



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

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The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before 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. February 24, 2025 Minutes

C. PUBLIC HEARINGS

1. Consider Developers West Acres 2nd Add. Zone Change

Staff Recommendation: Planning staff recommends approval of the request.

2. Consider MDU Addition Final Plat and Zone Change

Staff Recommendation: Planning staff recommends approval of the request.

3. Consider a variance for Lot 2, Block 1, North Prairie Subdivision Replat

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

D. OTHER BUSINESS

1. Potential Request for Future Land Use Plan Amendment
2. Update on Zoning Study

E. ADJOURN



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: March 24, 2025
PREPARATION DATE: March 17, 2025
SUBMITTING DEPARTMENT:
DEPARTMENT DIRECTOR:
PRESENTER:
SUBJECT:

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

ATTACHMENTS:

1. February 24, 2025 Planning & Zoning Minutes

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

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

Commissioners Present: Mayor Froelich, Horn, Gardner, Smith, Hammond, Huber, Intveld, McLean, Robinson.

Absent: Leingang, Mudder, Buchmiller.

B. CONSIDER APPROVAL OF MINUTES

1. *January 27, 2025 Minutes. Commissioner McLean motioned to approve the January 27, 2025 minutes. Commissioner Hamond seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider HRWTC Addition Final Plat and Zone Change.* City Principal Planner Stromme presented.

The State of North Dakota Department of Corrections requested consideration of a final plat and zone change for HRWTC Addition. The property is located west of Mandan, on the south side of ND Highway 10, west of the Heart River and has been annexed by the City of Mandan. There have been no changes from the preliminary plat that was previously approved.

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 in 2027.

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's been developed. The State of North Dakota began planning for a correctional facility on this property in 2022; 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 (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. 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 desired 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 First Addition and State of North Dakota Lands to the west, the USDA Great Plains Research Facility to the south, and the Lower Heart River and 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 \$1,050 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 being scheduled for an interagency review. This may result in additional easements to be shown on the plat. The property will use municipal water and sewer.
- The property was annexed into the City of Mandan in 2024 by the City Commission.

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;
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.

Planner Stromme recommended approval of the request for the Final Plat and Zone Change for HRWTC

Addition with the condition that there is approval of a utility servicing plan by the City of Mandan. Planning Staff also recommended approval of a zone change to A – Agriculture.

Commissioner Huber inquired if the new structure will be built on this parcel that is subject to this plat? How does that relate to the Agricultural zoning for constitutional use for zoning purposes? Planner Stromme stated that there are representatives from the State Department of Corrections and members from the project team present that will be able to answer specific questions for this project. He clarified that the HRWTC will be built on this parcel and its entire footprint would be located on this property. The current facility takes up about two-thirds of the area as it appears today and the additional construction will be to the west of that area. The city does not have an institutional zoning so it would be zoned commercial use or industrial versus agricultural and this will create the least amount of entitlements for the property to be used for this specific project. A significant portion of Lot 1 includes certain buildings and the project would be constructed in an area that is being cleared for the construction. Chris Jangula, a representative of the Department of Corrections stated that he concurred that the information provided by Planner Stromme is correct as far as the location of the facility. He stated that there is an overhead powerline located within the area and that will not be affected rather, all the trees will be cleared up to that power line area.

Chair Robinson stated that the city does have a recommendation for getting approval of the utility service plan. He inquired if there is a date set for that process to be discussed? Mr. Jangula (project team member) stated that he does not have that information available, however, there is work in process with Highlands Engineering to accomplish that. Casey Homiston with Highlands Engineering stated there was a question on that matter about the coordination of utilities and a question on the timeline and if it is something that can be done with the easements when platted and recorded; or it sounds like the city would prefer to have those utilities coordinated without being placed on the plat – is that correct? Planner Stromme stated that it is his understanding that additional coordination will be necessary between the city of Mandan and the project team relevant to the proposed use of the sanitary sewer in this area. He has been advised that a meeting is being scheduled but no information has been forthcoming as of yet. The city will most likely schedule a meeting independent to that. He presented a viewing of the preliminary plat approved in 2024 of the overlay of the land's primary access that will enter the facility from Highway 6. The main road will come from the far southeast and straddle the west side of the existing campus to get up to the main parking lot located west of the main campus entrance.

