



AGENDA
PLANNING & ZONING COMMISSION
APRIL 22, 2024
COMMISSION ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM

The public may access the LIVE meeting at:

Watch & Listen

Government Access (Midcontinent) cable channels 2 & 602 HD Streaming LIVE at:
tinyURL.com/FreeTV-602 and on Roku or Apple TV Listen

Radio Access 102.5 FM

RadioAccess.org

Or Telephone:

Dial: + 1 312 626 6799

Zoom Webinar:

<https://us02web.zoom.us/j/86017964465>

Webinar ID: 860 1796 4465

The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before 3:30 p.m. on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

A. ROLL CALL

B. CONSIDER APPROVAL OF MINUTES

1. March 25, 2024 Minutes

C. PUBLIC HEARINGS

1. **Consider a parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.**

Staff Recommendation: Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

2. Consider a setback variance for Lot 1, Block 1, Ramblewood 11th Addition.

Staff Recommendation: Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

3. Consider a zone change for Meadow Park Mobile Home Park.

Staff Recommendation: Staff recommends approval of the zone change from MHS - Mobile Home Subdivision to RH - Residential.

4. Consider a zone change for Gateway Mobile Home Park.

Staff Recommendation: Staff recommends approval of the zone change from CB - Commercial to RH - Residential.

5. Consider a variance to build a garage without a house for Riverside 2nd Addition.

Staff Recommendation: Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

Regarding the minor plat, Staff will present this for consideration at a future meeting of the City Commission for their review and approval.

D. OTHER BUSINESS

E. ADJOURN

- A. ROLL CALL Those present were Ellen Huber, Russell Leingang, Tim Helbling, Will Gardner, Bill Robinson, Miles Mehlhoff, Victoria Vayda Hammond, Craig Smith, Tanner IntVeld, Rick Horn.

Commissioner Gardner left the meeting at 5:36 p.m.

B. CONSIDER APPROVAL OF MINUTES

1. *Consider approval of the February 26, 2024 minutes.* Smith moved and Vayda Hammond seconded to approve. Roll Call vote: Aye 10, Nay 0 None, Absent McLean, Buchmiller. The motion passed.

C. PUBLIC HEARINGS

1. *Consider a variance to Section 105-1-3 (g) of the City Code of Ordinances related to Incidental Uses, Accessory Structures, Size for Lots 1 & 2, Block 19, Southside Addition.* City Principal Planner Stromme presented.

Jerry and Shawn Stryker requested approval of a zoning variance from Section 105-1-3 (g) of the City of Mandan Code of Ordinances related to Incidental Uses - Accessory Structures - Size for a proposed detached garage to be constructed to be equal in size to the existing home structure. The previous garage was removed in 2023. The City Ordinance allows detached accessory buildings to be up to 75% or 3/4 the size of the home they are accessory to. The property is in southwest Mandan, east of 10th Ave SW, south of 3rd Street SW on the southwest corner of 4th Street SW and 9th Avenue SW. Said property is Lots 1 & 2, Block 19, Southside Addition to the City of Mandan, Morton County, North Dakota in Section 33, Township 139, Range 81.

Project Overview

The applicant proposes to construct a detached 3-stall garage south of the existing home. The garage would adhere to building setbacks and be accessed from the alleyway. The variance requested would allow the garage to be 180 sf larger than allowed by City Ordinance (720 sf instead of the allowed 540 sf); a 24 ft. x 30 ft. structure with garage doors and vehicular access to the alley to the south end of the property.

Requested Variance

Sec. 105-1-3 (g) of the City Code of Ordinances permits accessory buildings in the R3.2 - Residential district provided that the total area of all accessory buildings is less than 75% of the size of the principal structure on the property it is an accessory to. The applicant states that this ordinance, when applied to the lot and nearly 100-year-old home, is preventing the construction of a garage that is common by 2024 standards. The applicant is requesting to be able to construct a detached garage that is equal in size to the home on the property. The variance is regarded the size equivalency of 1:2 relevant to the existing home for a 3-stall garage. The applicant provided a Statement of Hardship (See: Exhibit #2 provided in the agenda packet).

Property History

Southside Addition was platted in 1883 and the property was developed with a single-family home in 1929. The home previously had a detached single-stall garage that was demolished in 2023.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties to the north, south, east and west are zoned R3.2 - Residential and are primarily residential in nature. Mary Stark Elementary School is northeast of the subject property. The future land use designation is medium-density residential.

Additional Information and Public Outreach

- The Application and fee of \$400 was received on February 14, 2024.
- Seventeen (17) letters were sent to adjacent property owners. There have been no complaints or protests received.
- The required legal notice was published on March 15, 2024.

Findings of Fact

Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the R3.2 - Residential District.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

RECOMMENDATION:

Planner Stromme stated that the Planning Department recommended review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board. The applicants were present to answer questions.

Chair Robinson inquired if there were any comments or questions.

Commissioner Mehlhoff inquired if the request were for an attached garage, would that percentage apply? Planner Stromme explained that that section of the code is only for attached garages and a typical city policy would be attached garages to homes that would be considered one structure that would need to fall under the lot coverage. The city does not get involved with the ratio between the garage and the attached living space, rather it is the detached accessory unit that the Ordinance affects. Commissioner Mehlhoff stated that in full disclosure, he was a previous owner of this home and the applicant would not be able to build an attached garage, based on the elevation of the first floor.

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a variance to Section 105-1-3 (g) of the City Code of Ordinances related to Incidental Uses, Accessory Structures, Size for Lots 1 & 2, Block 19, Southside Addition.

Jerry Stryker came forward and provided information related to his request. The height of the home extends out of the ground by about 4 ft. He said he researched options of attaching a garage to the home, however, the only kitchen window would have to be eliminated and in addition, there would have to be 4 to 5 steps constructed to get to the garage level. Based on those conditions, the only other option would be to construct a detached garage which proved to be the best option for their budget. Planner Stromme commented that the applicant's plans include matching the materials for the detached garage to the existing home.

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Chair Robinson inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

Commissioner Smith commented that the ordinance for zoning for the R3.2 Section 105-3-7 has a provision on lot coverage in addition to all the setbacks but on the lot coverage it counts all structures on a lot that are limited to 50% of the total square footage of a lot. This lot appears to be @ 7,000 sf or 6.1 acres or roughly 3,500 sf; thus under the zoning ordinance they could build one or more structures; so the limitations are in the uses provisions within the 75% and it limits it to the 10% all accessory buildings of the lot area which is inconsistent with the other ordinance. In his opinion, the R3.2 zoning ordinance was adopted in 2016 wherein it appears the intent was to control the overall size of the structure of the lot when considering the incidental uses. The other concern with incidental uses provision where the garage does not have to be directly attached to the home, if there is a 6-ft. breezeway then it would be considered as part of the house. If it is attached or a breezeway or under the zoning rule then the applicant could easily do this; they could take 14,440 sf and that would be under the requirement. He stated that he would support the variance request.

Chair Robinson inquired if there were any further comments or questions.

Commissioner Smith motioned to recommend approval of the accessory building size variance from Sec. 105-1-3 (g) of the City Code of Ordinances related to Residential Accessory Buildings - Size, and to permit the variance request due to the following hardship:

Strict application of the provisions of the Zoning Ordinance would deprive the property owner of the reasonable use of the property. Commissioner Mehlhoff seconded. Ms. Moser noted that Commissioner Gardner was excused from the meeting prior to this vote being taken. Upon vote, the motion passed unanimously.

Of Note: Planner Stromme clarified that he has the motion verbiage and stated there is no need to mention the minor plat as there is a minor plat with this one.

Smith moved and Mehlhoff seconded to approve. Roll Call vote: Aye 10, Nay 0 None, Absent McLean, Buchmiller, Gardner. The motion passed.

2. *Consider Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition.* . Principal City Planner Stromme presented. He stated that this item is a continuation from the February 26, 2024 meeting.

The Shores at Lakewood Phase 2 is a proposed continuation of the Shores at Lakewood Masterplan which received approval from the City of Mandan in 2022. The preliminary plat for the second phase was presented at the February 2024 Planning and Zoning Commission however action was not taken.

Proposed Preliminary Plat

The proposed preliminary plat is 46.82 acres in size and would contain 126 lots in three (3) blocks. It would include the dedication of public right of way for future public streets and utilities. The plat generally conforms to the masterplan. The developer proposes to construct a private park on Lot 56, Block 2 (which conforms to the masterplan) and a dog park on Lot 58, Block 1 which does not conform to the original masterplan submittal. The development would be constructed so that Grotto Loop SE and Oxbow Trail SE form a "loop" providing secondary access to the lots in phase 2. This involves the extension of Oxbow Trail SE from its present terminus near Oxbow Trail SE and 29th Street SE to the south to connect to the south end of the Shores at Lakewood. Lot 58, Block 2 and is intended to be a storm water / amenity lot. Lot 65, Block 1 would be a city sewer lift station. Lots 58-64, Block 1, while beyond the boundaries of the original masterplan, are proposed to be developed in a manner generally consistent with the zoning in place today. The property, which is zoned R7 - Residential, is proposed to be placed into the Shores at Lakewood PUD and developed according to the guidelines in place for R7 - Residential lots in that development PUD, which is generally a setback reduction of one foot. The developer is proposing private streets to serve lots 36 - 64 in block 1. Several easements are shown on the plat including some to facilitate access, utilities, stormwater conveyance, private drives, and maintenance of the LHRWRD levee. The developer is proposing to use water that is in the pond for a community wide irrigation system that is being reviewed by staff. The proposed crossing locations would be on one of the exhibit's details wherein locations would be underground and in the utility easement and essentially every home in Lakewood Shores would receive irrigation in the master community work. The pond would have its irrigation inlet in the north side by the park. This would be a private park and there is a concept in the updated packet that details what the HOA park would look like. Each HOA lot would pay and the HOA would then own the parks and developed as shown on the map. Aside from the original plan, they are submitting a request to have a dog park on McKenzie Drive southeast in a part of Lot 58, Block 1 which would be the lot depicted and this area between Lot 58 and Lot 64 is a deviation from the original plan. Following Master Plan approval it has been included in the requested development.

Proposed Zone Change

The requested zone change would place the lots into the Shores at Lakewood PUD which specifies setback requirements and design standards for the various R3.2, R4, and R7 - Residential lots in the development and to request a front yard setback due to constraints they have and the inability to have a driveway. A copy of the PUD Narrative is included as an exhibit. The PUD Narrative, relative to its regulations on home placement / setbacks, which is of primary importance to the city.

Other Project Information

A conceptual rendering of proposed park improvements is shown as an exhibit. The park facilities in this development are planned to be private.

Findings of Fact

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time of development, subject to future approval of civil utility plans;
5. Portions of the subdivision are in the Special Flood Hazard Area, however the subdivision is proposed to be developed according to the existing ordinance requirements pertaining to Floodplain Development and therefore, the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Zone Change

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change would not adversely affect public health, safety, and general welfare.

Staff Comments

Staff generally supports the proposed development, particularly the elements consistent with the original masterplan submission. For conditional approval of this plat, several items need to be addressed. These include concerns regarding access to the private street from McKenzie Drive SE which may require a right-of-way vacation request, the proposed City sewer lift station and upstream sewer capacity vs. alternatives, civil plans, a conceptual development-wide irrigation system, and other requested changes. This review will facilitate a clearer approval process for staff, city leaders, and the development team. The applicant has provided updated exhibits for the commission which include a

preliminary plat, detail on proposed irrigation crossings, zoning exhibits. Staff does not support the addition of a dog park on Lot 58, Block 1.

Other Information and Public Outreach

- Applications and fees of \$1,100 were received on January 22, 2024.
- Seventy-Two (72) letters were mailed to adjacent property owners.
- Legal notices were published on March 15 & March 22, 2024.
- Staff has received questions from neighboring property owners regarding the proposed development, specifically what the zone change was for, how the development would be accessed, and what the developer is proposing for earthwork.

RECOMMENDATIONS

Planner Stromme reviewed staff recommendations for approval of the preliminary plat for Shores at Lakewood 2nd Addition contingent upon:

- City Sanitary Sewer Capacity Analysis;
- Evidence of support by Utility providers for lot combination plan;
- Updated covenant/by laws for legal description and ownership issues; specifically, how over the course of the phased development the developer plans to ensure the HOA members own equitably their share in the common spaces;
- Request to vacate city right of way where the private drive is proposed;
- Final determination on allowance and operation of the development wide sprinkler system;
- Further discussion of city leaf collection site which is presently in a city right of way south of McKenzie Drive SE.

It is Planner Stromme's understanding there will not be a final plat application until there is a better sense of the lots to be combined. It appears the updated covenants and bylaws for the legal description and ownership are being addressed. The right of way vacation would be for the private use public right and way and then they could petition for development. The city will need to have verification for private irrigation lines in the city right of way and discussion on the collection site. The contingencies are related to the details of what the development entails.

RECOMMENDATION

Planner Stromme stated that it is staff's recommendation to approve the Preliminary Plat and Zone Change for the development of the Shores at Lakewood 2nd addition, with the contingencies outlined by staff.

Chair Robinson inquired if there were any comments or questions.

Mayor Helbling inquired that with regard to the plat if Planner Stromme is comfortable with the driveway widths and the amount of street frontage that is going to be taken up with placement of snow. Are there restrictions on the width of the driveways or anything of that nature in a Development Agreement?

Planner Stromme stated those concerns have been discussed at pre-planning meetings. During the current review and rewrite of the ordinances, discussions have been ongoing regarding these types of issues. He believes the engineering and the planning staff has come up with a plan for issues such as these while at the same time being conscious about placement of driveways and curb spaces. Mayor Helbling

inquired about the irrigation allowing that into public right of way (he has never seen that done before) – what is the added expense to the city if a utility must be dug up? Will this irrigation system be the same as the water line going into the home or is it of lesser quality or a different depth? What effect, if it is something lesser what effect could that have on the public utilities in the case of a break or malfunction?

Planner Stromme stated that all those issues are under consideration by Public Works, Engineering and Planning staff. The Public Works Dept. reached out to the Dept of Health that requires approval of fresh water and sewer, etc. There have not been any concerns based on the placement of jeopardizing the safety of water. At this time, there is not a complete sense of what the impact will be if a line was hit accidentally, however, a plan as been developed that included some protective controls, per se, with plans to have the lines located with wire placed on them so that they are easier to locate irrigation, called tracer wire that will be located on both sides of a crossing. The concern is the location of it within a right of way. Chair Robinson commented that another element of the irrigation system, levee and horizontal drilling. There was a seepage analysis performed by the developer when they started this project and there are situations there wherein, they will have to have another seepage analysis done due to standards of what the original approval was. There are other elements that occur within the 500 ft. reach of the levee.

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition.

Arthur Goldammer, the developer, came forward and provided information on the irrigation system crossing McKenzie, they utilized the storm water trench that is currently open that was approved previously from east to west. There are no additional excavations and at the eastern crossing of McKenzie, caution was taken to make sure it is out of the 500 ft. zone, so they did not compromise anything with the federal levee system. Regarding driveway placement, parking, and snow removal on the boulevards – this was discussed with the city wherein we are going to do planned curb drops so there can be a left or right driveway orientation that will be set in order to maximize parking. The HOA will be providing snow removal for all the residents for driveways, sidewalks, and the city would do the street. Concerns from Public Works seem to be mitigated for having a community-based snow removal service to do individualized work. Chair Robinson requested information on the plan for irrigation to Lower Heart prior to this being finalized. Mr. Goldammer stated that information will be provided promptly. The thought is to be environmentally conscious to provide homeowners relief from their water bills and have capacity relief for other city projects. He stated he has received the draft version back of the Covenants from legal and those will be submitted prior to the final plat submission. There are plans to have the utilities for the 3.2 lots combined and those will be submitted prior to final submission in order to have the easements in place to plan for utility wires. An exhibit has been provided regarding the private drive into McKenzie that would allow the city to keep the collection site in the area as to how it would tie the private drive into the existing city right of way, however, that is not all inclusive. He stated that he agrees with the sewer capacity that assurance will be in place that the existing system is going into additional flows, however, there is an alternative potential to go straight into the treatment facility to the south and that will be determined when doing the capacity studies.

