



Bismarck Planning and Zoning Commission

MEETING
May 27, 2026

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, DakotaMediaAccess.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

4. REGULAR AGENDA

A. Silver Ranch Fifth Addition Block 4, Lot 45 (IJ)

Annexation | ANNX2026-003 | Final Consideration
Staff recommends: Approve

B. Clear Sky Second Addition (LO)

Zoning Map Amendment | ZC2025-020 | Public Hearing
Staff recommends: Approve with Conditions

Major Subdivision Final Plat | FPLT2026-004 | Public Hearing
Staff recommends: Approve with Conditions

C. Boulder Ridge Eighth Addition (JW)

Zoning Map Amendment | ZC2025-022 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | FPLT2026-002 | Public Hearing
Staff recommends: Approve

D. Graham Addition (JW)

Minor Subdivision Final Plat | MPLT2026-004 | Public Hearing
Staff recommends: Approve

E. Meadow Valley Sixth Addition (IJ)

Minor Subdivision Final Plat | MPLT2026-003 | Public Hearing
Staff recommends: Approve with Conditions

F. Replat of Block One of Interstate Commercial Park First Addition, Block 1, Lots 1-2 (LO)

Special Use Permit | SUP2026-001 | Public Hearing
Staff recommends: Approve

G. Planning and Zoning Commission Bylaws (DN)

5. OTHER BUSINESS

6. ADJOURN

The next meeting of the Planning & Zoning Commission is scheduled for June 24, 2026.

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

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
April 22, 2026

The Bismarck Planning & Zoning Commission met on April 22, 2026, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Dakota Media Access was present to record the meeting and archive on DakotaMediaAccess.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

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

Commissioners not present were Brian Bitner, Mike Schmitz, Sheldon Sivak and Kendra Taylor.

Staff members present were Brady Blaskowski – Building Official, Sandra Bogaczyk – Office Assistant, Julie Mees – City Attorney, Daniel Nairn – Planning Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

Guest present were Debra Hill – Citizen, Jenny Baker and Elizabeth Garvin (via Zoom) – Clarion Associates.

MINUTES

Chair Schwartz called for consideration of the minutes of the March 25, 2026 meeting.

MOTION: Commissioner Johnson made a motion to approve the minutes of the March 25, 2026 meeting. Commissioner Swanson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Swanson, Wangler and Chair Schwartz voting in favor of the motion.

PUBLIC COMMENT

Chair Schwartz opened the public comment period.

Debra Hill expressed her concern that not enough public green space was available for all ages for improved mental and physical health and asked commissioners if the City could plan more parks, not just playgrounds.

Chair Schwartz encouraged Ms. Hill to also speak at the Bismarck Parks and Recreation District board meeting and thanked her for her comments.

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

CONSIDERATION

3A. DCN FIRST ADDITION

ZONING MAP AMENDMENT and MAJOR SUBDIVISION PRELIMINARY PLAT

**3B. CLEAR SKY SECOND ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION PRELIMINARY PLAT**

**3C. BERG ACRES ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION PRELIMINARY PLAT**

**3D. CAPITAL ELECTRIC SECOND SUBDIVISION, BLOCK 1, PART OF LOT 2.
ZONING MAP AMENDMENT**

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

**PUBLIC HEARING – JMAC INDUSTRIAL SECOND ADDITION
ZONING MAP AMENDMENT, MAJOR SUBDIVISION FINAL PLAT and ANNEXATION**

Chair Schwartz called for the public hearing on a zoning map amendment from MA – Industrial and A – Agricultural zoning districts to the MA – Industrial zoning district, a major subdivision final plat titled JMAC Industrial Second Addition and annexation of all of the proposed plat. The property is located in north Bismarck, east of Highway 83 NE, in the southwest quadrant of the intersection of North 19th Street and 71st Avenue NE.

Ms. Oster provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning map amendment, annexation and major subdivision final plat would not adversely impact public health, safety, and general welfare.

As stated in the Agenda Packet most of the project area was annexed in 2016. However, there is currently no city water available in this area and sanitary sewer has not been extended across North 19th Street for the eastern lots in this subdivision. Additionally, the only available point of access is from 71st Avenue NE to the north.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment, annexation and major subdivision final plat for JMAC Industrial Second Addition with the following condition:

1. A waiver for a cul-de-sac and a waiver permitting a greater block length beyond subdivision standard of 1320 feet are approved with this request.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., came forward to answer questions.

Commissioner Schell stated that there is currently no access to City water so no permits can be issued until access is available. Mr. Niemiller confirmed that his client is aware of this condition and that a plan exists to bring in water.

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

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the zoning map amendment from the MA – Industrial and A – Agricultural zoning district to the MA – Industrial zoning district, major subdivision final plat for JMAC Industrial Second Addition and annexation of all of the proposed plat with the following conditions:

1. A waiver for a cul-de-sac and a waiver permitting a greater block length beyond subdivision standard of 1320 feet are approved with this request.

Commissioner Wangler seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Swanson, Wangler and Chair Schwartz voting in favor of the motion.

PUBLIC HEARING – LAND DEVELOPMENT CODE ZONING ORDINANCE TEXT AMENDMENT and ZONING MAP AMENDMENT

Mr. Nairn provided a detailed overview of the draft Land Development Code request after two years of developing with public guidance through a steering committee, input from various City departments, Bismarck Parks and Recreation, and the general public, and engaging the Planning and Zoning and City Commissions to implement the Together 2045 Comprehensive Plan with the purpose and goal of writing the document in accessible language for the public to better engage in participation of City ordinances.

Mr. Nairn described the new simplified zoning districts, including residential transitional standards shaped so that surrounding neighborhoods are not negatively affected. Many customized zoning districts have been eliminated, which would not directly intend to promote new developments but rather bring the present situation into conformity.

He stated that new use categories would be created and enable transparency and public access which would streamline the project administration processes.

The following dates are scheduled for further review:

May 12 th	Bismarck City Commission first reading
May 26 th	Public Hearing at Bismarck City Commission
October 1 st	Effective date of new Code, to be reviewed one year later and to include text amendments

Commissioner Schell asked if the footnotes would remain or be removed from the final document. Mr. Nairn stated that they would be removed for the Bismarck City Commission.

Mr. Wangler responded to the public comment received as Exhibit A requesting zero parking requirements and lead a discussion possibly addressing that request in a later document revision.

Mr. Nairn stated that based on the findings contained in the staff report, staff recommends approval of the zoning ordinance text amendment to propose a new Land Development Code, as a repeal and replacement of Title 14 Zoning and Subdivision ordinance in the City Code of ordinances, and a new zoning map corresponding to the districts of the Land Development Code.

Chair Schwartz opened the public hearing.

Ms. Hill again expressed her concern that there is a lack of public spaces and asked Commissioners to consider limiting any flexibility the ordinance may allow.

Chair Swartz asked staff if green space is included in the Plan. Mr. Nairn affirmed and noted that neighborhood parks will be decided during project development.

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

Mr. Nairn clarified that the Code allows for flexibility in creating green spaces but the item would be a public hearing to allow for comment.

MOTION: Based on the findings contained in the staff report, Commissioner Schell made a motion to approve the land development code, replacing the entirety of Title 14, and corresponding new zoning map. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Swanson, Wangler and Chair Schwartz voting in favor of the motion.

Commissioner Schell commended staff for their persevering efforts to direct this undertaking together with the consultants and Steering Committee's efforts and stated what a nice job everyone did and how proud they should be given the tremendous outcome.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:28 p.m. to meet again on May 27, 2026.

Respectfully submitted,

Sandra Bogaczyk
Recording Secretary

Mike Schwartz
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

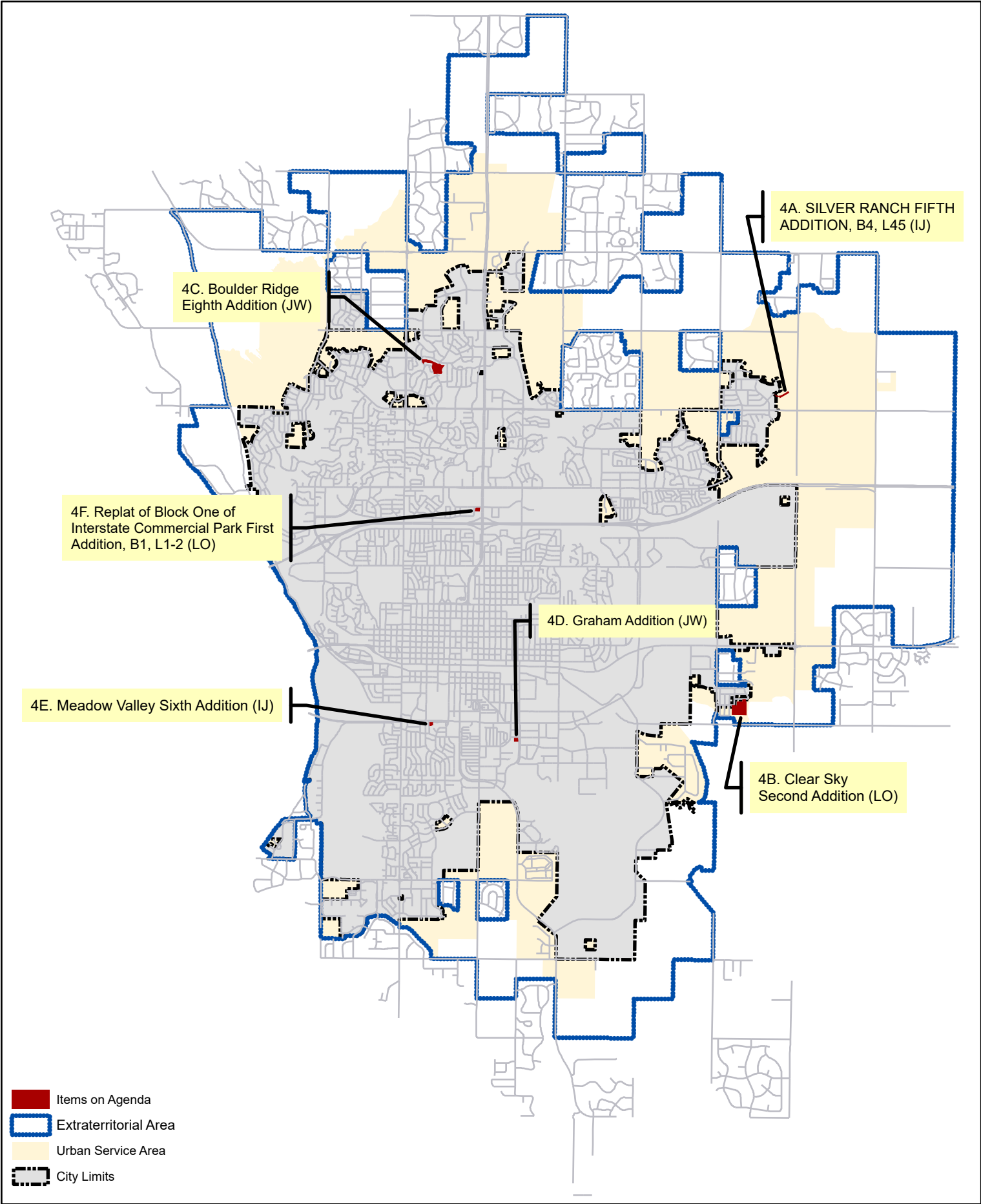
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

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:

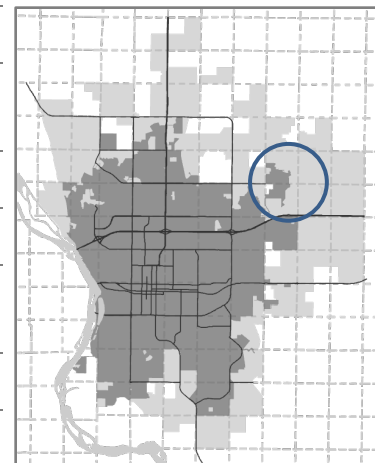
- Write your first and last name and address on the sign-in sheet at the podium.
- Adjust the microphone, if necessary, state your name, then provide comments. Traditionally, comments are addressed to the Chair and Planning and Zoning Commission.
- Comments may not be defamatory, abusive, harassing, 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>	Silver Ranch Fifth Addition, Block 4, Lot 45
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Investcore Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	Northeast of Bismarck, north of 43 rd Avenue, east of Silver Boulevard, along Davies Drive
<i>Project Size:</i>	2.52 acres, more or less
<i>Applicant Request:</i>	Annex a stormwater lot and adjoining right-of-way to facilitate broader development of the subdivision
<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>	Undeveloped/stormwater lot	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Parks and Open Space (PKOS)	<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>	10/2025
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	11/2025
<i>Neighborhood:</i>	Silver Ranch	<i>Annexed:</i>	N/A

(continued)

Project Narrative

Investcore Inc. is requesting approval of an annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way.

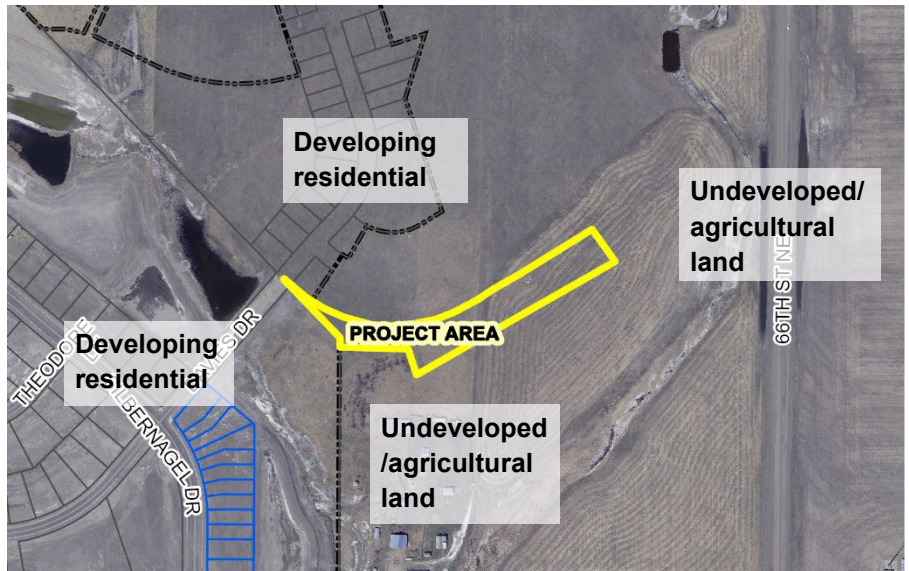
The applicant is requesting the annexation to facilitate the roadway construction of Davies Drive adjacent to the lots and blocks of Silver Ranch Fifth Addition which they intend to develop. No changes related to the subdivision or zoning are requested.

Project Context

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

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

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



The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as they relate to annexations are referenced in review standards below.

The project area is near developing residential land to the north and west, and largely undeveloped/agricultural land to the east and south.

Public Engagement

Annexations do not have a public hearing before the Planning and Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh

County and Gibbs Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

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

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

Review Standards and Findings of Fact

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

(continued)

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

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

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Urban Service Area Expansion. This lot is a stormwater and drainage lot within Silver Ranch Fifth Addition; therefore, the level of public services necessary for this particular lot is minimal.

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

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

The area on the plat is identified as a stormwater and drainage easement. Any development on this particular lot in the near future is unlikely, and would require at least part of said easement to be released.

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

Yes. The area proposed annexation is clearly contiguous to the existing corporate boundaries. 14% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous. However, this lot is below that

threshold because it is a stormwater lot on the edge of the subdivision. As other developable lots are annexed, the proportion of this lot contiguous to City limits will be much greater than 20%.

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

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

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way.

Attachments

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

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

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

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

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

Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way

The above described tract of land contains 2.52 acres, more or less.

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

Zoning Districts

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

Future Land Use Plan

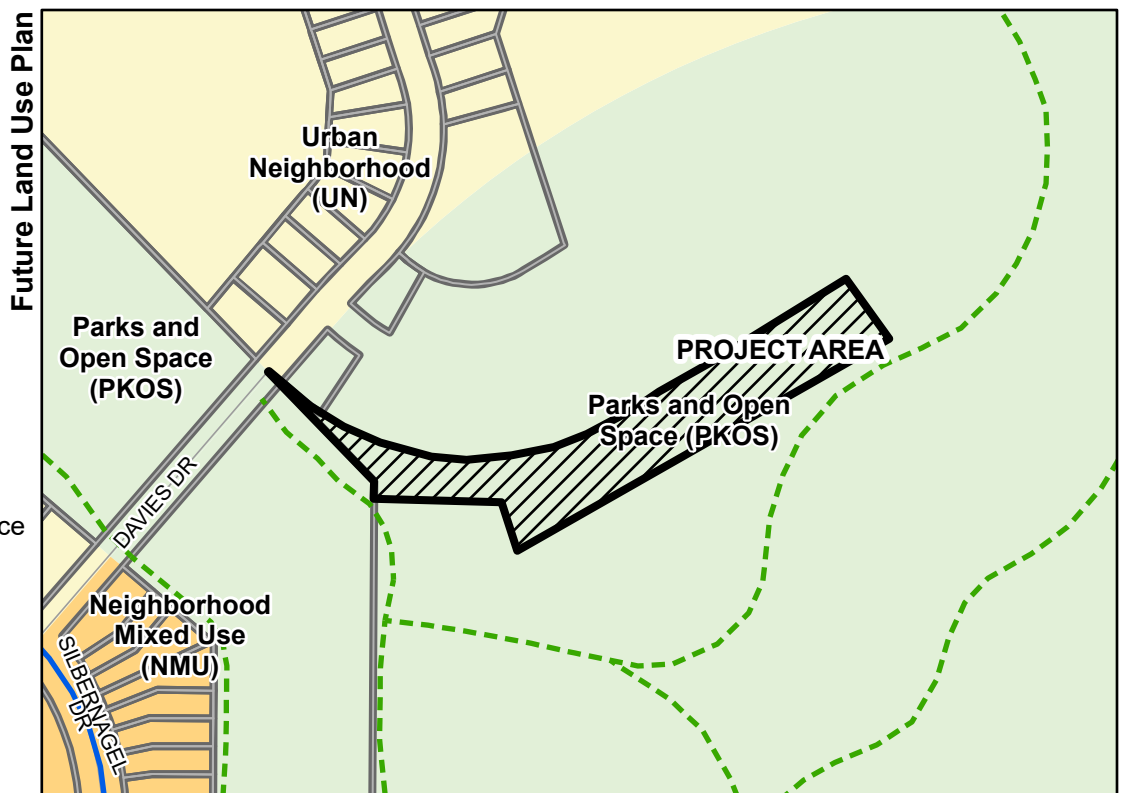
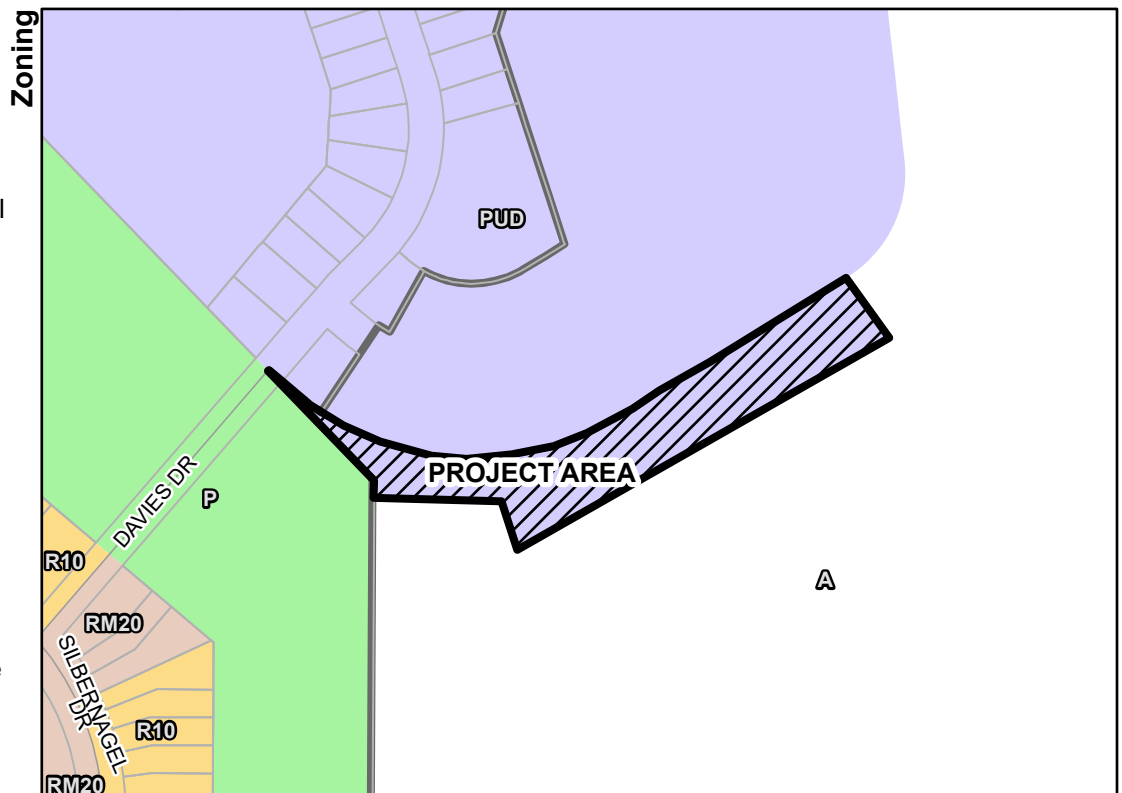
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

