



Bismarck Planning and Zoning Commission

MEETING
June 24, 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. Northern Sky Second Addition Block 2 (LO)

Annexation | ANNX2026-004 | Final Consideration
Staff recommends: Approve

B. DCN First Addition (JW)

Zoning Map Amendment | ZC2026-006 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | FPLT2026-006 | Public Hearing
Staff recommends: Approve

C. Berg Acres Addition (JW)

Zoning Map Amendment | ZC2026-003 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | FPLT2026-005 | Public Hearing
Staff recommends: Approve

D. Part of Meadow Valley Addition and Part of the Replat of Lot 1, Block 2, Meadow Valley Addition (IJ)

Special Use Permit | SUP2026-003 | Public Hearing
Staff recommends: Approve

E. Planning and Zoning Commission Bylaws (DN)

5. OTHER BUSINESS

6. ADJOURN

The next meeting of the Planning & Zoning Commission is scheduled for July 22, 2026.

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

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 27, 2026

The Bismarck Planning & Zoning Commission met on May 27, 2026, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Dakota Media Access was present to record the meeting and archive on DakotaMediaAccess.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

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

Commissioners not present were Brian Bitner and Sheldon Sivak

Staff members present were Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Planning Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the April 22, 2026 meeting.

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

PUBLIC COMMENT

Chair Schwartz opened the public comment period.

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

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

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

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

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining right-of-way.

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

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

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

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

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the R5 – Residential and the A – Agricultural zoning districts to the R5 – Residential zoning district and a major subdivision final plat titled Clear Sky Second Addition with the following conditions:

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

Chair Schwartz opened the public hearing.

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

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

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

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

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

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

Ms. Wollmuth provided an overview of the request, noted one written public comment received by staff and forwarded to the Commission prior to the hearing, and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning map amendment and major subdivision final plat titled Boulder Ridge Eighth Addition would not adversely impact public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from A – Agricultural zoning district to the R10 – Residential zoning district and P – Public zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition.

Chair Schwartz opened the public hearing.

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

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

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

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

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

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

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

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

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

PUBLIC HEARING – GRAHAM ADDITION MINOR SUBDIVISION FINAL PLAT

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

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

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat titled Graham Addition.

Chair Schwartz opened the public hearing.

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

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

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

PUBLIC HEARING – MEADOW VALLEY SIXTH ADDITION MINOR SUBDIVISION FINAL PLAT

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

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

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the minor plat titled Meadow Valley Sixth Addition, with the following condition:

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

Chair Schwartz opened the public hearing.

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

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

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

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

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

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

Ms. Oster said, based on the findings, staff recommends approval of the special use permit to allow a drive-through for teller lanes in conjunction with a financial institution on Lots 1-2, Block 1, Replat of Block One of Interstate Commercial Park First Addition.

Chair Schwartz opened the public hearing.

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

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

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

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

BY LAWS

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

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

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

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

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

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

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

ADJOURNMENT

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

Respectfully submitted,

Sarah S. Fricke
Recording Secretary

Mike Schwartz
Chair

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

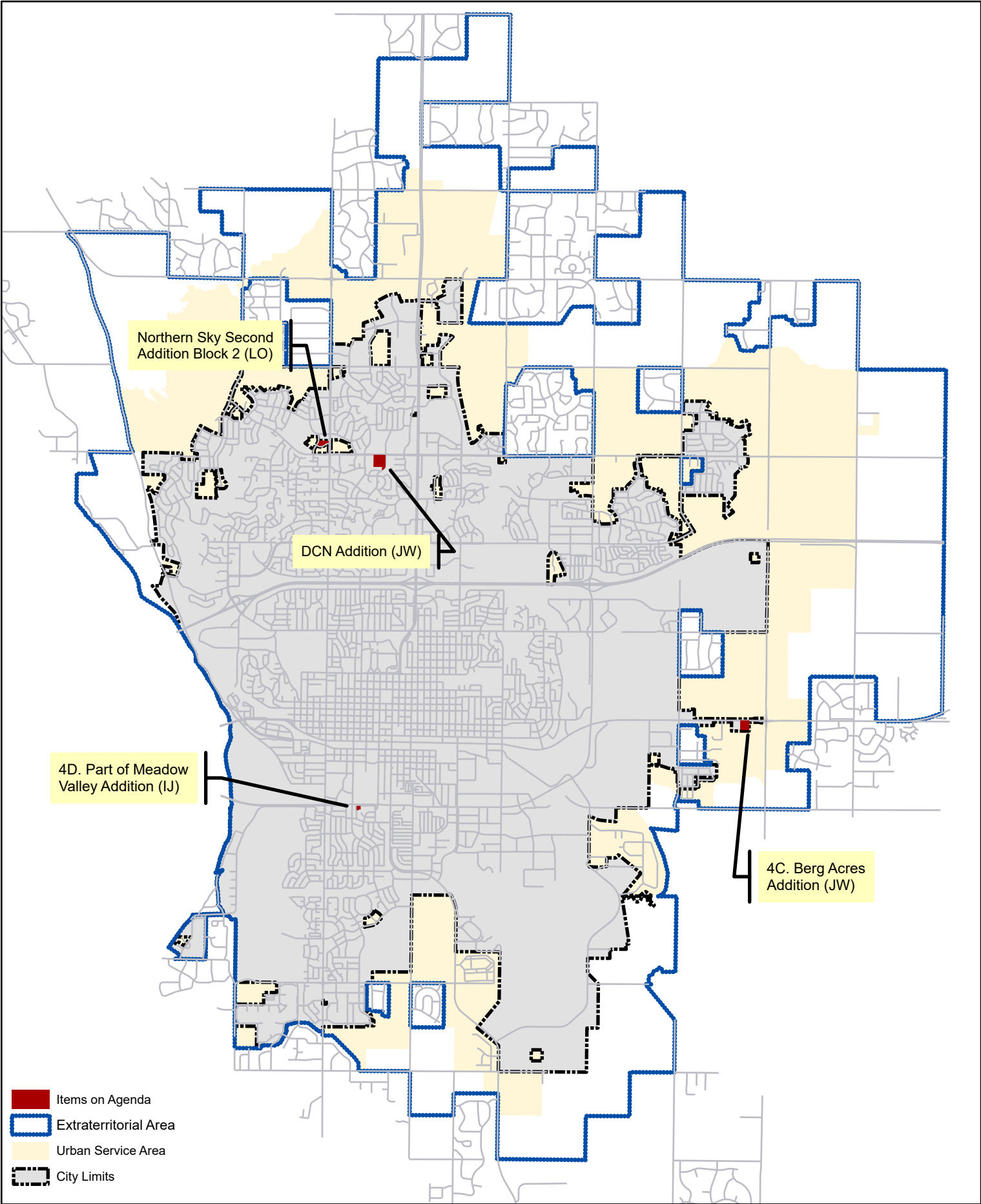
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

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:

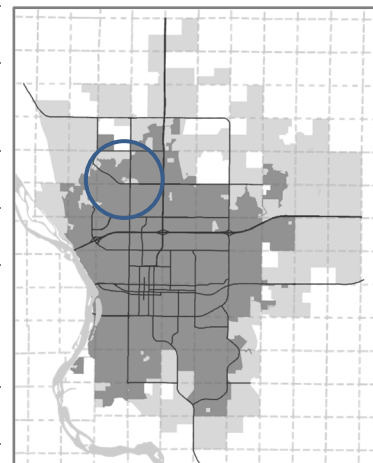
- Write your first and last name and address on the sign-in sheet at the podium.
- Adjust the microphone, if necessary, state your name, then provide comments. Traditionally, comments are addressed to the Chair and Planning and Zoning Commission.
- Comments may not be defamatory, abusive, harassing, 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>	Northern Sky Second Addition First Replat, Block 2
<i>Status:</i>	Planning and Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Wilment Development, LLC
<i>Project Contact:</i>	Tom Weigel, PLS, PE, Moore Engineering
<i>Project Location:</i>	In northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place
<i>Project Size:</i>	146,411 square feet
<i>Applicant Request:</i>	Annex entirety of Block 2 to facilitate office and commercial development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 parcels in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Office and commercial uses
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<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

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	07/2024
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	06/2022
<i>Neighborhood:</i>	Horizon Heights	<i>Annexed:</i>	N/A

(continued)

Project Narrative

Wilment Development, LLC is requesting approval of an annexation of all of Block 2, Northern Sky Second Addition First Replat.

In order to connect to municipal services for any development, the property would need to be annexed.

The current annexation request is only for Block 2. The other lots within this subdivision will be annexed when development of the properties occurs or by February 25, 2030, as per a development agreement between the City and the current property owner, whichever comes first.

Project Context

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

A Zoning and Plan Reference Map is attached, 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.



Public Engagement

Annexations do not have a public hearing before the Planning and Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

A physical sign providing information on the public hearing will also be placed in a publicly accessible spot at the project location as part of the public notification process for the public hearing.

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

(continued)

Dashboard and Community Development Activities map.

Review Standards and Findings of Fact

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

Annexation

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

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

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

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

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

Yes. The area proposed for annexation is clearly contiguous to the existing corporate boundaries. 100% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the 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.

This annexation request triggers the held in abeyance costs for regional stormwater improvements and the construction of North Washington Street. Held in abeyance costs associated with Block 2 will be allocated to the parcels being annexed based on their proportionate area the year following the annexation being completed.

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 an annexation of all of Block 2, Northern Sky Second Addition First Replat.

Attachments

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

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**CITY OF BISMARCK
ORDINANCE NO. XXXX**

First Reading _____

Second Reading _____

Final Passage and Adoption _____

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

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

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

Block 2, Northern Sky Second Addition First Replat

The above described tract of land contains 146,411 square feet, 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.

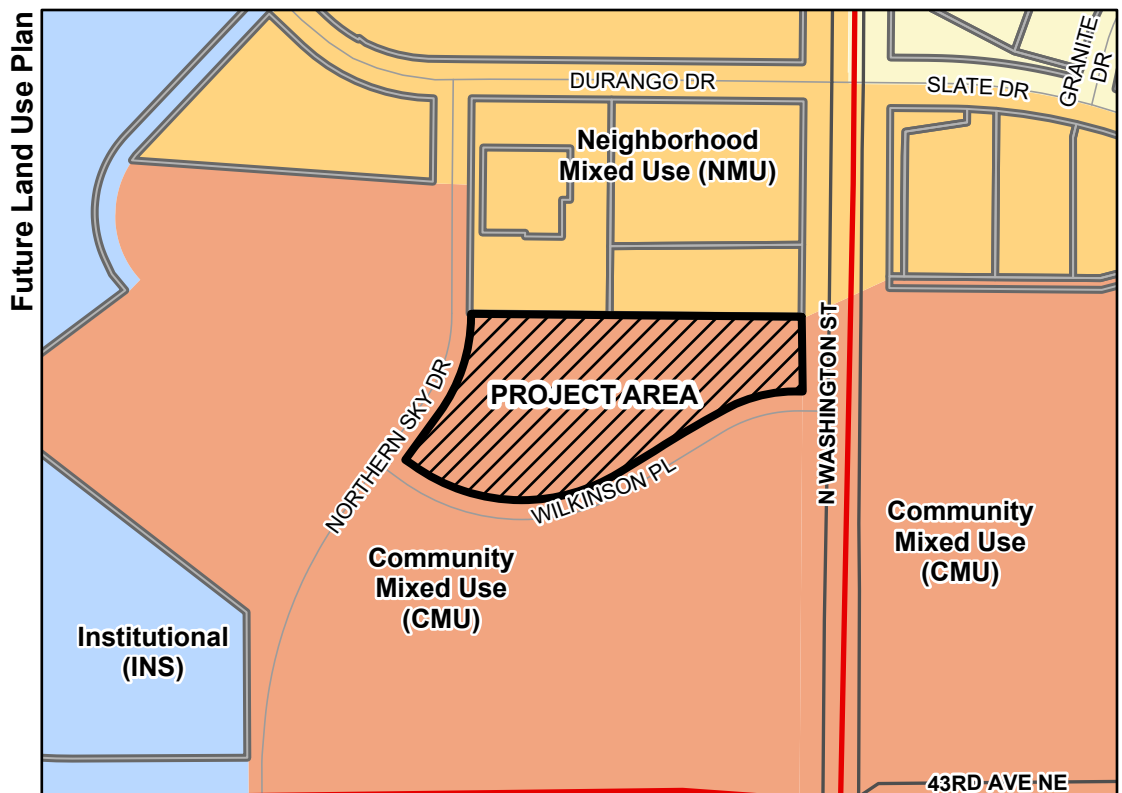
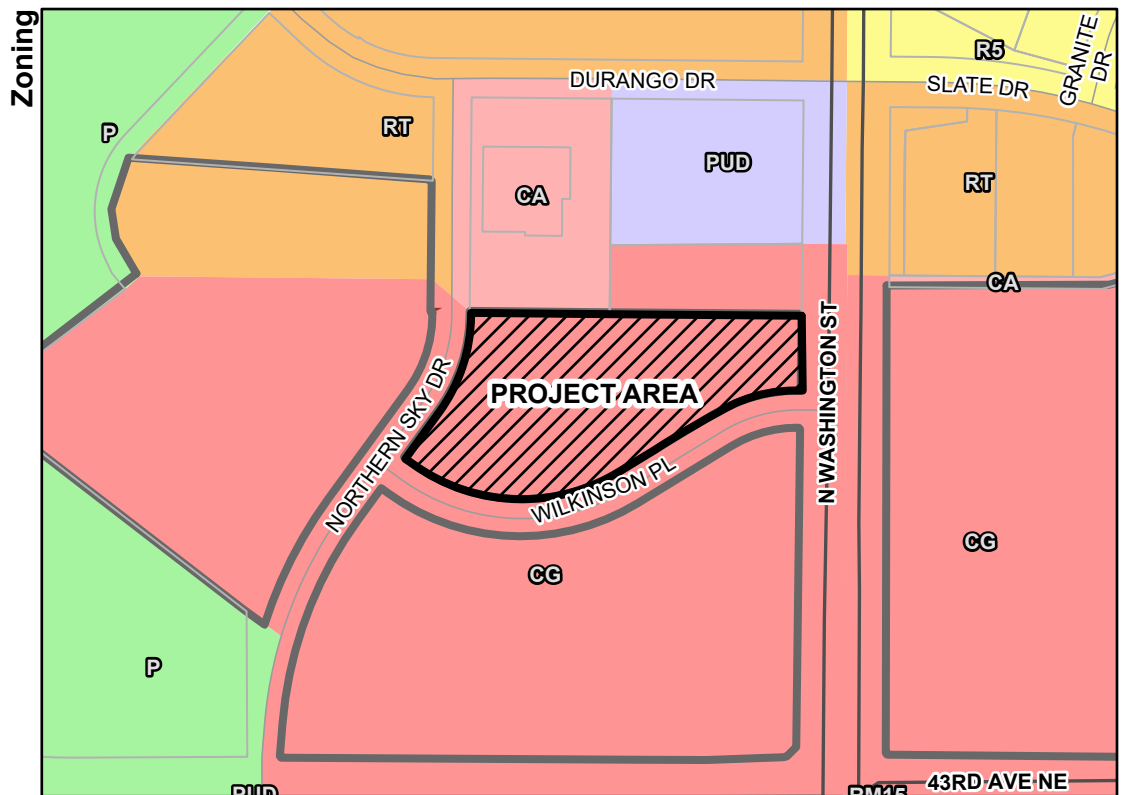
Zoning Districts