Chair Robinson inquired if there were any comments or questions for Mr. Goldammer.

A second invitation was given to come forward to speak for or against the request.

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Chair Robinson inquired if there were any further comments or questions.

Commissioner Huber inquired about the dog park on Lot 58, Block 1? Planner Stromme replied that he does not believe that request was brought to the Mandan Park District. He stated that he has concerns about the size and location of the dog park relative to proposed private parks; in particular, he stated he is not clear if the Mandan Park District would want to take over this park should the HOA desire to do that.

His concerns are is that he does not know if it is large enough to become a city dog park; he also has reservations about the location of the dog park due to location and other activities that may be eventually proposed in that area.

Commissioner Smith inquired of the timeline for the final plat of approval? Planner Stromme stated that the final plat will come after the plat has been approved by the City Commission. His intent would be to take this to the City Commission with contingencies addressed, thus, with the majority of them being completed before going to the Commission with the plat being approved @ 6-8 weeks following preliminary plat approval by the City Commission, as early as June 2024, with it being recorded after approval.

Commissioner Huber inquired if Planner Stromme is comfortable reconciling the concerns from MDU which are tied to the PUD zoning? Planner Stromme replied that he does not believe there is a point wherein the city would be able to totally avoid lot combinations or lot modifications after a plat has been approved due to future change requests. He stated his preference would be to have the plat not be submitted until those lot combinations are known because the final plat can be reviewed by this Board, the City Commission, and the utility providers for a more certain development plan.

Chair Robinson inquired if there were any further comments or questions.

Commissioner Huber motioned to approve the Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition with the contingencies outlined by city staff. Commissioner Leingang seconded. Upon vote, the motion passed unanimously.

Huber moved and Leingang seconded to approve. Roll Call vote: Aye 9, Nay 0 None, Absent McLean, Buchmiller, Gardner. The motion passed.

D. OTHER BUSINESS

1. *Consider Update on Zoning Study.* Planner Stromme referred to a handout being provided regarding adjustments having been made to a meeting schedule for the zoning group; those handouts are being prepared at a high level with survey results of insights to what types of changes the Mandan residents want to see in the zoning code and what other changes they want to avoid. A meeting is scheduled for the upcoming week with an update to be provided in April. The consultant is in the process of drafting new code passages.

He reported that the City has accepted a planning technical assistance opportunity and will be considering for the first time ever at a higher level a corridor-based study of land uses with the goal of improving existing housing conditions in the area; improving services for residents and/or newcomers to the city and identifying properties and areas of concern where there are environmental, health or safety issues to residents or visitors to the area. The plan will be presented with potential solutions wherein staff will work together to address issues with different agencies.

E. ADJOURN There being no other business to come before the Board, Smith moved and Vayda Hammond seconded to adjourn at 06:28 PM. Roll Call vote: Aye 9, Nay 0, Absent 3 Jamie McLean, Ben Buchmiller, Will Gardner. The motion passed.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: April 22, 2024
PREPARATION DATE: April 11, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a variance to Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking for Lot 2 less the south 125' Block 1, Highland 2nd Replat. The property is located at 1300 Collins Avenue.

STATEMENT/PURPOSE:

Domera Development is requesting approval of a variance to be able to construct a residential multifamily project with fewer parking spaces than required by City Ordinance. The proposed project would include 46 parking spaces when the City ordinance would require 50.

BACKGROUND/ALTERNATIVES:

Domera Development is requesting approval of a variance to Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking in order to permit the construction of a residential multifamily project with fewer parking spaces than required by the City for a project to be titled the Avalon at Mandan. Said property is Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.

Overview of Request

The requested variance would permit the construction of the Avalon at Mandan, a proposed twenty-five unit townhome project, to be built with four parking spaces fewer than required by the City Code of Ordinances. Detailed information including site plan are included in the attachments.

Requested Variance

The requested variance to reduce the required parking from 50 spaces to 46 represents an 8% reduction in the amount provided versus required. The applicant states in the additional submittal that the project faces constraints, such as a reduced buildable area

due to easements, programmatic requirements (minimum unit size/count), and City parking. The applicant states that in their experience fewer parking spaces are required/utilized in affordable projects.

Property History

The property was replatted in 1986. It has remained undeveloped. It is possible that there was a home on the property previously from historic aerial imagery. Previous development proposals on the property, which included variances or special permitting, included a self-serve car wash/storage facility and a motor vehicle service facility. Each were recommended for denial by the Planning and Zoning Commission.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned CA - Commercial, R7 - Residential, and are developed with commercial services and single-family homes. The future land use designation for this property is commercial.

Additional Information and Public Outreach

- Application and fee of \$400 was received on March 21.
- 15 letters were sent to adjacent property owners.
- Legal notice was published on April 12.

Findings of Fact

Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the CA - Commercial / RM - Residential Districts.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

- JET Planning conducted a supplemental code audit (to the broader Zoning

Ordinance Study) focused on housing and particularly missing middle housing. Based on parking utilization and best practices in community development, the report recommends the City reduce parking space requirements for housing developments.

- Peer communities across the region have begun implementing administrative parking reductions, such as for projects that include bike parking, are adjacent to transit routes, or would be affordable in nature or mixed use. 16.25 to 50 spaces are required for 25-unit program-based affordable housing projects in peer communities.
- The project received contingent approval at Mandan Architecture Review. Items being addressed are stormwater and fire code compliance. The site plan is subject to change.
- The subject property is sited along a public transit route and is in an area with an established sidewalk network, which are factors that support the utilization of alternative means of transportation to driving alone.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Site Plans
4. Images
5. Location Map - Avalon at Mandan

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

SUGGESTED MOTION:

Two motions are drafted for the Planning and Zoning Commission.

1. Move to recommend **approval** of the accessory building size variance from Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking, and to permit the variance request due to the following hardship: **[PZ Commissioner to identify/fill in the blank] and to modify the following Staff finding(s) of fact.**

2. Move to recommend **denial** of the accessory building size variance from Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking and to accept the findings of fact due to no hardship being identified.

CITY OF MANDAN		
Development Review Application		
Minor Plat (\$300)		Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)		Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)		Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)		Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	x	Variance (\$400)
Final Plat more than 40 lots (\$750)		Special Use Permit (\$450)
Annexation (\$450)		Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)		Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		
Parking variance request for the code requirement of 50 stalls with only 46 stalls provided on-site.		

Engineer/Surveyor			Property Owner or Applicant		
Name Koru Group, PLLC - Matthew Ervin, P.E.			Name Domera Development - Nathan Joseph		
Address 2135 CityGate Lane, suite 330			Address 1954 Airport Road, Suite 151		
City Naperville	State IL	Zip 60563	City Chamblee	State GA	Zip 30341
email matt@korugroup.com			email nathan.joseph@domeradev.com		
Phone (331) 256-9769		Fax	Phone (309) 696-0503		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	x	New	CA-Commercial	CA-Commercial	Avalon at Mandan
Property Address				Legal Description		
1300 Collins Avenue				Lot 2 less the south 125' Block 1, Highland 2nd Replat		
Current Use						
Undeveloped lot						
Proposed Use						
Two-story 25 unit town home building				Section 22	Township 139N	Range 81W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
55,551 Sq Ft	20,917 Sq Ft	2	39,293 Sq Ft	50 Stalls		46 Stalls

Print Name Nathan Joseph	Signature 	Date 03/21/2024
-----------------------------	--	--------------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$400	On the Date 3-21-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Additional Submittals

Variance

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought

On the rear (east) side of the site, there is an existing 30' Public utility easement containing existing overhead electrical lines as well as a gas line. The rear yard building setback for this parcel in the CA Commercial zoning district is only 20'. Therefore, 10' of buildable area is lost from this parcel. Additionally, due to significant elevation relief across the lot the parking needs to be on the lower end of the site that is accessible to Collins Avenue, and having to shift the building 10' further west to stay out of the 30' rear utility easement causes this development to be under parked by 4 stalls. With this development being an affordable living project awarded by the State, we are required to adhere to certain building size requirements set forth by the state, and those include 25 total units with the square footages we have proposed.

2. How the applicant is deprived of a reasonable use of said land or building;

Due to the multiple site constraints noted above (rear yard easement being larger than building setback and significant elevation drop across the parcel), the available area within the parcel to be developed has been reduced, and therefore, limits available room for parking on-site as we are required to meet the guidelines provided by the state in terms of building size and unit count. Since the state has set forth the required building size and unit count requirements for this site, we are constrained in not being able to reduce building size in order to make parking work on-site per the City's code.

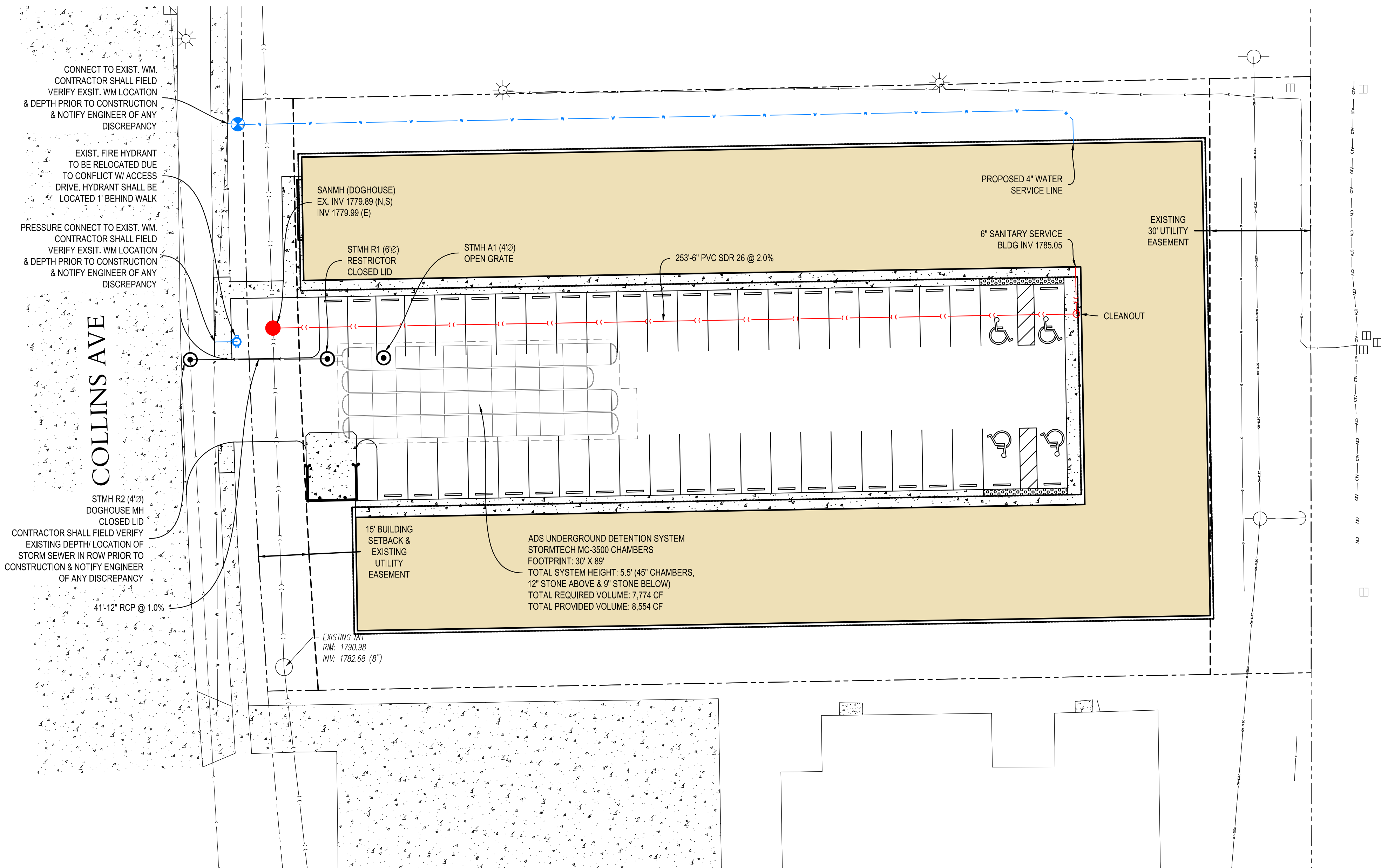
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

This variance will not negatively impact the neighborhood or public welfare since this is an affordable living development and the required parking is typically less than that of a market rate development. While City code requires 2 stalls per unit, affordable living is typically 1 to 1.5 stalls per unit putting the required on-site parking need at 38 stalls with 46 provided. Therefore, under that standard the site will have adequate parking for the use with 8 additional stalls for guest/ overflow parking. Additionally, the adjacent residential streets have street parking that is readily available 24/7 for use to satisfy the 4 stalls we are short per the City's code requirements. The ADA requirements for handicap stalls is 2 stalls up to 50 total parking spaces. On this development, we are proposing 4 stalls as the state requires separate ADA stalls for the designated ADA units as well as providing ADS stalls for the common space areas.

4. The minimum variance that will accomplish the relief sought.

The minimum variance is a reduction in the required parking per code from 50 stalls down to 46 stalls, and the minimum variance is being requested. Since we are at the minimum unit count allowed by the state, we cannot reduce the size of the building in order to be code compliant with the number of parking stalls provided on-site.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.



STORMWATER MANAGEMENT

EXISTING RELEASE RATES (PRE-DEVELOPMENT):

2-YR 24-HR: 0.085 CFS
10-YR 24-HR: 0.209 CFS
100-YR 24-HR: 0.508 CFS

PROPOSED RELEASE RATES (DEVELOPED CONDITION):

2-YR 24-HR: 0.083 CFS
10-YR 24-HR: 0.206 CFS
100-YR 24-HR: 0.323 CFS

UNDERGROUND DETENTION SYSTEM RELEASE:
UTILIZING A TWO-ORIFICE RELEASE. THE FIRST ORIFICE AT THE SYSTEM INVERT WILL BE 1.65", AND THE SECOND ORIFICE WILL BE 2.5" IN DIAMETER AND PLACED AT THE HWL OF THE 2-YEAR 24-HR STORM EVENT.

