



AGENDA
PLANNING & ZONING COMMISSION
MAY 29, 2024
COMMISSION ROOM
MANDAN CITY HALL
5:30 PM
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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. April 22, 2024 Minutes

C. PUBLIC HEARINGS

1. Consider Preliminary Plat for Longhorn 3rd Addition

Staff Recommendation: Planning staff recommends approval of the preliminary plat for Longhorn 3rd Addition.

2. Consider a special use permit for Lot 1, Block 1, Bridgeview Bay Addition.

Staff Recommendation: Based on the findings presented in the special use

permit evaluation exhibit 5, along with the project's failure to comply with the City's land use plan, and other issues outlined in this report, Planning Staff recommends denial of the request.

D. OTHER BUSINESS

1. Code Study Update

E. ADJOURN

A. ROLL CALL Those present were Russell Leingang, Ellen Huber, Rick Horn, Tim Helbling, Tanner Intveld, Jamie McLean, Ben Buchmiller, Craig Smith, Victoria Vayda Hammond, Bill Robinson. Absent were Miles Mehlhoff and Will Gardner.

B. CONSIDER APPROVAL OF MINUTES

1. *March 25, 2024 Minutes.* Commissioner Smith referenced that on page 3, where it said Commissioner Smith commented there are 2 references to square footage or acres and in the third line it says 7,000 sq. ft. or 6.1 acres that should be “.61”. And, at the end of the paragraph there is reference to 14,440 sq ft, that should be 1,440 sq ft. He recommended that those changes be corrected in the minutes of March 25, 2024.

Commissioner McLean motioned to approve the March 25, 2024 minutes upon the corrections being made. Commissioner Smith seconded the motion. Upon vote, the motion passed unanimously.

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.*

STATEMENT/PURPOSE:

Domera Development requested 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 parking spaces. The property is located south of the Eagles Club on Collins Avenue and has been vacant since its general platting history. The city has it in its Land Use plan as Commercial for future uses on the property. Residential is permitted on a Commercial lot.

BACKGROUND/ALTERNATIVES:

Domera Development requested approval of a variance to Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking 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 (25) 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 has been vacant and was replotted 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, 2024.
- Fifteen (15) letters were sent to adjacent property owners.
- Legal notice was published on April 12, 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 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 Committee (MARC). 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.

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.

Chair Robinson inquired if there were any comments or questions.

Commissioner Smith inquired if the number of parking spaces would be forty-six (46) and if four (4) of them are required for ADA and two (2) of them are for guests, thus the number will be forty-four (44) parking spaces? Planner Stromme stated that this would be similar to other multi-family parking projects wherein the city would require a certain number of parking spaces and permit the developer to program them to certain uses and the Board could require all that parking for handicap parking and not for guest parking, for example. The request is to provide for forty-six (46) parking spots on the site for all the tenants, guests and handicap. Chair Robinson inquired what the structure looks like from the street, if it is a single story? Planner Stromme stated that the building will be a 2-story complex and the entrances to the homes would be oriented off the parking lot.

Chair Robinson inquired if there were any comments or questions, hearing none, the public hearing was opened. 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 parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.

Commissioner Huber inquired if there was any consideration as to what it would do to the feasibility of they were to reduce the number of units from 25 to something under that?

Chris Titsis with the development team came forward and stated that this program is affordable and workforce housing is a process through the state FHA which is the state board, so it is a competitive process so that when you apply you provide market studies and demands and needs. Over the course of 3-4 months that document is pretty much set in stone so when an application is made it is a feasible analysis in the market. This project has been approved for twenty-five (25) units.

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 from members of the Planning and Zoning Commission.

Chair Robinson stated that prior to this meeting, a letter was received from one of the neighbors stating he was not in favor of the development. There was also an email received last week with the same sentiment.

Commissioner Huber commented on the inquiry explaining that this property has been available for many years. The Eagles Club was given the opportunity to purchase the property if they were interested. Parking has been a concern brought forward by residents who submitted the communication that was received; there was also concern about this property being affordable housing wherein she reviewed the needs analysis for Mandan from the ND Housing Finance Agency and they estimated that from 2020 to 2025 there was a need for approximately 100 additional units or a 6.4% increase in that category. What they're looking at is rent concerns if they have to spend more than 30% of their household income towards a mortgage or rent. It's based on a median income in the Mandan area is a household income of \$79,555. Median rents are at \$973. The rent on a unit in the category here that is suggested of extremely low households; it puts that threshold at \$720 max. There are two ways that our society supports

affordable housing and those are either thru project based or tenant-based support. These are important factors and if we are able to support them, she stated she is in support of these requests. Mayor Helbling concurred with Commissioner Huber noting that the property has been available for a long time and it does seem that every time plan is presented the neighbors object to it wherein, they do not want anything done. The Eagles parking always comes up wherein the Eagles have had time to purchase or enter into an agreement of any sort. It was stated that there is no affordable housing in Bismarck and there is no affordable housing in Mandan and it is a very big problem.

Commissioner IntVeld inquired if they have been included in on the parking on Collins Avenue. If there is overflow parking what would happen to the emergency and law enforcement access, and things of that nature? Planner Stromme explained that parking is not allowed on Collins Avenue; parking restrictions would be enforced on Collins if parking were to overflow to the neighborhoods and the city would expect to see parking on the east-west streets on the residential streets. If there are concerns there are departments that can monitor and consider alternative signage to assure parking is not on the street.

Commissioner Huber moved to recommend approval of a parking 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: strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property. Commissioner McLean seconded. Upon vote, the motion passed unanimously.

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

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. The property is located at 2701 Memorial Highway Southeast.

BACKGROUND/ALTERNATIVES

Richard Holmes (Daily Perks Coffee) requested 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 25 feet wherein the zoning code would require 35 feet. The 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 35 feet to 25 feet 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 25-foot setback will allow for an optimal site plan to be developed.

Property History

The 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 and 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, 2024.
- Ten (10) letters were sent to adjacent property owners.
- Legal notice was published on April 12, 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 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.

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.

Chair Robinson inquired if there were any comments or questions.

Chair Robinson inquired if there were any comments or questions, hearing none, the public hearing was opened. 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 setback variance for Lot 1, Block 1, Ramblewood 11th Addition.

Richard Holmes, owner of Daily Perks Coffee commented that that Daily Perks has been a coffee destination in Dickinson for over 10 years and they would like to bring the business to Mandan.

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 from members of the Planning and Zoning Commission.

Commissioner Smith motioned to approve the setback 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: Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property. Commissioner Buchmiller seconded. Upon vote, the motion passed unanimously.

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

STATEMENT/PURPOSE

Community Management Group, LLC, is requesting a zone change from MHS - Mobile Home Subdivision to RH - Residential 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 pursuant to 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 contacted 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.

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% 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 in the backyard and not within 5 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 10 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, 2024.
- Thirty-Six (36) letters were sent to adjacent property owners.
- Legal notice was published on April 12 & 19, 2024.

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.
- 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.

RECOMMENDATION

Planner Stromme stated that the Planning Department recommended approval of the zone change from MHS - Mobile Home Subdivision to RH – Residential.

Chair Robinson inquired if there were any comments or questions.

Commissioner Huber commented that she noted that the applicant is not current on the first half of the property taxes for 2023. Would a zone change need to be contingent on a requirement that the property taxes be brought up to date? Planner Stromme replied that it is possible; the intent of the screen shots included was to explain the legal descriptions of the property. He will check the status because as stated in the attachment, it shows that the owner is Community Management Group; he agreed it should be a requirement that property taxes are paid up to date.

Chair Robinson inquired if there were any comments or questions, hearing none, the public hearing was opened. 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 zone change from MHS - Mobile Home Subdivision to RH – Residential. 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 from members of the Planning and Zoning Commission.

Commissioner Huber motioned to approve the zone change for Meadow Park Mobile Home Trailer Park from MHS Mobile Home Subdivision to RH - Residential Mobile Home Park for Meadow Park.

Commissioner Leingang seconded. Upon vote, the motion passed unanimously.

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

STATEMENT/PURPOSE

Community Management Group, LLC, requested a zone change from CB - Commercial to RH - Residential to bring the parks zoning into conformity. The property is located on the east side of 6th Avenue.

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 contacted the 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.

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% 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 in the backyard and not within 5 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 5 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 10 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 by way of 6th Avenue Southeast with possible access to 18th Avenue but that would be up to the owner of that property.

Additional Information and Public Outreach

- Application and the fee of \$600 was received on March 22, 2024.
- Thirty-six (36) letters were sent to adjacent property owners.
- Legal notice was published on April 12 & 19, 2024. 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.
- 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.

RECOMMENDATION:

Planner Stromme stated that the Planning Department recommended approval of the zone change for

Gateway Mobile Home Park. from CB - Commercial to RH - Residential Mobile Home Park for Gateway Mobile Home Park.

Chair Robinson inquired if there were any comments or questions, hearing none, the public hearing was opened. 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 zone change for Gateway Mobile Home Park. from CB - Commercial to RH - Residential Mobile Home Park for Gateway Mobile Home Park.

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 from members of the Planning and Zoning Commission.

Mayor Helbling was excused from the meeting at this time.

Commissioner McLean motioned to approve a zone change for Gateway Mobile Home Park. from CB - Commercial to RH - Residential Mobile Home Park for Gateway Mobile Home Park. Commissioner IntVeld seconded. Upon vote, the motion passed unanimously.

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

Brenda and Scott Wiess seek 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. The property is located in southwest Mandan in the Riverside Subdivision within the area of the Mandan Municipal Golf Course and Heart River with BNSF to the north.

BACKGROUND/ALTERNATIVES

Brenda and Scott Wiess requested 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. There will be a minor plat request along with this request later.

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 will be for personal use and 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

- An application and fee of \$700 was received on March 22, 2024.
- Thirteen (13) letters were sent to adjacent property owners.
- Legal notice was published on April 12, 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. 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 and could be vacated. This merger would not necessitate a variance, and the owner would be entitled to construct an accessory building on the lot associated with the home.
- Staff expressed 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.

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

Commissioner Huber inquired if the preliminary plat that is underway will merge these into one lot or is that for other purposes? Planner Stromme explained there are two parcels that would be combined for these purposes however the end product for the plat would still be two separate lots. The two lots to be combined would become Lot 1, with a right of way vacation. Commissioner Smith stated he shares the same concerns as Commissioner Huber regarding separate lots but if the alley could be vacated, that seems to be a reasonable request.

Chair Robinson inquired if there were any comments or questions, hearing none, the public hearing was

opened. 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 build a garage without a house for Riverside 2nd Addition.

Scott Wiese came forward and stated that regarding the request for the vacation for the alley is that they did not want to go that route. They have a good working relationship with the neighbors. The reason to construct the garage is for their personal use. He said there are two other garages in that area and the owners do not live in the area wherein his home and shop are located there. Commissioner Smith inquired if the alley were vacated, technically the alley would remain in its location with an access easement to the neighbors. Planner Stromme concurred that is an option and there would be two options in the alley to get out to 1st and 2nd Streets.