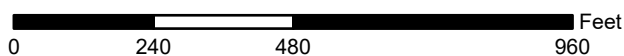
--- Future Shared Use Trail

Major Street Plan

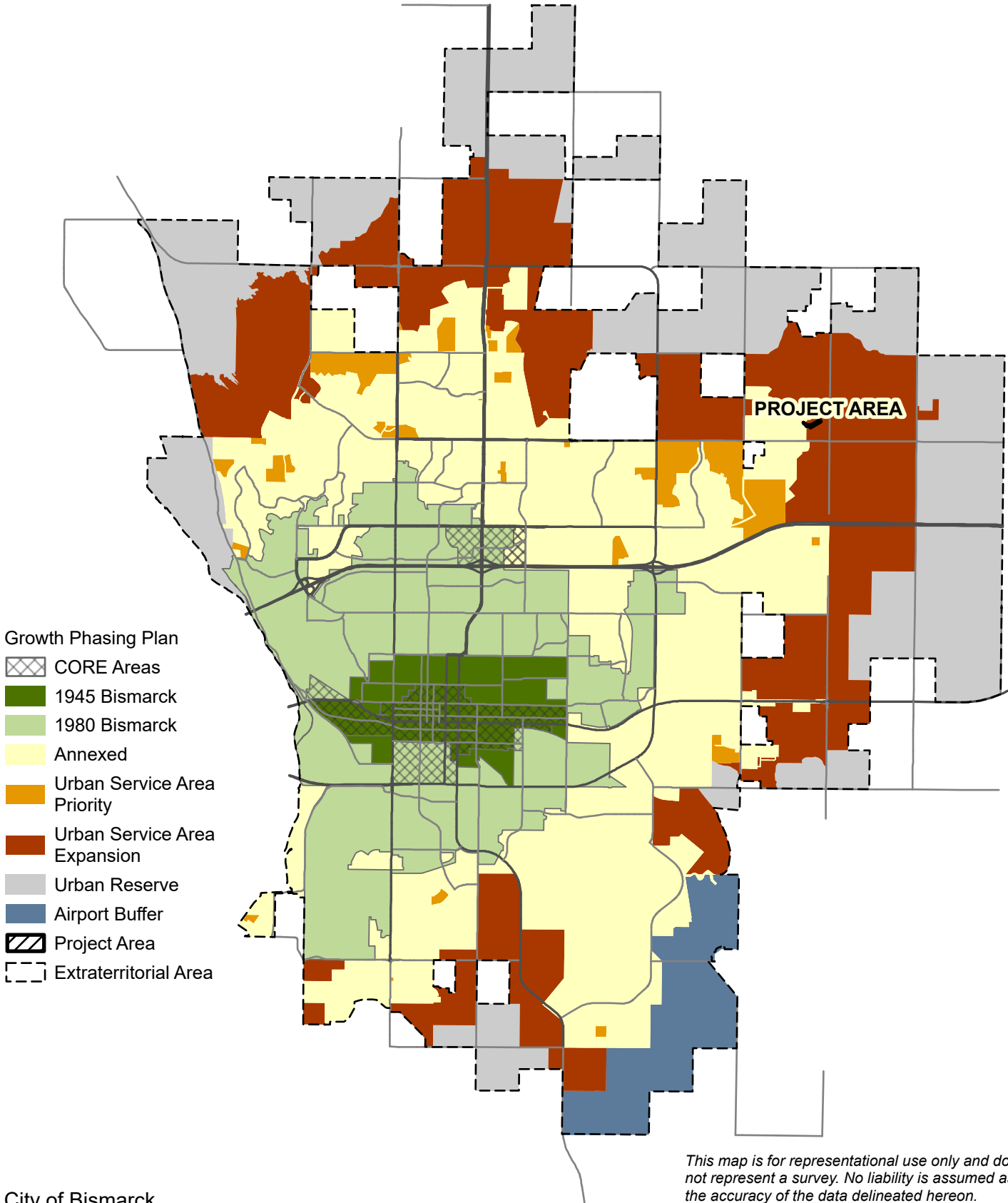
- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- ▬ City Limits



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
May 19, 2026



STAFF REPORT

Agenda Item # 4B

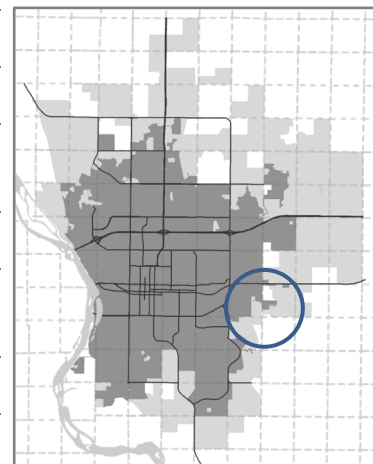
May 27, 2026

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

Project ID: **ZC2025-020**
FPLT2026-004

Project Summary

<i>Title:</i>	Clear Sky Second Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	FRF Investments LLP 94 Investments LLP
<i>Project Contact:</i>	Andra Marquardt, PLS, Toman Engineering
<i>Project Location:</i>	East of Bismarck, east of 52nd Street SE and north of Apple Creek Road
<i>Project Size:</i>	19.18 acres, more or less
<i>Applicant Request:</i>	Rezone and plat to facilitate single-family development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 unplatted parcels and 1 platted	<i>Lots/Blocks:</i>	7 lots in 4 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	R5 – Residential A – Agricultural	<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential A – Agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density:</i>	R5 – 5 units / acre A – 1 unit / 40 acres	<i>Max Density:</i>	R5 – 5 units / acre

Area Information

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

Property History

<i>Zoned:</i>	06/2019 (R5 zoned Parcel)
<i>Platted:</i>	07/2019 (R5 zoned Parcel)
<i>Annexed:</i>	N/A

(continued)

Project Narrative

FRF Investments LLP and 94 Investments LLP are requesting approval of a zoning map amendment from the R5 – Residential and the A – Agricultural zoning districts to the R5 – Residential zoning district and a major subdivision final plat titled Clear Sky Second Addition.

The Land Development Code (LDC) zoning district equivalent for the proposed zoning map amendment would be RS-Residential Suburban. The Bismarck City Commission will be holding a public hearing on the LDC on May 26, 2026. If adopted, the associated zoning map amendment would be modified to reflect the new zoning districts.

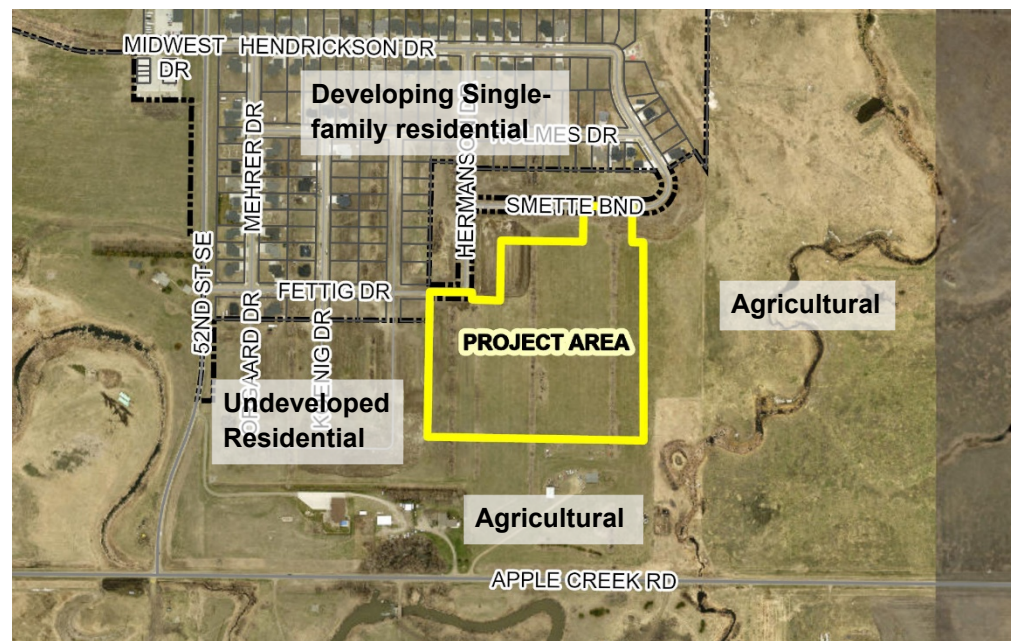
The applicant has indicated that annexation of the proposed plat will occur at a later date.

In order to facilitate the acquisition of this property for future development, the applicant is working with the adjacent property owner to subdivide this area and develop additional neighborhood amenities and infrastructure. The applicant has noted that this area will be developed later on after the rest of Clear Sky Addition is further developed. This will include the subdivision of the larger lots for residential urban development.

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 major subdivision preliminary plat and the zoning map amendment are referenced in review standards below.

Adjacent uses include developing single-family residential to the north, undeveloped residential to the west, and agricultural land to the south and east.

(continued)

Public Engagement

A previous version of the preliminary plat was reviewed by the Planning and Zoning Commission on January 28, 2026. However, a substantial change to the proposed number of lots occurred requiring that the preliminary plat be reviewed by the Planning and Zoning Commission again. The boundary of the plat and proposed locations of rights-of-way did not change.

The Planning and Zoning Commission considered the revised preliminary plat and zoning map amendment request on April 22, 2026, and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 32 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

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

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

Review Standards and Findings of Fact

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

Zoning Map Amendment

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

Yes, with an understanding that the proposed lots would be developed in an urban style in the future. 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. This designation notes that lots are relatively compact to enhance walkability and allow efficient use of city services. The proposed zoning district would generally conform to the character of this district when future residential urban development occurs.

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

Yes. Adjacent uses are described in the Project Context section above. The proposed zoning district would allow single-family residential. 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 for Lots 39-41, Block 1, Clear Sky Addition was established in June 2019, and the current zoning district of A – Agricultural for the remainder of the project area is the default for any piece of land that has not been otherwise zoned. The property is adjacent to the Clear Sky neighborhood which continues to develop and expand. Therefore, the proposed zoning of the property to the R5 – Residential zoning district at this time will help facilitate future phases of development.

(continued)

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

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

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

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

- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- G3: Coordinate expansion of city infrastructure and services with growth.

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

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

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

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

A public hearing has been scheduled by the Planning and Zoning Commission for this request,

and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Major Subdivision Final Plat

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

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

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

Yes. No specific conditions were placed on the approval of the preliminary plat.

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

Yes, with additional off-site easements that will be recorded in conjunction with the plat. The proposed subdivision includes rights-of-way and easements that extend into and through the plat. Rights-of-way and easements are included for stormwater and drainage, utilities, and a shared-use trail. Additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the Post-Construction Stormwater Management Permit (PCSMP), must be received prior to recordation of the plat.

(continued)

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

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

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

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

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

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision with the previously dedicated Heroes Park. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District. A formal letter waiving this requirement by the Bismarck Parks and Recreation District is attached.

Additionally, a neighboring property owner intends to dedicate land to the Bismarck Parks and Recreation District to the southeast of the plat. A park development agreement will be finalized separately. Lot 3, Block 4, Clear Sky Second Addition includes a shared-use trail easement to provide connectivity between the Clear Sky neighborhood and that future park area.

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

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

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

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

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

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

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

Yes. The City Engineer has conditionally approved the PCSMP for the proposed subdivision.

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

Yes, with a waiver from subdivision requirements requested by the applicant. Lot 3, Block 4, Clear Sky Second Addition is encumbered completely by a shared use trail easement and therefore would be considered non-buildable. Staff find this justification to be valid. This waiver request is attached.

All remaining lots meet the minimum area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to

(continued)

meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the proposed zoning map amendment from the R5 – Residential and the A – Agricultural zoning districts to the R5 – Residential zoning district and the major subdivision final plat for Clear Sky Second Addition with the following conditions:

(continued)

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

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat
6. Neighborhood Park Waiver
7. Subdivision Standards 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 and A - Agricultural zoning districts and included in the R5 - Residential zoning district:

Lot 1, Block 1; Lot 1, Block 2; Lot 1, Block 3; and Lots 1-4, Block 4, Clear Sky Second Addition

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

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

Zoning Districts

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

Future Land Use Plan

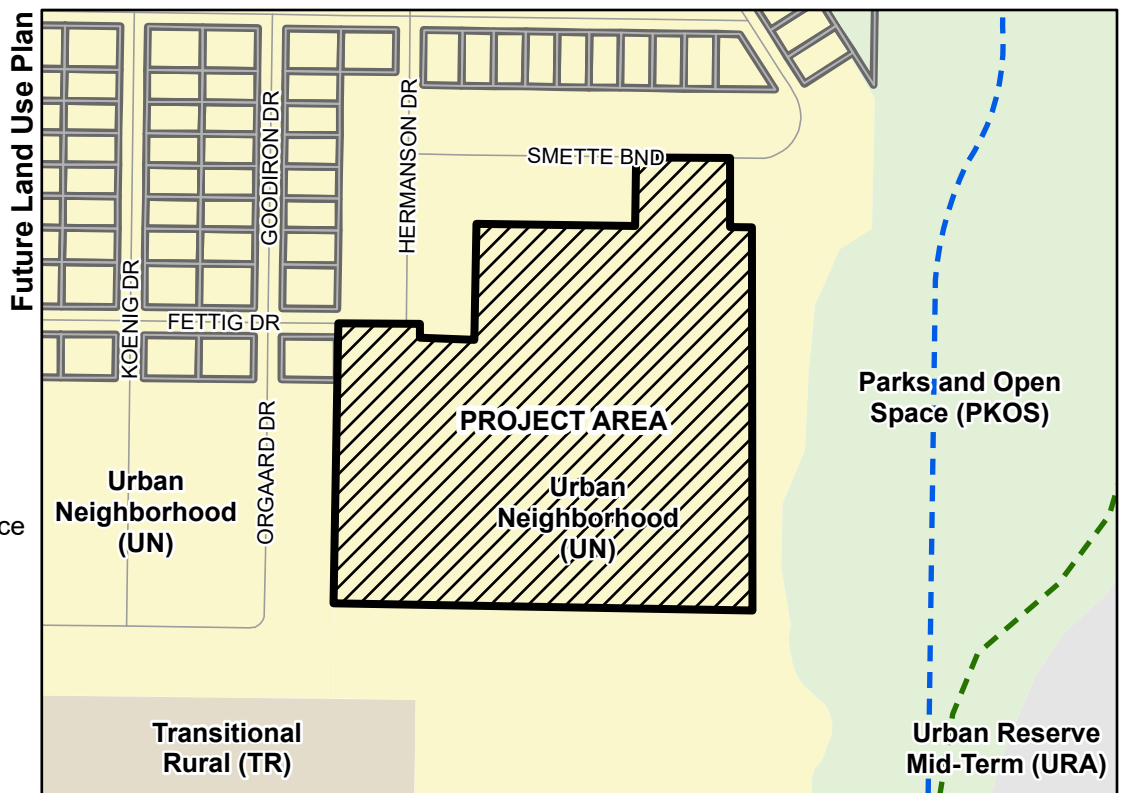
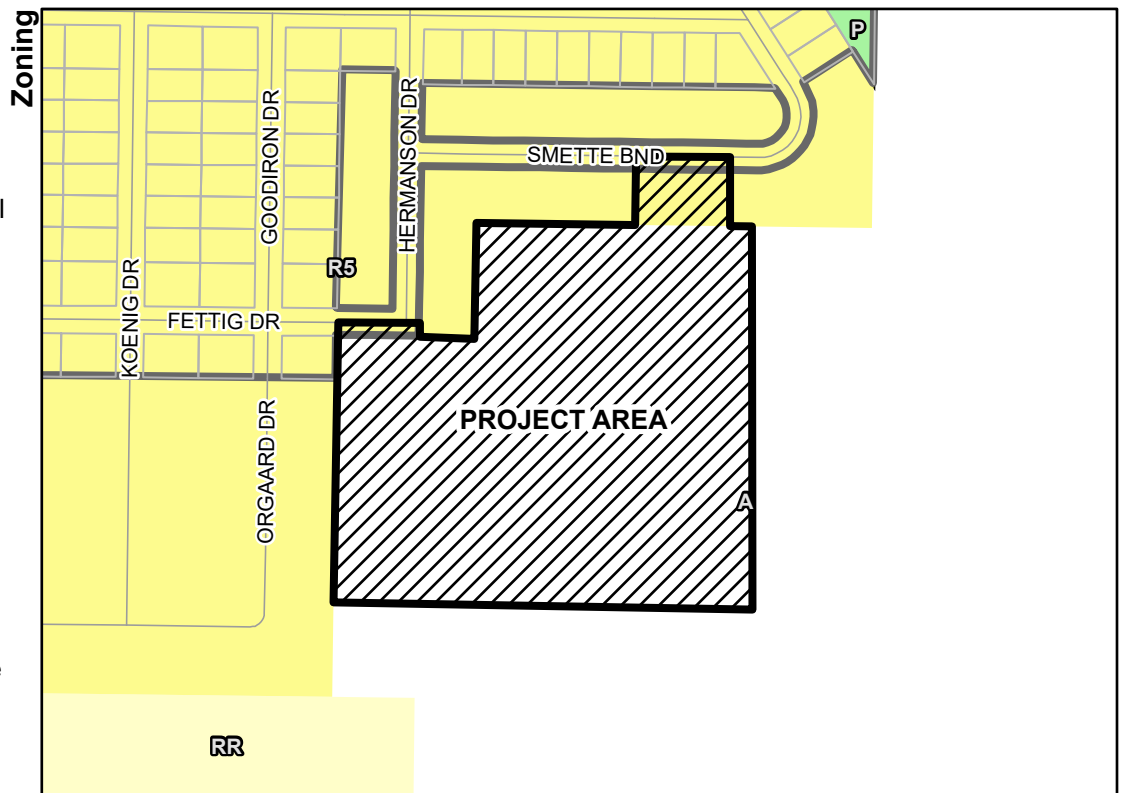
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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



