

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

B. CONSIDER APPROVAL OF MINUTES

1. *September 23, 2024 Minutes. Commissioner Smith motioned to approve the September 23, 2024 minutes. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider a request for a final plat for Biwer Subdivision.
Staff recommendation: To approve the final plat for Biwer Subdivision..*

A. Staff Report

City Principal Planner Stromme presented.

Thomas Biwer, et al., and the City of Mandan, on behalf of the Lower Heart River Water Resource District (LHRWRD), requested consideration of a final plat for the Biwer Subdivision, an 11.14-acre development in southeast Mandan. This request would facilitate the transfer of a 1.5-acre portion from the City of Mandan's parcel (LOT A of NW 1/4 SE 1/4 & LOT A of GOV LOT 7, less 12.32 acres of LOT 7, totaling 44.28 acres, parcel 9001C) to be combined with Thomas Biwer et al.'s parcel (LOT 1 of GOV LOT 8, including the former AUD LOT A of NE 1/4, 9.64 acres) through the platting process.

Property History

The City of Mandan, in partnership with LHRWRD, has been working on transferring land from this parcel to the Biwer parcel as part of a real estate transaction approved by the City Commission. This transfer is intended to support the construction of the Mandan Flood Risk Reduction project. Tom Biwer has offered the City a crucial 1.5 acre piece of land along the levee centerline, near the subject subdivision, in exchange for 1.5 acres of City-owned land adjacent to his property involved in this subdivision. A preliminary plat for this subdivision was introduced at the September Planning and Zoning Commission and was recommended for approval. The City Commission considered and accepted this recommendation, voting to approve the preliminary plat, on October 15, 2024.

Final Plat

The final plat comprises 11.14 acres in size and include open lot in one block. It details the property being located in a special flood hazard area. The portion of land to be acquired from the City and combined with the Biwer lot is roughly 103 feet by 630 feet and is the southwest most portion of the plat.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties to the east are zoned R7 - Residential and used for single-unit residential purposes. To the south and west, properties are undeveloped and zoned A - Agriculture. To the north, the City's wastewater treatment plant is located and is zoned A - Agriculture. The future land use plan designates this area as open space.

Additional Information and Public Outreach

- An application was received on September 19, 2024.
- Twenty-seven (27) letters were sent to adjacent property owners on October 8, 2024. No comments or opposition have been received. This item was also advertised as a public hearing in the Mandan News.
- The State of North Dakota Historic Preservation Office has commented that prior to development on this property, a cultural survey should be conducted. No development is proposed in association with this subdivision. It is solely a land transfer, at this point in time.

Staff comments

- The City portion of this plat is presently in the City Limits. Subject to City Commission review, it may be "excluded" from the corporate limits, based on the request from Tom Biwer. The Biwer's desire the property they own in this area to be excluded from the corporate boundaries. The City Commission, at its 10/15/24 meeting, approved the first consideration of the exclusion ordinance No. 1456 and will return to City Commission for a second consideration at the November 5, 2024 meeting.

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. Portions of the proposed subdivision are located in the 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, however, no development is proposed on the lands within the subdivision;
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.

Planner Stromme recommended approval of the final plat for Biwer Subdivision.

B. Open Public Hearing

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

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a final plat for Biwer Subdivision. A second and third invitation was given to come forward to speak for or against the request.

C. Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed. Chair Robinson inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

D. Commission Action

Commissioner Smith moved to recommend approval of a request for a final plat for Biwer Subdivision. Commissioner Buchmiller seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Mudder: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Buchmiller: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; Robinson: Yes. The motion passed.

2. *Consider a final plat for Mandan Industrial Park 14th Addition.*

Staff Recommendation: Planning Staff recommends approval of the final plat. .

A. Staff Report

City Principal Planner Stromme presented.

Central Bottling Company, Inc. requested a final plat approval for Mandan Industrial Park 14th Addition. The purpose of this request is to increase the size of the bottling facilities property by combining it with the lot to the east of it, which is in a separate subdivision. The property is located at 2517 34th Avenue NW in the Mandan Industrial Park, west of Old Red Trail NW on the south side of 34th Avenue NW. The request includes the platting of the existing properties into a single lot and have them all have the same zoning distinction. The property currently consists of two parcels in two separate subdivisions, a vacated right of way that was not platted over to combine, and a property zoned MA - Industrial and a vacant lot zoned agricultural. The property to be combined would result in a 6.12 acre lot to be MA - Industrial zoned and used for that purpose. The preliminary plat and zone change was approved at the September 2024 Planning and Zoning Commission meeting. The City Commission approved the first consideration of Ordinance 1455 and the preliminary plat at its October 15, 2024 meeting.