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 from members of the Planning and Zoning Commission.

Chair Robinson commented that he lives in the neighborhood and that he believes the Wiese's will do a great job developing this property. The only thing long term would be the separation of lots at some point in the future keeping in mind that circumstances change and to have those lots separated and something gets parceled off may be concern. Commissioner Huber stated that this is a reminder of the conversations about shop condos in the community that when property changes hands, it could present challenges into the future. She would like to see further exploration involved with joining up those lots and vacating the alley.

Scott Wiess inquired if they would be able to vacate the alley and build the garage to utilize it (in 2024) before his son builds a house (in 2025) on the other lot. Planner Stromme stated that would be a totally different request that this Board would not be able to answer at this time; building an accessory building before constructing a house, which is ambiguous and that would have to be brought back as a separate request. There are alternatives that can be utilized to temporarily store the vehicles, they do not need to be on this property. The right of way vacation generally takes 6-8 weeks and there is a process for that outlined in the NDCC. There is a high level of confidence of a portion of the alley being vacated and probably the whole thing noting that the Public Works Department has no interest in maintaining alleys and generally there are a low number of parcels for this to be maintained as an alley; barring certain circumstances the minimum vacation would proceed

Commissioner Smith moved 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.

Commissioner Smith commented that an application for a vacation of a right of way would be in order.

Commissioner McLean seconded the motion including that an application for a vacation of a right of way would be in order. Upon vote, the motion passed unanimously.

D. OTHER BUSINESS

E. ADJOURN There being no further business to discuss or come before the Board, Commissioner

Gardner motioned to adjourn the meeting. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

The meeting adjourned at 6:48 p.m.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: May 29, 2024
PREPARATION DATE: May 21, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a preliminary plat to be named Longhorn 3rd Addition. The property is located on Highway 1806 and 37th Street.

STATEMENT/PURPOSE:

The Central Dakota Humane Society is requesting approval of a preliminary plat to be named Longhorn 3rd Addition. Said property is located in the extra-territorial jurisdiction and would be a replat of Lot 1, Block 1, Longhorn 2nd Addition.

BACKGROUND/ALTERNATIVES:

Overview Of Request

The requested preliminary plat aims to adjust access to the property. The applicant, Central Dakota Humane Society (CDHS), plans to expand their operations and requires better access. The previous plat limited access to the current location of aprons and placed non-access lines and easements, directing all Longhorn 2nd traffic to use the existing aprons. Access to the CDHS lot was restricted to an offset location opposite Entzel Drive. The proposed modification would realign the approach to be in line with Entzel Drive, enhancing safety at the intersection by improving sight lines.

Preliminary Plat

The property to be replatted covers 11.69 acres and will be reconfigured into a one-lot, one-block subdivision. It dedicates no new rights-of-way. The section labels indicate the percentage of the property that was previously in Sections 9 and 10, but this does not mean the property is divided into two separate lots. The site is significantly encumbered by overhead electrical transmission infrastructure. Additionally, the access easement is intended for Lot 1, Block 1, Longhorn 3rd, and Lot 2, Block 1, Longhorn 2nd. Right-of-way for a future arterial road was acquired with the 2020 plat.

Property History

Longhorn was originally approved as a residential development. The Humane Society's

operations on this property began in 1994. In 2020, the property was rezoned from R7 - Residential to CB - Commercial (Ord. 1336) with restrictions in tandem with a section line vacation, land use and transportation plan amendment, and the approval of the Longhorn 2nd Addition plat.

Adjacent Properties Zoning, Land Use and Future Land Use

Property directly to the north lies within Morton County zoning jurisdiction. Properties lying to the west, east and south are A - Agriculture.

The Future Land Use Map identifies this property as Commercial, Low Density Residential to the west, open space to the north and west and rural residential to the north and south.

Additional Information and Public Outreach

- An application and fee of \$450 was received on April 26.
- 19 letters were sent to adjacent property owners.
- Legal notices were published May 17 & 24.

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, without improvements to City Sanitary Sewer that if not made, prevent the development from moving forward;
5. Portions of the subdivision are located 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.

Staff Comments

- Staff began working on this project in 2022. The City has approved the adjustment to the site access and it has been vetted by Engineering. The plat is what will actually adjust the access. The access easement serving Lot 2, Block 1, Longhorn 2nd, is adjusted slightly to extend further west than previously depicted to ensure that it overlaps with the proposed new approach to 37th Street
- The CDHS Expansion was approved by Mandan Architecture Review Commission.
- Staff requests document numbers for recorded easements be added to the final plat, if/when they are available.

ATTACHMENTS:

1. Application - Longhorn 3rd
2. Longhorn 3rd Addition Preliminary Plat revised 5-24-24
3. Recorded Plat - Longhorn 2nd
4. Images - Longhorn 3rd
5. Location Map - Longhorn 3rd

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 approval of the preliminary plat for Longhorn 3rd Addition.

SUGGESTED MOTION:

I move to approve the preliminary plat of Longhorn 3rd Addition.

CITY OF MANDAN		
Development Review Application		
	Minor Plat (\$300)	Zone Change (\$600)
X	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)		
Replat of property to modify existing non-access lines and existing access easments.		

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, PLS / ILSE, Inc.			Name Central Dakota Humane Society		
Address 4215 Old Red Trail NW			Address 2104 37th Street		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email cjkemmet@bis.midco.net		
Phone 701-595-2079		Fax	Phone 701-425-6397		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	CB	CB	Longhorn 3rd Addition		
Property Address						Legal Description				
2104 37th Street, Mandan, ND 58554						Lot 1, Block 1 in Longhorn 2nd Addition				
Current Use										
Humane Society										
Proposed Use										
Same						Section 10	Township 139 N	Range 81 W		
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		
11.69 Ac.										

Print Name Jerald C Kemmet	Signature Jerald C Kemmet	Date 4/26/24
-------------------------------	------------------------------	-----------------

Office Use Only			
Date Received: 4-26-24	Initials: nm	Fees Paid: \$450	Date
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

PRELIMINARY PLAT

LONGHORN 3RD ADDITION

OF MORTON COUNTY, NORTH DAKOTA, LYING WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, NORTH DAKOTA

LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION

PART OF THE NE 1/4 OF SECTION 9, T139N, R81W

PART OF THE NW 1/4 OF SECTION 10, T139N, R81W

PROPERTY DESCRIPTION

ALL OF LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION SITUATED IN THE NORTHEAST QUARTER OF SECTION 9 AND IN THE NORTHWEST QUARTER OF SECTION 10 ALL BEING IN TOWNSHIP 139 NORTH, RANGE 81 WEST IN MORTON COUNTY, NORTH DAKOTA, CONTAINING 11.69 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS 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".

WE, DO HEREBY DEDICATE A 40 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION, WHICH WILL RUN WITH THE LANDS.

GERALD C. KEMMET
CENTRAL DAKOTA HUMANE SOCIETY

STATE OF _____ } SS
COUNTY OF _____ }

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2024.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA. ORNANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

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, 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 "LONGHORN 3RD ADDITION" LYING WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

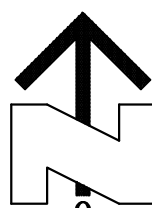
SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, 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 DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND 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

LEGEND

	EXISTING VEGETATION		EXISTING CONTOUR
	EXISTING POWER POLE		EXISTING BUILDING
	EXISTING GATE VALVE		EXISTING ASPHALT
	EXISTING ELECTRIC BOX		EXISTING CONCRETE
	EXISTING TV/TELEPHONE PEDESTAL		NON-ACCESS LINE
	EXISTING LIGHT POLE		
	EXISTING GUY WIRE		
	EXISTING FENCE LINE		
	EXISTING STORM SEWER		
	EXISTING SANITARY SEWER		
	EXISTING WATERMAIN		
	EXISTING FIBER OPTIC		
	EXISTING UNDERGROUND ELECTRIC		
	EXISTING EASEMENT		
	EXISTING OVERHEAD POWER		



SCALE: 1" = 60'

