

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

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

B. CONSIDER APPROVAL OF MINUTES

1. *November 25, 2024 Minutes.*

Commissioner McLean motioned to approve the November 25, 2024 minutes. Commissioner Buchmiller seconded the motion. Upon vote, the motion passed unanimously.

C. PUBLIC HEARINGS

1. *Consider a request for a final plat for JR's Estates 2nd Addition.*

City Principal Planner Stromme presented.

Arlen Ruff and Laureen Bryan and Swanberg Morton, LLP, requested consideration for a final plat to be titled JRs Estates 2nd Addition. The purpose of the plat is to facilitate a small ownership transfer between the parties. Said property is located in west Mandan, southwest of Lohstreter Road NW at 2003 Bruley Road NW.

Property History

The subdivision Replat of Lohstreter's First Addition was approved in 1976, with Lot 1, Block 5 being divided into two after the plat's approval. A home was built on the subject property, Lot 1 less the east 75 feet, in 1991. In 2024, a retaining wall on the property was upgraded. To reflect the retaining wall's location, this plat has been prepared to facilitate the land's ownership transfer. City records indicate that JRs Estates was platted in 2007 with the purpose being to construct a barn.

Final Plat

The final plat covers 51.23 acres of land but primarily focuses on a small, 2,555sf portion of the property where ownership was transferred between Ruff/Bryan and Swanberg Morton LLP, located near Lot 1, Block 1. The requirement for this item to be processed as a preliminary and final plat is due to its size in acres and being associated with the larger property to the west. MDU has an overhead power line on the property and it is shown in an easement on the plat.

Adjacent Properties Zoning, Land Use, and Future Land Use

The property is zoned R7 - Residential (rezoning to R7 was a previous practice associated with annexation). Adjacent properties to the east and south are zoned R7 - single family residential. To the north and west Ag - agriculture. The future land use plan designated this area as low density residential.

Additional Information and Public Outreach

- The application was received on October 21, 2024.
- This item was published in the Mandan News as required. Twenty-seven (27) letters were sent to adjacent property owners on November 26, 2024.

Staff comments:

This plat serves as a reconfiguration and is not intended to facilitate land development. It enables an ownership transfer between two parties, requiring survey work to define and plat newly described and reconfigured properties.

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.

Planner Stromme recommended approval of the request for a final plat for JR's Estates 2nd Addition. He stated that no changes have been made since the preliminary plat was approved.

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

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 the final plat for JR's Estates 2nd Addition. A second invitation was given to come forward to speak.

Colleen Boehm, a Mandan resident that resides on Bruley Road, came forward and inquired as to what the effects are specifically naming this as a JR's Estates will taxes increase? Will it be a gated community area? Planner Stromme explained that JR Estates is being named as such property is involved in the plat was named JR Estates and typically when subdivisions are named, they are altered or re-platted as is the case for this project. They follow a similar naming convention wherein JR Estates was approved in 2007. This project is not going to lead to any real estate development activities. There is no construction that will take place because of this subdivision's approval. There will be no change to property values or the amount that any individual pays in property taxes based on any action taken related to the subdivision.

Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

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

public hearing was closed.

Commission Action

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

Commissioner McLean moved to recommend approval of the request for a final plat for JRs Estates 2nd Addition. Commissioner Huber seconded the motion. Chair Robinson called for a roll call vote: 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 request for a special use permit for Discovery Kids childcare center for Lot 5, Block 1, Eastwood Acres 4th Add.*

City Principal Planner Stromme presented.

Ashley and Steven Featherston requested consideration of a Special Use Permit for a proposed childcare facility at Lot 5, Block 1, Eastwood Acres 4th Addition (1702 East Main Street). The proposed childcare center would occupy an existing commercial building on the property. Child care has been deemed to be a commercial business in the Mandan community.

Project Description

The applicants intend to open Discovery Kids Childcare Center, a new childcare facility, proposed to be licensed for up to 249 childcare slots (actual number likely to reduce once furnished + re-measured by the State of North Dakota (a state license is required)). The project includes minor interior modifications and the installation of a fire sprinkler system. Exterior improvements will consist of creating a fenced play area on the south side of the building, re-striping the parking lot to enhance traffic flow, and slight access adjustments to promote safe site access from East Main Street. The proposed modifications are intended to address facility licensing requirements. As childcare centers require both state licensing from the Department of Health and Human Services and a special use permit issued by the City, the project is subject to both regulatory reviews.

