

A. ROLL CALL Chair Robinson called the meeting to order.

Commissioners Present: Leingang, Huber, Mudder, Horn, Froelich, McLean, Smith, Hammond, Gardner, Robinson. Commissioners Absent: Intveld, Buchmiller.

B. CONSIDER APPROVAL OF MINUTES

1. *Consider approval of June 26, 2024 minutes. Commissioner Smith motioned to approve the June 26, 2024 minutes. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

D. OTHER BUSINESS

1. *Update and Discussion on Mandan Zoning Study.*

**1. Update and Discussion on Mandan Zoning Study**

Principal Planner Strommer reported the following Update and Direction on items as they pertain to Chapters 101, 105, 109 and 115:

- (1) Update on the Revised Zoning and Subdivision Ordinances
- (2) Presentation of Key Changes
  - i. Q & A Session Throughout
- (3) Temperature Check and Feedback Session
- (4) Next Steps and Finalization

The City of Mandan is undergoing a significant review and update of its planning codes across several key areas. Updates proposed are based in best practices in community development, adopted goals from previous community development and planning studies in Mandan, such as the City's Comprehensive Plan and Future Land Use Plan and others.

An overview of some of the changes that are proposed and which have been recently further tailored to Mandan:

In response to concerns about insufficient parkland development amidst city growth, a revised approach would require subdivisions to dedicate 5% to 7% of gross land area for parks based on density, with a fee-in-lieu option under specific conditions.

Proposed changes also aim to enhance landscaping standards, including requirements for street trees, perimeter buffers, and parking area screening to improve aesthetic and environmental quality.

Zoning districts are slated for consolidation and simplification to better align with land use plans and operational needs, alongside updated access management standards to regulate driveways and intersections along roadways more effectively.

**PARK DEDICATION**

~ Current Practice: A fee is charged to the home builder or future resident at the time a building permit is taken out and the amount charged is put into a fund for the Mandan Park District to acquire parkland

property. Fees are: \$500 Single Family home; \$250 per unit for a multi-family structure; \$1,000 for a commercial or industrial structure. A “good year” of collection of the fee amounts to approximately \$40,000 to \$50,000 of revenue for the Park District to acquire land.

~ Approach Issues: The Park District is responsible for purchasing land in new developments either during or in advance of development planning. This approach has led to challenges when acquiring sufficient parkland as the city grows.

~ Code Audit Findings: Several benchmark community park dedications have requirements for development and review of applications. The city prefers a process that requires land dedication in subdivisions.

~ FLUP Goals: P-10 is a collaborative goal between the city and the Park District. To acquire and develop approximately 185 acres; specifically including 86 new acres of neighborhood parks of additional park land by 2030. A park dedication calculation was performed in the City’s Future Land Use Plan in support of park dedication. The suggested amounts have been adjusted to an amount more common with peer communities and national averages. There are approximately seven (7) parks to be developed over the next 50 to 80 years of growth of Mandan. This is only a projection.

~ Rationale for Change: Includes a concern about insufficient development of neighborhood parks in new subdivisions. The new approach aims to alleviate the burden on the Park Board to seek and acquire parkland at the pace of development.

~ Proposal as to how this works in Mandan: There would be 5% low density and 7% of high-density projects dedicated at the time of development to the park district for neighborhood park creation. The change that was made was that rather than being proposed as the county’s assessed value, it has been determined that per unit cost would be the best approach as the county’s assessment value was significantly less than when a park is not take. Also removed was the requirement for commercial and industrial subdivisions to require parkland as a concept. A Case Study was provided as related to Park Dedication. The recommendation would be for a consolidation of public facilities and projects; for the Park District to approach the city with the Park Dedication already determined which would be up to the Park Board to determine based on criteria based on if its all land or all fee or a hybrid of both with the understanding they would approach the city when that is figured out.

## **LANDSCAPING**

~ The principal requirement is that yards and properties be landscaped however, rather than a short list of what does or does not constitute landscaping the ordinance lacks a set of equitable standards of requirements. The code audit findings have realized that generally the landscaping ordinance requirements are much lower than similar sized jurisdictions in the region.

~ Mandan Architectural Review Committee (MARC) reviews and approves the city’s landscaping plans. The current ordinance lacks criteria or requirements for site designers. There are no clear-cut guidelines provided for MARC review process. The Downtown Fringe and the Gateway assist in processes when available to do so.

~ Proposed Landscaping Requirements: New requirements for commercial, industrial and multi-family projects including landscaping around parking lots; screening for utilities and refuse areas; foundation landscaping for buildings; buffers and screening for visual and noise mitigation. Street and boulevard Tree requirements to require planting of trees in new subdivisions and the adoption of standards for boulevard trees. The recommendation is to adopt these standards.

~ Non-Conformities: Properties that do not meet the proposed standards in the code of ordinances would be classified as non-conformities. When improvements in the building or property exceed the threshold defined in the code, these non-conformities must be addressed. While adding to project costs, these also significantly benefit site plans and districts which projects are located in. Certain thresholds are proposed for different types of landscaping and certain maintenance activities are defined and permitted. In an effort to provide direction in circumstances such as space constraints, required motor vehicle parking would be prioritized over required landscaping components.

