



AGENDA
PLANNING & ZONING COMMISSION
FEBRUARY 24, 2025
COMMISSION ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM

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Webinar ID: 825 6991 3098

The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before 3:30 p.m. on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

A. ROLL CALL

B. CONSIDER APPROVAL OF MINUTES

1. January 27, 2025 Minutes

C. PUBLIC HEARINGS

1. Consider HRWTC Addition Final Plat and Zone Change

D. OTHER BUSINESS

1. Consider Update on Zoning Study

E. ADJOURN

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

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

B. CONSIDER APPROVAL OF MINUTES

1. *December 18, 2024 Minutes. Commissioner Smith motioned to approve the December 18, 2024 minutes. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider a preliminary plat for MDU Addition..* City Principal Planner Stromme presented.

Montana Dakota Utilities requested approval of a preliminary plat for MDU Addition. The intent is to reorganize parcels in the area for two lots to be created from the current four lots. One of the lots will serve as the home for Montana Dakota Utilities Lineman Training Facility. The lot currently has an array of outdoor training facilities and the proposed investment would create an indoor climate-controlled environment for employee training.

Property History

Since the construction of the RM Heskett Station south of the subject property, the site has been encumbered by various electrical transmission facilities to support plant operations and transmit power to users. The property does not appear to have been previously developed and until 2009 it was used as a tilled agricultural field. In 2010, a substation was constructed in the center of the plat, spanning multiple lots. In 2021, an outdoor linemen training facility was built on the northern end of the property adjacent to 37th Street.

Preliminary Plat

The Preliminary Plat encompasses 113.57 acres of land, consisting of two lots in one block. Lot 1 is an 11.28-acre parcel designated for the training center, wherein Lot 2 spans 100.22 acres and is not planned for further development at this time. The plat includes 2.07 acres of right-of-way dedications for a 50-foot ROW dedication from the centerline of 37th Street, which appears consistent with ROW dedications for subdivisions to the west. The plat highlights numerous utility lines and easements, including major and minor utility transmission easements for multiple electrical utilities and a Morton County Water Resource District easement.

Adjacent Properties Zoning, Land Use, and Future Land Use

The property is zoned Ag - Agriculture. Adjacent properties to the west are zoned Ag - Agriculture and CB - Commercial. Properties to the north are zoned Ag - Agriculture and County Residential. Properties to the north are County Industrial and property to the south are zoned Ag - Agriculture and County Industrial.

Additional Information and Public Outreach

- The application was received on December 26, 2024.

- This item was published in the Mandan News as required. Twenty-seven (27) letters were sent to adjacent property owners on January 9, 2025. There has been no opposition and no comments received.

Staff Comments

- Staff accepted a zone change application for this project; however, the application cannot currently be processed because the appropriate zoning district for the site is being developed as part of the updated zoning ordinance project.
- What the applicants propose does not alter the use but will improve the form and condition of the existing use, which would be permitted more clearly under either the existing A - Agriculture district or the proposed MX - Industrial district. Alternatively, the proposed lot that will house the training facility could be rezoned to an industrial or commercial district that permits the training use and the remaining 100 acres could remain in the AG district. This approach would avoid creating a large industrial tract of land and associated entitlements without a current development plan, which could present challenges. A future zoning change could occur on the balance of the property at a time a development plan is proposed.

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, and while the property includes a wetland, it is outside the area of proposed development and will not be affected, and therefore the development will not adversely impact water quality, environmentally sensitive lands, or areas 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 generally 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 request for a preliminary plat for MDU Addition. He said that he will defer to MDU for the timeline to start and complete the project noting that he believes it will start in the spring of 2025. Abe Ulmer from Independent Land Surveying came forward and stated that the plan is to break ground the spring of 2025 with a completion date in the spring of 2026.

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 preliminary plat for MDU Addition.

Abe Ulmer an engineer from Independent Land Surveying came forward and stated that the size of the building is approximately 13,500 sq ft for the base bid with an additional 20'x65' addition is being considered. Ultimately the plan is for a 195x65 sq. ft. building with the majority of it being shop area; there will be approximately ten (10) offices. Northwest Contracting is working with MDU regarding the height of the building that are projected to be 20 ft. sidewalls along with a determination of parking areas. The driveway will be east of the existing gravel driveway that leads to the substation to the east. The existing outdoor training area will remain the same. There will be ten (10) offices, that will employ 20-30 during the training periods.

Tom Anseth, a resident who lives at Rock Haven Harbor, southeast of the plot being discussed, came forward and inquired about what this project entails, and that the plan was not to put up other industrial buildings creating problems with transmissions and noise such as is happening near the substations in Williston. He stated he is not opposed to MDU building a shop and training facility. He stated the residents in this project area were previously assessed \$18,000 in specials when the county came in to do the roads and assessed only the Industrial lands wherein the Agricultural did not get assessed any specials to maintain the roads. He said that is not in favor of changing the zoning to Industrial due to concerns of what might be allowed there in the future.

Chair Robinson provided a second and third invitation to come forward.

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.

Planner Stromme clarified that this action does not include any zone change. Upon completion of the Zone Ordinance Study, changing the zoning for this will be addressed at a later time. He said that any questions or concerns with the roads in this area should be addressed with Morton County. He stated that city staff would assist individuals who to contact at Morton County, if needed.

