



AGENDA
PLANNING & ZONING COMMISSION
AUGUST 26, 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 noon 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. July 22, 2024 Minutes

C. PUBLIC HEARINGS

1. Consider a zone change request from CB - Commercial to RH - Residential for Lots 3-5, Block 2, Meadowlands Subdivision

Staff Recommendation: Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

2. Consider a final plat and PUD Amendment for Shores at Lakewood 2nd

Addition

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

3. Consider a variance for Lot 1, Block 1, Bridgeview Bay Addition

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

D. OTHER BUSINESS

1. Updates and Q&A on Zoning Rewrite Study

E. ADJOURN

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



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: August 26, 2024
PREPARATION DATE: August 13, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a zone change from CB - Commercial to RH - Residential for Lots 3-5, Block 2, Meadowlands Subdivision

STATEMENT/PURPOSE:

Meadowlands Park, LLC, is requesting a zone change from CB - Commercial to RH - Residential for Lots 3-5, Block 2, Meadowlands Subdivision

BACKGROUND/ALTERNATIVES:

Request Overview

The Meadowlands Phase 2 project seeks to expand the existing Meadowlands Residential Senior Housing Development in central Mandan. The original development, initiated between 2015 and 2016, is now fully occupied. The initial plan included a mix of detached single-unit residences, manufactured homes, multifamily units, and commercial spaces along Third Street SE and Memorial Highway.

Proposed Changes

- The applicant, Barry Jennings, proposes to revise the plan by replacing the multifamily units with additional detached single-unit manufactured homes on Lots 3-5 of the original subdivision, and abandon the previous plan to extent 18th Avenue SE to a connection point with Memorial Highway.
- This revision represents a departure from the original plan, which required a connection from 18th Avenue SE to Memorial Highway.
- Without a connection to Memorial Highway, staff may recommend denying further development in Meadowlands. Access to Memorial Highway is seen as essential for providing redundancy and convenience for residents.

Development Proposal

Staff Recommendation: Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

- The proposed zone change would allow for approximately 30 detached manufactured housing units on three combined lots, totaling about 8.05 acres.
- This results in a density of roughly 3.75 units per acre. The previous multifamily proposal could have potentially doubled this number.
- Given the central location of the development and its alignment with the original plan, the Planning and Zoning Commission should carefully evaluate the implications of this change. Increasing density within the current footprint may reduce the need for future city expansion.

Property History

- Platted in 2015 as Meadowlands Addition, the approved plat included a right-of-way for 18th Avenue SE, extending from Memorial Highway to Third Street SE.
- The initial plan envisioned commercial development along Memorial Highway and Third Street SE with right-in, right-out access due to high traffic volumes.
- The development's approval heavily relied on this connection to Memorial Highway.

Adjacent Properties

- To the north and south: Zoned CB - Commercial.
- To the west: Zoned RH - Residential.
- To the east: Zoned MA - Industrial and MB - Industrial.

Future Land Use

- The Future Land Use Plan designates this area for industrial use. No amendments have been made to alter planned land uses, and an amendment is not required at this time given the adjacent uses would not support industrial development on these properties.
- While the proposed land uses are unlikely to significantly impact the area, the City's plans emphasize a diverse mix of housing types. Adding more single-unit manufactured homes does not align with this goal.

Staff Recommendation: Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

Applicable Plans and Studies

- The City recognizes the need for affordable senior housing and a variety of housing types. The proposed shift from multi-tenant buildings to single-unit homes could reduce the potential number of units from approximately 60 to 30 (refer to the original Masterplan).
- The Land Use Plan raises concerns about developments accessing collector and arterial roads. The request to restrict Meadowlands traffic to Third Street only could potentially be problematic. Access to Memorial Highway is considered crucial for redundancy and convenience.

Applicable Agency Comments

- The City is awaiting a review from the Lower Heart Water Resource District to address concerns related to the development's proximity to the levee system. This review is essential for assessing water resources and flood management impacts.
- Any modifications to access along Memorial Highway SE will require review by the North Dakota Department of Transportation, especially considering the potential relocation of the intersection near the current flood structure.

Staff Comments

- Outstanding items from Phase 1 need resolution before further development, such as installing street lights on private roads (Section 105-3-10 (10) (f)).
- Staff is interested in creating a secondary access route for emergency vehicles and residents of Gateway Park through the original plan for 18th Avenue SE. Improving access to Gateway Park is crucial, given that over 200 housing units currently rely solely on 6th Avenue SE. Gateway Park was developed before modern fire codes, which require secondary access.
- If the zone change is approved, a preliminary plat and site plan for the property will be required.
- Engineering, Fire, and Planning Staff, as well as the Bismarck-Mandan Metropolitan Planning Organization, oppose this change due to concerns about

Staff Recommendation: Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

connectivity and access.

Additional Information and Public Outreach

- An application and fee of \$600 was received on May 20, 2024
- Nine letters were sent to adjacent property owners on August 8, 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 applicable water resale agreements, streetlights being installed, roads constructed to City standards.*
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance, *provided that the above mentioned are achieved.*
3. The proposed zoning change, *without other items being addressed, is generally 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, *without secondary access, streetlights, and other potentially applicable items*, would adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Zone Change Application
2. draft Ordinance
3. Preliminary Layout for Proposed Changes
4. Developer-proposed Secondary Access
5. Petition from Developer/Meadowlands Residents
6. Original Meadowlands Masterplan
7. Location Map

Staff Recommendation: Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

FISCAL IMPACT:

STAFF IMPACT:

Significant staff time has gone into the review of this request.

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet

RECOMMENDATION:

Based on the staff report and findings, Planning Staff recommends postponing this request until further details are provided on street connectivity, compliance with relevant codes, and other pertinent information from agencies involved in this project.

SUGGESTED MOTION:

I move to postpone this request to a future meeting subject to applicable noticing requirements.

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

Engineer/Surveyor			Property Owner or Applicant		
Name Swenson Hagen & Co			Name Meadowlands Development, LLC		
Address 909 Basin Ave			Address PO Box 1264		
City Bismarck	State ND	Zip 58504	City Mandan	State ND	Zip 58554
email landonniemiller@gmail.com			email barryjennings1700@gmail.com		
Phone 701 223 2600	Fax		Phone 701 712 1353	Fax	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location			Type		Existing Zone	Proposed Zone	Project Name	
☒ City	☐ ETA	☐ New	☐ Addition		CB	RH		
Property Address					Legal Description			
92, 102, & 122 18TH Ave SE					Lots 3-5 Block 2 Meadowlands Subdivision			
Current Use								
Vacant								
Proposed Use								
55+ Mobile Home Community					Section 26	Township 139	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking			

Print Name Barry Jennings	Signature 	Date 5-17-2024
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Office Use Only			
Date Received:	Initials: <i>YIM</i>	Fees Paid: \$ <i>600</i>	Date <i>5-20-2024</i>
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

ORDINANCE NO. XXXX

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

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

WHEREAS, Adjacent properties to the north and south is zoned CB – Commercial, to the west zoned LSMHS – Trailer Park Subdivision; and to the east MA – Heavy Commercial/Light Industrial. RH – Residential Mobile Home Park zoning would be appropriate; and

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

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

LOTS 3-5, BLOCK 2, MEADOWLANDS SUBDIVISION IN SECTION 26, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 3.07 ACRES, MORE OR LESS.

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

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

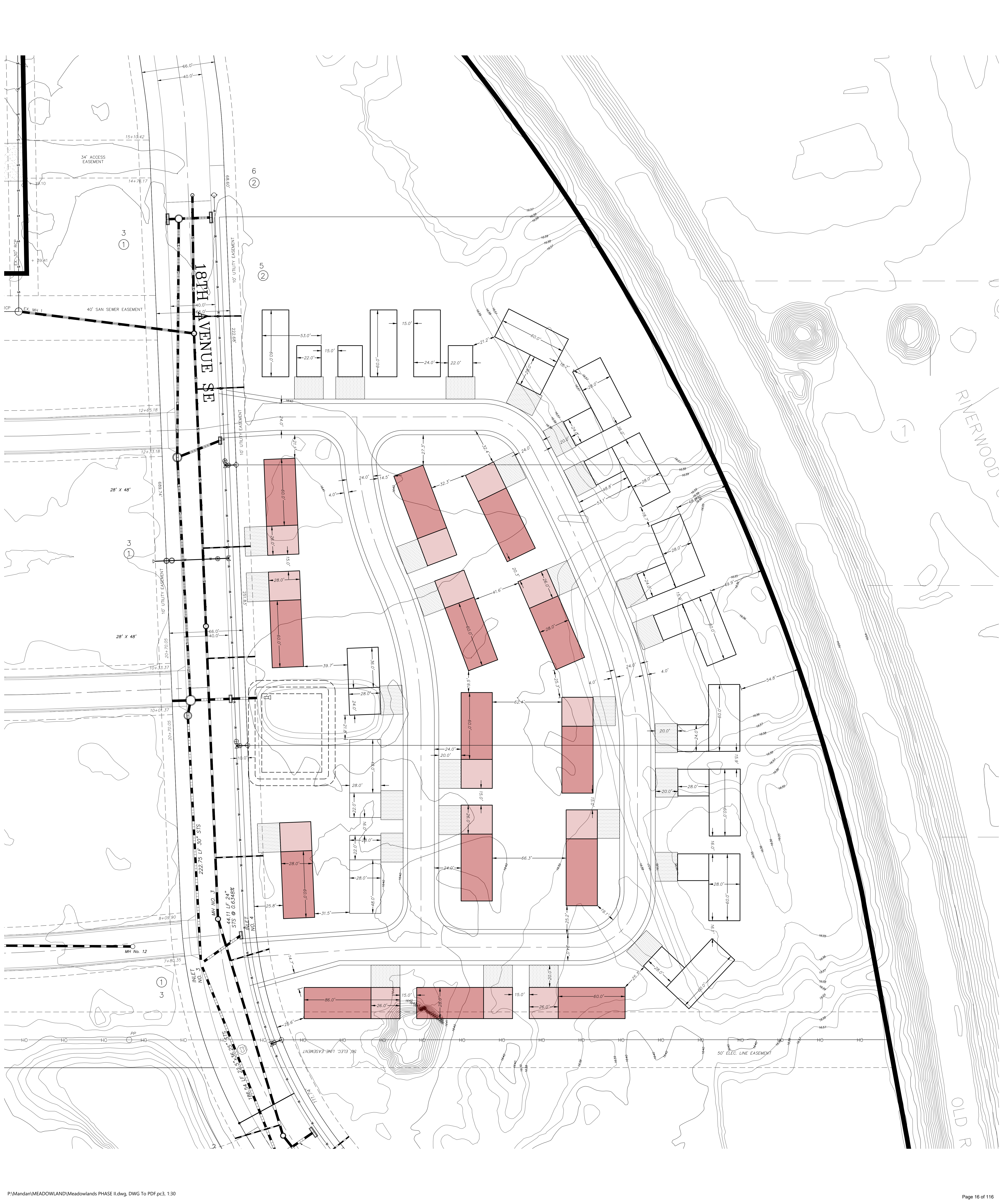
Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

August 26, 2024
September 17, 2024
October 1, 2024



Meadowlands Secondary Access Proposal v4

Meadowlands Development is requesting that the Mandan Planning Department recommend the approval of a secondary emergency access route for the Meadowlands 55+ community. This proposed new access route would consist of a new private paved road owned and built by Meadowlands from the northern terminus of 18th Ave SW to South Frontier Trail, accessed through a gate, all in compliance with the Fire Code of the City of Mandan.¹ This proposed new road not only offers secondary emergency access for the Meadowlands community residents, it would also add secondary emergency access for the 205 residences of Gateway Mobile Home Park; those 205 residences currently do not have such secondary emergency access.

Meadowlands Development possesses an easement through Gateway Mobile Home Park on South Frontier Trail for emergency vehicles. South Frontier Trail connects to 6th Avenue SE.

Appendix D of The Mandan City Code, Fire Apparatus Access Roads - provide the following requirements:

Access and loading.

Appendix D102.1 requires an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

Meadowlands Development will build an asphalt road that is 26' wide from the existing 18th Avenue northern boundary connecting to South Frontier Trail. The driving surface will be capable of supporting the imposed load of a fire apparatus weighing 75,000 lbs.

Fire apparatus access road gates.

Appendix D103.5 requires that gates securing the fire apparatus access roads, where a single gate is provided, shall not be less than 20' wide. Gates shall be of a horizontal swing, horizontal slide, vertical lift, or vertical pivot type. Construction of gates shall be of materials that allow manual operation by one person. Gate components shall be always maintained in an operative condition and replaced or repaired when defective.

Meadowlands Development will provide a single gate not less than 20' wide with a horizontal slide mechanism, made of a material that can be manually operated by a single individual. Gate components will be maintained and replaced or repaired when defective. The gate will be left unlocked.

Signs.

Appendix D103.6 requires that fire apparatus access roads shall be marked with permanent “NO PARKING – FIRE LANE” signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a red reflective background. Signs shall be posted on one or both sides of the fire apparatus road.

Meadowlands Development will post signs of a type and location as directed by Appendix D 103.6. In addition, Meadowlands Development will inform all Meadowlands Park residents of the parking restrictions and corresponding fines associated with parking on a fire access road. In addition, Meadowlands Development will maintain the roads and remove snow from the roads and areas where the gate slides during the winter months to ensure unobstructed access.

Meadowlands Development will inform the owners of Gateway Mobile Home Park that Meadowlands Development will be maintaining the access road and gate to South Frontier Trail to provide emergency vehicles ingress (from Meadowlands through Gateway) and egress (from Gateway through Meadowlands). We will also inform the owners of Gateway Mobile Home Park that the access can't be blocked and is not available for use other than emergency vehicles.

We strongly prefer the private secondary access road to an extension of 18th Avenue. A connecting road between Memorial Highway and 3rd Street would cause a tremendous increase of traffic from two of the busiest streets in Mandan through a senior residential community's streets and crosswalks, greatly impacting the safety and security of the residents. This connection would also do nothing to serve the greater Mandan public because it would be redundant with an existing street, Riverwoods Avenue, that connects 18th Avenue to 3rd street a few yards away. In addition to the greatly increased danger for Meadowlands' residents, extending 18th Avenue leaves Gateway Mobile Home Park residents without secondary emergency access.

Please provide any concerns or issues that you have with this proposal as soon as possible so that we may address them prior to the Mandan Planning and Zoning Commission meeting in July.

1 The Fire Code of the City of Mandan, Appendix D Section D107, requires that developments of one- or two-family residential developments where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. Our understanding is that the secondary access road is to provide emergency vehicle access when the primary access road is impassable.

REAL ESTATE EASEMENT AGREEMENT

THIS AGREEMENT is made on August 12, 2019 by and between Jen-Wright LLC, of Bismarck North Dakota, owner of Gateway Mobile Home Park located at 803 S. Frontier Trail, Mandan ND 58554, hereinafter ("Grantor"), and Barry Jennings, of Mandan North Dakota, owner of Meadowlands Development and Meadowlands Park located at 1700 Hawk Trail SE, Mandan ND 58554, hereinafter ("Grantee").

Recitals

- A. The Grantor is the owner of certain real property known as Gateway Mobile Home Park located in Mandan, ND and more fully described as follows: FRONTIER HOMESTEADS. (Servient Estate)
- B. The Grantee is the owner of certain real property know as Meadowlands Development and Meadowlands Park located next to Grantor in Mandan, ND and more fully described a follows: MEADOWLANDS ADDITION. (Dominant Estate)
- C. The Grantee desires to acquire certain rights in the Servient Estate.

Grant of Easement

In consideration of \$1 and other valuable consideration, Grantor herby grants to Grantee an easement on and across the following described portion of the Servient estate: South Frontier Trail access gate on the western border of Gateway Mobile Home Park and Meadowlands.

Character of Easement

It is the intention of the parties that the easement granted appurtenant to the Dominant Estate, in that easement benefits the use of the Dominant estate by providing emergency access to Meadowlands and from Meadowlands to and through Gateway Park by any and all state and local emergency vehicles utilizing Frontier Trail in Gateway Park.

Duration and Binding Effect

The easement shall be perpetual (subject to termination as described below).

Purpose of Easement

The easement will benefit the Grantee by providing access to all state and local emergency vehicles, including but not limited to Fire and Police, that need to access Grantor's property by way of South Frontier Trail access gate that adjoins Meadowlands and Gateway Mobile Home Park.

Exclusiveness of Easement

The easement, rights, and privileges granted by this easement are exclusive, and Grantor covenants not to convey any other easement or conflicting rights within the area covered by this grant.

Termination

The easement may be terminated by written agreement signed by all owners of record and other successors to the respective interests of Grantor and Grantee of the Dominant and Servient Estates. Grantee, his/her heirs, successors, and assigns may execute and record a release of this easement at any time. This easement shall also terminate if the purposes of the easement cease to exist and are abandoned by the Grantee.

Entire Agreement

The instrument contains the entire agreement between the parties relating to the rights granted and the obligations assumed. Any oral representations or modifications concerning this agreement shall be of no force and affect. Any modification of this Agreement must be in writing and must be signed by both parties.

The parties have executed this agreement on the above mentioned date.