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

0 330 660 1,320 Feet



City of Bismarck
Planning Department
January 20, 2026

Proposed New Zoning Map

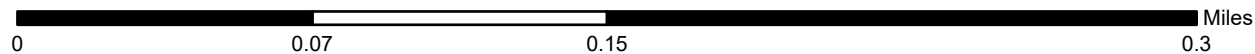
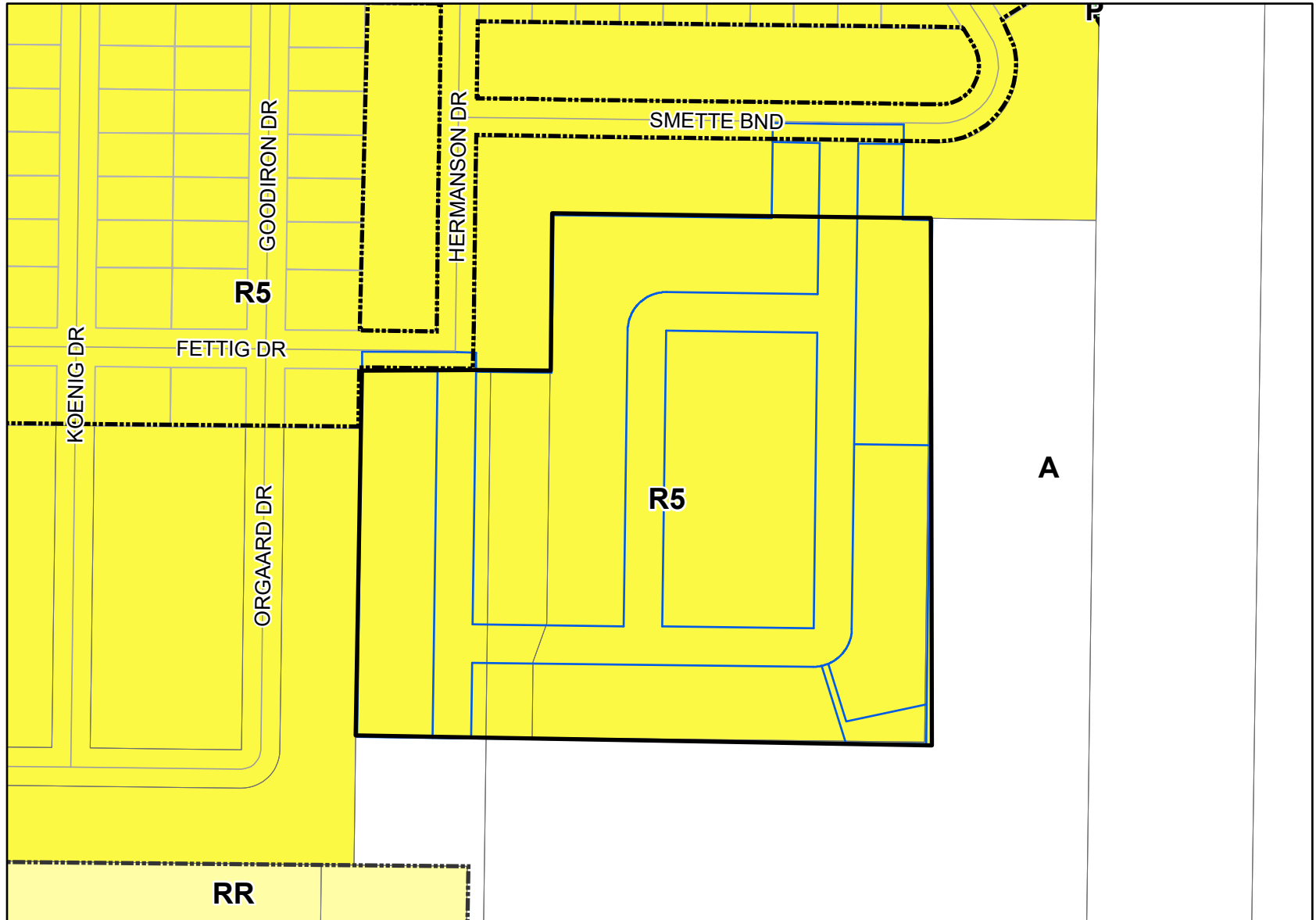
 Project Area
(zoning within
is proposed)

 City Limits

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

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
May 21, 2026

CLEAR SKY SECOND ADDITION

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND,
CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST
1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

DESCRIPTION OF PROPERTY

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND, CLEAR SKY
ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SECTION 6, T138N-R79W;
THENCE SOUTH 89°18'19" EAST ALONG THE NORTH BOUNDARY LINE OF SAID SW1/4 FOR
1739.00 FEET; THENCE SOUTH 00°44'45" WEST FOR 932.01 FEET TO A POINT ON THE
CENTERLINE OF SMETTE BEND, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE
SOUTH 89°18'19" EAST ALONG SAID CENTERLINE FOR 225.00 FEET TO A POINT ON THE WEST
BOUNDARY LINE OF LOT 38, BLOCK 1, CLEAR SKY ADDITION OF THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA EXTENDED NORTH; THENCE SOUTH 00°44'45" WEST
ALONG SAID WEST BOUNDARY LINE EXTENDED NORTH FOR 163.00 FEET TO THE SOUTHWEST
CORNER OF SAID LOT 38; THENCE SOUTH 89°18'19" EAST ALONG THE SOUTH BOUNDARY LINE
OF SAID LOT 38 FOR 51.15 FEET; THENCE SOUTH 00°44'45" WEST FOR 805.19 FEET; THENCE
NORTH 89°19'40" WEST FOR 979.11 FEET TO THE SOUTHEAST CORNER OF LOT 22, BLOCK 9 OF
SAID CLEAR SKY ADDITION; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE
OF SAID CLEAR SKY ADDITION FOR 82.87 FEET TO A POINT ON THE CENTERLINE OF FETTIG
DRIVE; THENCE SOUTH 89°26'44" EAST ALONG SAID CENTERLINE FOR 196.00 FEET TO A POINT
ON THE WEST BOUNDARY LINE OF LOT 51, BLOCK 1 OF SAID CLEAR SKY ADDITION; THENCE
SOUTH 00°44'45" WEST ALONG SAID WEST BOUNDARY LINE FOR 33.00 FEET TO THE
SOUTHWEST CORNER OF SAID LOT 51; THENCE SOUTH 89°26'44" EAST ALONG THE SOUTH
BOUNDARY LINE OF SAID LOT 51 FOR 130.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT
51; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE OF SAID CLEAR SKY
ADDITION FOR 270.8 FEET TO THE SOUTHWEST CORNER OF LOT 46, BLOCK 1 OF SAID CLEAR
SKY ADDITION; THENCE SOUTH 89°18'19" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID
CLEAR SKY ADDITION FOR 193.00 FEET TO THE SOUTHEAST CORNER OF LOT 42, BLOCK 1 OF
SAID CLEAR SKY ADDITION; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE
OF SAID LOT 42 AND EXTENDED NORTH FOR 163.00 FEET TO THE POINT OF BEGINNING, SAID
TRACT OF LAND CONTAINING 19.18 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATE

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

ANDREA L. MARQUARDT,
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4623

OWNERS CERTIFICATE AND DEDICATION

WE OF 94 INVESTMENTS, LLP AND FRF INVESTMENTS, LLP, BEING ALL THE OWNERS OF THE
LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY
VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED CLEAR SKY SECOND
ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS
PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL, TO THE PROPERTY AS
SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE
REGISTERED LAND SURVEYOR IS CORRECT.

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

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS
"STORM SEWER EASEMENT" TO RUN WITH THE LAND FOR THE FREE AND UNOBSTRUCTED
FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND
MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE TO THE BISMARCK PARKS AND RECREATION DISTRICT ALL EASEMENTS AS
SHOWN ON THIS PLAT AS "SHARED-USE TRAIL EASEMENT" TO RUN WITH THE LAND FOR THE
PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND REPAIRING A SHARED-USE
TRAIL OVER THE EASEMENT AREA, AND FOR THE USE OF THE PUBLIC.

MATT GEIGER
MANAGING PARTNER,
94 INVESTMENTS, LLP
6131 CAREFREE CIR.
BISMARCK, ND 58503
OWNER OF BLOCK 1, BLOCK 3, AND LOTS 2-4, BLOCK 4
CO-OWNER OF BLOCK 2 AND LOT 1, BLOCK 4

STATE OF _____
COUNTY OF _____, SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED
MATT GEIGER, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE
WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC, _____

MATT GEIGER
MANAGING PARTNER,
94 INVESTMENTS, LLP
6131 CAREFREE CIR.
BISMARCK, ND 58503
CO-OWNER OF BLOCK 2 AND LOT 1, BLOCK 4

STATE OF _____
COUNTY OF _____, SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED
MATT GEIGER, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE
WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC, _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING
AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE
DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH
DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR ATTEST: DANIEL NAIEN - SECRETARY
=====

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH
DAKOTA, WAS APPROVED THE _____ DAY OF _____, 20____.

MICHAEL T. SCHMITZ - PRESIDENT ATTEST: JASON TOMANEK -
CITY ADMINISTRATOR
=====

APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL - CITY ENGINEER

OWNERS:
94 INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503
FRF INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503

BASIS OF BEARING: NORTH BOUNDARY LINE OF THE SW1/4,
SECTION 6, T138N-R79W SOUTH 89° 18' 19" EAST.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS
DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF
FIELD MEASUREMENT.
2. WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
3. LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN
ENTIRETY.
4. ALL EASEMENTS AND RIGHTS-OF-WAY WITHIN THE
BOUNDARY OF THIS SUBDIVISION ARE DEDICATED WITH
THIS SUBDIVISION. ALL EASEMENTS OR RIGHTS-OF-WAY
OUTSIDE THIS SUBDIVISION HAVE BEEN DEDICATED EITHER
BY THE ADJOINING PLATS OR OTHER DOCUMENTS.
5. TOTAL LOT ACREAGE: 14.43 (628,573 SF)
TOTAL ROAD ACREAGE: 4.75 (206,812 SF)
TOTAL ACREAGE: 19.18 (835,385 SF)



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDREA L. MARQUARDT, RLS-4623

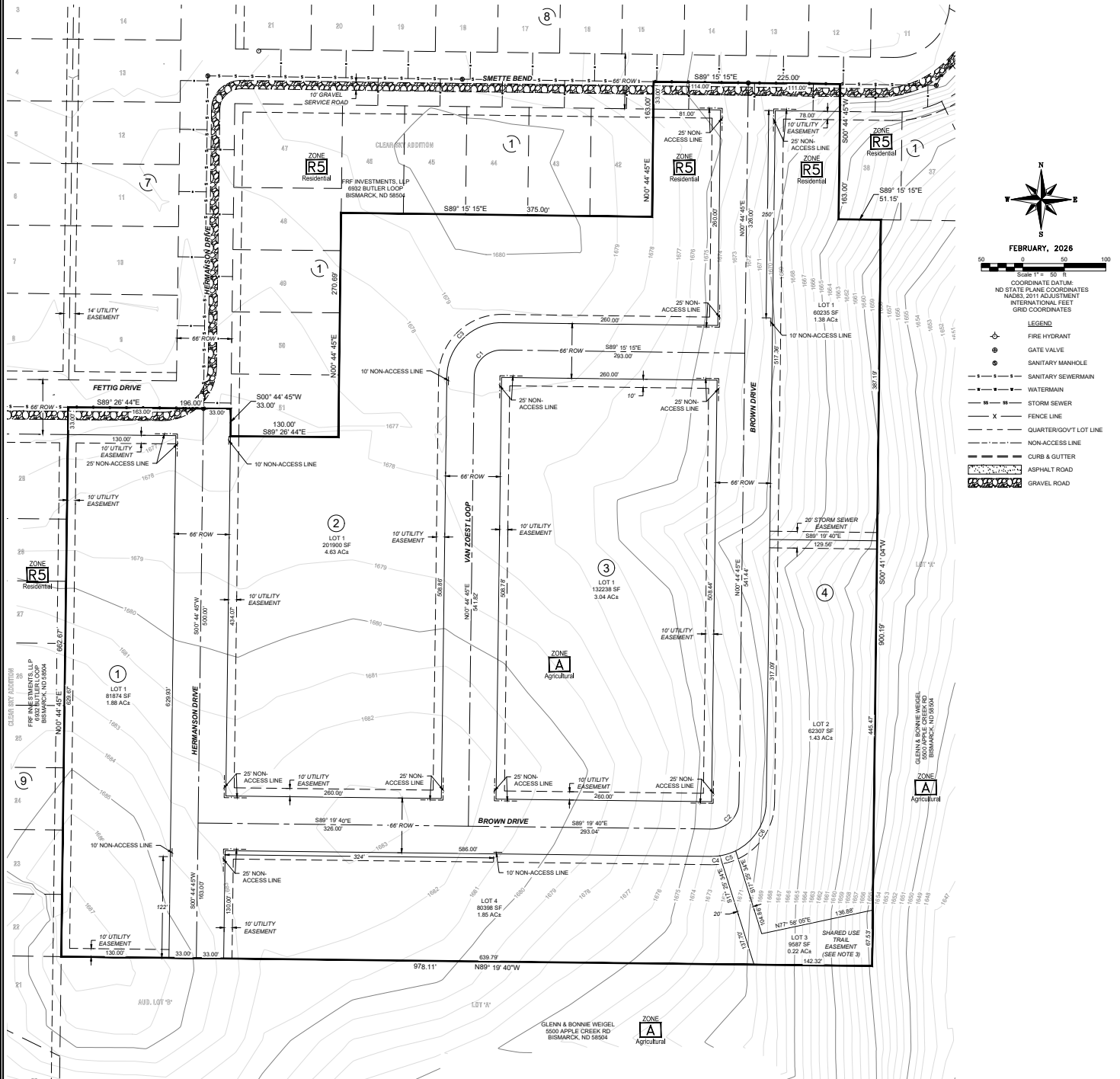
ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND,
CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST
1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.



2. WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN
ENTIRETY.
4. ALL EASEMENTS AND RIGHTS-OF-WAY WITHIN THE
BOUNDARY OF THIS SUBDIVISION ARE DEDICATED WITH
THIS SUBDIVISION. ALL EASEMENTS OR RIGHTS-OF-WAY
OUTSIDE THIS SUBDIVISION HAVE BEEN DEDICATED EITHER
BY THE ADJOINING PLATS OR OTHER DOCUMENTS.
5. TOTAL LOT ACREAGE: 14.43 (628,573 SF)
TOTAL ROAD ACREAGE: 4.75 (206,812 SF)
TOTAL ACREAGE: 19.18 (835,385 SF)

PRELIMINARY PLAT CLEAR SKY SECOND ADDITION

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTING DRIVE AND SMETTE BEND, CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.



CENTERLINE STREET CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	CHORD
C1	90°00'00"	33.00'	51.34'	104°44'45"E 46.87'
C2	89°59'39"	33.00'	51.79'	104°42'30"E 46.84'

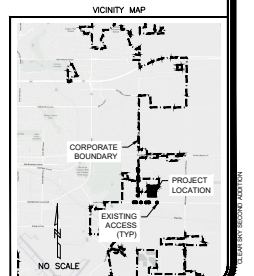
LOTLINE CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	CHORD
C3	90°00'00"	66.00'	102.67'	
C4	9°23'00"	66.00'	10.81'	
C5	17°25'48"	66.00'	20.38'	
C6	63°00'45"	66.00'	72.70'	

OWNERS:
84 INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503

FRF INVESTMENTS, LLP
6632 BUTLER LOOP
BISMARCK, ND 58504

BASIS OF BEARING:
BASIS OF BEARING: NORTH BOUNDARY LINE OF THE SW1/4, SECTION 6, T138N-R79W SOUTH 89° 18' 19" EAST.

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
 - LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN EXISTENCE.
 - TOTAL LOT ACREAGE: 14.43 (628,573 SF)
TOTAL ROAD ACREAGE: 4.78 (208,912 SF)
TOTAL ACREAGE: 19.18 (835,385 SF)



April 30, 2026

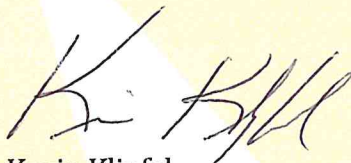
City of Bismarck Community Development
Daniel Nairn, Planning Director
221 N. 5th Street
Bismarck, ND 58501

Re: Waiver Letter for Clear Sky Second Addition

Dear Daniel:

This waiver letter is in reference to Clear Sky Second Addition. Because this plat is a continuation of the Clear Sky development, for which the developer has partnered with us to provide a neighborhood park, and because the developer has also provided a trail access lot from this second addition that will eventually connect to that neighborhood park, Bismarck Parks and Recreation District is granting a waiver of the Neighborhood Park and Open Space Policy for Clear Sky Second Addition.

We appreciate your continued partnership with the policy and your notice of this project moving forward. Please let me know if you have any questions.



Kevin Klipfel
Executive Director

A nationally accredited park and recreation agency.



City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 05/14/2025

SUBDIVISION REQUIREMENTS/ STANDARDS WAIVER REQUEST

If any waivers from subdivision requirements/standards are being requested, this form must be completed and submitted in conjunction with the unified development application. ***This form cannot be used for amendments to the Major Street Plan or the Future Land Use Plan, or for written justification for the use of cul-de-sacs or private roadways.***

SUBDIVISION INFORMATION:

Name of Subdivision:

Clear Sky Second Addition

REQUESTED WAIVERS FROM SUBDIVISION REQUIREMENTS/STANDARDS:

☐ Ghost Platting

Reason for Request:

☐ Paving of Interior Roadways

Reason for Request:

☐ Maximum Block Length

Reason for Request:

☒ Minimum Lot Width/Area

Reason for Request:

Lot 3, Block 4 does not meet the lot width requirements for R5 zoning due to it being reserved as a shared use trail for the City of Bismarck Park District.

☐ Other (Specify)

Reason for Request:

☐ Other (Specify)

Reason for Request:

☐ Other (Specify)

Reason for Request:

STAFF REPORT

Agenda Item # 4C

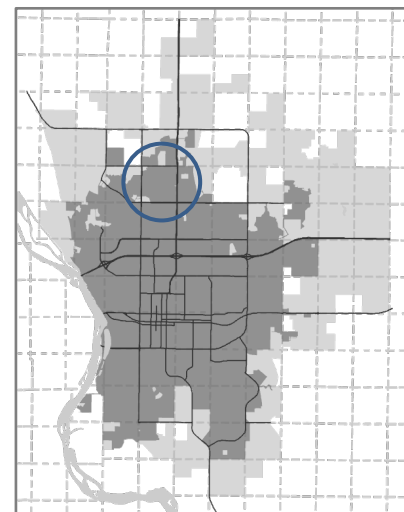
May 27, 2026

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

Project ID: **ZC2025-022**
FPLT2026-002

Project Summary

<i>Title:</i>	Boulder Ridge Eighth Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Five Guys Investment LLP
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	North Bismarck, east of North Washington Street, between 43rd Avenue NE and East Lasalle Drive
<i>Project Size:</i>	13.6 acres
<i>Applicant Request:</i>	Rezone and plat to facilitate single-family development and neighborhood park
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Part of 1 parcel	<i>Lots/Blocks:</i>	19 Lots in 4 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R10 – Residential P – Public
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	R10 – 10 units / acre P – N/A

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Boulder Ridge	<i>Annexed:</i>	07/2013

(continued)

Project Narrative

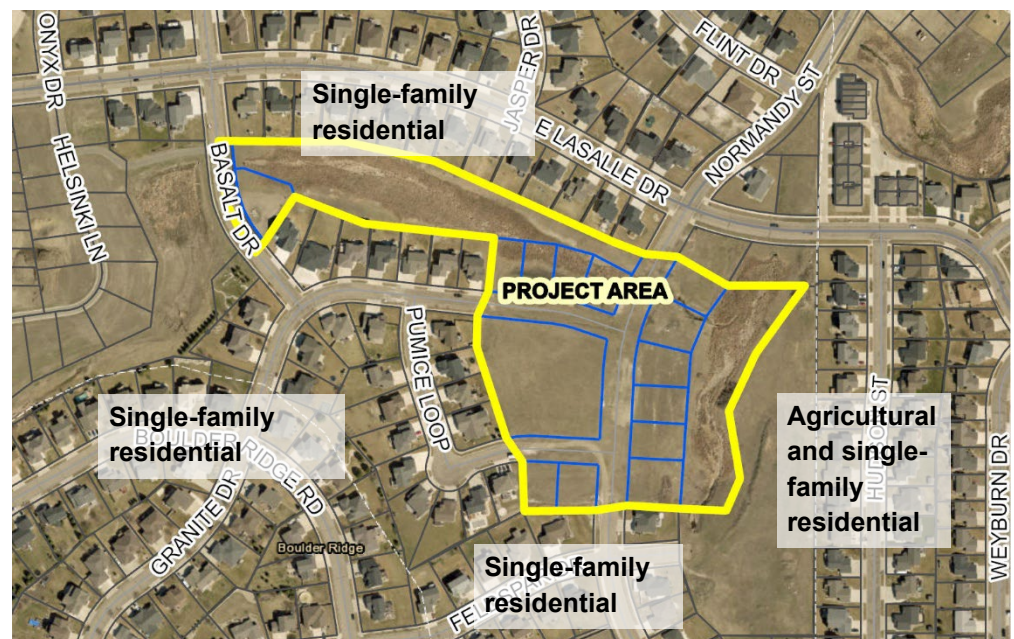
Five Guys Investment LLP requests approval of a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and P – Public zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition.

