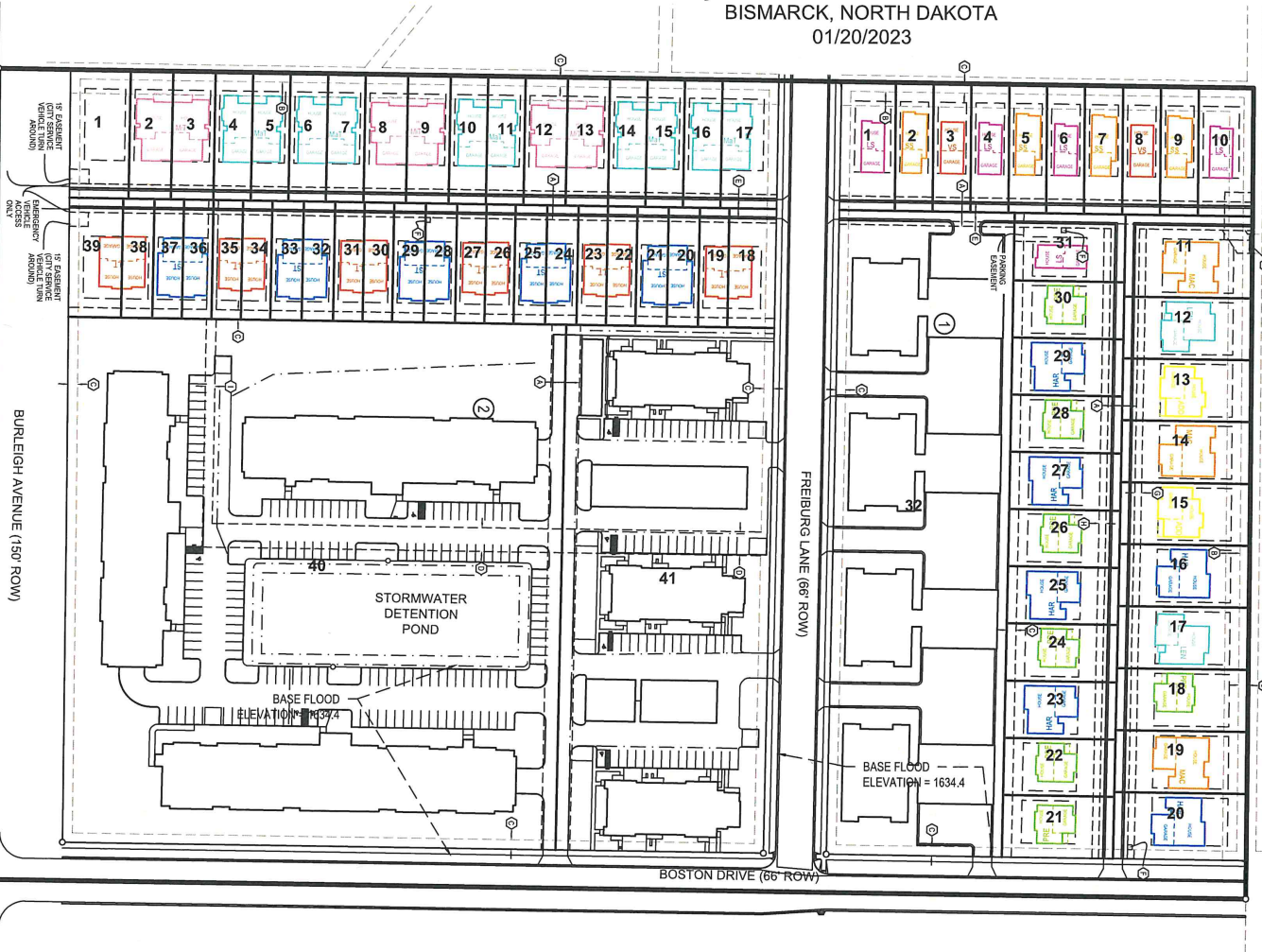
- VINNY SINGLE BUILD (2 UNITS)
- LOKI SINGLE BUILD (5 UNITS)
- STELLA SINGLE BUILD (4 UNITS)

LEGEND (TWIN BUILD)

- LOKI TWIN BUILD (6 UNITS)
- STELLA TWIN BUILD (5 UNITS)
- MADISON TWIN BUILD (5 UNITS)
- MIA TWIN BUILD (3 UNITS)

LEGEND (HOUSE BUILD)

- ADDISON BUILD (2 UNITS)
- PRESLEY BUILD (7 UNITS)
- LENNOX BUILD (2 UNITS)
- HARRISON BUILD (6 UNITS)
- MACKLIN BUILD (3 UNITS)



PROJECT TITLE HOUSE LAYOUT		 1300 TACOMA AVE BISMARCK, ND 58504 PHONE: (701) 557-3348 WWW.MTNPLAINS.COM	
CLIENT NAME BUCHHOLZ PROPERTIES, LLC & DAKOTA PIONEER LAND COMPANY	DRAWN BY: ARH CHECKED BY: NWN PROJECT NO: 005925	APPROVED BY: --- SCALE: 1" = 120' SHEET NO: 1 OF 1	DATE: 1/20/2023

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS INDICATED ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BISMARCK, NORTH DAKOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BISMARCK, NORTH DAKOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BISMARCK, NORTH DAKOTA.

PLANT SCHEDULE

COMMON NAME / BOTANICAL NAME

CONIFEROUS TREES

BLACK HILLS WHITE SPRUCE
PICEA GLAUCOA DENSATA

MUGO PINE
PINUS MUGO

DECIDUOUS CANOPY TREES

AUTUMN BLAZE FREEMAN MAPLE
ACER X FREEMAN 'JEFFERSRED'

COMMON HACKBERRY
CELTIS OCCIDENTALIS

NORTHERN ACCLAIM HONEYLOCUST
GLADSTIA TRIACANTHOS HARVE

PRAIRIE STATURE OAK
QUERCUS X BIMUNDORUM MIDWEST

BOULEVARD AMERICAN LINDEN
TILIA AMERICANA 'BOULEVARD'

ACCOLADE™ ELM
ULMUS X MORTON

CONIFEROUS SHRUBS

UPRIGHT JAPANESE YEW
TAXUS CUSPIDATA 'COLUMNARIS'

ORNAMENTAL TREES

ALLEGHENY SERVICEBERRY
AMELANCHIER LAEVIS

PAGODA DOGWOOD
CORNUS ALTERNIFOLIA

IVORY SILK JAPANESE TREE LILAC
SYRINGA RETICULATA 'IVORY SILK'

LEGEND

- SHRUB - DECIDUOUS OR CONIFEROUS VARIETY
- UPRIGHT CONIFEROUS TREE
- ORNAMENTAL DECIDUOUS TREE
- DECIDUOUS CANOPY SHADE TREE
- DECIDUOUS CANOPY SHADE TREE
- FENCING

PLANT INSTALLATION MINIMUM SIZES

Type of Material	Minimum Size at Time of Planting
Shade Trees	Caliper of 1½ inches measured 6 inches above the root collar for trees with a mature height of 30 feet or greater
Ornamental Trees	Caliper of 1 inch measured 6 inches above the root collar for trees with a mature height of less than 30 feet
Upright Coniferous Trees	Minimum height of 4 feet above grade
Shrubs	Minimum container size of 2 gallons and minimum mature height of 3 feet above grade
Perennials	Minimum container size of 1 gallon