SITE IMPERVIOUS

Existing Impervious Area = 0 sf OR 0.00 Acres
Proposed Impervious Area = 40,380 sf OR 0.93 Acres
Net New Impervious Area = 40,380 sf OR 0.93 Acres

UTILITY LEGEND

	PROPOSED	EXISTING
STORM SEWER		
SANITARY SEWER		
WATERMAIN		
ELECTRIC		
TELEPHONE		
GAS		
STORM MANHOLE		
SANITARY MANHOLE		
VALVE VAULT / B-BOX		
FIRE HYDRANT		
TRANSFORMER		

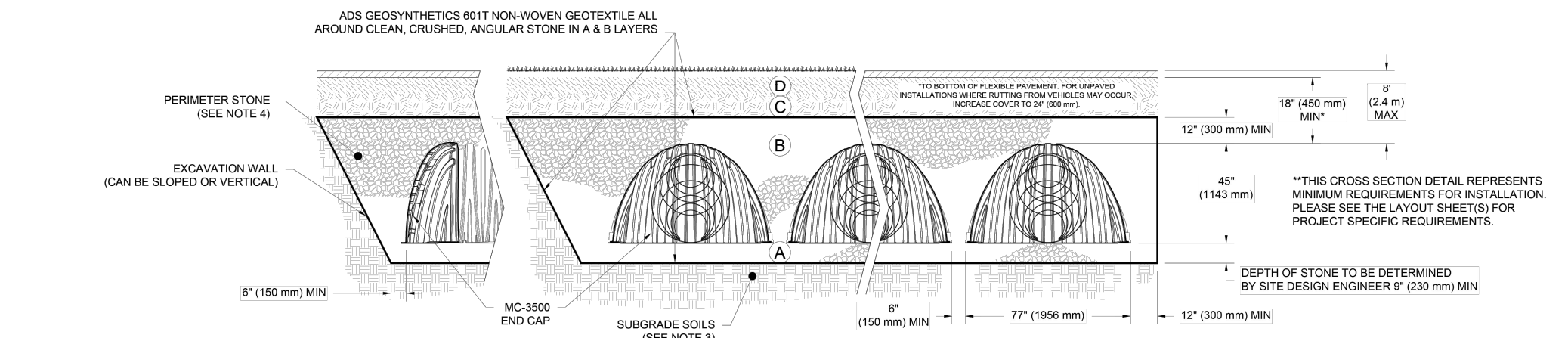
UTILITY NOTES

- ALL STORM SEWER PIPE SHALL MEET NORTH DAKOTA DOT SPECIFICATIONS FOR SELECTING THE PIPE CLASS. STORM PIPE MUST MEET ASTM C76 STANDARDS.
 - PRECAST CONCRETE SECTIONS FOR MANHOLES, CATCH BASINS, INLETS AND VAULTS SHALL MEET ASTM C478.
 - EXISTING UTILITIES SHOWN ARE FOR INFORMATION ONLY AND ARE NOT NECESSARILY EXCLUSIVE. CONTRACTOR SHALL VERIFY UTILITIES WHERE POSSIBLE AND NOTIFY ENGINEER OF DISCREPANCIES, EXCEPTIONS, OR OMISSIONS AS SOON AS POSSIBLE.
 - NO FILTER FABRIC ALLOWED UNDER FRAMES OR GRATES. ALL STRUCTURES SHALL HAVE INLET FILTERS INSTALLED. ALL INLET PROTECTION SHOULD BE IN ACCORDANCE WITH THE APPROVED STORMWATER POLLUTION PREVENTION PLAN.
 - GENERAL CONTRACTOR SHALL VERIFY SPECIFIC SIZE AND LOCATION OF CONDUIT FOR GAS, ELECTRIC AND TELEPHONE PRIOR TO INSTALLATION.
 - CONTRACTOR TO SEE LANDSCAPE AND IRRIGATION SPECIFICATIONS IN ARCHITECTURAL PLANS AND CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
 - FRAME AND GRATE REQUIREMENTS:
STORM STRUCTURE (PAVEMENT)
NEENAH R-2502 FRAME FOR OPEN GRATES,
NEENAH R-1772 FOR CLOSED LIDS
STORM STRUCTURE (CURB)
NEENAH R-3278-A
- EXCEPTIONS TO ABOVE ARE NOTED ON PLANS. SEE SHEET C7.2 FOR FRAME AND GRATE DETAILS

ACCEPTABLE FILL MATERIALS: STORMTECH MC-3500 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER	ANY SOIL/ROCK MATERIALS, NATIVE SOILS OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, ~35% FINES OR MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER	AASHTO M145 ¹ A-1, A-2-4, A-3 OR AASHTO M41 ¹ 3, 307, 4, 407, 5, 56, 57, 5, 67, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 18" (450 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 12" (300 mm) MAX LIFTS TO A MIN. 96% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS.
B EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE	CLEAN, CRUSHED, ANGULAR STONE OR RECYCLED CONCRETE ²	AASHTO M43 ¹ 3, 357, 4, 407, 5, 56, 57	NO COMPACTION REQUIRED.
A FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER	CLEAN, CRUSHED, ANGULAR STONE OR RECYCLED CONCRETE ²	AASHTO M43 ¹ 3, 357, 4, 407, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE ^{2,3}

PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 9" (230 mm) MAX LIFTS USING TWO FULL COVERSAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAMPING OR GRADING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.
4. ONCE LAYER 'C' IS PLACED, ANY SOIL MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.
5. WHERE RECYCLED CONCRETE AGGREGATE IS USED IN LAYERS 'A' OR 'B' THE MATERIAL SHOULD ALSO MEET THE ACCEPTABILITY CRITERIA OUTLINED IN TECHNICAL NOTE 8.20 "RECYCLED CONCRETE STRUCTURAL BACKFILL".



NOTES:

- CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS"
- CHAMBER CLASSIFICATION 46X9 DESIGNATION SS
- MC-3500 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS"
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- REQUIREMENTS FOR HANDLING AND INSTALLATION:
 - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
 - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 2"
 - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 8.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 500 LB/FT²IN.
 - AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.

MC-3500	STANDARD CROSS SECTION	DATE: 12/2/22	DRAWN: S.E.B.
StormTech®	StormTech®	StormTech®	StormTech®
ADS	ADS	ADS	ADS
1	SHEET	1	OF 1

Scale 1"=20'

KORU
Koru Group, PLLC
2135 CityGate Lane, Suite 330
Naperville, IL 60563

© Copyright 2024
KORU Group, PLLC

The drawings and the contents herein are the sole property of Koru Group, PLLC and no portion of any may be printed or copied without the express permission of this office.

CONSULTING ARCHITECT:

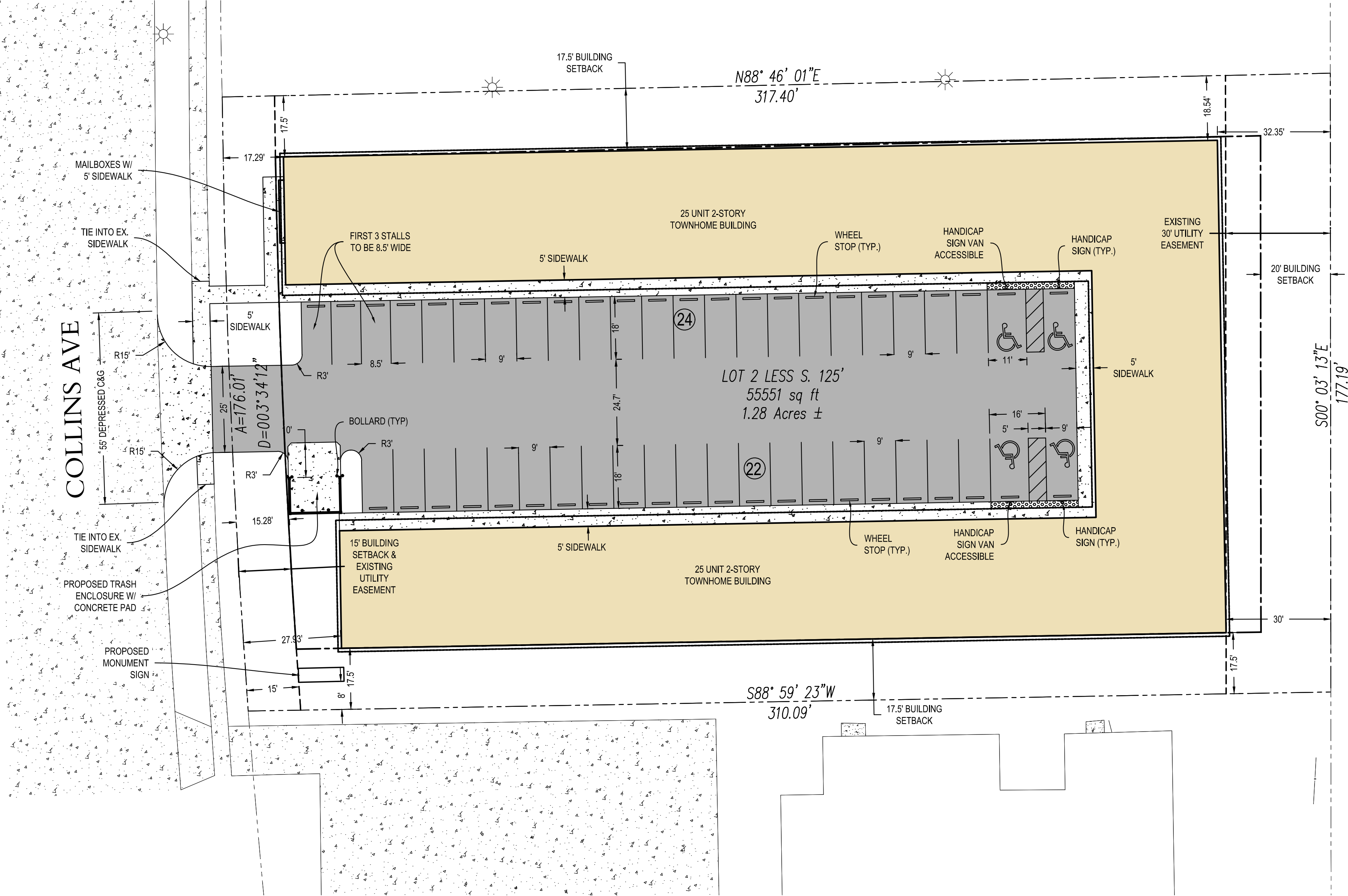
GENERAL CONTRACTOR:

CLIENT:

Avalon at Mandan
1000 Collins Avenue
Mandan, ND

REVISIONS:	#	DESCRIPTION	DATE
	1		3/19/2024
	2		
	3		
	4		
	5		
	6		
	7		
	8		
	9		
	10		

PROJECT NUMBER: 24005	REVIEWED BY: MTE
DRAWN BY: TR	SHEET TITLE:
DEVELOPMENT OVERVIEW PLAN	
SHEET NO.	
C1.0	



PROPERTY INFO

1300 Collins Avenue
Mandan, ND

Proposed Use: Two-Story Townhomes
Existing Zoning: CA - Commercial District
Required Zoning: CA - Commercial District

Parcel Area: 55,551 sf (±1.28 ac)
Pr. Building Footprint Area: 20,930 sf

PARKING

Quantity Req: 2 spaces = 25 * 2 = 50
1 unit (Mandan, ND Code of Ordinances)

Parking Provided: 46 = 42 Standard + 4 ADA

Stall Size Required: 8.5' x 18' (Standard), 9' x 18' (Standard), 14' x 18' (ADA-Standard) 16' x 18' (ADA-Van)

Stall Size Provided: 8.5' x 18' (Standard), 9' x 18' (Standard), 14' x 18' (ADA-Standard) 16' x 18' (ADA-Van)

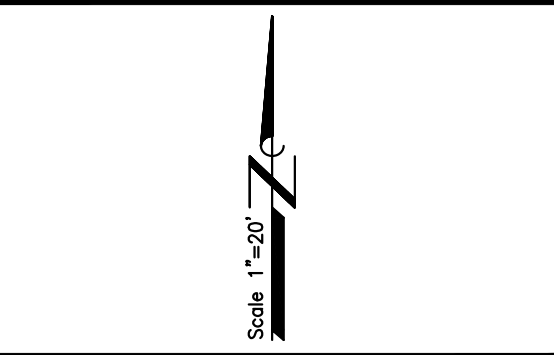
Drive Aisle Minimum: 24' (Two-way)
Drive Aisle Provided: 24' (Two-way)

SITE IMPERVIOUS

Existing Impervious Area = 0 sf OR 0.00 Acres
Proposed Impervious Area = 40,380 sf OR 0.93 Acres
Net New Impervious Area = 40,380 sf OR 0.93 Acres

LEGEND

- PROPOSED CURB & GUTTER
- EXISTING CURB & GUTTER
- PROPERTY LINE
- SETBACK LINE
- CONCRETE
- FULL-DEPTH ASPHALT PAVEMENT
- TRUNCATED DOMES



© Copyright 2024
KORU Group, PLLC
The drawings and the contents herein are the sole property of Koru Group, PLLC and no portion of any may be printed or copied without the express permission of this office.

CONSULTING ARCHITECT:

GENERAL CONTRACTOR:

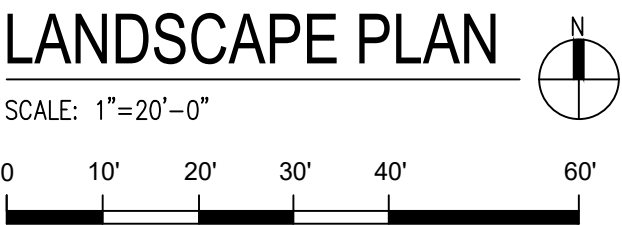
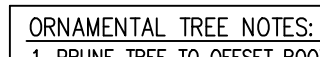
CLIENT:

Avalon at Mandan
1300 Collins Avenue
Mandan, ND

REVISIONS:		
#	DESCRIPTION	DATE
1		3/19/2024
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT NUMBER: 24005	
DRAWN BY: TR	REVIEWED BY: MTE
SHEET TITLE:	
SITE PLAN	
SHEET NO.	
C1.1	

1. In general, Contractor shall become familiar with the site and with scope of work prior to the submission of bid proposal and should notify Landscape Architect (LA) and/or owner of any discrepancies between the drawings and existing site conditions.
2. Bid Proposal shall show unit prices and quantities for all items shown on this drawing.
3. Contractor shall follow and conform to Mandan, ND building codes.
4. Job site safety and means and methods of construction are the responsibility of the Contractor.
5. Contractor shall excavate and dispose of excavated materials off site.
6. Contractor shall be responsible for any damage to buildings or site as a result of executing the work which is part of contract or additional work which may be added to this contract at a later date.
7. Site shall be kept clean at all times and shall be thoroughly cleaned at the end of each working day.
8. Driveways shall be unobstructed at all times and consideration for the neighboring properties maintained.
9. Determine and verify exact locations of all underground utilities in the field before work begins. Call JULIE 1-800-892-0123 (48 hours) before you dig, excluding Saturdays, Sundays, and holidays.
10. Plants and other materials are quantified and summarized for the convenience of the owner and jurisdictional agencies only. Confirm and install sufficient quantities to complete the work as drawn.
11. Landscape Architect not responsible for installation permits unless otherwise noted.
12. Determine subsoil conditions and subsurface drainage requirements of all plant material.
13. Removals. Contractor shall clear existing plant material and weeds as needed where new planting is provided per plan. New topsoil shall be provided and/or amended as needed to fine grade planting areas.
14. Topsoil. Any new topsoil shall be fertile, pulverized, friable, natural, loam, surface soil, free of subsoil, clay lumps, brush, weeds, stones larger than 1" in any dimension and other extraneous or toxic matter harmful to plant growth. Soil shall have acidity range of pH 5.7 - 10, less than 3% humus as determined by loss on ignition of moisture free samples dried at 100 degrees centigrade, less than 60% of material passing VSS #100 sieve consists of clay by dried weights of material.
15. Amend Existing Soil. Amend existing soil in all planting beds. Amended soil shall be 25% soil conditioner, 25% clean sand and 50% existing soil. Rootball amendments into planting beds.
16. Plant Material. The Landscape Architect reserves the right to personally select any or all nursery stock prior to digging. All plant material shall bear the same relationship to the new grade as they bore to the previous (nursery) grade. Comply with sizing and grading standards of the latest edition "American Standard for Nursery Stock". All plants are subject to inspection by the Landscape Architect at the job site or nursery.
17. Plant Installation. Set plant material in the planting pit to proper grade and alignment. Set plants upright, plumb, and face to give the best appearance and to insure proper growth of other or adjacent structures. Do not fill around trunks or stems. Do not use straw or muddy mixture for backfilling. Supply a minimum of 12" of soil mix on all sides of rootballs for trees and shrubs unless otherwise noted. Plant groundcover and perennials and tamp down soil around pot so pot does not heave in front. Water in before applying mulch. Do not cover foliage with mulch. Balled roots shall be protected from drying out and care taken to prevent the ball from freezing.
18. Mulch. Provide 3" loose measure of mulch throughout all planting areas excluding groundcover beds. Mulch to be 6 month old, well rotted, shredded, hardwood bark mulch, not larger than 4" in length and 1/2" in width, free of wood chips and sawdust.
19. Watering. LC to water installed plant materials for the entire first season.
20. Seed. Supply and install Northern blend of seed mixture (60% bluegrass, 20% red fescue, 20% annual and perennial rye) on minimum 4" depth of fine, friable, pulverized, topsoil as needed. NAC ST75BN erosion control blanket to cover seed. See engineering plans.
21. Repair Disturbed Areas. All disturbed areas shall be repaired and fine graded and topdressed with a minimum 4" depth, rotted, pulverized topsoil. All existing soil not used in repair of disturbed areas shall be removed from site. Seed and blanket all repaired areas as noted.
22. Bed Edge. Space edge where bed meets lawn if no edging is installed.
23. Upon completion of all landscape work, the LC shall notify the LA and owner for approval and acceptance. LC shall guarantee all work and plant material for a minimum of one year, after acceptance by the LA and owner, of completed landscape work.