Mandan Industrial Park was platted in 1974, and Sunview Heights is believed to have been platted in 1964, based on limited subdivision records. The section line/right-of-way vacation occurred after the platting, in 1981. At the time, it was not standard practice to require a plat to absorb vacated property. Imagery records suggest that the vacant lot in Sunview Heights was never developed with structures. The central bottling facility, built in 1982, has remained largely unchanged over the years. The final plat is 6.12 acres in size and would contain one lot in one block. The plat includes various easements including those for public utilities and a water transmission line.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned and used as follows: to the east, residential homes zoned R7 - Residential. To the south, commercial offices zoned CC - Commercial. To the west and north, industrial facilities zoned MA - Industrial. The future land use distinction for this property is industrial.

Additional Information and Public Outreach

- An application and fee of \$1,000 was received on September 27, 2024.
- Twenty-three (23) letters were sent to adjacent property owners on October 9, 2024. No comments or opposition has been received. This item was also noticed in the Mandan News.

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 is not located in the 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.

Staff Comments

- Mandan Architectural Review Commission considered and approved plans for a small building addition at their October 8, 2024 meeting.
- Non-access lines may be requested along Old Red Trail NW as a preventative measure for access management of the arterial road system.

Planner Stromme recommended approval of the final plat for Mandan Industrial Park 14th Addition.

B. Open Public Hearing

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

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request approval of the final plat for Mandan Industrial Park 14th Addition. A second and third invitation was given to come forward to speak for or against the request.

C. Close Public Hearing

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

D. Commission Action

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

Commissioner Mudder moved to recommend approval of the final plat for Mandan Industrial Park 14th Addition. Commissioner Intveld seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Mudder: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Buchmiller: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; Robinson: Yes. The motion passed.

3. *Consider a zone change from MA - Industrial to CB - Commercial for Helblings 7th Addition*
Staff Recommendation: To approve the zone change for Helblings 7th Addition..

A. Staff Report

City Principal Planner Stromme presented.

Helbling Land Company requests a zone change for a portion of the property within Helbling 7th

Addition. This request pertains to one of the lots included in the recently approved Helbling 7th Minor Plat, which was authorized by the City Commission. The plat has received conceptual approval for the use of a vacated right-of-way, but at this stage, the zone change requires additional action. While minor plats and right-of-way vacations are only addressed during City Commission meetings, a zone change necessitates separate notice and public hearings by both the Planning and Zoning and City Commissions. The property in question is Lot 8, Block 1, Helbling's 2nd Addition, which, along with Lots 9 and 1, Block 1, is being consolidated from three separate lots and an undeveloped right-of-way into one lot (Lot 1, Block 1, Helbling's 7th Addition). The area has featured two zoning distinctions: CB - Commercial on the east and west sides, and a narrow section of MA - Industrial. According to city records, these zoning classifications were applied in the 1980s. The property was developed in 1980.

City staff supports the proposed zone change as it simplifies the zoning designations for this property. Although the existing land use and proposed CB - Commercial zoning may initially seem in conflict with the current land use plan, which designates this property as future medium-density residential, the change is justified when considered through a more granular planning perspective. The CB - Commercial zoning could accommodate future residential development on this lot, and the existing commercial use has the potential to serve the surrounding residential neighborhood. Staff affirms that there are no changes in land use proposed by this zone change, rather that this is a clean-up effort associated with a plat.

The city's Land Use Plan encouraged the identification and creation of commercial nodes within residential areas, making this property an existing example of such integration. To clarify city records, the vacated right-of-way along 5th Avenue SE, which borders both CB - Commercial and MA - Industrial zones, is included in the zone change ordinance. The portion adjacent to Lot 1 of Helbling's 2nd Addition will be designated as CB - Commercial, while the portion next to Lot 2, currently zoned MA - Industrial, will be designated as MA - Industrial. The properties to the south are zoned MC - Industrial and MA - Industrial, and are used for Retail and Service B. To the west, the properties are zoned R3.2 - Residential and used for low-density housing. To the north, the properties are zoned CC - Commercial, serving as convenience retail. To the east is a Manufactured Home Park, zoned MA - Industrial. The future land use plan calls for medium-density residential.

Findings of Fact

Zone Change

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is generally 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.

Planner Stromme recommended approval of the zone change from MA - Industrial to CB - Commercial for Helbling's 7th Addition. A draft ordinance has been created and is recommended for approval.

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

B. Open Public Hearing

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a zone change from MA - Industrial to CB - Commercial for Helbling's 7th Addition. A second and third invitation was given to come forward to speak for or against the request.

C. Close Public Hearing

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

D. Commission Action

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

Commissioner Intveld moved to recommend approval for a zone change from MA - Industrial to CB - Commercial for Helbling's 7th Addition. Commissioner Hammond seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Mudder: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Buchmiller: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; Robinson: Yes. The motion passed.

4. *Consideration of Arrive 2050, the 2025-2050 Metropolitan Transportation Plan.* Kim Riepl, Transportation Planner with the Bis-Man Metropolitan Planning Organization introduced Jason Carbee, Consultant Project Manager HDR (via ZOOM) as the presenter. This presentation is considered a public hearing for comments and input.