Chair Robinson inquired if there were any comments or questions for Planner Stromme or the Project team. 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 and Zone Change for HRWTC Addition.

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.

Commissioner Huber moved to recommend approval of the Final Plat and Zone Change for HRWTC Addition, with the condition of approval of a utility servicing plan by the City of Mandan and approval of a zone change to A -Agriculture. Commissioner Smith seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Intveld: Yes; Mayor Froelich: Yes; Smith: Yes; Horn: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Robinson: Yes. The motion passed.

D. OTHER BUSINESS

1. *Consider Update on Zoning Study.* Planner Stromme stated the updated Zoning Ordinance goal was to modernize development regulations to align with best practices, current legislation, the city's comprehensive plan, and evolving development trends along with comments received. The revised ordinance will be over 400 pages which would be burdensome to go through at this time, however, the pertinent information provided today was outlined. The final planning stage is to host two more Q & A sessions going forward before the ordinance is ready for its final review and approval in April 2025.

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 March and/or April 2025.
- Adoption Timeline – The revised ordinances are expected to be presented for adoption in April or May

2025 or soon thereafter.

Planner Stromme stated that the 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.

Chair Robinson inquired if there were any questions or comments.

Mayor Froelich inquired if there are any provisions or setbacks at the intersections regarding the planting of trees? Planner Stromme stated that the city's ordinance only applies to signs and it will now apply to everything. The setback for an intersection is approximately 45 feet which is a nationwide standard.

Planner Stromme stated that final comments are due on March 14, 2025 noting that there have been ample opportunities provided over the last two (2) years for residents or concerned citizens to provide comments or ask questions. That is the designated date that the City of Mandan will accept final comments on this project. After that deadline, Planner Stromme stated that he will feel comfortable presenting the Revised Zoning Ordinance for adoption by the Planning and Zoning Committee and subsequently the Mandan City Commission.

Commissioner Intveld inquired if there have been any concerns received from the developers and builders subsequent to their review of the materials and revisions as presented? Planner Stromme stated that he expects fine tuning to occur regarding driveway widths that may receive some pushback. Moving forward, the plan for completing this project will be similar to the process for the approval of a zoning ordinance wherein there will be the standard public hearings and then the recording of the documents.

This Board will be requested to approve any actions and then they will be presented to the City Commission for final adoption. There are two parts to the project: Step 1: Revise the Rules of the current zoning district (i.e. Fringe District); Step 2: A text amendment will be created for the laws per document and the zone changes on the map that are acquired. He clarified that in the future, if it is determined that any revision is not a good fit for the city of Mandan, issues of that nature can be resolved within a few months. He stated that this project is an opportunity to revise the current outdated code to a uniform document that will serve the Mandan community well into the future.

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

The meeting adjourned at 5:55 p.m.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: March 24, 2025
PREPARATION DATE: March 14, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Zone Change for Developers West Acres 2nd Addition.

STATEMENT/PURPOSE:

Consider Zone Change for Developers West Acres 2nd Addition.

BACKGROUND/ALTERNATIVES:

Delton and Terrie Stein are requesting a zoning change from CA - Commercial to R7 - Residential for the property at 3801 43rd Street NW. Their plans include converting the existing commercial building into a residential structure and, at some point in the future, constructing an expansion of the shop/garage to the west.

Property History

Developer's West Acres was originally platted in 1976, with the shop constructed in 1990. The lot was re-platted in 1996 as part of Developer's West Acres 2nd Addition, which reconfigured the lots between 42nd Street NW and 43rd Street NW. Since the lot was already developed, its configuration remained unchanged. Ordinance 901 later modified the area's development plan by rezoning most neighboring lots from CA - Commercial to R7 - Residential or RM - Residential. Previously used as a commercial warehouse, the property was acquired by the Steins in 2024.

The property is roughly 32,000sf in size, and the existing building on this property is roughly 3,600sf in size. The proposed addition would extend the building further west.

Zone Change

The requested zone change would place the property in the R7 - Residential district which is similar to the zoning of properties to the south and west. It would permit the residential use of the property and associated accessory uses.