SHADE TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
CEO	2	2"	Celtis occidentalis	Common Hackberry	Specimen, symmetrical
GLD	1	2"	Gleditsia triacanthos 'var. inermis 'Skyline'	Skyline Thornless Honeylocust	Specimen, symmetrical
GYD	2	2"	Gymnocladus dioica 'Espresso'	Espresso Kentucky Coffeetree	Specimen, symmetrical
QUM	1	2"	Quercus macrocarpa	Bur Oak	Specimen, symmetrical
EVERGREEN TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
POD	2	6'	Picea glauca 'Densata'	Black Hills Spruce	Specimen, symmetrical
PIC	2	6'	Picea pungens	Colorado Spruce	Specimen, symmetrical
ORNAMENTAL TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
AAB	2	6"	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	Specimen, clump form
SHRUBS					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
HYP	5	18"	Hydrangea paniculata 'SMPL0F'	Little Quick Fire Hydrangea	Full branching to ground
RJB	3	18"	Rhus glabra 'sabino 'Buffalo'	Buffalo Juniper	Full branching to ground
HSG	15	18"	Juniperus americana 'Go-Low'	Go-Low Fragrant Sumac	Full branching to ground
SPIC	10	18"	Spirea x bumsii 'Froebel'	Froebel Spirea	Full branching to ground
TOH	3	4"	Thuja occidentalis 'Holmstrup'	Holmstrup Arborvitae	Full branching to ground
PERENNIALS AND ORNAMENTAL GRASSES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
CKF	25	1 gal.	Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass	Container
HRH	14	1 gal.	Hemerocallis 'Happy Returns'	Happy Returns Daylily	Container
HRH	7	1 gal.	Hemerocallis 'Rosy Returns'	Rosy Returns Daylily	Container
SPD	21	1 gal.	Sporobolus heterophyllus	Proppie Drospseed	Container

202 South Cook Street Ste #212-214
Barrington, Illinois 60010
847.438.4922
www.pamelaself.com

Koru Group, PLLC
2135 CityGate Lane, Suite 330
Naperville, Illinois

1300 Collins Avenue
Mandan, North Dakota

03.19.24

Sheet

© 2024 Pamela Self Landscape Architecture, LLC
Page 20 of 6



View looking east towards subject property.



View looking north towards subject property.



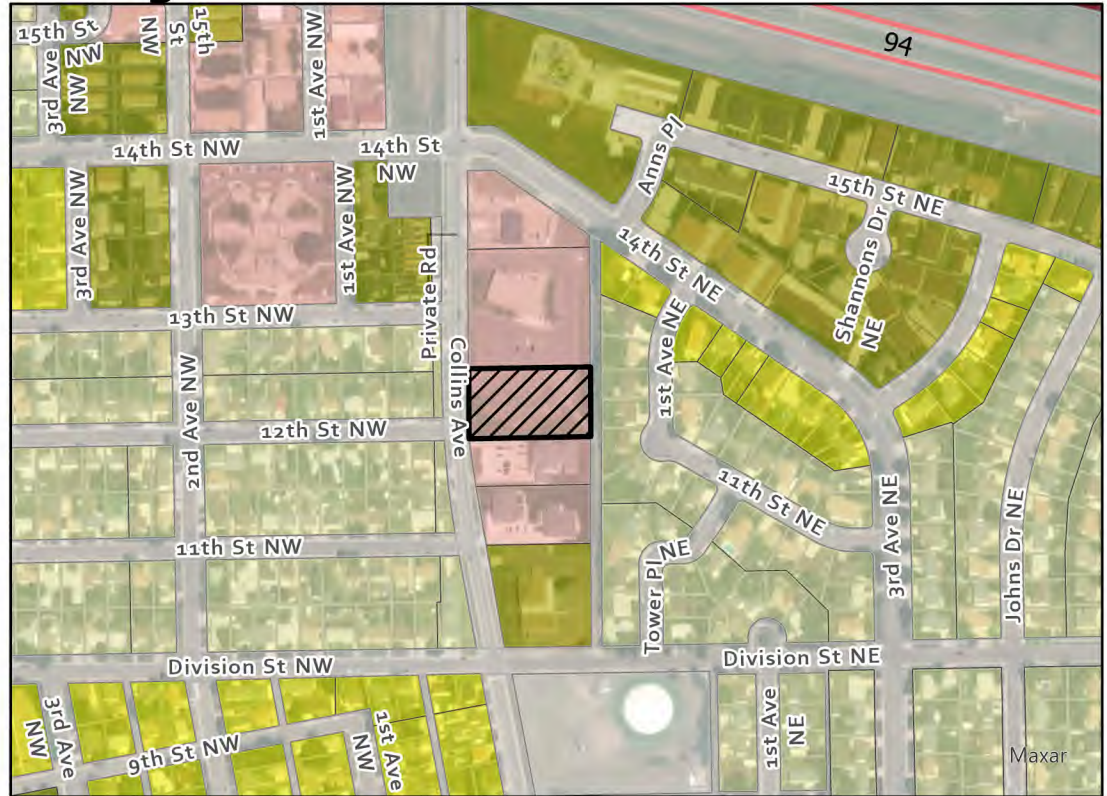
Zoning and Future Land Use Reference Map

Avalon at Mandan

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items

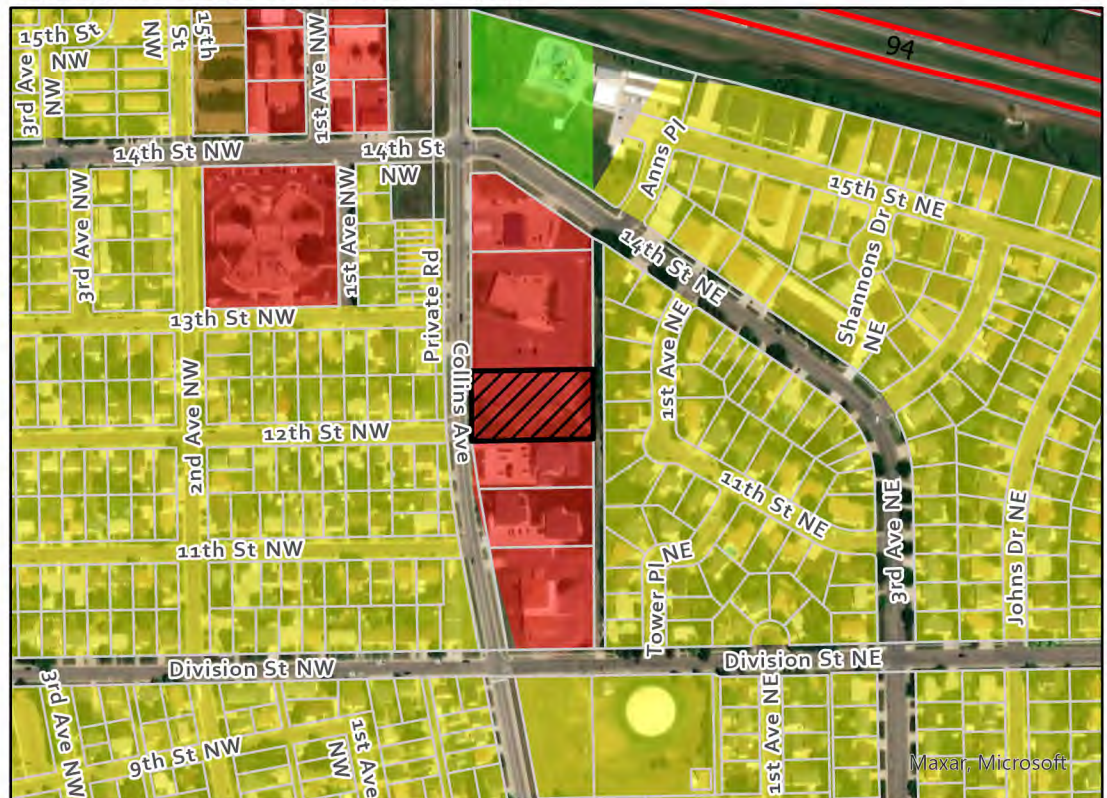
Zoning



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: April 22, 2024
PREPARATION DATE: April 11, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consideration of a setback variance for Lot 1, Block 1, Ramblewood 11th Addition. The property is located at 2701 Memorial Highway SE.

STATEMENT/PURPOSE:

A request from Richard Holmes for consideration of a setback variance to Section 105-3-13 of the City Code of Ordinances related to the CC - Commercial District Front Yard.

BACKGROUND/ALTERNATIVES:

Richard Holmes (Daily Perks Coffee) requests approval of a variance to Section 105-3-13 (5) of the City Code of Ordinances related to CC - Commercial District Front Yard setbacks. The applicant seeks to construct a coffee shop on the property with reduced setback of twenty-five feet where the zoning code would require thirty five feet. Said property is a portion of Lot 1, Block 1, Ramblewood 11th addition in Section 36, Township 139, Range 81.

Project Overview

The applicant seeks to construct a coffee shop on the property. The site plan shows it to be a primarily drive-through and walk-up establishment with no indoor seating. The site would be accessed in two locations, from a shared driveway with the drive-through restaurant next door, and from its own driveway along Third Street SE. The two-sided driveway would adhere to all minimum parking and stacking requirements and the driveways access would be controlled to limit certain turning movements to promote right-in, right-out movements.

Variance Request

The requested variance would reduce the front yard setback on the property from thirty five feet to twenty-five feet in order for the coffee shop to be sited on the property. This represents at ~28% reduction in the front yard setback reduction. The applicant states in

their additional submittal that the property in question is not suitable for many types of development but adequate for their needs and that the twenty-five foot setback will allow for an optimal site plan to be developed.

Property History

Ramblewood 11th was platted and developed in 2005. According to available records it does not appear this property has previously been developed. Staff was unable to determine in reviewing records from the 2005 plat approval if this portion of lot 1, block 1 was contemplated for development. Compact-site coffee shops are an emerging trend in the region/metropolitan area.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned CC - Commercial and A - Agriculture and are developed with a mix of commercial uses. Dacotah Speedway and Dale Pahlke Arena are recreational uses immediately south of the proposed development. The future land use designation is commercial.

Additional Information and Public Outreach:

- Application and fee of \$700 was received on March 20.
- 10 letters were sent to adjacent property owners.
- Legal notice was published on April 12.

Findings of Fact

Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the CC - Commercial District.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

1. Staff will require right-in right-out turning movements for the site's driveway. Full turning movements will be possible at the shared access point.

2. A minor plat will need to follow (City Commission item) to split the lot.
3. City Ordinance requires sidewalks to be constructed on every lot in town. Past practice, although not endorsed by current staff, was to waive certain sidewalk installations. This is an outdated practice, and a sidewalk must be installed on this property. Staff is willing to consider accepting a waiver of protest rights for a future sidewalk install at some point when a project is completed in the area, such as the installation of a shared use trail along the Memorial Highway. This could be captured in a development agreement or separate sidewalk install waiver.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Revised 4-4-2024 Daily Perks Preliminary Site Plan
4. Images
5. Location Map - Daily Perks

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

SUGGESTED MOTION:

Two motions are drafted for the Planning and Zoning Commission.

1. Move to recommend **approval** of the accessory building size variance from Section 105-3-13 (5) of the City Code of Ordinances related to CC - Commercial District Front Yard setbacks, and to permit the variance request due to the following hardship: **[PZ Commissioner to identify/fill in the blank] and to modify the following Staff finding(s) of fact - contingent on the minor plat following.**

2. Move to recommend **denial** of the accessory building size variance from Section 105-

Planning & Zoning Commission

Agenda Documentation

April 22, 2024

Subject: Consider a setback variance for Lot 1, Block 1, Ramblewood 11th Addition.

Page 4 of 4

3-13 (5) of the City Code of Ordinances related to CC - Commercial District Front Yard setbacks and to accept the findings of fact due to no hardship being identified.

CITY OF MANDAN	
Development Review Application	
☒ Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary) Split Lots Set-back Variance	

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co			Name Richard Holmes		
Address 501 1st St NW			Address 1015 West Broadway		
City Mandan	State ND	Zip 58554	City Dickinson	State ND	Zip 58601
email andram@tomanengineering.com			email holmesandsons@gmail.com		
Phone 701-663-6483		Fax 701-663-0923	Phone 701-590-5133		Fax dailyperksnd@gmail
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	ETA	☒ New	☒ Addition	CC	CC	Daily Perks Mandan
Property Address				Legal Description		
2701 Memorial Highway SE				Lot 1, Block 1, Rumblewood 11th		
Current Use				Addition		
None						
Proposed Use						
Coffee stand				Section 36	Township 139 N	Range 81 W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
16,520sf	13X35	1	455	N/A	~ 3	

Print Name Richard Holmes	Signature 	Date 3/20/2024
------------------------------	---------------	-------------------

Office Use Only			
Date Received: 3-20-24	Initials: AS	Fees Paid: \$ 7000	Date 3-20-24
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

1. The circumstances or conditions applying to the land or buildings for which the variance is sought?

The current front yard setback of 35ft on the property under consideration pose significant challenges for business development. Even after scaling down our usual building plans, we find it impossible to adequately manage the traffic flow within the confines of the 35-foot setbacks. In order to maximize the land's potential, we respectfully request a variance a reduction of 10 ft to 25ft.

2. How the applicant is deprived of a reasonable use of said land or building

This parcel of land, ideal for our business due to its small footprint presents a challenge with setbacks of 35 feet on the northwest side and 10 feet on the southwest side. These setbacks render it unfeasible to meet the requirements for optimal building use, including accommodating traffic flow, carloads, and ensuring ease of access, including parking.