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
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/	Urban Reserve
URB	Mid/Long-Term

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

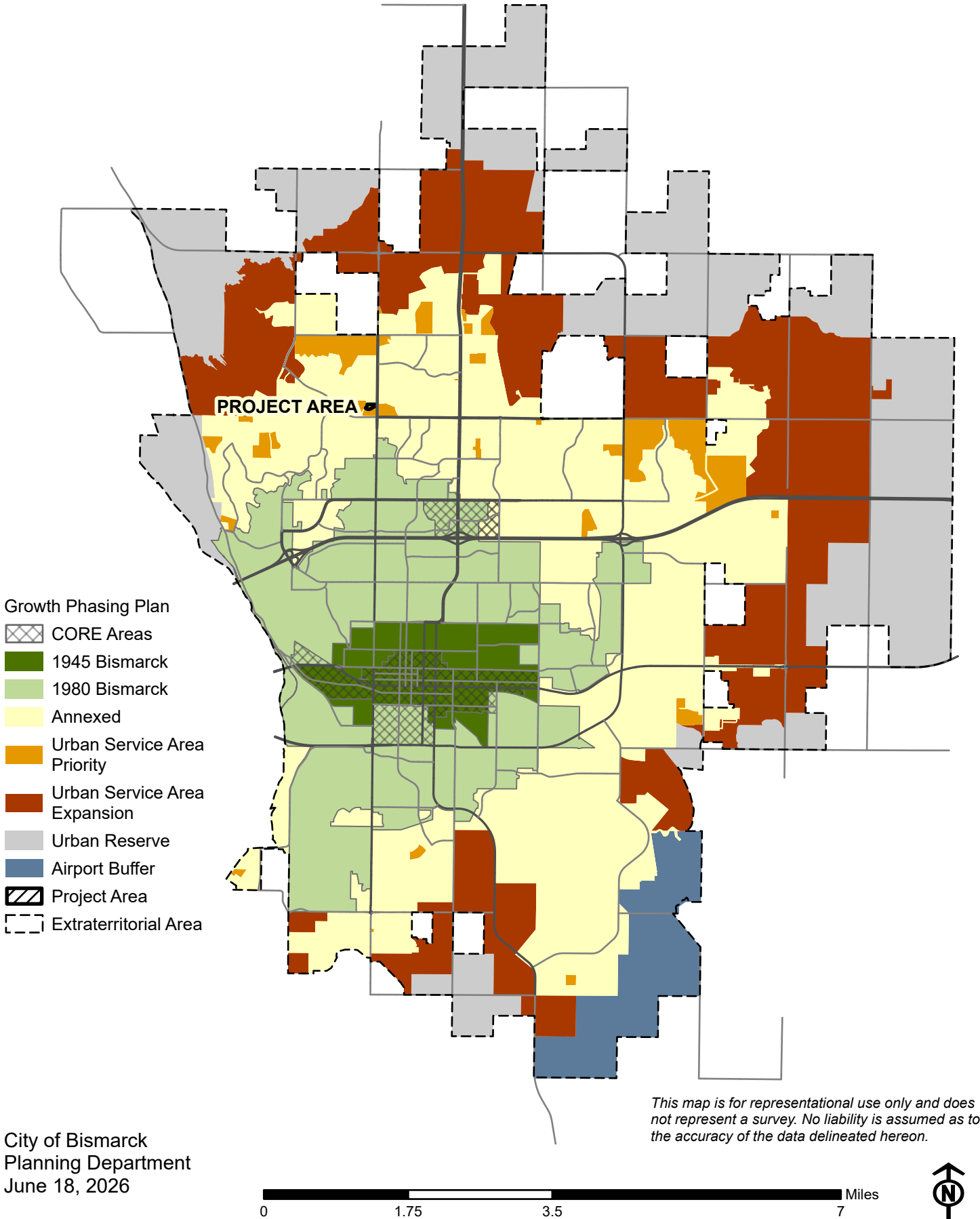


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

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City of Bismarck
Planning Department
June 18, 2026



NORTHERN SKY SECOND ADDITION FIRST REPLAT

BEING A REPLAT OF NORTHERN SKY SECOND ADDITION
OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF NORTHERN SKY SECOND ADDITION OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 BLOCK 1 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 27 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF NORTHERN SKY ADDITION, A DISTANCE OF 638.72 FEET TO THE EAST LINE OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE SOUTH 00 DEGREES 22 MINUTES 16 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 877.18 FEET TO THE SOUTH LINE OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 43 MINUTES 28 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1048.63 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 32 SECONDS WEST, A DISTANCE OF 1877.22 FEET, THENCE NORTHEASTERLY AND TO THE RIGHT, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 184.68 FEET TO THE NORTHERLY LINE OF LOT 2 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 52 DEGREES 18 MINUTES 05 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 582.03 FEET TO THE EASTERLY LINE OF LOT 2 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 00 DEGREES 16 MINUTES 32 SECONDS EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 15.84 FEET TO THE SOUTH LINE OF LOT 1A OF LOT 1 BLOCK 2 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 25 MINUTES 44 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 466.89 FEET, THENCE SOUTH 48 DEGREES 47 MINUTES 35 SECONDS EAST, A DISTANCE OF 87.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.38 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BULLOCK, 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 APRIL 29, 2022, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



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

Terry Bullock
TERRY BULLOCK
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE APPROVED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 29th DAY OF APRIL, 2022, 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
MICHAEL J. SCHWARTZ - CHAIRMAN

Ben Enreth
BEN ENRETH - 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 AND RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING AND PREVIOUS PUBLIC EASEMENTS 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 12th DAY OF APRIL, 2022.

Keith J. Hunk
KEITH J. HUNK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHOLL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "NORTHERN SKY SECOND ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE APPROVED PLAT.

Gabriel J. Scholl
GABRIEL J. SCHOLL
CITY ENGINEER

NOTES

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

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

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

VERTICAL BENCHMARK
HYD 3678 WASHINGTON STREET TEST SOUTH OF
DURANGO DRIVE (WEST)
ELEV 1916.66
NOTE 29

AREA DATA
LOTS 1 786,449 S.F. 18.03 ACRES
STREETS 232,944 S.F. 5.35 ACRES
TOTAL 1,019,423 S.F. 23.38 ACRES

STATE OF NORTH DAKOTA
COUNTY OF Burleigh

USA MACDONALD
Notary Public
State of North Dakota
My Commission Expires July 31, 2025

STATE OF NORTH DAKOTA
COUNTY OF Burleigh

IN THIS 1st DAY OF June, 2022, BEFORE ME PERSONALLY APPEARED MAYOR STEVE BARKEN,
KNOWING ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WILLIE J. OLSEN
Notary Public
State of North Dakota
My Commission Expires May 15, 2023

Willie J. Olsen
WILLIE J. OLSEN
Notary Public
Burleigh County, North Dakota
MY COMMISSION EXPIRES May 15, 2023

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WILMONT DEVELOPMENT, LLC, AND THE CITY OF BISMARCK, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORTHERN SKY SECOND ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-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

Carey Clement
CAREY CLEMENT, VICE PRESIDENT
WILMONT DEVELOPMENT, LLC
3200 ROCK ISLAND PLACE, STE. 4
BISMARCK, ND 58504
OWNER, ALL LOTS EXCEPT LOT 2 BLOCK 1

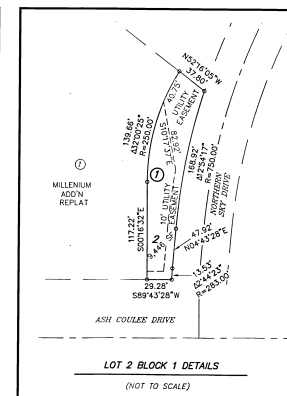
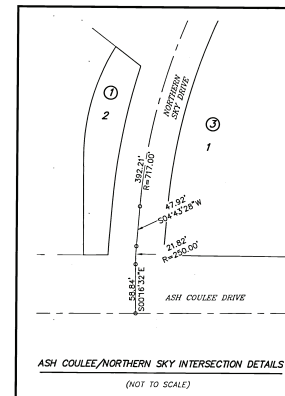
ON THIS 2nd DAY OF May, 2022, BEFORE ME PERSONALLY APPEARED CAREY CLEMENT OF WILMONT DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

USA MACDONALD
Notary Public
State of North Dakota
My Commission Expires July 31, 2025

STATE OF NORTH DAKOTA
COUNTY OF Burleigh

Lisa MacDonald
LISA MACDONALD
Notary Public
Burleigh County, North Dakota
MY COMMISSION EXPIRES July 31, 2025

City of Bismarck
CITY OF BISMARCK
221 N 5TH ST
BISMARCK, ND 58503
OWNER, LOT 2 BLOCK 1



SWENSON, HAGEN & COMPANY P.C.
309 Basin Avenue
Bismarck, North Dakota 58504
shag@swensonhagen.com
Phone (701) 221-2500
Fax (701) 221-2506

STAFF REPORT

Agenda Item # 4B

June 24, 2026

Application for: **Final Plat**

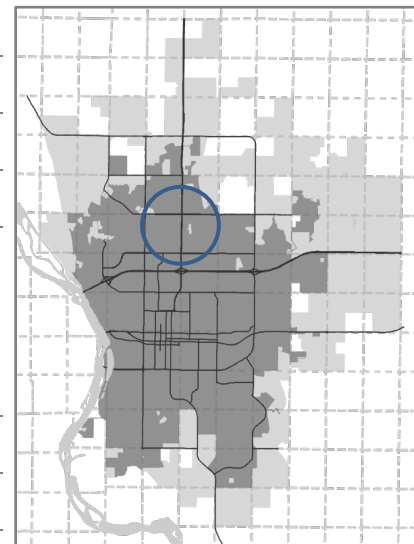
Zoning Map Amendment

Project ID: **FPLT2026-006**

ZC2026-006

Project Summary

<i>Title:</i>	DCN Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	DCN, LLC
<i>Project Contact:</i>	Brad Krogstad, PE, KLJ Engineering
<i>Project Location:</i>	North-central Bismarck, north of East Calgary Avenue, between North Washington Street and State Street, in the southwest quadrant of the intersection of Coleman Street and 43rd Avenue NE
<i>Project Size:</i>	12.25 acres
<i>Applicant Request:</i>	Plat and zone property for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 parcels	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	DCN Office/campus	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	A – Agriculture RT – Residential	<i>Zoning:</i>	RT – Residential (OX – Office Mixed Use)
<i>Uses Allowed:</i>	A – Agriculture RT – Offices and multi-family residential	<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<i>Max Density:</i>	A – 1 unit / 40 acres RT – 30 units / acre	<i>Max Density:</i>	RT – 30 units / acre