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

D. OTHER BUSINESS

1. *Update on Zoning Ordinance study.* Planner Stromme stated the final draft of the document comprised of approximately 400 pages, is available for the public to review at cityofmandanzoningordinances.com. It can also be found under the Planning Department web page by clicking on ‘Zoning Study.’

The Zoning Ordinance Study ready to roll out with the final public and stakeholder engagements scheduled and the final adoption planned for April or May, 2025. The upcoming meetings with development stakeholders are:

- Meeting 1: February 5, 12:00 PM - 2:00 PM
- Follow-up Q&A 1: February 18, 2:00 PM - 4:00 PM
- Follow-up Q&A 2: March 3, 2:00 PM - 4:00 PM

The main highlights are that Ordinance 101 replaces Ordinances 101 and 105 so in essence, everything will be located under Ordinance 101 with consolidations and no gaps. He briefly reviewed some of the other final revisions. He encouraged residents to contact his office for answers to questions they may have or to provide comments.

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 5:56 p.m.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: February 24, 2025
PREPARATION DATE: February 18, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Final Plat and Zone Change for HRWTC Addition.

STATEMENT/PURPOSE:

Consider Final Plat and Zone Change for HRWTC Addition.

BACKGROUND/ALTERNATIVES:

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

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.

Property History

The property has been developed since the very early 1900s and has been in the ownership of the State of North Dakota for the duration in which it's been developed. The State of North Dakota began planning for a correctional facility on this property in 2022, and funding was appropriated for the Heart River Women's Correctional Center (HRWTC) in 2023.

Final Plat

The final plat comprises 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 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. The property is to be served by municipal utilities.

Zone Change

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. The Agriculture zoning district is the best zoning district the City has for this use.

Adjacent Properties Zoning, Land Use, and Future Land Use

This property is currently 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.

Additional Information and Public Outreach

- The application and fee of \$1050.00 was received on January 29, 2025.
- This item was published in the Mandan News as required. Forty-one letters were sent to adjacent property owners on February 5, 2025.

Staff Comments

- Additional review and final approval is necessary to be obtained for the utility servicing plan. A coordination meeting is in the works of being scheduled for an Interagency review. This may result in additional easements being shown on the plat. The property intends to use municipal water and sewer.
- The property was annexed into the City of Mandan in 2024 via City Commission approval.

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.

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 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. HRWTC Final Plat
3. draft Ord. 1460
4. Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

A considerable amount of City Staff time has gone into reviewing the proposed development.

LEGAL REVIEW:

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

RECOMMENDATION:

Planning Staff recommends approval of the final plat for HRTWC Addition with the following condition: approval of a utility servicing plan by the City of Mandan. Planning Staff also recommends approval of a zone change to A - Agriculture.

SUGGESTED MOTION:

I move to recommend approval of the final plat for HRWTC Addition with the condition outlined by staff and approval of a zone change to A - Agriculture.

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 submitted in conjunction with the HRWTC Addition plat to change this property to a single MB zoning designation as required by code.	

Engineer/Surveyor			Property Owner or Applicant		
Name Andrew Schrank, PE - Highlands Engineering			Name State of ND		
Address 319 24th St E			Address 701 16th Ave SW		
City Dickinson	State ND	Zip 58601	City Mandan	State ND	Zip 58554
email schrank@highlandseng.com			email cjangula@nd.gov		
Phone 701-483-2444	Fax 701-483-2611	Phone 701-328-6133	Fax n/a		
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	A & MB	MB	HRWTC Addition
Property Address				Legal Description		
701 16th Ave SW				Lot 1, Block 1, HRWTC Addition		
Current Use						
Correctional Center						
Proposed Use						
Correctional Center				Section 28/33	Township 139N	Range 81W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
86.91 ac	See Enclosed Site Plan	1	±240,000	±116	122	

Print Name	Signature	Date
Chris Jangula	Chris Jangula Digitally signed by Chris Jangula Date: 2025.01.21 17:03:08 -06:00	

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 1050. ⁰⁰	Date: 1-29-2025
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			