0 30 60

DATE: MAY 24TH, 2024

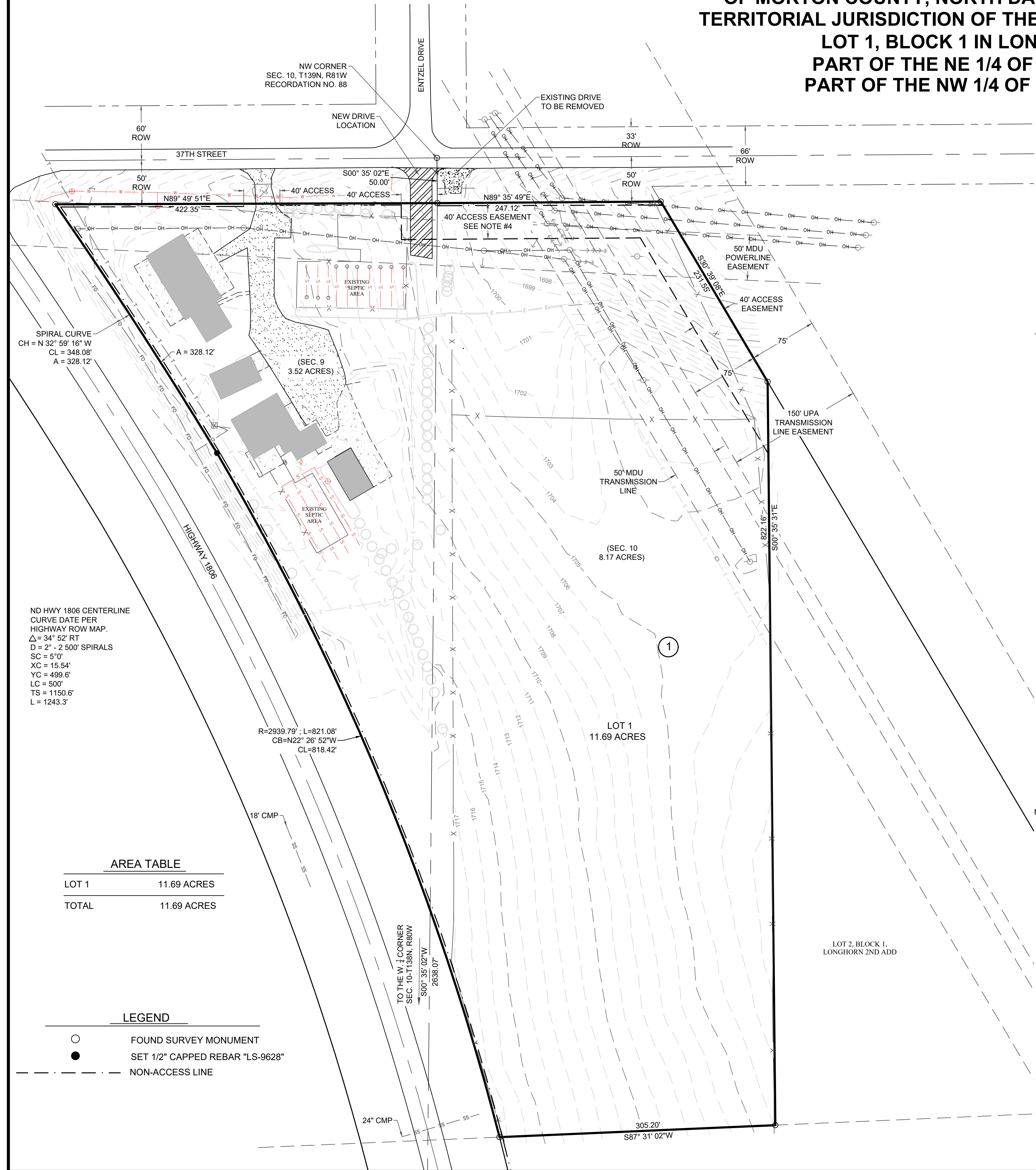
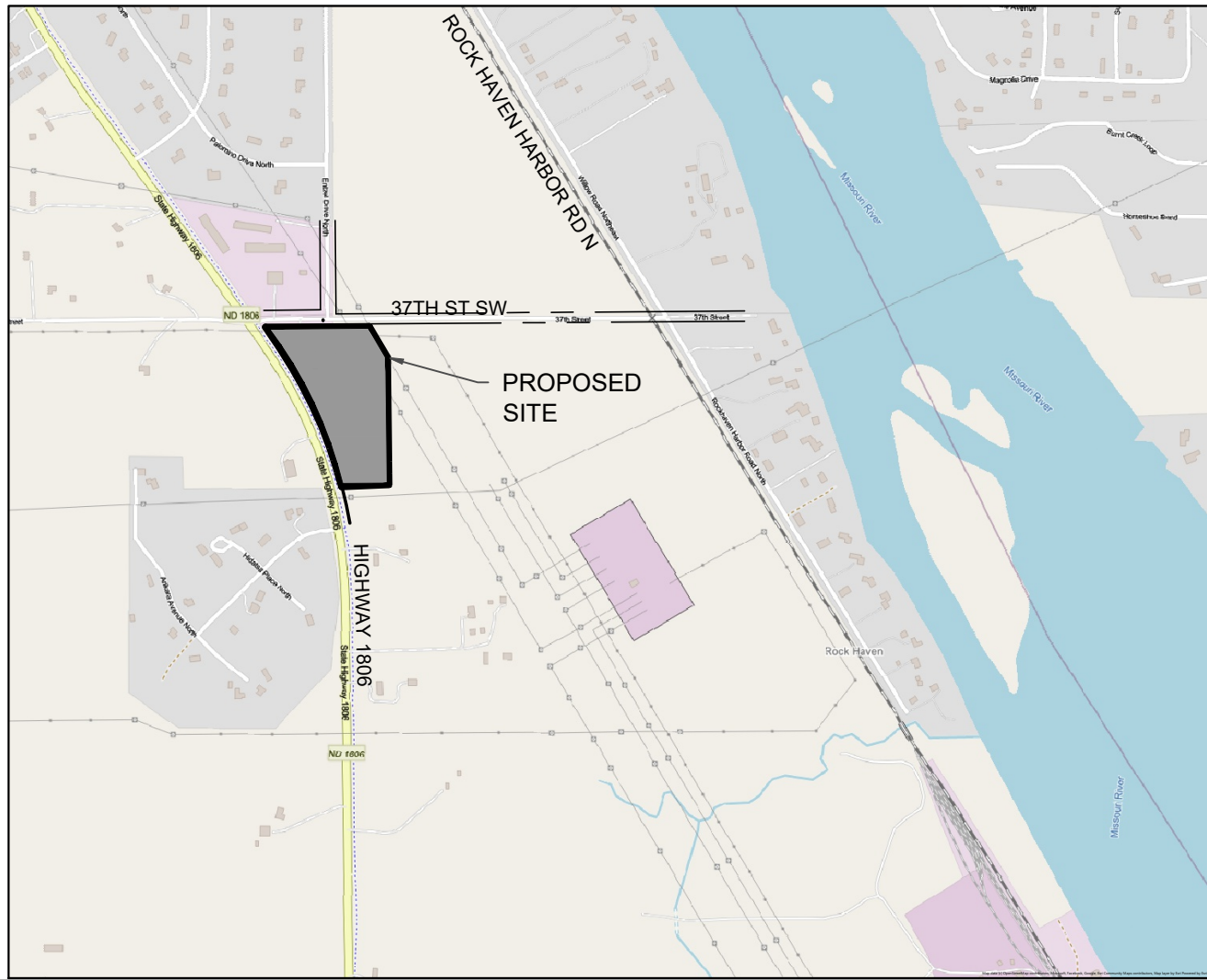
VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BSMK" CORRS STATION
AND ARE REPORTED IN GRID.

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.
- EXISTING ZONING IS CB RESTRICTED
- THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION.



AREA TABLE

LOT 1	11.69 ACRES
TOTAL	11.69 ACRES

LEGEND

- FOUND SURVEY MONUMENT
- SET 1/2" CAPPED REBAR "LS-9628"
- NON-ACCESS LINE

LONGHORN 2ND ADDITION

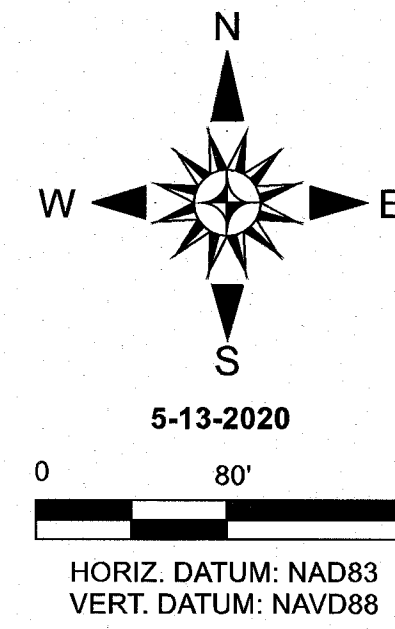
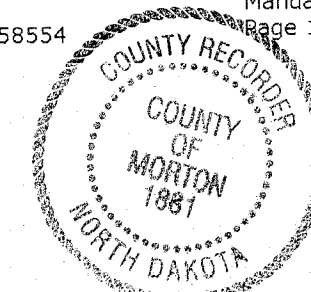
OF MORTON COUNTY, NORTH DAKOTA

ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9 AND LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) OF THE NW1/4 OF SECTION 10, T139N-R81W OF MORTON COUNTY, NORTH DAKOTA LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN

COUNTY RECORDER, MORTON COUNTY, ND
I certify that this instrument was filed and recorded.
Nancy Seefeldt, County Recorder Fee \$20.00
By *[Signature]* July 9, 2020 11:41:46 AM

Return to:
MORTON COUNTY
210 2ND AVE NW
MANDAN ND 58554

County Recorder: 495939
Morton County
Mandan ND 58554
Page 1 of 1



LEGEND	
△	FOUND SECTION/QUARTER CORNER
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT
---	NON-ACCESS LINE

OWNER:
CENTRAL DAKOTA HUMANE SOCIETY
2104 37TH ST
MANDAN, ND 58554

BASIS OF BEARING:
NORTH BOUNDARY LINE NE1/4 SEC. 9
NORTH 89°35'49" EAST

- NOTES:
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - LOTS 1-6, BLOCK 1 AND THE RIGHT-OF-WAY OF ENTZEL DRIVE IN LONGHORN 1ST ADDITION REPLAT (DOC. #460938) SHALL BE VACATED BY THIS PLAT.
 - THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOTS 1 AND 2 EQUALLY.
 - TOTAL LOTS: 20.82 ACRES
TOTAL ROW: 0.26 ACRES
TOTAL AREA: 21.08 ACRES

WESTERN AREA POWER ADMINISTRATION DEED RESTRICTION NOTES:

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 125 FOOT WIDE (62.5' ON EACH SIDE OF THE CENTERLINE) EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINE.

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENTS, UNLESS REVIEWED AND APPROVED BY WAPA (IN WRITING).

- OWNER SHALL NOT ERECT ANY STRUCTURES, STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS OR SIMILAR FACILITIES.
- OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
- OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENT AREA. SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES AND RECREATION FACILITIES.
- OWNER SHALL NOT APPRECIATE CHANGE THE CHARACTER OF THE EXISTING TOPOGRAPHY. NORMAL GARDENING PRACTICES MAY BE CONDUCTED.
- OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREAS WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WESTERN AND OBTAINING WESTERN'S WRITTEN APPROVAL.
- OWNER SHALL NOT PLANT TREES WITHIN THE RIGHT-OF-WAY.

REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58501-1173.

AUDITOR'S OFFICE, MORTON CO., ND.
DELINQUENT TAXES AND SPECIAL
ASSESSMENTS OR INSTRUMENTS OF
SPECIAL ASSESSMENTS, PAID AND
TRANSFER ACCEPTED.

DAWN R. RHONE, COUNTY AUDITOR
BY *[Signature]* DEPUTY

7-9-2020

APPROVED BY COUNTY AUDITOR'S OFFICE
DAWN R. RHONE, AUDITOR

BY *[Signature]* DEPUTY

DATE: 7-9-2020

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9, AND PART OF LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) NW1/4 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, T139N-R81W; THENCE SOUTH 00°35'02" EAST ALONG THE WEST BOUNDARY LINE OF SAID SECTION 9 FOR 33.00 FEET TO THE NORTHWEST CORNER OF LONGHORN 1ST ADDITION REPLAT OF MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°35'49" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 237.26 FEET TO THE NORTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE SOUTH 30°39'08" EAST ALONG THE EAST BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 1486.69 FEET TO THE SOUTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE SOUTH 89°30'17" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 875.91 FEET TO THE SOUTHWEST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF ND HIGHWAY 1806; SAID POINT ALSO BEGINNING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 20°06'15" WEST, 1055.81 FEET) AN ARC LENGTH OF 1061.56 FEET TO THE C.S. (CURVE TO SPIRAL) OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET; THENCE ALONG SAID SPIRAL CURVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 33°06'02" WEST, 348.70 FEET) A SPIRAL CURVE LENGTH OF 348.80 FEET TO THE NORTHWEST CORNER OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 10, T139N-R81W; THENCE NORTH 89°49'51" EAST ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT "A" FOR 434.01 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 21.08 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE 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 HUNDRETHS 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.

[Signature]
ANDRA L. MARQUARDT, SURVEYOR
LS 4623
DATE: 6/2/20
NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)

ON THIS 2nd DAY OF June, 2020, THERE APPEARED BEFORE ME ANDRA L. MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

HARVEY SCHNEIDER
Notary Public
State of North Dakota
My Commission Expires Jan 14, 2022

[Signature]
HARVEY SCHNEIDER
NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS 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 OF SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENTS".