The Land Development Code (LDC) zoning district equivalent for the proposed zoning map amendment would be OS – Open Space and RS – Residential Suburban. The Bismarck City Commission will be holding a public hearing on the LDC on May 26, 2026. If adopted, the associated zoning map amendment would be modified to reflect the new zoning districts.

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 major subdivision final plat and the zoning map amendment are referenced in review standards below.

Adjacent uses include developing single-family residential to the north, south, and west, and a remnant agriculture zoned parcel to the east.

Public Engagement

The Planning and Zoning Commission considered the preliminary plat and zoning map amendment

request on January 28, 2026, and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 123 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

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

(continued)

Projects Dashboard and Community Development Activities map.

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

Review Standards and Findings of Fact

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

Zoning Map Amendment

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

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

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

Yes. Adjacent uses are described in the Project Context section above. The proposed zoning district would allow single- and two-family residential and a neighborhood park. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

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

Yes. The current zoning district of A – Agricultural is the default for any piece of land that has not been otherwise zoned. The property is adjacent to

the Boulder Ridge neighborhood which continues to develop and expand. Therefore, the proposed zoning of the property to the R10 – Residential zoning district and P – Public zoning district at this time will help facilitate future phases of development.

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

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

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

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

- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- G3: Coordinate expansion of city infrastructure and services with growth.
- I1(a): Ensure neighborhood parks are included within newly developed residential subdivisions so that all residents have a small park within a half-mile walk from home.

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.

(continued)

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.

Major Subdivision Final Plat

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

Yes. The proposed final plat is substantially similar to the preliminary plat. The overall area of lots remain the same, but three additional lots were added in Block 10.

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

Yes. No specific conditions were placed on the approval of the preliminary plat.

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

Yes. The proposed subdivision includes easements and right-of-way that extended into and through the plat. The plat includes two lots (Lot 2, Block 1 and Lot 10, Block 4) that are fully encumbered by stormwater and drainage easements. It also includes right-of-way for Granite Drive, and Normandy Street.

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

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. Normandy Street, a collector roadway, is included within the plat. Once constructed this segment of Normandy Street will be a continuous collector roadway within this area from 43rd Avenue NE to 57th Street NE. A plan reference map is attached to this staff report.

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

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

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

Yes. A statement of intent for the provision of neighborhood parks and open space has been submitted. A neighborhood park is proposed to be located on Lot 1, Block 2 of the proposed subdivision.

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

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

(continued)

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

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

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

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

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

Yes. The City Engineer has conditionally approved the PCSMP for the proposed subdivision.

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

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

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

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

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

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

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

Yes. The proposed subdivision involves infill development of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

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

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to

(continued)

submittal of this report to the Planning and Zoning Commission.

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

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the proposed zoning map amendment from the A – Agricultural zoning districts to the R10 – Residential and P – Public zoning districts and major subdivision final plat for Boulder Ridge Eighth Addition.

Attachments

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

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

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

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

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

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

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

Lots 1-6, Block 1; Lots 1-2, Block 3; and Lots 1-10, Block 4, Boulder Ridge Eighth Addition

The following described property shall be excluded from the A – Agriculture zoning district and included in the P – Public zoning district:

Lot 1, Block 2, Boulder Ridge Eighth Addition

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

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

Zoning Districts

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

Future Land Use Plan

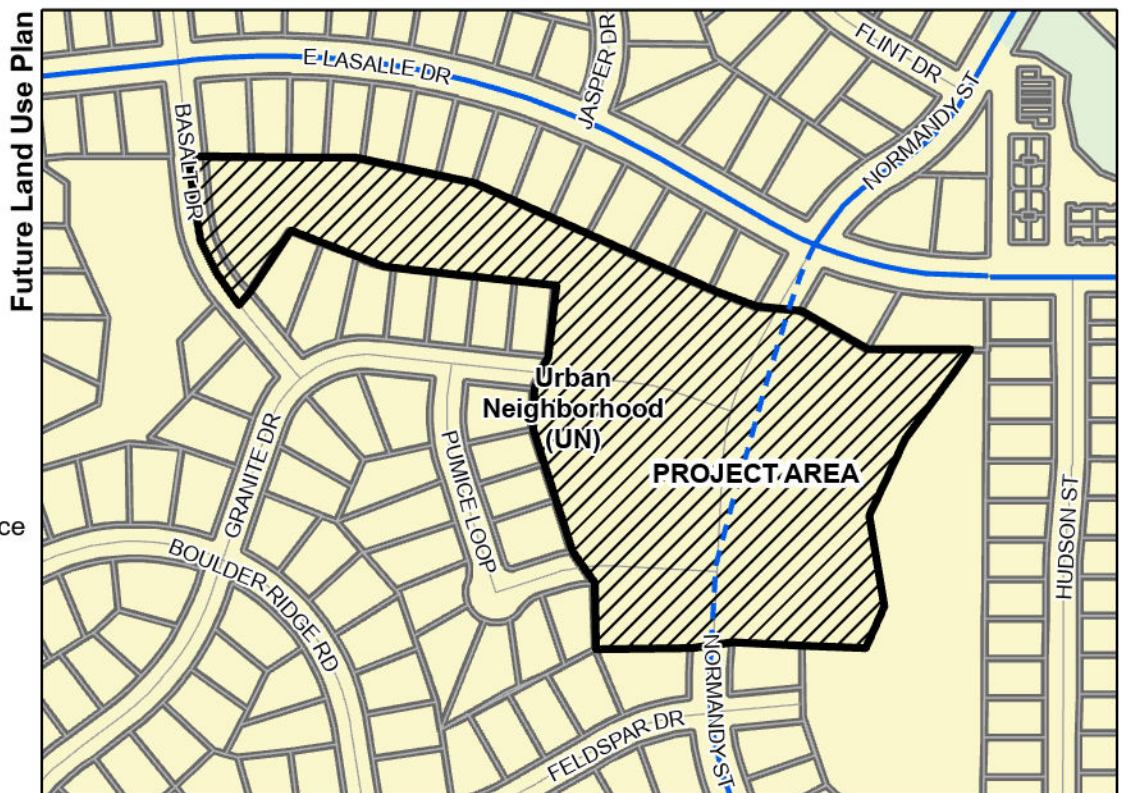
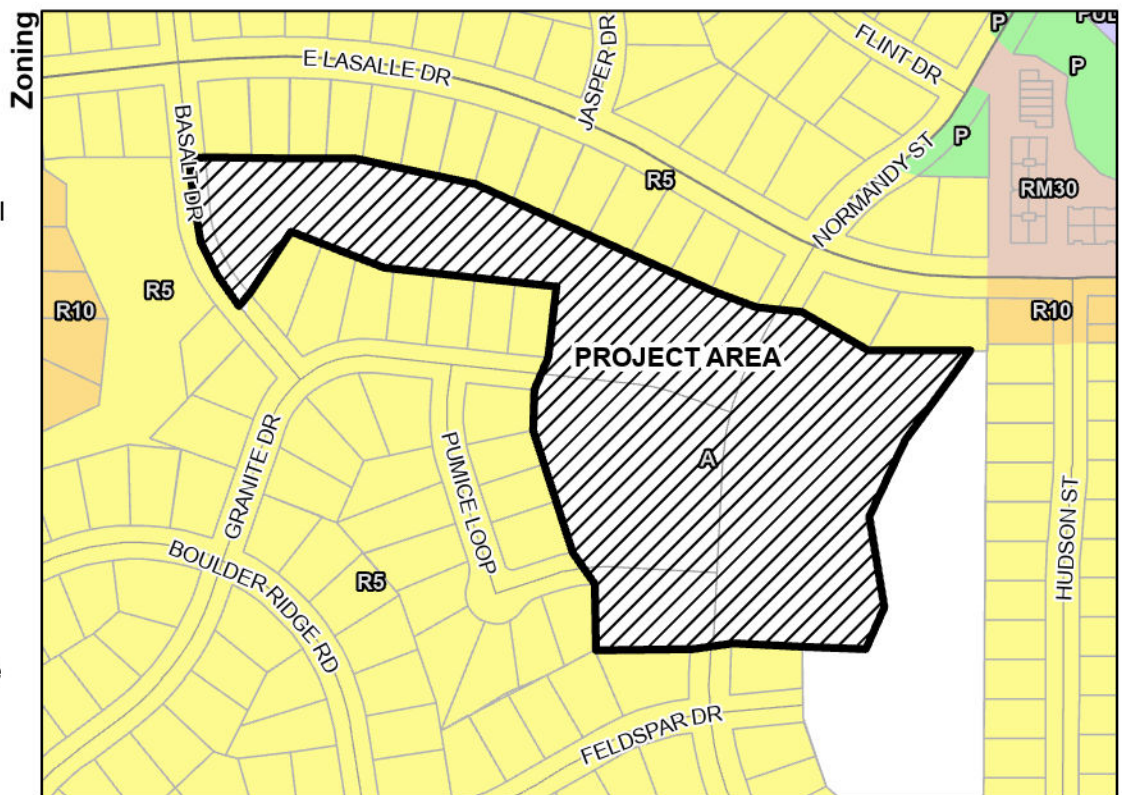
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

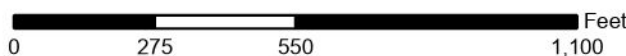
— Future Shared Trail

Major Street Plan

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



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



City of Bismarck
Planning Department
January 21, 2026

Proposed New Zoning Map

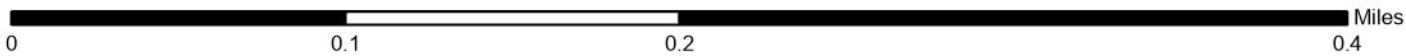
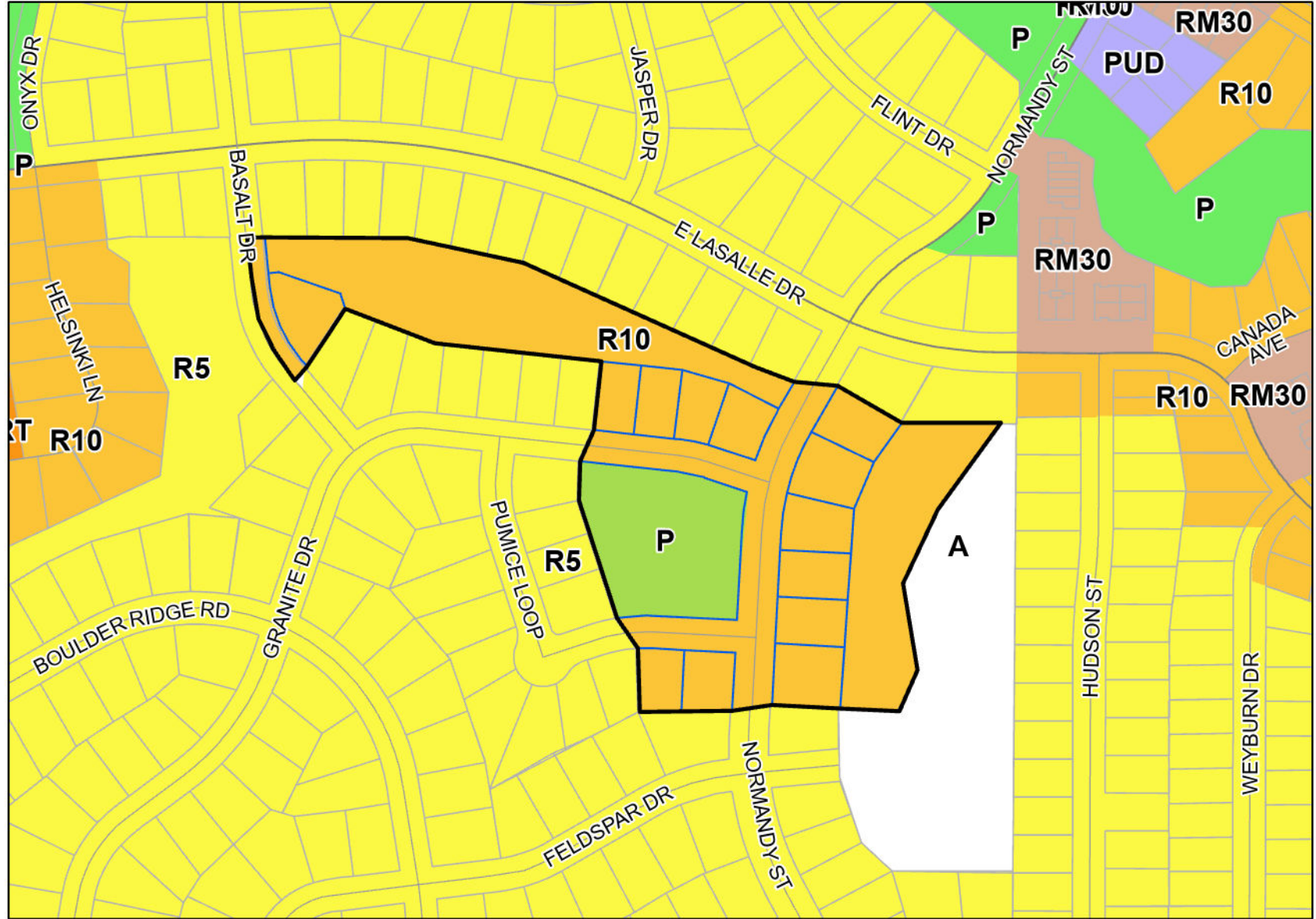
 Project Area (zoning within is proposed)

 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 herein.*



City of Bismarck
Planning Department
January 23, 2026



SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
JANUARY 9, 2026

BOULDER RIDGE EIGHTH ADDITION

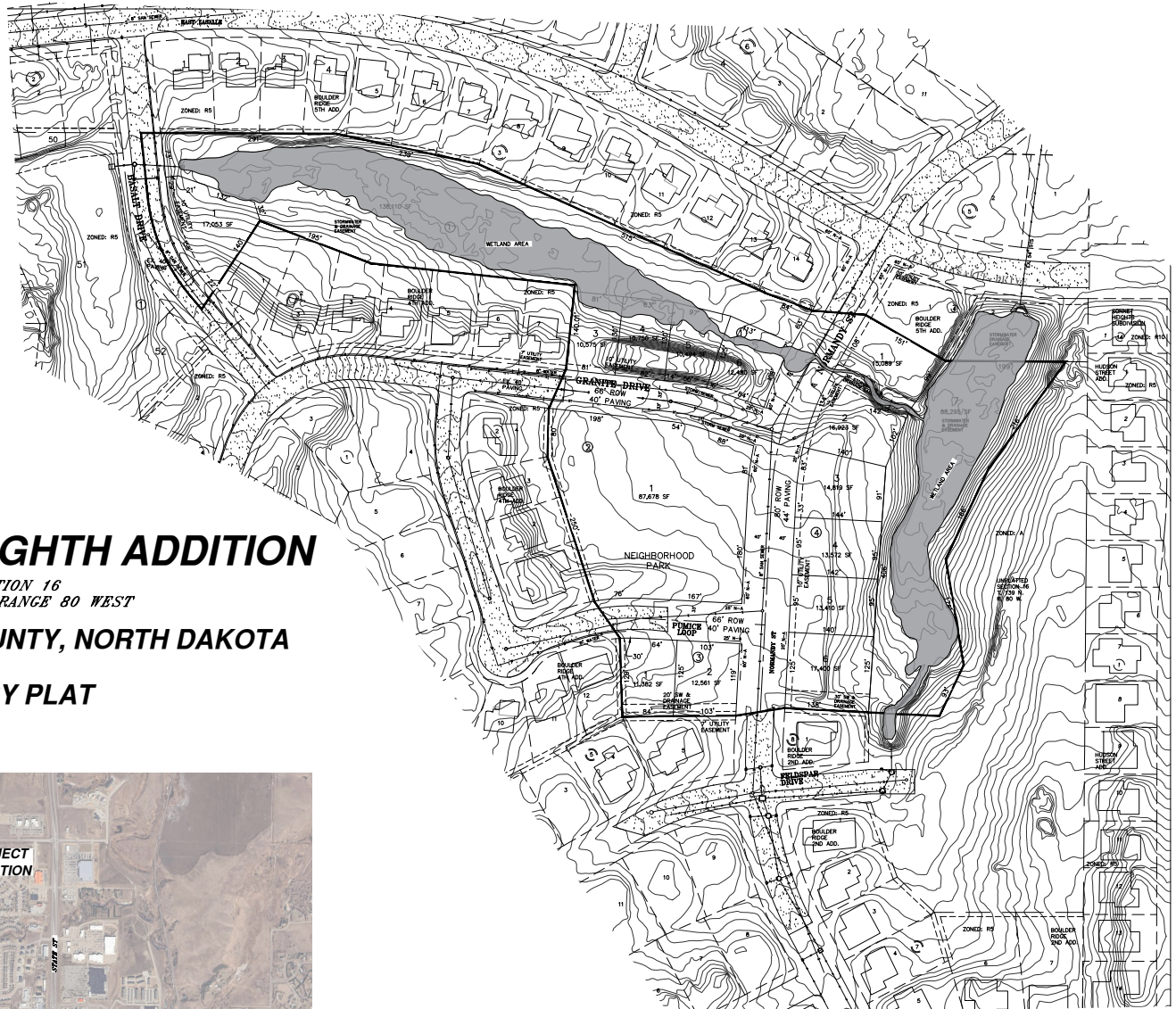
PART OF SECTION 16
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

PRELIMINARY PLAT



LOCATION MAP



13.6 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R10/P

16 LOTS, 4 BLOCKS

OWNER: 5 GUYS INVESTMENT, LLP

CENTERLINE LENGTHS:
NORMANDY ST---827 LF (COLLECTOR)
PUMICE LOOP---261 LF (LOCAL)
GRANITE DRIVE---378 LF (LOCAL)