GRANTOR  (Meadowlands Development LLC & Meadowlands Park LLC)

GRANTEE  (Jen-Wright LLC)

To the Mandan Planning and Zoning Commission:

We are residents of Meadowlands 55+ community in Mandan. Most of us are in our 70's. The purpose of this letter is to convey our concerns about connecting 18th Avenue with Memorial Highway. Meadowlands is a quiet and safe neighborhood. Currently, the only traffic into and out from the community is from residents, guests and people that are providing services to Meadowland's residents.

If 18th avenue, which currently dead ends into our community, were to continue to Memorial Highway we would have a substantial increase in outside through traffic from two of the busiest streets in Mandan. This increase in outside traffic would greatly impact our safety and security as well as add noise to our quiet community. We cross 18th Avenue daily to get our mail and go for walks in the meadows on the west side of 18th Avenue. New residents in the second phase of Meadowlands Park will cross 18th Avenue daily to go to our activity center. We understand the need for a secondary access road in the event of emergencies. We support the proposal that Meadowlands management has made to the City of Mandan to utilize the secondary access through South Frontier Trail. This connector road would provide the secondary access for emergency vehicles without creating the added safety and security risks, and the added noise that the through traffic on 18th Avenue would cause.

Signature



Print Name

Dave Heilmann

6-15-24

Signature



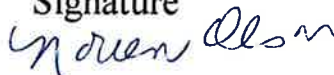
Print Name

Duane Olson

1426 Deerfield Rd. SE

6-15-24

Signature



Print Name

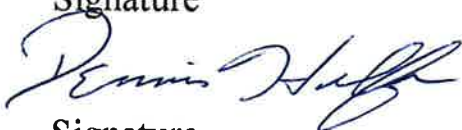
Mandan, ND 58554

Norcen Olson

1426 Deerfield Rd SE, MANDAN

6-15-24

Signature



Print Name

Dennis Hilfer 1614 Hawk Trail 6/15/24

Signature

Print Name

SIGNATURE: Dennis Rose PRINT: Dennis Rose

SIGNATURE: Dan Rose PRINT: Dan Rose

SIGNATURE: Darla Heilman PRINT: Darla Heilman

SIGNATURE: Linda Lang PRINT: LINDA LANG

SIGNATURE: Adelle Gibbens-Wood PRINT: Adelle Gibbens-Wood

SIGNATURE: Clayton Wood PRINT: CLAYTON Wood

SIGNATURE: Sandra F. Evans PRINT: SANDRA F. EVANS

SIGNATURE: James H. Wolf PRINT: JAMES H. Wolf

SIGNATURE: Deanne Wolff PRINT: Deanne Wolff

SIGNATURE: Douglas A. Peterson PRINT: Douglas A. Peterson

SIGNATURE: Brenda A. Peterson PRINT: Brenda A. Peterson

SIGNATURE: Kim Lawing PRINT: Kim Lawing

SIGNATURE: Leslie Toepke PRINT: Leslie Toepke

SIGNATURE: Gary Ozburn PRINT: GARY OZBURN

SIGNATURE: Pat Werelson PRINT: PAT WERELSON

6/16/24
SIGNATURE: Zita Quaschnick PRINT: Zita Quaschnick
6-17
SIGNATURE: PARYL Potter PRINT: PARYL POTTER
1514 FOX DRIVE SE MANDAN
SIGNATURE: Kevin Messer PRINT: Kevin Messer
1611 FOX DR. S.E. Mandan N.D.
SIGNATURE: Karen Anderson PRINT: Karen Anderson
1686 FOX DR. SE, Mandan, ND 6-17-24
SIGNATURE: Esther Potter PRINT: Esther Potter
1502 FOX DR SE
SIGNATURE: Lorna L. Rask PRINT: Lorna L. Rask 6-17-24
1602 FOX DRIVE
SIGNATURE: Judith Elsworth PRINT: Judith Elsworth
SIGNATURE: PARK J. TINE PRINT: PARK TINE
1424 FOX DR. 6/17/24
SIGNATURE: Tim Krueger PRINT: TIM KRUEGER
1506 FOX DR.
1420 FOX DR 6-18-24
SIGNATURE: Dr. Ike White PRINT: Dr. Ike White
115 18th AVE SE
SIGNATURE: Eugene J. Thomas PRINT: EUGENE J. THOMAS
1422 Deerfield SE
SIGNATURE: Mark Bolte PRINT: MARK BOLTE
SIGNATURE: Karen Weber PRINT: KAREN WEBER
SIGNATURE: Henry Weber PRINT: HENRY WEBER
SIGNATURE: Ronald Quaschnick PRINT: RONALD QUASCHNICK

SIGNATURE: Lana Werbelow PRINT: Lana Werbelow

SIGNATURE: Connie Kuntz PRINT: CONNIE Kuntz

SIGNATURE: Dennis Hildebrand PRINT: Dennis Hildebrand

SIGNATURE: Cindy Geiger PRINT: Cindy Geiger

SIGNATURE: LEOY Eberhart PRINT: L. EBERHART

SIGNATURE: Mary Wolf Eberhart PRINT: Mary Wolf Eberhart

SIGNATURE: Joe Proulx PRINT: Joe Proulx

SIGNATURE: Judy Proulx PRINT: Judy Proulx

SIGNATURE: Casper Kuntz PRINT: Casper Kuntz

SIGNATURE: Bruce Sailer PRINT: Bruce Sailer

SIGNATURE: Marilyn Sailer PRINT: Marilyn Sailer

SIGNATURE: ~~Deb Frank~~ Deb Frank PRINT: Deb Frank

SIGNATURE: Patrick Frank PRINT: Patrick Frank

SIGNATURE: Willard N. Sailer PRINT: WILLARD SAILER

SIGNATURE: Mariya Mosser PRINT: Mariya Mosser

SIGNATURE: Nathan Leinius PRINT: NATHAN LEINIUS

SIGNATURE: Violet Leinius PRINT: VIOLET LEINIUS

SIGNATURE: [Signature] PRINT: KENT BERGER

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SIGNATURE: Janet Hildebrand

PRINT: Janet H. Hildebrand

SIGNATURE: Keith K. Anderson

PRINT: KEITH K. ANDERSON

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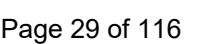
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*PART OF LOT 1 BLOCK 1 FRONTIER HOMESTEAD AND PART OF THE S 1/2 OF
SECTION 26, T. 139 N., R. 81. W. TO THE CITY OF*
MANDAN, MORTON COUNTY, NORTH DAKOTA





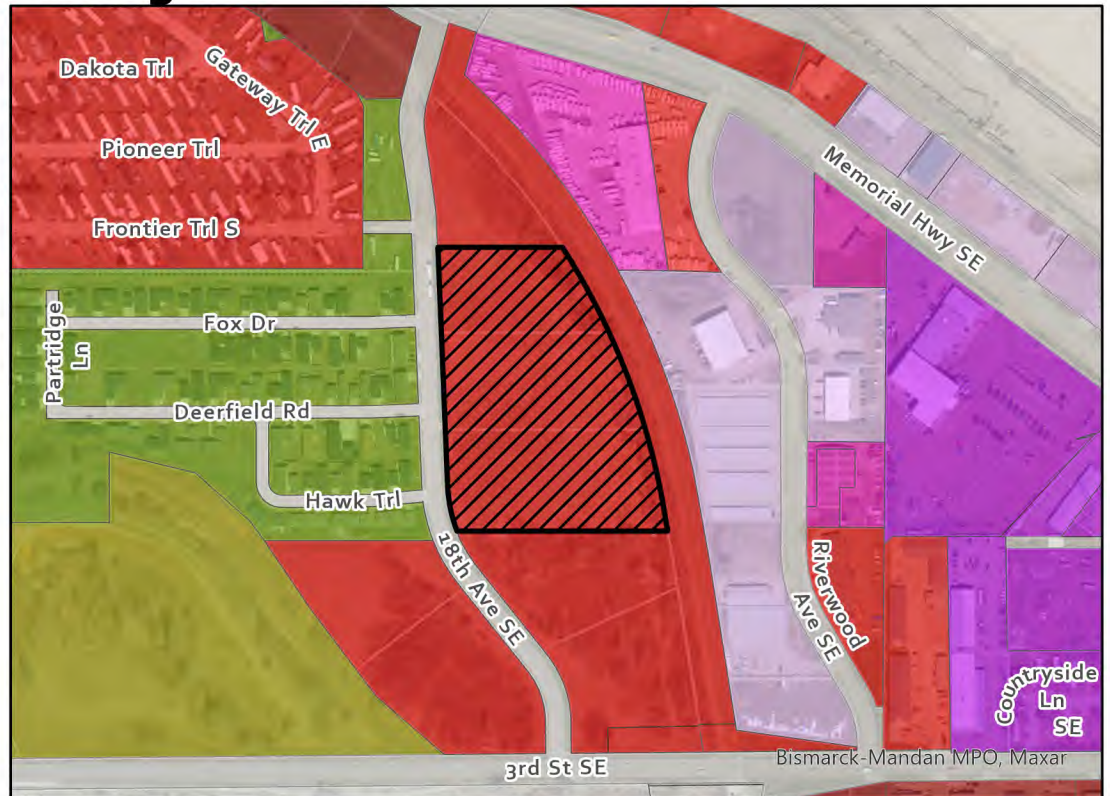
Zoning and Future Land Use Reference Map

Meadowlands Park Phase 2

Zoning

Zoning Map Key

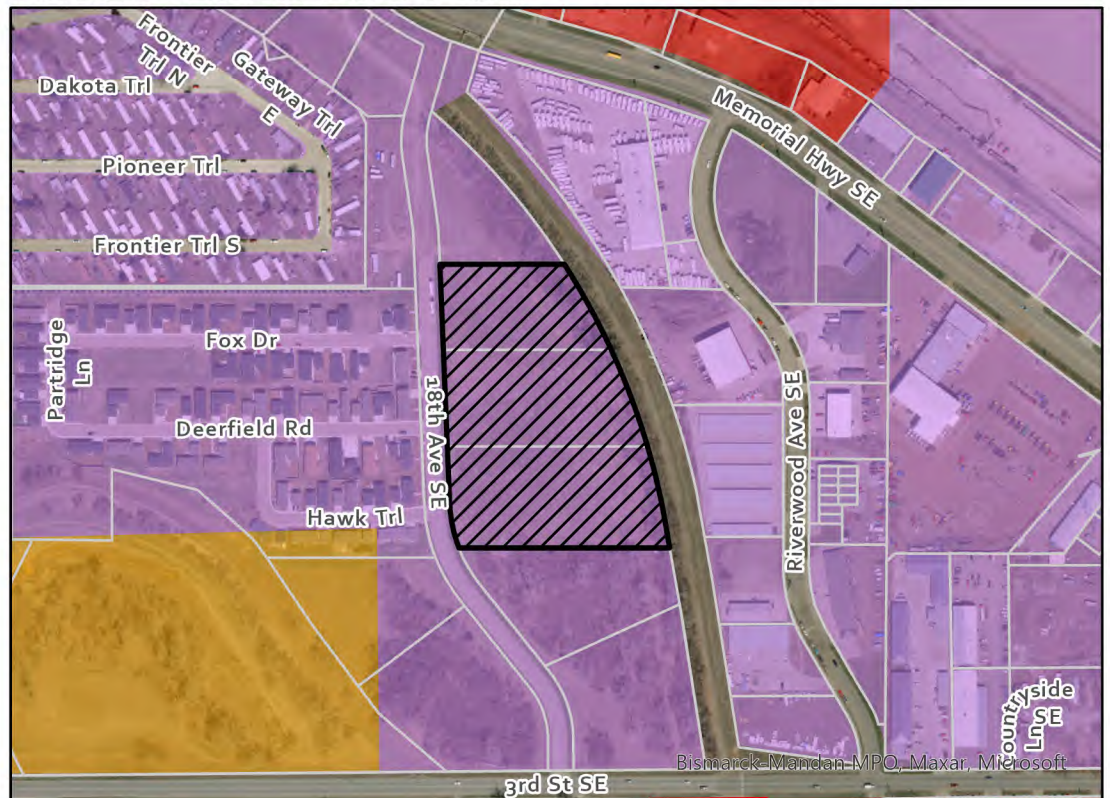
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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
- Parcels
- June '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
- June '24 Planning Items

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: August 26, 2024
PREPARATION DATE: August 13, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a final plat and PUD (Planned Unit Development) Amendment for Shores at Lakewood 2nd Addition

STATEMENT/PURPOSE:

TRX Developers, LLC, is requesting approval of a final plat and a PUD Amendment for Shores at Lakewood 2nd Addition. The PUD Amendment would be applied to Phase 2, and future phases 3 and 4 of the development.

BACKGROUND/ALTERNATIVES:

Overview of Request

TRX Developers seeks approval for the final plat of Shores at Lakewood 2nd Addition, a 47.06-acre residential development comprising 103 lots in southeast Mandan. The development will include new City streets, 99 residential lots, two private park properties, a new City lift station, and a stormwater / amenity pond.

This request also includes an amendment to the Shores at Lakewood PUD to integrate additional details from the developer's PUD narrative and master plan. Key updates since the original submission include:

- The proposed addition of three-unit "Mansionettes."
- Additional details on various components of the masterplanned development.

As a reminder, this development will have two means of egress. Principal vehicular access will come from McKenzie Drive SE. Secondary access is to be provided from the extended Oxbow Trail SE (which turns into 39th Avenue SE) and has connection options to 40th Avenue SE. Future access to the development from the west is planned via a McKenzie Drive bridge across the Heart River. Timing of that bridge to be constructed is unknown.

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

Property History

The Shores at Lakewood Phase 2 plat initially included 126 lots but was reduced to 103 in 2024. The development concept was first introduced in 2018, with Phase 1 under development since 2022. Significant reviews were conducted with USACE and the Lower Heart Water Resource District. The Preliminary Plat received approval in June 2024, and outstanding issues such as utility servicing, lot access, and the proposed irrigation system have been addressed. In the early part of 2024, a portion of excess right-of-way south of McKenzie Drive SE was requested and approved to be vacated. That is where lots 56-62 are located.

Final Plat

The final plat encompasses 47.06 acres and includes 103 lots divided into three blocks. Key features are:

- Lot 37, Block 2, designated for stormwater/amenity pond/wetland.
- Lots 34-62 will be accessed via a shared private street, for which the City of Mandan will not be responsible for maintenance, including snow removal, street sweeping, or reconstruction.
 - A thirty-foot easement from Clear Creek Loop will provide access to all lots.
 - The private street will require a name, particularly for units with access/frontage on it.
 - Lots 56-62 may potentially be addressed to McKenzie Drive SE.
- The plat includes numerous easements for public utilities, stormwater conveyance, and lot access.
- An easement for a subdivision monument sign is designated on Lot 51, Block 1.
- The City's lift station will be situated on Lot 63, Block 1.
- A private dog park is planned for Lot 56, Block 1, and a private park for Lot 35, Block 2.
 - The City of Mandan and Mandan Park District are not likely to dedicate resources towards enforcing park usage. The HOA may take measures it desires to regulate who uses the parks.

Planned Unit Development (PUD) Amendment

Lots in this addition will be zoned PUD with a basis in R7, R3.2, and RM.

- Lots 2-11 and 56-63, Block 1, Lots 1-12 and 20-35, and Lot 37, Block 2, and Lots 1-3, Block 3 - PUD / R7 Residential.

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

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- Lots 12-55, Block 1 and Lots 13-19, Block 2 - PUD / R3.2 Residential
- Lot 1, Block 1 and Lot 36, Block 2 - PUD / RM Residential.

The Shores at Lakewood PUD is proposed for amendment to include:

- Three-unit "Mansionette" homes on Lot 1, Block 1, and Lot 36, Block 2.
- The homes would be based in the City's RM - Residential district standards.

These lots are adjacent to the planned City lift station and neighborhood/HOA park. The design will ensure that the homes are oriented to enhance the public realm. City Staff recommends that homes along McKenzie Drive, while not having driveways directly onto the street, should feature front doors/porches and sidewalks leading to McKenzie Drive. This design approach aligns with urban design best practices and creates a nice appearance along major streets.

The amendment will integrate additional elements from the PUD Narrative into the PUD ordinance, applying to Phase 2 and future phases of the development. Ordinances for Phases 3 and 4 will be drafted when those phases are introduced, as an ordinance cannot be recorded against legal descriptions that are not yet established until a future plat. This also prevents potential PUD issues if a future phase needs to be treated in a unique manner.

The following lots need to be assigned a zoning designation, even though they will not be used for housing development: Lot 56, Block 1; Lot 63, Block 1; and Lots 35 and 37, Block 2. These lots will be designated for HOA park property, a City lift station, and a storm water/amenity pond. Staff recommends zoning them according to the adjacent zoning classifications.