[Signature]
GERALD C. KEMMET
CENTRAL DAKOTA HUMANE SOCIETY

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS 4th DAY OF June, 2020.

HARVEY SCHNEIDER
Notary Public
State of North Dakota
My Commission Expires Jan 14, 2022

[Signature]
HARVEY SCHNEIDER
NOTARY PUBLIC, COUNTY OF MORTON
MY COMMISSION EXPIRES: 1-14-2022

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS 27th DAY OF April, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF SAID CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

[Signature]
BILL ROBINSON - CHAIRMAN

[Signature]
NANCY MOSER - SECRETARY

APPROVAL OF 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 THIS 5th DAY OF May, 2020.

[Signature]
JIM NEUBAUER
CITY ADMINISTRATOR

[Signature]
TIM HELBLING - PRESIDENT OF
THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES LONGHORN 2ND ADDITION, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

[Signature]
JUSTIN J. FROSETH
REGISTERED PROFESSIONAL ENGINEER
DATE: 6-26-2020
NORTH DAKOTA

[Signature]
JUSTIN FROSETH, PE



TOMAN ENGINEERING
COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

41-0037000 # 41-0325880
41-0325850 # 41-0325890
41-0325860 # 41-0325900
41-0325870

Property Images



View looking south towards property



View looking east towards property



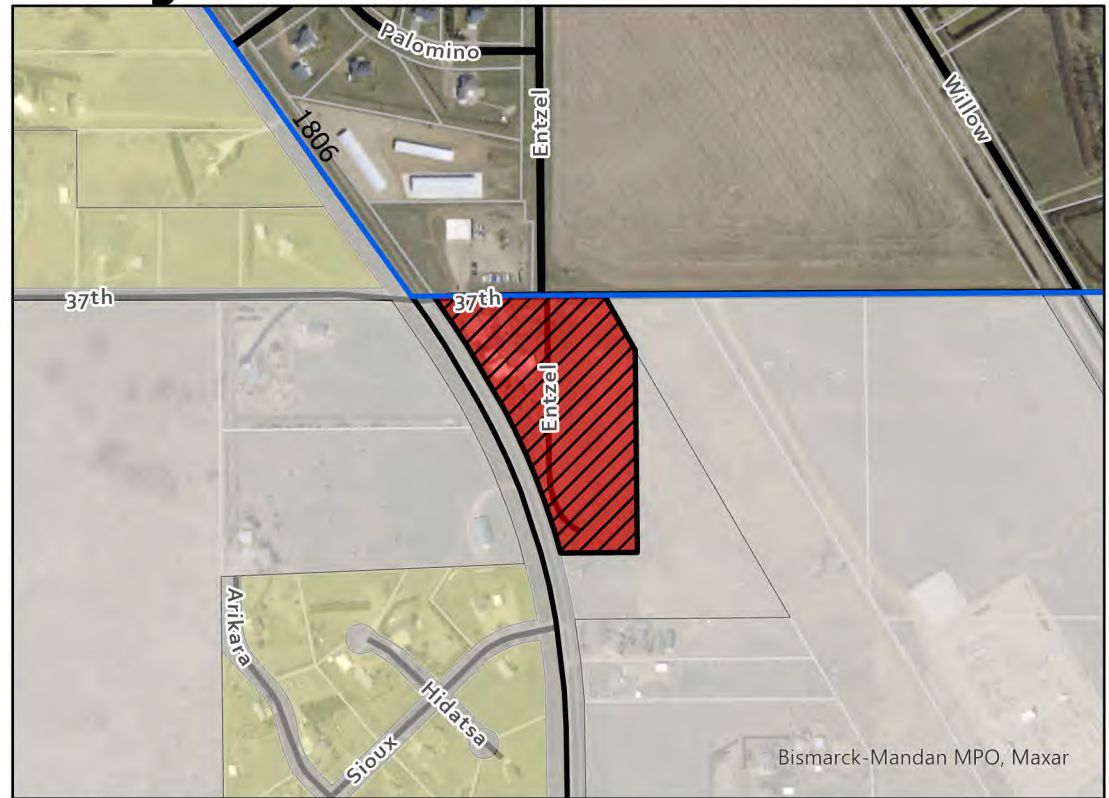
Zoning and Future Land Use Reference Map

Longhorn 3rd Addition

Zoning

Zoning Map Key

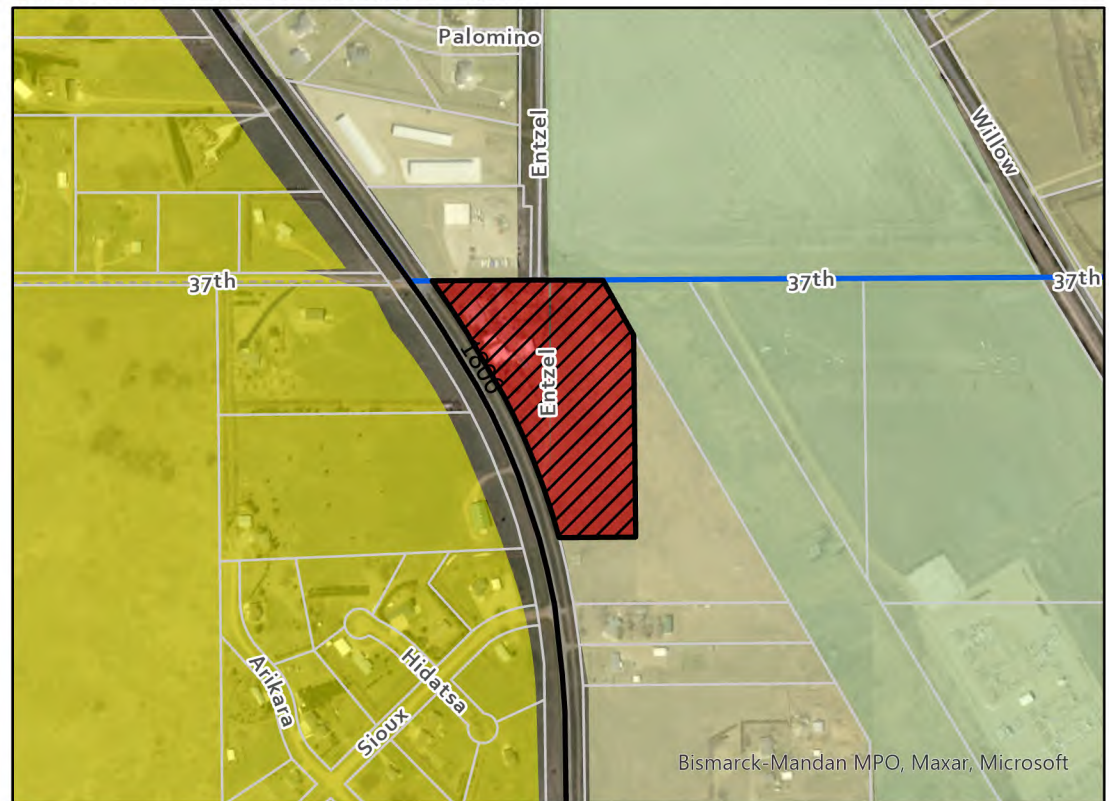
- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light 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 | Parcels |
| MC - Heavy Commercial/Light Industrial Restricted | ETA Line |
| City Limits | May '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 |
| May '24 Planning Items |

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: May 29, 2024
PREPARATION DATE: May 21, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a special use permit for Lot 1, Block 1, Bridgeview Bay Addition.

STATEMENT/PURPOSE:

Monte & Lynette Gawryuk request consideration of a special use permit for Lot 1, Block 1, Bridgeview Bay Addition. Said property is located at 2600 Marina Road SE.

BACKGROUND/ALTERNATIVES:

Project Description

Monte & Lynette Gawryluk request consideration of a special use permit for Missouri Point Shop Condos, a proposed multi-use shop development in southeast Mandan's Bridgeview Bay area. The property is Lot 1, Block 1, Bridgeview Bay Addition in Section 6, Township 138N, Range 80W, City of Mandan, Morton County, North Dakota, and is located along the Missouri River at the eastern terminus of McKenzie Drive SE.

Overview Of Request

This request would permit for the construction of 22 multi-use shop condos on the property, intended for a combination of owner-occupied commercial and personal use. The proposal includes three structures, each containing between six and eight units.

Property History

As far as staff is aware, the property has not been developed in the past, despite the surrounding properties being developed as early as the late 70s to the 1980s. The most recent re-platting occurred in 2004, and it has been in the CB – Commercial district zoning since 2000 (Ord. 909). A previous attempt to develop this property with a mixed-use condominium building stalled in the mid 2010s. That project was supported by the City of Mandan.

Special Use Permit

Multi-use shops are not a zoning entitlement on any property in Mandan. Since 2019,

each development has required special use permits for multi-use shop developments. These permits are designed to assess potential impacts from proposed developments by considering factors such as traffic, usage patterns, architectural design, adherence to existing plans and studies, and other relevant considerations. The applicant has provided an overview of the intended development and responses to standard questions related to special use permits in **Exhibit 2**. A detailed breakdown of the review process for this development can be found in **Exhibit 6**.

The proposed development includes a central drive lane flanked by two east-to-west oriented buildings, with an additional building situated at the eastern end of the lot, oriented along the Missouri River bank. The condominium units, each measuring approximately 50 by 25 feet, will have a height of approximately 28 to 30 feet. At this point it is unknown if the lot will be raised in order to improve drainage. This may result in the appearance of the building being taller than rendered.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties to the north are zoned RM – Residential and CB – Commercial and consist of a marina and restaurant. To the west the property is a CB – Commercial zoned marine sales dealership and to the southwest an RM – Residential zoned multifamily residential development. To the south, there are single-family homes zoned R7 – Residential. The property is immediately on the west bank of the Missouri River. The future land use plan supports commercial uses on the property.

Additional Information and Public Outreach

- Application and fee of \$450 was received on December 27, 2023.
- 10 letters were sent to adjacent property owners.
- Legal notice was published on May 17.

Staff Comments

- The proposed development represents a change from the neighborhood's existing character and does not align with the goals of the City's land use plan. For each of these reasons Staff is recommending denial. In any event, should the Planning and Zoning Commission not accept this recommendation and elect to approve, it should restrict all uses in the building so that none may be owned or used for storage and personal recreation (man - caves, etc) as the land use plan is unsupportive of developing storage and non-commercial uses in commercial zones.
- Initial findings from the City's Zoning Ordinance audit highlight some concerns about issuing special use permits for multi-use shops in commercial zones, a

practice less common in similar communities.