HRWTC ADDITION

LOCATED IN AUDITOR'S LOT D OF THE SOUTHWEST QUARTER (SW¹/₄) AND AUDITOR'S LOT E OF THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION TWENTY-EIGHT (28)
AND LOCATED IN THE NORTHWEST QUARTER (NW¹/₄) OF SECTION THIRTY-THREE (33)
TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W), OF THE 5TH PRINCIPAL MERIDIAN
CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN AUDITOR'S LOT D OF THE SOUTHWEST QUARTER (SW¹/₄) AND AUDITOR'S LOT E OF THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION TWENTY-EIGHT (28) AND LOCATED IN THE NORTHWEST QUARTER (NW¹/₄) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W), OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND REBAR AND CAP; THENCE N 89°15'50" E ALONG THE NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 475.00 FEET TO THE POINT OF BEGINNING BEING A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF DOMBECK INDUSTRIAL PARK FIRST ADDITION, AS RECORDED AT THE MORTON COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 270271; THENCE N 00°16'02" W ALONG SAID EAST LINE AND LEAVING SAID NORTH LINE, A DISTANCE OF 113.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4019.72 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, BEING SAID SOUTH RIGHT-OF-WAY OF SAID BURLINGTON NORTHERN RAILROAD, THROUGH A CENTRAL ANGLE OF 16°50'14" AND ARC LENGTH OF 1181.26 FEET TO A SET REBAR AND CAP LS-5466; THENCE CONTINUING N 78°48'44" E ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1424.61 FEET TO THE WEST EDGE OF THE HEART RIVER; THENCE S 14°55'10" E ALONG SAID WEST EDGE OF SAID HEART RIVER LEAVING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 214.67 FEET; THENCE CONTINUING S 10°54'24" E ALONG SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 210.25 FEET TO THE INTERSECTION OF SAID WEST EDGE OF SAID HEART RIVER AND SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33); THENCE S 89°25'39" W ALONG SAID NORTH LINE LEAVING SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 479.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND BLM BRASS CAP; THENCE S 00°29'08" E LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW¹/₄) OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 2039.66 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 80°39'22" W LEAVING SAID EAST LINE, A DISTANCE OF 1000.00 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 37°24'44" W, A DISTANCE OF 1576.94 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°15'50" W PARALLEL TO SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 250.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION; THENCE N 00°59'31" W ALONG THE EAST LINE OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 599.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 86.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

SURVEYOR'S CERTIFICATE

I, KC HOMISTON, REGISTERED PROFESSIONAL LAND SURVEYOR, LS-5466, FOR HIGHLANDS ENGINEERING AND SURVEYING, PLLC, RESIDING AT 319 24TH STREET EAST, DICKINSON, N.D., DO HEREBY CERTIFY THAT THE HRWTC ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AS WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KC HOMISTON, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____
STATE OF _____

PROPRIETOR'S CERTIFICATE

I, KELLY ARMSTRONG, GOVERNOR OF THE STATE OF NORTH DAKOTA, THE AUTHORIZED REPRESENTATIVE OF THE STATE OF NORTH DAKOTA OWNER AND PROPRIETOR OF PROPERTY LYING IN AUDITOR'S LOT D OF THE SOUTHWEST QUARTER (SW¹/₄) AND AUDITOR'S LOT E OF THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION TWENTY-EIGHT (28) AND LOCATED IN THE NORTHWEST QUARTER (NW¹/₄) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W), OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
KELLY ARMSTRONG, GOVERNOR OF THE STATE OF NORTH DAKOTA

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KELLY ARMSTRONG, GOVERNOR OF THE STATE OF NORTH DAKOTA, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____
STATE OF _____

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREIN AND HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THIS _____ DAY OF _____, 20____.