Staff Comments

- Planning Staff understands that the utility servicing plan concerns for this subdivision have been resolved, and will include the construction of a new lift station, with the developer also responsible for upgrading an existing downstream lift station. This approach is seen as a positive step toward addressing the utility servicing needs, given the opportunity to enhance both capacity and condition at the downstream station.
- Before the plat can be recorded, a new development agreement for all of Shores

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

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at Lakewood is to be drafted and established, to include various topics, and staff will require written confirmation and agreements for relocating the existing public, City-ran grass dump sites from the vacated right-of-way on McKenzie Drive SE. The new, long-term location for Southeast Mandan's leaf and grass collection will be in the northwest corner of Mandan's Waste Water Treatment Plant.

- There will be no private irrigation lines crossing the City of Mandan Right-of-Way, following denial of that request by the City Commission on 8/6/24.
- The City has been recommended to explore ways to integrate different forms of housing, such as three-unit structures, into different areas, as part of recommendations to ensure a variety of housing types in different parts of the community for residents with different needs. Staff feels that the proposed home character adheres well to the homes originally approved for this PUD.

Adjacent Properties Zoning, Land Use and Future Land Use

Phase I to the north of this property is zoned PUD (Planned Unit development). The Heart River is to the west. The property to the east and south is zoned agriculture and is the City's Waste Water Treatment Plan.

The Future Land Use Plan designates the property as Low Density Residential, and was amended to that designation based on the Shores at Lakewood masterplan/PUD narrative. McKenzie Drive is slated to continue to the west via a future Heart River crossing that would lead to a connection with ND Highway 1806 and south Mandan's Plainview Area.

Additional Information and Public Outreach

- Application and fee of \$1450 was received on July 25 and August 7, 2024.
- Letters were sent to 81 adjacent property owners on August 8, 2024.

Findings of Fact

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. The proposed subdivision, as developed according to the City's Floodplain

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

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Ordinance, is not located in a Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;

5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Zone Change/PUD Amendment

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

ATTACHMENTS:

1. application
2. PUD Amendment Narrative
3. Shores at Lakewood 2nd Add Final P revised 7-31-24
4. DRAFT Shores at Lakewood 2nd PUD
5. Mansionette Presentation
6. Resolution of Vacation - Portion of McKenzie Drive
7. Map of Vacated ROW
8. Survey Exhibit of Vacation
9. Location Map - Shores at Lakewood 2nd

FISCAL IMPACT:

N/A

STAFF IMPACT:

Significant staff time has gone into the review of the Shores at Lakewood and this addition.

Staff Recommendation: Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

LEGAL REVIEW:

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

RECOMMENDATION:

Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

SUGGESTED MOTION:

I move to recommend approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition.

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

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad, PE - Mountain Plains, LLC			Name Arthur Goldammer - TRX Developers, LLC		
Address 1300 Tacoma Ave, Suite A			Address 3100 N 14th St		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email nnustad@mtnplains.com			email arthur@verityhomes.com		
Phone 701-955-3122	Fax na		Phone 701-663-4117	Fax na	
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	
x	City	ETA	New	Addition	Agriculture	PUD	Shores at Lakewood 2nd Addition
Property Address					Legal Description		
No current address - west end of McKenzie Drive					A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and Outlot A		
Current Use							
Vacant					of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota		
Proposed Use							
Residential					Section	Township	Range
Parcel Size 46.82	Building Footprint na	Stories na	Building SF na	Required Parking na	Provided Parking na		

Print Name Arthur Goldammer	Signature 	Date 7/25/24
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$750	Date: 7-25-2024
Notice in paper	Mailed to neighbors	P&Z meeting	8-7-2024
☐ Approved	☐ Approved with conditions:		
☐ Denied			

Planned Unit Development Amendment Narrative

Request for Shores at Lakewood Master Plan

TRX Developers, LLC is proposing to plat and develop approximately 132 acres located southwest of 21st Street SE, intersected by McKenzie Dr SE, and West of 39th Ave SE/Oxbow Trail SE/34th Ave SE, Mandan, ND. The area is currently blend of approved Master Plan, FLUP Amended, and Zoning to PUD on entire project, with Shores Addition platted/developed (including Minor Plats resulting from lot combinations), and unplatted otherwise agriculture land in the City of Mandan ETZ zoning district.

TRX Developers, LLC is considering further developing the property into a mixed-use site with a combination of single family detached (stand-alone single family), single family attached (twin home) residential, 2 lots RM for 3-plex condo, and limited non-residential commercial/storage, which will all address many of the housing and land use needs for the City of Mandan and it's residents.

TRX Developers, LLC proposes amending the current Master Plan & PUD Zoning regulations, in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Mandan Municipal Code and Future Land Use Plan. The proposed plat for Shores 2nd Addition has been adjusted significantly from the previous submission, using feedback and in consideration of some area resident concerns, reducing overall lot count by adjusting lot sizes to be larger overall, and also including 2 lots identified to be used in a general RM zoning allowable perspective, for two 3-plex condo buildings.

Development within the district is characterized by four main types as mentioned above, single family detached housing, single family attached housing, RM Condo, and commercial/storage. Considering the majority of land zoned RM to the east, a smaller area of land zoned R7 also to the east, the Golf Course to the north, the City Wastewater Treatment Facility to the SE, and the agriculture to the south, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD will reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

Platting: Shores at Lakewood is platted as a master plat, using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

Phasing: Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Shores 3rd Addition will initially be identified as a super block, requiring the developer to submit a site plan and architectural standards/design to the City of Mandan, prior to commercial development in this phase, as per standard ordinance set forth by the City of Mandan. Each Phase will be a separate addition to the City of Mandan, with a plat for each to define clearly the legal descriptions outlined.

Issuance of Building Permits: Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards.

Zoning & Taxation: After plat and PUD approval, Shores at Lakewood will be zoned as a PUD. Additions (Phases) 2 through 4 will remain taxed as entitled but undeveloped lands, until development of each phase, independently, is significantly complete and the lots are building permit ready. Once complete, the properties included in the completed phase shall be taxed as determined by the Mandan City Auditor for the appropriate use and zoning.

Location: Combined parcel located in the City of Mandan, Morton County, North Dakota, City Parcel Number(s) 65-5511350, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100. The project consists of approximately 132 acres.

Details: The subdivision master plan provides for 209 residential lots. The subdivision master plan provides for 155 single family detached residential lots (R7), 52 (26 twin buildings) R3.2 type lots, , 2 RM Condo type lots, one private dog park, two amenity based private parks, one walk/bike/buffer zone/stormwater lot, one limited non-residential commercial super lot/block, & two pond/borrow lots. The pond/borrow lots will serve to provide fill for the site to bring it out of the 100 year flood plain, as well as, to fulfil the storm water retention needs. The project will be zoned and defined as a PUD as the overlay zoning with the R7, R4, R3.2, RM, and CB as the underlying zoning. Housing types are limited to RM 3-plex Condo, single family attached (twin/town/row homes), and single-family detached homes. The private parks will also serve as an amenity to Heart River Villas residents.

Infrastructure Installation: The Developer of the Project will install all sanitary sewer, & water. Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, curb/gutter/paving, and road base prep will be handled by the City of Mandan via a special assessment district.

The required sanitary sewer lift station and screening fencing shall be included on the special assessment district requested to be created.

The sanitary sewer and water 3-way agreement and SID storm sewer projects to be advertised for bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria. The Developer shall approve the final bid award, based on blended criteria of price and performance of the contractor.

Infrastructure Funding: The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. The storm sewer (separate SID), street lighting, curb/gutter/paving, screening fencing, and road base prep shall be handled via Bids awarded by the City of Mandan and assessed in two Special Assessment Districts per the City of Mandan Ordinance. The sanitary sewer and water 3-way agreement and SID storm sewer projects to be bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria.

Infrastructure Maintenance and Repair: The City of Mandan shall be responsible for future repairs and maintenance of public right of way and roads.

Lot Combination Alternative: Lots may be combined to accommodate larger homes. If single family R4 or R7 based lots are combined, the regulations of R7 zoning district shall apply. If twin home R3.2 lots are combined, the regulations of the R3.2 zoning district shall apply. In no circumstances shall the below setback requirements be adjusted.

Residential Lot Setbacks: In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Front Yard – 15' from public street for alley (rear) private drive access homes
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

Underlying Zoning Regulations: Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows and aligned with attached zoning exhibit; R7, R4, R3.2, RM (Shores Addition, Shores 2nd Addition, & Shores 4th Addition), with CB (all service & utility groups allowed, with exception of occupied residential) for Shores 3rd Addition.

Community Parks: Two private parks and one private dog park will be constructed for the use and enjoyment of the residents of Shores at Lakewood and Heart River Villas on Lots 56 Block 1 & 35 Block 2, Shores 2nd Addition, and Lot 21 Block 2 of Shores Addition. These properties to be owned and managed by the Home Owners Association.

HOA: An HOA has been formed for the purpose of maintaining the private parks and to also provide services to residents. It will facilitate the grounds maintenance, snow removal, and care of the properties in Shores at Lakewood. The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

Golf Course Access: Access easements and paths will be provided to ensure resident access to the Mandan City Golf Course.

Parking and Traffic Rules and Regulation: Parking and enforcement will be handled by the City of Mandan. Garage orientation to be pre-determined to ensure maximum parking available on street.

Snow Removal: Snow removal on public streets will be by the City of Mandan. Individual residence driveway and apron snow removal shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner.

Garbage Collection: Garbage collection shall be performed by the City of Mandan to the single family and twin home residential parcels. The CB parcels shall arrange for their own garbage collection services.

Fencing: 6 ft or 5 ft wrought iron fencing along the north boundary, and monument markers on the westerly boundary, will be provided and installed by developer to ensure LHWRD/USACE levee system and golf course are not encroached upon. Concrete precast architectural 5 ft or 6 ft fences are also be allowed at the discretion of the Developer and/or ARC.

Internal Nocturnal Illumination: Internal downward nocturnal illumination shall be provided and installed to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Mandan Ordinance.

Special Assessments: Existing and future special assessments will assessed per the City of Mandan Ordinance. Pond/Borrow/Parks lots are to remain clear and free of any special assessments. The storm sewer, street lighting, curb/gutter/paving, road base prep, sanitary sewer lift station, screening fencing along local/collector ROW, and any Park Improvements (per the Mandan Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Mandan and assessed via Special Assessment Districts per the City of Mandan Ordinance.

Easements: Any and all easements shall be shown on the plat.

Grantor/Grantee of Easements: The Developer shall be the Grantor of the easements. The City of Mandan, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

Street Design: Street design for public streets and private drives shall follow the City of Mandan Municipal Code. Future adjustments to align with proposed City Development Standards may be proposed.

USACE Review: A pre-submittal development review request was provided to the USACE, following Executive Order 11988. On September 9th, 2021, the USACE provided a letter confirming final review with final comments that have been incorporated into the design and development plans, in addition to the requirements identified by the local sponsor that have been included in the ratified Developer's Agreement with the Lower Heart Water Resource District.

Developer Agreement Lower Heart Water Recourse District: Developer's agreement is in place outlining the criteria for development and future use/maintenance in regard to the overall community and also the Levee system. The agreement is to remain in effect and all conditions and criteria to follow the chain of title/deeds. Covenants and HOA documents to reflect the criteria outlined in the Development Agreement.

Overall Density: Overall density upon buildout for residential units/area shall be no greater than 4 units per gross acre.

Shores 3rd Addition: Shall be platted as a single block limited to CB or lower. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property to Lakewood Drive SE. Any development of this area shall be subject the City of Mandan review and site plan approval process.

Finished Floor Elevations: Building foundation height shall be set at a minimum of 2' higher than the curb and shall conform to the City of Mandan Code.

Capital Improvement & Maintenance Fund: A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the Private Community Parks, the Pond, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of \$500 per home sold/closed to 3rd parties (home buyers), with subsequent transfer fees of 0.5% of the sale price per home re-sold and closed.

CBU for Postal Service: Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

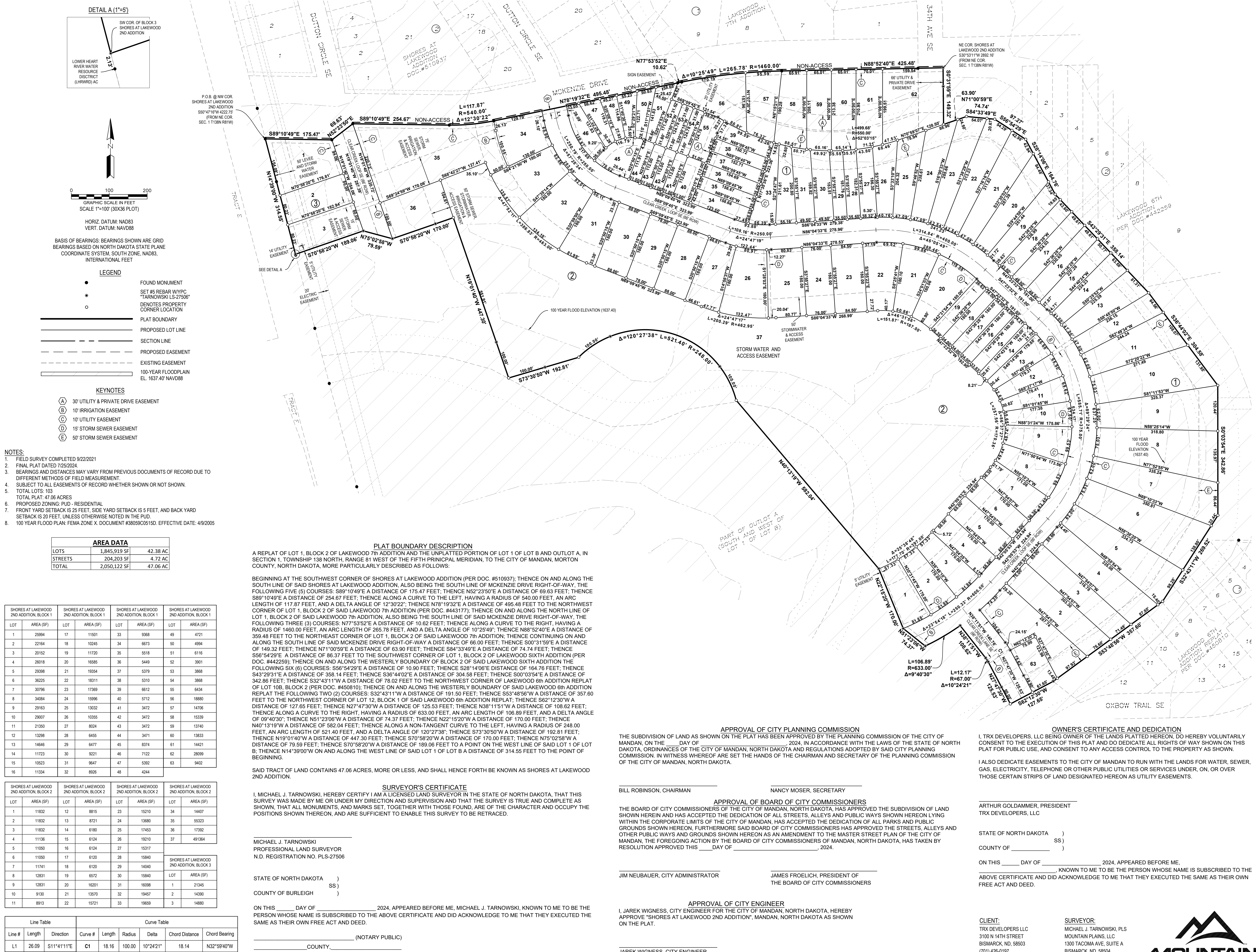
Pond Water Quality: Two to three aeration fountains to be installed by developer and maintained by the HOA to ensure water quality throughout the summer season and to mitigate algae growth and mosquito breeding habitat.

Community Irrigation Master System: One to two irrigation pumps and main line supply lines to be installed by developer and maintained by the HOA to provide landscaping irrigation for the Community and Residents for lots in Shores 2nd, 3rd, and 4th Additions. City water supply will provide irrigation needs for the residents of Shores Addition, north of McKenzie Drive, through dedicated meter pits.

SHORES AT LAKEWOOD 2ND ADDITION

TO THE CITY OF MANDAN

A REPLAT OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION AND THE UNPLATTED PORTION OF LOT 1 OF LOT B AND OUTLOT A IN SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA



***DRAFT* ORDINANCE NO. 14XX**

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

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

WHEREAS, Adjacent properties to the north and south are zoned A – Agriculture, to the east zoned R7 – Residential and RM – Residential, to the south zoned A – Agriculture and the west A – Agriculture. The Planned Unit Development District would be appropriate; and

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

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

Subsection 1: Establishment of Planned Unit Development (PUD)

The area known as Shores at Lakewood 2nd Addition, located within Section 1, Township 139N, Range 81W in City of Mandan, Morton County, North Dakota, shall be excluded from the A (Agricultural District) and included in a PUD (Planned Unit Development) District with the following conditions and restrictions:

Section 2: Zoning Districts and Applicable Areas

a. **PUD based in R7 Residential** shall be applied to:

- Lots 2-11 and 56-63, Block 1
- Lots 1-12 and 20-35, and Lot 37, Block 2
- Lots 1-3, Block 3

b. **PUD based in R3.2 Residential** shall be applied to:

- Lots 12-55, Block 1
- Lots 13-19, Block 2

AS 8/20/2024

c. **PUD based in RM Residential** shall be applied to:

- Lot 1, Block 1
- Lot 36, Block 2

Section 3: Housing Types

- a. In the **R7 Residential** areas, housing types are limited to single-family detached homes and designs/styles approved in the original PUD submittal.
- b. In the **R3.2 Residential** areas, housing types are limited to single-family attached homes, up to twin homes and designs/styles approved in the original PUD submittal.
- c. In the **RM Residential** areas, housing types are limited to 3-plex condominiums and designs/styles approved in the amended PUD submittal.