BUFFER YARD STANDARDS TABLE

BUFFER YARD REFERENCE	BUFFER YARD TYPICAL WIDTH & LENGTH (AND AREA IF IRREGULAR SHAPE)	LANDSCAPE / PLANT SCREENING MATERIAL TYPE	TOTAL QUANTITY PER EACH BUFFER YARD
A.1	WIDTH: 10 LINEAR FT. LENGTH: 434 LINEAR FT.	SHADE TREES (DECIDUOUS)	2
		ORNAMENTAL TREES (DECIDUOUS)	3
		CONIFEROUS TREES	17
A.2	WIDTH: 10 LINEAR FT. LENGTH: 434 LINEAR FT.	SHADE TREES (DECIDUOUS)	2
		ORNAMENTAL TREES (DECIDUOUS)	4
		CONIFEROUS TREES	9
B.0	WIDTH: 10 LINEAR FT. LENGTH: 661 LINEAR FT.	WOOD, PRECAST CONCRETE OR COMPOSITE FENCING	CONTINUOUS 6 FEET HEIGHT
C.1	WIDTH: 10 LINEAR FT. LENGTH: 745 LINEAR FT.	SHADE TREES (DECIDUOUS)	6
		ORNAMENTAL TREES (DECIDUOUS)	6
		CONIFEROUS TREES	17
C.2	WIDTH: 10 LINEAR FT. LENGTH: 745 LINEAR FT.	SHADE TREES (DECIDUOUS)	2
		ORNAMENTAL TREES (DECIDUOUS)	1
		CONIFEROUS TREES	13
C.3	WIDTH: 10 LINEAR FT. LENGTH: 745 LINEAR FT.	SHADE TREES (DECIDUOUS)	3
		ORNAMENTAL TREES (DECIDUOUS)	6
		CONIFEROUS TREES	11
D.1	WIDTH: 33 LINEAR FT. LENGTH: 75 LINEAR FT. AREA: 2,475 SQ. FT.	SHADE TREES (DECIDUOUS)	2
		ORNAMENTAL TREES (DECIDUOUS)	0
		CONIFEROUS TREES	3
D.2	WIDTH: 34 LINEAR FT. LENGTH: 67 LINEAR FT. AREA: 2,278 SQ. FT.	SHADE TREES (DECIDUOUS)	1
		ORNAMENTAL TREES (DECIDUOUS)	0
		CONIFEROUS TREES	4
D.3	WIDTH: 59 LINEAR FT. LENGTH: 28 LINEAR FT. AREA: 1,652 SQ. FT.	SHADE TREES (DECIDUOUS)	1
		ORNAMENTAL TREES (DECIDUOUS)	0
		CONIFEROUS TREES	3
D.4	WIDTH: 42 LINEAR FT. LENGTH: 63 LINEAR FT. AREA: 2,646 SQ. FT.	SHADE TREES (DECIDUOUS)	1
		ORNAMENTAL TREES (DECIDUOUS)	1
		CONIFEROUS TREES	4

INTERIOR PARKING LOT ISLAND PLANTING STANDARDS

MINIMUM SIZE & DESIGN	PLANTING STANDARD
Landscape areas shall be at the rate of ten (10) square feet per parking space, and no less than ten (10) feet by ten (10) feet (100 square feet). These areas will be constructed with poured-in-place concrete curbing to minimize damage to plant material.	At least one (1) shade tree and three (3) shrubs shall be provided for every twenty (20) parking spaces or fraction thereof within the off-street parking area. One (1) shade tree may be substituted for three (3) shrubs, but shrubs may not be substituted for shade trees.

PERIMETER PARKING LOT PLANTING STANDARDS

MINIMUM WIDTH	PLANTING STANDARD
4 feet	Continuous evergreen or deciduous hedge with a minimum height of 3 feet at maturity

STREET TREE PLANTING STANDARDS

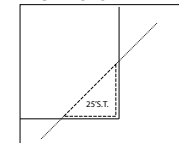
THREE (3) LARGE DECIDUOUS CANOPY SHADE TREES PER EVERY 100 LINEAR FEET OF LOT FRONTAGE

NOTES

- This concept landscape plan is not to be used as a final construction plan. Approval of a site plan w/ landscaping plan that conforms with the Planned Unit Development (PUD) zoning district and this associated landscape plan concept shown here is required prior to the installation any material.
- This concept landscape plan is not a survey and the shown location of any lots, buildings, roadways, rights of way, easements, and other features, whether shown hereon or not, shall not be used for any regulatory, locate, or construction purpose other than as an exhibit to illustrate landscaping standards for the Meadow Village development PUD zoning district.
- Trees or shrubs shall not be planted under utility lines or adjacent when their ultimate height may interfere with the lowest lines.
- Trees or shrubs shall not be planted adjacent to roadways or sidewalks in a location or of a type that upon maturity the tree or shrub will create a visual or physical obstacle that impedes safe passage.
- Landscape areas and plantings shall be located in a manner to allow adequate room for proper maintenance.
- A variety of tree and shrub species shall be utilized to provide year around visual interest. Except for continuous hedges and street trees, not more than fifty percent (50%) of the required number of trees or shrubs may be comprised of any one (1) species. In addition, not more than fifty percent (50%) of the shrubs and perennials within any planting bed larger than five hundred (500) square feet in area may be comprised of any one (1) genus.
- All non-hardscaped areas shall be mulched, sodded or planted with a vegetative ground cover. Free of noxious weeds and maintained to look orderly.
- All required plant material as shown on this plan that is becomes missing, unhealthy and/or dead plant material shall be replaced within one year.
- For standards not shown or listed here, the PUD Ordinance and the City of Bismarck Landscape and Screening Ordinance shall apply.

* Type (coniferous/deciduous), species and location of selected trees marked with an (*) shall be selected and/or adjusted so as to not interfere with the pedestrian and vehicular access and movements on public right-of-way, private drives and driveways.

SIGHT TRIANGLE RESTRICTION AREA



See City Code for standards and restrictions of Sight Triangle Areas

STAFF REPORT

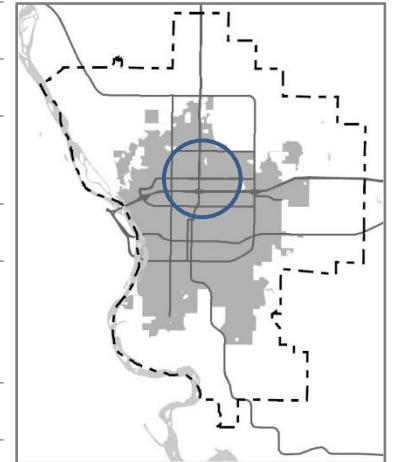
Agenda Item # 4A
November 19, 2025

Application for: **Zoning Map Amendment**

Project ID: **ZC2025-017**

Project Summary

<i>Title:</i>	Pebble Creek Addition, Block 9, Lot 33
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Kirk and Annie Blackwood (Owner) Jenny Maattala (Applicant)
<i>Project Contact:</i>	Jenny Maattala, Soul 57
<i>Project Location:</i>	In central Bismarck, north of East Century Avenue and east of State Street, in the northeast quadrant of the intersection of North 19th Street and Oregon Drive
<i>Project Size:</i>	14,862 square feet
<i>Applicant Request:</i>	Rezone to allow youth and young adult group grief therapy and caregiver support services
<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>	No change
<i>Land Use:</i>	Single-family residential	<i>Land Use:</i>	Youth and young adult group grief therapy and caregiver support services
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	R5 – Residential	<i>Zoning:</i>	Conditional RT - Residential
<i>Uses Allowed:</i>	R5 – Single-family residential	<i>Uses Allowed:</i>	Conditional RT – Uses specified in ordinance
<i>Max Density:</i>	R5 – 5 units / acre	<i>Max Density:</i>	Conditional RT – 5 units / acre

Area Information

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

Property History

<i>Zoned:</i>	07/1992
<i>Platted:</i>	06/1992
<i>Annexed:</i>	06/1992

(continued)

Project Narrative

Jenny Maattala, with consent from the current owners Kirk and Annie Blackwood, requests approval of a zoning map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition. The request would permit the additional use of youth and young adult (18-24 years old) group grief therapy and caregiver support services for Soul 57.

Additional Information

According to the applicant, Soul 57 is a non-profit organization that provides group grief support for youth aged 3-24 years old, as well as caregiver support during their youth's time within the office. Typically, the youth and young adults will meet for 2 hours twice a week for these groups.

Most standards included in the proposed Conditional RT – Residential zoning district would be similar to the R5 – Residential zoning district including some of the uses and the development standards.