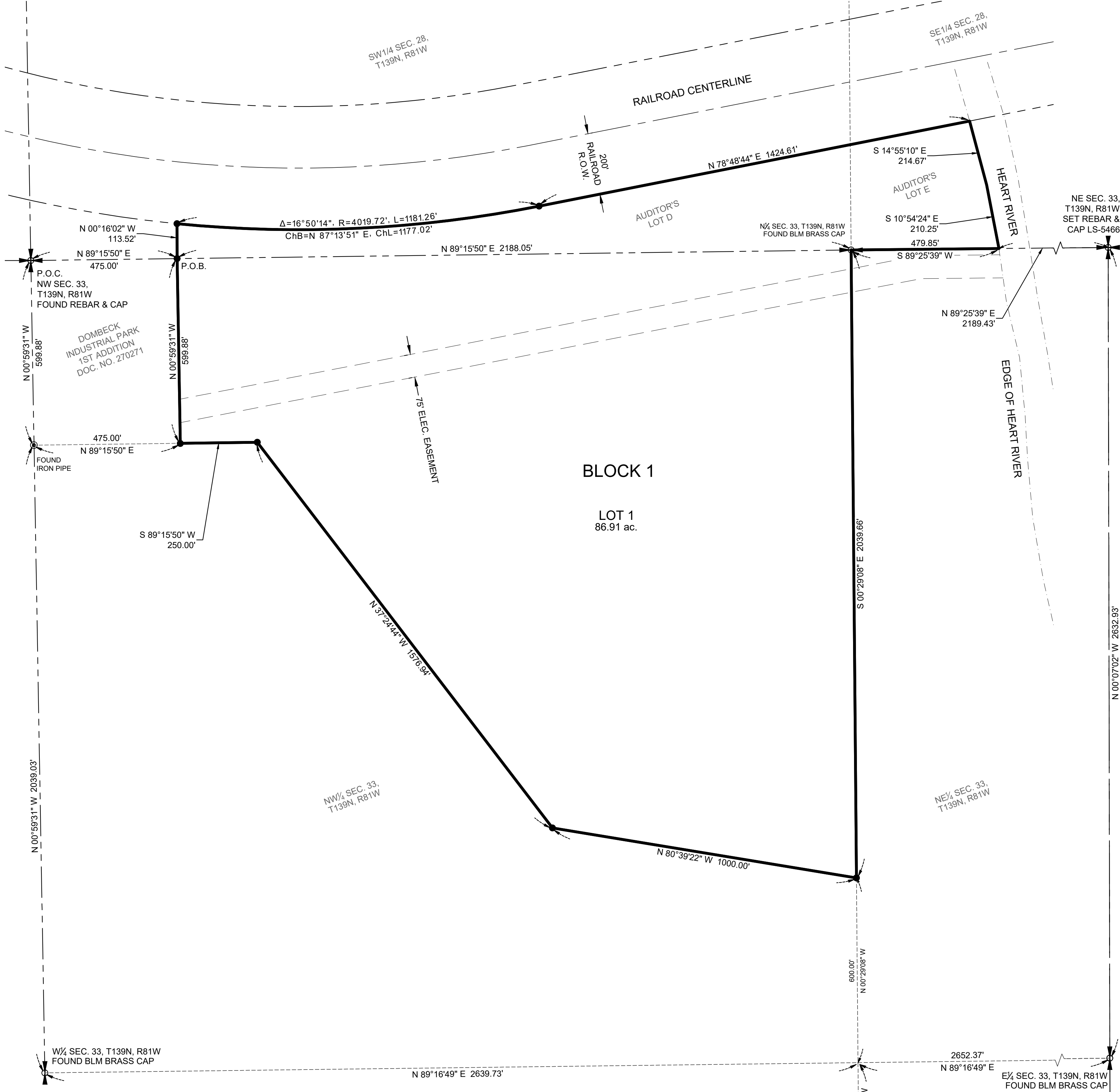
BY: _____
JAMES FROELICH, MAYOR

BY: _____
JIM NEUBAUER, CITY ADMINISTRATOR

APPROVAL OF THE CITY ENGINEER

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "HRWTC ADDITION", CITY OF MANDAN, NORTH DAKOTA AS SHOWN ON THE PLAT.

BY: _____
JAREK WIGNESS, CITY ENGINEER



LEGEND

- PROPERTY BOUNDARY
- EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SECTION LINE
- QUARTER LINE
- SECTION CORNER
- QUARTER CORNER
- RIGHT OF WAY LINE
- EXISTING EASEMENTS
- EDGE OF WATER
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

SURVEY NOTES

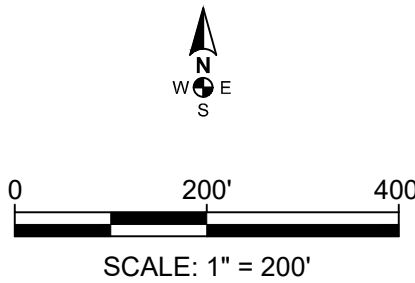
- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: JANUARY 25, 2024



**HIGHLANDS
ENGINEERING**

319 24TH STREET EAST, DICKINSON, ND 58601
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER:	231257	SCALE: 1" = 200'
DRAWN BY:	AJA	DATE: 02/18/25



ORDINANCE NO. 1460

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 public land use; and

WHEREAS, Adjacent properties are 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 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:

HRWTC ADDITION OF SECTIONS 28 & 33, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 86.91 ACRES, MORE OR LESS.

- SHALL BE REMOVED FROM THE A - AGRICULTURE AND MC – INDUSTRIAL DISTRICTS AND SHALL BE INCLUDED IN THE A – AGRICULTURE 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.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

February 24, 2025
March 18, 2025
April 1, 2025



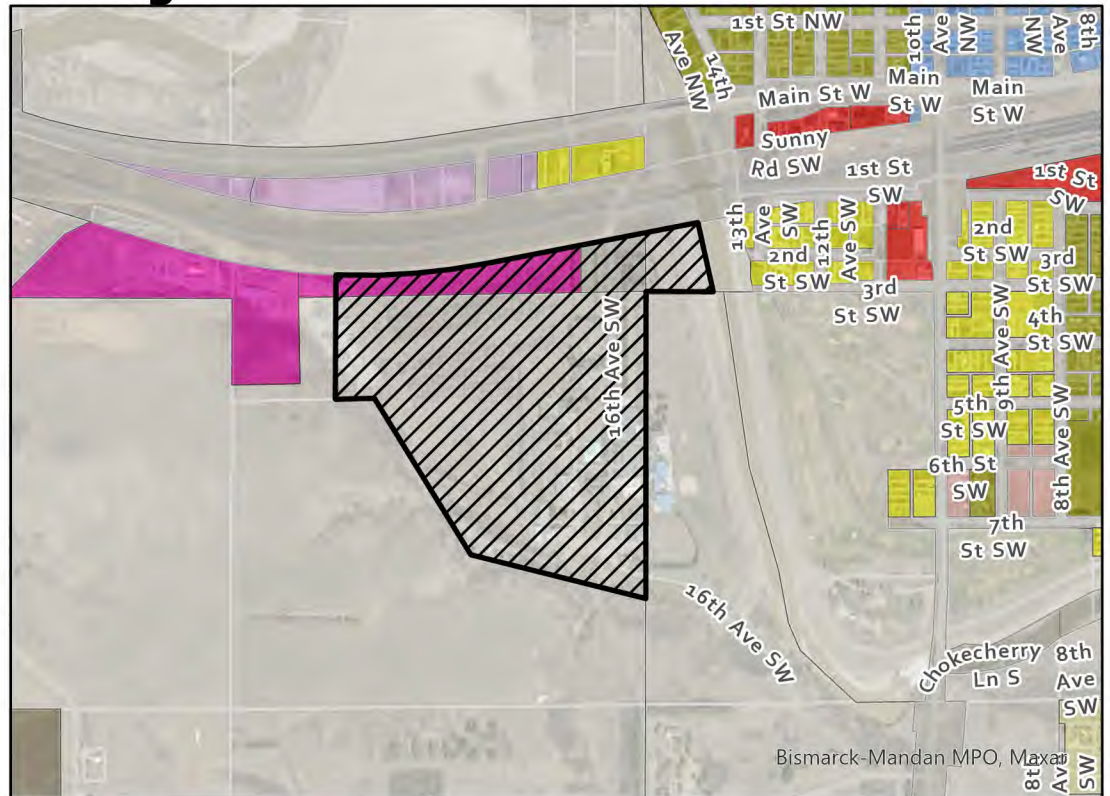
Zoning and Future Land Use Reference Map