MAXIMUM ALLOWABLE HOUSING UNITS:
R10 ---26 UNITS
P---0 UNITS



BOULDER RIDGE EIGHTH ADDITION
BEING PART OF THE WEST 1/2
OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF THE WEST 1/2 OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 BLOCK 3 BOULDER RIDGE FOURTH ADDITION; THENCE NORTH 83 DEGREES 49 MINUTES 22 SECONDS WEST, ON THE BOUNDARY LINE OF SAID ADDITION, A DISTANCE OF 338.95 FEET; THENCE NORTH 68 DEGREES 55 MINUTES 55 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 195.13 FEET; THENCE SOUTH 33 DEGREES 15 MINUTES 40 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 141.14 FEET; THENCE SOUTH 05 DEGREES 37 MINUTES 36 SECONDS WEST, A DISTANCE OF 46.19 FEET TO THE CENTERLINE OF BASALT DRIVE RIGHT-OF-WAY; THENCE NORTH 39 DEGREES 59 MINUTES 13 SECONDS WEST, ON SAID CENTERLINE, A DISTANCE OF 85.10 FEET; THENCE NORTHEASTLY AND TO THE RIGHT, CONTINUING ON SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 177.94 FEET; THENCE NORTH 08 DEGREES 00 MINUTES 09 SECONDS WEST, CONTINUING ON SAID CENTERLINE, A DISTANCE OF 105.92 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 3 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 89 DEGREES 34 MINUTES 07 SECONDS EAST, ON SAID SOUTH LINE AND ITS WESTERLY EXTENSION, A DISTANCE OF 323.90 FEET; THENCE SOUTH 78 DEGREES 02 MINUTES 21 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 238.49 FEET; THENCE SOUTH 65 DEGREES 46 MINUTES 51 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 515.55 FEET; THENCE SOUTH 69 DEGREES 24 MINUTES 06 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 84.46 FEET TO THE EAST LINE OF SAID BLOCK 3; THENCE SOUTH 84 DEGREES 50 MINUTES 28 SECONDS EAST, A DISTANCE OF 88.18 FEET TO THE SOUTH LINE OF BLOCK 4 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 60 DEGREES 00 MINUTES 00 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 150.00 FEET; THENCE SOUTH 49 DEGREES 34 MINUTES 14 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 200.33 FEET; THENCE SOUTH 36 DEGREES 00 MINUTES 50 SECONDS WEST, A DISTANCE OF 216.21 FEET; THENCE SOUTH 25 DEGREES 11 MINUTES 46 SECONDS WEST, A DISTANCE OF 165.73 FEET; THENCE SOUTH 09 DEGREES 27 MINUTES 59 SECONDS EAST, A DISTANCE OF 178.06 FEET; THENCE SOUTH 25 DEGREES 33 MINUTES 55 SECONDS WEST, A DISTANCE OF 92.58 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1 BLOCK 8 BOULDER RIDGE SECOND ADDITION; THENCE NORTH 86 DEGREES 59 MINUTES 59 SECONDS WEST, ON SAID NORTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 255.94 FEET TO THE WEST LINE OF SAID LOT 1; THENCE SOUTH 41 DEGREES 05 MINUTES 51 SECONDS WEST, ON THE BOUNDARY LINE OF BOULDER RIDGE SECOND ADDITION, A DISTANCE OF 81.76 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 34 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 187.09 FEET TO THE BOUNDARY OF BOULDER RIDGE FOURTH ADDITION; THENCE NORTH 01 DEGREE 35 MINUTES 02 SECONDS WEST, ON THE BOUNDARY LINE OF SAID BOULDER RIDGE FOURTH ADDITION, A DISTANCE OF 128.06 FEET; THENCE NORTH 34 DEGREES 42 MINUTES 45 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 74.57 FEET; THENCE NORTH 17 DEGREES 54 MINUTES 55 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 250.45 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 08 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 79.67 FEET; THENCE NORTH 23 DEGREES 42 MINUTES 42 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 69.24 FEET; THENCE NORTH 06 DEGREES 05 MINUTES 03 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 13.60 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

SWENSON, HAGEN & CO. P.C.
3032 ARWAY AVENUE
BISMARCK, NORTH DAKOTA
58504

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 2026, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ -- CHAIRMAN

ATTEST
DANIEL NARIN -- SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2026.

MICHAEL T. SCHMITZ -- PRESIDENT

ATTEST
JASON TOMANEX -- CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT FIVE GUYS INVESTMENT, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE EIGHTH ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

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

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

(SIGN)
(PRINT)

FIVE GUYS INVESTMENT, LLP
3420 GALLATIN DR
BISMARCK, ND

ON THIS _____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED _____ OF FIVE GUYS INVESTMENT, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

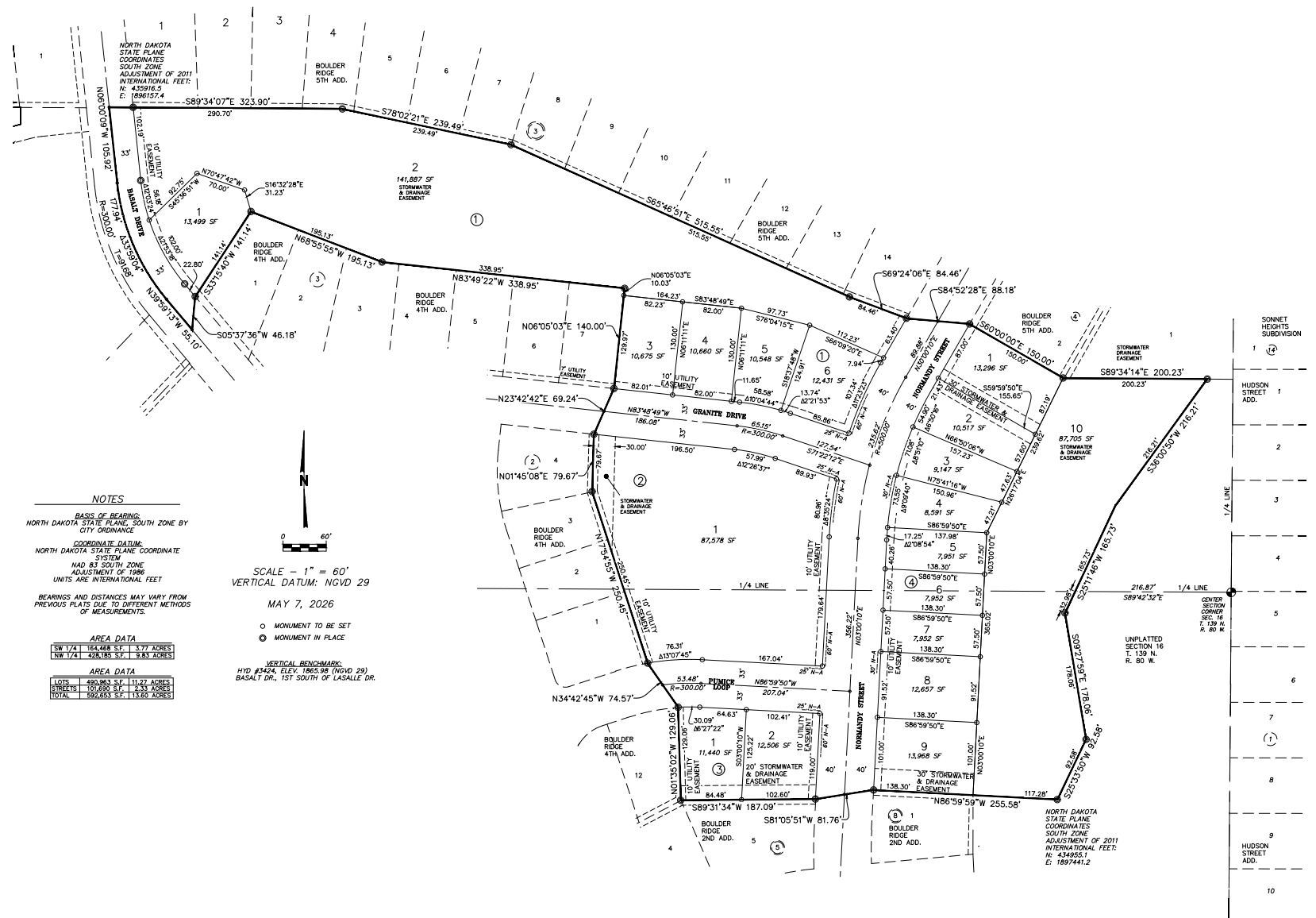
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

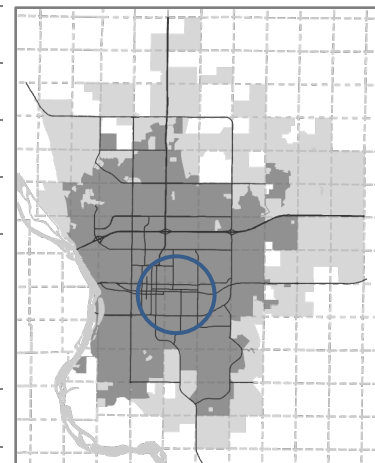
3002 Arway Avenue
Bismarck, North Dakota 58504
dsh@swensohagen.com
Phone (701) 223-2600
Fax (701) 223-2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

BOULDER RIDGE EIGHTH ADDITION
 BEING PART OF THE WEST 1/2
 OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST
 OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Project Summary

<i>Title:</i>	Graham Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Dakota UPREIT LTD Partnership
<i>Project Contact:</i>	Nic Cullen, PE, CFM, Houston Engineering Inc.
<i>Project Location:</i>	In southeast Bismarck, south of East Bismarck Expressway and east of South 12th Street, in the southwest quadrant of the intersection of Lee Avenue and Airport Road
<i>Project Size:</i>	1.76 acres
<i>Applicant Request:</i>	Replat property to create two lots in one block
<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>	2 lots in 1 block
<i>Land Use:</i>	Industrial	<i>Land Use:</i>	No Change
<i>Future Land Use:</i>	Industrial Flex (IF)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Pre-1980
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	02/1915
<i>Neighborhood:</i>	Airport District	<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

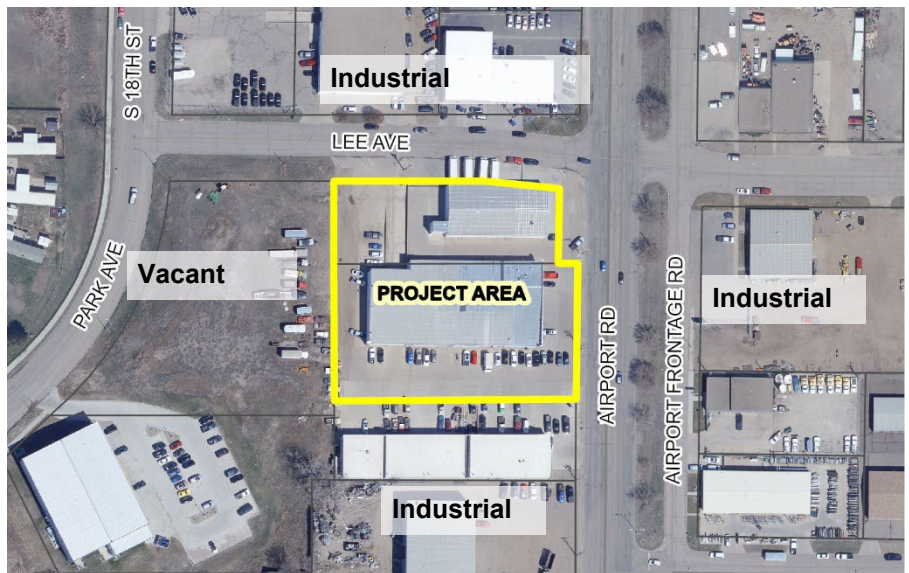
Dakota UPREIT LTD Partnership is requesting approval of a minor subdivision plat titled Graham Addition, a replat of Auditor's Lots 1202 and 1212 in parts of Block 17 and Block 18, Suttle's Addition.

The minor plat would create two lots in one block. There are two existing buildings located within the property and each building would be located on a separate lot. The minor plat also identifies existing utility easements and access points. No new access points are proposed.

Project Context

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

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



The property has been identified as Industrial Flex (IF) in the Future Land Use Plan. The IF areas are flexible employment centers for a range of businesses. Goals and objectives of this plan as they relate to the proposed minor subdivision plat are referenced in review standards below.

Adjacent land uses include industrial uses to the north across Lee Avenue, east across Airport Road, south, and a vacant industrial zoned parcel to the west.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 17 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

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)

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

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

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

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

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

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has

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

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

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

Staff Recommendation

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

Attachments

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

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

Zoning Districts

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

Future Land Use Plan

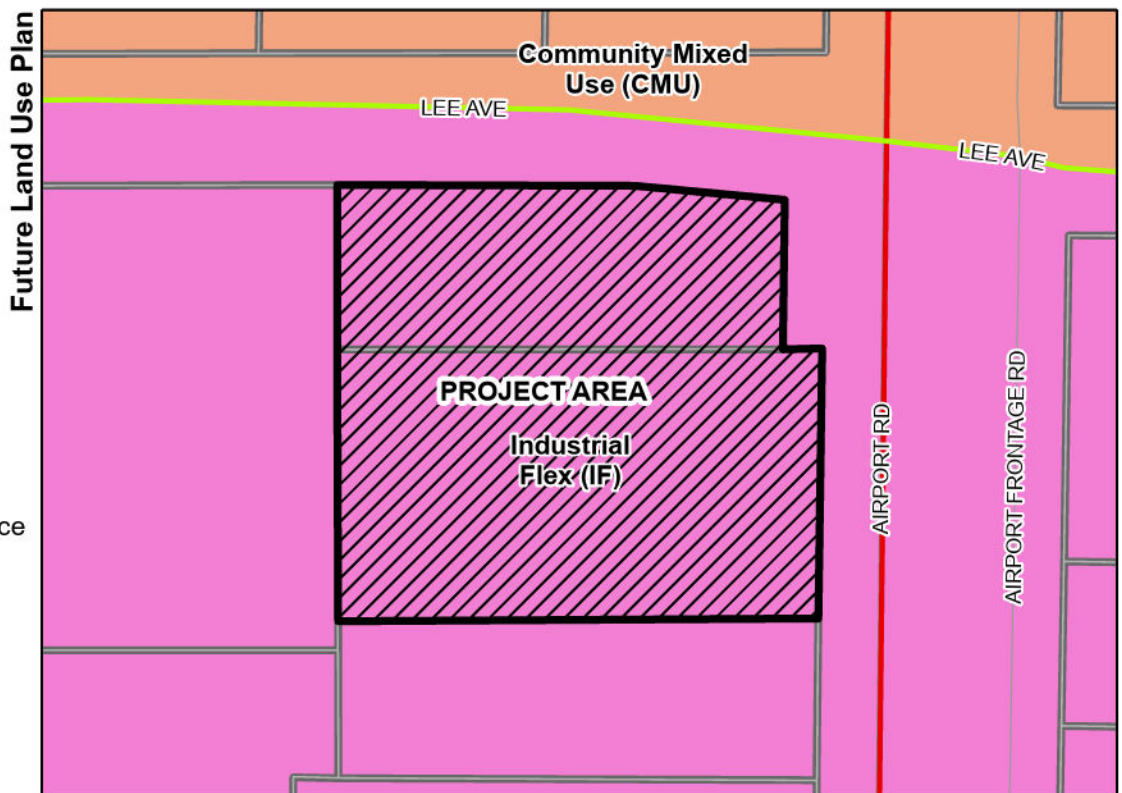
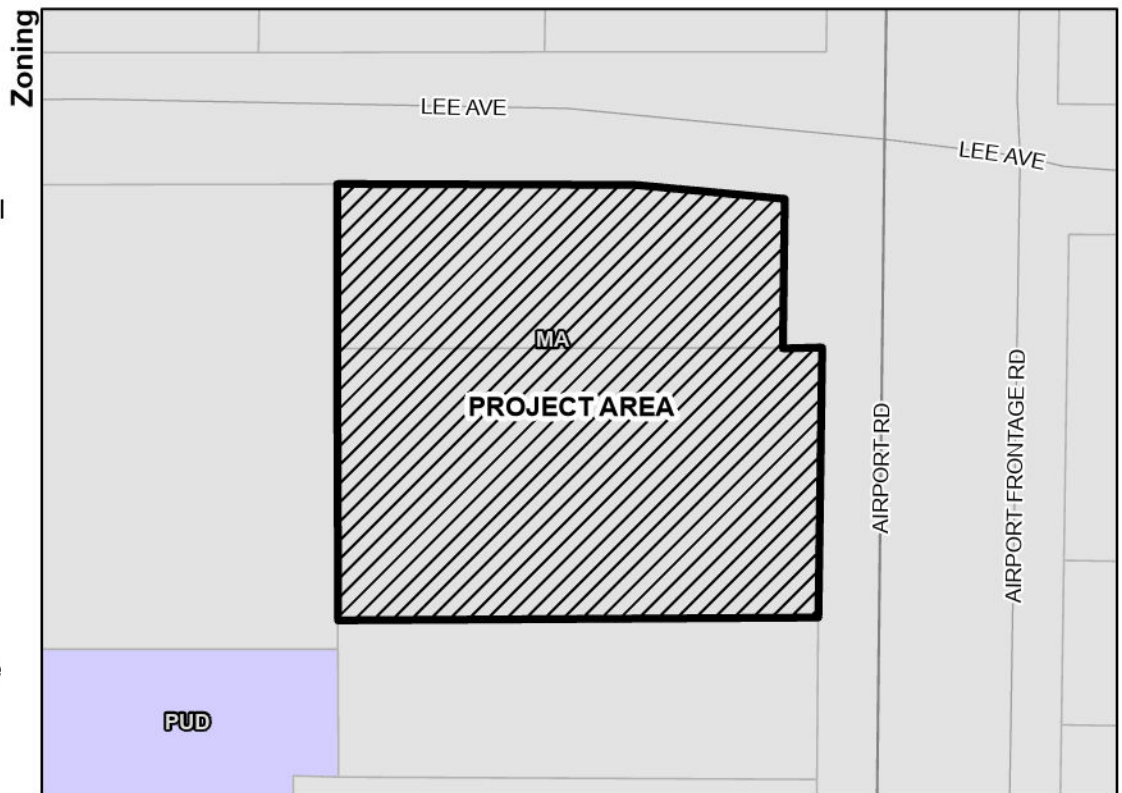
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

Existing Street Bike Connection

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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

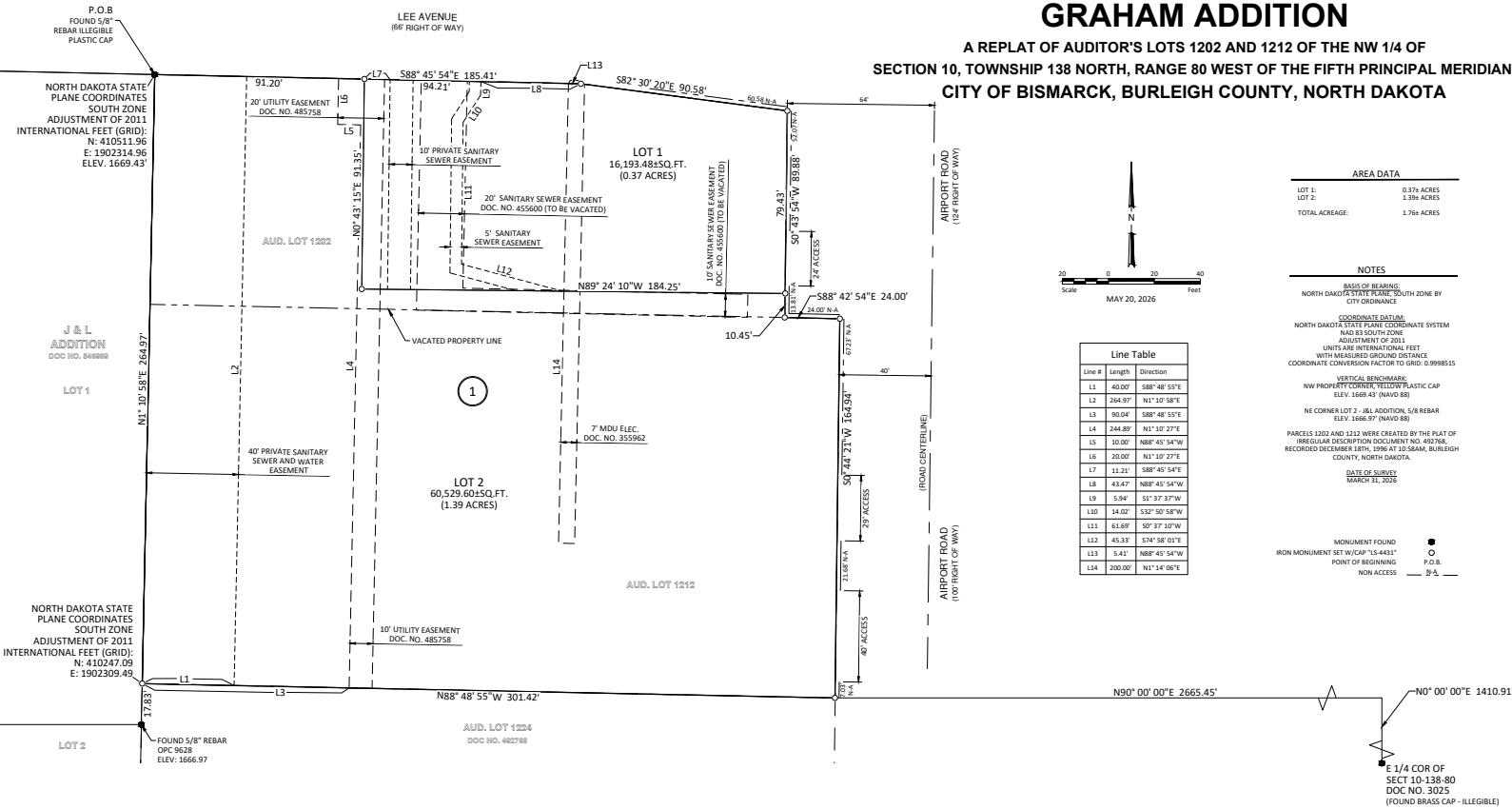
0 85 170 340 Feet



City of Bismarck
Planning Department
May 19, 2026

GRAHAM ADDITION

A REPLAT OF AUDITOR'S LOTS 1202 AND 1212 OF THE NW 1/4 OF
SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Line Table		
Line #	Length	Direction
L1	40.00'	S88° 48' 55"E
L2	264.97'	N1° 10' 58"E
L3	90.04'	S88° 48' 55"E
L4	244.89'	N1° 10' 27"E
L5	30.00'	N88° 45' 54"W
L6	20.00'	N1° 10' 27"E
L7	13.21'	S88° 45' 54"E
L8	43.47'	N88° 45' 54"W
L9	5.94'	S1° 37' 37"W
L10	14.02'	S32° 50' 58"W
L11	61.69'	S0° 57' 10"W
L12	45.33'	S74° 58' 01"E
L13	5.41'	N88° 45' 54"W
L14	200.00'	N1° 14' 08"E