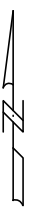
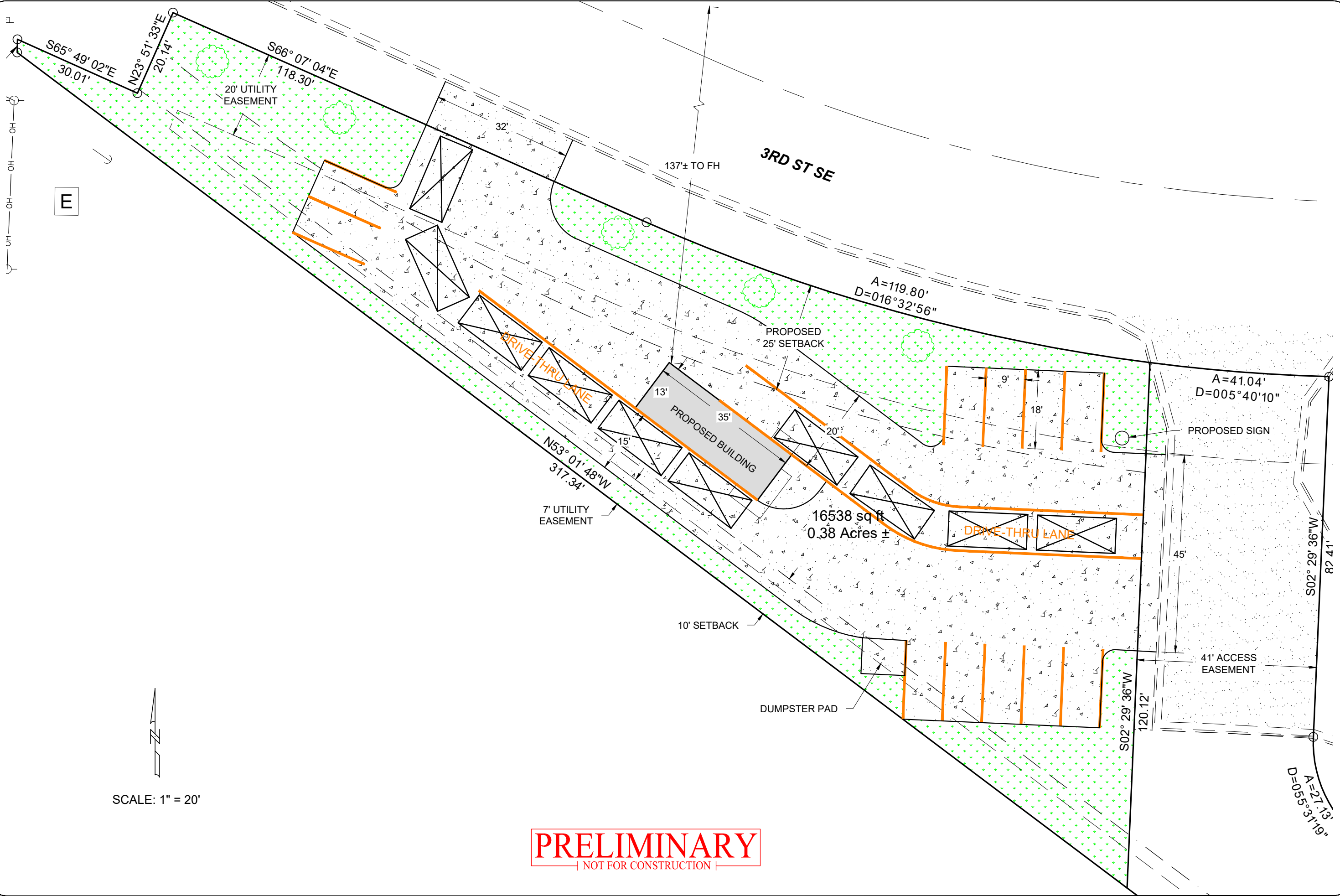
3. How the grant variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The unique angle at which 3rd Street intersects 24th Avenue alleviates any concerns regarding drivers' line of sight. Furthermore, on the western side, a building located across the street (northwest corner of 24th Ave) sits far enough north to ensure that our building placement does not obstruct their line of sight.

While this parcel of land may not be suitable for other businesses, it offers ample space for our operations. Our design as a drive-thru coffee stand, devoid of indoor seating, guarantees smooth traffic flow, a consistent car count, sufficient parking for staff, as well as designated areas for deliveries and garbage pickup.

4. The minimum variance that will accomplish the relief sought.

Granting this variance, reducing the front setback from 35ft to 25ft on the front yard side will facilitate the construction of Daily Perks drive-thru coffee on this property. This innovative adjustment showcases a creative and strategic approach, enabling the development of a concept that would otherwise be challenging to realize. As a business owner, collaborating with the city of Mandan on this application demonstrates an ability to unlock new possibilities, leading to impactful breakthroughs that may have seemed unattainable previously.



SCALE: 1" = 20'

PRELIMINARY
NOT FOR CONSTRUCTION

TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 • Fax: 701-663-0923
TECO © 2024 ALL RIGHTS RESERVED
THIS DOCUMENT MAY NOT BE USED OR REPRODUCED IN ANY FORM OR
BY ANY MEANS WITHOUT PERMISSION OF TOMAN ENGINEERING CO.

PROJECT:
DAILY PERKS EXPRESSO DRIVE THRU
PRELIMINARY SITE LAYOUT
PART OF LOT 1, BLK 1, RAMBLEWOOD 11TH

REVISIONS	
NO	DESCRIPTION

SHEET NUMBER
1
OF 1 SHEETS



View of subject property from the north.



View of subject property from east.



Street view of subject property from east.



Street view of subject property from east.



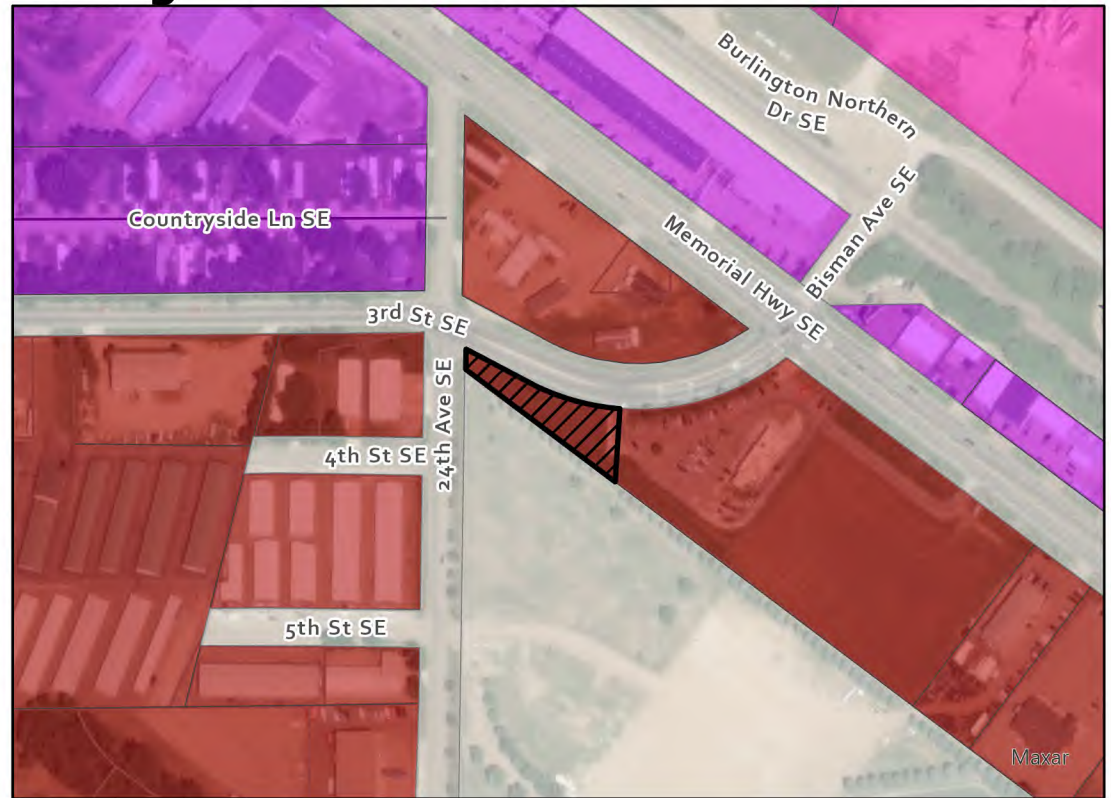
Zoning and Future Land Use Reference Map

Daily Perks

Zoning

Zoning Map Key

- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light Industrial Transition | R7 - Residential Single Family |
| DC - Downtown Core | RH - Residential Mobile Home Park |
| DF - Downtown Fringe | RM - Residential Multi-family Dwellings |
| Industrial - Morton County | RMH - Residential Mobile Home Subdivision |
| LSMHS - Trailer Park Subdivision | Residential - County Residential Zoning |
| MA - Heavy Commercial/Light Industrial | ROW - Right-of-Way |
| MB - Heavy Commercial/Heavy Industrial | April '24 Planning Items |
| MC - Heavy Commercial/Light Industrial Restricted | |



Future Land Use Plan Key

- | |
|----------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| April '24 Planning Items |

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: April 22, 2024
PREPARATION DATE: April 11, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a zone change from MHS - Trailer Park to RH - Residential Mobile Home Park for Meadow Park. Said property is Auditor's Lot A of SE 1/4 NE 1/4 & Auditor's Lot B of NE 1/4 & Lot 4 of Auditor's Lot C of NE 1/4 & Auditor's Lot D of SW 1/4 NE 1/4 & Auditor's Lot G of NW 1/4 NE 1/4 & Auditor's Lot H of NW 1/4 NE 1/4 & NW 1/4 NE 1/4 (less.3.21a) 25.24 Acres in Section 34, Township 139N, Range 81W. The property is located at 117 Antelope Street (Meadow Park).

STATEMENT/PURPOSE:

Community Management Group, LLC, is requesting a zone change from MHS - Mobile Home Subdivision to RH - Residential in order to bring the parks zoning into conformity.

BACKGROUND/ALTERNATIVES:

Community Management Group, LLC (CMG) seeks approval of a zone change from MHS - Mobile Home Subdivision to RH - Residential. The current zoning of the park is nonconforming and per Section 105-1-1 of the City Code of Ordinances, certain improvements are not permitted when zoning nonconformities are present.

Project Overview

In the fall of 2023, CMG reached out to Mandan city staff regarding the zoning of Meadow Park prior to them becoming the owner. Per the regulations outlined in Section 105-1-1 of the City Code of Ordinances, addressing existing uses and nonconformities, certain enhancements are restricted for properties with zoning nonconformities, including specifically the moving of buildings. The property is currently zoned to a district that has been removed from the city's ordinances without being reassigned to an existing district within the code. Correcting this issue would align the property's current use as a residential mobile home park with city regulations, thereby mitigating or

eliminating the legal barriers that prevent new homes from being introduced into the park and providing a legal framework to regulate other proposals off of.

Requested Zone Change

The zone change request from MHS - Mobile Home Subdivision to RH - Residential would drastically reduce the number of zoning nonconformities present, and provide an ordinance-based framework to regulate improvements within the park. The RH - Residential standards include numerous provisions for the operation of a mobile home park, as well as mobile home site standards. In general, the mobile home site standards, which will most directly affect home placement and the use of lots, adhere well to the layout of Meadow Park. Ordinances pertaining to the siting mobile homes, accessory structures and other home-site related code provisions are provided below.

(9)Design requirements for mobile home site.

a. Minimum size. Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.

b. Land coverage. Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.

c. Access. Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.

d. Setback requirements. No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

Property History

Limited records are available surrounding the historic zoning of this property, when the district was repealed and for what reason it was not addressed in the past. The park was developed in the 1970s with the third phase receiving City approval in 1977. It has been a mobile home park since. Morton County data indicates there are 282 dwelling units in the park.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned A - Agriculture, RM - Residential, CB - Commercial, MC - Industrial and R3.2 - Residential. Adjacent land uses include a mobile home park to the north, commercial, residential and industrial to the east, the heart river to the south and Memorial Ballpark to the west. The future land use designation for the property is

medium-density residential.

Additional Information and Public Outreach:

- Application and fee of \$600 was received on March 22.
- 36 letters were sent to adjacent property owners.
- Legal notice was published on April 12 & 19.

**Findings of Fact
Zone Change**

1. The City of Mandan and/or other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change, contingent on utilities;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

Staff Comments

- Staff is collaborating to ensure ordinance requirements such as a water resale agreement are in place, as required by City Code of Ordinances.
- While there may still be nonconformities present following the rezone, the goal of this rezone is to, at a minimum, have the zoning allow the residential homes that are already in the park. The City maintains processes to consider unforeseen circumstances and it is possible that ordinance requirements can be reviewed during the zoning study to address any potential for nonconformities post re-zone.
- Any and all zoning nonconformities created by this rezoning would be classified as legal nonconforming / grandfathered in. No changes are required to residences until a point at which the resident desires to change something about the property or a new tenant moves in. Building, Fire, and State Health code will apply to both existing and new structures in the park, as they do today.

ATTACHMENTS:

1. Application
2. Legal Descriptions - Meadow Park

3. Draft Ord. 1445
4. Images - Meadow Park
5. Location Map - Meadow Park

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends approval of the zone change from MHS - Mobile Home Subdivision to RH - Residential.

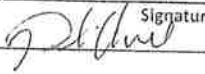
SUGGESTED MOTION:

I move to recommend approval of the zone change to RH - Residential.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	☒ Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
Address			Community Management Group, LLC		
City			Address		
State			17837 1st Ave S PMB363		
Zip			City		
			State		
			Zip		
email			Normandy Park WA 98148		
Phone			email		
Fax			patrick@cmgparks.com; nick@cmgparks.com		
			Phone		
			Fax		
			(206) 992-6901		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition	MHS	RH	Meadow Park MHC
Property Address				Legal Description		
117 Antelope St. W, Mandan, ND				See Attached		
Current Use						
Mobile Home Community						
Proposed Use						
Mobile Home Community						
Parcel Size	Building Footprint	Stories	Building SF	Section 34	Township 139	Range 81
				Required Parking		Provided Parking

Print Name	Signature	Date
Patrick McDonald		3-22-2024

Office Use Only			
Date Received:	Initials: YM	Fees Paid: \$600	Date 3-22-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2024

N:\PLANNING & ZONING\0. Administration\Application Documents\Development Application - January 1, 2024.docx



Shopping Cart: 0 Items [\$0.00]

New Search

History

Payoff

Pay Taxes

Help

Parcel#: 65-6137630

Status: Delinquent

Receipt: 34489

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$1,300
Taxable: \$65
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$65

Detail

2023 Taxes:

First Half: \$9.14 **Due:** 3/1/2024
Second Half: \$9.13 **Due:** 10/15/2024
Total: \$18.27

Show Current Tax Bill

Detail

View Pie Charts

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 67 18TH AVE SE, MANDAN ND 58554

Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 7 **Block:** 1

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



© 2024 Tyler Technologies, Inc. Tax Version 2023.1.1.1



Shopping Cart: 0 Items [\$0.00]

[New Search](#)

[History](#)

[Payoff](#)

[Pay Taxes](#)

[Help](#)

Parcel#: 65-6137600

Status: Delinquent

Receipt: 34488

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:
803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$100
Taxable: \$5
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$5

☐ [Detail](#)

2023 Taxes:

First Half: \$0.71 **Due:** 3/1/2024
Second Half: \$0.70 **Due:** 10/15/2024
Total: \$1.41

[Show Current Tax Bill](#)

☐ [Detail](#)

[View Pie Charts](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 1611 18TH AVE SE, MANDAN ND 58554
Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 5 **Block:** 1