Property Information + History

The site is accessed primarily from East Main Street and was developed in 1977 as a manufacturing facility and warehouse. It was later repurposed to be commercial / office space in 2020. The major tenant recently moved out. The space is now being proposed to be used as a childcare center.

Proposed Special Use

Childcare centers in Mandan are currently regulated under special use permits. Applicants must meet specific criteria outlined in the zoning ordinances. The applicant for this proposal appears to meet or has the potential to meet all licensing requirements set forth by the City's zoning regulations as outlined in the staff report. Additionally, it is anticipated that all applicable building and fire codes will be satisfied in this building for the proposed use.

Evaluative Criteria

Per Section 105-1-13(d)(6), to provide a favorable recommendation, the Planning and Zoning Commission or the Board of City Commissioners should evaluate eight criteria outlined in Exhibit 6. Based on these criteria, staff has made the following determinations:

Plan Compliance: The proposed use aligns with the city's adopted plan. A daycare for up to 249 children constitutes a commercial use and is consistent with the future land use plan's commercial designation for this property.

Consistency with Zoning Regulations: The proposed use is in harmony with the City's zoning code, contingent on meeting the minimum use standards provided in the attachments.

Operational Restrictions: Additional restrictions are necessary to mitigate noise from the outdoor play area and protect the health, safety, and welfare of the public, workers, and nearby residents. Staff recommends the following:

- No more than fifteen (15) children are allowed in the outdoor play area at any one time.
- The play area may only be used between 9:30a and 7:00p.

Impact on Adjacent Properties: Without these operational restrictions, the use may negatively impact the development and use of adjacent properties and the surrounding neighborhood.

Regulatory Compliance: The proposed use meets all applicable regulations for the district in which it is located.

Natural, Scenic, or Historic Features: The proposed use will not result in the destruction, loss, or damage to a natural, scenic, or historic feature important to the community.

Buffers for Compatibility: Limited space exists between the proposed exterior play area and the property to the west. At a minimum, a non-transparent fence material should be required along the west side of the proposed play area to screen the play area from the adjacent property.

Accessibility: The proposed use includes adequate provisions for individuals with mobility impairments.

Childcare-Specific Use Standards

Day Care Center. A Day Care Center is a facility providing services to more than twelve (12) children or any number of adults. A Day Care Center requires special use approval and must comply with the following criteria:

- The facility must receive state approval before an occupancy permit can be issued; The applicant is in the process of receiving state approval for the intended use.
- For a facility catering to children, each building shall provide not less than thirty-five (35) square feet of interior play area per child; The center will provide adequate interior play area for each child.
- For a facility catering to children, a fenced outdoor play area of not less than seventy-five (75) square feet per child shall be provided that is located no closer than ten (10) feet to an adjoining residential lot; The center will provide adequate exterior play area for each child.
- For a facility catering to adults, there shall be an outdoor lawn area and a covered porch offering either active recreation or passive activities for groups or individuals; The center will not cater to adult care.
- As a minimum, onsite parking shall be provided at the ratio of one space per manager and employee per shift plus one space for each 12 clients; The property is of a size that is likely to accommodate a number of parking spots greater than required by City code. A striping plan is to be submitted for review.
- Drop off and pickup of clients shall be in an area off the public street that is separate from parking spaces.

City Staff believes that all standards are able and will be met by this property.

Additional Information and Public Outreach

- The application was received on November 22, 2024.
- This item was published in the Mandan News as required. Thirty-one (31) letters were sent to

adjacent property owners on November 26, 2024. As of the time this staff report was written, the Planning Department received no comments or questions regarding the proposal.

Adjacent Properties Use, Zoning and Future Land Use

The property is zoned CA - commercial. Adjacent properties to the west, north, and east are zoned CA - commercial. The Future Land Use Plan designates this property as commercial. As current zoning, and the City's long-range plan is for the area to be for commercial land uses, limited buffering and screening from the property to the west is proposed to be required.

Conditions of Approval

- Submission of a copy of the State Childcare License to the city for its records.
- Establishment of a potential shared-use agreement for the water line proposed for fire suppression connection (if the water line is shared).
- Modifications to the site design to incorporate access adjustments, including the use of vertical curbing and/or landscaping, to direct vehicle ingress and egress toward the westernmost feasible location to access the properties' parking lot.