Adjacent Properties Zoning, Land Use, and Future Land Use

Staff Recommendation: Planning staff recommends approval of the request.
Page 2 of 3

Adjacent properties to the west and south are zoned R7 - Residential and are used as single-unit detached residences. The adjacent properties to the east and north are zoned RM - Residential and are similarly used as single-unit detached residences. The proposed re-zoning to R7 - Residential aligns with the future land use plan recommendation of low-density residential land use on this property.

Additional Information and Public Outreach

- The application and fee of \$600.00 was received on February 21, 2025.
- This item was published in the Mandan News as required. Thirty-six letters were sent to adjacent property owners on March 6, 2025.
- As of the drafting of this agenda document, no comments have been received by the City.

Staff Comments

Although the Land Use Plan initially designates residential use for this property in broad terms, Goal 1 of the City's Future Land Use Plan emphasizes promoting a well-planned community that balances land uses and expands services. This goal includes a policy to establish neighborhood commercial centers that offer goods and services to the surrounding area. Given its location, this property has the potential to eventually serve as a convenient hub for such services in the neighborhood.

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 consistent with the Future Land Use Plan/Map, 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. Images
3. Location Map

FISCAL IMPACT:

Planning & Zoning Commission
Agenda Documentation
March 24, 2025
Subject: Consider Developers West Acres 2nd Add. Zone Change

Staff Recommendation: Planning staff recommends approval of the request.
Page 3 of 3

N/A

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

Planning Staff recommends approval of the zone change to R7 - Residential.

SUGGESTED MOTION:

I move to recommend approval of the zone change to R7 - Residential.

CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☒ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ 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)	
Summary of Request (Add separate sheet(s) as necessary)	
Change zoning from CA-Neighborhood Commercial to R-7.	

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name Delton D. & Terrie L. Stein		
Address 4215 Old Red Trail NW			Address 712 16th Avenue NW		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email delton@csdoors.net		
Phone 701-595-2079		Fax	Phone 701-527-4527		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	CA	R7	Developers West Acres 2nd Zoning
Property Address 3801 43rd Street NW, Mandan, ND 58554				Legal Description Lot 9, Block 1 in		
Current Use Shop				Developers West Acres 2nd Addition		
Proposed Use Shop with living quarters.				Section 17 Township 139 Range 81		
Parcel Size 0.74 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

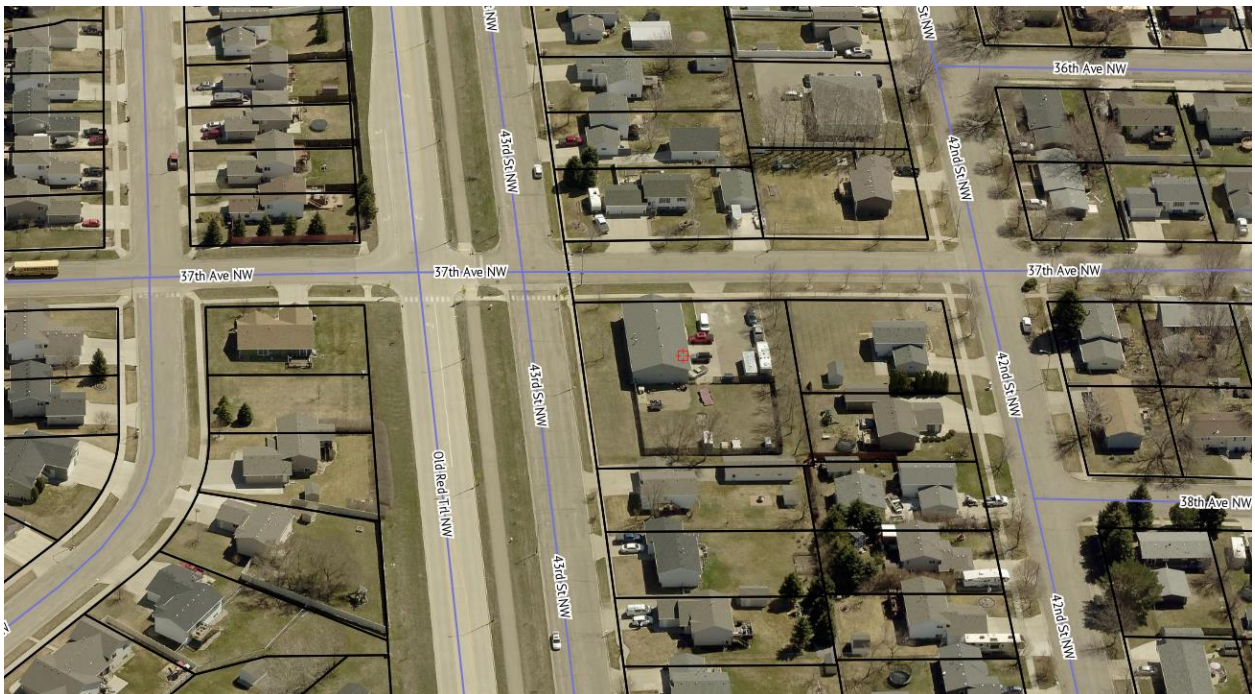
Print Name Delton Stein Terrie Stein	Signature <i>Delton Stein</i>	Date 2-21-25
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 600	Date 2-21-2025
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			