Heart River Annexation

Zoning

Zoning Map Key

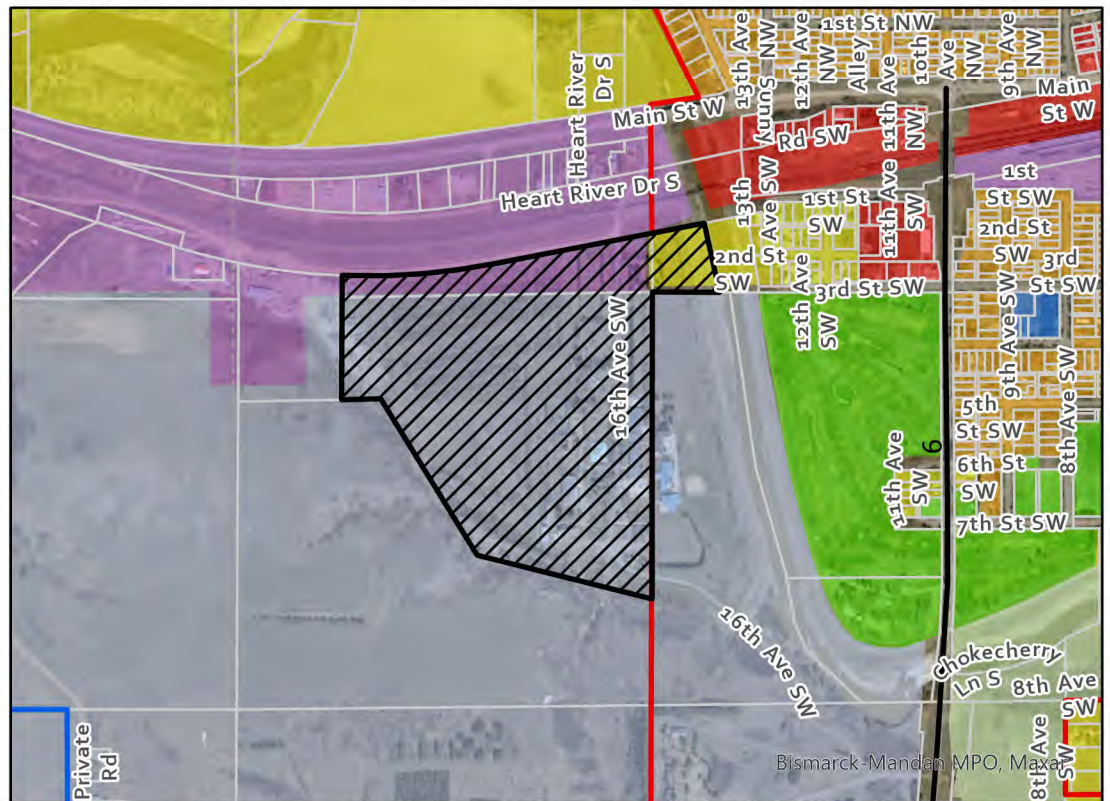
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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: February 24, 2025
PREPARATION DATE: February 20, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Update on Zoning Study

STATEMENT/PURPOSE:

Consider Update on Zoning Study

BACKGROUND/ALTERNATIVES:

This serves as an update on the ongoing zoning ordinance revisions. This effort aims to modernize development regulations to align with best practices, current legislation, the city's comprehensive plan, and evolving development trends.

Key Changes to Expect:

The updates include revisions in the following areas:

- **Landscaping Requirements** – Enhancements to improve aesthetics and sustainability.
- **Park Dedication Policies** – Updates to support accessible recreational spaces.
- **Access Management Strategies** – Improved approaches to traffic flow and safety.
- **New Right-of-Way (ROW) Widths** – Adjustments to accommodate right-sizing future infrastructure needs.
- **Introduction of New Zoning Districts** – To better reflect current and future land use needs.
- **Consolidation of Approval Processes** – Streamlining procedures into a single, easy-to-reference chapter.
- **Parking Requirement Updates** – Adjustments to align with evolving transportation trends.
- **Creation of Rural Residential Zones** – Providing options for low-density rural development.

- **Standardization of Terminology** – Ensuring consistency throughout the ordinance.
- **Driveway Width Regulations** – Refinements to improve functionality and neighborhood character.