~ Boulevard Plantings: Currently the city ordinances permit property owners to establish groundcover and trees in the boulevard @ Section 115-4-1; Trends in urban gardening have resulted in many cities allow for alternative landscaping. Commissioner Smith voiced concern about too many trees planted at some of the intersections (Lakewood area, for example) that block a driver's view. Bayshore Bend has trees that hang over the road. He inquired who is responsible to maintain the trees on the boulevards and how will that be enforced? Planner Stromme commented that the city does not have a site triangle ordinance that is enforceable. The triangle is an area around intersections that you would want to remain free and is also referenced as the clear zone. Subsequently there will be a Site Triangle Ordinance developed that restricts trees from being planted within 30 (thirty) feet of intersections. Mandan has been named as the 1st Tree City in North Dakota by the National Arbor Association.

~ Zoning Districts. Mandan has several zoning districts with only slight differences with other districts. Several opportunities for possible consolidation have been recommended. The lack of a district specifically written for rural residential uses was reviewed in the audit.

~Switch R12 to a Rural Residential District. Rural residences make up a significant portion of home types in the metro area. A district should be established for areas when rural development is appropriate. Some subdivisions can be rezoned to a district and when the city's ETA expands. Additional rural residential subdivisions may be developed if development yield or proximity to rural residential district supports it. A rural residential district would align allowed uses on rural parcels with regional land use patterns and, in the long term, may be differential from urban zoning to allow district home occupations, animals, and building placement rules.

~Technical language updates: Swap FAR for setbacks, height regulations, standard lot coverage percentages.

~Consolidation of Districts. MC Industrial Districts is basically everything as the MA district except there are no animal hospitals. The MB district is everything that the A and B District allows, livestock and medical marijuana that do not need to have their own district. The city's MC and MD Districts are like the MA and MB Districts. To reduce the number of overall zoning districts, the uses that differentiate these districts from each other are recommended to become conditional uses allowed when certain site-plan standards are met and the location is favorable for them to be conditionally approved rather than being separate districts altogether.

~Reduction of the DF Downtown Fringe. A large commercial zoning entitlements in certain areas not always favorable to the residential area. This area has been identified as being over-sized. The recommendation is to reduce the DF Downtown District to areas immediately surrounding the DC Downtown Core; Broader core Mandan areas favorable or suitable for commercial development. The objective is to prioritize residential uses in neighborhoods surrounding downtown. The direction for this project will be the updated DF Downtown Fringe will be tailored to ensure uses are supportive and

complementary to the urban built environment; prioritize walking and neighborhood services over regional automotive dependent uses.

~Access Management. As identified in the code audit it was recommended to implement specific standards for the number and spacing of access points along arterial and collector roadways. The city relies on the relationship with the NDDOT, Bismarck-Mandan MPO and the Driveway ordinance to access public right of way. The establishment of local standards would create consistent criteria for development review, reducing reliance on external jurisdictions and improving efficiency in the design and review process. The recommendation is to establish specific standards for the number of spacing of access points along arterial and collector roads. The standards may vary based on road type and whether the site is in the core, urban, or rural area. To standardize minimal spacing for commercial and industrial driveways.

~Non-Conformities will need to be addressed. These are issues with driveways that apparently were not done correctly the first time, however, they should be regulated and corrected. When driveways are redeveloped, snow removal and storm water issues need to be taken into consideration, especially on the arterial roads.

~Right of Way Row and Street Widths. The recommendations for right of way with minimums for arterials are to increase from 100 ft. to 120 ft for a minor arterial or 150 ft. for a principal arterial.

Collectors would be an 80 ft. minimum rather than 80 to 100 ft; and local roads for residential would decrease from 66-80 ft. to 54-66 ft. and non-residential would stay at 80 ft.; collectors would stay at 80 ft and arterial would increase from 100 to 220 ft. and up to 150 ft. for right of way. There are many benefits to the developer and the city.

An overhead survey of questions was presented at this time by Planner Stromme with questions and answers that would assist in the planning stages of moving forward. Planner Stromme recommended that the Board adopt ordinances that permit the Park District to either take the fee as they are doing currently, or to be able to acquire the parkland dedication given the kind of boots on the ground experienced in the past by the city. There is one area that has been donated to the park district and that the developer realized some sort of benefit by donating to a public entity that was worth a substantial amount of money.

It would be beneficial that the city does all it can do to improve the parkland areas and include such requirements into the ordinances; that the land developers work with the Park District when developing land. There was a consensus on using a multi-phased approach moving forward while a development is underway; there was no objection to an earlier-on phased approach.

Planner Stromme summarized the Next Steps:

~These updates seek to modernize Mandan's Planning Ordinances, promoting environmentally and holistically sustainable development practices, and address current and anticipated community needs more effectively (dedication = donation).

~The next Mandan Zoning Study work group session is scheduled for Monday, August 19, 2024 @ 3:00 PM. Zoning Study participants will be available (Erin and Bill) to review and present the final proposals on several of the recommendations brought forward. There is also a separate Planning and Zoning Group that will be involved at that time.

~The goal is to have the final product completed in December 2024.

Commissioner McLean leaves the meeting at 6:51 p.m.

Commissioner Smith leaves the meeting at 6:56 p.m.

Commissioner Horn leaves the meeting at 7:03 p.m.

Commissioner Gardner leaves the meeting at 7:06 p.m.

**2. Ordinance Progress Memo.**

**ADJOURNMENT**

*There being no further business to discuss or come before the Board, Commissioner Huber motioned to adjourn the meeting. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

*The meeting adjourned at 7:18 p.m.*

E. ADJOURN