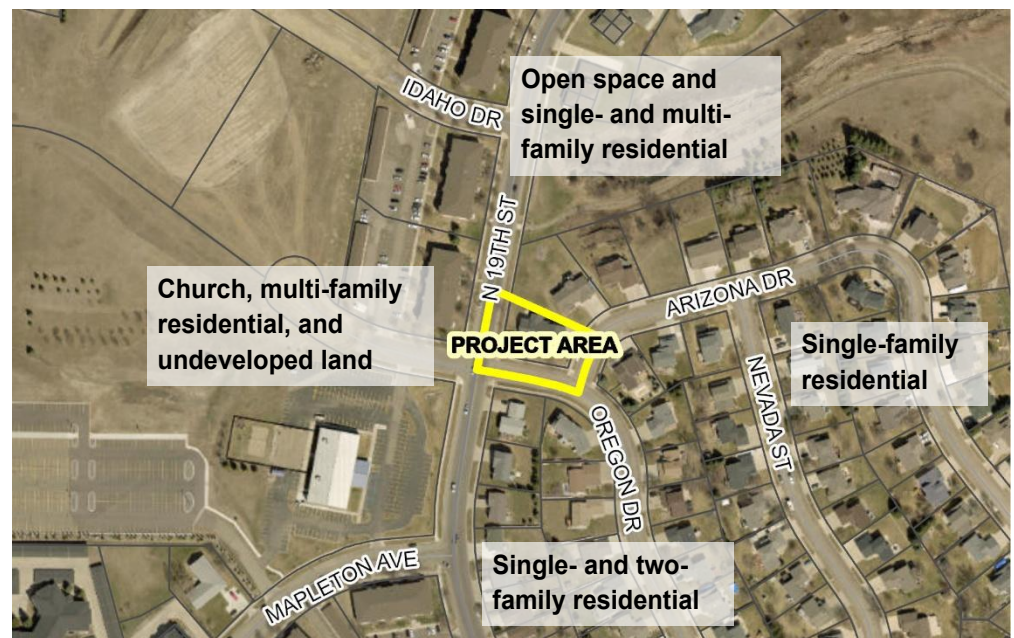
The applicant has submitted a waiver from the landscape buffering requirements that would be required on the north side of the property due to the higher intensity zoning. Reasons for the waiver include site constraints including the site's topography and an established fence line and deck. Staff find this justification to be valid given the conditions placed in the proposed district.

The applicant has also noted that Evangel, which is across North 19th Street to the west, will allow the use of their parking lot for occasional overflow parking to help with any potential parking issues that may arise.

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 the zoning map amendment are referenced in review standards below.

(continued)

Adjacent uses include open space and single- and multi-family residential to the north; single-family residential to the east; single- and two-family residential to the south; and a church, multi-family residential, and undeveloped commercial land to the west.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 7 and 14, and 31 postcards were mailed to the owners of nearby properties on November 7, 2025.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on November 4, 2025.

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

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

Review Standards and Findings of Fact

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

The 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 use as proposed by the applicant would

function similar to a home occupation which would align with this designation.

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

Yes, with certain conditions applied to this zoning district. Adjacent uses are described in the project context section above. The proposed zoning district would allow a single-family residence and youth and young adult group grief therapy and caregiver grief support services. There are additional development standards that are consistent with either the R5 – Residential or home occupation requirements. These include maintaining a residential appearance of the property, hours of operations, number of visitors to the property at a given time, and sign restrictions. No overnight clients or patients would be permitted. With these conditions, 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 R5 - Residential was established in July 1992. Conditions have changed since this time including the adoption of Bismarck's comprehensive plan, Together 2045 in December of 2022.

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, with certain conditions applied to this zoning district. There are additional development standards that include maintaining a residential appearance of the property, hours of operations, number of visitors to the property at a given time, and sign restrictions. No overnight clients or patients would be permitted. The inclusion of

(continued)

these standards was to maintain consistency with the general character and requirements of the surrounding neighborhood, specifically the areas directly adjacent to the north, east, and south. With the proposed conditions, 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 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
- G7(c): Empower citizens to pursue their own ideas for neighborhood and community betterment
- T7(c): Improve the mental health of residents through land use and design interventions that promote physical activity, social connections, and other aspects of wellbeing backed by current research

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 approval of a zoning map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Landscape Buffer Waiver Request

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 R5 – Residential zoning district and included in the Conditional RT – Residential zoning district:

Lot 33, Block 9, Pebble Creek Addition

This Conditional RT – Residential zoning district shall be subject to the following additional standards

1. Use Restrictions.
 - a. A single-family dwelling.
 - b. Health and medical group, limited to youth and young adult group grief therapy and caregiver support services.
2. Development Standards.
 - a. Density. The maximum allowable density is five (5) dwelling units per gross acre.
 - b. Lot area. Each permitted principal structure, together with its accessory structures, shall be located on a lot having an area of not less than seven thousand (7,000) square feet.

- c. Lot coverage. Lot coverage shall not exceed thirty (30) percent of the total area of the lot, with the ability to increase through administrative approval, as applied to the R5 – Residential zoning district in Section 14-04-03.
- d. Setbacks. The minimum setback adjacent to North 19th Street, Oregon Drive, and Arizona Drive shall not be less than twenty-five (25) feet in depth. The minimum setback for all other sides shall not be less than six (6) feet in depth.
- e. Height limit. No principal building shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

3. Additional Standards.

- a. Residential appearance. No outward visual evidence exists to indicate the presence of a non-residential use, such as alterations of the dwelling from a customary residential appearance, overnight storage of products, or non-customary residential materials outside.
- b. Hours of operation. Visits from clients or patients occur only during the hours of 7AM to 9PM.
- c. Visitors. Visits from clients or patients are limited to no more than twelve (12) individuals at any time. Notwithstanding, multiple clients or patients may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. Visits from clients, patients, or employees should not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood.
- d. Signs. Signs for residential and non-residential uses are not permitted, unless otherwise allowed in a residential district as a permit-exempt sign.