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

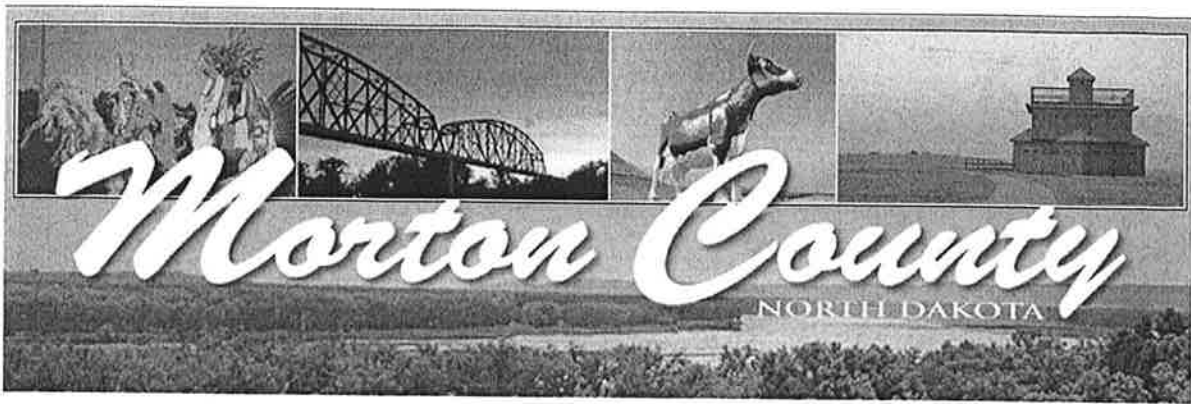
Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



© 2024 Tyler Technologies, Inc. Tax Version 2023.4.1.1



Shopping Cart: 0 Items [\$0.00]

[New Search](#) [History](#) [Payoff](#) [PayTaxes](#) [Help](#)

Parcel#: 65-6137590

Status: Delinquent

Receipt: 34487

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Value:

Market: \$100
Taxable: \$5
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$5

[Detail](#)

2023 Taxes:

[View Pie Charts](#)

First Half: \$0.71 **Due:** 3/1/2024
Second Half: \$0.70 **Due:** 10/15/2024
Total: \$1.41

[Show Current Tax Bill](#)

[Detail](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 1603 18TH AVE SE, MANDAN ND 58554

Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 4 **Block:** 1

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

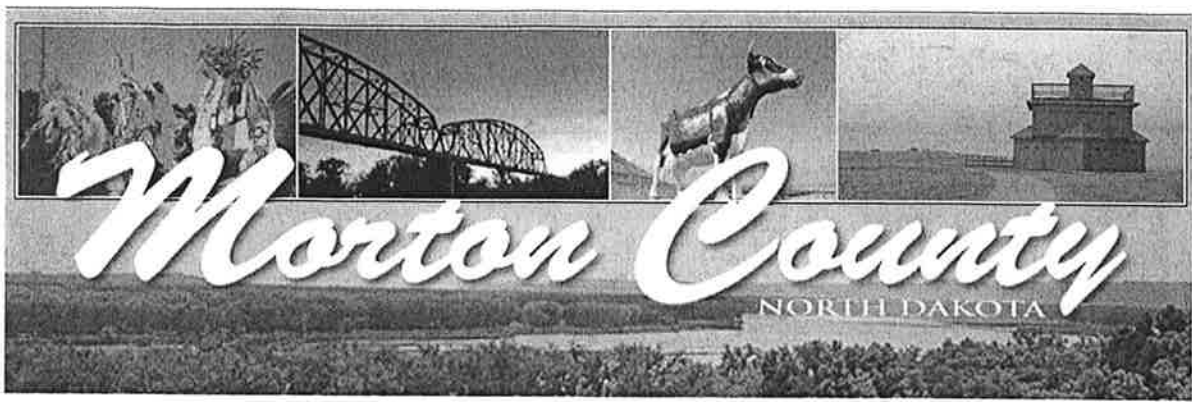
Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



© 2024 Tyler Technologies, Inc. iTax Version 2023.4.1.1



Shopping Cart: 0 Items [\$0.00]

[New Search](#)

[History](#)

[Payoff](#)

[Pay Taxes](#)

[Help](#)

Parcel#: 65-5800000

Status: Delinquent

Receipt: 34486

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$3,645,900
Taxable: \$182,295
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$182,295

[Detail](#)

2023 Taxes:

First Half: \$26,139.12 **Due:** 3/1/2024
Second Half: \$25,614.27 **Due:** 10/15/2024
Total: \$51,753.39

[Show Current Tax Bill](#)

[Detail](#)

[View Pie Charts](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code:

Subdivision: (224) MANDAN LANDS

TRS: T139, R81, Sec. 34

Legal: AUD LOT A OF SE 1/4 NE 1/4 1.32AC (2941)
& AUD LOT B OF NE 1/4 3.05AC (2930) &
LOT 4 OF AUD LOT C OF NE 1/4 7.60AC (2934) & AUD LOT D OF SW 1/4 NE 1/4 N OF
RIVER 11.35AC & AUD LOT G OF NW 1/4 NE
1/4 4.56A & AUD LOT H OF NW 1/4 NE 1/4
5.78AC & NW 1/4 NE 1/4 (LESS 3.21A)
25.24 ACRES 58.90 ACRES

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



© 2024 Tyler Technologies, Inc. Tax Version 2023.1.1.1

ORDINANCE NO. 1445

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Medium Density Residential; and

WHEREAS, Adjacent properties to the north are zoned RM – Residential Multi-Family, to the west zoned AG – Agriculture, to the east zoned RM – Residential Multi-Family, CB – Commercial, and MC – Heavy Commercial/Light Industrial Restricted; and to the south AG - Agriculture. RH – Residential Mobile Home Park would be appropriate; and

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

SECTION 1. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

(MEADOW PARK) AUDITOR'S LOT A OF SE 1/4 NE 1/4 & AUDITOR'S LOT B OF NE 1/4 & LOT 4 OF AUDITOR'S LOT C OF NE 1/4 & AUDITOR'S LOT D OF SW 1/4 NE 1/4 & AUDITOR'S LOT G OF NW 1/4 NE 1/4 & AUDITOR'S LOT H OF NW 1/4 NE 1/4 & NW 1/4 NE 1/4 (LESS.3.21A) 25.24 ACRES IN SECTION 34, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 58.90 ACRES, MORE OR LESS.

- shall be removed from the MHS – Trailer Park District and shall be included in the RH – Residential Mobile Home Park.

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:

April 22, 2024
May 7, 2024
May 21, 2024



Aerial view of subject property.



View of subject property from 3rd Street SE.



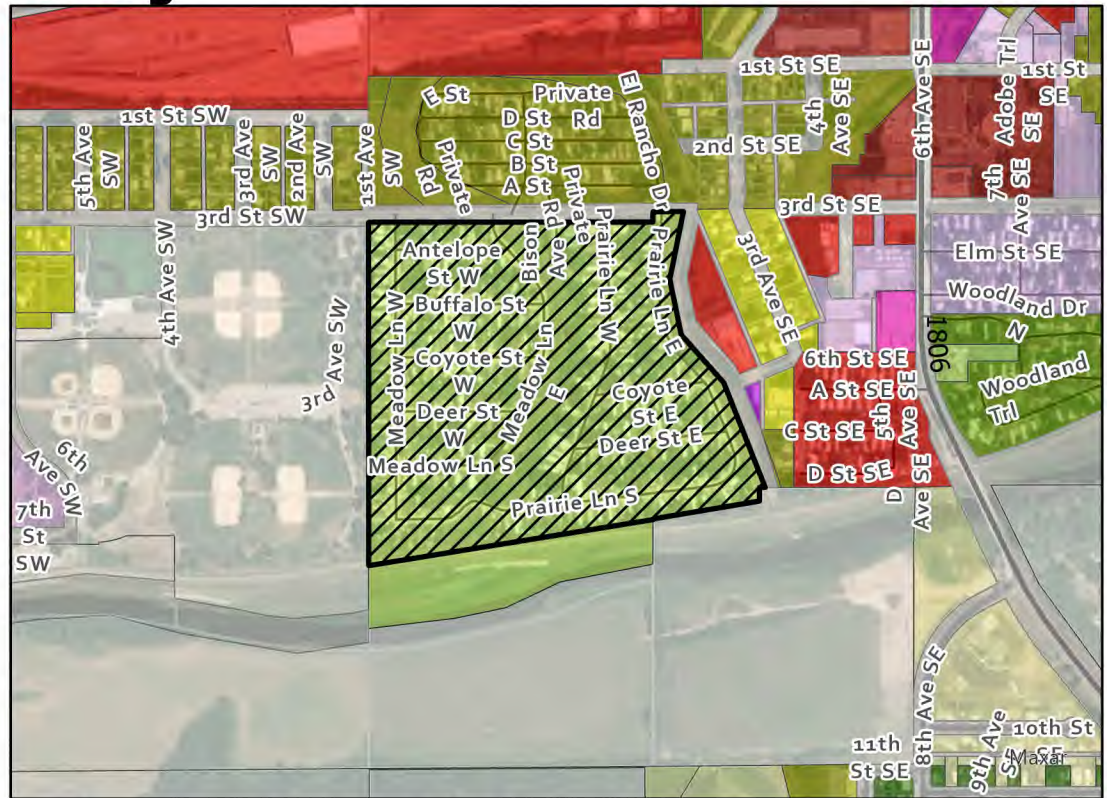
Zoning and Future Land Use Reference Map

Meadow Park

Zoning

Zoning Map Key

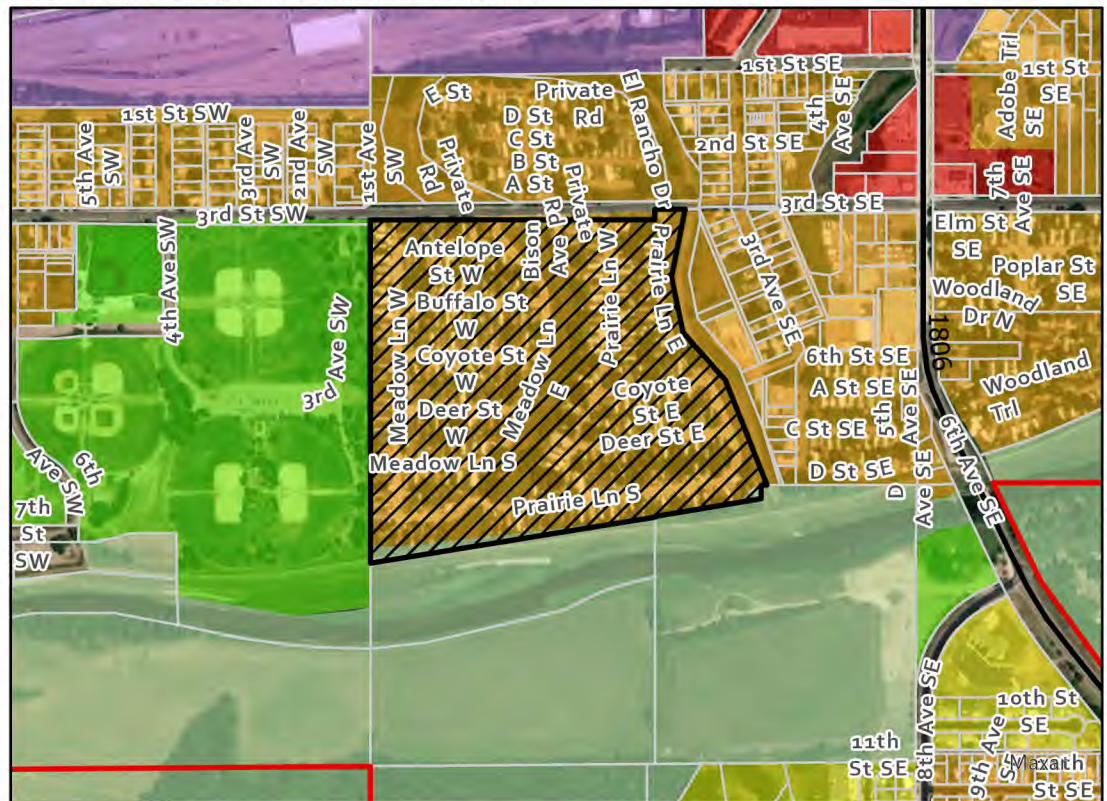
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: April 22, 2024
PREPARATION DATE: April 12, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a zone change from CB - Commercial to RH - Residential Mobile Home Park for Gateway Mobile Home Park. Said property is Auditor's Lot A of N1/2 SW1/4 (less .091 acres RD & less Hoovestols 2nd 3.75 acres & less part Meadowlands 2nd .48 acres) in Section 26, Township 139N, Range 81W. The property is located at 112 6th Avenue SE (Gateway Mobile Home Park).

STATEMENT/PURPOSE:

Community Management Group, LLC, is requesting a zone change from CB - Commercial to RH - Residential in order to bring the parks zoning into conformity.

BACKGROUND/ALTERNATIVES:

Community Management Group, LLC (CMG) seeks approval of a zone change from CB - Commercial to RH - Residential. The current zoning of the park is nonconforming and per Section 105-1-1 of the City Code of Ordinances, certain improvements are not permitted when zoning nonconformities are present.

Project Overview

In the fall of 2023, CMG reached out to Mandan city staff regarding the zoning of Gateway Park prior to them becoming the owner. Per the regulations outlined in Section 105-1-1 of the City Code of Ordinances, addressing existing uses and nonconformities, certain enhancements are restricted for properties with zoning nonconformities, including specifically the moving of buildings. The property is currently zoned to a district that has been removed from the city's ordinances without being reassigned to an existing district within the code. Correcting this issue would align the property's current use as a residential mobile home park with city regulations, thereby mitigating or eliminating the legal barriers that prevent new homes from being introduced into the park and providing a legal framework to regulate other proposals off of.

Requested Zone Change

The zone change request from CB - Commercial to RH - Residential would drastically reduce the number of zoning nonconformities present, and provide an ordinance-based framework to regulate improvements within the park. The RH - Residential standards include numerous provisions for the operation of a mobile home park, as well as mobile home site standards. In general, the mobile home site standards, which will most directly affect home placement and the use of lots, adhere well to the layout of Meadow Park. Ordinances pertaining to the siting mobile homes, accessory structures and other home-site related code provisions are provided below.

(9)Design requirements for mobile home site.

a. Minimum size. Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.

b. Land coverage. Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.

c. Access. Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.

d. Setback requirements. No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

Property History

City records, including a site plan of the park, lack date information. Staff believes the mobile home park was initially developed in the mid 1970s. It is shown to be fully built out in a 1981 aerial. It was common practice for Cities across the country to permit mobile home parks in industrial and commercial zoning. Mobile homes were repealed from the CB - Commercial district as a permitted use upon the enactment of deliberate zoning districts for mobile home parks, such as RH - Residential. Morton County data indicates there are 199 units in this park.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned DF - Downtown Fringe, CC - Commercial, RH - Residential, CB - Commercial, RM - Residential, and MB - Industrial. Land uses include commercial, vacant, institutional, residential (single family, multifamily and mobile home parks) and features such as the redundant Heart River Levee and former Heart River

Oxbows. The park is accessed via 6th Avenue SE.