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Part 11/2009
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	North Hills 16th Addition 11/2009
<i>Neighborhood:</i>	North Hills	<i>Annexed:</i>	North Hills 16th Addition 07/2007 Part of Section 21 09/2015

Project Narrative

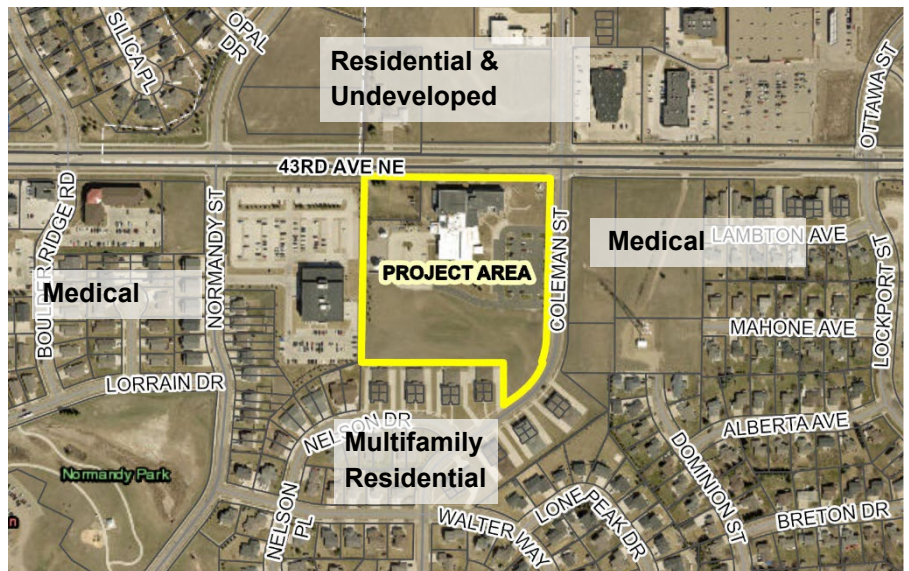
DCN, LLC is requesting approval of a zoning map amendment from the A – Agriculture and RT – Residential (OX – Office Mixed Use) zoning district to the RT – Residential (OX – Office Mixed Use) zoning district and a major subdivision preliminary plat titled DCN Addition.

The Land Development Code (LDC) and associated official zoning map was approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance for the proposed zoning map amendment will include the existing zoning districts and their equivalents outlined in the LDC.

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

Adjacent land uses include an existing single-family dwelling and undeveloped land to the north across

43rd Avenue NE, developing medical uses to the east across Coleman Street, multifamily residential to the south, and medical uses to the west.

Public Engagement

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

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 11 and June 18, and 71 postcards were mailed to the owners of nearby properties on June 12, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on June 8, 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. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) 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 for the expansion and continued operations for DCN, LLC. Development that may be

anticipated from the proposed zoning would have no negative impact on the surrounding properties.

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

Yes. The current zoning district of A – Agriculture is the default zoning district for land that has not yet been zoned. Conditions have changed. In particular, DCN LLC has acquired the A – Agriculture zoned parcel, demolished the single-family dwelling and accessory buildings, and intends to expand their current use into this parcel by constructing an accessory building. The remainder of the property is currently zoned RT – Residential.

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

Yes. The proposed zoning map amendment would 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.

G1: Encourage infill and redevelopment of land already connected to municipal services.

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

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

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

(continued)

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 conditions were placed with approval of the preliminary plat by the Planning and Zoning Commission.

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

Yes. The proposed subdivision includes easements that extend into and through the plat. Rights-of-way and easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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

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

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

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

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

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. 43rd Avenue NE is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

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

Yes. 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.

(continued)

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

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

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

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

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

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

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.

The proposed plat has two access points. The main access is from Coleman Street to the east, and a second access is from 43rd Avenue NE. These access points will remain and are noted on the plat.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private

investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A post-construction stormwater management permit (PCSMP) was conditionally approved by the City Engineer on March 27, 2026.

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

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

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

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

(continued)

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

The vacant lot has a utility capital charge vesting for a 2-inch water meter. This vesting will need to be put into use within one year of plat recordation.

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

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

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

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff 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 zoning map amendment from the A – Agriculture and RT – Residential zoning district to the RT – Residential zoning district (and the OX – Office Mixed Use Zoning District) and approval of the major subdivision final plat titled DCN Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Zoning Proposed Map
4. Final Plat
5. Preliminary 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, which is effective until October 1, 2026, is hereby amended to read as follows:

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

Lot 1, Block 1, DCN 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

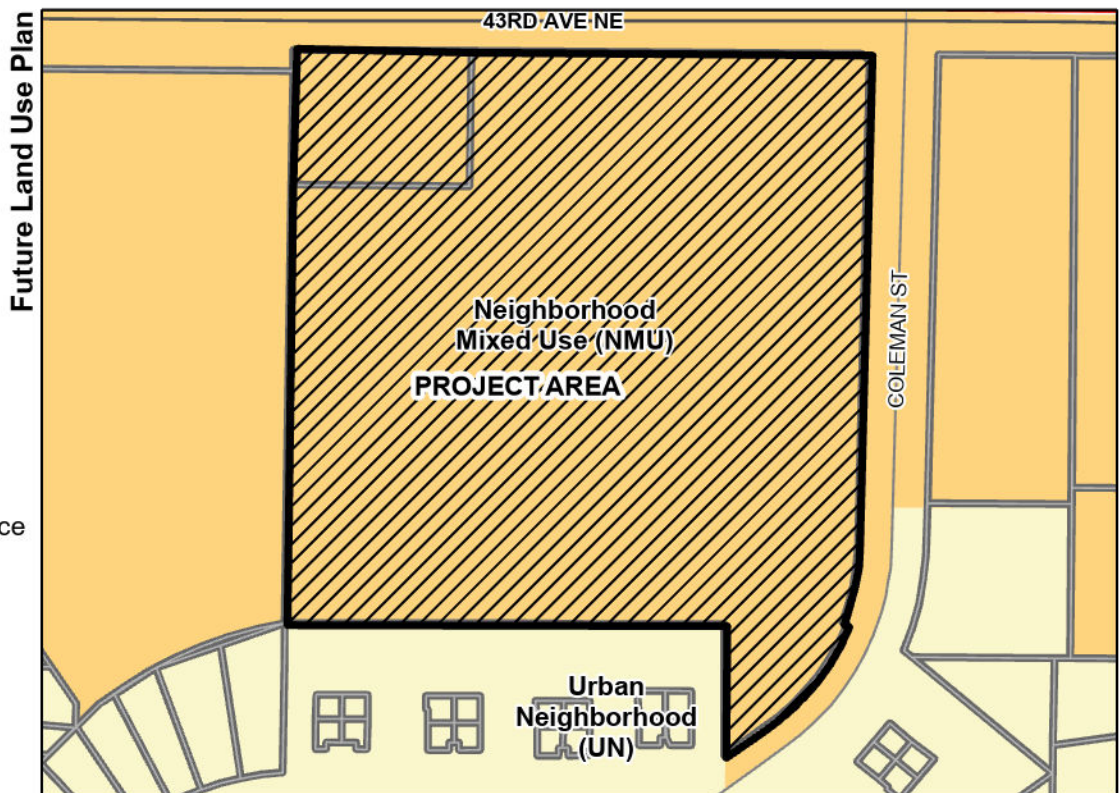
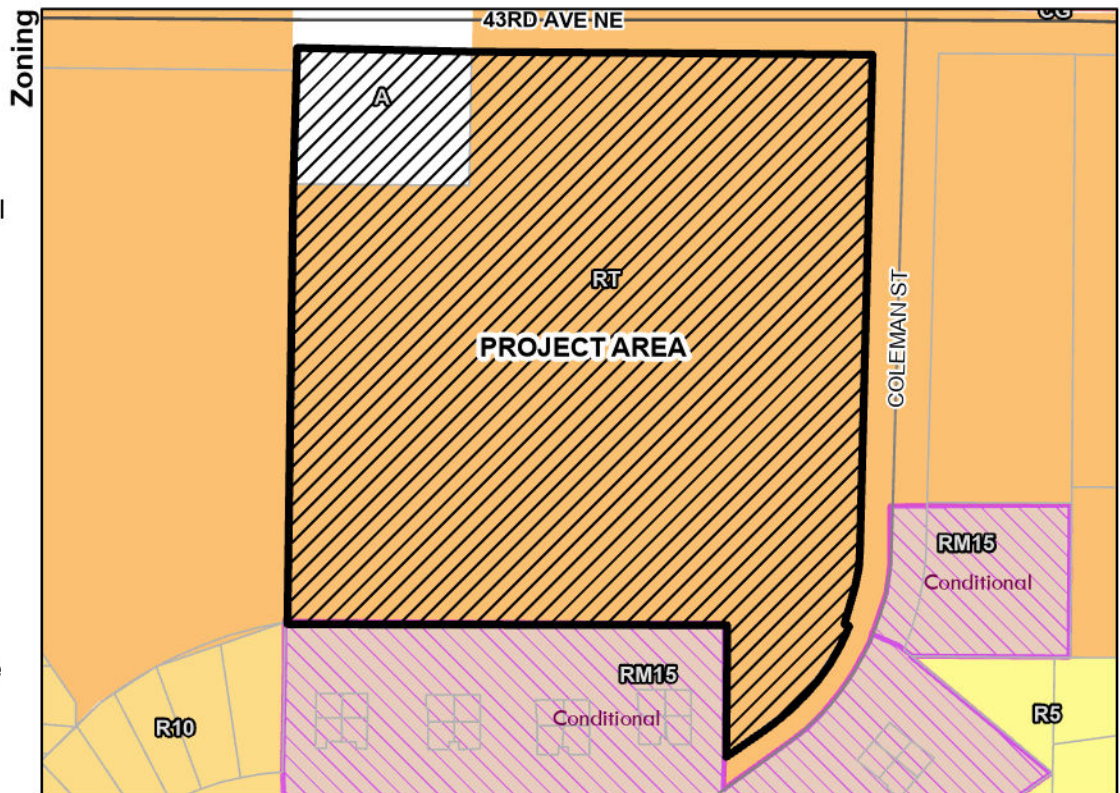
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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

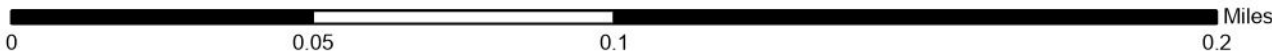
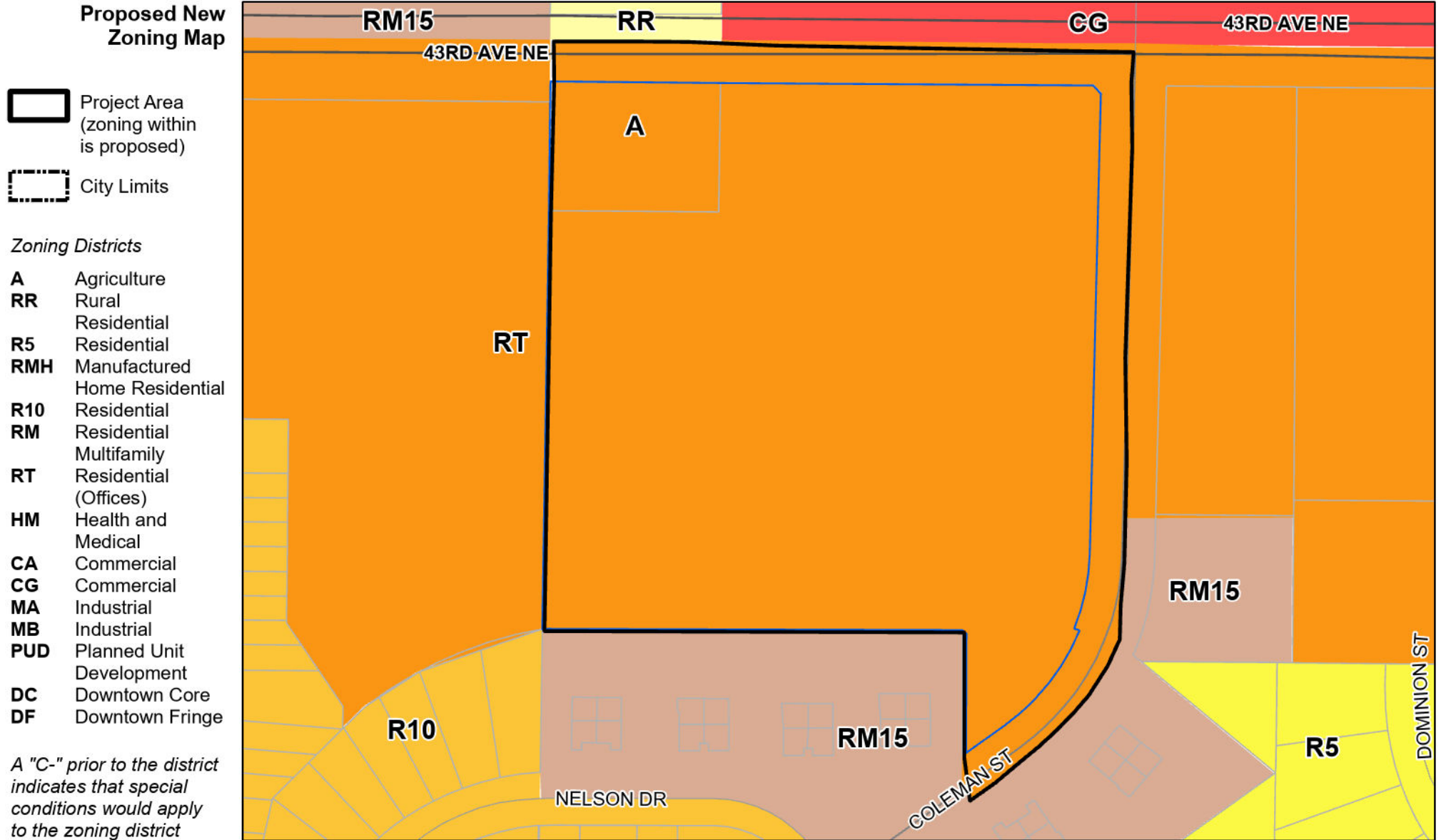