- The development does not fully meet the buffering and screening requirements outlined in the Gateway to Mandan zoning overlay, which calls for a six-point buffer standard. Currently, only three points of buffering exist. The applicant has suggested using the open space of an adjoining property owner to meet the requirement, but staff believes this approach is not ideal. It is important that each landowner maintains the ability to develop their property according to the same code of ordinances. Multi-use shop developments require a thorough review process.
- The development's schematic does not comply with the Impervious Surface Setback required for Gateway properties.
- The McKenzie Drive SE and Bismarck Expressway interchange is anticipated to experience increased traffic and visibility, which aligns with the City's future land use plan for commercial areas with good access to major roads. This suggests that the property could potentially be developed in a way that provides greater benefits to the region's residents, as highlighted in the City's land use plan.
- This topic has been a significant focus in both the Mandan and Bismarck zoning ordinance studies. The trend of multi-use shops emerged around the same time as the adoption of the land use plan, which does not speak to the development of them. Staff is concerned about the rapid growth of this trend without comprehensive planning to determine the community's interest in these establishments.
- The proposed development may also be influenced by Corps of Engineers easements along the Missouri River, which could impact building placement.
- Staff underscores the importance of pre-application meetings to address project goals and concerns early on. Unfortunately, no such meeting took place for this project, which has hindered the resolution of some issues at an early stage.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Site Layout - 8.5 x 11
4. Missouri Landing Floor Plans - 8.5 x 11
5. Criteria for Special Uses and Staff Comments
6. Future Land Use Plan
7. Images
8. Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

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

RECOMMENDATION:

Based on the findings presented in the special use permit evaluation exhibit 5, along with the project's failure to comply with the City's land use plan, and other issues outlined in this report, Planning Staff recommends denial of the request.

SUGGESTED MOTION:

I move to recommend denial of the special use permit request.

CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☐ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☒ 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)	
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
			Monte & Lynette Gawryluk		
Address			Address		
			4016 Bayport Pl SE		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email		
			lynettend@live.com		
Phone		Fax	Phone		Fax
			701-400-7065		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. <i>Monte & Lynette Gawryluk</i>					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☐ Addition	CB Commer	CB Commer	Missouri Point
Property Address					Legal Description	
2600 Marina Rd SE					Bridgeview Bay Addition Lot 1 Block 1	
Current Use						
Vacant						
Proposed Use						
					Section 6	Township 138 Range 80
Parcel Size	Building Footprint	Stories	Building SF		Required Parking	Provided Parking
2.1 acres	Y	2				

Print Name	Signature	Date
<i>Monte & Lynette Gawryluk</i>	<i>Monte & Lynette Gawryluk</i>	<i>12-28-23</i>

Office Use Only			
Date Received:	Initials: NM	Fees Paid: \$ 450	Date 12-27-2023
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

Additional Submittals

Conditional-Special Use Permit

A special or conditional use permit application shall include the following additional submittals:

1. An answer with explanation for each of the following questions (please answer the below questions as completely as possible. Incomplete applications will not be accepted and may cause a delay in the application process):

- a. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

Yes we feel the design and construction of these buildings will be a nice addition to the area. Our plan is to add lots of character and different textures and colors to enhance the look of the buildings and make them appealing.

- b. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

No the use of the units will be primarily for personal use and light commercial traffic. We don't expect anything incompatible with what is already in the area.

- c. Will the hours of operation of the proposed use be different than the adjacent uses?

No again these will be primarily personal use with some light commercial traffic.

- d. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?

No we will use lighting that is compatible with neighboring properties.

- e. Will the site of the proposed use have sufficient area to provide the parking required for the use?

Yes we feel the parking will be sufficient for the intended use.

- f. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

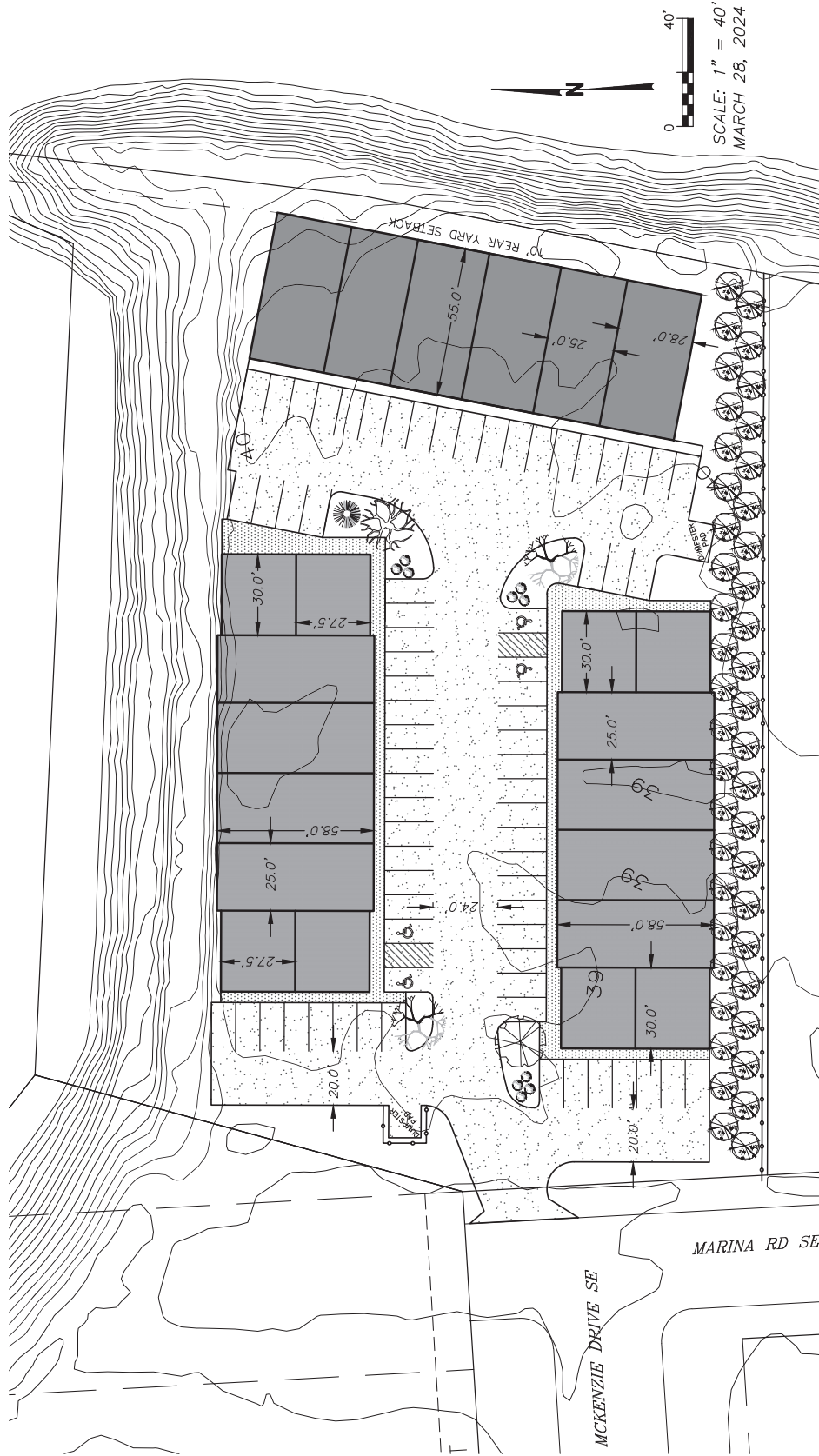
No we plan to adhere to existing requirements.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on aerials. 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.

MISSOURI POINT COMMERCIAL FLEX

LOT 1 BLOCK 1 BRIDGEVIEW BAY ADDITION

MANDAN, ND





Missouri Landing



Cover Page



1204 Johns Drive
Mandan ND
Cell # 400-5081

The Plans and elevations are only conceptual & give the client an example of what is to be built. A professional or any other party is not responsible for the accuracy of the information on these plans. Midwest Drafting & Design can not be held responsible for inaccurate information that may lead to additional cost for the owner or a delay in the project.

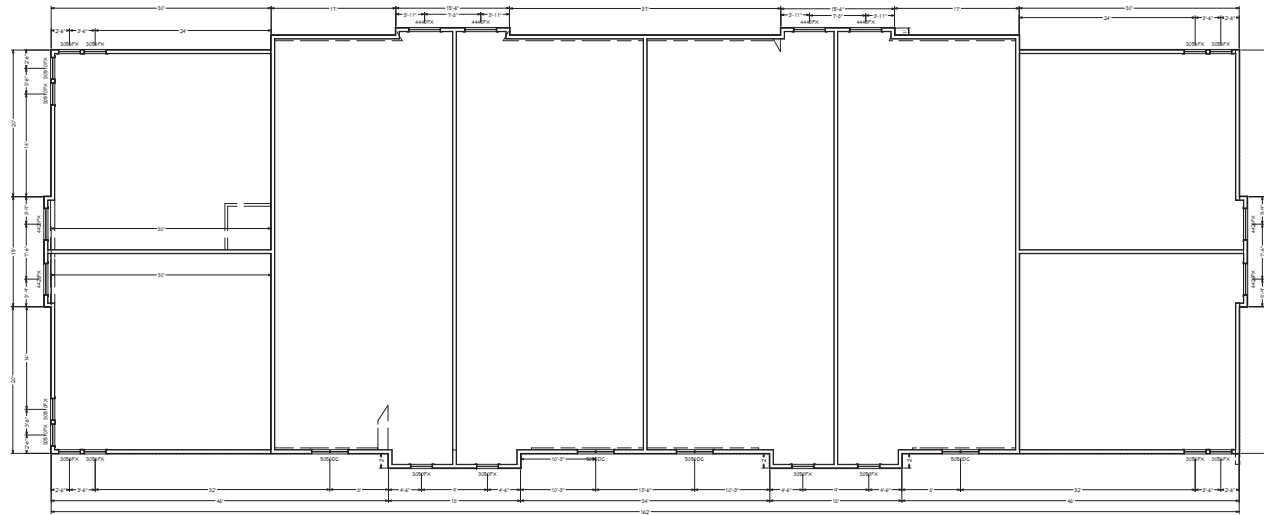
PROJECT: Missouri Landing
ADDRESS: Lot 1, Block 1, Bridgeview Bay Add.
OWNER: Premier Homes Inc.