These changes are intended to promote organized turning movements and enhance traffic flow and site safety:

- Installation of an opaque fence along the western boundary of the outdoor play area for screening purposes.
- Limiting the number of children allowed in the outdoor play area to a maximum of fifteen (15) at any given time during designated hours which is consistent with other child care facility requirements.
- Preservation of access to the building north of the proposed childcare center, in accordance with the easement recorded in the County Recorder's Office (Book 68, Page 509) and noted on the Eastwood Acres 4th Plat.

Planner Stromme recommended approval of the Special Use Permit for Discovery Kids Child Care Center for Lot 5, Block 1, Eastwood Acres 4th Addition subject to the conditions provided in the staff report.

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

Commissioner Huber inquired if there were any concerns about the pub inside the cornhole facility located in near vicinity of the child care center. Planner Stromme replied that he will investigate to see if there are any conflicts or concerns. Commissioner Mudder inquired about details on traffic flow in this area. Planner Stromme stated that in the attachment that was provided in the agenda materials were two additional submittals wherein they are planning for the facility has designated the hours to be open from 7 am to 6 pm noting that traffic flow will be determined by residents coming and going at different hours from time to time so that the full occupancy that is expected will not be traveling in the area all at the same time. Planner Stromme stated that the city as of today, has not received comments from any of the thirty-one (31) property owners that were sent letters.

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 approval of the Special Use Permit for Discovery Kids Child Care Center for Lot 5, Block 1, Eastwood Acres 4th Addition. A second invitation was given to come forward to speak.

Steve & Ashley Featherston, Discovery Properties owners came forward. Steve explained that one of the concerns being looked at is the intersection traffic stating that Culver's restaurant is located right there, being the primary source of traffic in that area. He reported that he is working with a contractor to design a staggered see-through fencing partition to separate the child care center parking area from Culver's exiting traffic to address the blind spot there. Commissioner Mudder inquired about the process for snow removal. Ashley stated that the snow removal plan will be adequately serviced when needed in this area. Commissioner McLean commented that the 2nd drive through lane of Culver's is on the Discovery Property. Ashley stated that they have not discussed the fence installation yet with Culver's because they are checking to see if there is an easement. Planner Stromme stated that the Special Use Permit will address any issues with fencing location or concerns.

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

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 Gardner moved to recommend approval of the special use permit for Discovery Kids Child Care Center for Lot 5, Block 1, Eastwood Acres 4th Addition subject to the conditions provided in the staff report. Commissioner Smith seconded the motion. Chair Robinson called for a roll call vote: 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 HRWTC Preliminary Plat.

City Principal Planner Stromme presented.

The State of North Dakota Department of Corrections requested consideration of a preliminary plat for HRWTC Addition. The property is located west of Mandan, on the south side of Highway 10, west of the Heart River.

Property History

The property has been developed since the early 1900s and has been in the ownership of the State of North Dakota for the duration in which it has been developed. The State of North Dakota began planning

for a correctional facility on this property in 2022. The funding was appropriated for the Heart River Women's Transformational Center (HRWTC) in 2023. The women's correctional facility was previously located in New England North Dakota, and will now transition to Mandan, North Dakota.

Project Overview

The project involves preparing the site for the State of North Dakota's Heart River Women's Transformational Center, a correctional facility designed to serve approximately 260 female inmates. The facility will be operated by the North Dakota Department of Corrections. A new complex, consisting of multiple buildings, will be constructed west of the existing North Dakota Youth Correctional Center (NDYCC). The Department plans to use the existing approach south of ND Highway 6 as the primary access point for construction and ongoing operations. The facility is projected to open its doors in 2027.

Preliminary Plat

The preliminary plat encompasses 86.91 acres of land located west of Mandan, within the general property of the North Dakota Youth Correctional Center (NDYCC). The plat consolidates three (3) auditor's lots into a single-lot, single-block subdivision to facilitate the construction of the new women's facility. The property is bisected by a 75-foot-wide electrical easement, with portions of the site already developed as part of the existing NDYCC.

Adjacent Properties Zoning, Land Use, and Future Land Use

This property is zoned A - Agriculture and a portion MC - Industrial, with adjacent properties also zoned MC - Industrial and A - Agriculture. It is bordered by the railroad to the north, Dombeck Industrial Park 1st Addition and State of North Dakota Lands to the west, the USDA Great Plains Research Facility to the south, and the Lower Heart River/Highway 6 to the east. The proposed use aligns with the future land use plan recommendation of public land use, supporting its integration into the broader vision for community development and infrastructure planning.