IMAGES



Oblique view of subject property from east



Oblique view of subject property from west

IMAGES



View of subject property from northeast, looking southwest



View of subject property from south, looking northwest



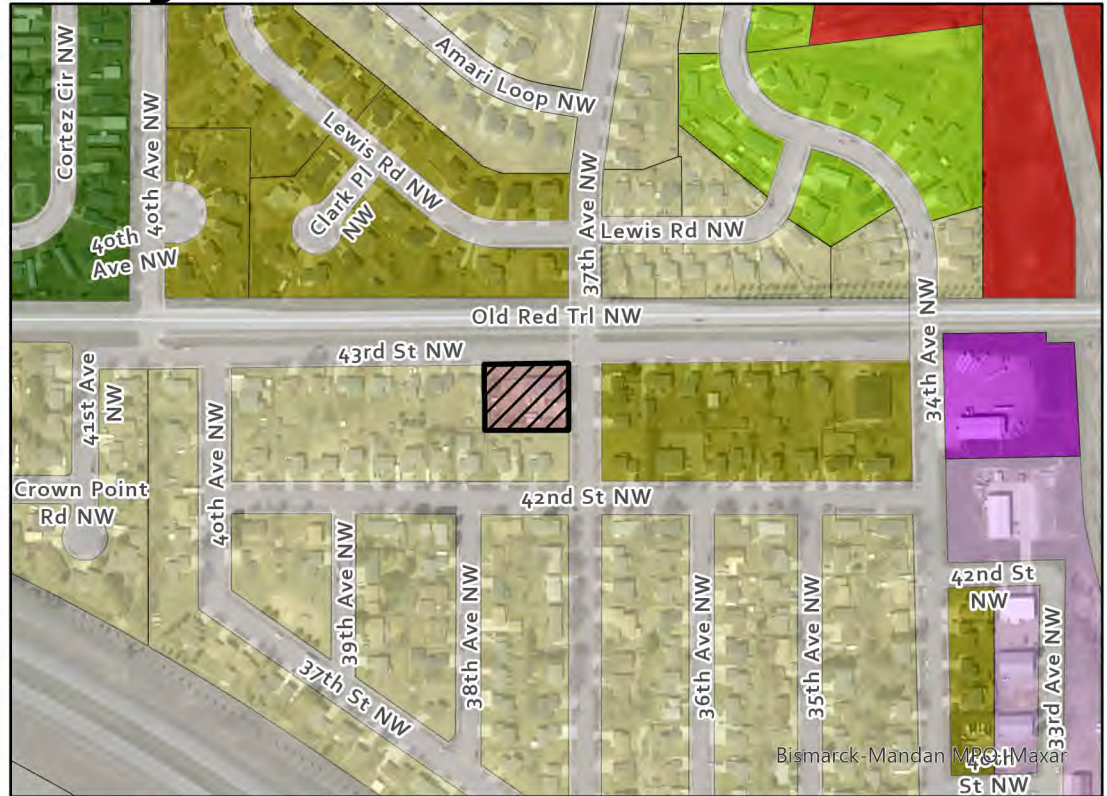
Zoning and Future Land Use Reference Map