DESCRIPTION:

A REPLAT OF AUDITOR'S LOTS 1202 AND 1212 OF THE NW 1/4 OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

BEGINNING AT THE NORTHWEST CORNER OF AUDITOR'S LOT 1202, AS DESCRIBED IN RECORDED DOCUMENT NO. 482788, THENCE SOUTH 88°40'58" EAST, ON AND ALONG THE NORTH LINE OF SAID AUDITOR'S LOT 1202 AND THE SOUTH RIGHT OF WAY LINE OF LEE AVENUE, A DISTANCE OF 183.41 FEET; THENCE SOUTH 82°30'20" EAST, CONTINUING ON AND ALONG SAID NORTH AUDITOR'S LOT LINE AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 90.89 FEET TO THE NORTHEAST CORNER OF SAID AUDITOR'S LOT 1202 AND THE WEST RIGHT OF WAY LINE OF AIRPORT ROAD, THENCE SOUTH 0°45'54" WEST, ON AND ALONG THE EAST LINE OF SAID AUDITOR'S LOT 1202 AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 89.88 FEET TO THE NORTH LINE OF AUDITOR'S LOT 1212, AS DESCRIBED IN RECORDED DOCUMENT NO. 482788, THENCE SOUTH 88°42'54" EAST, ON AND ALONG THE NORTH LINE OF SAID AUDITOR'S LOT 1212 AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 24.00 FEET TO THE NORTHEAST CORNER OF SAID AUDITOR'S LOT 1212, THENCE SOUTH 0°42'21" WEST, ON AND ALONG THE EAST LINE OF SAID AUDITOR'S LOT 1212 AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 164.94 FEET TO THE SOUTHEAST CORNER OF SAID AUDITOR'S LOT 1212, THENCE NORTH 89°48'00" WEST, ON AND ALONG THE SOUTH LINE OF SAID AUDITOR'S LOT 1212, A DISTANCE OF 301.42 FEET TO THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT 1212, THENCE NORTH 1°10'58" EAST, ON AND ALONG THE WEST LINE OF SAID AUDITOR'S LOT 1212 AND THE WEST LINE OF SAID AUDITOR'S LOT 1202, A DISTANCE OF 264.97 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.76 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

TODD MARSHALL
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4431

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58503

OWNER'S CERTIFICATE AND DEDICATION

WE, ALL MEN BY THESE PRESENT THAT DAKOTA UPREIT LIMITED PARTNERSHIP, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "GRAHAM ADDITION", AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE SANITARY SEWER EASEMENT" AND "PRIVATE SANITARY SEWER AND WATER EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

STATE OF NORTH DAKOTA }
COUNTY OF CASS } ss

DANIEL JUNG, EXECUTIVE VICE PRESIDENT
DAKOTA UPREIT LIMITED PARTNERSHIP
3003 32ND AVE S, SUITE #250
FARGO ND, 58103

ON THIS _____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED DANIEL JUNG, EXECUTIVE VICE PRESIDENT OF DAKOTA UPREIT LIMITED PARTNERSHIP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 20____.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY PLANNING AND ZONING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR

ATTEST: DANIEL NARIN - SECRETARY

APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL - CITY ENGINEER

DAKOTA

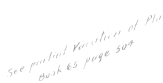
more detailed and several more feet (1723) is the place of beginning of the properties of the said Suffer's Addition is the city of Birmingham and John Shuttlesworth Surveyors hereby declare and make known that the said property aforesaid is to be surveyed and made out during the month April A.D. one thousand eight hundred and eighty three (1883) and the plot thereof to be made by the said John Shuttlesworth Surveyors according to the State, in such cases provided, and that the foregoing is done and executed in witness whereof the signatures and boundaries of the said Suffer's Addition is the City of Birmingham.

Diurnal Vesperugo of *Schreb.*
Cuckoo of Berlepsch
Thrush of Schreb. } 33.

I hereby certify that the within and foregoing plot was filed in this Office for record on
 the 30th day of May A.D. 1903 at 2 10 o'clock P.M. and was duly recorded in Book A of 1903.
 E.M. Fuller, Registrar of Deeds, Berleghs Co.
 by Ed. Clouson, Deputy.

Checked and corrected Feb. 19, 1915.

County Surveyor



I hereby certify that this plot is a true and literal exemplification of the plot of Survey which it purports to relate
monentia in the office of Register of Deeds, Bismarck, N.D. 8 8 48

John David
County Surveyor

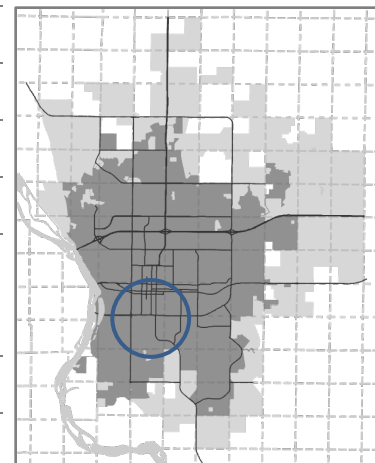
Sworn and subscribed to before me this day of

Register of Deeds

Page 47 of 68

Project Summary

<i>Title:</i>	Meadow Valley Sixth Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	BDC-Expressway, LLC
<i>Project Contact:</i>	Tom Weigel, PLS, PE, Moore Engineering
<i>Project Location:</i>	In central Bismarck, on the south side of East Bismarck Expressway, between Bozeman Drive and South 7th Street
<i>Project Size:</i>	1.83 acres
<i>Applicant Request:</i>	Replat the property to facilitate future development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel in 2 blocks	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Restaurant	<i>Land Use:</i>	Commercial uses
<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>	Wachter

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	06/1967 & 05/1971
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

BDC-Expressway, LLC is requesting approval of a minor subdivision final plat titled Meadow Valley Sixth Addition.

The project will change one existing parcel into two lots in one block and will configure easements to facilitate future commercial development on the site. No zoning change is proposed in conjunction with this request.

There is one easement shown on the plat as a 50-foot MDU easement listed as “unrecorded”. The

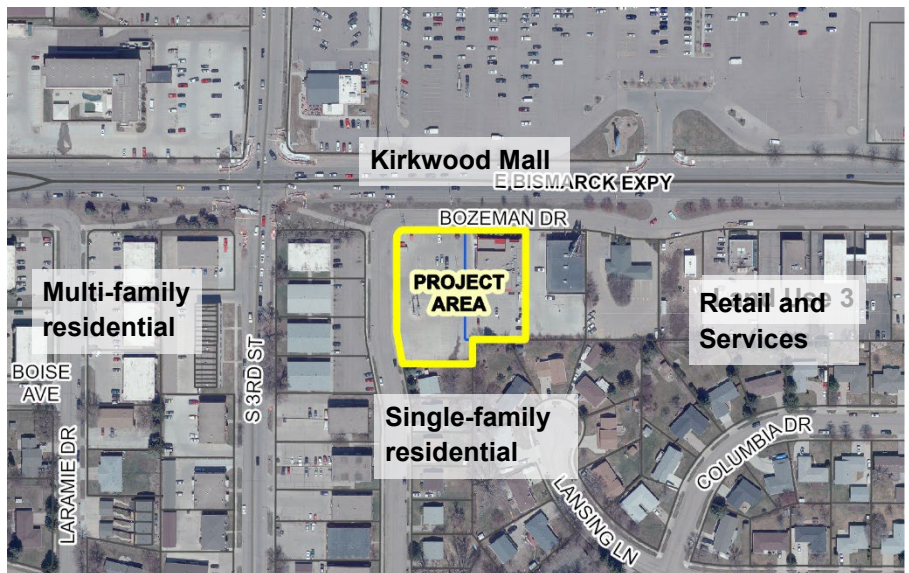
applicant has stated that they are in the process of working with MDU to ensure that that easement is properly documented, though the exact dimensions of the easement may change and the documentation process may not be complete until sometime in June. Planning staff are comfortable advancing this application so long as this easement is appropriately documented prior to final approval by the City Commission.

Project Context

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

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

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



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 minor subdivision final plats are referenced in review standards below.

The area is just south of East Bismarck Expressway, with Kirkwood Mall to the north and a variety of other retail and services to the east. To the south are single-family homes and to the west are multi-family residences.

Public Engagement

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

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 44 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 12, 2026.

(continued)

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.

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

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

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

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

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

Yes, with the understanding that one easement's documentation (including exact dimensions) is still being finalized. The applicant has stated that the MDU easement currently shown on the plat as being 50 feet wide and "unrecorded" is still in the

process of being finalized and documented accordingly.

Planning staff are comfortable advancing this project so long as this last easement is appropriately documented prior to final approval by the City Commission.

Beyond this one easement, the proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

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

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

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled Meadow Valley Sixth Addition with the following condition:

1. The easement shown on the plat as an "unrecorded" 50-foot MDU easement is

(continued)

appropriately documented prior to final approval by the City Commission.

Attachments

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

Staff report prepared by: Isak Johnson, AICP, Planner

701-355-1850 | ijohnson@bismarcknd.gov

Zoning Districts

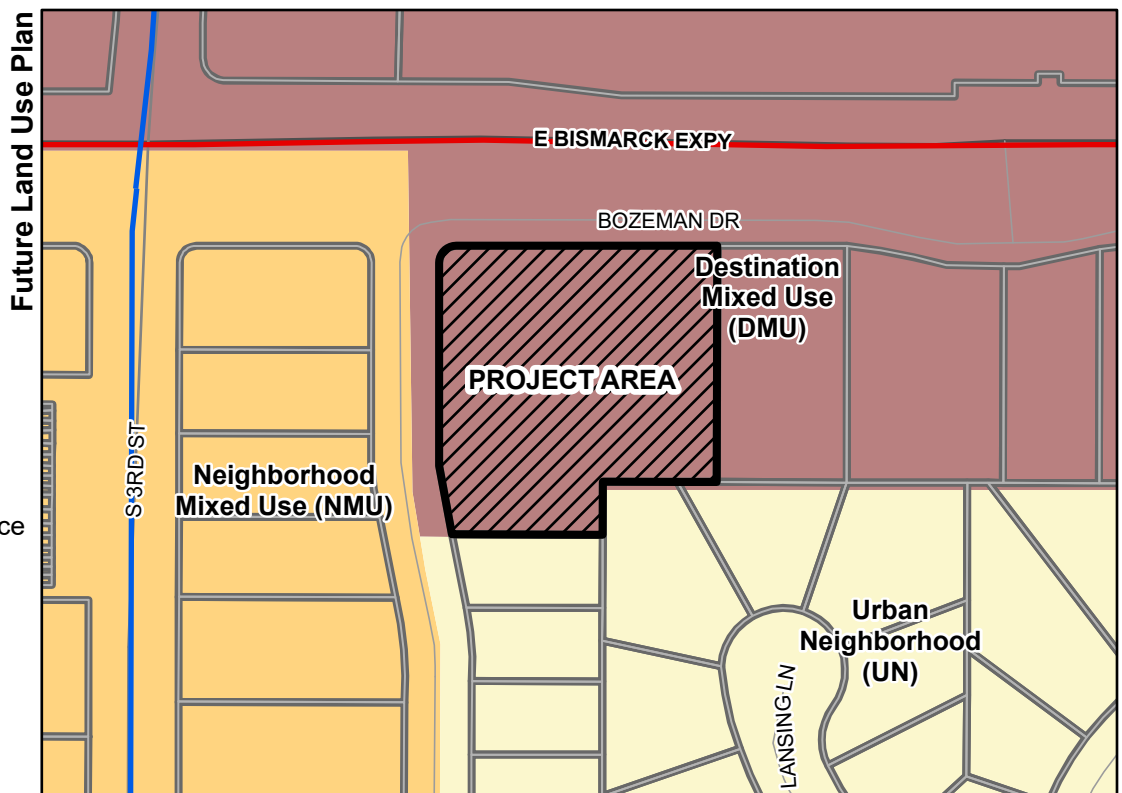
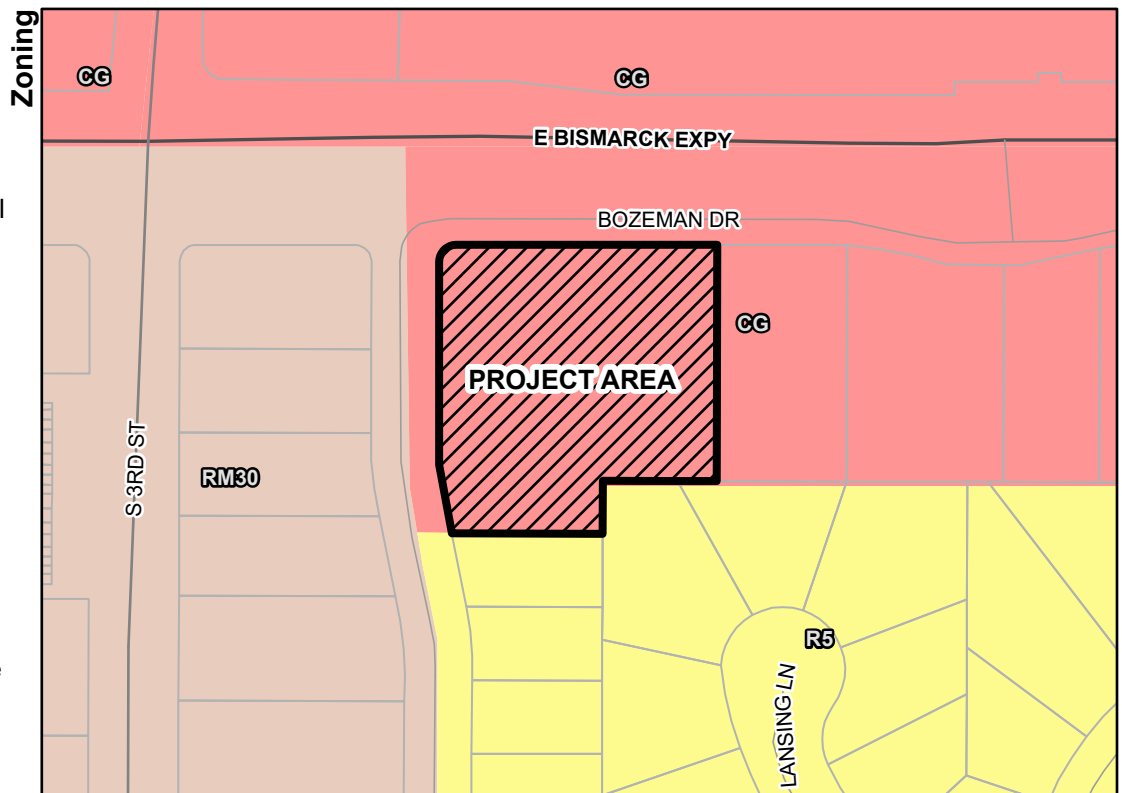
A	Agriculture
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R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
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MA	Industrial
MB	Industrial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

Future Land Use Plan

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

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.

0 125 250 500 Feet



City of Bismarck
Planning Department
May 19, 2026

[illegible]

NORTHEAST COR.
SEC. 9-138-80
(CORNER RECORD #1094)

3137.70' ———

N.411,492.20
E.1,900,019.82



NOTES

BASIS OF BEARING AND THE COORDINATE VALUES SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD(83)2011, INTERNATIONAL FEET.

DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID TO GROUND DISTANCES USING A COMBINED SCALE FACTOR OF 1.000148522.

FIELD SURVEY WAS COMPLETED ON
6-27-2025.

LEGEND

●	IRON MONUMENT FOUND
○	SET 5/8"x18" REBAR WITH ORANGE PLASTIC CAP #4730
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
(9,000 SF)	DENOTES LOT AREAS IN SQUARE FEET

AREA TABLE		
	SQUARE FEET	ACRES
LOTS (IN SW1/4, SEC 4-138-80)	10,604	0.24
LOTS (IN NW1/4, SEC 9-138-80)	47,279	1.09
STREETS (IN SW1/4, SEC 4-138-80)	15,215	0.35
STREETS (IN NW1/4, SEC 9-138-80)	6,399	0.15
TOTAL	79,497	1.83

CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CH. BRG.
C1	11°27'32"	116.19'	23.24'	23.20'	N05°34'41"W
C2	89°53'15"	15.00'	23.53'	21.19'	N45°05'42"E

BENCHMARKS

BM#1=TOP NUT OF FIRE HYDRANT
#635 LOCATED AT THE SOUTHEAST
CORNER OF BOZEMAN DRIVE AND
BISMARCK EXPRESSWAY
ELEVATION= 1640.90 (NAVD88)

BM#2=TOP NUT OF FIRE HYDRANT
#633 LOCATED AT THE NORTHWEST
CORNER OF BOZEMAN DRIVE AND EAST
DENVER AVENUE
ELEVATION= 1640.86 (NAVD88)

REPLAT OF BLOCK 2	DESCRIPTION
A REPLAT OF ALL OF LOT2 AND THE WEST 1.00 FOOT OF LOT 3, BLOCK 2, MEADOWS VALLEY ADDITION, ALL OF LOTS 41-44 OF THE REPLAT OF BLOCK 2, MEADOWS VALLEY ADDITION, TOGETHER WITH THE WEST HALF OF BOZEMAN DRIVE AND THE SOUTH HALF OF BOZEMAN DRIVE WITHIN THE CITY OF BISMARCK, LOCATED IN THE NORTHWEST QUARTER OF SECTION 9 AND THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:	

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 24 SECONDS EAST ON THE NORTH 1/4 OF SAID SECTION 9 FOR A DISTANCE OF 180.975 FEET TO THE CENTERLINE OF SAID BOZEMAN DRAIN AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 06 MINUTES 05 SECONDS EAST ON THE CENTERLINE OF SAID BOZEMAN DRAIN FOR A DISTANCE OF 100.00 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY EXTENSION THEREOF; THENCE SOUTHWEST 71 DEGREES 15' 00" ALONG SAID CENTERLINE FOR A DISTANCE OF 27.787 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF THE 1.00 FOOT OF SAID LOT 3; THENCE SOUTH 00 DEGREES 27 MINUTES 01 SECOND WEST ON SAID EAST LINE AND THE NORTHERLY EXTENSION THEREOF FOR A DISTANCE OF 258.139 FEET TO THE SOUTHEAST CORNER OF SAID WEST 1/4 OF SAID SECTION 9; THENCE SOUTHWEST 71 DEGREES 15' 00" ALONG THE WESTERLY EXTENSION OF THE EAST LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 00 DEGREES 06 MINUTES 05 SECONDS WEST ON THE EAST LINE OF SAID LOT 4; FOR A DISTANCE OF 47.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE NORTH 89 DEGREES 06 MINUTES 05 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 4; AND THE WESTERLY EXTENSION THEREOF TO THE INTERSECTION OF SAID WESTERLY EXTENSION WITH THE WESTERLY EXTENSION OF THE EAST LINE OF SAID LOT 3; THENCE SOUTHWEST 71 DEGREES 15' 00" ALONG SAID CENTERLINE FOR A DISTANCE OF 42.467 FEET; THENCE NORTHWESTERLY 29.24 FEET ALONG SAID CENTERLINE ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST; SAID CURVING HAVING A CENTRAL ANGLE OF 11.26 DEGREES 27 MINUTES 12 SECONDS, A RADIUS OF 146.139 FEET AND A CHORD LENGTH OF 20.29 FEET WHICH BEARS NORTH 63 DEGREES 14 MINUTES 41 SECONDS EAST.