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

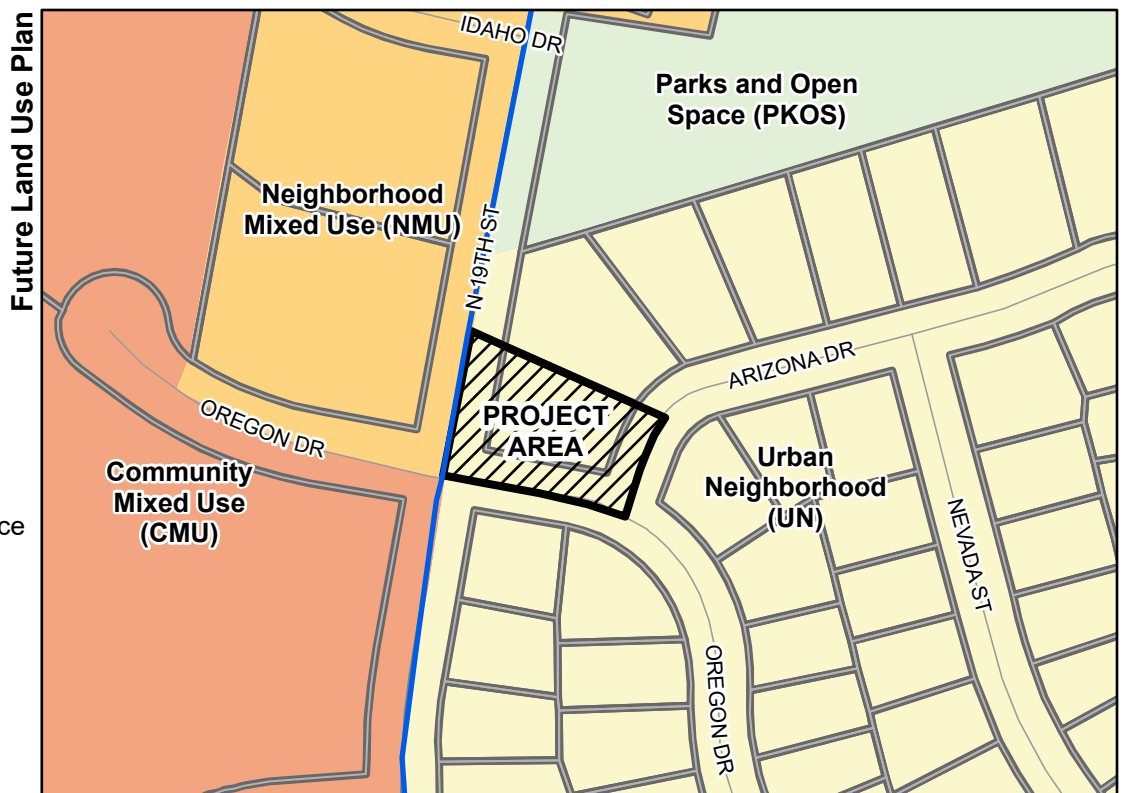
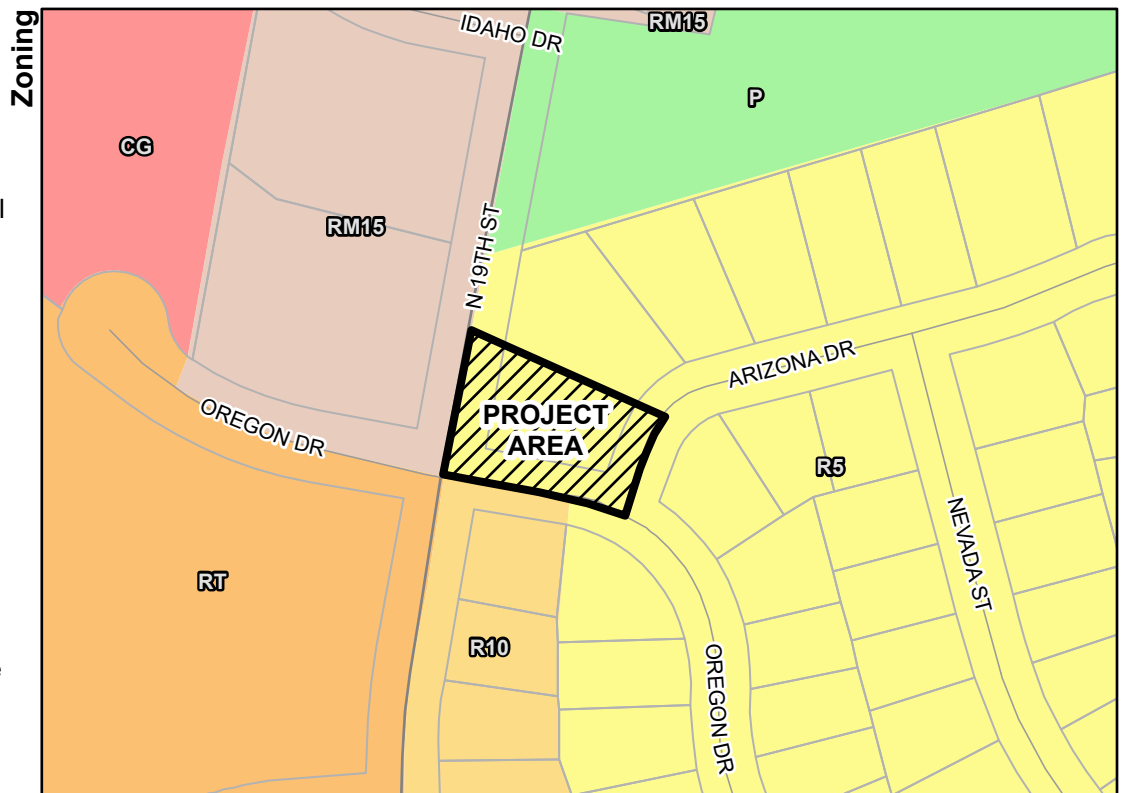
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NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
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IND	Industrial
IF	Industrial Flex
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	Mixed Use
INS	Institutional
RR	Rural
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TR	Transitional
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PKOS	Parks/Open Space
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URB	

Active Mobility Plan

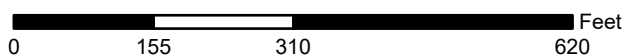
— Future Shared Trail

Major Street Plan

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



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



City of Bismarck
Planning Department
November 7, 2025

Proposed New Zoning Map

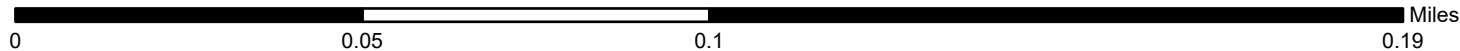
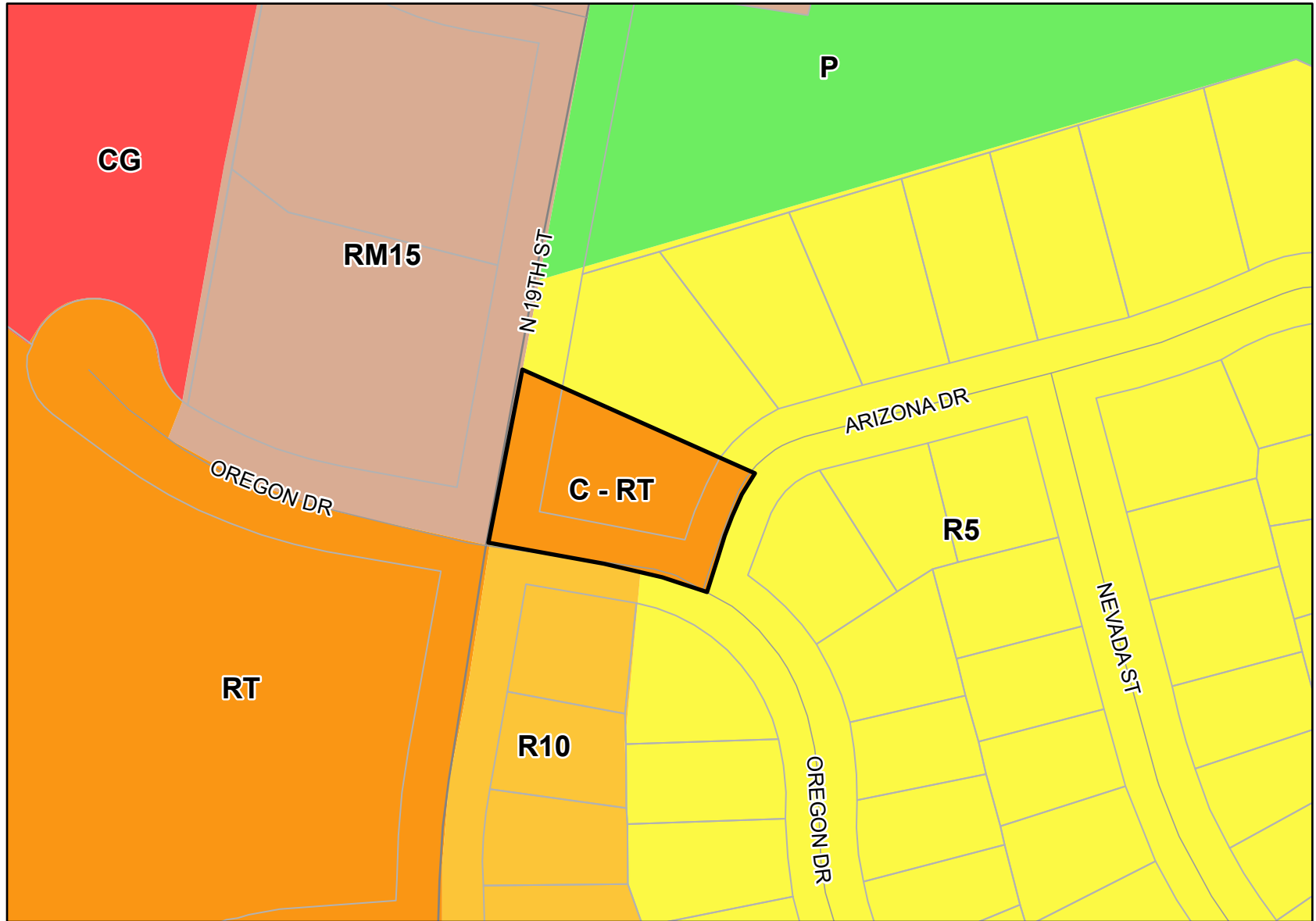
 Project Area
(zoning within
is proposed)

 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
Planning Department
November 7, 2025

Sarah Fricke

From: Kelsey Zottnick <[REDACTED]>
Sent: Friday, October 10, 2025 1:23 PM
To: Planning - General Mailbox; Lauren Oster
Cc: Hunt Boustead; Jenny Maattala
Subject: Special Request

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

Dear Planning and Zoning Commission:

We are reaching out regarding the property located at 1901 Oregon Dr Bismarck ND 58503 that is currently under consideration for rezoning.