Lot 9, Block 1, Developers West

Zoning

Zoning Map Key

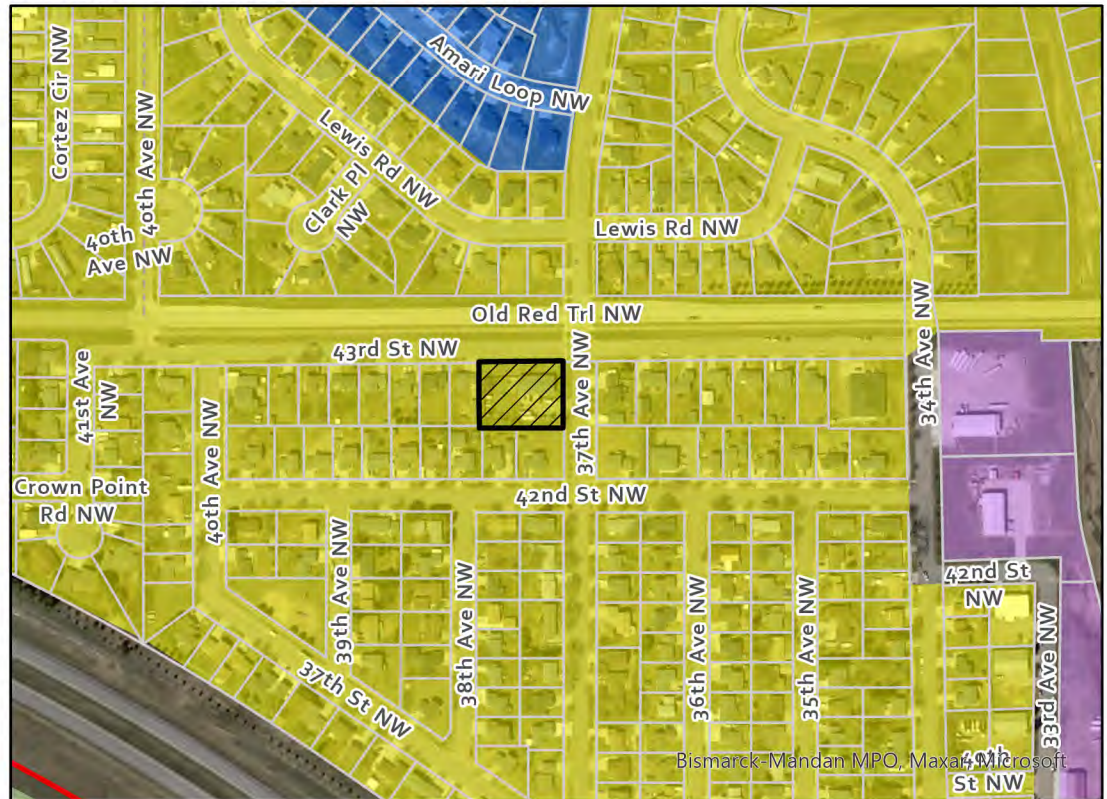
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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
- March '25 Planning Activities



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
- Planning Activities

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: March 24, 2025
PREPARATION DATE: March 14, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Final Plat and Zone Change for MDU Addition.

STATEMENT/PURPOSE:

Consider Final Plat and Zone Change for MDU Addition.

BACKGROUND/ALTERNATIVES:

Montana-Dakota Utilities (MDU) requests approval of a final plat and a zone change from A – Agriculture to CB – Commercial for the MDU Addition. The property is located in the northernmost section of Mandan's Extraterritorial Area (ETA), east of Highway 1806 and south of County 37th Street.

Request Overview

The request aims to finalize the platting of the MDU Addition by consolidating multiple auditor's lots into two platted lots. Lot 1, an 11.28-acre parcel, will be designated for the MDU Lineman Training Center and rezoned to CB – Commercial, which permits educational and workforce training uses. Lot 2, encompassing 100.22 acres, includes multiple easements and a major electrical substation. Lot 2 will retain its A – Agriculture zoning, with no further development planned at this time. Following approval and completion of the development review process, MDU will commence construction of the Lineman Training Facility. Attachments provide renderings of the proposed structure which is proposed for the west side of Lot 1 and will be 13,584sf in size.