Developer Engagement:

Outreach efforts with the development community are ongoing and have been productive. Feedback received is being considered in the refinement of the ordinance to balance development needs with community goals.

Timeline and Next Steps:

- **Final Input Sessions** – Occurring in late February and early March.
- **Adoption Timeline** – The revised ordinances are expected to be presented for adoption in late spring/early summer.

Additional Information:

Draft documents, including the **Zoning Ordinance and Use Table, Subdivision Ordinance, and Right of Way Ordinance**, are available for review at CityofMandan.com/zoningstudy.

For any questions or further details, please contact the Planning Department. Your participation is essential in ensuring these updates serve the needs of the community.

ATTACHMENTS:

1. Mandan Zoning Code - Summary of major changes

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

Mandan Zoning Ordinance – Summary of Changes

The City of Mandan's Zoning, Subdivision, and Right of Way ordinances are being updated with the goal of supporting development/redevelopment and ensuring new projects contribute to community vitality. To accomplish this goal, changes have been made throughout the ordinances. This report represents a summary of the major changes proposed.

Landscaping

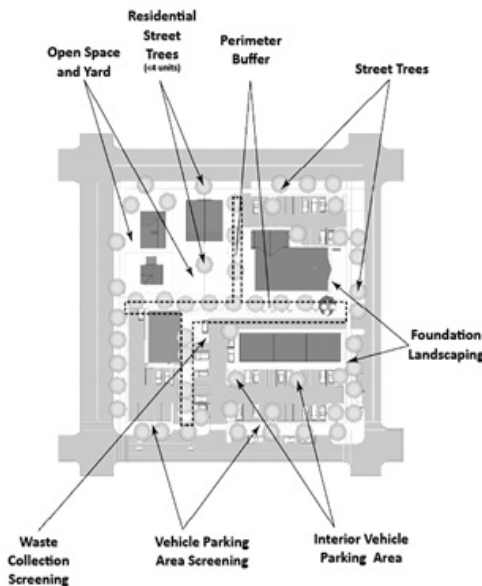
A completely new landscaping section (Article 13) was created. This Article establishes an intent and purpose for regulating landscaping, which include mitigation of incompatibilities, enhancement of the pedestrian experience, creating a robust tree canopy to help with traffic calming and heat build-up, and reducing stormwater runoff.

Requirements are separated into two tiers: Tier 1 for detached residential structures and attached residential structures with up to four-units, and Tier 2 for multi-unit residential structures, commercial, industrial, and institutional uses.

Project Goal: Improve Landscaping Regulations

Land Use and Transportation Plan Policy

Create Landscaping and Buffering Standards between higher and lower intensity users



Landscaping Areas

Standards are included for the following types of landscaping. A diagram showing these areas is located below.

- **Street trees:** Street trees are now required along all public or private streets, one tree per 40 linear feet of street frontage for newly developed parcels (including single-family homes). Standards are included for the required size of the trees, flexibility for unique conditions, and location.
- **Perimeter buffers:** Three types of perimeter buffers were created based on the buffer's width (from 5 to 20 feet) and opacity (from 0 to 80% opaque). Each type of buffer has unique requirements for the height, width, and plant opacity. Denser, taller and deeper buffers (Type C) are required between zoning districts that have the most potential for negative impacts on neighboring properties (for example, auto-oriented commercial districts or industrial districts and residential districts). The lightest type of buffer, Type A, requires only street trees and small shrubs.
- **Parking areas:**
 - Screening: All parking areas for multi-unit (more than four units in a structure), commercial, industrial, and institutional uses must include screening. Parking area screening can be in the following forms: shrubs, fences or walls, or grade separation
 - Interior landscaping: parking lots, except for industrial uses, must include 20 square feet of landscaping per parking space, organized into landscaped islands. At least half of those islands must include one large deciduous tree.
 - Open space and yards: This section requires landscaping or ground cover in all areas of a parcel not reserved for structures, storage, or outdoor displays. The Downtown Core and Downtown Fringe districts are exempt from these requirements.

Mandan Zoning Ordinance – Summary of Changes

- **General Standards:** Finally, general standards have been created which cover the following topics:
 - o Quality of plants and trees
 - o Species diversity
 - o Drought tolerance
 - o Items on a site that are required to be screened

Park Dedication

Park dedication in Mandan now includes the requirement for land dedication for new residential subdivisions (Sec. 109-3-2.9). While still allowing the City Commission to approve exceptions to this, the standard is that land will be dedicated unless there are extenuating circumstances.

Residential subdivisions that include residential density less than 10 units per acre require that 5% of land be dedicated for parks. Subdivisions developed at 10 units per acre or more require that 7% of land be dedicated for parks. The Mandan Park Board will review lands to be dedicated to ensure they are appropriate for park development.

Land Use and Transportation Plan Policy
Acquire sufficient park and open space to meet current and future needs

If the land in a new subdivision is too small to include an area for a park or playground, or if the Park Board determines that the location is not acceptable, the subdivider has the option to pay a fee in lieu of land dedication.

Street Design

Several modifications have been made to the subdivision ordinance relating to better street and intersection design. Major areas of change include Access Management and Right-of-Way Width.