Soul 57 requests consideration for a modification or waiver of the landscaping buffer requirement due to unique site constraints. The property's existing topography, along with an established fence line and deck on the north side, significantly limit the ability to install a compliant landscaping buffer as outlined in the zoning requirements.

Additionally, there will be no exterior changes to the property that would alter its current residential appearance. It is their intent to maintain the existing character and aesthetic of the property so that it continues to blend seamlessly with the surrounding neighborhood.

Soul 57 understands the intent of the buffer regulation and is committed to maintaining an attractive and functional site. However, given these physical limitations, they are requesting that the City note these constraints and consider flexibility in this requirement as part of the review process.

Please let me know if any additional documentation would be helpful to support this.



Kelsey Zottnick
Real Estate Agent

701-[REDACTED]
[REDACTED]
www.ParamountND.com





STAFF REPORT

Agenda Item # 4B
November 19, 2025

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2025-005**

Project Summary

<i>Title:</i>	Rural Accessory Structure Size
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Project Contact:</i>	Isak Johnson, AICP, Planner
<i>Request:</i>	Revise and update ordinances regarding total accessory structure size in rural areas to align more closely with Burleigh County’s ordinance (Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17)
<i>Staff Recommendation:</i>	Approve

Project Narrative

On October 14, 2025, Planning staff received direction from the Bismarck Board of City Commissioners to amend all relevant sections of the City’s zoning ordinance, Title 14, regarding residential accessory structure size in rural zoning districts. Namely, staff have been directed to align the City’s zoning ordinance on this topic with Burleigh County’s equivalent sections of their zoning ordinance as a result of ongoing discussions regarding amendments to the City’s Extraterritorial Area (ETA). For the City of Bismarck, these relevant sections of Title 14 include: 14-03-06, Incidental Uses; 14-04-01, RR Residential district; 14-04-01.1, RR5 Residential district; and 14-04-17, A Agricultural district.

As Planning staff are in the process of updating the entirety of the City’s zoning ordinance to a new ‘Land Development Code’ (LDC), staff have intended early on in the process to propose amending this topic to align with Burleigh County’s zoning ordinance to help facilitate uniformity which would ease resident concerns or confusion. Given the timeline of ETA amendment discussions, compared to the tentative timeline of the LDC’s adoption, the Board of City Commissioner’s directed staff to conduct this

zoning ordinance text amendment separately, so that it can be ready sooner, but still incorporated into the LDC when that is ready for final adoption.

The main changes proposed in this text amendment include amending the total permitted structure(s) size of accessory buildings in rural districts (RR – Residential, RR5 – Residential, A – Agricultural) to 4% of the total parcel size. Currently, RR – Residential districts and A – Agricultural districts are permitted a set square footage, with the option to increase that maximum size with an approved special use permit (SUP). This text amendment would remove any two-tiered categorization, one without an approved SUP, and one with an approved SUP, and simplify it to the above referenced 4% of the parcel size in all cases.

The RR5 – Residential district is currently provided a set amount of accessory structure space without the option to increase said size with an approved SUP. All districts would instead scale with the size of the parcel in a fashion identical to Burleigh County.

This ordinance amendment would also remove the wall height limit for accessory structures in A – Agricultural districts, thus clarifying a previous zoning ordinance text amendment that removed

(continued)

limit on wall heights for accessory structures in rural areas but left in one conflicting line within the A – Agricultural zoning district standards.

For reference, Burleigh County's current ordinance regarding accessory structure size can be found here in Article 6, Section 1(1)h:

<https://www.burleigh.gov/media/03ant1iw/zoning-ordinance-2024.pdf#page=41>.

Two charts visually comparing the two ordinances are attached with this report.

Since 2015, the City of Bismarck has approved 41 SUPs to increase the total size of rural accessory buildings on a parcel. Of those 41, 9 would be considered legally nonconforming under the proposed 4% lot area regulation (i.e. the 2,400 square feet or 3,200 square feet provided by their respective approved SUPs is larger than 4% of their lots). One of the 41 approved SUPs would remain in the new ETA tentatively agreed upon by the City and County Commissions. This one property would remain conforming under the 4% lot area regulation.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 7 and 14, 2025.

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

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

Review Standards and Findings of Fact

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

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

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

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.
- G7(c): Empower citizens to pursue their own ideas for neighborhood and community betterment.
- G10(b): Promote a zoning and subdivision ordinance that is complementary with that of Burleigh County in the areas designated for rural residential development.
- G10(g): Review and update plans, ordinances, and policies on a regular basis to reflect changing conditions and public will.

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. Sections 14-04-01, RR Residential District, and 14-04-01.1, RR5 Residential District, were previously revised and adopted on January 23, 2024 (Ord. 6570). Sections 14-03-06, Incidental Uses, and 14-04-17, A Agricultural District, were previously revised and adopted on June 25, 2024 (Ord. 6579).

Ord. 6570 amended residential accessory building height conditions by clarifying certain definitions and removing wall height limits. Ord. 6579 codified agriculture recreation as a permitted use in the A – Agricultural zoning district as well as adjusting maximum size limits for accessory structures in said zoning district. Conditions have

(continued)

changed since this time period, which justify the proposed revision.

As part of ongoing discussions between the City of Bismarck and Burleigh County to amend the existing Extraterritorial Area (ETA) agreement, one ordinance that is often discussed both by the respective commissions and the general public is accessory structure size. Staff had previously noted the difference between the two jurisdictions ordinances and intended to propose amending the City of Bismarck's ordinance to more closely match Burleigh County's regulations for this topic early on in the process of updating the City's zoning ordinance to a new Land Development Code.

As a result of further discussions between the two commissions, the Bismarck Board of City Commissioners instructed staff to formally change the relevant sections of the zoning ordinance prior to the adoption of the full, new Land Development Code.

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. All rural zoning districts have been adjusted to more closely match Burleigh County's zoning ordinance for similar zoning districts. Additionally, all internal references to other sections of the City's zoning ordinance have been

modified appropriately, and one clarification regarding the wall height limit for structures in the A – Agricultural zoning district was included.

For this clarification, wall height limits for residential accessory structures were removed in Ord. 6570 on January 23, 2024; however, one reference to a wall height limit in the A – Agricultural zoning district was inadvertently left in, despite being removed elsewhere. This ordinance corrects that issue.

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 Planning Department, on behalf of the City Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment related to rural accessory structure size (Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17).

Attachments

1. Draft zoning ordinance text
2. Ordinance Comparison Charts

(continued)

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND SECTIONS 14-03-06, 14-04-01, 14-04-01.1, 14-04-17 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO PERMITTED ACCESSORY STRUCTURE SIZE FOR RESIDENCES IN RURAL RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS.

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

Section 1. Amend. 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.

* * * * *

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of four (4) percent of the area of the parcel, fourteen hundred (1,400) square feet for lots of forty thousand (40,000) square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots greater than forty thousand (40,000) square feet and less than or equal to sixty-five thousand (65,000) square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over sixty-five thousand

(65,000 square feet, except as provided for herein. The maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than forty thousand (40,000) and less than or equal to sixty-five thousand (65,000) square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than sixty-five thousand (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.