Additional Information and Public Outreach:

- Application and fee of \$600 was received on March 22.
- 36 letters were sent to adjacent property owners.
- Legal notice was published on April 12 & 19

Findings of Fact Zone Change

1. The City of Mandan and/or other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change, contingent on utilities;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

Staff Comments

- Staff is collaborating to ensure ordinance requirements such as a water resale agreement are in place, as required by City Code of Ordinances.
- While there may still be nonconformities present following the rezone, the goal of this rezone is to, at a minimum, have the zoning allow the residential homes that are already in the park. The City maintains processes to consider unforeseen circumstances and it is possible that ordinance requirements can be reviewed during the zoning study to address any potential for nonconformities post re-zone.
- Any and all zoning nonconformities created by this rezoning would be classified as legal nonconforming / grandfathered in. No changes are required to residences until a point at which the resident desires to change something about the property or a new tenant moves in. Building, Fire, and State Health code will apply to both existing and new structures in the park, as they do today.

ATTACHMENTS:

1. Application
2. Legal Description

3. Draft Ord. 1446
4. Images - Gateway
5. Location Map - Gateway

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends approval of the zone change from CB - Commercial to RH - Residential.

SUGGESTED MOTION:

I move to approve the zone change from CB - Commercial to RH - Residential.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	☒ Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	☐ Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	☐ Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	☐ Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	☐ Variance (\$400)
Final Plat more than 40 lots (\$750)	☐ Special Use Permit (\$450)
Annexation (\$450)	☐ Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	☐ Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
Address			Community Management Group, LLC		
City	State	Zip	City	State	Zip
			Normandy Park	WA	98148
email			email		
patrick@cmgparks.com; nick@cmgparks.com					
Phone		Fax	Phone		Fax
			(206) 992-6901		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition	CB	RH	Gateway MHC
Property Address				Legal Description		
112 6th Ave SE, Mandan, ND				See Attached		
Current Use						
Mobile Home Community						
Proposed Use						
Mobile Home Community				Section	Township	Range
				26	139	81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

Print Name	Signature	Date
Patrick W. [Signature]	[Signature]	3-22-2024

Office Use Only			
Date Received:	Initials:	Fees Paid:	Date
	nm	\$ 600	3-22-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2024

N:\PLANNING & ZONING\0. Administration\Application Documents\Development Application - January 1, 2024.docx



Shopping Cart: 0 Items [\$0.00]

[New Search](#)
[History](#)
[Payoff](#)
[PayTaxes](#)
[Help](#)

Parcel#: 65-5742000

Status: Delinquent

Receipt: 34485

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Value:

Market: \$3,411,000
Taxable: \$170,550
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$170,550

[Detail](#)

2023 Taxes:

[View Pie Charts](#)

First Half: \$23,963.98 **Due:** 3/1/2024
Second Half: \$23,963.98 **Due:** 10/15/2024
Total: \$47,927.96

[Show Current Tax Bill](#)

[Detail](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
 (May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 112 6TH AVE SE, MANDAN ND 58554

Subdivision: (224) MANDAN LANDS

TRS: T139, R81, Sec. 26

Legal: AUD LOT A OF N 1/2 SW 1/4 (LESS .091A

RD & LESS HOOVESTOLS 2ND 3.75AC & LESS

PT MEADOWLANDS 2ND .48AC)

30.67 ACRE

(2885)

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
 210 2nd Ave NW
 Mandan, ND 58554



© 2024 Tyler Technologies, Inc. iTax Version 2023.4.1.1

ORDINANCE NO. 1446

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Industrial; and

WHEREAS, Adjacent properties to the north is Right-of-Way, to the west zoned CB – Commercial & MB – Heavy Commercial/Heavy Industrial; to the east zoned RH – Residential Mobile Home Park & CC – Commercial/Light Industrial Transition; and to the south CB – Commercial, RM – Residential Multi-Family, RH – Residential Mobile Home Park & MB – Heavy Commercial/Heavy Industrial. RH – Residential Mobile Home Park zoning would be appropriate; and

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

SECTION 1. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

(GATEWAY MOBILE HOME PARK) AUDITOR'S LOT A OF N1/2 SW1/4 (LESS .091 ACRES RD & LESS HOOVESTOLS 2ND 3.75 ACRES & LESS PART MEADOWLANDS 2ND .48 ACRES) OF SECTION 26, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 30.67 ACRES, MORE OR LESS.

- shall be removed from the CB – Commercial District and shall be included in the RH – Residential Mobile Home Park District.

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

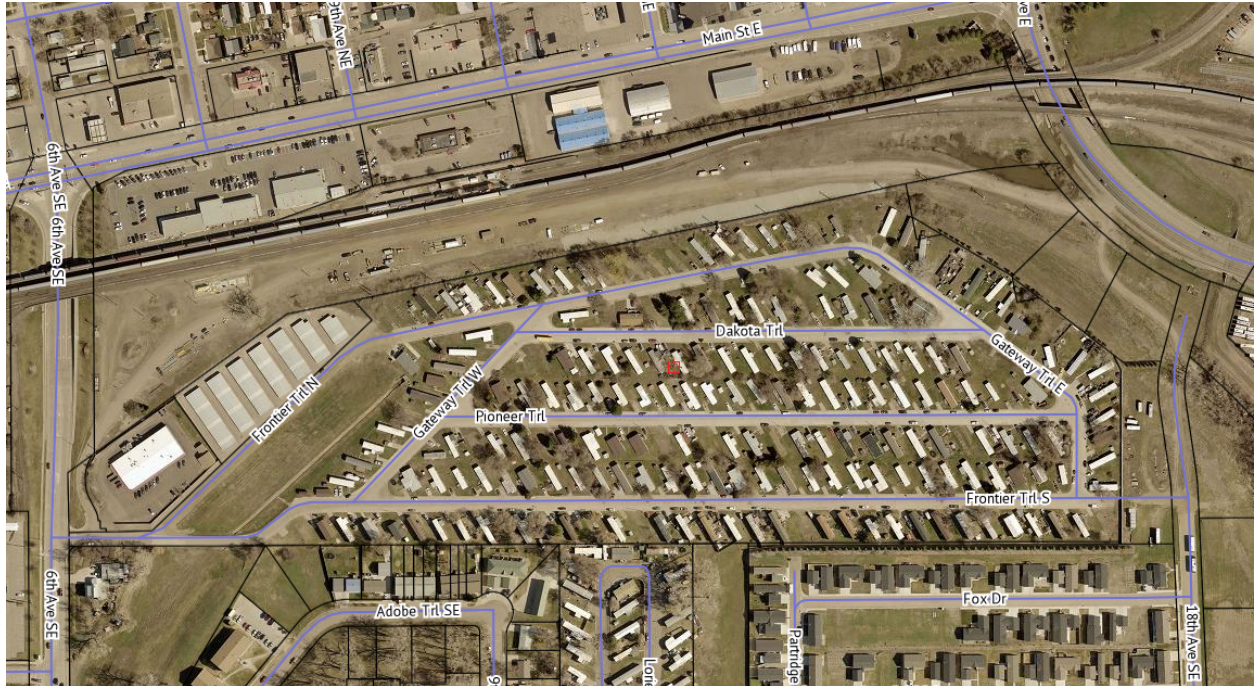
Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:

April 22, 2024
May 7, 2024
May 21, 2024



Aerial view of subject property.



View of subject property from west.



Zoning and Future Land Use Reference Map

Meadow Park

Zoning

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: April 22, 2024
PREPARATION DATE: April 12, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consideration of a variance to build a garage without a house for Riverside 2nd Addition.

STATEMENT/PURPOSE:

Brenda Wiese seeks approval to construct a garage on a lot that does not have a home. The City Ordinance does not permit the construction of garages or the principal use being storage in R3.2 - Residential zoning without them being accessory to a home.

BACKGROUND/ALTERNATIVES:

Brenda Wiese requests consideration for a variance to Sec. 105-3-7 (b) and 105-1-3 (4) of the City Code of Ordinances related to R3.2 - Residential permitted uses and Accessory Structures - timing. Said property is Section 28, Township 139, Range 81.

Project Overview

The Wiese's seek to construct a garage/shop on a lot for the storage of personal property in a zoning district where a home needs to be constructed prior to a garage and where storage is not a permitted principal use. The proposal would be for a residential dwelling to be constructed on the south lot, which would have its own accessory space, and construct an additional accessory building (which would serve as a principal use, requiring a variance) on the lot to the north. The applicant states that the buildings would be used in conjunction.

Property History

Riverside Addition was platted in 1882. The properties were previously developed with residential structures. All homes were demolished by 2010 and the property has generally been vacant since.

Variance Request

The City Code of Ordinances does not permit storage as a principal use on an R3.2 - residential lot and requires a dwelling unit to exist on a property prior to any accessory

structures being placed on a property. The applicant states that they have property that cannot be stored outside.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned CB - Commercial and R3.2 - Residential and are developed with single family homes and heavy commercial uses. This property's future land use distinction is residential.

Additional Information and Public Outreach:

- Application and fee of \$700 was received on March 22.
- 13 letters were sent to adjacent property owners.
- Legal notice was published on April 12.

Findings of Fact Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the R3.2 - Residential District.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

- In 2023, a request for a similar variation to establish storage on residential lots was denied. Concerns raised at the Commission meeting included the potential precedence the use may set in residential areas.
- There is a possibility for the properties to be merged into one, as the alley has been deemed non-essential for City operations. This merger wouldn't necessitate a variance, and the owner would be entitled to construct an accessory building on the lot associated with the home.
- Staff expresses concern that developing a lot without a dwelling could inadvertently encourage commercial activity on the property. Staff is unaware, without the lots being combined, of a way to require the lots to remain owned in

conjunction.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Riverside 2nd Addition
4. Riverside 2nd Addition with features
5. Images
6. Location Map - Riverside 2nd

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

Regarding the minor plat, Staff will present this for consideration at a future meeting of the City Commission for their review and approval.

SUGGESTED MOTION:

Two motions are drafted for the Planning and Zoning Commission.

1. Move to recommend **approval** of the accessory building size variance from Sec. 105-3-7 (b) and 105-1-3 (4) of the City Code of Ordinances related to R3.2 - Residential permitted uses and Accessory Structures - timing, and to permit the variance request due to the following hardship: **[PZ Commissioner to identify/fill in the blank] and to modify the following Staff finding(s) of fact - contingent on the minor plat following.**

2. Move to recommend **denial** of the accessory building size variance from Section 105-3-13 (5) of the City Code of Ordinances related to CC - Commercial District Front Yard

setbacks and to accept the findings of fact due to no hardship being identified.

CITY OF MANDAN		
Development Review Application		
X	Minor Plat (\$300)	Zone Change (\$600)
	Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
	Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
	Final Plat up to 20 lots (\$450)	Vacation (\$500)
	Final Plat 21 to 40 lots (\$600)	X
	Final Plat more than 40 lots (\$750)	Variance (\$400)
	Annexation (\$450)	Special Use Permit (\$450)
	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater submittal (\$300)
	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
		Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		
Minor Plat to vacate lot lines and combine into 2 two lots, request variance for accessory structure.		

Engineer/Surveyor			Property Owner or Applicant		
Name ILSE Inc. / Mark R. Isaacs, PLS			Name Brenda Wiese		
Address 4215 Old Red Trail NW			Address 1200 3rd Street		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email hddop@msn.com		
Phone 701-595-2079		Fax	Phone 701-220-0509		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location			Type			Existing Zone	Proposed Zone	Project Name		
City	X	ETA	New	X	Addition	R-3.2	R-3.2	Riverside 2nd Addition		
Property Address						Legal Description				
1209 1st Street SW, Mandan, ND 58554						Lots 3-10 & West 4.5' of Lot 2, Block 1				
Current Use						Riverside Addition				
Vacant Lots						Riverside Addition				
Proposed Use						Riverside Addition				
Residential Housing						Section 28	Township 139	Range 81		
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		
0.71 Ac.										

Print Name Brenda Wiese	Signature 	Date 03-22-2024
----------------------------	--	--------------------

Office Use Only			
Date Received:	Initials: ym	Fees Paid: \$ 700	Date 3/22/2024
Notice in paper		Mailed to neighbors	P&Z meeting
Approved	Approved with conditions:		
Denied			

Additional Submittals

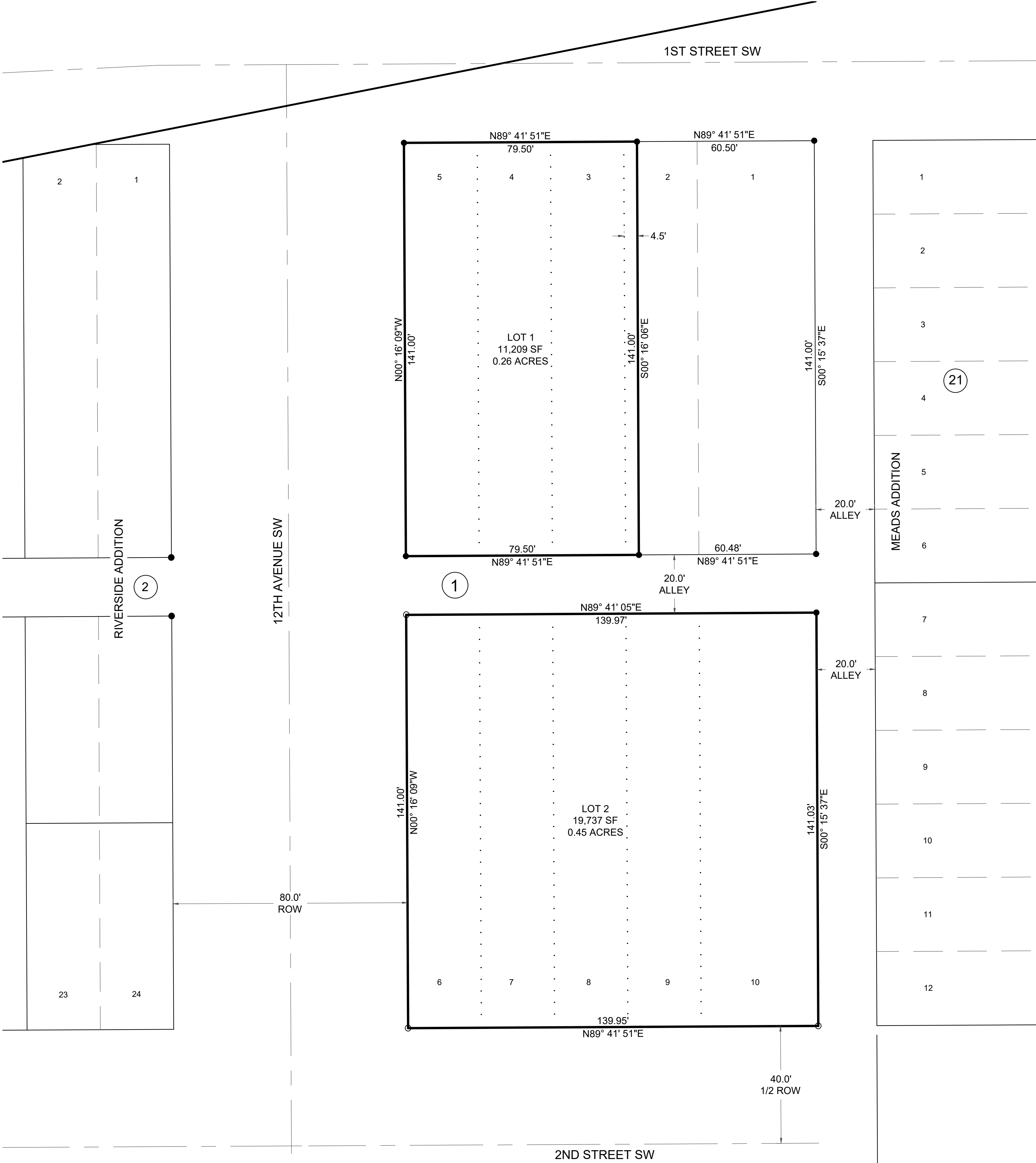
Variance

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought
lot 1 would like garage structure with no house
2. How the applicant is deprived of a reasonable use of said land or building;
Cannot park classic cars just in lot, would need to be inside structure to keep cars, and keep area neat,
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
There are already garage only lots currently in the neighborhood.
4. The minimum variance that will accomplish the relief sought.
No paving Required, just garage

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.