Access Management

To better manage access points, and potential traffic and pedestrian conflicts, new standards for the location of commercial driveways and street intersections are now included in the City's Subdivision Ordinance (Sec. 109-3-2.3.b). Access spacing standards are established based on the street type (principal arterial, minor arterial, or collector roads) and roadway setting (rural, urban, or urban core). Spacing requirements also differ between primary intersections (road intersections that allow all turning movements) and secondary intersections (including commercial driveways).

Table 109-3-2 4 b Access Spacing and Allowance Standards							
	Street Classification Standards Roadway Setting	Principal Arterial		Minor Arterial		Collector	
		Spacing	Quantity / Mile	Spacing	Quantity / Mile	Spacing	Quantity /Mile
Primary Intersection	Rural	1 mile	2/mile	½ mile	3/mile	½ mile	3/mile
	Urban	½ mile	3/mile	¼ mile	5/mile	1/8 mile	9/mile
	Urban Core	300-660 ft	9-19/mile	300-660 ft	9-19/mile	300-660 ft	9-19/mile
Secondary ^{2,3} Intersection	Rural	½ mile	3/mile	¼ mile	5/mile	¼ mile	5/mile
	Urban	¼ mile	5/mile	1/8 mile	9/mile	1/8 mile	9/mile
	Urban Core	150-300 ft	9-19/mile	150-300 ft	9-19/mile	75-300 ft	9-19/mile

Mandan Zoning Ordinance – Summary of Changes

Right-of-Way Width

Required right-of-way (ROW) widths were adjusted to reflect current best practices for design speed, on-street parking, and accommodation of sidewalks and street trees. Requirements now also include paved width curb-to-curb, which differ depending on the amount of in-street parking. In some cases, such as arterials, minimum ROW width was increased. In others, such as collectors and local roads, they were reduced. Modifications are shown in the table below.

Table 109-3-2 4 c Street and Right-of-Way width standards		
Classification	Right-of-Way Width (feet)	Paved Width Curb to Curb (feet) ¹
Arterials	100 feet 150 feet Principal 120 feet Minor	63 feet Principal* 51 feet Minor* *Minimums width listed-Actual width should be determined by traffic study
Collectors	80-100 feet 80 feet	28 feet no parking 36 feet parking on one side 48 feet parking both sides
Local road	66-80 feet <u>Residential</u> 54 or 66 feet <u>Non-Residential:</u> 80 feet	<u>Residential</u> 26 feet parking on one side 38 feet parking on both sides <u>Non-Residential</u> 40 to-48 feet
Cul-de-sac *	120 feet diameter City – Paved: 120 feet diameter <u>Rural – Gravel Surface:</u> 160 feet diameter	60 to 80 - foot diameter depending on context and paving material. N/A
Alley	20 feet	No required paving, or curb and gutters. Width typically 20 feet.
1 Measured from back of curb to back of curb.		

Mandan Zoning Ordinance – Summary of Changes

New or Rewritten Zoning Districts

To better reflect the City's land use goals, the proposed Zoning Ordinance includes some new zoning districts.

RR Rural Residential

A new Rural Residential (RR) district was created to support rural residential development in the City's extra-territorial jurisdiction (ETJ). The district was applied to areas identified as Rural Residential in the current comprehensive plan.

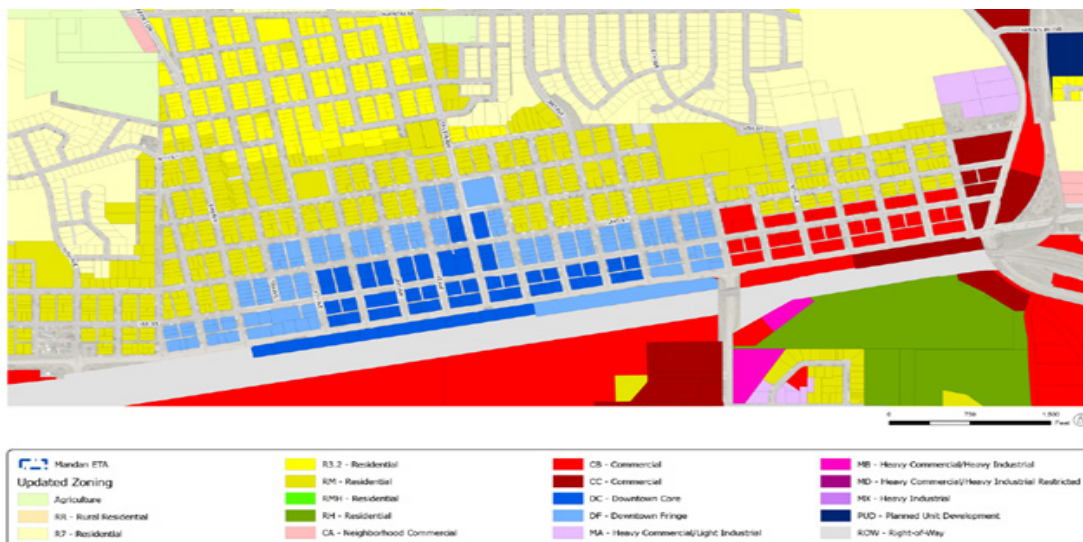
Residential development in the RR district is assumed to occur with on-site well and septic systems. Permitted uses include detached dwellings, group dwellings, and education and public recreation group uses. Accessory dwelling units and in-home childcare are also permitted with additional standards. Minimum lot size in this district is 1.5 acres. If the land in a new subdivision is too small to include an area for a park or playground, or if the Park Board determines that the location is not acceptable, the subdivider has the option to pay a fee in lieu of land dedication.