* * * * *

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of ~~four (4) one (1)~~ percent of the total ~~lot parcel area up to a maximum of five thousand (5,000) square feet~~. The maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in the A — Agriculture zoning district with at least thirty-five (35) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 8,000 square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A — Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB) may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08.

* * * * *

(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. 6643, 10-28-25 ; Ord. XXXX)

Section 2. Amend. 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR Residential District, is hereby enacted to read as follows:

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

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of four (4) percent of the area of the parcel. fourteen hundred (1,400) square feet for lots of forty thousand (40,000) square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots greater than forty thousand (40,000) square feet and less than or equal to sixty five thousand (65,000) square feet; and to a maximum of twenty four hundred (2,400) square feet for lots over sixty five (65,000) square feet, except as provided herein. The maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot with more than forty thousand (40,000) and less than or equal to sixty five thousand (65,000) square feet in area may be increased to a maximum of twenty four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than sixty five thousand (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.

* * * * *

(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; Ord. 6583, 10-30-24; Ord. XXXX)

Section 3. Amend. 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR5 Residential District, is hereby enacted to read as follows:

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

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of four (4) percent of the area of the parcel. ~~thirty-two hundred (3,200) square feet.~~ The maximum building height shall be limited to twenty-five (25) feet.

* * * * *

(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)

Section 4. Amend. 14-04-17 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to A Agricultural District, is hereby enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a non-farm single-family rural residence shall be limited to a maximum of four (4) one (1) percent of the total lot-parcel area up to a maximum of five thousand (5,000) square feet. ~~The maximum wall height shall be limited to sixteen and one half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

The allowable accessory buildings for a single-family rural residence on a lot in the A — Agriculture zoning district with at least thirty five (35) acres in area and located entirely outside the Urban Service Area Boundary (USAB) may be increased to a maximum of 8,000 square

feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A—Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increase to a maximum of 15,000 square feet as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

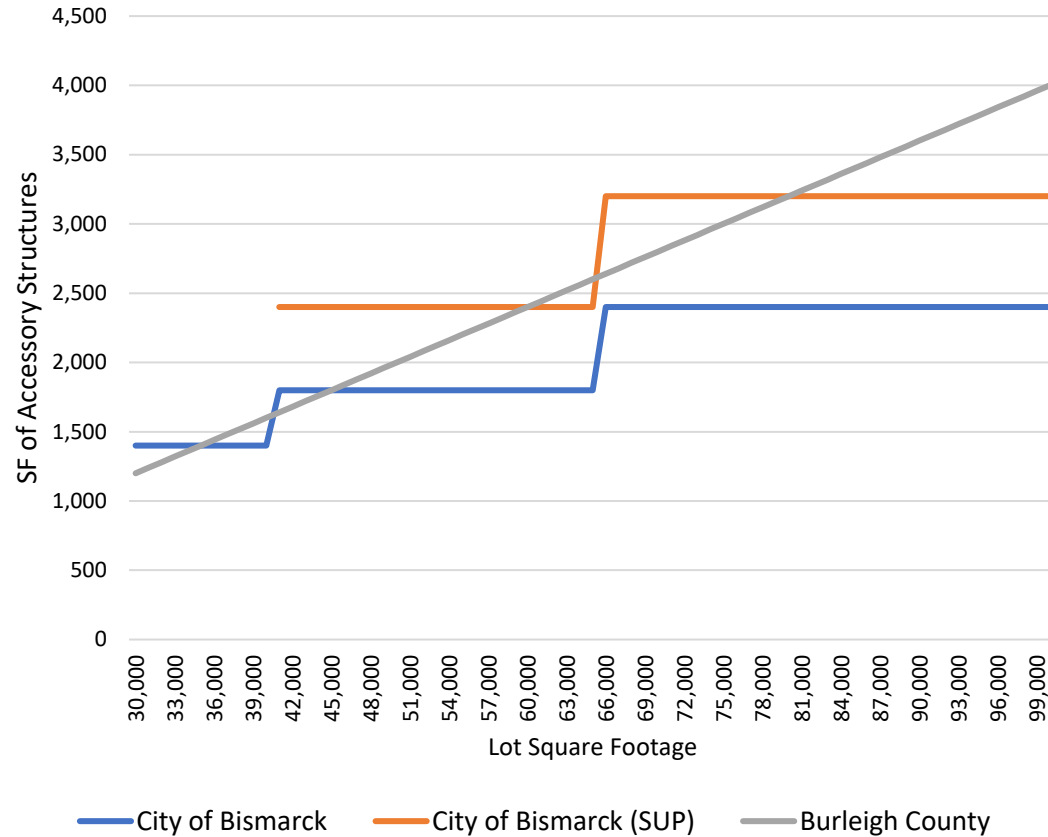
(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6179, 12-22-15; Ord. 6218, 07-26-16; Ord. 6283, 09-26-17; Ord. 6579, 06-29-24; Ord. 6583, 10-30-24; Ord. 6618, 04-28-25; Ord. XXXX)

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.

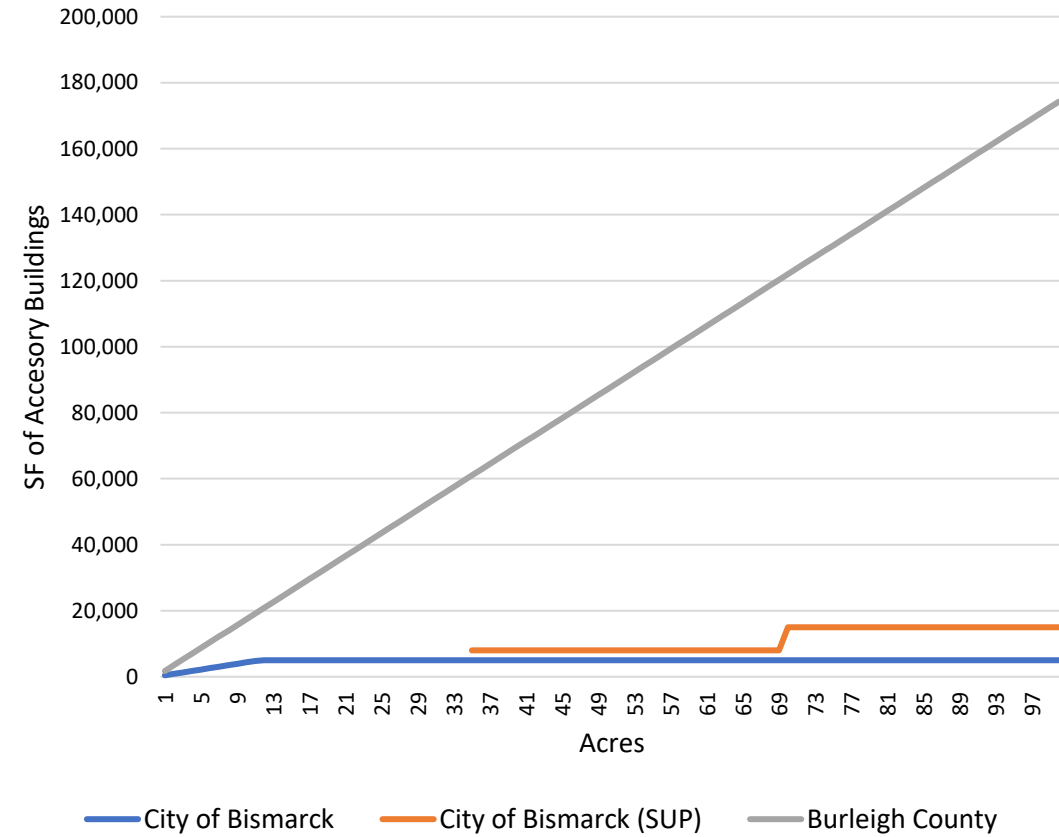
Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Rural Res. Accessory Buildings Ord. Comparison*



Ag Accessory Buildings Ord. Comparison

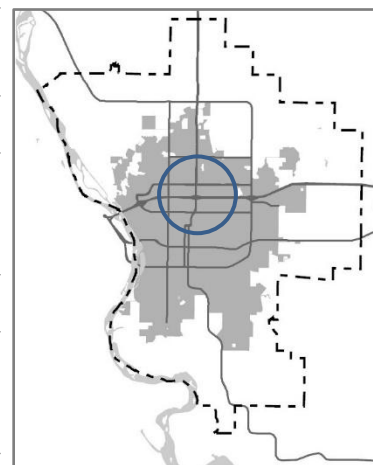


*Note: Comparison between the City RR – Residential zoning district and the County R1 – Country Homes Residential zoning district.