RIVERSIDE 2ND ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOTS 3-10 AND THE WEST 4 1/2 FEET OF LOT 2, BLOCK 1 RIVERSIDE ADDITION
IN THE SE 1/4 OF SECTION 28, T139N, R81W



PROPERTY DESCRIPTION

LOTS 3, 4, 5, 6, 7, 8, 9, 10 AND THE WEST 4.5 FEET OF LOT 2, ALL IN BLOCK 1 IN RIVERSIDE ADDITION TO THE CITY OF MANDAN, NORTH DAKOTA AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 0.71 ACRES (30,946 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

BRENDA R. WIESE

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS DAY OF , 20.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE DAY OF , 20.

JIM NEUBAUER - CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "HELBLINGS 4TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

OWNERS:
BRENDA R. WIESE
1200 3RD ST SW
MANDAN, ND 58554

SITE ADDRESS:
1209 1ST ST SW
MANDAN, ND 58554

- NOTES:
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

RIVERSIDE 2ND ADDITION
ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
BLOCK 1, RIVERSIDE ADDITION
IN SE 1/4, SEC. 28-139-81
MANDAN, NORTH DAKOTA

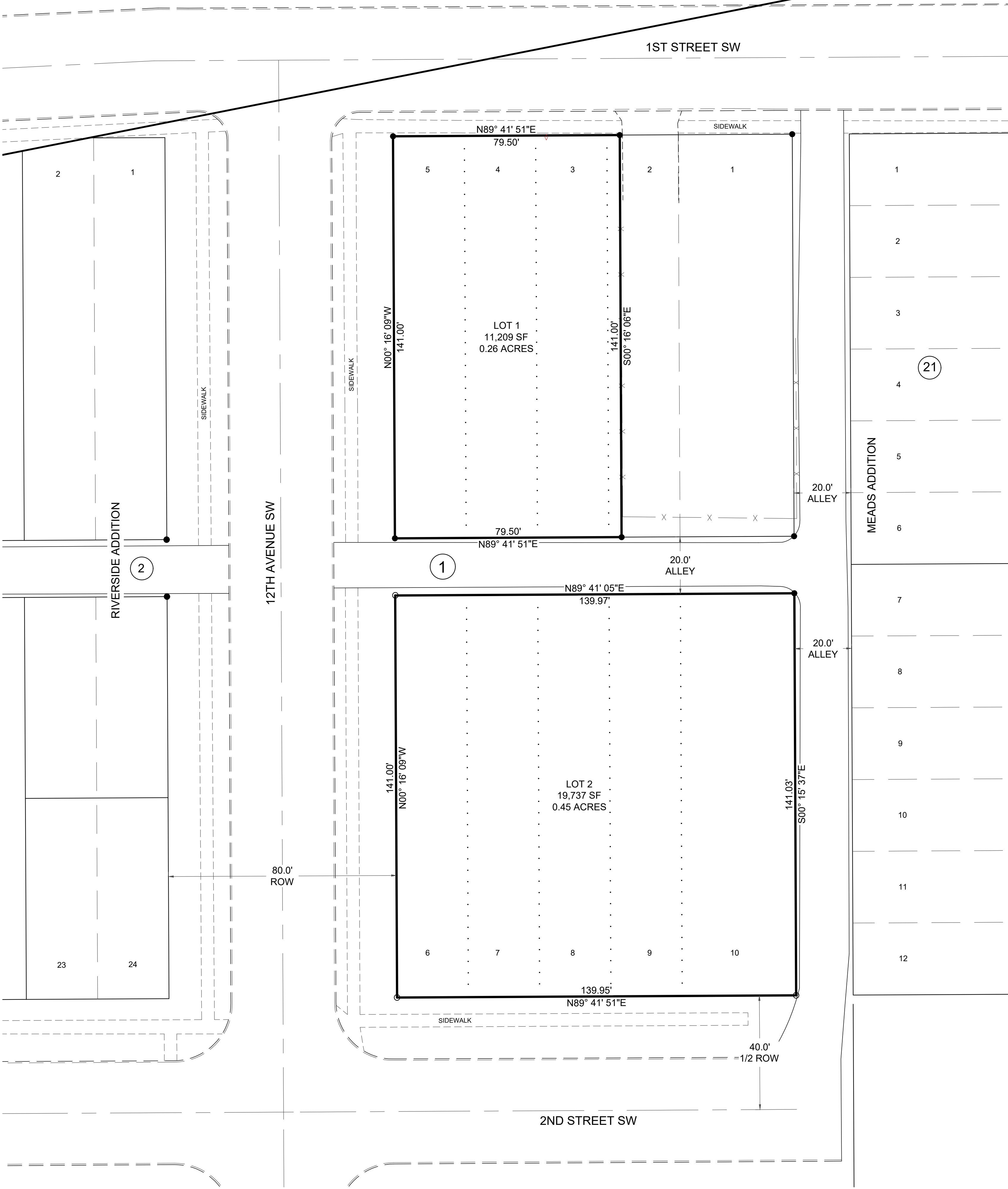
SHEET: 1 OF 1
SCALE: 1"= 20'
DRAWN BY: MRI
DWG DATE: 3/20/24
DWG NAME: 24023 Survey.dwg

JOB NUMBER: 24023
DWG REVISION DATES

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@isurveynd.com

Independent
Land
Surveying &
Engineering

RIVERSIDE 2ND ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOTS 3-10 AND THE WEST 4 1/2 FEET OF LOT 2, BLOCK 1 RIVERSIDE ADDITION
IN THE SE 1/4 OF SECTION 28, T139N, R81W



PROPERTY DESCRIPTION

LOTS 3, 4, 5, 6, 7, 8, 9, 10 AND THE WEST 4.5 FEET OF LOT 2, ALL IN BLOCK 1 IN RIVERSIDE ADDITION TO THE CITY OF MANDAN, NORTH DAKOTA AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 0.71 ACRES (30,946 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

BRENDA R. WIESE

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20__.

JIM NEUBAUER - CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "HELBLINGS 4TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

OWNERS:
BRENDA R. WIESE
1200 3RD ST SW
MANDAN, ND 58554

SITE ADDRESS:
1209 1ST ST SW
MANDAN, ND 58554

- NOTES:
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

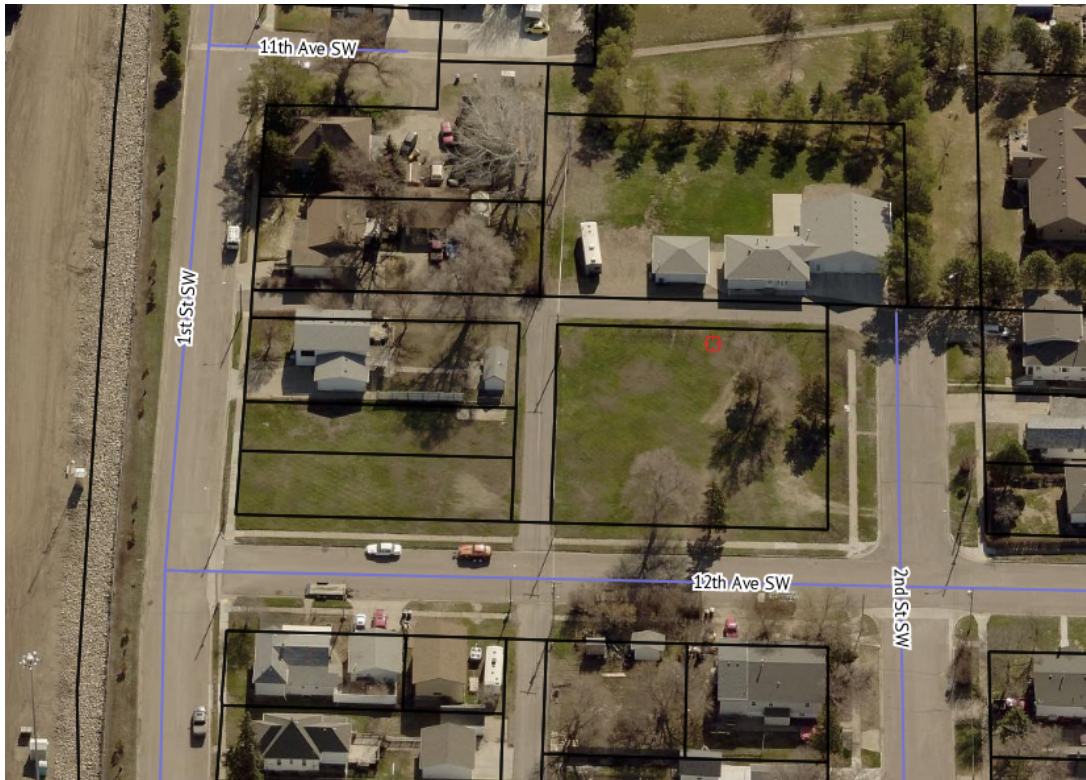
RIVERSIDE 2ND ADDITION
ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
BLOCK 1, RIVERSIDE ADDITION
IN SE 1/4, SEC. 28-139-81
MANDAN, NORTH DAKOTA

SHEET: 1 OF 1
SCALE: 1"= 20'
DRAWN BY: MRI
DWG DATE: 3/20/24
DWG NAME: 24023 Survey.dwg

JOB NUMBER: 24023
DWG REVISION DATES

Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com



View of subject property looking towards the east.



View of subject property looking west.



View looking NE towards property.



View looking SE towards property.



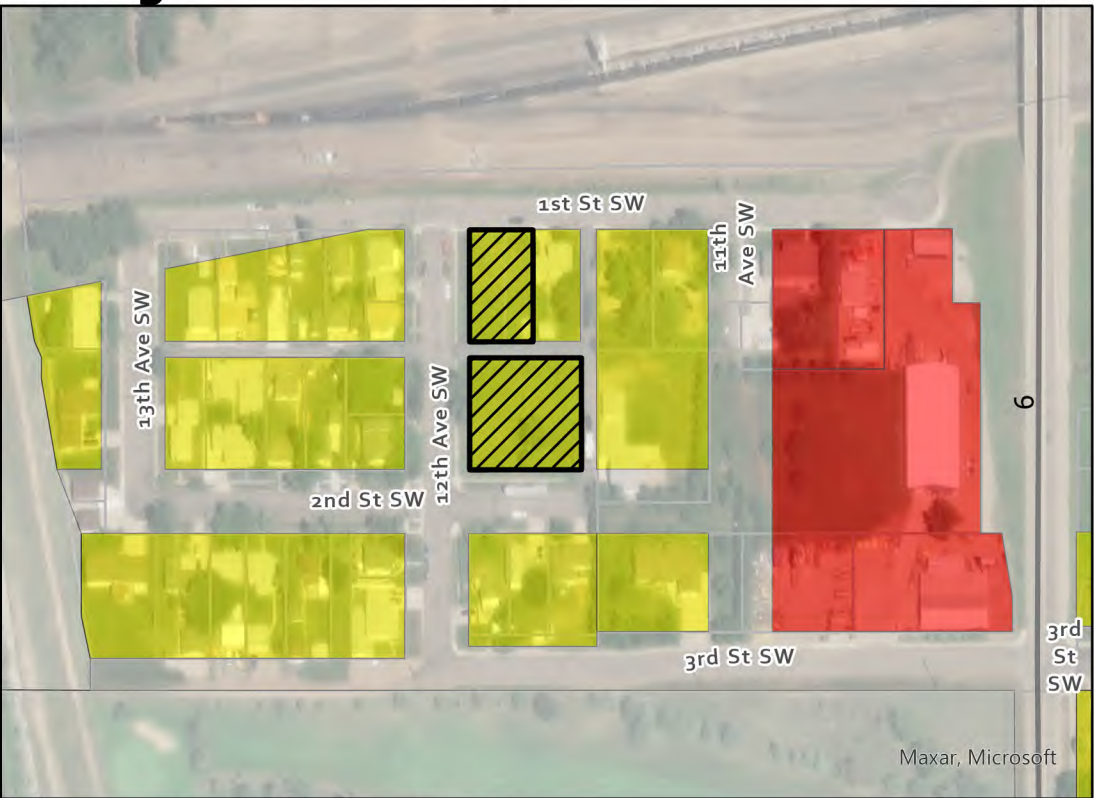
Zoning and Future Land Use Reference Map

Riverside 2nd Addition

Zoning

Zoning Map Key

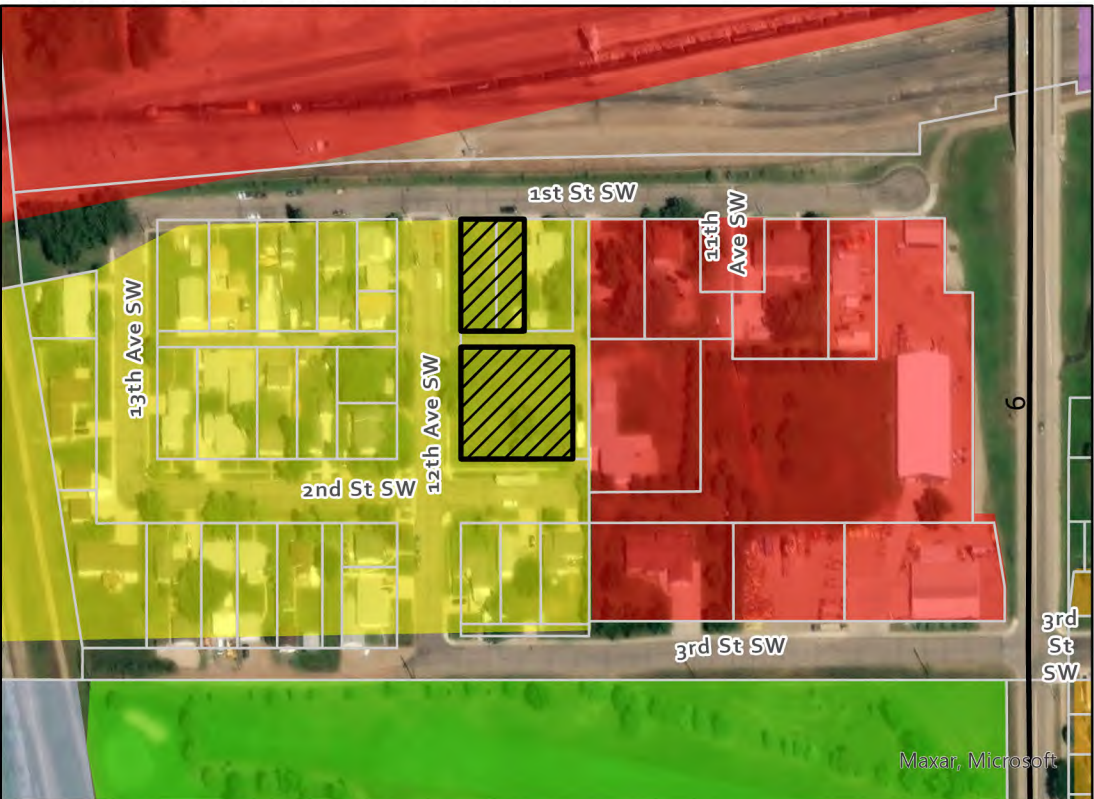
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan



0 0.04 0.09 0.17 Miles