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 165 330 660 Feet



City of Bismarck
Planning Department
April 14, 2026



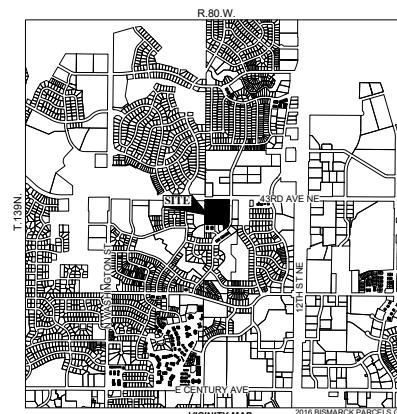
*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



City of Bismarck
Planning Department
April 14, 2026

<u>SURVEYOR:</u>	<u>OWNER:</u>
KLJ ENGINEERING LLC	DAKOTA CARRIER NETWORK
400 EAST BROADWAY AVE, SUITE 600	4202 COLEMAN STREET
BISMARCK, NORTH DAKOTA 58501	BISMARCK, ND 58503

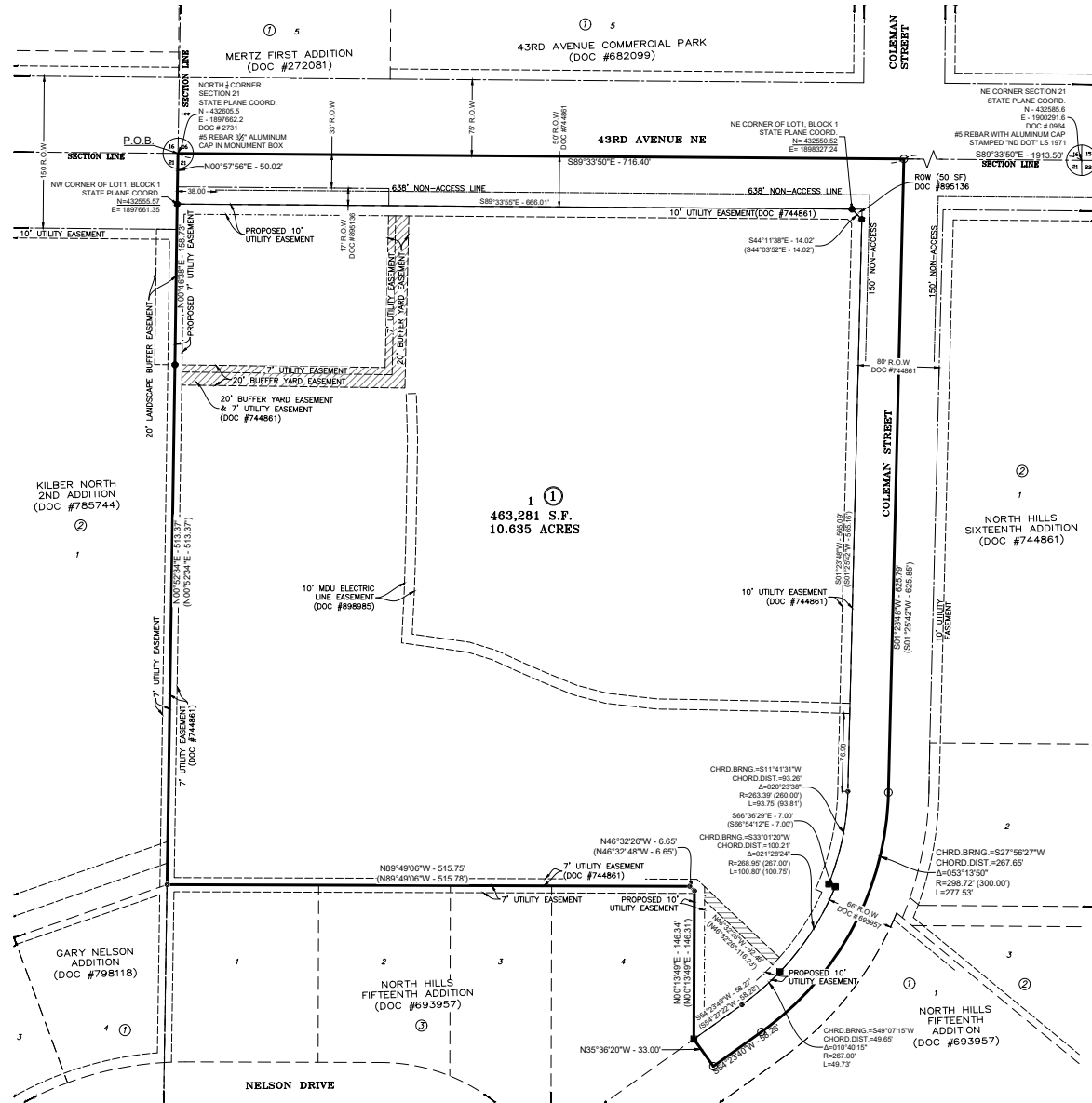
NE CORNER SECTION 21
STATE PLANE COORD.
N - 432585.6
E - 1900291.6
DOC # 0964
#5 REBAR WITH ALUMINUM CAP
STAMPED "ND DOT" LS 1971



THE PROPERTY IS NOT LOCATED IN A FLOOD PLAIN
FIRM PANEL 38015C0785E, ZONE X
EFFECTIVE DATE:6/6/2024

DCN ADDITION

PART OF LOT 1, BLOCK 1, NORTH HILLS SIXTEENTH ADDITION, LOT 4B OF LOT 4, BLOCK 3, NORTH HILLS FIFTEENTH ADDITION, AND THE UNPLATTED PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21 AND SOUTH HALF OF THE 43RD AVENUE NE RIGHT-OF-WAY, WEST HALF OF COLEMAN STREET RIGHT-OF-WAY, TOWNSHIP 139 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

PART OF LOT 1, BLOCK 1, NORTH HILLS SIXTEENTH ADDITION, LOT 4B OF LOT 4, BLOCK 3, NORTH HILLS FIFTEENTH ADDITION, AND THE UNPLATTED PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21 AND SOUTH HALF OF THE 43RD AVENUE NE RIGHT-OF-WAY, WEST HALF OF COLEMAN STREET RIGHT-OF-WAY, TOWNSHIP 139 NORTH, RANGE 80 WEST, FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S 89°33'50\"

SAID TRACT CONTAINS A TOTAL PLAT AREA OF 12.245 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, SOREN SANDERSON, 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, AND THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



SOREN SANDERSON
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. LS-42051

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 TOMANCK - 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

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 - CHAIRMAN

ATTEST: DANIEL NARN - SECRETARY

OWNER'S CERTIFICATE AND DEDICATION

I, SETH ARNDORFER, CEO OF DAKOTA CARRIER NETWORK, BEING 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 "DCN FIRST ADDITION" AND TO 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.

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

I ALSO DEDICATE A TEN-FOOT (10') WIDE MONTANA-DAKOTA UTILITIES CO. (MDU) ELECTRIC LINE EASEMENT, AS SHOWN ON THIS PLAT, BEING THE SAME EASEMENT AS RECORDED UNDER DOCUMENT NO. 744861, BURLEIGH COUNTY, NORTH DAKOTA RECORDS. SAID EASEMENT IS SUBJECT TO ALL PRIOR RIGHTS, CONDITIONS, AND RESTRICTIONS OF RECORD AND IS INTENDED TO CONTINUE WITHOUT INTERRUPTION.

STATE OF NORTH DAKOTA)
COUNTY OF)

SETH ARNDORFER
CEO
DAKOTA CARRIER NETWORK
4202 COLEMAN STREET
BISMARCK, ND 58503
DCN ADDITION

ON THIS ____ DAY OF ____ 20__, BEFORE ME PERSONALLY APPEARED SETH ARNDORFER, 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.

COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ____

NOTES:

LOT 1, BLOCK 1, NORTH HILLS 16TH ADDITION
EXISTING: RT - RESIDENTIAL LIGHT COMM
PROPOSED: RT - RESIDENTIAL LIGHT COMM
LOT 4B, BLOCK 3, NORTH HILLS 15TH ADDITION
EXISTING: RT - RESIDENTIAL LIGHT COMM
PROPOSED: RT - RESIDENTIAL LIGHT COMM
CITY LANDS 139-80, BLOCK 21
EXISTING: A - AGRICULTURAL
PROPOSED: RT - RESIDENTIAL LIGHT COMM

FLOOD PLAIN INFORMATION:

THE PROPERTY IS NOT LOCATED IN A FLOOD PLAIN.
FIRM PANEL 38015C0785E, ZONE X
EFFECTIVE DATE 6/6/2024

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- PLAT IS SUBJECT TO ALL PRIOR CONVEYANCES AND EASEMENTS OF RECORD.
- ALL DISTANCES SHOWN ARE MEASURED IN GROUND USING A SCALE FACTOR OF 1.000148221.
- THE ACTUAL DIMENSIONS AND LOCATIONS OF THE 10' MDU ELECTRICAL LINE EASEMENT ARE IDENTIFIED WITHIN THE RECORDED DOCUMENT #898985.
- THE ACTUAL DIMENSIONS AND LOCATIONS AT THE 20' BUFFER YARD EASEMENT AND 7' UTILITY EASEMENT ARE IDENTIFIED WITHIN THE RECORDED DOCUMENT #744861.

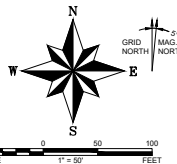
PLAT INFORMATION:

- NUMBER OF LOTS: 1
- LOT ACREAGE: 10.635 ACRES
- O.I.W. ACREAGE: 1.610 ACRES
- TOTAL ACREAGE: 12.245 ACRES

PLAT LEGEND:

- SET 3\"
- FOUND 3\"
- REBAR AND LS 27331 CAP FOUND
- REBAR AND ILLIGIBLE CAP FOUND
- CALCULATED POSITION
- EXISTING EASEMENT
- EXISTING PROPERTY LINE (NOT SURVEYED)
- BOUNDARY LINE
- RIGHT OF WAY LINE
- PROPOSED LOT LINE
- NON-ACCESS LINE
- EASEMENT LINE
- EASEMENT LINE (DEDICATED THIS PLAT)
- EASEMENT TO BE VACATED

1
(S31°11'56\"



DATE: MAY 20, 2026
SURVEY DATE: MARCH 13, 2026
HORIZONTAL DATUM: US STATE PLANE NAD 83 (2011)
NO SOUTH ZONE 3802 (BURLEIGH COUNTY GROUND)
UNITS OF MEASURE: INTERNATIONAL FEET
VERTICAL DATUM: NAVD 83

STAFF REPORT

Agenda Item # 4C

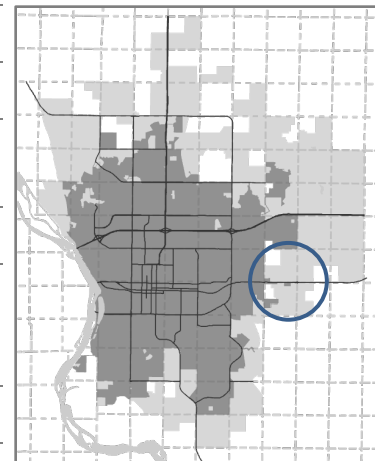
June 24, 2026

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

Project ID: **ZC2026-003**
FPLT2026-005

Project Summary

<i>Title:</i>	Berg Acres Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Stephanie Sheets – Applicant Dennis Berg – Owner
<i>Project Contact:</i>	AJ Tuck, PE, Moore Engineering, Inc.
<i>Project Location:</i>	East Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue/County Highway 10.
<i>Project Size:</i>	6.99 acres, more or less
<i>Applicant Request:</i>	Plat and rezone property for future event venue
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 parcels	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Single-family dwelling	<i>Land Use:</i>	Single-family dwelling and event venue
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	A – Agriculture CG - Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – Commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	04/1978 (partial)
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	11/1980

Project Narrative

Stephanie Sheets and Dennis Berg are requesting approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning district to the CG – Commercial zoning district and major subdivision final plat titled Berg Acres Addition.