MX Industrial

The new MX Industrial district was created for very heavy industrial uses that should be restricted to a very specific area because of their potential negative impacts on surrounding properties. This district has the most permissive list of uses allowed of all of the industrial districts. On the proposed zoning map, the location of this district is limited to the oil refinery property north of Interstate 94.

DF Downtown Fringe

The Downtown Fringe (DF) district has been rewritten so that it provides a more logical and harmonious transition between the Downtown Core (DC) and surrounding neighborhoods. Generally, the list of permitted uses has been narrowed; uses such as drive-thru facilities, motor vehicle service, and retail group B have been eliminated. Some of the previous design standards have also been eliminated, including building width, horizontal rhythm, and display windows. Finally, the recommended zoning map has a greatly reduced geographic extent of the DF district, so that it is more logically situated surrounding the DC district and does not extend too far into established residential areas not suitable for commercial development.



Location of zoning districts in the Downtown area

Code Audit

Add more mixed-use zones outside of downtown

Consider District Consolidations

Mandan Zoning Ordinance – Summary of Changes

NMU Neighborhood Mixed Use

A new Neighborhood Mixed Use district was created with the intent of using form-based (rather than use-based) regulations to support high-quality, pedestrian-oriented, mixed-use redevelopment and development in areas that have been the subject of planning studies, master plans, or that have been identified for Neighborhood Mixed Use in the Comprehensive Plan. In the NMU, ground story uses are focused on meeting daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories may accommodate residential and/or office uses.

Development standards include build-to lines, maximum setbacks, parking placement, and building design.

The NMU district is not shown on the recommended zoning map for the city but is available for future development.

CMU Corridor Mixed Use

Similar to NMU district, the CMU district has an emphasis on form-based regulation with less emphasis on use. The district allows a variety of land uses while ensuring accessibility by multiple modes of transportation and enhancing the appeal of corridors throughout the City. This district is particularly suited to infill development and redevelopment along more auto-oriented corridors than the NMU district. Commercial uses in the CMU district may be somewhat larger in scale and more flexible than the NMU district.

Administrative Changes

Several administrative changes were also made to the code, to improve consistency, ease of use, and streamline processes.

Approval Process

Approval Matrix: Language dealing with the approval of land use applications has been consolidated into Articles 1 and 4 of the zoning ordinance. Article 1 includes a matrix describing the review/recommending, decision-making, and appellate bodies for all types of applications and permits.

Article 4 then consolidates procedures and criteria for the review and approval of zoning map and text amendments, conditional use permits, variances, future land use map amendments, interim use permits, and appeals.

Conditional Use Permits: Many of the uses that previously required conditional use permits are now allowed with specific use standards (which are reviewed administratively). Some examples include child care centers, animal hospitals, microbrew pubs, and the utility service use group.

Administrative Adjustments: Some opportunities for administrative adjustments (without requiring a variance) are now built-in to the code. For example, both the landscaping and parking sections have opportunities for some degree of administrative adjustment from the minimum requirements.

Terminology

To improve consistency, terminology has been standardized throughout the code. For example, the term Conditional Use Permit is now the standard, where as the words special use and special permit were used interchangeably with conditional use.

Other revisions involved standardizing wide variety of terms used to describe very similar uses. These included retail uses, service uses, types of dwelling units, and auto repair.

Mandan Zoning Ordinance – Summary of Changes

Parking and Driveways

Minimum Off-Street Parking

Updates were made to the city's off-street parking requirements to modernize and reduce where possible. Major changes to parking requirements include:

- Removal of exterior parking requirement for dwellings
- Reduced parking requirements for senior or affordable multi-unit buildings (0.65 spaces per unit)
- Allowance for on-street parking adjacent to residential property to count towards required minimum parking.
- Reduction in minimum parking for retail establishments to one space per 500 sf, from one per 400 sf.
- Medical clinics minimum parking now based on square footage rather than employees.
- Allowance for parking reductions to be reviewed and approved by the City Planner up to a reduction of 25% from minimum requirements.
- Creation of "proof of parking" which allows project owners to construct only 80% of required parking, so long as the rest of the required parking area is preserved for future use if needed.

Driveway widths

Minimum and maximum driveway widths are now established for residential lots. The goal of these changes is to better manage impervious surface, distance between driveways (also regulated in the access management section), as well as the aesthetics of allowing too much parking in the front yard. The table below, which regulates driveway width based on the width of the lot:

Table 115-6-4:2:b. Residential Driveway Width	
Residential Lot Width	Allowed Driveway Width
On lots less than 50 feet	9-20 feet wide
On lots greater than 50 feet up to 60 feet	9-25 feet wide
On lots greater than 60 feet up to 80 feet	9-30 feet wide
On lots greater than 80 feet	9-36 feet wide