For the City RR5 – Residential zoning district which has a minimum lot size of 5 acres, all properties are currently permitted up to 3,200 square feet of accessory structure(s) by right (i.e. no option for increasing that size with an approved SUP). A County R1 – Country Homes Residential parcel with at least 5 acres, would be permitted at least 8,712 square feet of accessory structure(s) under the 4% of lot size regulation.

Project Summary

<i>Title:</i>	Boutrous Second Addition, Block 1, Part of Lot 1 and 2
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Cold Brew, LLC (Applicant) The Boutrous Group LLP and Boutrous, Ted J. LLC (Owner)
<i>Project Contact:</i>	Matthew Gilbert, Matt Development Company, LLC
<i>Project Location:</i>	In central Bismarck, north of Interstate 94, in the northeast quadrant of the intersection of State Street and E Interstate Avenue
<i>Project Size:</i>	10.87 acres, more or less
<i>Applicant Request:</i>	Allow a drive-through in conjunction with a coffee shop
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Parcel in 1 Block	<i>Lots/Blocks:</i>	No Change
<i>Land Use:</i>	Parking lot for commercial building	<i>Land Use:</i>	Coffee shop
<i>Future Land Use:</i>	Destination Mixed Use (DMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	No change

Area Information

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

Property History

<i>Zoned:</i>	07/2016
<i>Platted:</i>	11/1970
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Cold Brew LLC, with consent from the current owners The Boutrous Group LLP and Boutrous, Ted J. LLC, is requesting approval of a special use permit for a drive-through in conjunction with a coffee shop on Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the

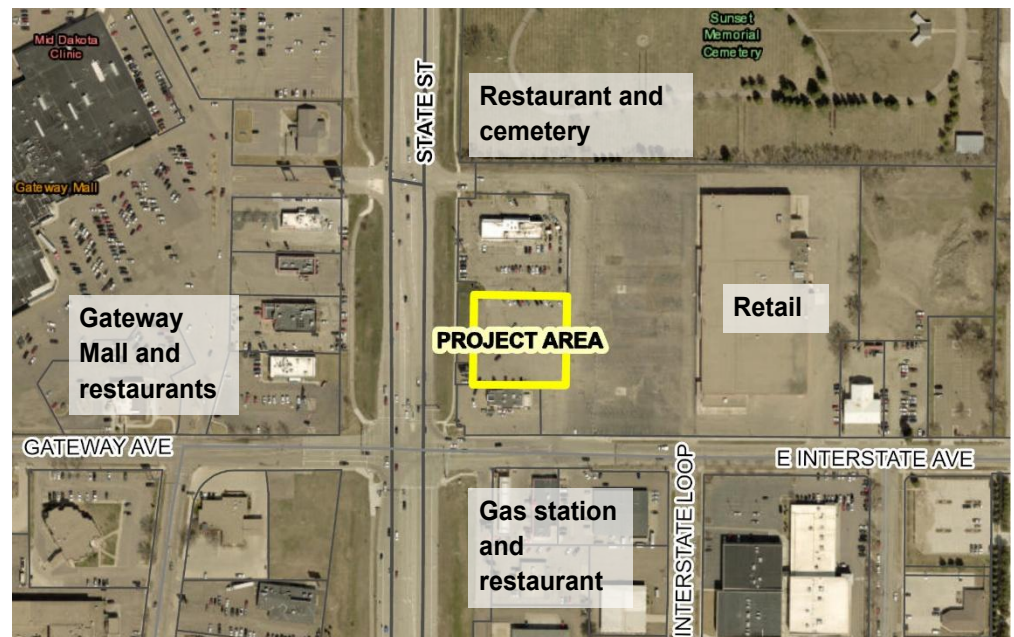
NW1/4 of Section 27, T139N-R80W/Hay Creek Township.

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

Project Context

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

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



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

The project location is surrounded by a mix of commercial uses including retail stores and restaurants. A cemetery is also located to the north.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 7 and 14, and 12 postcards were mailed to the owners of nearby properties on November 7, 2025.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on November 4, 2025.

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

(continued)

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

Review Standards and Findings of Fact

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

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

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

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

The proposed area where the coffee shop would be located is on a parcel that meets these requirements.

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

Based on the site exhibit submitted, this requirement would be met. Access to the site is via an existing parking lot. Based on the location of the proposed coffee shop, it is unlikely that vehicles will back onto sidewalks or streets.

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

Based on the location of the proposed coffee shop and the site exhibit submitted, this requirement would be met.

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

Based on the location of the proposed coffee shop and the site exhibit submitted, this requirement would be met.

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

Based on the location of the proposed coffee shop and the site exhibit submitted, this requirement would be met.

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

Based on the location of the proposed coffee shop and the site exhibit submitted, this requirement would be met.

(continued)

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 for drive-through in conjunction with a coffee shop on Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township.

Attachments

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

Staff report prepared by: Lauren Oster, Planner

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**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR A DRIVE-THROUGH
IN BOUTROUS SECOND ADDITION (SUP2025-016)**

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 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township have requested approval of a special use permit to allow a drive-through in conjunction with a coffee shop in the CG - Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on November 19, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for a drive-through in conjunction with a coffee shop on Lots 1-2, Block 1, Boutrous Second Addition Less Part of Lots 1 & 2, Block 1, Boutrous Second Addition and Part of the NW1/4 of the NW1/4 of Section 27, T139N-R80W/Hay Creek Township 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 19th Day of November, 2025.

CERTIFICATE

I, Daniel Nairn, do hereby certify that I am the duly appointed, qualified Planning 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 November 19, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn, AICP
Planning 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