Section 4: Lot Combinations

- a. Lots within the PUD may be combined subject to City of Mandan platting requirements and utility policies.
- b. If lots identified as R3.2 or RM are combined subject to the above rules, the regulations of the R7 zoning district shall apply.

Section 5: Residential Lot Setbacks

- a. Front Yard – 25' from Public Street
- b. Street Side Yard (for alley-loaded homes) – 15' from Public Streets
- c. Side Yard – 5'
- d. Street Side Yard (on corner lots) – 15'
- e. Rear Yard – 20'

Section 6: Designated Uses and Amenities

- a. **Lot 56, Block 1** shall be designated as a dog park but be zoned R7 / PUD.
- b. **Lots 35 and 37, Block 2** shall be designated as a stormwater amenity pond but be zoned R7 / PUD.
- c. **Lot 1, Block 1** shall be designated as a City lift station and be zoned R7 / PUD.

Section 7: Monument Markers

- a. Monument markers will be installed along the LHRWRD levee per USACE and LHRWRD standards and agreements.

Section 8: Density Regulations

- a. The overall density for residential units/area shall not exceed 4 units per gross acre.

Section 9: Finished Floor Elevations

- a. All finished floor elevations must be at least 2 feet above the curb elevation.
- b. All home elevations must adhere to the original Shores at Lakewood PUD narrative and elevations or conform to the amended Mansionettes design standards.

Section 10: Amendments

- a. Any changes to this PUD must follow the PUD amendment process and be clearly outlined and defined.

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

Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

August 26, 2024
September 17, 2024
October 1, 2024

VERITY HOMES

PROPOSED MOUNTAIN MODERN 3-PLEX ELEVATIONS

8-5-2024

PHASE 1

VERSION I

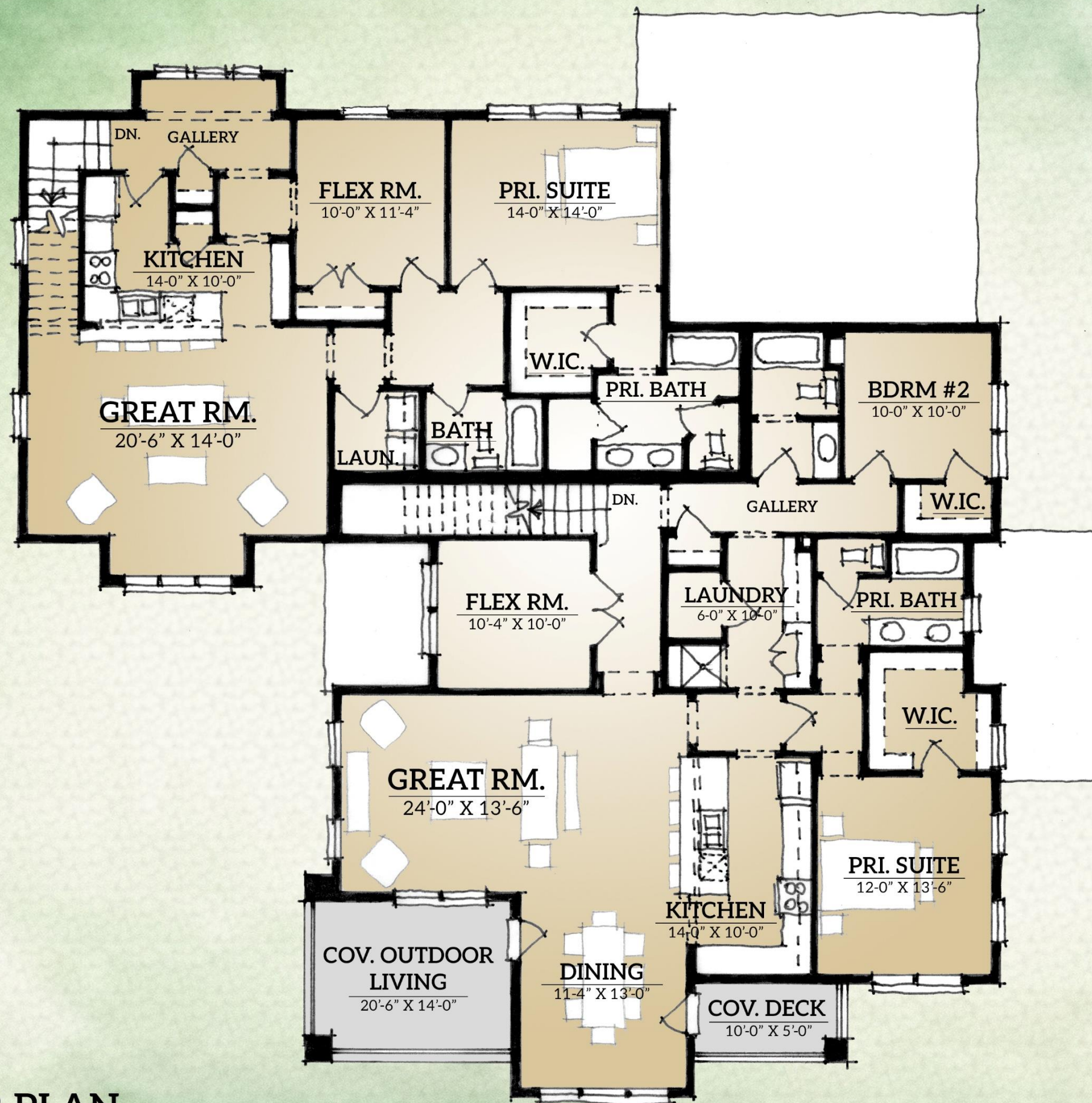
PHASE 2 APPROXIMATE 60 DAYS ONCE APPROVED





FIRST FLOOR PLAN

UNIT 1 - 1 BED + 1 FLEX - 1418 S.F.
UNIT 2 - 2 BED + 1 FLEX - 1670 S.F.
UNIT 3 - 2 BED + 1 FLEX - 1533 S.F.



SECOND FLOOR PLAN



PROPOSED FRONT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED LEFT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED RIGHT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED REAR ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS

RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota

WHEREAS, the owners of the properties located in Lakewood Sixth Addition in Section 1, Township 138N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that a portion of McKenzie Drive SE right-of-way, as further described in the attached exhibit, be vacated; and

WHEREAS, the subject property was not fully constructed; and

WHEREAS, the City of Mandan has no plans to construct public infrastructure at this location and deems this portion of the right-of-way unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on May 10, 17, 24 and 31, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on June 4, 2024.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the above described public right-of-way be and the same is hereby vacated.

BE IT FURTHER RESOLVED, that the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed June 4, 2024 by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: May 10, 17, 24, and 31, 2024
Public Hearing: June 4, 2024
Final Passage: June 4, 2024



Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd ROW Vacation

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 | May '24 Planning Items |

Zoning



Future Land Use Plan Key

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

Future Land Use Plan

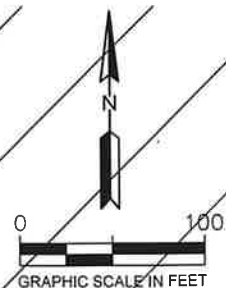


0 0.04 0.07 0.15 Miles

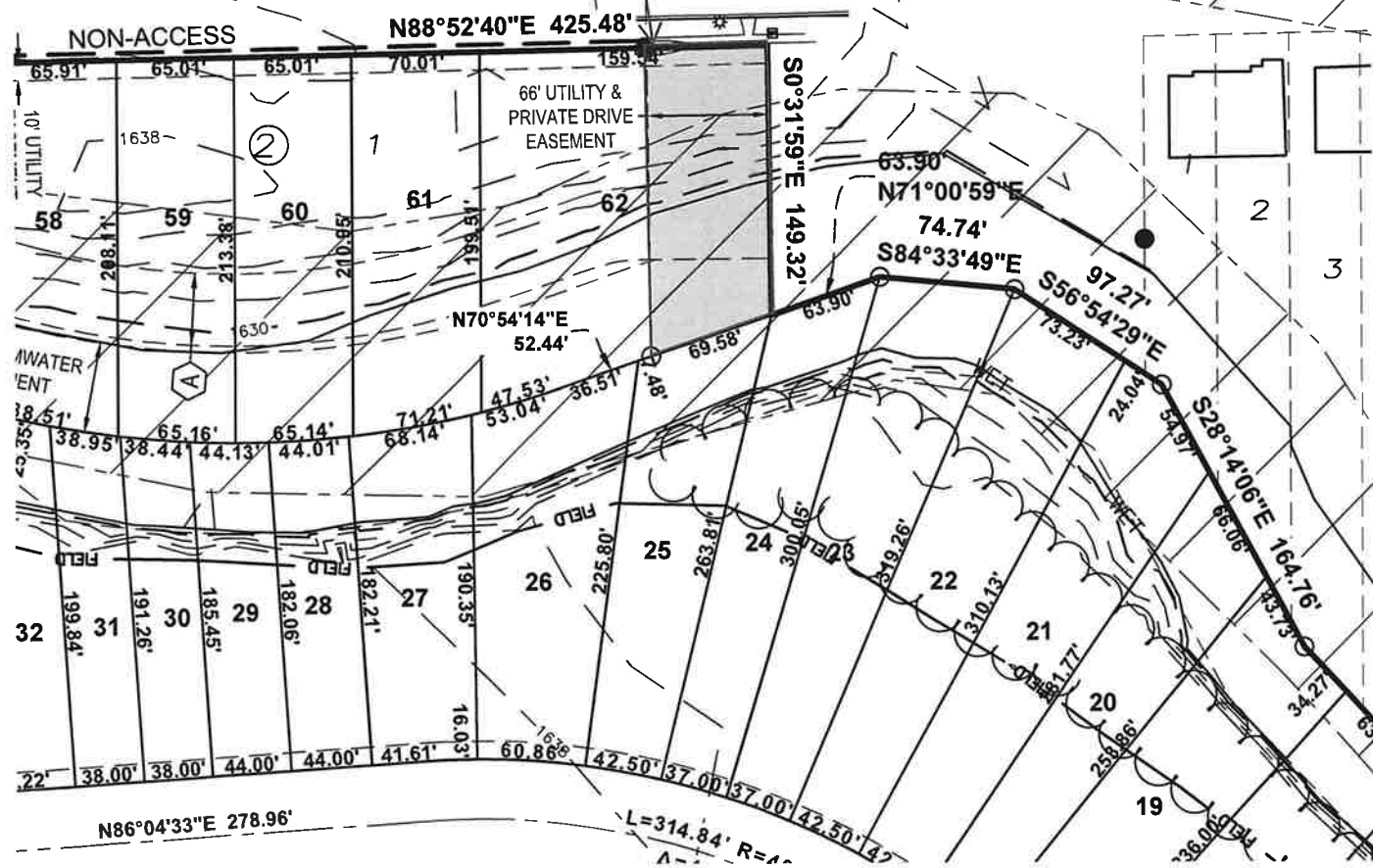
100' DOD
ADDITION

VACATE 66' OF CITY OF MANDAN
RIGHT-OF-WAY TO BE USED BY
DEVELOPER FOR PRIVATE DRIVE
CONNECTION.

34TH AVE SE



THIS EXHIBIT IS FOR VISUAL
REPRESENTATION ONLY TO SHOW
THE PROPOSED AREA TO BE VACATED
ON MCKENZIE DR SE FOR SHORES AT
LAKEWOOD 2ND ADDITION.



SHORES AT LAKEWOOD VACATE RIGHT OF WAY EXHIBIT



NO.	DATE	DESCRIPTION	DATE:
			April 24, 2024
			PROJECT NO: 20.003672
			DRWN BY: NWN
			APPD BY: ---

SHEET NO:	1
SHEET TITLE:	EXHIBIT A



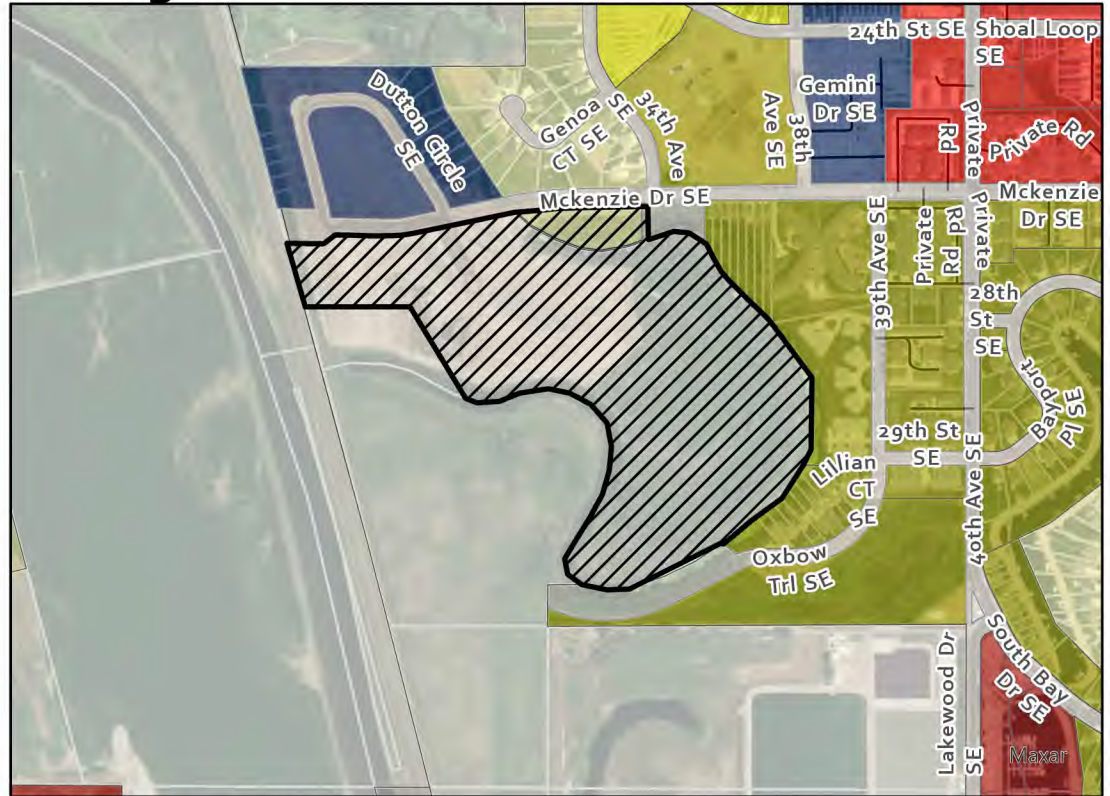
Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd Addition

Zoning

Zoning Map Key

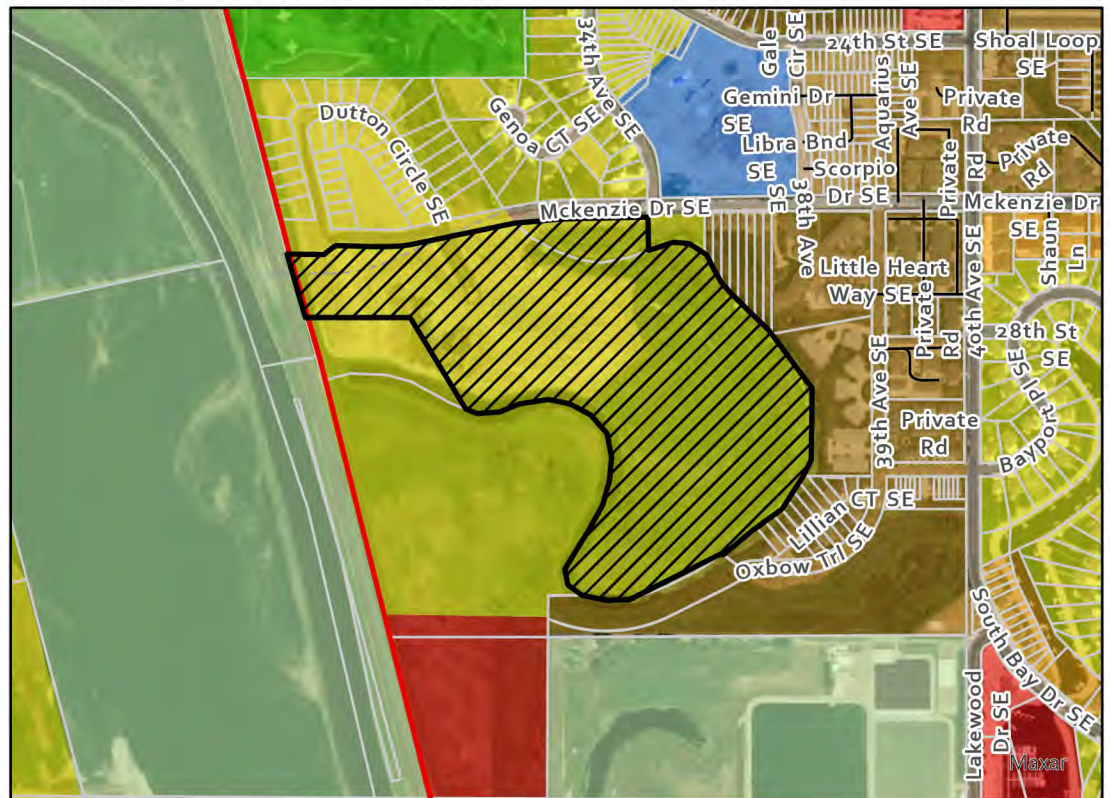
- Agriculture - City of Mandan
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- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light 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
- Parcels
- February '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
- February '24 Planning Items

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: August 26, 2024
PREPARATION DATE: August 13, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a variance for Lot 1, Block 1, Bridgeview Bay Addition

STATEMENT/PURPOSE:

Monte Gawryluk is requesting a variance to Section 105-4-6 of the City Code of Ordinances related to the buffer requirements in the Gateway Overlay district.