The proposed plat and zoning map amendment are being requested to facilitate an event facility on Lot 2 of the proposed plat. There is an existing single-family dwelling on Lot 1, which will remain, but may be converted to a bridal suite in the future.

Background

The existing single-family dwelling is considered to be non-conforming, as a single-family dwelling is not permitted within the CG – Commercial zoning district unless it is in conjunction with a commercial use on the same lot. The applicant has indicated their preference to not locate the dwelling on the same lot as the event venue. This means the dwelling will continue to be non-conforming.

This property is located within city limits; however, it does not have access to municipal water or sanitary sewer services. Sanitary sewer is not yet available in this location. City staff have determined that a private on-site septic system is acceptable for the event center and existing dwelling until municipal sewer is available.

In 2020, a waterline along the south side of East Main Avenue to provide redundant water supply to the City of Lincoln was installed. An agreement

between the City of Bismarck and the City of Lincoln anticipated transfer of ownership of the water line in this location to the City of Bismarck. The City of Lincoln has signed this agreement, and the Bismarck City Commission is scheduled to review for final approval on June 23, 2026.

The applicant has indicated that they intend to develop this property in the near future. In order for this to occur, municipal water will need to be provided to this property prior to development. This is a standard requirement for properties within city limits. Additionally, municipal water is needed for fire suppression of the proposed event center. As such, staff are recommending that approval of the plat by the City Commission does not occur until the ownership of the water line is transferred to the City of Bismarck and municipal water is provided to the site.

South Central Regional Water District currently supplies rural water to the existing dwelling. Once ownership of the water line is transferred to the City of Bismarck and water extended to the site, rural water service must be disconnected, and the dwelling must be connected to the municipal water line.

During the initial staff review of the proposed plat, it was determined that a roadway along the western side of the property, extending to the south would be required to provide a corridor for the extension of municipal services and roadway network to the properties to the south for future urban growth.

(continued)

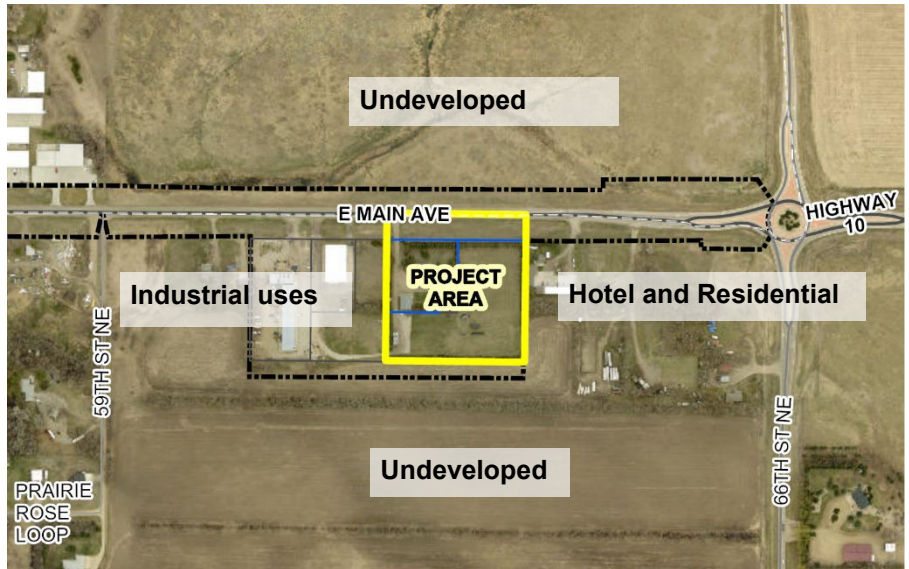
The proposed plat includes a 45-foot-wide right-of-way, roughly half of the required 80-feet of right-of-way generally required for the type of roadway anticipated. It is expected that the adjacent property owner to the west would dedicate the remainder of the right-of-way when they choose to redevelop their property.

The City of Bismarck and the applicant are working to create a development agreement that addresses timing of roadway construction and extension of municipal services. The development agreement will be approved by the City Commission in conjunction with the final plat.

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

The project area is adjacent to undeveloped land to the north across East Main Avenue/County Highway 10, a hotel and residential uses to the east, undeveloped land to the south, and industrial uses to the west.

Public Engagement

The Planning and Zoning Commission considered the preliminary plat and zoning map amendment request on April 22, 2026, and called 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 June 11 and June 18, and 22 postcards were mailed to the owners of nearby properties on June 12, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on June 8, 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.

(continued)

Review Standards and Findings of Fact

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

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 Neighborhood Mixed Use (NMU) 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 for the development of commercial uses; In particular, a wedding venue on Lot 2 of the proposed plat. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties. Portions of the property are already zoned CG – Commercial.

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 CG – Commercial was established in 1978, and the current zoning district of A – Agriculture for the remainder of the project area is the default for any piece of land that has not been otherwise zoned. Conditions have changed since this time.

The City adopted its comprehensive plan Together 2045, and Future Land Use Plan in December of 2022. The land use identifies this area and the surrounding area for residential and commercial uses.

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.

- S9: Provide the means for the adaptation of the built environment to meet complex and changing economic and social demands.
- G3: Coordinate expansion of city infrastructure and services with growth.
- G4(c): During interim periods of development before final completion of a looped water system, only allow development quantity and types that can be adequately protected from fire with available water pressure at time of occupation.

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

(continued)

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.

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, with completion of additional conditions prior to final recordation of the proposed subdivision.

The Planning and Zoning Commission tentatively approved the preliminary plat with the understanding that the waterline in East Main Avenue must extend to the event center and ownership transferred to the City of Bismarck prior to final plat approval by the City Commission. The City of Lincoln and Bismarck are nearing closure of agreement on this facility.

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

Yes. The proposed subdivision includes easements that extended into and through the plat.

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

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

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

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

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

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. The proposed plat also includes 45-feet of right-of-way for a future local roadway, 62nd Street SE, which will provide a roadway connection and utility corridor for the extension of municipal utilities for future development of the properties to the south. A plan reference map is attached to this staff report.

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

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

(continued)

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

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

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

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required at this time. A traffic impact study may be required during site plan review of the event venue.

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

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

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

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

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

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. 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 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, with the understanding that the proposed subdivision will be served with municipal water prior to future development. South Central Regional Water District currently supplies rural water to the existing dwelling. Once ownership of the water line within East Main Avenue is transferred to the City of Bismarck and water extended to the site, rural water service must be disconnected, and the dwelling must be connected to the municipal water line. An agreement is forthcoming.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future

(continued)

revenues or other public goods associated with this subdivision ([Goal G3-a](#))

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

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

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

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

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff 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 zoning map amendment from the A – Agriculture and CG – Commercial (CX – Commercial) zoning districts to the CG – Commercial zoning district and the major subdivision preliminary plat for Berg Acres Addition, with the following condition:

1. The waterline in East Main Avenue must extend to the event center and ownership transferred to the City of Bismarck prior to final plat approval by the City Commission.

Attachments

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

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

**CITY OF BISMARCK
ORDINANCE NO. XXXX**

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

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 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which is effective until October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture and CG - Commercial zoning districts and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, Berg Acres Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture and CX – Commercial Mixed Use zoning districts and included in the CG – Commercial General zoning district:

Lot 1 and Lot 2, Block 1, Berg Acres Addition

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

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

BERG ACRES ADDITION BERG ACRES ADDITION BERG ACRES
ADDITION

ZC2026-003
ZC2026-003
ZC2026-003

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

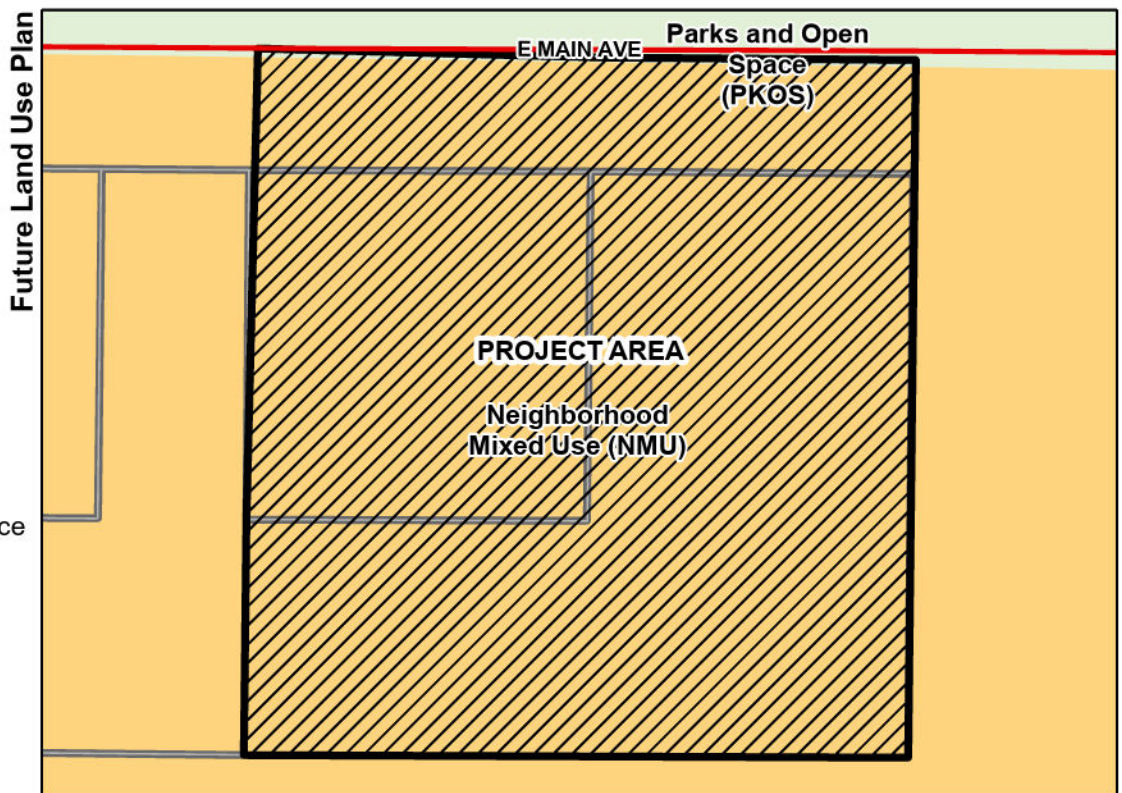
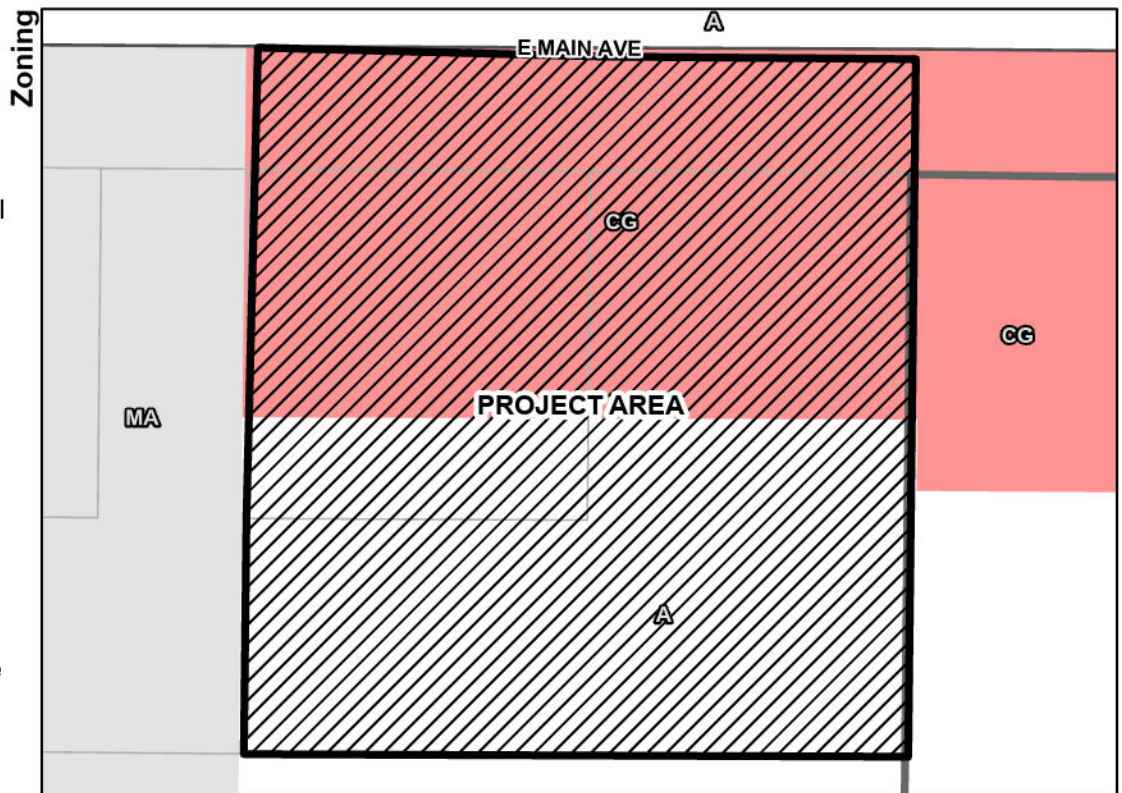
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