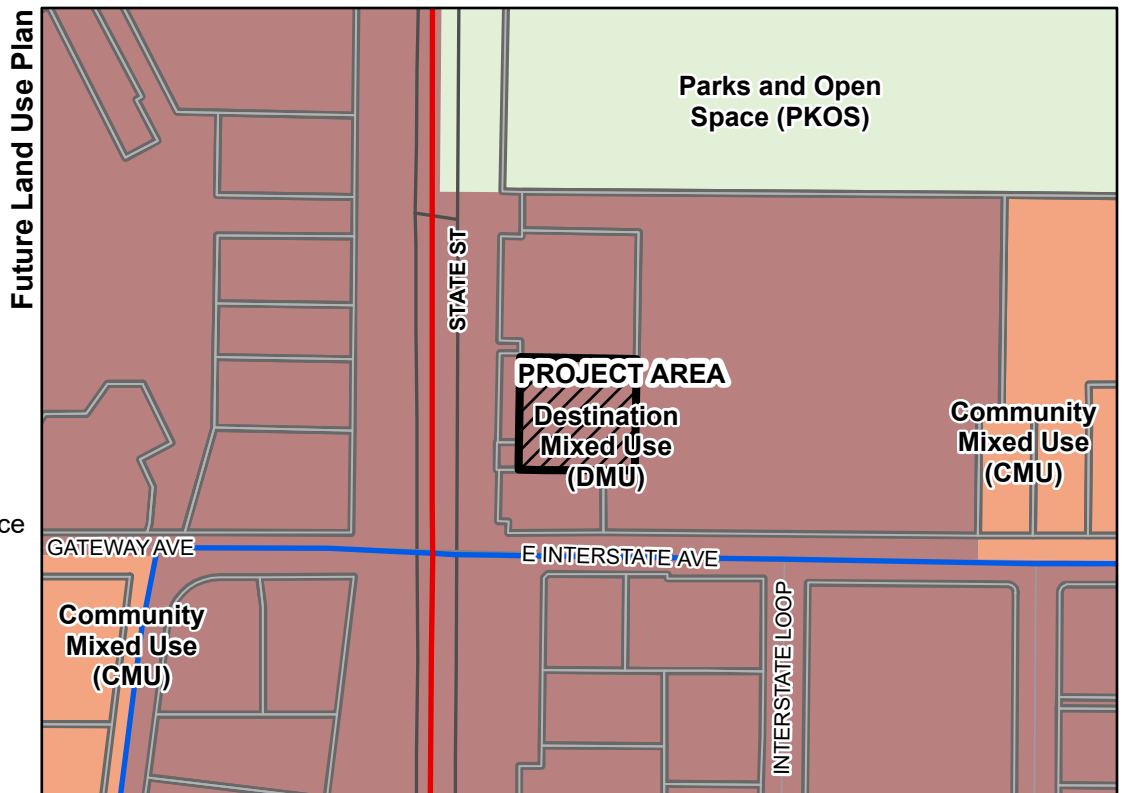
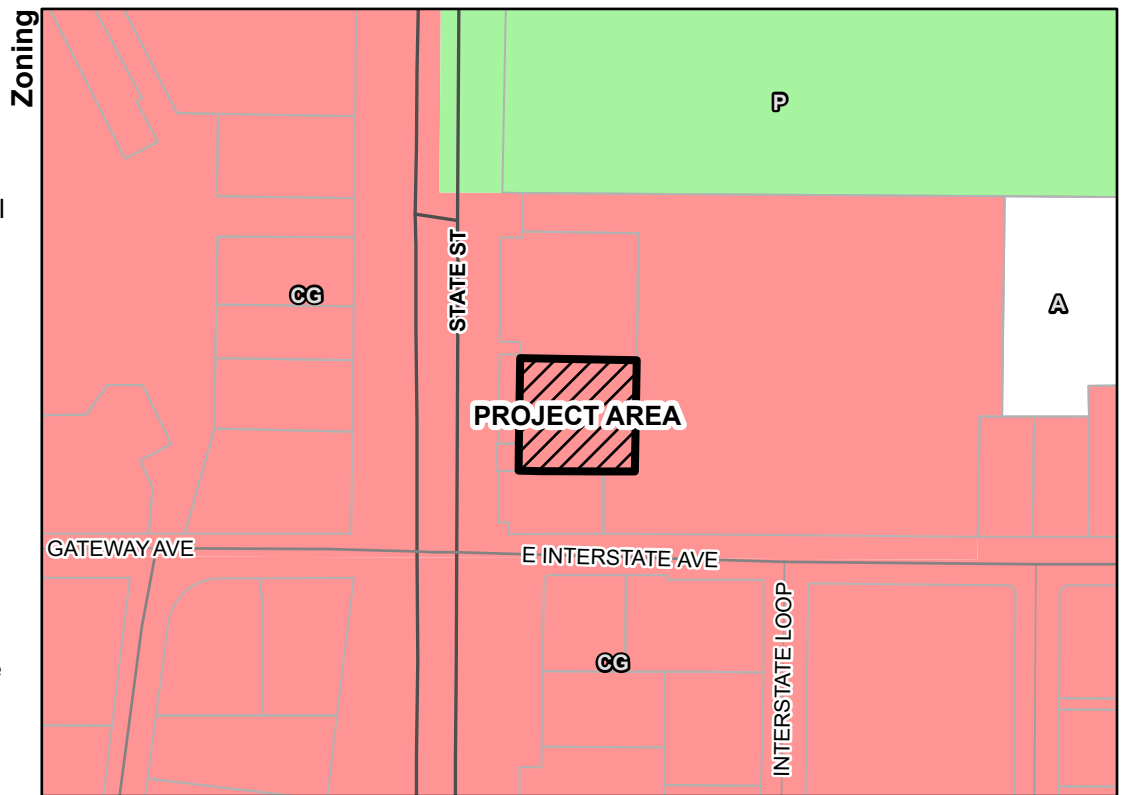
UN	Urban
	Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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



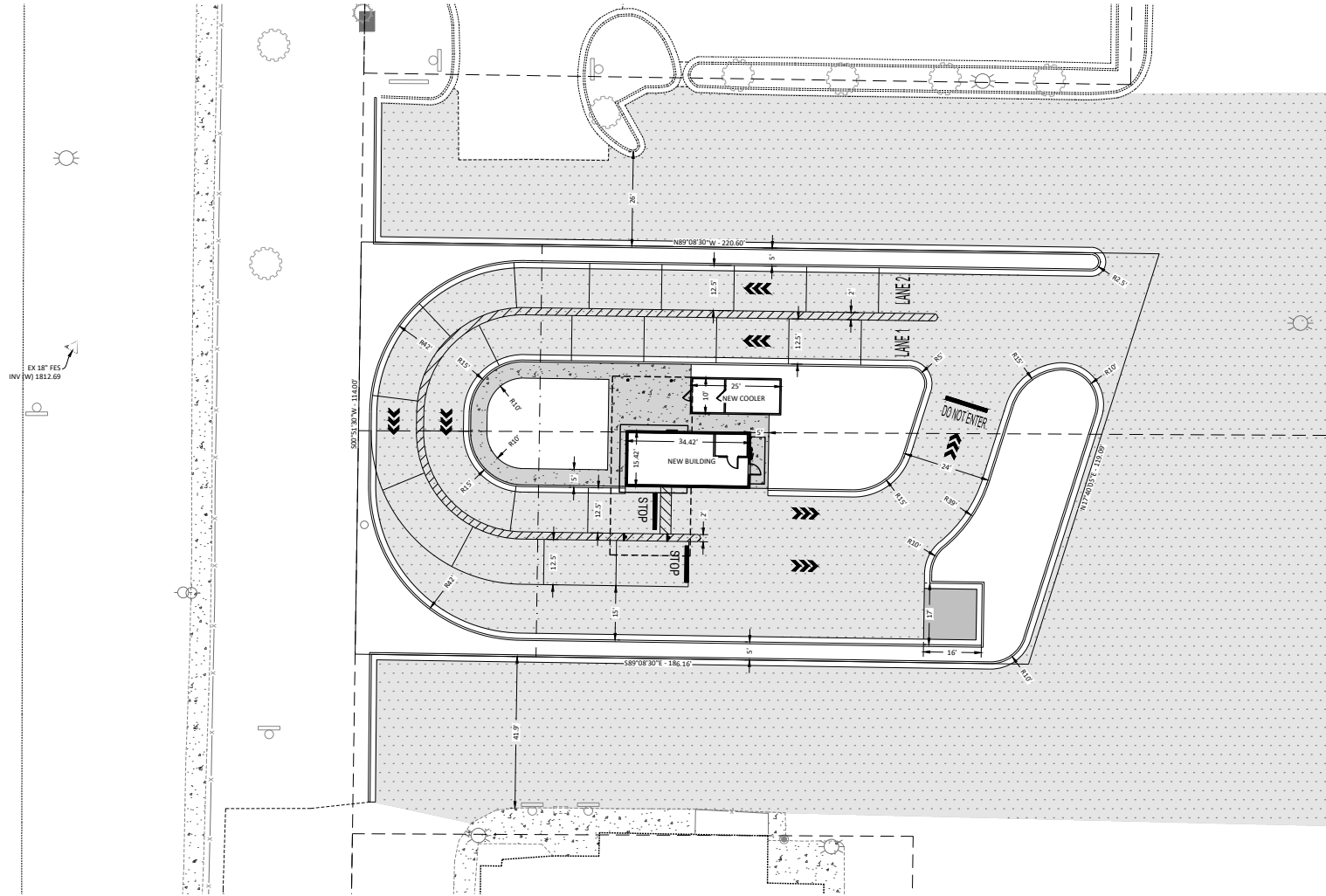
This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 255 510 1,020 Feet



City of Bismarck
Planning Department
November 7, 2025

CONCEPT 1
7 BREW BISMARCK ND - 2625 State Street
LE PROJECT #25017.9



SURVEY
7 BREW BISMARCK ND - 2625 State Street
 LE PROJECT #25017.9