BACKGROUND/ALTERNATIVES:

Overview of Request

Monte and Lynette Gawryluk are requesting a variance to reduce the required buffer points from 6 to 3 for their proposed multi-use shop development, Missouri Point Shop Condos, located in the Bridgeview Bay area of southeast Mandan. The property, Lot 1, Block 1, Bridgeview Bay Addition, is situated in Section 6, Township 138N, Range 80W, City of Mandan, Morton County, North Dakota, along the Missouri River at the eastern end of McKenzie Drive SE.

Please note, the special use permit for this project has not been granted, as it has not been to the City Commission. The project was not able to be forwarded to the City Commission in July due to it not adhering to the City Code of Ordinances for buffering and screening and other outstanding items. The permit may be forwarded to the City Commission in the future as a result of this request. Until then, no construction may take place.

Property History

As far as staff is aware, the property has remained undeveloped, while surrounding properties have been developed since the late 1970s and 1980s. The most recent re-platting occurred in 2004, and the property has been zoned as CB – Commercial District since 2000 (Ord. 909). In May 2024, an application for Multi-Use Shops was presented to the Planning and Zoning Commission. Staff recommended denying the request based on best planning practices and the City's adopted plans. However, the Planning

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

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and Zoning Commission chose to approve the request, regardless of the stated misalignment with plans and practices. Significant concerns exist regarding how the multi-tenant facility will remain coordinated and considerate of neighboring developments.

Request Overview:

The Gawryluk's seek to construct multi-use shops on this property. The Planning Commission granted a Special Use Permit in May 2024 for the project. Unable to adhere to the full bufferyard requirement their project requires given the noncomplementary land uses, they now seek a zoning variance to reduce the required screening and bufferyard from the adjacent, established single-unit residence on an R7 parcel from 6 points to 3 points. The applicant seeks permission to use two rows of conifer trees and a fence as the full buffer proposed.

Staff Comments

- The Planning and Zoning Commission should carefully assess whether the lot's physical characteristics warrant a variance from the City code for developing multi-use shops. It has been communicated that multiple aspects of the property were not fully considered at the time of purchase, and this does not constitute a hardship. These aspects include the lack of support for such a use in the City's land use plan, existing easements, required buffers, and other standards.
- Staff recommends that the Commission evaluate the property's waterfront nature in the same manner as any other property with adjacent uses or buildings next to it. The property is a flat, square lot with high visibility due to its location at McKenzie and Marina and along the Bismarck Expressway, with thousands of vehicles passing by daily.
- The property's visibility will increase once developed and structures are erected.
 - Currently, the property is somewhat obscured by vehicles and equipment parked in the lot in front of it, but once 20+ foot tall buildings are constructed, the property will be very prominent.
 - Traffic counts at neighboring intersections are comparable to other areas where higher standards have been enforced and those counts are expected to increase further when McKenzie crosses the Heart River.
 - The Bismarck Expressway experiences nearly 20,000 vehicles per day, making the property visible from this major route.
 - The Board should consider how long-term planning could be affected by a short-term decision to relieve the applicants.
- Additionally, staff recognizes that multi-use developments often involve various

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

Page 3 of 5

uncoordinated land uses. The proposed multi-use shops do not specifically need to be on this property; the preference is due to the property's access to the Missouri River. However, this preference is unlikely to offer significant public benefit, and any potential screening on the site would be advisable to mitigate likely negative externalities.

- **The Commission should be reminded that cost or financial burden is not considered a hardship under zoning guidelines. In other words, if the project cannot proceed without specific allowances, this is not a valid reason for granting a variance.**
 - Staff advised the applicant's representative on July 30th: *"the board is not able to grant variances for any reason other than an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical or topographical condition. I would make sure you provide a statement detailing how you feel one of those conditions is present given the flat, rectangular nature of the property in question."*
 - Staff would also affirm that information such as the grounds for when a variance can or cannot be granted are accessible on a self-serve manner from the City's website and contained within its ordinances. Regardless of the level of clarity given from Staff to the applicant, this is public information that is readily available online.
- Staff would also reference that variances, when granted, should be considerate of ways to mitigate negative externalities. Often, screened landscaping or buffer yards are what are used to do this.
- **The proposed use of Moffat Juniper as screening will potentially grow 12' tall, and the proposed shop condos would be 28 to 30' tall. The proposed screening is inadequate if true buffering and screening are to be required by this project.**

Adjacent Properties Zoning, Land Use and Future Land Use

- Current and proposed zoning is CB - Commercial and the property is within the Gateway Overlay district.
- 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.

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

Page 4 of 5

- The City's Future Land Use Plan recommended commercial development on this property. The proposed land uses have been declared to be commercial and personal recreation/storage.

Additional Information and Public Outreach

- Application and fee of \$400 was received on July 26, 2024.
- Letters were sent to 6 adjacent property owners.
- Staff has received phone calls with concerns regarding the request. It is believed that an email was or is to be sent to the Planning Commissioners regarding concerns with this request.

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 CB - Commercial / Gateway Overlay 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.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Variance Request Letter
4. Variance Process
5. Gateway Overlay - Buffering Requirements
6. Image
7. Lot Layout

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

Page 5 of 5

- 8. Site Plan
- 9. Design Layout
- 10. Exhibit Images
- 11. Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

Significant staff time has gone into the review of this project.

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet

RECOMMENDATION:

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

Given that the cost of the project has been a stated reason for the variance to be granted, and the City's publicly-available code of ordinances stating that cost is not a reason a variance can be granted, Staff would not recommend granting the variance for this project on those grounds.

SUGGESTED MOTION:

Two motions are drafted for the Planning and Zoning Commission.

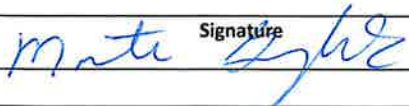
1. Move to recommend **approval** of the variance from Section 105-4-6 (k) of the City Code of Ordinances related to Gateway Overlay Screening and Buffering, and to permit the variance request due to the following hardship: **[PZ Commissioner to identify/fill in the blank]** and to modify the following Staff finding(s) of fact, and **must not be** related to project cost or economic factors.

2. Move to recommend **denial** of the variance from Section 105-4-6 (k) of the City Code of Ordinances related to Gateway Overlay Screening and Buffering and to accept the findings of fact due to no hardship being identified.

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

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering			Name Monte Gawryluk		
Address 501 1st St NW			Address 4016 Bayport PL SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email Harvey@tomanengineering.com			email montegawryluk@hotmail.com		
Phone 701-663-6483		Fax	Phone 701-590-2079		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
City	ETA	New	Addition	CB Commercial	CB Commercial	Missouri Landing Commercial	
Property Address 2600 Marina Road					Legal Description Bridgeview Bay Addition Lot 1 Block 1		
Current Use Vacant							
Proposed Use Commercial Flex Space Development							
Parcel Size 2.14 acres		Building Footprint See Attachment		Stories 1-2	Building SF See Attachment		Required Parking Provided
							Provided Parking Adequate

Print Name Monte Gawryluk	Signature 	Date 7.26.2024
------------------------------	---	-------------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 400	Date 7-26-2024
Notice in paper		Mailed to neighbors	
P&Z meeting			
Approved	Approved with conditions:		
Denied			

Additional Submittals

Variance

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

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

This particular parcel of land is an unusual and irregular lot in the sense it has boundaries on two sides by navigable waters, and by an R7 zoned on the south side. As such it creates significantly different setbacks. This may well be the only such lot in Mandan. The variance is needed because of the unique characteristics and without a variance the development would not be economic.

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

We feel the requirement of 6 buffer points is excessive for this parcel of land. The parcel does not fall within the intent of the ordinance in that it is neither heavily traveled nor a highly visible area of our community. It exists on a dead end street, with the vast majority of the traffic being from the homeowners along that stretch of road.

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

It is our belief the grant of this variance would have no negative impact to the neighborhood or to the public welfare. In fact it is our belief that this project will beautify the neighborhood and be an asset to the community.

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

We believe that a relief from 6 buffer points to 3 buffer points would enable us to fully develop this parcel and would provide adequate buffering to the adjoining neighbor to the south. And would not be detrimental to the neighborhood and would enhance the area.

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

Monte and Lynette Gawryluk, Developers
4016 Bayport PI SE
Mandan, ND 58554

07/26/2024

Andrew Stromme, City Planner
Mandan Planning and Zoning Commission
205 2nd Ave NW
Mandan, ND 58554

Dear Mr. Stromme, Planning and Zoning Commissioners

Subject: Variance Request Buffer Zone Requirement, ND Code Ordinance Sec. 105-4-6

We are requesting a variance for the requirements for buffer zone for parcel located at 2600 Marina Road, Mandan. ND Code Ordinance Sec. 105-4-6, specifically related to the Gateway Overlay District and Memorial Highway Overlay District, in relation to our proposed development, Missouri Landing Commercial.

Note: This Missouri Landing Commercial plan was previously approved at a Planning and Zoning Commission Meeting on May 29th, 2024

As developers, we, Monte and Lynette Gawryluk, are deeply invested in ensuring that our project not only complies with but also enhances the objectives of these overlay districts. We understand that these ordinances are crucial for maintaining the aesthetic, functional, and environmental standards of the designated areas.

Key Points for Consideration:

1. ****Architectural Design and Aesthetics****:

- The design of Missouri Landing Commercial will adhere to the architectural guidelines set forth in Sec. 105-4-6, ensuring that all structures contribute positively to the visual appeal of both the Gateway Overlay District and Memorial Highway Overlay District.
- Building materials and facade treatments will be chosen to reflect the high standards mandated by the ordinance, incorporating elements that are harmonious with the surrounding built structures.

2. ****Landscaping and Green Spaces****:

- We plan to integrate extensive landscaping to enhance the natural beauty of the area, in line with the requirements for green spaces and buffer zones as specified in the ordinance.

3. ****Community Integration****:

- We have been engaging with local residents and stakeholders to ensure that the development meets the needs and expectations of the surrounding area, fostering a sense of ownership and pride in the project.

At the request of the neighbor to the south we have removed all patios that were located on the back of the building closest to their home and removed all access to the rear yards of this building from within the units. The area behind building 1 will be dedicated green space.

Specific Considerations Regarding Memorial Highway Overlay District:

The city ordinance states, "The Memorial Highway Overlay District provides a higher standard of appearance for heavily traveled and highly visible areas of the community."

Our thoughts on this matter are as follows:

****Visibility and Traffic Flow****: The parcel in question is neither a highly traveled nor a highly visible area of the community. It does not function as a main entrance corridor to the community.

****Location****: This parcel is located on Marina Road SE. Its position does not align with the characteristics described in the ordinance for areas requiring the higher standards of appearance mandated by the Memorial Highway Overlay District.

Consideration Regarding Buffer Yards:

We are requesting the side buffer yard (South side) to be comprised of two rows of conifers and a fence at 6' in height.

Without this variance we feel this project would fail due to land constraints. The project would not become feasible.

We are requesting that this variance does not have future implications for the neighboring property to the south. No further buffer would be required in the future.

- The single-family home to the south is currently approximately 60 feet from the property line and 75 feet between buildings..

- The existing fence provides 1 buffer point.

- The planned two rows of conifer trees will provide another 2 buffer points.

If the proposed development is considered to be other uses, based on the current ordinance requirements, the total buffer points required would be 6.

If the proposed development is considered to be other commercial on the current ordinance requirements, the total buffer points required would be 5.

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If the proposed development is considered to be other commercial on the current ordinance requirements, the total buffer points required would be 5.

We are eager to discuss our proposal and these points in more detail and address any questions or concerns you may have.

Thank you for your attention to this matter. We appreciate your time and consideration.

Sincerely,

Monte Gawryluk
Lynette Gawryluk
Developers, Missouri Landing Commercial

A handwritten signature in black ink, appearing to read "Monte & Lynette Gawryluk". The signature is written in a cursive, flowing style.

Attachments:

- Detailed Site Plans
- Architectural Renderings

Sec. 105-1-13. Zoning application procedures.

- (e) *Zoning variance.* On appeal from an order, requirement, decision, or determination made by an administrative official, the board of city commissioners may vary or adjust the strict application of any of the requirements of this chapter in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.
- (1) *Additional submittals.* A zoning variance application shall include the following additional submittals:
- a. Detailed statement including the following:
 1. The circumstances or conditions applying to the land or buildings for which the variance is sought;
 2. How the applicant is deprived of a reasonable use of said land or building;
 3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 4. The minimum variance that will accomplish the relief sought.
- (2) *Complete application received.* A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.
- (3) *Public hearing noticing requirements.* Notice of the hearing must be published at least ten days before the time set for the hearing in the official newspaper of the city. Property owners within 150 feet of the boundary of the area of the proposed variance shall be notified by mail. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:
- a. The time and place of the hearing.
 - b. A description of the nature, scope, and purpose of the variance request.
 - c. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.
- (4) *Planning and zoning public hearing required.* The planning and zoning commission shall hold a public hearing to review the application for a variance. The planning and zoning commission may recommend approval, recommend approval with conditions, recommend denial, or table the public hearing to a future date. A recommendation shall include or reference findings of fact related to the application and forwarded to the board of city commissioners. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the city. A motion to table the application to a future date shall be limited to no longer than 60 days.
- (5) *City commission public hearing required.* The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements. The board of city commissioners may approve, approve with conditions, deny, or table the public hearing to a future date. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the city. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the variance is final.

(6) *Evaluative criteria.* No adjustment in the strict application of any provisions of this chapter shall be recommended by the planning and zoning commission or granted by the board of city commissioners unless it finds that:

- a. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;
- b. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant; and
- c. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sec. 105-4-6. Gateway Overlay District and Memorial Highway Overlay District.

- (k) *Screening and buffering standards; fencing and screening; business/industrial, multifamily.* Where any business, industrial use, or multifamily building of four or more units (i.e., structure, parking or storage) abuts property zoned for residential use, that business, industry or multifamily building shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, industry or multifamily building of four or more units is across the street from a residential zone, but not on that side of a business, industry or multifamily building considered to be the front yard; provided, however, that the provisions of this section will not apply where a multifamily building abuts property also zoned for multifamily use. All fencing and screening specifically required by this chapter shall be subject to city regulations and shall consist of either a fence with plantings or a greenbelt planting strip as provided for in this subsection:

- (1) A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six feet. Earth mounding or berms may be used, but shall not be used to achieve more than three feet of the required screen. The planting plan and type of plantings shall require the approval of the Mandan Architectural Review Commission.
- (2) A required screening fence shall be constructed of masonry, brick, wood, decorative metal or other materials upon approval. Such fence shall provide a solid screening effect six feet in height for multifamily uses and at least six feet in height for business and industrial uses. The design and materials used in constructing a required screening fence shall be subject to the approval of the Mandan Architectural Review Commission. Fences in excess of eight feet in height shall require a conditional use permit. If a screening fence is utilized to satisfy the requirements of this section, a minimum of one plant unit per five linear feet of fencing is also required. Plant unit equivalencies shall be measured as follows:

Type of Plant Material	Minimum Size at Time of Planting	Equivalent Plant Units
Large, mature deciduous tree	1.5-inch to 3-inch caliper	10
Large, mature evergreen tree	4 feet to 8 feet in height	10
Small, mature deciduous tree	1.5-inch to 3-inch caliper	5
Small, mature evergreen tree	3 feet to 6 feet in height	5
Mature shrub	2 gallon	2.5
Perennials	1 gallon	1

- (l) *Buffer yards.* Buffer yards shall be provided consistent with the following standards:

- (1) Land uses, existing or zoned, shall be assigned the following values:

1	Single-family/two-family
2	SF attached (more than 2 units)
3	Multifamily (3-15 units)
4	Multifamily (more than 15 units)
5	Church/school
6	Neighborhood commercial
7	Other uses

(2) In determining the required buffer yard, the following formula shall be used:

Value of proposed use (as specified in this section) less the value of adjacent use (as specified in this section) = Required buffer points (see subsection (l)(4) of this section).