Drawn By: Dave Anderson
Date: 4-28-24
Scale: 1/8" = 1'-0"

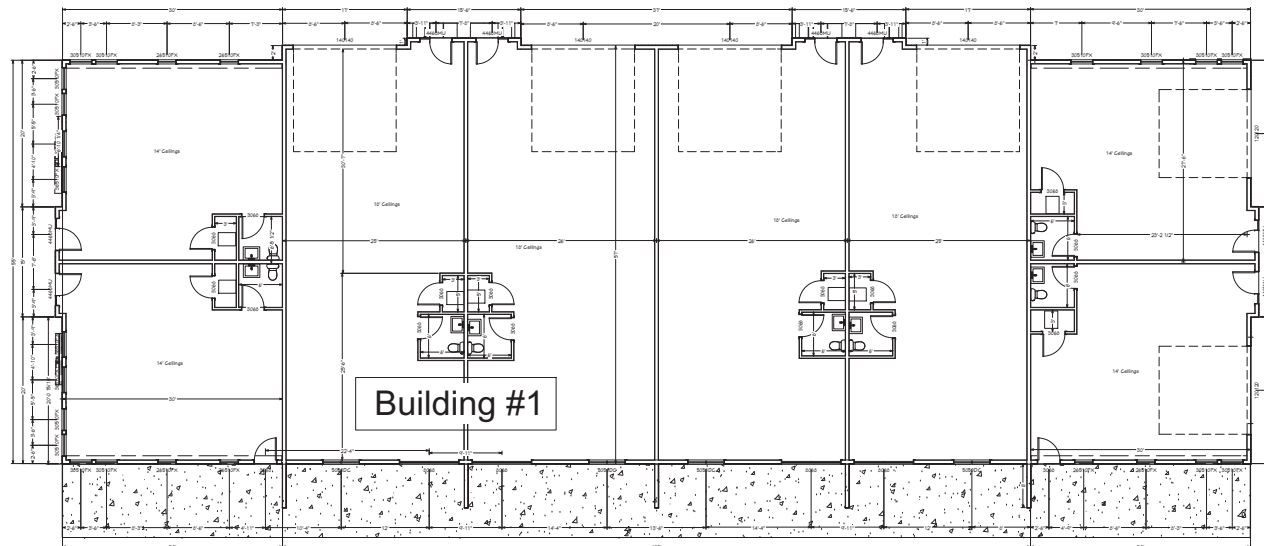
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13



Lot Layout
1"=20'-0"



1/8"=1'-0"



Building #1

Floor Plan Building #1

1/8"=1'-0"

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& Design

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1204 Johns Drive
Mandan ND
Cell # 400-5081

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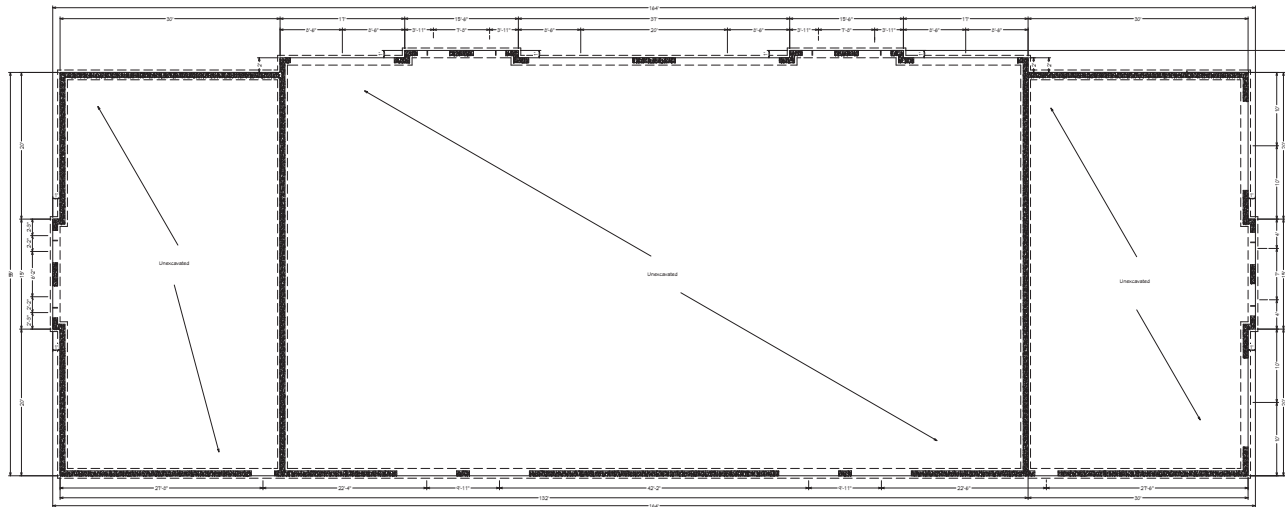
OWNER: Premier Homes Inc.

Drawn By: Dave Anderson

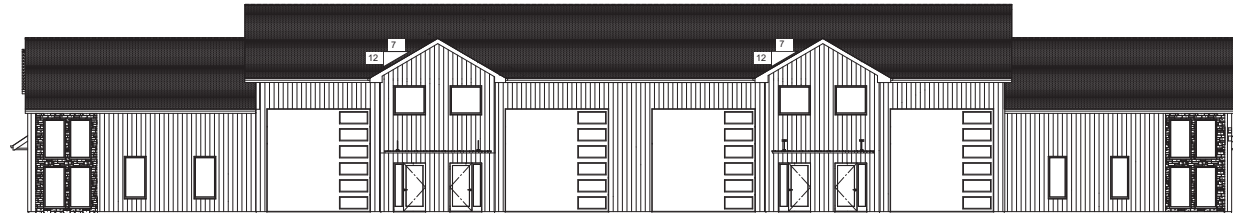
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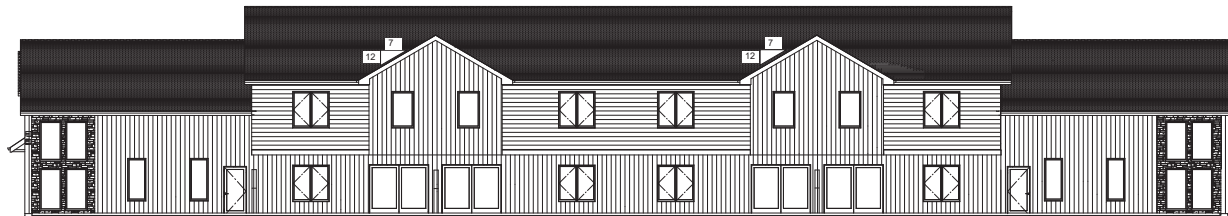


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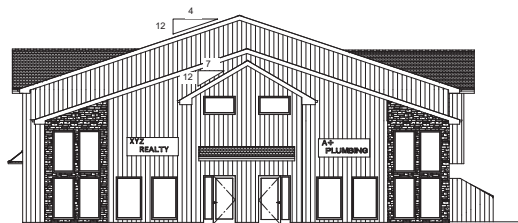
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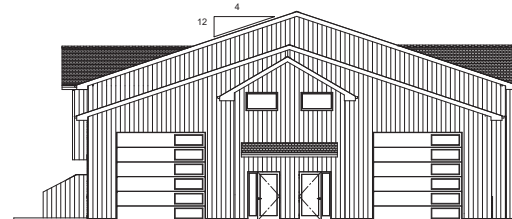
Back Elevation Building #1

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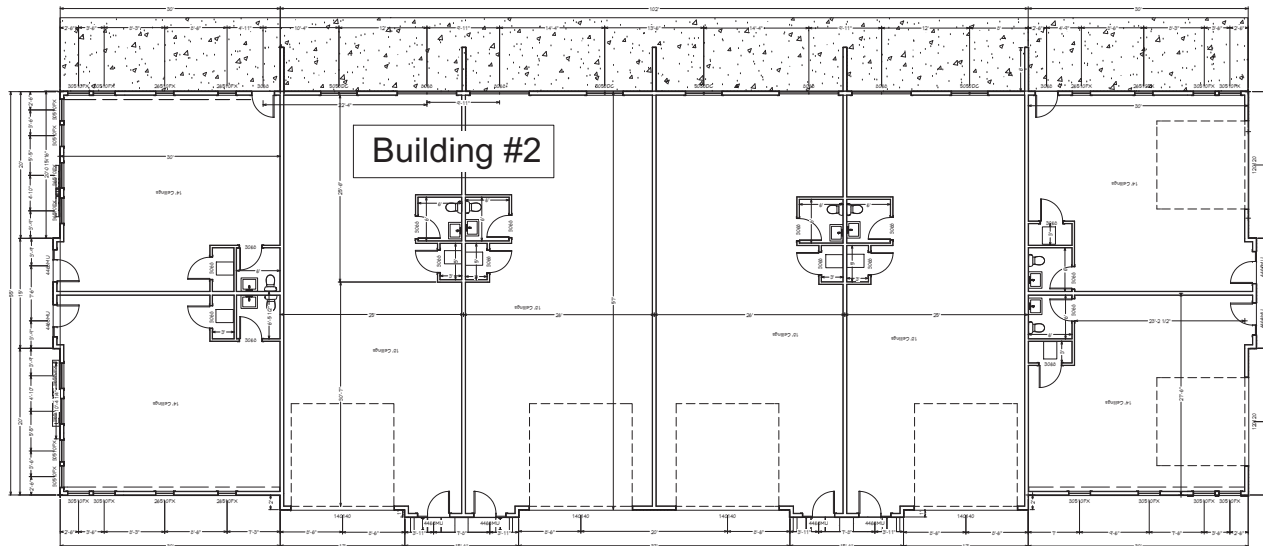
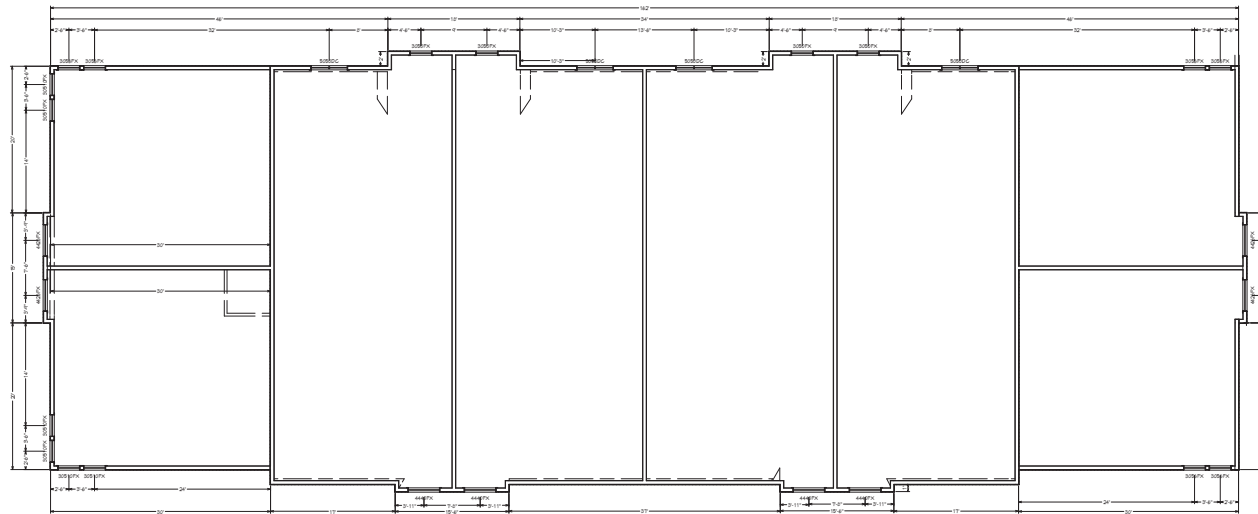
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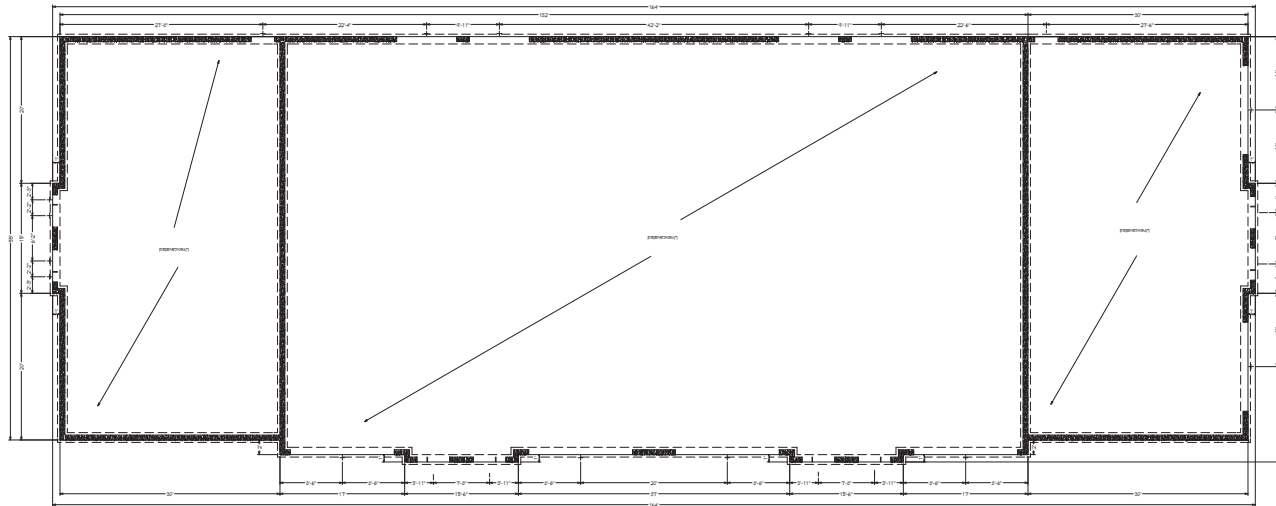
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Floor Plan Building #2