Active Mobility Plan

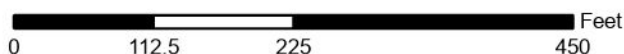
— Future Shared Trail

Major Street Plan

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



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



City of Bismarck
Planning Department
April 14, 2026

Proposed New Zoning Map

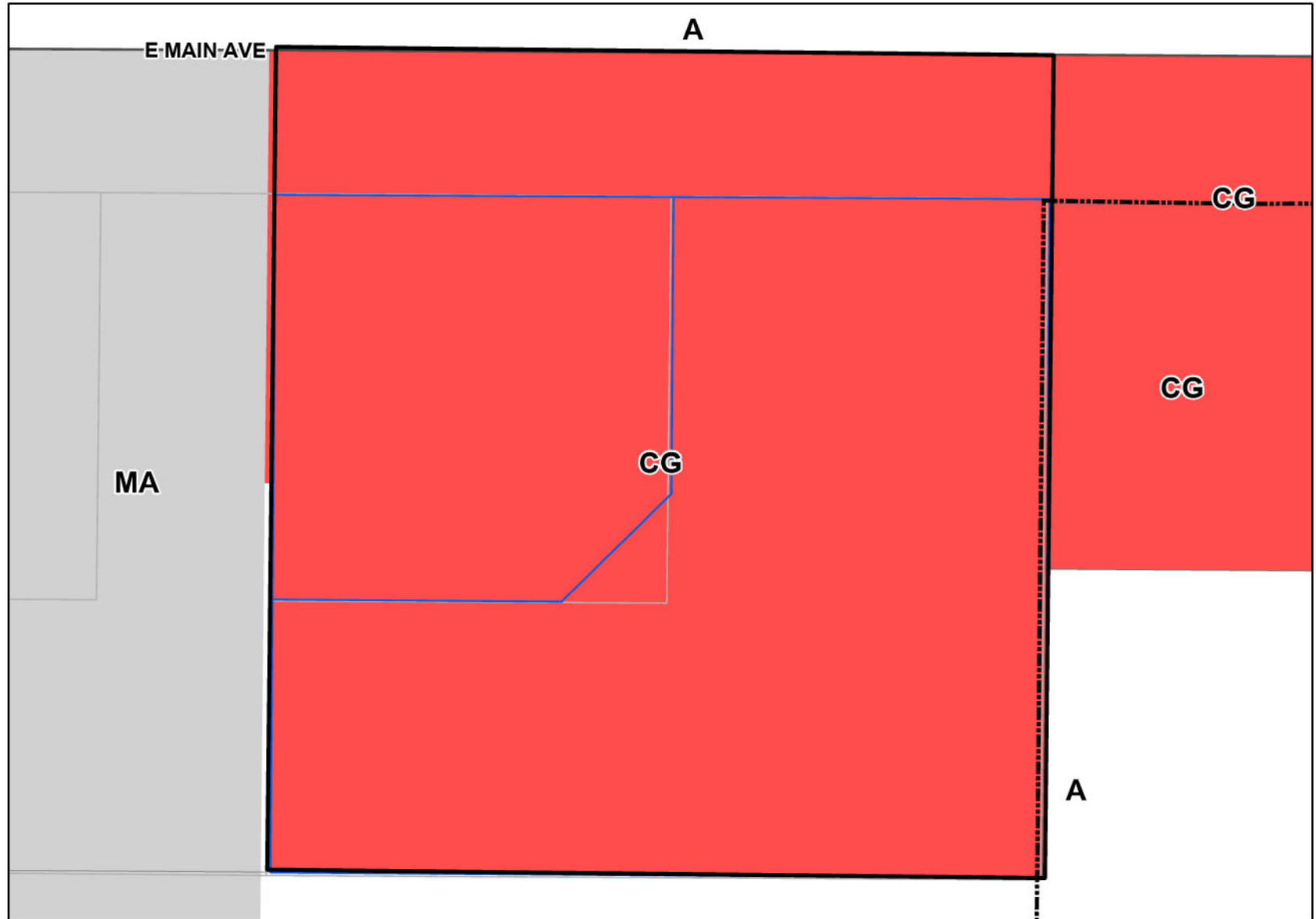
 Project Area
(zoning within
is proposed)

 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*



0 0.04 0.07 0.14 Miles

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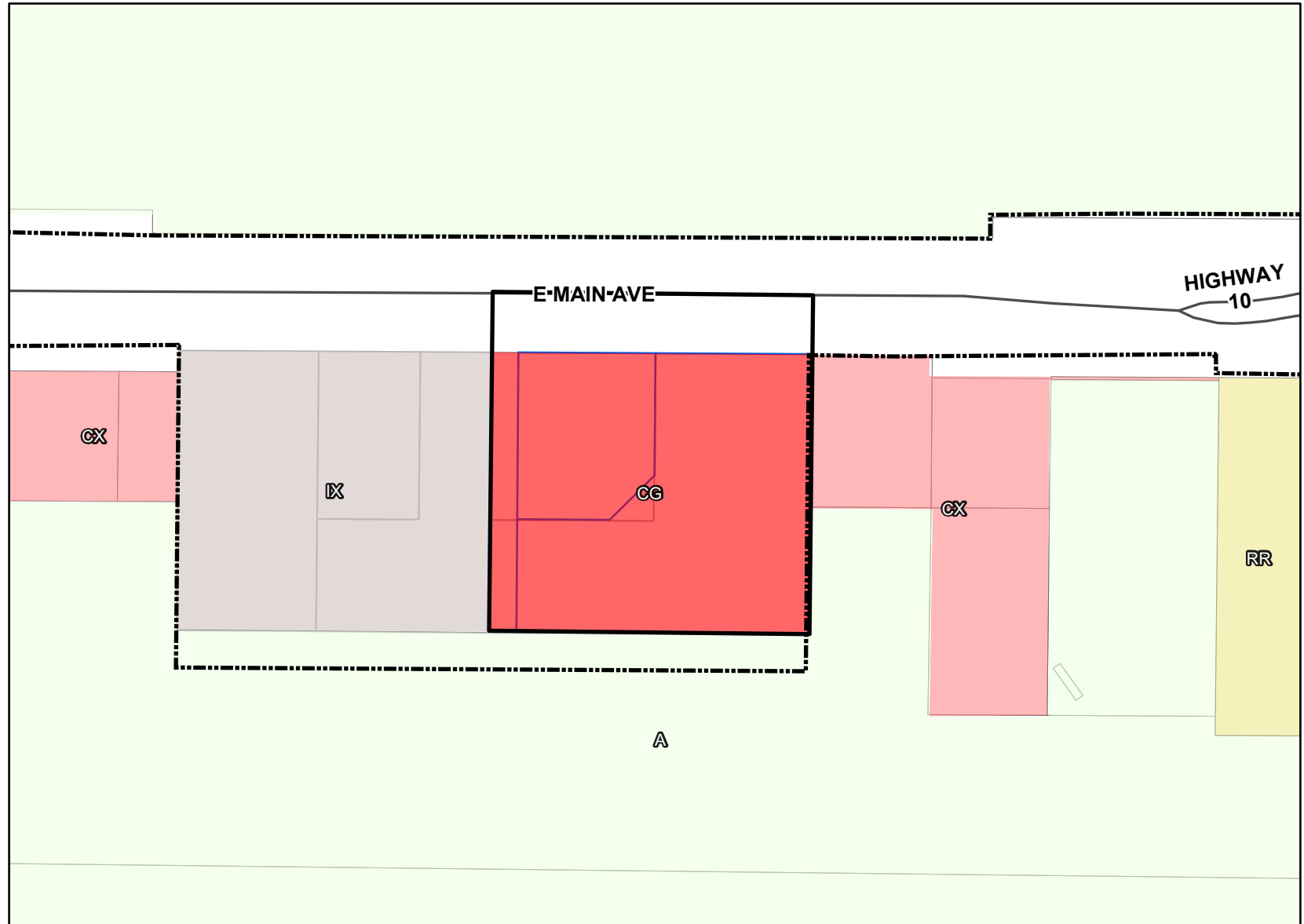
City of Bismarck
Planning Department
April 14, 2026

Proposed New Zoning Map

-  Project Area
(zoning within
is proposed)
-  City Limits

Zoning Districts

- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
- RMH** Residential
Manufactured
Housing
- RX** Residential Mixed
- OX** Office Mixed
- CX** Commercial Mixed
- CG** Commercial General
- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic
Institutional
- OS** Open Space
- PUD** Planned Unit
Development



0 0.07 0.15 0.3 Miles

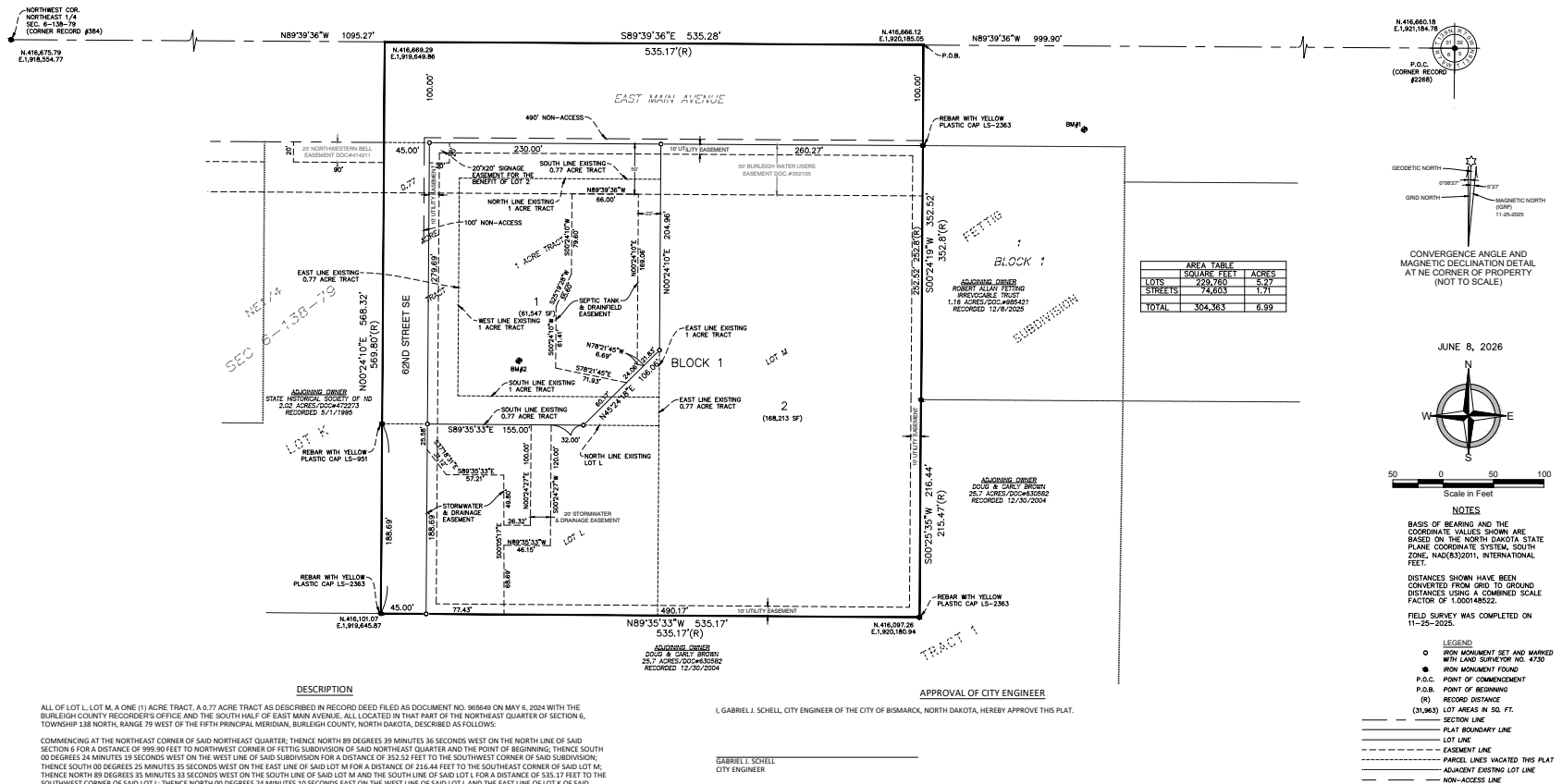


City of Bismarck
Planning Department
June 19, 2026

*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.*

PLAT OF
BERG ACRES ADDITION

TO THE CITY OF BISMARCK, BEING ALL OF LOT L, LOT M, A ONE (1) ACRE TRACT, A 0.77 ACRE TRACT AS DESCRIBED IN RECORD DEED FILED AS DOCUMENT NO. 965649 ON MAY 6, 2024 WITH THE BURLEIGH COUNTY RECORDER'S OFFICE AND THE SOUTH HALF OF EAST MAIN AVENUE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA



ALL OF LOT L, LOT M, A ONE (1) ACRE TRACT, A 0.77 ACRE TRACT AS DESCRIBED IN RECORD DEED FILED AS DOCUMENT NO. 965649 ON MAY 6, 2024 WITH THE BURLEIGH COUNTY RECORDER'S OFFICE AND THE SOUTH HALF OF EAST MAIN AVENUE, ALL LOCATED IN THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 36 SECONDS WEST ON THE NORTH LINE OF SAID SECTION 6 FOR A DISTANCE OF 999.90 FEET TO NORTHWEST CORNER OF FETTING SUBDIVISION OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 24 MINUTES 18 SECONDS WEST ON THE WEST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 353.33 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 90 DEGREES 25 MINUTES 35 SECONDS WEST ON THE EAST LINE OF SAID LOT M FOR A DISTANCE OF 216.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT M; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST ON THE SOUTH LINE OF SAID LOT M AND THE SOUTH LINE OF SAID LOT L FOR A DISTANCE OF 535.17 FEET TO THE SOUTHWEST CORNER OF SAID LOT L; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS EAST ON THE WEST LINE OF SAID LOT L AND THE EAST LINE OF LOT K OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 568.32 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 39 MINUTES 36 SECONDS EAST ON SAID NORTH LINE FOR A DISTANCE OF 353.33 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 304.363 SQUARE FEET OR 6.99 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

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 DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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 NAUM - 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 J. SCHWARTZ - PRESIDENT

ATTEST: JASON TOMANER - CITY ADMINISTRATOR

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

GABRIEL I. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

WE, DENNIS A. BERG AND STEPHANIE SHEETS, 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 BERG ACRES 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 THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE 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 ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE SEPTIC TANK AND DRAINFIELD 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 SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

DENNIS A. BERG, LIFE ESTATE

STEPHANIE SHEETS, REMAINDERMAN

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

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

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED DENNIS A. BERG, 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, BURLEIGH COUNTY, NORTH DAKOTA

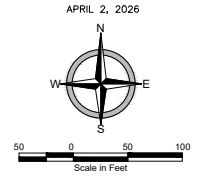
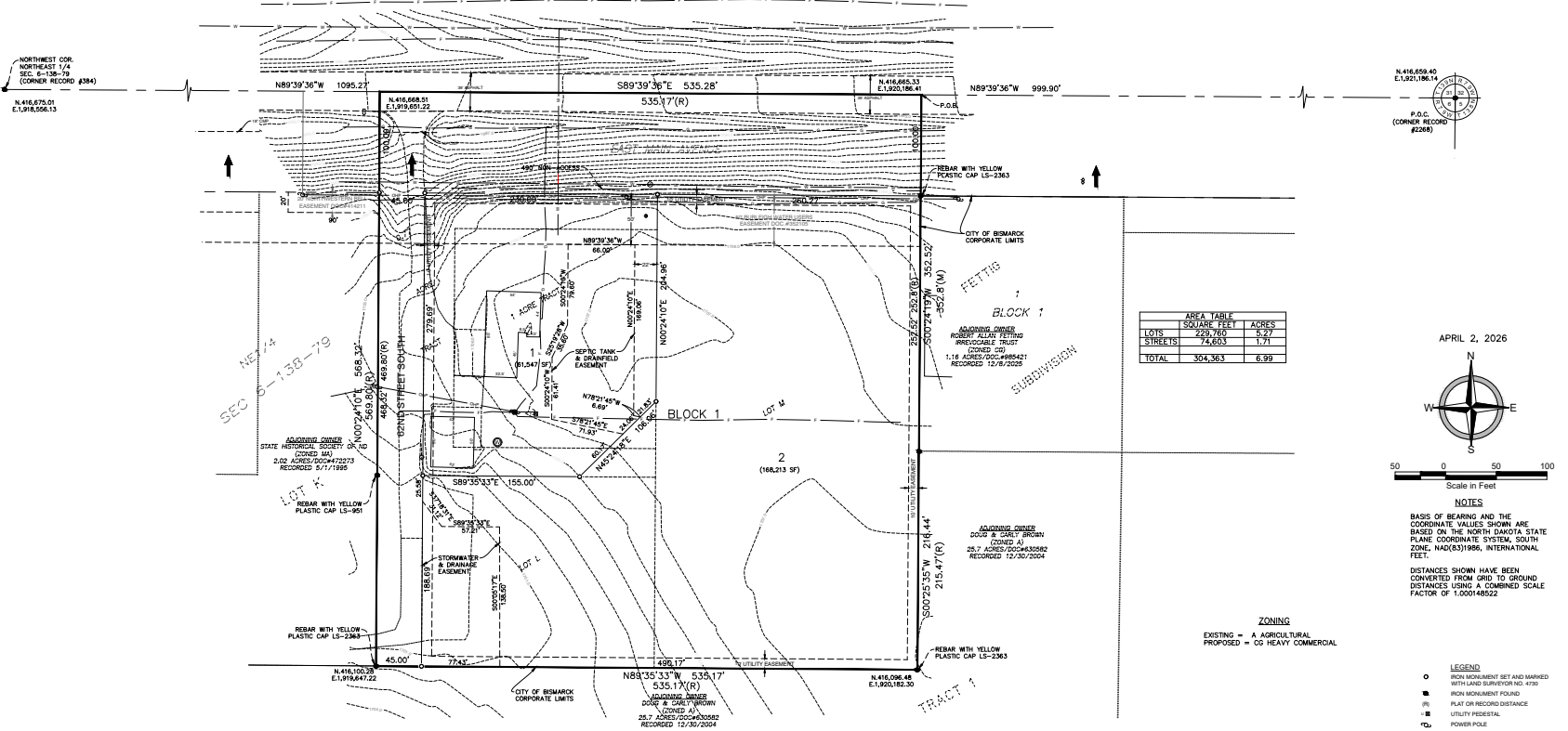
OWNER
DENNIS A. BERG
6301 E MAIN AVE
BISMARCK, ND 58501
701-450-1449

SURVEYOR
JIM ALBER
4501 GOLDMAN STREET
BISMARCK, ND 58501
701-463-0718



PRELIMINARY PLAT OF
BERG ACRES ADDITION

TO THE CITY OF BISMARCK, BEING ALL OF LOT L, LOT M, A ONE (1) ACRE TRACT AND A
0.77 ACRE TRACT AS DESCRIBED IN RECORD DEED FILED AS DOCUMENT NO. 965649 ON
MAY 6, 2024 WITH THE BURLEIGH COUNTY RECORDER'S OFFICE,
LOCATED IN THE NORTHEAST QUARTER
OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST,
BURLEIGH COUNTY, NORTH DAKOTA



NOTES
BASIS OF BEARING AND THE
COORDINATE VALUES SHOWN ARE
BASED ON THE NORTH DAKOTA STATE
PLANE COORDINATE SYSTEM, SOUTH
ZONE, NAD(83)1986, INTERNATIONAL
FEET.
DISTANCES SHOWN HAVE BEEN
CONVERTED FROM GRID TO GROUND
DISTANCES USING A COMBINED SCALE
FACTOR OF 1.000148522

ZONING
EXISTING = A AGRICULTURAL
PROPOSED = CG HEAVY COMMERCIAL

DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA,
DESCRIBED AS FOLLOWS:

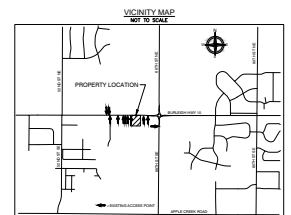
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00 DEGREES 24 MINUTES 55 SECONDS WEST ON THE WEST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 352.32 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 00 DEGREES 25 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 216.44 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST FOR A DISTANCE
OF 535.17 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 568.33 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE SOUTH 89
DEGREES 39 MINUTES 36 SECONDS EAST ON SAID NORTH LINE FOR A DISTANCE OF 535.28 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 304,363 SQUARE FEET OR 6.99 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

OWNER DENNIS BERG
6041 E MAIN AVE
BISMARCK, ND 58501

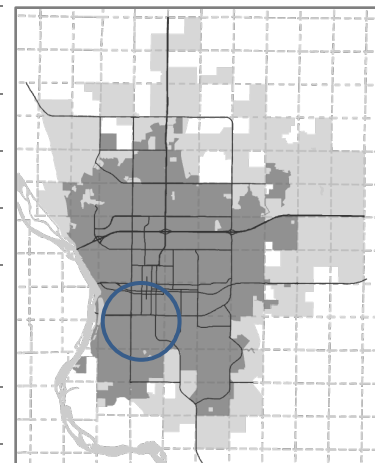
OWNER STEPHANIE SHEETS
6425 EDGERLY LANE
LINCOLN, ND 58504

SURVEYOR JIM ALBERT
4503 COLEMAN STREET
BISMARCK, ND 58501



Project Summary

<i>Title:</i>	Part of Meadow Valley Addition and Part of the Replat of Lot 1, Block 2, Meadow Valley Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	BDC-Expressway, LLC
<i>Project Contact:</i>	Jennifer Smith, CED, Colliers 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>	Construct a bank with a drive-through facility
<i>Staff Recommendation:</i>	Approve



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 (MPLT2026-003)
<i>Land Use:</i>	Vacant restaurant	<i>Land Use:</i>	Bank
<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>	05/2026
<i>Platted:</i>	06/1967 & 05/1971
<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Colliers Engineering, on behalf of BDC-Expressway, LLC, is requesting approval of a special use permit in for a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2 of Meadow Valley Addition.

The project area is located within a proposed replat, of the previously stated legal description, to create a two lot in one block subdivision titled Meadow Valley Sixth Addition. The Planning and Zoning Commission recommended approval of the replat on May 27, 2026, but it has not yet received final approval by the City Commission or been recorded.

If the new plat is approved, the special use permit would apply to a bank to be located on the proposed eastern lot. The applicant applied prior to the new subdivision being approved and recorded, and noted the existing legal description on the application.

No zoning change is being requested; however, per the recently adopted Land Development Code and associated official zoning map which were approved by the City Commission on May 26, 2026, and will take effect on October 1, 2026, this area would change from CG – Commercial to the new CX – Commercial Mixed-Use zoning district, unless a zoning change of some kind is requested sooner.

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 special use permits for drive-throughs in conjunction with financial institutions 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

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

(continued)

June 11 and 18, and 45 postcards were mailed to the owners of nearby properties on June 12, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on June 8, 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)

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.”

Both the current parcel and the proposed lot in the pending subdivision meet the relevant dimensional standards of the zoning ordinance and all other information provided by the applicant indicates that 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 provided site exhibit, 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 provided site exhibit, 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 provided site exhibit, 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 provided site exhibit, 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

(continued)

occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.”

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

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2 of Meadow Valley Addition.

Attachments

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

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

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR A DRIVE-THROUGH IN CONJUNCTION WITH A FINANCIAL
INSTITUTION
IN PART OF MEADOW VALLEY ADDITION & PART OF THE REPLAT OF LOT 1, BLOCK 2,
MEADOW VALLEY ADDITION (SUP2026-003)**

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

WHEREAS, the owners of property described as Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2, Meadow Valley Addition have requested approval of a special use permit to allow a drive-through 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 June 24, 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 a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2, Meadow Valley 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 24th day of June, 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 June 24, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn, AICP
Planning Director
Bismarck, North Dakota

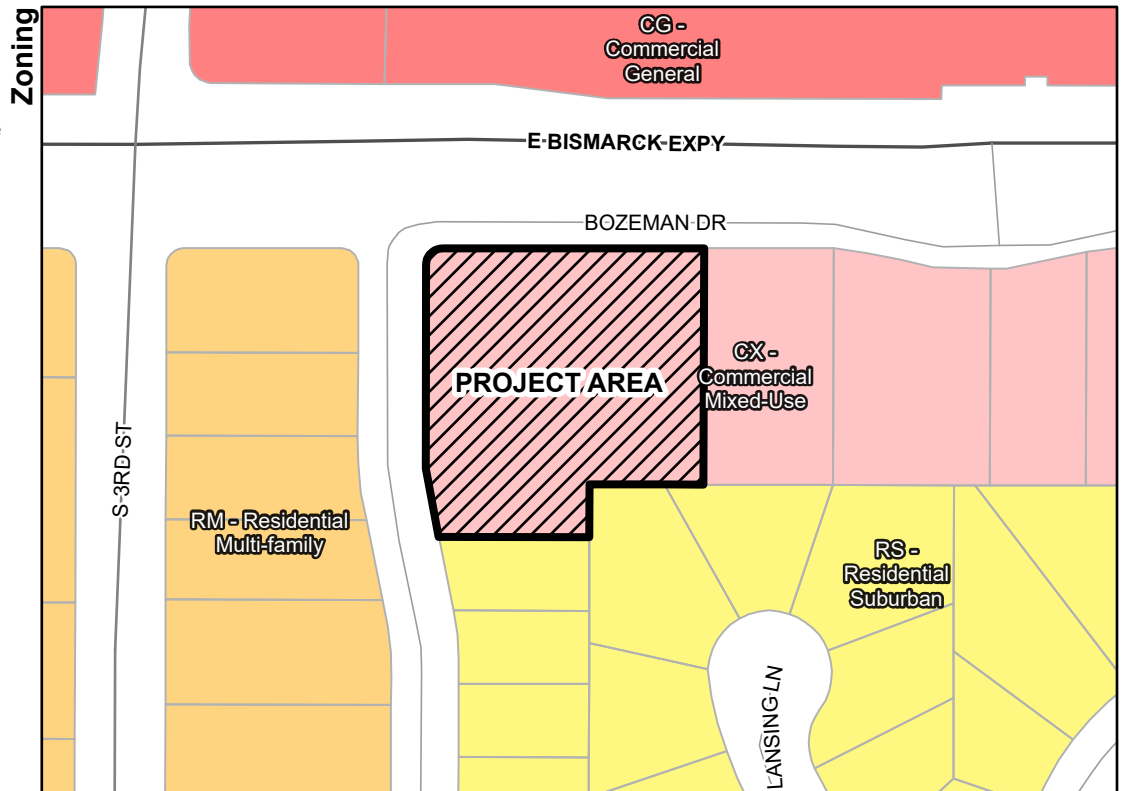
Date

DRAFT

Label: LDC Zoning (Old Zoning)