(3) Should the formula produce a negative value, said value shall be converted into a positive value in instances where such use is located adjacent to an existing use which has not met the applicable buffering standards.

(4) Buffer points must be satisfied through a combination of the following:

- a. One point for each 25 feet of separation between buildings.
- b. One point for a single row of conifers, six feet in height, 15 feet on center (e.g., two points for double row, three points for a triple row, etc.).
- c. One point for a solid fence or wall at least six feet in height, provided that landscaping is installed between said fence or wall and the adjacent property lines.
- d. One point for a berm at least three feet in height (e.g., two points for a 12-foot berm).
- e. One-half point for overstory trees, 30 feet on center.
- f. One-half point for a hedge or shrub at least four feet in height and 75 percent opaque.

(Code 1994, § 21-04-18; Ord. No. 1012, 10-17-2006; Ord. No. 1027, 6-19-2007; Ord. No. 1144, §§ 1, 13, 4-26-2013)



Drawn By: Dave Anderson

Date: 7-26-24

Scale: 1"=20'-0"

OWNER: Premier Homes Inc.

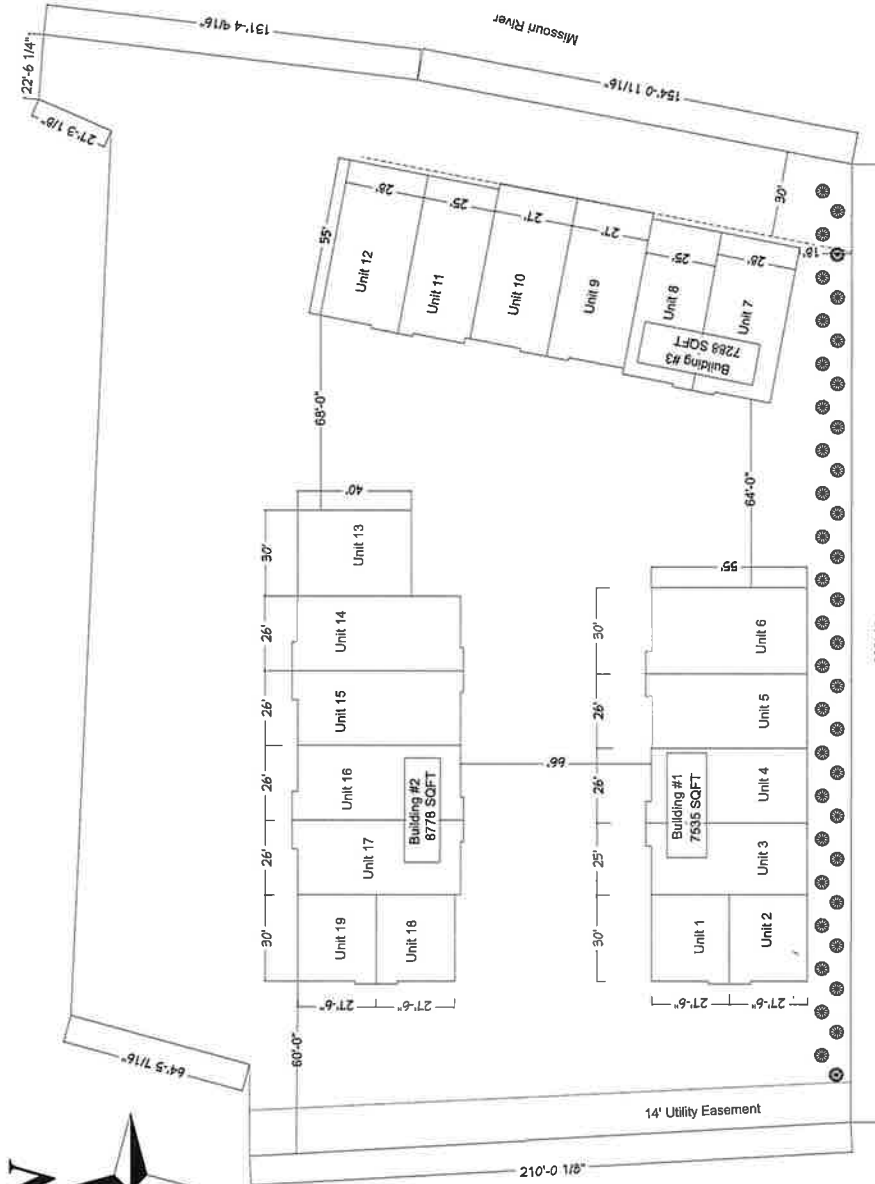
ADDRESS: Lot 1, Block 1, Bridgeview Bay Add.

PROJECT: Missouri Landing

The Plans and elevations are only conceptual
& give the client and example of what is to be
built. A contractor or an architect is
responsible for verifying the dimensions &
other 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.

1204 Johns Drive
Mandan ND
Call # 400-5081

Midwest Drafting
& Design



Lot Layout
1"=20'-0"



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REVISIONS

NO.	DESCRIPTION	BY	DATE
1			

PROJECT

MISSOURI LANDING
LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION
MANDAN, ND

TOMAN ENGINEERING

501 1st Street NW, Mandan, ND 58554
Phone: 701-653-6453 • Fax: 701-653-0923

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SHEET NUMBER

1

OF 1 SHEETS

ZONE: C2 COMMERCIAL

FROM: 0

REAR: 0

FOR NON-RESIDENTIAL BUILDINGS

ZONE X-2% CHANCE: IPE 1837.2

EXHIBIT



View of subject property from south



View of subject property from west

EXHIBIT



View of subject property from east



View 1 of subject property from McKenzie Drive SE

EXHIBIT



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

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



0 0.07 0.15 0.3 Miles



City of Mandan Zoning Ordinance Rewrite

Planning & Zoning Commission
Work Session | August 19, 2024



Agenda

1. Zoning District Changes
2. Zoning Map Changes
3. Use Table Changes
4. Chapter 109
5. Survey results
6. Shop Condos
7. Self-Storage
8. Implementation overview

Zoning District Changes

Changes to all Zoning Districts

Consistent Organization For All Districts – generally:

Consistent listing of allowed uses

- a) **Description and Intent**
- b) **Permitted Uses.** List of uses that are permitted with out requiring additional reviews.
- c) **Permitted Uses with Additional Standards.** List of uses are permitted, provided they meet the additional standards listed in Article 11.
- d) **Conditional Uses.** List of Conditional uses may be permitted, on a specific site only after review and approval by the Planning and Zoning Commission and ratification by the City Commission provided they meet the additional standards listed in Article 11.
- e) **Accessory Uses.** List of allowed accessory uses provided most will have additional standards that must be met per Section 101-7-4. Accessory uses

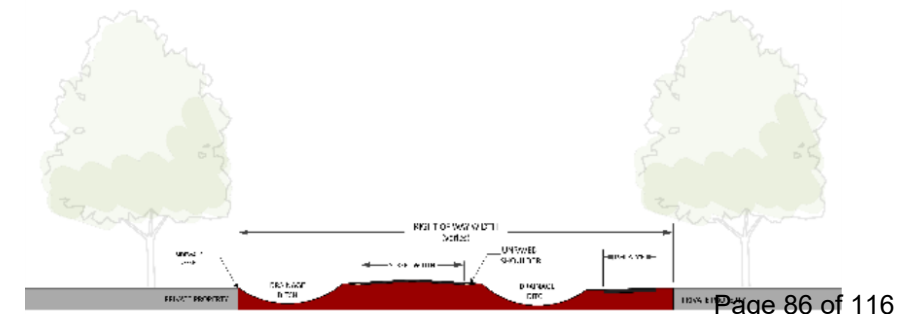
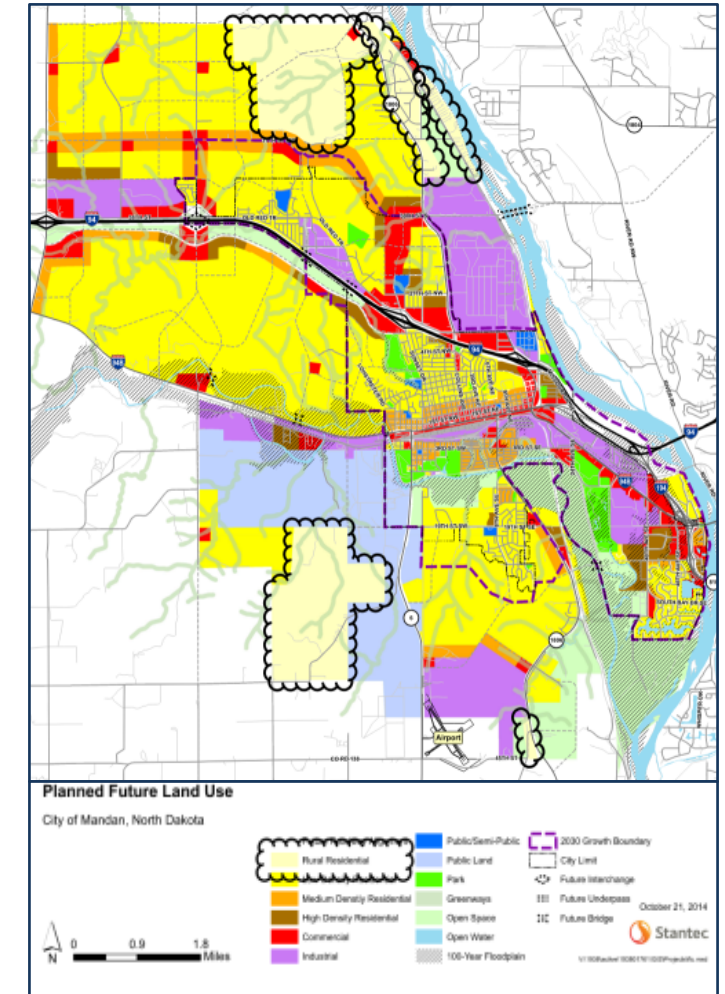
Consistent listing of development standards

- f) **Development Standards**
 - 1. Setbacks
 - a. Front (Corner and pass through lots now specifically state as two front yards
 - b. Side
 - c. Rear
 - 2. Lot Coverage (Maximum % of lot coverage (instead fo Floor Area Ratio or FAR)
 - 2. Density
 - 3. Lot frontage (width)
 - 4. Height Limits
 - 5. Other as needed

District Changes

RR – Rural Residential

- New zoning district for Future Land Use Plan for RR designated areas in the Extra-territorial Jurisdiction (ETJ)
 - Replaces R12
- Minimum lot size of 1.5 acres
- Park dedication requirement will apply but will likely favor multi-use trails over traditional parks
- Some R7 zoned lots in the City's ETJ could be rezoned as RR
- Paired with new design standards for local roads in RR developments without curb or gutters or parking. Roadway + Roadway shoulders, Stormwater ditches and option to include a multi-use path adjacent in wider ROW.



District Changes

R7, R4, R3.2, and RM Residential Districts

District Elimination

R12

- No properties are or have been zoned as R12
- Contained unnecessarily specific lot and residence size (3500SF+) requirements that favors large homes.
- Nothing in the R7 would restrict the type of development the R12 required.

Zone	Change Notes
R7	Removed Conditional Use Requirement for ADUs – Changed to be Permitted with Additional Standards One standard setback / No longer graduated based on roadway type
R4	No property is currently zoned as R4 but several PUDs reference the R4, so keeping it unless an alternative idea is presented. Similar uses and standards as R7 but with smaller lots
R3.2	ADU to be <u>Permitted with Additional Standards</u> for lots with a detached residence <i>Considering small scale retail</i>
RM	Existing Commercial Uses (banks, health-medical, office) will be allowed under <u>Permitted with Additional Standards</u> and as part of Mixed Use. <i>Discussion:</i> removal of single detached residential and duplex dwellings so district is more multi unit dwellings –weigh against creating non-conformities and changes to the DF boundaries.

District Changes

District Elimination

MC & MD

New District

Heavy Industrial

MA, MB, ~~MC~~, and ~~MD~~ Industrial Districts

The only significant changes to these districts included:

- Reduced number of industrial districts to 3
- Combined MC with MA
 - The MC district is identical to MA but also allows animal hospitals.
 - Animal hospital use added to MA as *Permitted with Additional Standards*
- Combined MD with MB
 - The MD district is identical to MB except also allows temporary livestock handling and medical marijuana growing.
 - Temporary livestock handling and medical marijuana uses added to MB as either *Permitted with Additional Standards*
- A **new** heavy industrial zoning district specifically for the Marathon Refinery and the Mandan Natural Gas Power Plant. Allowed uses would be limited to the refinery and power plant as well concrete batch plants and other heavy industrial uses.

Commercial Districts

- No significant changes are proposed to these districts.
- Remove FAR standards, rely on setback and height standards to regulate the building envelope.
- Added “Neighborhood” to the title of the CA district to reinforce its intended purpose.

Discussion:

The CA – Neighborhood Commercial District is described as

“a district in which the principal use of land is for commercial, and service uses to serve the surrounding residential district and in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and to promote the general welfare of the surrounding residential districts.”

Q1

Do you feel it is appropriate to allow a neighborhood bar in the in the CA (Neighborhood Commercial) district which is intended to provide goods and services to those residents in the immediate vicinity.

Q1.a

If you do not think a neighborhood bar should be allowed in the CA, are there additional use standards that you believe might help make it more appropriate?

District Changes

Downtown Districts

Major Reduction

DF

- Reduction in overall size and wide range of uses.
- Helps to reinforce DF as a transition and buffer from low density residential zones with more intensive downtown area

Use Table edits to:

1. Match use definitions used in all other district
2. Place all unified definitions in one place to avoid duplicating in DC/DF

Changes to the DF

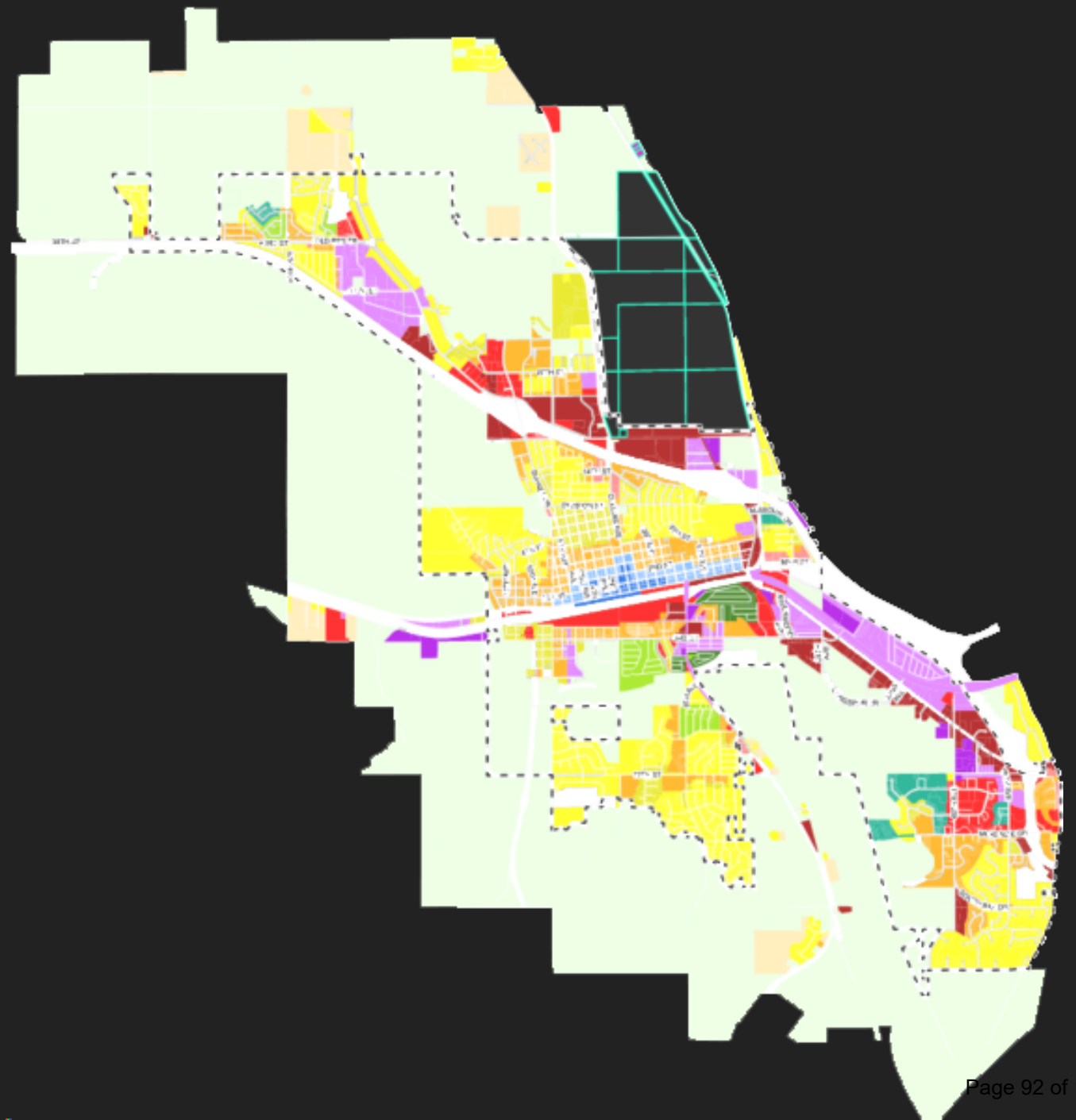
1. Limit commercial uses appropriate for abutting residential neighborhoods
 - Remove auto repair garage or service, service group B, major entertainment events, and drive-throughs.
2. Limit the geographic reach of the DF
 - Greatly reduces the footprint of the DF district to primarily be a one-block buffer around the DC
 - Exceptions in area to stretch zone farther out to include some other predominantly commercial areas.