1/8"=1'-0"



Foundation Plan Building #2
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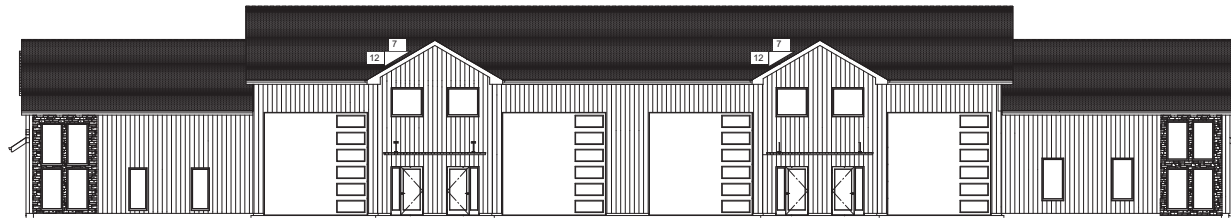
1204 Joins Drive
Mandan ND
Cell # 400-5081

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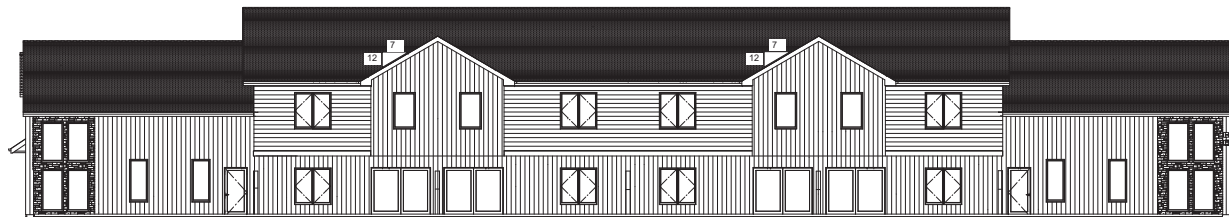
PROJECT: Missouri Landing
ADDRESS: Lot 1, Block 1, Bridgeview Bay Add.
OWNER: Premier Homes Inc.

Scale: $1/8" = 1'-0"$

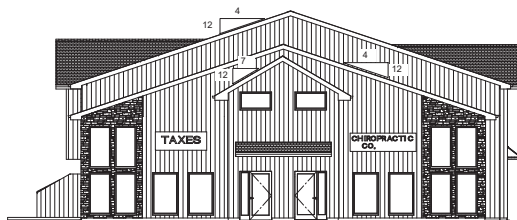
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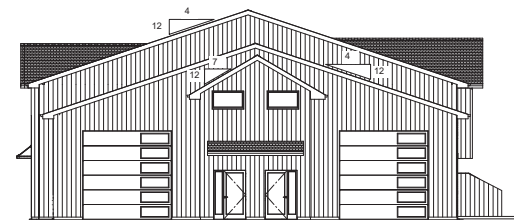
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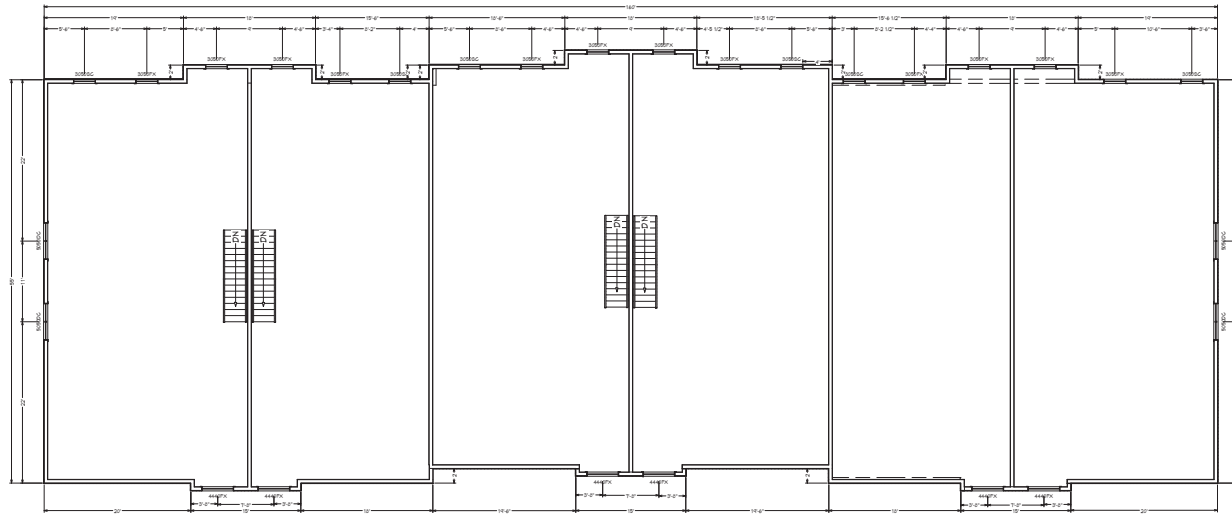
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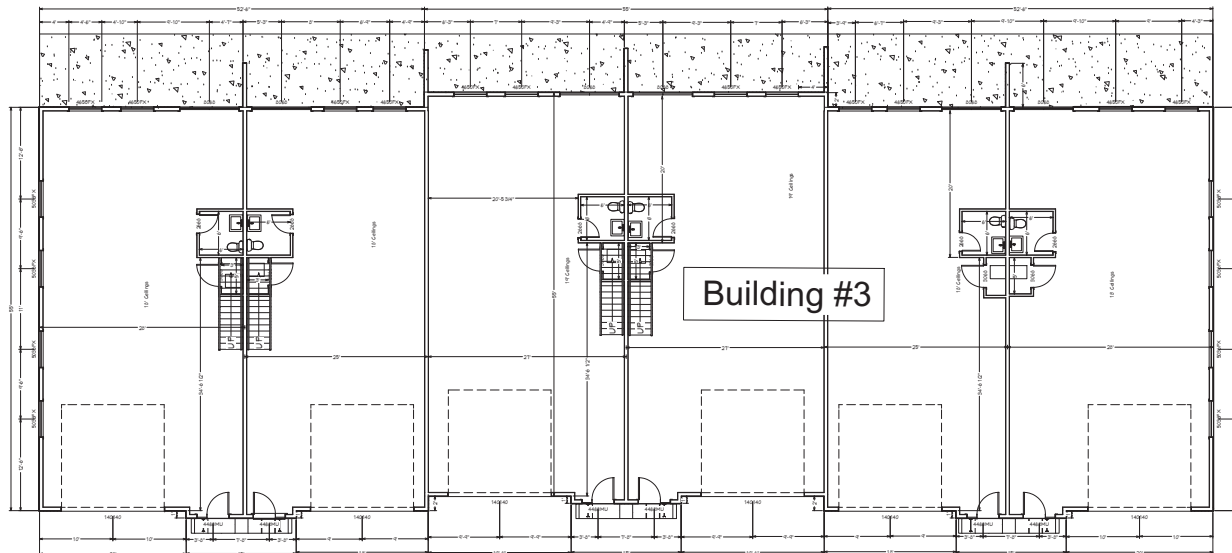
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Side Elevation Building #2
1/8"=1'-0"



1/8"=1'-0"



Floor Plan Building #3

1/8"=1'-0"

Midwest Drafting
& Design

Midwest Drafting
& Design

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Cell # 400-5881

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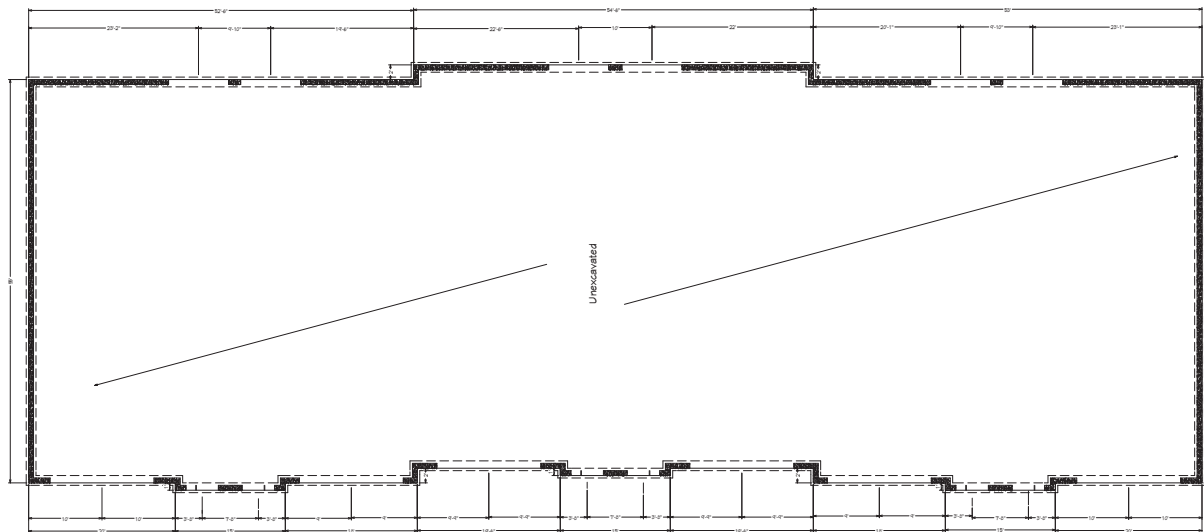
OWNER: Premier Homes Inc.