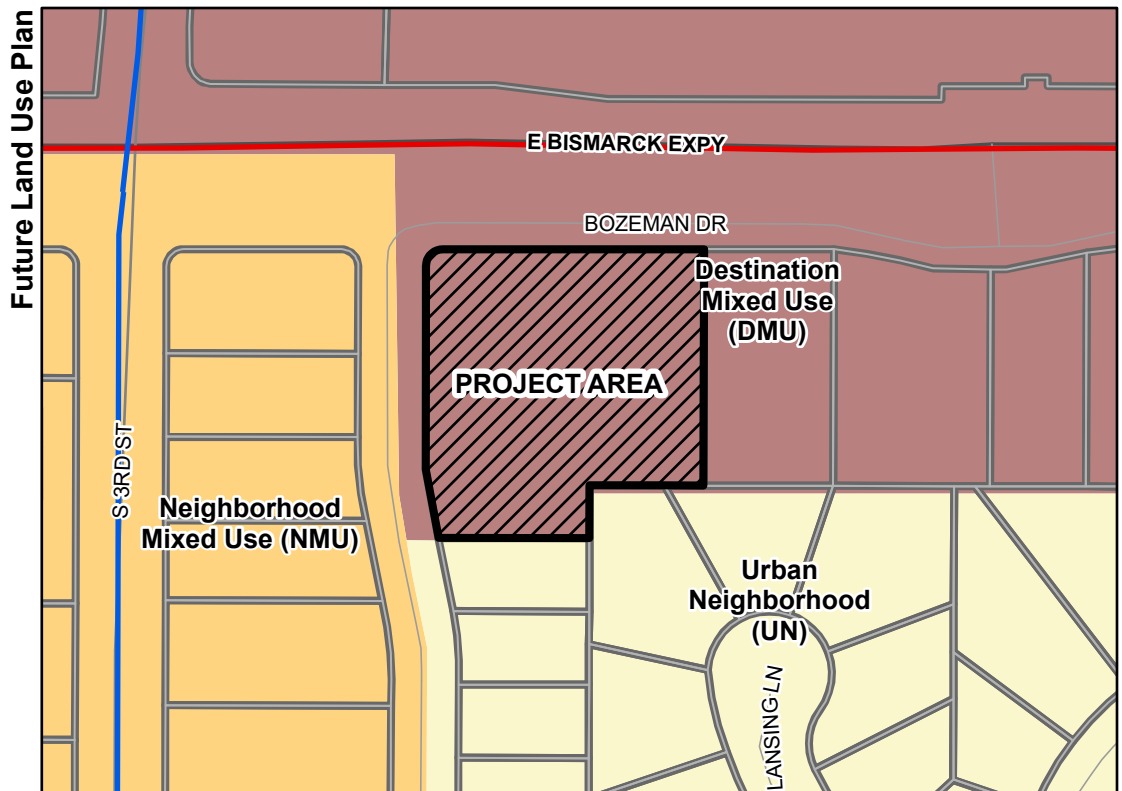
Zoning Districts

A	Agriculture
RRE	Residential Rural Estate
RR	Residential Rural
RS	Residential Suburban
RM	Residential Multi-Family
RU	Residential Urban
RMH	Residential Manufactured Housing
RX	Residential Mixed
OX	Office Mixed
CX	Commercial Mixed
CG	Commercial General
IX	Industrial Mixed
IG	Industrial General
DT	Downtown
PCI	Public Civic Institutional
OS	Open Space
PUD	Planned Unit Development



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



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

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

0 125 250 500 Feet



City of Bismarck
Planning Department
June 15, 2026

EAST BISMARCK PARKWAY

BOZEMAN DRIVE

BOZEMAN DRIVE

NORTH 169.33

WEST 133.56

WEST 101.00

NORTH

GENERAL NOTES:

1. THE UNDERGROUND STRUCTURES AND UTILITIES SHOWN ON THESE PLANS HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORD PLANS. THEY ARE NOT GUARANTYING THE ACCURACY OF THEIR LOCATION AND/OR COMPLETENESS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND EXTENT OF ALL UNDERGROUND STRUCTURES AND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION ACTIVITIES IN THEIR VICINITY.
2. THE CONTRACTOR SHALL PERFORM ALL WORK IN COMPLIANCE WITH TITLE 39 OF FEDERAL REGULATIONS, PART 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION (OSHA).
3. ALL ROADS AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF PUD, DEBRIS ETC. AT ALL TIMES.
4. REFER TO ARCHITECTURAL DRAWINGS FOR PIECE BUILDING DIMENSIONS.
5. THE CONTRACTOR SHALL CONSULT THE CONSTRUCTION MANAGER BEFORE DEVIATING FROM THESE PLANS.
6. IN ALL TRENCH EXCAVATIONS, CONTRACTOR MUST LAY THE TRENCH SIDE SLOPES BACK TO A SAFE SLOPE, USE A TRENCH SHIELD OR PROVIDE SHEETING AND BRACING.
7. ALL EXISTING SURFACE APPURTENANCES I.E. WATER VALVES, CATCH BASIN FRAMES AND GRATES, MANHOLE COVERS WITHIN THE PROJECT LIMITS SHALL BE ADJUSTED TO FINISHED GRADE.
8. AREAS DETURBED OR DAMAGED AS PART OF THE PROJECT'S CONSTRUCTION THAT ARE OUTSIDE OF THE PRIMARY WORK AREA SHALL BE RESTORED AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
9. THE CONTRACTOR SHALL CALL "888 682" AT LEAST 3 WORKING DAYS (EXCLUDING WEEKENDS AND HOLIDAYS) PRIOR TO CONSTRUCTION.
10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE CODES, ORDINANCES, DESIGN STANDARDS AND STANDARD SPECIFICATIONS OF THE AGENCIES WHICH HAVE THE RESPONSIBILITY OF REVIEWING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OR ALL ITEMS INCLUDED IN THESE PLANS.
11. UNLESS SPECIFICALLY STATED, THE CONTRACTOR SHALL APPLY FOR AND OBTAIN ALL NECESSARY PERMITS AS REQUIRED FOR CONSTRUCTION OF THIS PROJECT PRIOR TO THE BEGINNING OF WORK FROM THE FOLLOWING MENTIONED AGENCIES.
12. THE CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY. THE REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
13. WHEN ANY EXISTING UTILITY REQUIRES ADJUSTMENT OR RELOCATION, THE CONTRACTOR SHALL NOTIFY THE PROPER UTILITY COMPANY AND COORDINATE THE WORK ACCORDINGLY. THERE SHALL BE NO CLAMP INDEBT FOR THE CONTRACTOR FOR ANY COSTS CAUSED BY DELAYS IN CONSTRUCTION DUE TO THE ADJUSTMENT OR RELOCATION OF UTILITIES.
14. THE CONTRACTOR IS TO VERIFY THAT THE PLANS AND SPECIFICATIONS THAT HEIGHT BUILDING FROM ARE THE VERY LATEST PLANS AND SPECIFICATIONS THAT HAVE BEEN APPROVED BY ALL APPLICABLE FIRE-DEPARTMENT AGENCIES AND THE OWNER. ALL ITEMS CONSTRUCTED BY THE CONTRACTOR PRIOR TO RECEIVING THE FINAL APPROVAL AND PERMITS HAVING TO BE ADJUSTED OR RELOCATED, SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
15. SHOULD THE CONTRACTOR ENCOUNTER CONFLICT BETWEEN THESE PLANS AND SPECIFICATIONS, EITHER AMONG THEMSELVES OR WITH THE REQUIREMENTS OF ANY AND ALL REVIEWING AND PERMITTING AGENCIES, THE CONTRACTOR SHALL, WITHOUT DELAY, NOTIFY THE CONSTRUCTION MANAGER BEFORE COMMENCEMENT OF CONSTRUCTION. FAILURE TO DO SO SHALL BE AT THE SOLE EXPENSE TO THE CONTRACTOR.
16. THE CONTRACTOR SHALL FURNISH AS-BUILT DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS FROM APPROVED DRAWINGS.
17. ALL SIGNS AND TRAFFIC CONTROL MEASURES DURING CONSTRUCTION AND MAINTENANCE ACTIVITIES SHALL BE CONSTRUCTED AND INSTALLED PER THE 2023 EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
18. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL CONFORM TO THE STANDARDS OF THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION.

SITE DATA:

ZONING: SITE - CG - COMMERCIAL DISTRICT
NORTH - CG - COMMERCIAL DISTRICT
EAST - CG - COMMERCIAL DISTRICT
WEST - CG - COMMERCIAL DISTRICT
SOUTH - RS - SINGLE FAMILY RESIDENTIAL

LAND USE: SITE - RESTAURANT (EXISTING)
BANK (PROPOSED)

LOT AREA: 0.37 ACRES

SETBACKS: FRONT - 15' BUILDING
REAR - 20' BUFFER YARD
SIDE - 5' BUILDING

BUILDING HEIGHT: 15' ALLOWED
21'-6" PROPOSED

SITE LEGEND:

--- PROPERTY SETBACK LINE

--- PROPERTY LINE

CONCRETE

HMA STANDARD PAVEMENT SECTION

LANDSCAPE AREA. SEE SHEET C400 FOR DETAILS

KEY NOTE

NUMBER OF PARKING SPACES

KEY NOTES:

- A. STANDARD PAVEMENT SECTION. SEE DETAIL A1 ON SHEET C700.
- B. CONCRETE PAVEMENT SECTION. SEE DETAIL A2 ON SHEET C700.
- C. DIRECTIONAL PAVEMENT MARKINGS. COORDINATE PLACEMENT AND DETAILS WITH CHASE APPROVED BRAND BOOK.
- D. CONCRETE SIDEWALK. SEE DETAIL A3 ON SHEET C700.
- E. BARRIER FREE RAMP. SEE DETAIL B3 ON SHEET C700.
- F. ADA STRIPPING AND SIGNAGE (TYP). SEE DETAILS B1 AND B2 ON SHEET C700.
- G. CONCRETE CURB AND GUTTER (TYP). SEE DETAIL C1 ON SHEET C700.
- H. BIKE RACK. SEE DETAIL C2 ON SHEET C700.
- I. PROPOSED STOP / DO NOT ENTER SIGN.
- J. DUMPSTER ENCLOSURE. SEE STANDARD CHASE NOTES ON A04.
- K. PROPOSED BOLLARD. SEE DETAIL C4 ON SHEET C700.
- L. ADA DETECTABLE WARNING. SEE DETAIL B4 ON SHEET C700.
- M. CROSSWALK STRIPPING (TYP). SEE DETAIL C2 ON SHEET C700.
- N. PROPOSED MONUMENT SIGN. SEE CHASE APPROVED BRAND BOOK FOR DETAILS.
- O. PROPOSED WHEEL STOP. SEE ARCHITECTURAL PLANS FOR DETAILS.
- P. PROPOSED LIGHT POLE. SEE DETAIL D3 ON SHEET C700. REFER TO ELECTRICAL PLANS FOR EXACT LOCATION.
- Q. PROPOSED DETACHED DRIVE-UP HEADACHE BAR. SEE SHEET A04 FOR DETAILS.
- R. PROPOSED 6' SCREENING FENCE. SEE DETAILS D1 AND D2 ON SHEET C700.

REV | DATE | DESCRIPTION

CHASE

BISMARCK WEST

401 E. BISMARCK
EXPRESSWAY,
BISMARCK, ND 58504

Colliers
Engineering & Design

SCALE: AS SHOWN
DESIGNED BY: JLS
DATE ISSUED: 05/15/2026
SHEET NAME:

DRAWN BY: ADW
REVIEWED BY: RFB
PROJECT NUMBER: 25011356A

SITE PLAN

DRAWING NUMBER

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. Meeting Attendance. if that member has failed to attend A Planning and Zoning Commissioner may not be absent for three (3) consecutive regular meetings of the Commission or has failed to attend seven (7) regular meetings total within one calendar year any twelve month period.~~
- ~~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.
- F. 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), for failure to comply with terms of these Bylaws. Said board

shall make judgment on such matters after receiving a report from the Chairperson or designee.

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