Planned Unit Development

- Revised standards will link the approval of a new PUD to the public benefits it provides for the City
 - Open space or provision to protect a natural feature beyond the parks and open requirements,
 - Providing a mixture of use or residential density (lower public infrastructure cost),
 - Preserving important historic or cultural resources, or
 - Provision of affordable housing
- Clearly define when a PUD can be approved as well as what flexibility can be granted.
 - ☒ Development standards (setbacks, building height, etc)
 - ☐ Uses



Future Zoning Map



Future Zoning Map

Map to guide changes to the current property zoning *designations to achieve the following objectives:*

- Minimize Non-Conformities
- Align zoning with existing
- Update Obsolete Designations: Replace outdated, missing zoning districts, or those identified for removal

Future Zoning Map

Zoning District Change Notes

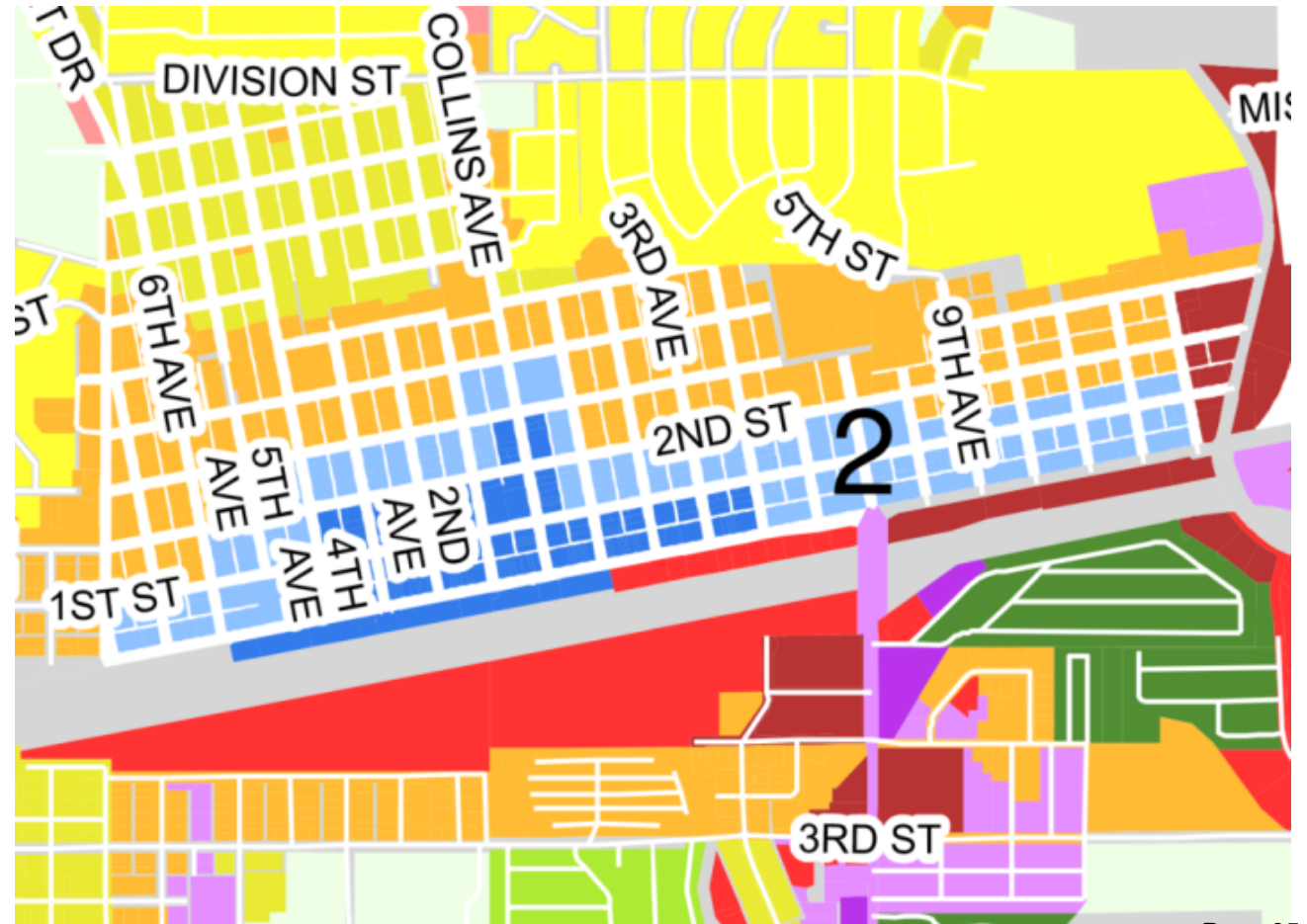
1. **Rezone to new RR District**
2. Smaller DF District
3. Combined MA and MC
4. Combined MB and MD
5. *City Initiated:* Rezoned All Manufactured Housing parks to RH
6. Rezone all Morton County Zoning and replace with new or suitable zoning district for:
 - a. Morton Industrial → New Intensive Use Zoning
 - b. Residential – Morton County → R7



Future Zoning Map

Zoning District Change Notes

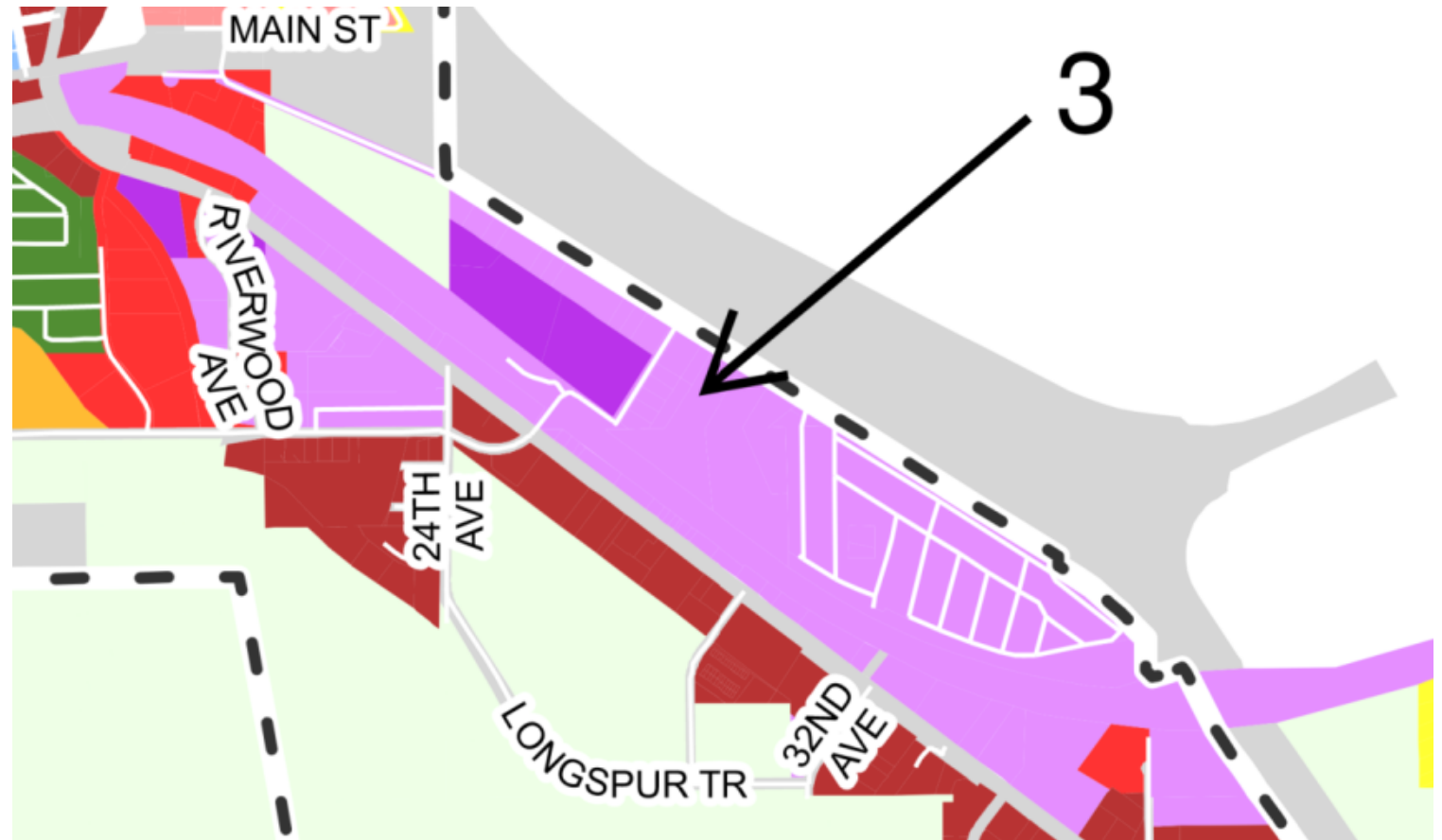
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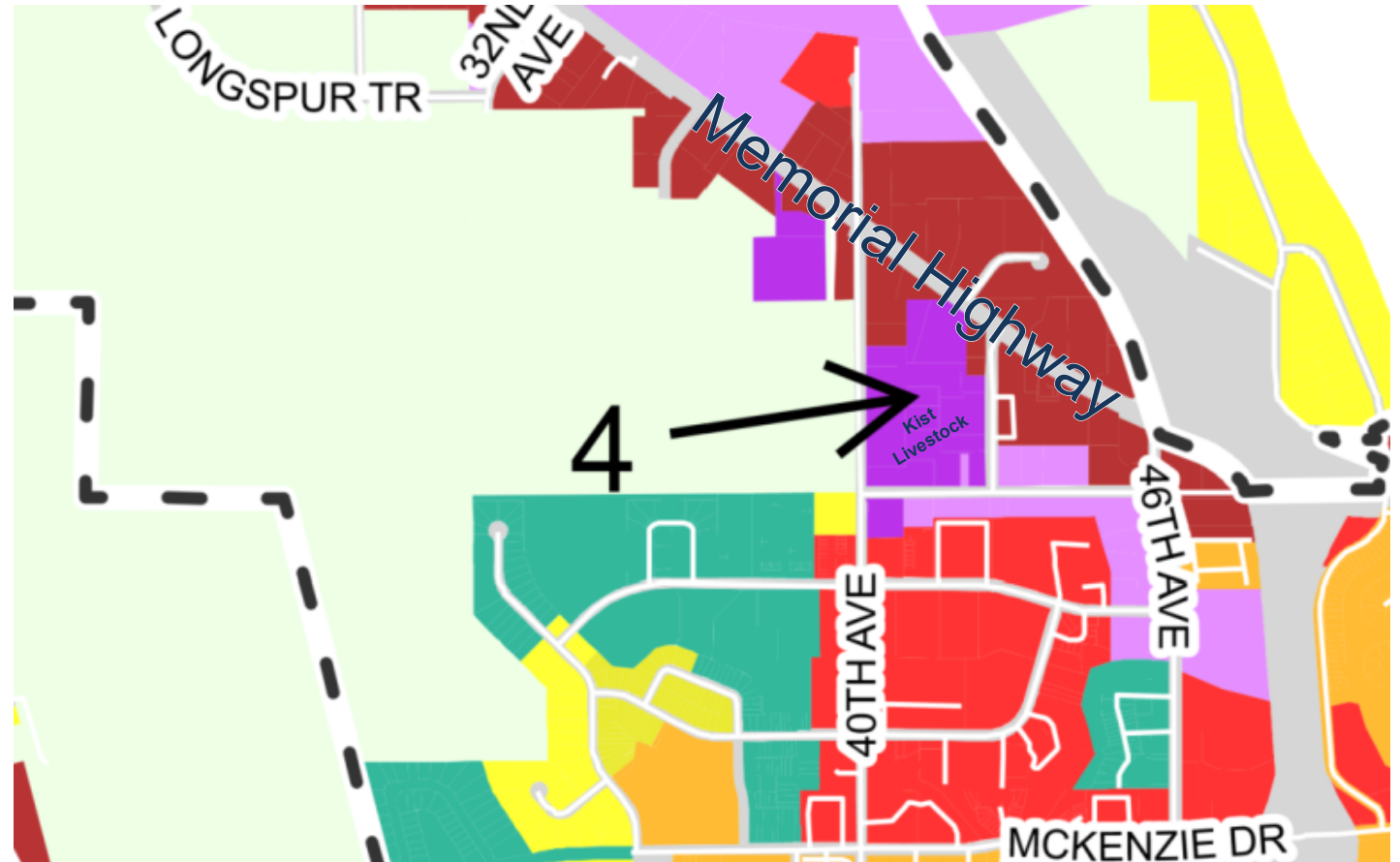
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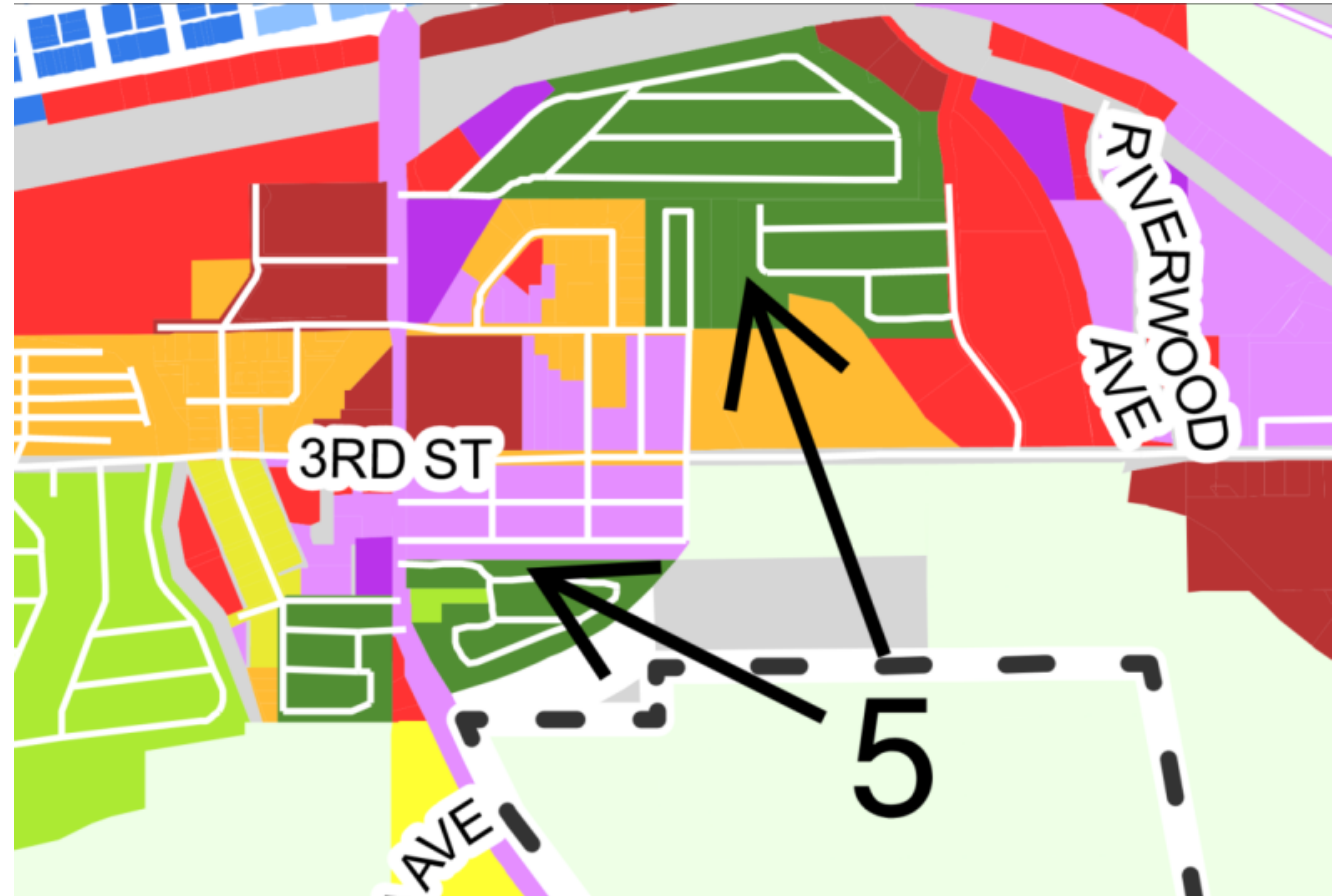
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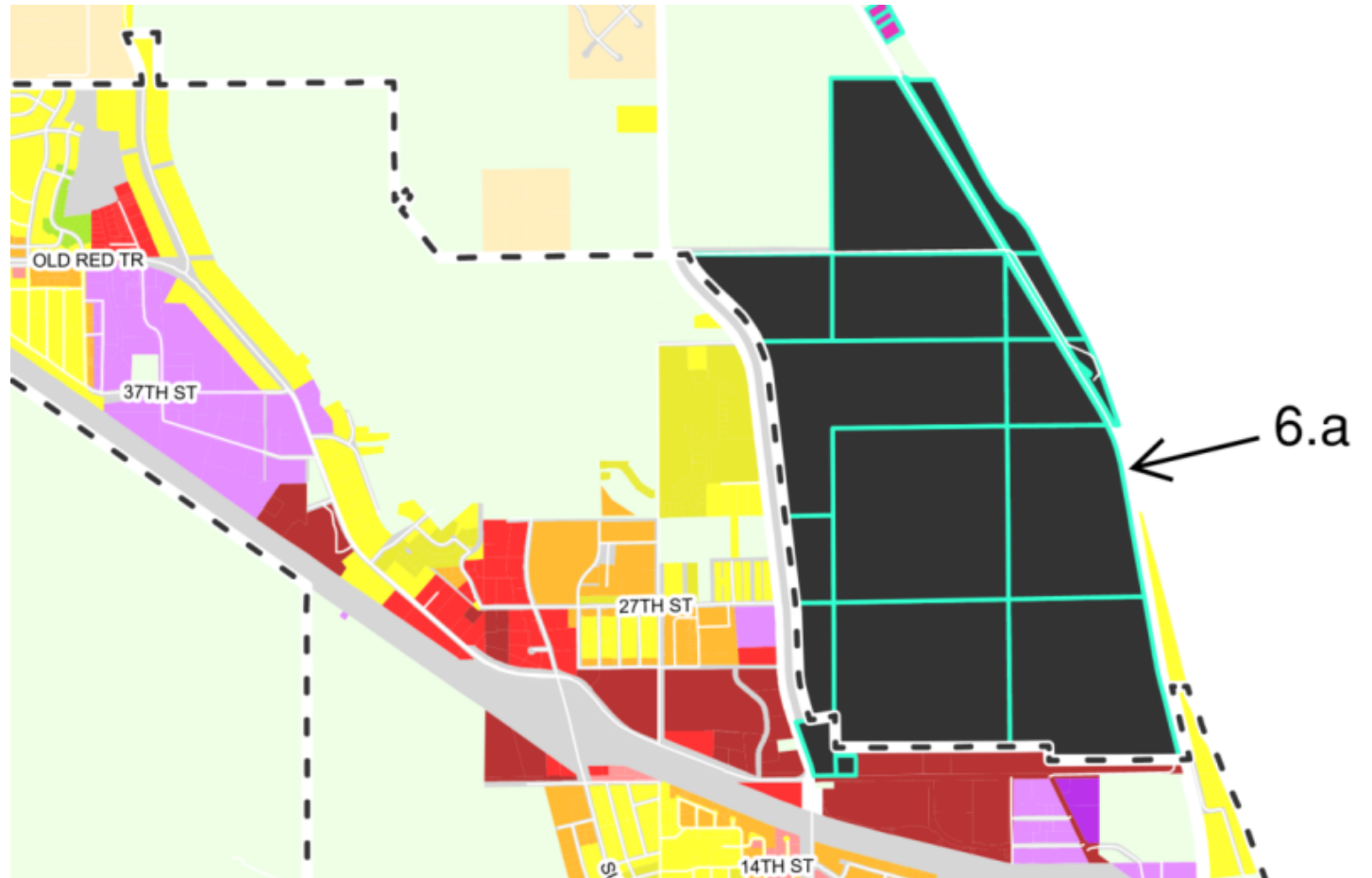
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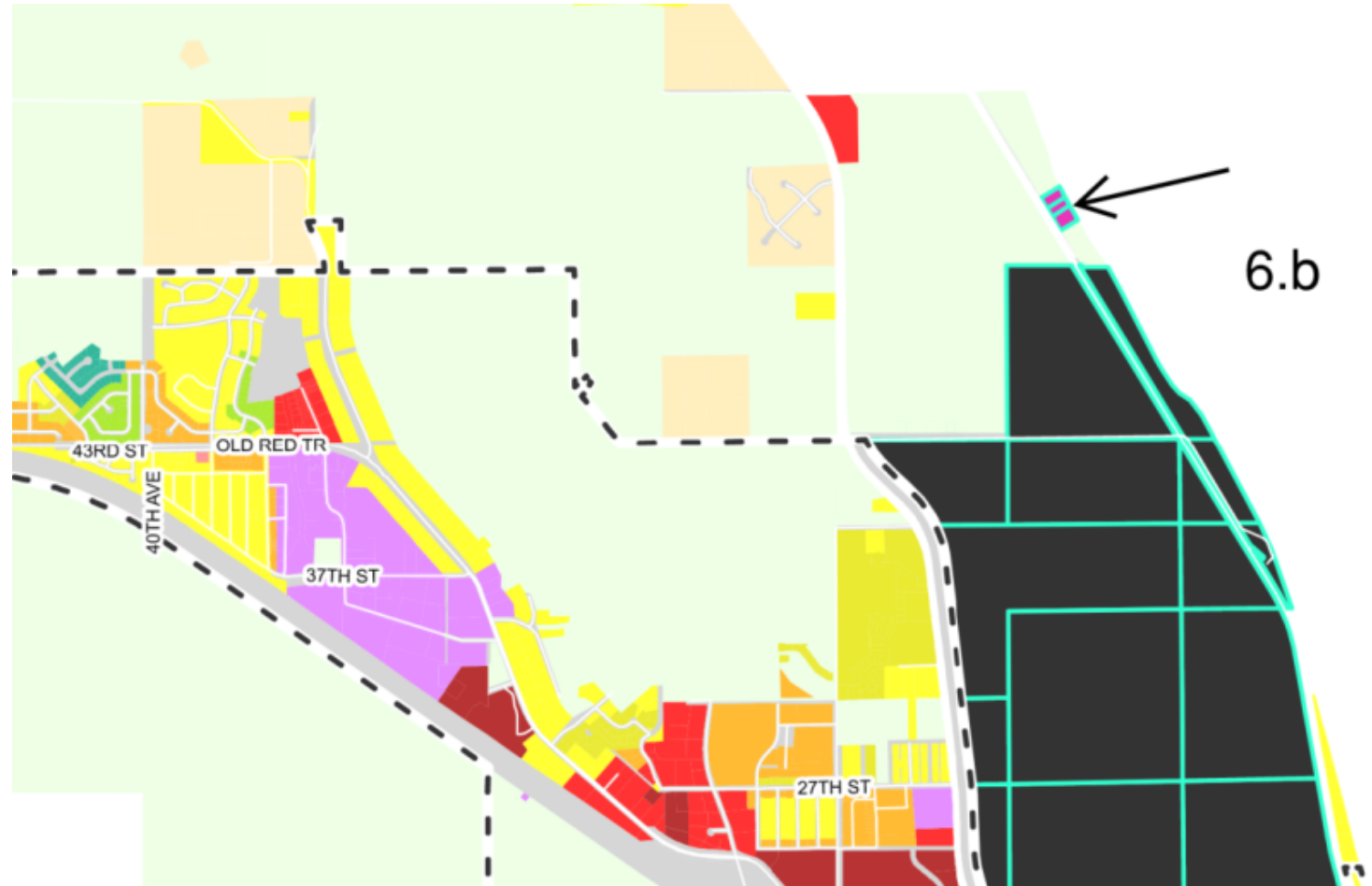
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Future Zoning Map