Drawn By: Dave Anderson

Date: 4-28-24

Scale: 1/8"=1'-0"

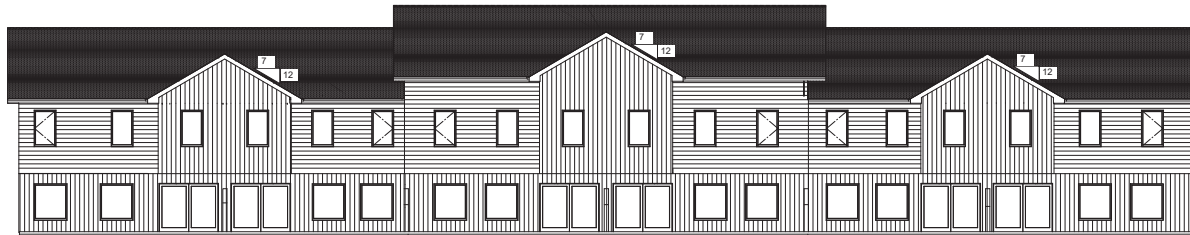
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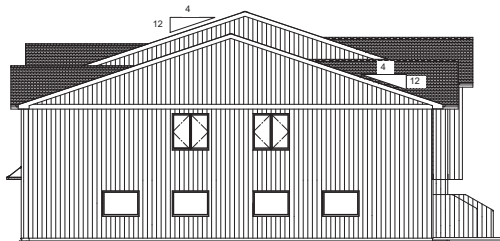
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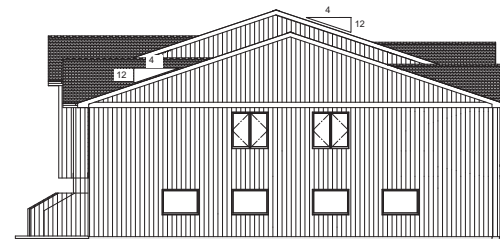
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Back Elevation Building #3
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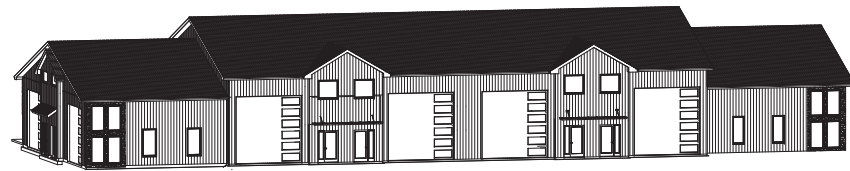
Side Elevation Building #3
1/8"=1'-0"



Side Elevation Building #3
1/8"=1'-0"



Building #2



Building #1



Building #3



Building #3



1204 Johns Drive
Mandan ND
Cell # 400-5081

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PROJECT: Missouri Landing

ADDRESS: Lot 1, Block 1, Bridgeview Bay Add.

OWNER: Premier Homes Inc.

Drawn By: Dave Anderson

Date: 4-28-24

Scale: 1/8" = 1'-0"

Sheet
of 12
13

EXHIBIT 5

City criteria for special uses, below, comes from Sec. 105-1-13 (d) of the Code of Ordinances related to Zoning application procedures.

- The proposed use is in harmony with the purpose and intent of this chapter;
 - **The intent of Chapter 105 is to regulate development within the City of Mandan's jurisdiction to ensure that com**
- The proposed use is not in conflict with the adopted comprehensive plan of the city;
 - **The proposed use is in conflict with the adopted comprehensive plan of the City, the Future Land Use Plan, which designates this parcel to be commercial in the future. The proposed development is for assorted commercial, storage and personal use, which are not the goals of commercial development on this parcel. See Exhibit 6, where the Future Land Use Plan goals relevant to commercial development are specified.**
- The proposed use will not adversely affect the health, safety, and general welfare of the public and the workers and residents in the area;
 - **Multi-use shops have the potential to be used in an uncoordinated manner. The general form and development pattern is desirable to a number of different land uses. Staff is concerned about the long-term ramifications of multi-use shop developments on the general welfare.**
- The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood;
 - **The proposed development focuses on the flexible use nature of multi use shops in its allowance of personal recreation and storage over commercial services or mixed-use spaces, which deviates from the established mix of residential, retail, marina, and restaurant uses in the area. This deviation could lead to altered traffic and site visit patterns, competition for parking, noise, and other potential negative impacts on adjoining properties with a low likelihood for the establishment of neighborhood-benefitting uses. Additionally, without the restriction of many uses allowed in CB – Commercial, of which the developers did not provide support for, the proposed commercial land uses do not align with the identified development goals for this property according to the land use plan.**
- The proposed use meets all appropriate regulations for the district in which it will be located;
 - **The proposed use does not all appropriate regulations for the district in which it will be located. There is a lack of adequate buffering and screening.**
- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;
 - **It is not likely that the proposed development would result in destruction, loss or damage of a natural, scenic, or historic feature of importance to the community. Staff has been advised that the USACE has amended easements for river control. Additional research is necessary on this issue.**
- The proposed use includes adequate provisions for those individuals who are mobility impaired.

EXHIBIT 5

- **The site plan indicates that parking spaces for mobility-impaired individuals would be developed on the site.**

Additional use standards for multi-use shops come from Sec. 105-1-5 (k) Multi-use shops development may be permitted as a special use, subject to the following minimum standards:

- Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
 - **This is met.**
- Each individual unit within the structure shall have its own separate means of egress.
 - **This is met.**
- Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
 - **This is met.**
- Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process, and the structure meets all building code requirements for the desired change of use.
 - **The applicant seeks to restrict land uses to the zoning ordinance. This is not a declaration of the types of land uses they intend to occupy the building.**
- Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure, and the structure will be constructed according to the minimum standards of the building code for the declared use.
 - **The applicant seeks to restrict land uses to the zoning ordinance. This is not a declaration of the types of land uses they intend to occupy the building.**
- Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
 - **The proposal to provide off-street parking in front of the shop units is not supported by staff. Concerns include the possibility of obstructing the fire lane, and the width of the shops is less than the required parking space width. Specifically, the shop units measure 25' in width, while the standard width for three parking spaces is 27'. (9' x 18')**
- Each structure shall be limited to one curb stop accessible by city staff.
 - **This appears able to be met.**
- The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.

EXHIBIT 5

- Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
- For the city's utility billing purposes, a recorded development association or another form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and a statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.

EXHIBIT 6

The property identified for the proposed development is identified in the City's Land Use Plan as Commercial. Goal 1 of the land use plan, "Promote a well-planned community balancing land uses and expansion of service" includes policy recommendations like:

- Create a land use plan that defines the types and locations of residential, commercial, industrial and public uses required **to meet the community's projected needs**, and zone property consistent with the land use plan.
- Provide for commercial and industrial land uses at locations **where adequate municipal services are available with access to major roadways**.
- Create **neighborhood commercial areas** which provide goods and services for the neighborhood.
- Identify areas for **expanded commercial and industrial growth along the I-94 corridor with good access that serve market demand and respect neighboring land uses**.

The land use plan did not speak to or otherwise lend support to utilizing commercial land for developments similar to that proposed for Missouri Point Shop Condos in Exhibit 2, Additional Submittals.

EXHIBIT 7



View of subject property from south



View of subject property from west

EXHIBIT 7



View of subject property from east



View 1 of subject property from McKenzie Drive SE

EXHIBIT 7



View 2 of subject property from McKenzie Drive SE



View 3 of subject property from McKenzie Drive SE



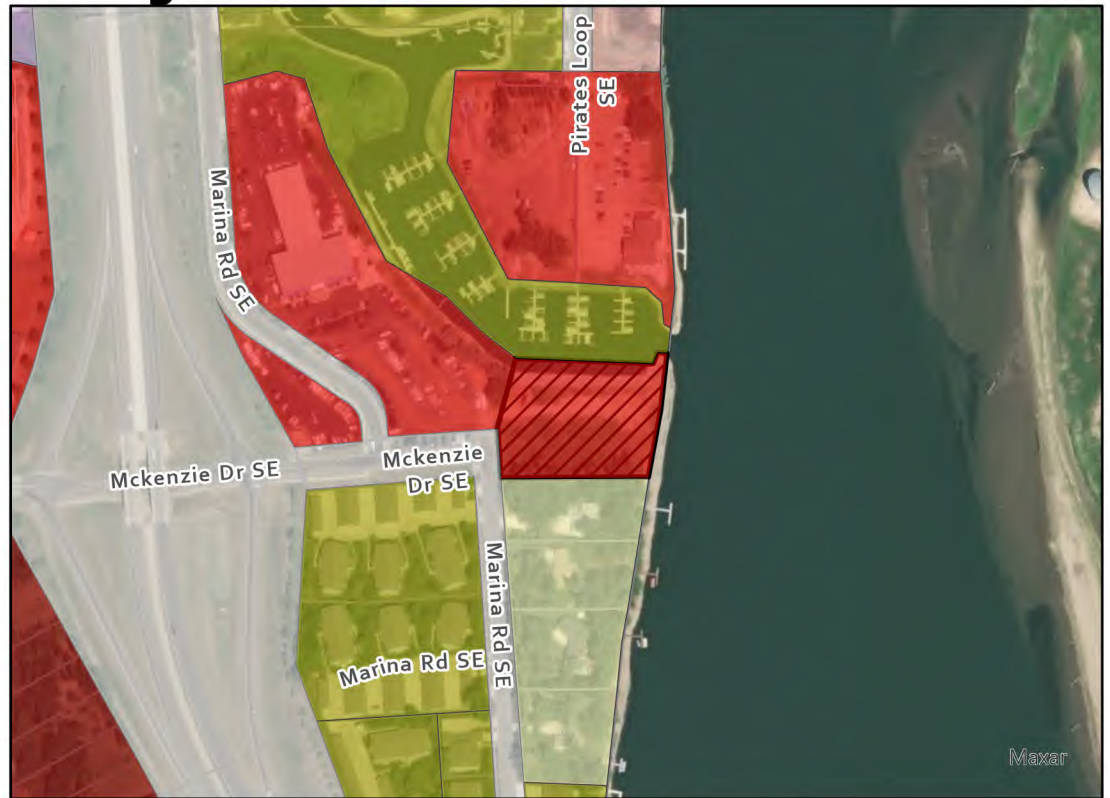
Zoning and Future Land Use Reference Map

Missouri Point Special Use Permit

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
- January '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
- January '24 Planning Items

Future Land Use Plan