The Metropolitan Transportation Plan

The MTP is the MPO's road map for navigating the region's future multi-modal transportation system. The plan reflects local conditions and assesses the performance of the Bismarck-Mandan region's transportation system while meeting the metropolitan transportation planning requirements of the Bipartisan Infrastructure Law. Under these requirements, the MTP must be updated every five (5) years;

- Must be fiscally constrained;
- Utilizes a planning horizon of at least twenty (20) years;
- Consults local agencies, NDDOT, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA);
- Is a performance-based plan that guides progress toward regional performance measures and targets while supporting state performance targets.

Arrive 2050 builds off the 2045 MTP to continue transportation planning in the Bismarck-Mandan region while incorporating the findings and recommendations of plans and studies that have been completed since the publication of the 2045 MTP. The plan was developed in accordance with Bismarck-Mandan MPO's Public Participation Plan to ensure proactive public involvement throughout the MTP development process.

The Metropolitan Transportation Planning Process

Federal regulations related to metropolitan transportation planning require MPOs to develop four key documents (listed below) to ensure transportation planning in the region is performance based, multimodal, continuous, cooperative, and comprehensive.

The Metropolitan Transportation Plan (MTP)

Guides the development of the area's transportation system over the next 20+ years. The MTP is required to be updated every 5 years for the MPO to maintain eligibility for federal transportation dollars. The MTP addresses transportation system needs and provides a set of methods, strategies, and actions for developing an integrated multimodal system that supports the efficient movement of people and goods, including pedestrians, bicyclists, automobile drivers, transit users, and freight shippers.

Transportation Improvement Plan (TIP)

Identifies federally funded transportation improvements in the area over a 4-year time frame. Federal regulations require each MPO to develop a TIP for projects using federal transportation funding sources. The TIP is developed on an annual basis in cooperation with MPO area member jurisdictions, transit provider's and the NDDOT.

Unified Planning Work Program

Describes the multimodal transportation planning projects to be conducted in the Bismarck-Mandan MPO area in any specified 2-year period. This biennial document is the foundation for requesting federal funds and a control tool for scheduling, budgeting, and monitoring the transportation planning process.

Public Participation Plan

Identifies the role of the MPO regarding public participation and provides guidelines to be followed in achieving public involvement through advertising, public meetings, hearings, and other relevant forums.

Executive Summary

The Arrive 2050 Process and The Arrive 2050 Goals include:

Public Engagement and Public Open Houses: November 2023, May 2024, July 2024 and September 2024

Baseline Transportation System Performance – Summary of Issues and Needs

Growth and Performance of the Future Transportation System

Arrive 2050 Funding Plan

Resolution of Adoption of 2025-2050 Bismarck Mandan Metropolitan Transportation Plan

Chair Robinson inquired if there were any questions or comments.

Commissioner Smith commented that the comments of the long term trends of EV's in the 2021-2022 timeframe were increasing in demand. Recently in the last year there has been a decline in trend vs. 3-4 years ago.. What is the foreseeable trend in the future? Mr. Carbee said there has a downward trend or plateau within the last year. The sources indicate that technology will make it cost competitive so that it might be more widely adopted however considering technology can and does change from time to time.

He believes the industry is expecting continued growth in that segment.

Commissioner Intveld inquired if there was a dip in some of the transportation studies around the new school and the middle school due to congestion? And, were there many comments and questions from the study conducted with the public? Mr. Carbee replied that there was good public input, on the on-line activity. Wednesday, October 23, 2024 was the last day for public comment. There were @ 30-40 comments through just this one period. There has been ongoing public engagement process with the public. With regard to the middle school area, part of the plan is to complete that grid in that area such as completing extensions in north Mandan and that will balance the traffic flow.

Commissioner Smith inquired about the McKenzie Drive extension. How difficult is it in obtaining funding in the future? Mr. Carbee replied that this is one of those issues that showed up in the plan that would require a little more study before the project would be implemented.

Commissioner Intveld inquired if there was any developments in the study about the possibility of adding another bridge in the metro area crossing the Missouri? Mr. Carbee stated that a northern bridge crossing was considered and that is still on the list. It will be studied and it will be expensive. There was a more detailed study conducted 10-15 years ago. There is discussion on that in order to preserve the corridor even if that is 20 years from now.

Chair Robinson inquired if there were any questions for Mr. Carbee or Ms. Riepl. Hearing none, Chair Robinson stated that the request before the Commission is to provide a recommendation to the City Commission for the approval of this plan.

Commissioner Smith motioned that the Planning and Zoning Commission submit a recommendation to the Mandan City Commission that they consider approval of the “Arrive 2050, the 2025-2050 Metropolitan Transportation Plan”. Commissioner Buchmiller seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Mudder: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Buchmiller: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; Robinson: Yes. The motion passed.

D. OTHER BUSINESS

E. ADJOURN *There being no further business to discuss or come before the Board, a motion was made by Commissioner Gardner and seconded by Commissioner Hammond to adjourn the meeting. Upon vote, the motion passed unanimously.*

The meeting adjourned at 6:07 p.m.