Zoning District Change Notes

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2. Smaller DF District
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 - a. Morton Industrial → New Intensive Use Zoning
 - b. **Residential – Morton County → R7**



Use Groups

Use Groups

Structure

Use Groups: Mandan's land uses are grouped into 17 categories based on the similarity and compatibility of their functions. Continuing to utilizing use-groups in the new ordinance will provide:

- **Clarity and Organization:** By grouping similar land uses together, use-groups provide a clear structure.
- **Predictability:** Use-groups create consistency. When a property owner or developer knows the use-group for a particular zone, they can predict the allowable uses without extensive research.
- **Efficiency:** Instead of listing individual uses, the ordinance can refer to use-groups. For example, instead of individually specifying “flower shop, butcher shop, office supplied or antique-, music -, grocery-, or jewelry-store,” it can refer to “Retail Group A.”
- **Applicability:** Use groups will fall under one of these categories
 - *Permitted* – No additional review, may seek building permit
 - *Permitted with Additional Standards* - Required to provide meet additional standards when located within a specific district which is reviewed and approved administratively by the Planner and/or other staff
 - *Accessory* - Allowed in addition to, but never alone
 - Conditional – Uses that could be detrimental to surrounding similar zoned properties but may be appropriate provided additional and stringent standards will be met. Review and Permit approval from Planning and Zoning Commission which may be revoked and is tied intrinsically to use and specific location.

Use-groups also help future proof the ordinance:

Flexibility: Use-groups allow for flexibility. If a new type of use emerges it can be categorized under an existing use-group or added as a new one.

Adaptability: As community needs change, use-groups can be updated more easily than individual use listings.

Summary of Changes

- Overall, Mandan's current use-groups are sufficient for capturing most of the various use groups needed
- Some relatively minor edits and updates have been made (next slide).
- A few use groups need to be streamlined, modernized and updated. These include:
 - *Retail Group A*
 - *Service Group A*
 - *Industrial Group A*

Truck Farming
Group

- Not necessary as a stand alone as all of the use/activities can be integrate with the General Farming Use Group.

Summary of Changes

Other **Use-group** significant changes include:

- **Group Dwellings:** Will include transitional housing (halfway homes)
- **Retail Group A:** Add “garden centers” associated with a retail store
- **Retail Group B:** Include commercial greenhouse and/or nurseries
- **Service Group B:** Remove off-premise signs (billboards)
Remove self-storage units
- **Office-Bank Group:** Remove commercial schools,
add medical clinics / urgent care facility
- **Commercial Rec. Group:** Add campground, water park,
fitness center racetrack to list of typical uses.
- **Wholesale group:** Clarify that distribution is an appropriate use in this group.
- **Health-Medical Group:** Remove medical clinics which will move to the office-bank group
- **General Farming:** Extract all use standards and move to appropriate sections
Add beekeeping, farming – crops, and livestock markets
- **Industrial Group B:** Remove of junkyards (list separately w/ additional standards),
Add data centers and automobile body shop
- **Religion Group** : Consider renaming this district. New Name will focus more on the
character of the uses (for example, places of assembly, schools, etc.

Shop-Condos

Shop Condos

Questions



Shop Condo Design (9815 Building Pictured)

Q2

What are some potential concerns an owner with a retail shop may hear or encounter from customers about this location.

Consider:

Construction Type and Materials: Most feature typical wood stick frame construction and may or may not have fire suppression/fire walls.

Consider how some uses may create a negative affect on human health and safety

Consider any noise impacts from the use or associated with the use such as deliveries

Consider safety of the parking areas and grounds

Q3

Is the construction type, quality, appearance and building form of typical shop condos (see photo) appropriate these uses:

Retail Group A (typical retail sales)

Retail Group B (retails sales of large item stored inside and outside)

Service Group A (hair salons, dry cleaner, shoe repairs, animal hospital)

Service Group B (carwash, motor vehicle repair, kennel)

Office-Bank Group

Food and Beverage (resturants, bars)

Wholesale Group

Health/Medical

Education

Industrial

Commercial Recreation

Common Conditional Uses: Child Care Center, Cigar Lounge, Adult Boostore, Microbrewerty Medical Marijuana Dispensary, Religious Uses



Are there uses in any of these groups that should not be allowed in the same structure?

Q4

Self-Storage

Self-Storage

- Current standards week on where self-storage facilities (defined as “storage building”) can go
 - CC district only
 - More areas may benefit in the future, with more missing middle housing types
- Where else should they be allowed?
- What design standards should be enacted?
 - Overall size
 - Transparency/windows/active storefronts
 - Location of overhead doors, vehicle access
 - Building materials

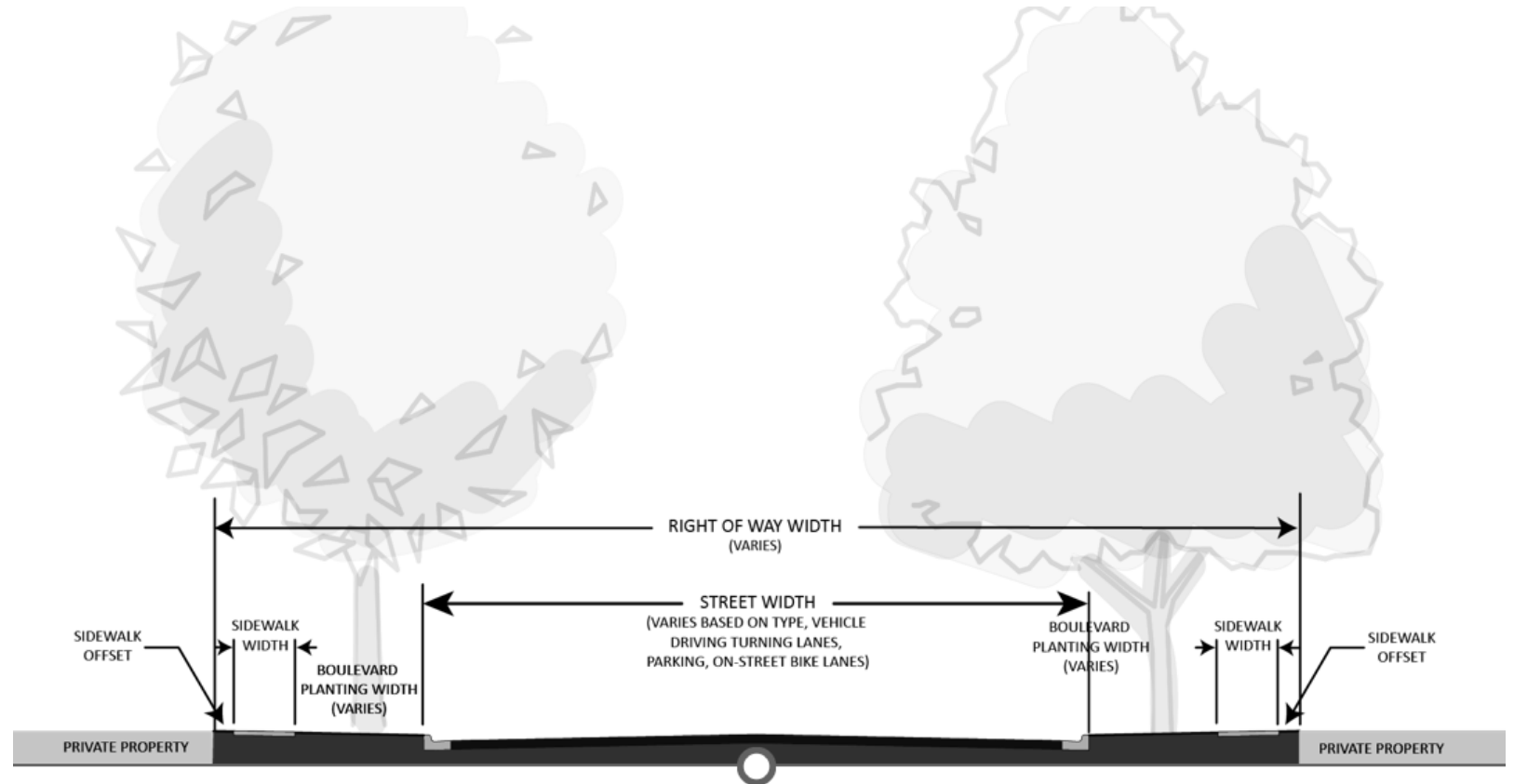
Final Chapter 109 Direction

Subdivision and Design Standards

- Park dedication:
 - Adding language to allow phasing, future development of parks
- Administrative approval of minor subdivisions
- Lot size adjustments in rural areas permissible with Public Health Department approval
- New access spacing requirements for rural, urban, urban core areas

Subdivision and Design Standards

- Road design standards:
 - ROW width
 - Pavement width
 - Limits on boulevard parking
- Minimum sidewalk widths



Community Survey Follow-Up

Survey Follow Up Topics

Survey Result

- Adjust permitted uses to include those that are more modern;
- Require more park land dedication with development of new subdivisions;
- Clarifying residential and commercial uses intended for areas surrounding downtown;
- Update parking regulations to reflect current local needs; and
- Reduce the need for board/commission approval of certain land uses by allowing staff-only review.

Action

- Updated use tables and terminology
- 5-7% land dedication required with new subdivisions
- Reduced commercial uses in the DF, and reduced footprint
- Updates to parking regulations underway
- Created “specific use standards” with administrative review as an alternative to the CUP

Survey Follow-Up Topics

- Street widths just right (60%)
- Housing: more single-family needed, senior housing, townhomes
- Minor changes to ROW width requirements (some larger, some smaller)
- Creation of new RR district
- Removal of dwelling unit minimum size requirement
- Multi-unit dwellings allowed in commercial, downtown districts

Implementation Process

Implementation Process