Additional Information and Public Outreach

- The application was received on November 26, 2024.
- This item was published in the Mandan News as required. Forty-one (41) letters were sent to adjacent property owners on November 22, 2024.

Staff Comments

- This property currently has two zoning designations: A - Agriculture and MC - Industrial. To combine these properties, a rezoning is required, as City ordinance prohibits a single property from having multiple zoning designations. A rezoning application can be submitted concurrently with the Final Plat to resolve this issue. Staff considers this a routine housekeeping matter and not of significant concern.
- The preliminary plat was received and noticed as "Heart River Women's Transformational Center Addition" and later resubmitted as HRWTC Addition to address concerns regarding the length of the plat name, hence reference of the facility will be HRWTC.
- Additional review and final approval are necessary to be obtained for the utility servicing plan. A coordination meeting is in the works of being scheduled for an inter-agency review. This may result in additional easements being shown on the plat. The property intends to use municipal water and sewer.
- The property was fully annexed into the City of Mandan in 2024 via City Commission approval.

Findings of Fact

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision for projects identified in City masterplans;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time of development.
5. 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;
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies, and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Planner Stromme recommended approval of the preliminary plat for HRWTC Addition with the following conditions: a zone change be requested to address and complete the dual-zoning issue and a utility servicing plan be approved by the City of Mandan.

Commissioner Mudder inquired if the city has any concerns with Lot E, located next to the Heart River, regarding dike or trenching or anything of that nature on that side of the river?

Chair Robinson explained that the levy is part of the Heart River Lower Heart flood river protection system. The improvements that are proposed right now are on the city's side of the river and that levy is part of the sunny unit and the sunny unit is not due for any improvements during this process. If something does come up, it will be addressed during the project process. Planner Stromme explained that typically during these projects, items that may be of concern would be excavation, storm water ponds, or buildings that would be placed in the areas around the levies. In this case, they are offset @ 1,000 feet. Building Official Jordan Sailer concurred with the project outline as presented.

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 approval of the preliminary plat for HRWTC Addition. A second invitation was given to come forward to speak.

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 Buchmiller moved to recommend approval of the request for approval of the preliminary plat for HRWTC Addition subject to the conditions presented. Commissioner McLean seconded the motion.

Planner Stromme stated that notices were provided and/or published as required wherein forty-one (41) letters were sent and no comments or opposition have been received prior to this meeting. Commissioner Gardner commented that his hometown of New England North Dakota, thus, moving this facility from New England was heart-breaking for that community due to its departure. When the facility was first established in New England, there was raucous about moving a prison to a grade school; in addition, he said that his mother ministered to the prisoners from time-to-time. However, it will now be a welcome addition to the City of Mandan.

Chair Robinson called for a roll call vote: 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

1. *Appoint 2025 Chair, Vice Chair and Secretary.* Planner Stromme stated that the current Chairperson is Bill Robinson, Vice-Chair is Jamie McLean and Nancy Moser is Secretary.

Commissioner Smith moved to nominate Bill Robinson as Chairperson for 2025. Commissioner Gardner seconded the motion. Chair Robinson asked for other nominations. Hearing none, nominations were closed. Upon vote, the motion passed unanimously.

Commissioner Gardner moved to nominate Jamie McLean as Vice-Chairperson for 2025. Commissioner Mudder seconded the motion. Chair Robinson asked for other nominations. Hearing none, nominations were closed. Upon vote, the motion passed unanimously.

Commissioner Mudder moved to nominate Nancy Moser as Secretary for 2025. Commissioner Smith seconded the motion. Chair Robinson asked for other nominations. Hearing none, nominations were closed. Upon vote, the motion passed unanimously.

2. *Schedule 2025 meetings.* Planner Stromme presented the following dates for 2025 Meetings:

- Monday, January 27
- Monday, February 24
- Monday, March 24
- Monday, April 28

- Monday, May 26 (Memorial Day) will be held Wednesday, May 28, 2025
- Monday, June 23
- Monday, July 28
- Monday, August 25
- Monday, September 22
- Monday, October 27
- Monday, November 24
- Monday, December 22

Commissioner McLean motioned to accept the 2025 meeting schedule as discussed with only one change to be made of rescheduling Monday, May 26th to Wednesday, May 28th. Commissioner Smith seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Mudder: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Buchmiller: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; Robinson: Yes. The motion passed.

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

The meeting adjourned at 6:13 p.m.