SAID TRACT CONTAINS 79,497 SQUARE FEET OR 1.83 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

SURVEYORS CERTIFICATE

I, JAMES ALBER, HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL ADJACENT LAND OWNERS HAVE BEEN NOTICED AND HAVE AGREED TO THE SURVEY.

JAMES ALBER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4730



DATE _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF THE LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR

ATTEST: DANIEL NAIRN - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE DAY OF 20

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

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

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

WE, BDC-EXPRESSWAY, LLC, BEING ALL THE OWNER OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED MEADOW VALLEY SIXTH ADDITION, AND DEDICATE ALL RIGHTS OF WAY AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

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

WE ALSO DEDICATE TO ALL LAND-OWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE WATER MAIN EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATER MAIN FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

MARK WITTENBURG, PRESIDENT
BDC-EXPRESSWAY, LLC

STATE OF KANSAS)
COUNTY OF SHAWNEE)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED MARK WITTENBURG, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THAT HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC, SHAWNEE COUNTY, KANSAS

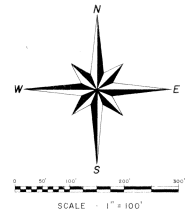
OWNER
BDC-EXPRESSWAY, LLC
2933 SW WOODSIDE DRIVE
SUITE 200
TOPEKA, KS 66614

SURVEYOR
JIM ALBER
4503 COLEMAN STREET
BISMARCK, ND 58501



MEADOW VALLEY ADDITION

BISMARCK, NORTH DAKOTA



DATE OF PLAT - MAY 8, 1967

CURVE			DATA		
CURVE	Δ	D	T	L	R
A	71°01'31"	26°00'	158.62'	273.17'	222.27'
B	79°42'24"	16°00'	299.90'	498.17'	359.27'

NOTES

1. ALL CURVE DATA IS BASED ON CHORD DEFINITION EXCEPT THE LENGTHS SHOWN ON THE CUL-DE-SAC AND THE 50' RADIUS CURVE WHICH ARE BASED ON ARC DEFINITION.
2.  DENOTES IRON PIPE.
3. ALL PROPERTY LINES AT STREET INTERSECTIONS ARE ROUNDED TO A FIFTEEN FOOT RADIUS.



DESCRIPTION

[illegible]

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS FORTY-ONE AND FIFTY-SIX HUNDREDTHS (41.56) ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, HARLEY SMOENSON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS MAP IS A TRUE AND COMPLETE SURVEY MADE UNDER MY SUPERVISION COMPLETED ON MAY 5, 1967, THAT ALL DIMENSIONS AND ANGLES ARE CORRECT AS SHOWN, AND THAT IRON PIPE MONUMENTS ARE TO BE SET AS SHOWN.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss.

ON THIS 23 DAY OF MAY, 1967, BEFORE ME PERSONALLY APPEARED HARLEY STENSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

M. J. Ratzlaff
M. J. RATZLAFF
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES SEPTEMBER 15, 1971

OWNER'S CERTIFICATE & DEDICATION

[illegible]

WÄCHTER REAL ESTATE TRUST

Paul H. Wachter
PAUL H. WACHTER, TRUSTEE

James P. Wachter
JAMES P. WACHTER, TRUSTEE

Ann Wachter Frappia
ANN WACHTER FRAPPIA, TRUSTEE

A MAJORITY OF THE QUALIFIED AND ACTING TRUSTEES OF WACHTER REAL ESTATE TRUST.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS.

ON THIS 23 DAY OF May, A. D. 1967, BEFORE ME PERSONALLY APPEARED PAUL M. WACHTER, ANN WACHTER FRAPPA, AND JAMES P. WACHTER, A MAJORITY OF THE QUALIFIED AND ACTING TRUSTEES OF WACHTER REAL ESTATE TRUST OF BISMARCK, NORTH DAKOTA, THE TRUST THAT IS DESCRIBED IN AND THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THEY EXECUTED THE INSTRUMENT ON BEHALF OF SAID TRUST.

W. J. RATZLAFF
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES SEPTEMBER 15, 1971




Warner R. Gault
Dorothy Moser
CLERK, BISMARCK SCHOOL BOARD

E. H. Seger

JOHN WEISBERGER
NOTARY PUBLIC, BURLINGTON COUNTY, N. DAK.
MY COMMISSION EXPIRES NOVEMBER 13, 1967

CITY ENGINEER'S APPROVAL

I, EDWARD J. BUCHT, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "MEADOW VALLEY ADDITION" AS SHOWN ON THE ANNEXED PLAT.

EDWARD J. BOOTH, CITY ENGINEER

PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON May 16, 1967, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA.

Adrian C Taylor

Tom Ruck

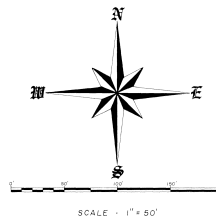
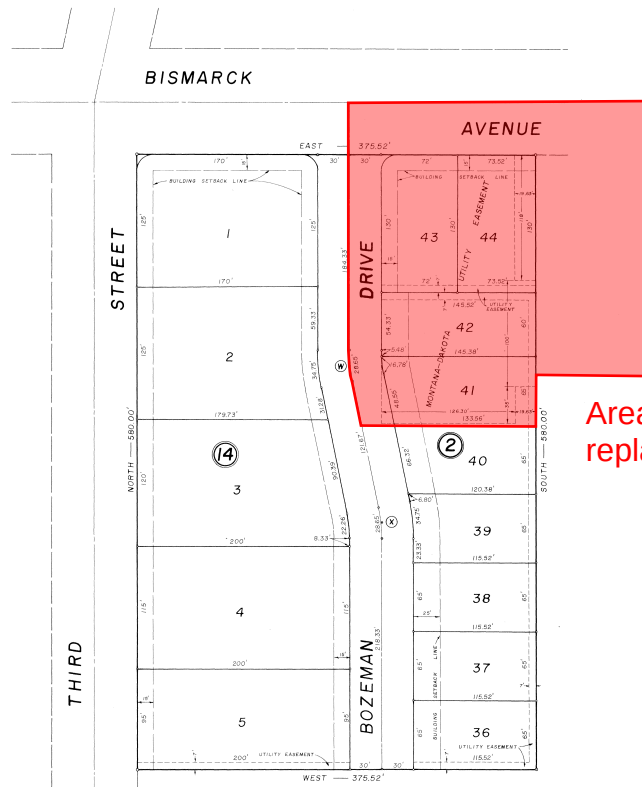
APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION
APPROVED THE 13 DAY OF June, 1967.

ATTEST: [Signature]
TOM BAKER, CITY AUDITOR

REPLAT OF LOT ONE, BLOCK TWO, MEADOW VALLEY ADDITION BISMARCK, NORTH DAKOTA



DATE OF PLAT - APRIL 28, 1971

Area of
replat

NOTES

1. ALL LOT CORNERS AT STREET INTERSECTIONS ARE ROUNDED TO A FIFTEEN (15) FOOT RADIUS.
2. --- DENOTES IRON PIPE.

CURVE DATA

CURVE	Δ	D	T	L	R
W & X	11°-27'-32"	40°-00'	14.67'	28.65'	146.19'

SURVEYOR'S CERTIFICATE

I, HARLEY SWENSON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND COMPLETE SURVEY MADE UNDER MY SUPERVISION COMPLETED ON APRIL 20, 1971, THAT ALL DIMENSIONS AND ANGLES ARE CORRECT AS SHOWN AND THAT IRON PIPE MONUMENTS ARE TO BE SET AS SHOWN.

Harley Swenson
HARLEY SWENSON
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR, REG. NO. 951

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS 28th day of April, 1971, BEFORE ME PERSONALLY APPEARED HARLEY SWENSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

Edward M. Hagen
EDWARD M. HAGEN
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JULY 9, 1975



DESCRIPTION

ALL THE EAST ONE (1), OF BLOCK TWO (2), OF MEADOW VALLEY ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS FIVE (5) ACRES, MORE OR LESS.

PLANNING COMMISSION APPROVAL

THE REPLAT OF THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON April 28, 1971, IN ACCORDANCE WITH THE LAWS OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA.

Arthur C. Taylor
ARTHUR C. TAYLOR, CHAIRMAN

Tom Bueh
TOM BUEH, SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 11th day of May, 1971.

ATTEST: *Tom Bueh*
TOM BUEH, CITY AUDITOR

CITY ENGINEER'S APPROVAL

I, EDWARD J. BODDY, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "REPLAT OF LOT ONE, BLOCK TWO, MEADOW VALLEY ADDITION", AS SHOWN ON THE ANNEXED PLAT.

Edward J. Boddy
EDWARD J. BODDY, CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MAINTER REAL ESTATE TRUST, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN ON THE ANNEXED PLAT, HAVE CAUSED THAT PORTION DESCRIBED ABOVE AND SHOWN ON THE ANNEXED PLAT TO BE SURVEYED AND PLATTED AS "REPLAT OF LOT ONE, BLOCK TWO, MEADOW VALLEY ADDITION" AND DO DEDICATE STREETS AND CULVERTS AND OTHER PUBLIC UTILITIES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

Paul P. Mahter
PAUL P. MAHTER, TRUSTEE

James P. Mahter
JAMES P. MAHTER, TRUSTEE

Ann Mahter Frappia
ANN MAHTER FRAPPIA, TRUSTEE

Paul C. Mahter
PAUL C. MAHTER, TRUSTEE

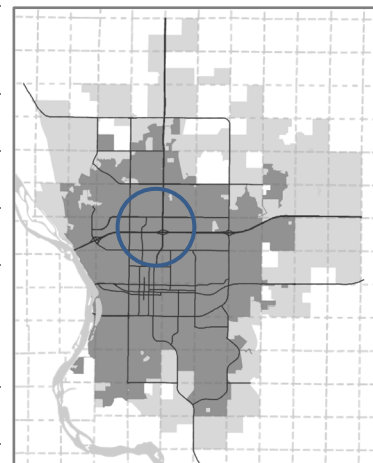
STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS 28th day of April, 1971, BEFORE ME PERSONALLY APPEARED PAUL P. MAHTER, JAMES P. MAHTER, ANN MAHTER FRAPPIA AND PAUL C. MAHTER, TRUSTEES OF THE MAHTER REAL ESTATE TRUST OF BISMARCK, NORTH DAKOTA, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN THE FOREGOING INSTRUMENT, AND THEY EACH AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT OF THEIR OWN FREE WILL AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

Edward M. Hagen
EDWARD M. HAGEN
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JULY 9, 1975

Project Summary

<i>Title:</i>	Replat of Block One of Interstate Commercial Park First Addition, Block 1, Lots 1-2
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Bravera Bank
<i>Project Contact:</i>	Abe Ulmer, PLS, ILSE Inc.
<i>Project Location:</i>	In central Bismarck, north of Interstate 94, in the southwest quadrant of State Street and East Interstate Avenue
<i>Project Size:</i>	82,038 square feet
<i>Applicant Request:</i>	Allow drive-through for teller lanes in conjunction with a financial institution
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	1 parcel in 1 block
<i>Land Use:</i>	Bank	<i>Land Use:</i>	No change
<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>	Gateway

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	09/1978
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

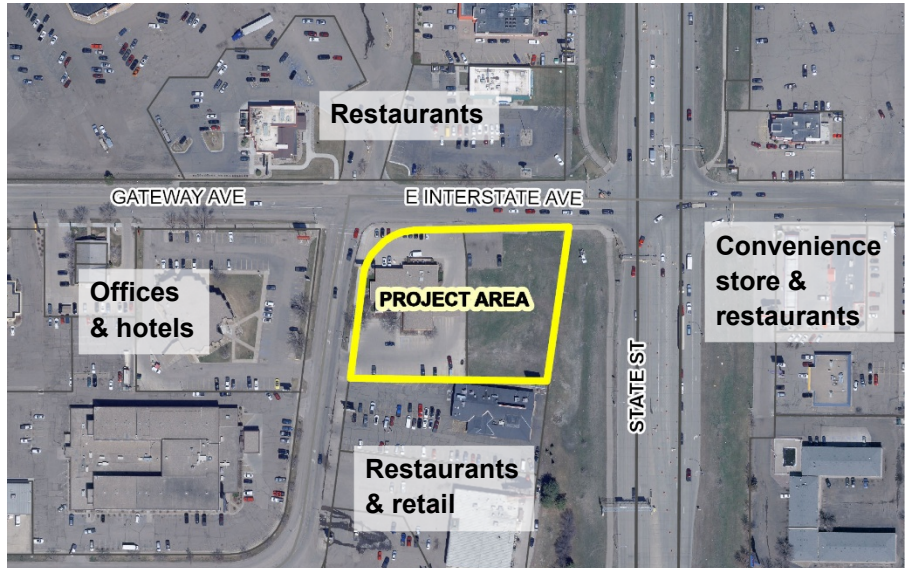
Bravera Bank is requesting approval of a drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of

Block One of Interstate Commercial Park First Addition.

Project Context

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

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



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

Adjacent uses include restaurants and retail to the south; restaurants to the north across East Interstate Avenue; offices and hotels to the west across East Interstate Avenue; and a convenience store and restaurants to the east across State Street.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 12 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

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.

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

(continued)

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

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

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

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

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

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

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

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

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

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

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

(continued)

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 drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition.

Attachments

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

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR DRIVE-THROUGH TELLER LANES
IN REPLAT OF BLOCK ONE OF INTERSTATE COMMERCIAL PARK FIRST ADDITION
(SUP2026-001)**

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, Replat of Block One of Interstate Commercial Park First Addition have requested approval of a special use permit to allow drive-through teller lanes in conjunction with a financial institution in the CG – Commercial zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on May 27, 2026 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for drive-through teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition is hereby approved, subject to the following conditions:

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

Adopted this 27th Day of May, 2026.

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 May 27, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn, AICP
Planning Director
Bismarck, North Dakota

Date



Zoning and Plan Reference Map

SUP2026-001

REPLAT OF BLOCK ONE OF INTERSTATE COMMERCIAL PARK
FIRST ADDITION, BLOCK 1, LOTS 1-2

Zoning Districts

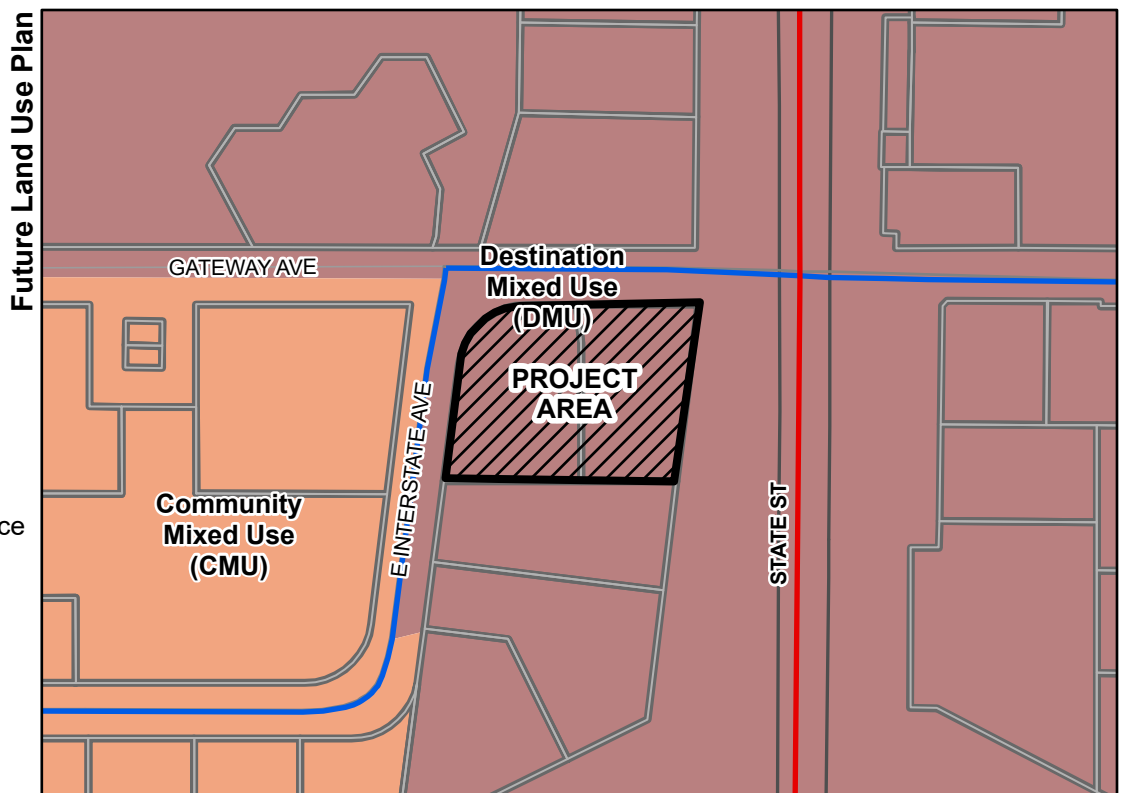
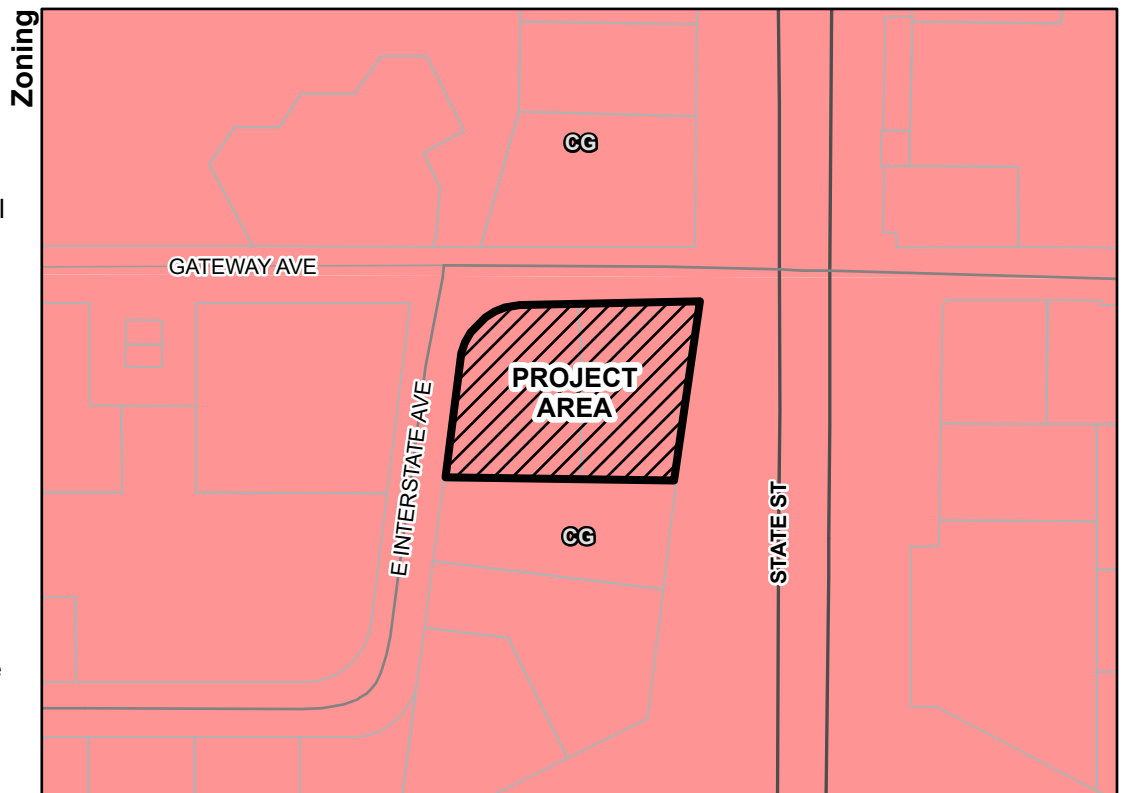
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

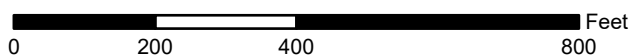
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Major Street Plan

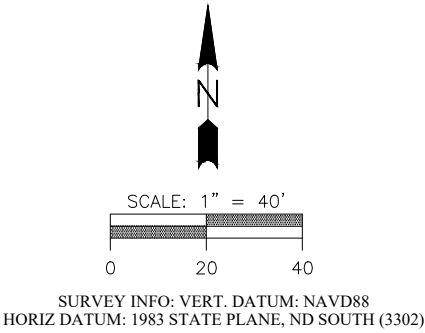
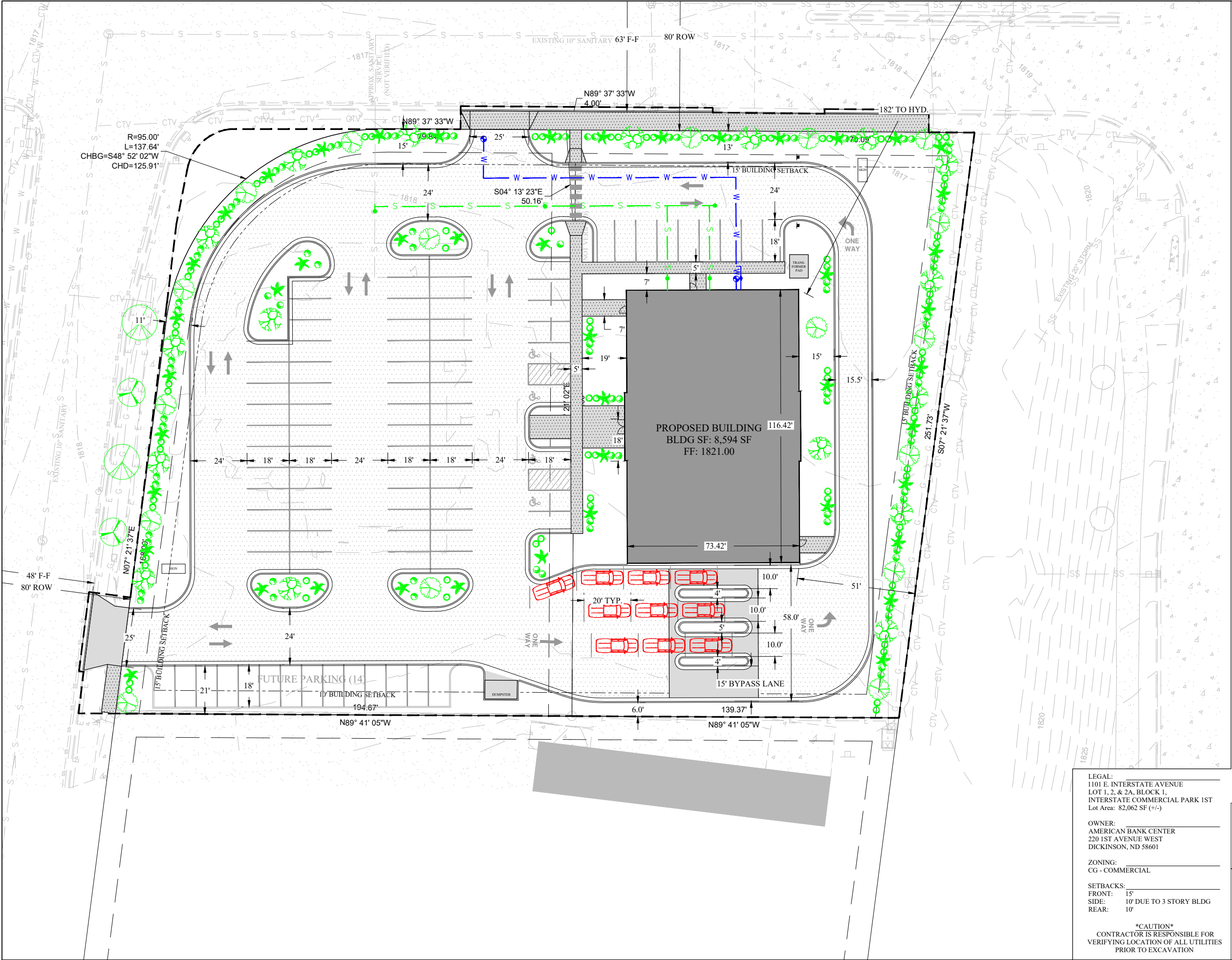
	Existing Arterial
	Future Arterial
	Existing Collector
	Future Collector
	Existing Interstate
	Future Interstate
	City Limits



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
May 8, 2026



- LEGEND**
- PROPOSED CURB & GUTTER
 - PROPOSED ASPHALT
 - PROPOSED BUILDING
 - PROPOSED CONCRETE
 - PROPOSED WATER
 - PROPOSED CURB STOP
 - PROPOSED SANITARY SEWER
 - PROPOSED SANITARY CLEANOUT
 - PROPOSED PARKING STALL COUNT
 - PROPOSED TREES/SHRUBS



LEGAL:
1101 E. INTERSTATE AVENUE
LOT 1, 2, & 2A, BLOCK 1,
INTERSTATE COMMERCIAL PARK 1ST
Lot Area: 82,062 SF (+/-)

OWNER:
AMERICAN BANK CENTER
220 1ST AVENUE WEST
DICKINSON, ND 58601

ZONING:
CG - COMMERCIAL

SETBACKS:
FRONT: 15'
SIDE: 10' DUE TO 3 STORY BLDG
REAR: 10'

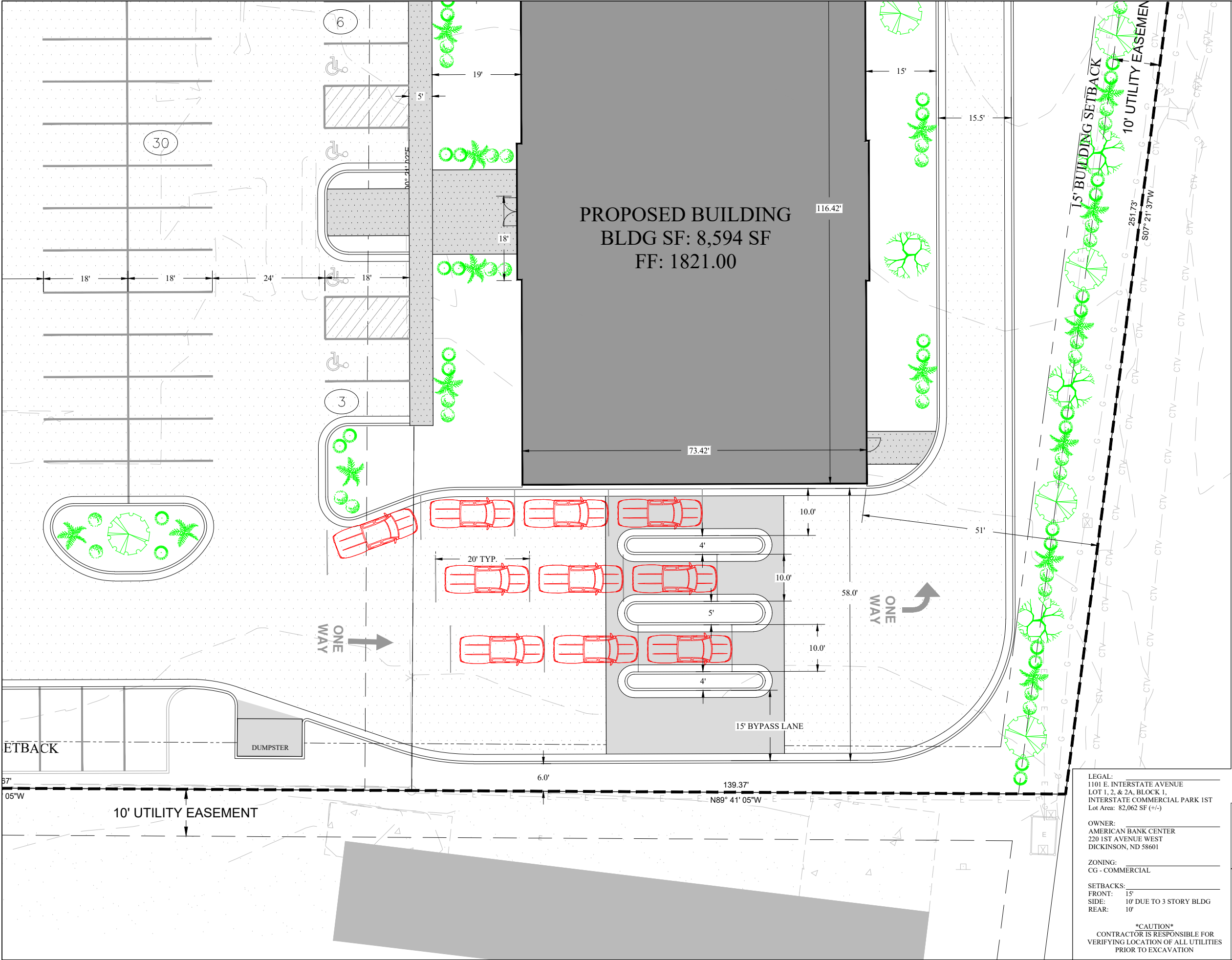
CAUTION
CONTRACTOR IS RESPONSIBLE FOR
VERIFYING LOCATION OF ALL UTILITIES
PRIOR TO EXCAVATION

CAUTION
CONTRACTOR IS RESPONSIBLE
FOR VERIFYING LOCATION OF ALL
UTILITIES PRIOR TO EXCAVATION

**Independent Land Surveying
& Engineering Inc.**
4215 OLD RED TRAIL NW, Mandan, ND 58554
Phone: 701-663-5184 Cell: 701-220-0968 PROJ # 25174

**BRAVERA BANK
DRIVE THRU - SPECIAL USE PERMIT**
1101 EAST INTERSTATE AVENUE
LOT 1, 2, & 2A, BLK 1,
INTERSTATE COMMERCIAL PARK 1ST REPLAT BLOCK 1
BISMARCK, NORTH DAKOTA
SHEET 1 OF 2

APRIL, 2026



SCALE: 1" = 20'

0 10 20

SURVEY INFO: VERT. DATUM: NAVD88
HORIZ DATUM: 1983 STATE PLANE, ND SOUTH (3302)

LEGEND

- PROPOSED CURB & GUTTER
- PROPOSED ASPHALT
- PROPOSED BUILDING
- PROPOSED CONCRETE
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- PROPOSED SANITARY SEWER
- PROPOSED SANITARY CLEANOUT
- PROPOSED PARKING STALL COUNT
- PROPOSED TREES/SHRUBS

PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
ABRAHM E. HULMER
PE # 66931
NOT FOR CONSTRUCTION
DATE: _____
NORTH DAKOTA

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Bylaws of the City of Bismarck Planning and Zoning Commission

Article I. Authority

- A. Authority. The Bismarck Planning and Zoning Commission ("Commission") is established pursuant to Section 14-20-01(3) of the City of Bismarck Code of Ordinances and pursuant to applicable provisions in the North Dakota Century Code (NDCC) relating to both a Planning Commission and a Zoning Commission.

Article II. Membership and Organization

- A. Membership. The Commission shall consist of membership identified in Section 14-20-01(3)(b) of the City Code of Ordinance and NDCC 40-47-06 and 40-48-03.
- B. Officers and Duties. The elected officers of the Commission will consist of a Chairperson and Vice-Chairperson who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. The President of the City Commission and the City Engineer are not eligible for the roles of the Chairperson or Vice-Chairperson.
 - 1. Elections. Nominations and election of officers shall be taken from the floor at the Commission's first meeting of the year. If an officer is unable to complete the specified term, a special election shall be held for the completion of the annual term.
 - 2. Chairperson Duties. The Chairperson shall be responsible for the following:
 - i. Preside over meetings and hearings of the Commission;
 - ii. Appoint Planning and Zoning Commission members to subcommittees;
 - iii. Have general charge of the activities of the Commission and generally oversee the conduct of its affairs;
 - iv. Call special meetings of the Commission as necessary; and
 - v. Appoint a member of the Commission to preside over hearings or meetings in the absence of both the Chairperson and Vice-chairperson.
 - 3. Vice-Chairperson Duties. The Vice-Chairperson shall be responsible for the following:
 - i. Assume the duties of the Chairperson in the Chairperson's absence; and
 - ii. Conduct any business delegated to the office by the Chairperson.

Article III. Conduct of Commissioners and Ethics

- A. General Conduct. Members of the Commission shall make every effort to do the following:

1. Attend all meetings;
 2. Represent the general public in a fair and impartial manner;
 3. Practice civility and decorum in discussions and debate;
 4. Honor the role of the Chairperson in maintaining order;
 5. Treat staff as professionals and not attempt to influence their review and recommendations on items before the Commission;
 6. Be welcoming to speakers and treat them with respect; and
 7. Avoid personal attacks against members of the public, staff, or other Commissioners.
- B. Conflict of Interest. Any member of the Commission who has a direct and substantial personal or financial interest in a matter before the Commission must disclose the fact to the Commission and may not participate in discussion of or vote on that particular matter without the consent of the majority of the rest of the Commission.
- C. Representation of Board. The Chairperson, Secretary, or any member of the Commission upon majority vote, may publicly represent a decision of the Commission duly made during a public meeting to the City Commission or in any other public forum. Any commissioner speaking in a public forum should clearly identify when they are expressing personal views and not positions of the Commission.
- D. Removal of Members. The Commission may recommend removal of any member of the Commission to the President of the Board of City Commissioners, subject to authority under Section 14-20-01(3), if that member has failed to attend three (3) consecutive regular meetings of the Commission or has failed to attend seven (7) regular meetings within one calendar year. Said board shall make judgment on such matters after receiving a report from the Chairperson or designee.
- E. Open Meetings Requirements. Commissioners shall comply with all applicable City and State open meeting requirements, including but not limited to requirements of the N.D. Constitution Article XI, Section 5 and NDCC Section 44-04-19. Communications involving any information relevant to a particular agenda item received by a Commission member before the meeting in reproducible form should be forwarded to staff for dissemination to the Commission. Commission members shall refrain from making any commitments concerning final disposition of any item prior to the meeting.

Article IV. Powers and Duties of the Authority

- A. Powers and Duties of the Authority. The Commission shall have all of the powers and duties granted by Section 14-20-01(3)(c) of the Bismarck Code of Ordinances and NDCC Chapters 40-47 and 40-48.

Article V. Meeting Schedule and Protocol

- A. Meeting Schedule. The Commission's regular meeting time shall be 5:00 p.m. on the fourth Wednesday of each month in the Tom Baker Meeting Room in the City-County Building or other suitable and agreed upon time, date and location by the Commission, properly noticed under North Dakota law and open to the general public. Special meetings can be held at any time and may be called by the Chairperson.
- B. Meeting Notice. Notice of the time and place of the regular scheduled meeting and any special meeting shall be posted on the Agenda Center accessible from the Bismarck website prior to the Commission meeting.
- C. Quorum. A quorum of at least a majority of Commissioners must be present to exercise any of the powers and duties of the Commission outlined herein. An unfilled Commission seat shall not be utilized in the basis for determination of quorum. In instances when a quorum is not present, the Commission may discuss items on the agenda but may not cast votes.
- D. Remote Attendance. A Commissioner may join the meeting remotely on an approved platform and be included in the determination of a quorum, as well as discussion and voting on all agenda items. A Commissioner attending remotely should keep their video on at all times throughout the meeting and may not attend while driving or in an otherwise unsafe setting. At a minimum to be considered for quorum, a Commissioner must simultaneously be able to hear and be heard by the present Commissioners. A Commissioner may only attend remotely on account of temporary situations when in-person attendance is not practicable.
- E. Meeting Order. The order of a regular meeting shall be as follows, unless reordered by the Chairperson at the beginning of the meeting:
 - 1. Call to order and determination of quorum.
 - 2. Approval of the minutes of the previous meeting(s).
 - 3. Public comments on items on the agenda of this meeting, excluding public hearings, or any item discussed during the prior meeting.
 - 4. Action on consent agenda, and discussion upon request by any Commissioner.
 - 5. Discussion and action concerning items on the regular agenda, including any public hearings.
 - 6. Other business.
 - 7. Adjournment.
- F. Meeting Rules. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings of the Commission.

Article VI. Conduct of Hearings

- A. Public Participation. All meetings of the Commission are open to the general public. Any member of the public shall be afforded the opportunity to address the Commission during any noticed public hearing or public comment period, governed by the Planning and Zoning Commission's Guide to Public Participation. The Chairperson may, but is not required to, allow public comment outside of a public hearing or public comment period.
- B. Maintenance of Order. Members of the public have the obligation to remain in order during any Commission meeting. The Chairperson may rule any conduct that interferes with the meeting to be "out-of-order," and direct the offending person to remain silent. If this person persists in disruptive conduct, the Chairperson may entertain a motion to "eject" the person from the meeting. If the person fails to comply with the successful motion to eject, the Chairperson may then call proper authority to physically remove the individual from the premises for the duration of the meeting or deliberation on that item.

Article VII. Staff Roles

- A. Secretary: The Planning Director shall serve as the non-voting secretary of the Commission with the following responsibilities:
 - 1. To maintain minutes of each meeting of the Commission;
 - 2. To attend to correspondence of the Commission;
 - 3. To attest to the decisions of the Commission on subdivision plats, ordinances, resolutions, and any other matter;
 - 4. To give each Commission member due notice of the time and place of each regular or special meeting; and
 - 5. To conduct any business delegated to the office by the Chairperson.
- B. Staff Privilege. The staff representative(s) from the Planning Department and City Attorney's Office have the privilege to address the Commission during any meetings. Staff from other departments of the City may also support the board as necessary related to matters within their purview.

Article VIII. Amendment of Bylaws

- A. Amendments. These Bylaws may be amended at any regular meeting of the Commission, provided that the proposed amendment has been introduced prior to and included within the agenda packet sent in advance of the meeting. Amendment of the Bylaws shall require the affirmative vote of a majority of members of a quorum of the Commission.

Adopted this ____ day of _____, 2026

Planning and Zoning Commission

Chairperson