Property History

The property has historically hosted electrical transmission facilities related to the RM Heskett Station, located south of the site. Prior to 2009, the land was used as a tilled agricultural field with major electrical transmission lines crossing it.

In 2010, a substation was built in the center of the property, spanning multiple lots. In 2021, MDU developed an outdoor linemen training facility on the northern portion of the

Staff Recommendation: Planning staff recommends approval of the request.
Page 2 of 4

property, adjacent to 37th Street.

Staff understands that the City's Land Use Plan recommendation for open space is largely influenced by the significant presence of electrical transmission infrastructure on the site, which restricts conventional development. The proposed training facility aligns with the existing land use, and the planned buildings will incorporate materials similar to those found in the surrounding area.

Final Plat Details

The final plat encompasses 113.57 acres and includes two lots within a single block:

- Lot 1: 11.28 acres designated for the lineman training center, which will be zoned CB – Commercial.
- Lot 2: 100.22 acres that will remain zoned A – Agriculture, containing multiple utility easements and a major electrical substation.

The plat dedicates 2.07 acres of right-of-way (ROW), including a 50-foot ROW dedication from the centerline of 37th Street, aligning with ROW dedications for neighboring subdivisions to the west. It also identifies major and minor utility transmission easements for various electrical utilities and includes a Morton County Water Resource District easement. Utility lines and easements affecting Lot 1 are for the existing training center.

Zone Change Request

The property is currently zoned A – Agriculture. Following a thorough evaluation, staff has determined that the CB – Commercial zoning district is the most appropriate classification for the proposed training facility. The CB district provides the necessary entitlements for the training center while avoiding industrial uses that could negatively affect nearby residential areas. Additionally, the CB zoning serves as a logical extension of the existing commercial zoning immediately to the west.

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 final plat application and fee of \$400.00 was received on February 21, 2025.

Staff Recommendation: Planning staff recommends approval of the request.
Page 3 of 4

- The zone change application and fee of \$600.00 was received on December 26, 2024.
- This item was published in the Mandan News as required. Twenty-seven letters were sent to adjacent property owners on March 7, 2025.

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. Zone Change Application
2. Final Plat Application
3. 24084 MDU Addition Final Plat

Staff Recommendation: Planning staff recommends approval of the request.
Page 4 of 4

4. Northeast view of Training Facility
5. Southeast view of Training Facility
6. Site Plan
7. 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 MDU Addition Final Plat and the zone change request from A - Agriculture to CB - Commercial for Lot 1, Block 1 of MDU Addition.

SUGGESTED MOTION:

I move to recommend approval of the final plat for MDU Addition and the zone change from A - Agriculture to CB - Commercial for Lot 1, Block 1.

CITY OF MANDAN		
Development Review Application		
☐	Minor Plat (\$300)	☒ Zone Change (\$600)
☐	Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☒	Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐	Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐	Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐	Final Plat more than 40 lots (\$700)	☐ 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)	
Summary of Request (Add separate sheet(s) as necessary)		
Create 2 lots for construction of MDU Training Facility		

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name Montana Dakota Utilities, Inc.		
Address 4215 Old Red Trail NW			Address PO Box 5650		
City Mandan	State ND	Zip 58554	City Bismarck	State ND	Zip 58506
email mark@ilsurveynd.com			email		
Phone 701-595-2079		Fax	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
☐ City	☒ ETA	☐ New	☒ Addition	AG		MDU Addition	
Property Address				Legal Description			
2806 37th Street, Mandan, ND				Auditor Lot "H" in the Northwest Quarter and			
Current Use							
Agriculture				Part of the Northwest Quarter of			
Proposed Use							
Training Facility				Section 10	Township 139	Range 81	
Parcel Size 113.57 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name Scott Obritsch	Signature <i>Scott M. Obritsch</i>	Date 12/19/2024
------------------------------	---------------------------------------	--------------------

Office Use Only			
Date Received: 12-26-24	Initials: AS	Fees Paid: \$ 1,050	Date: 12-26-24
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			

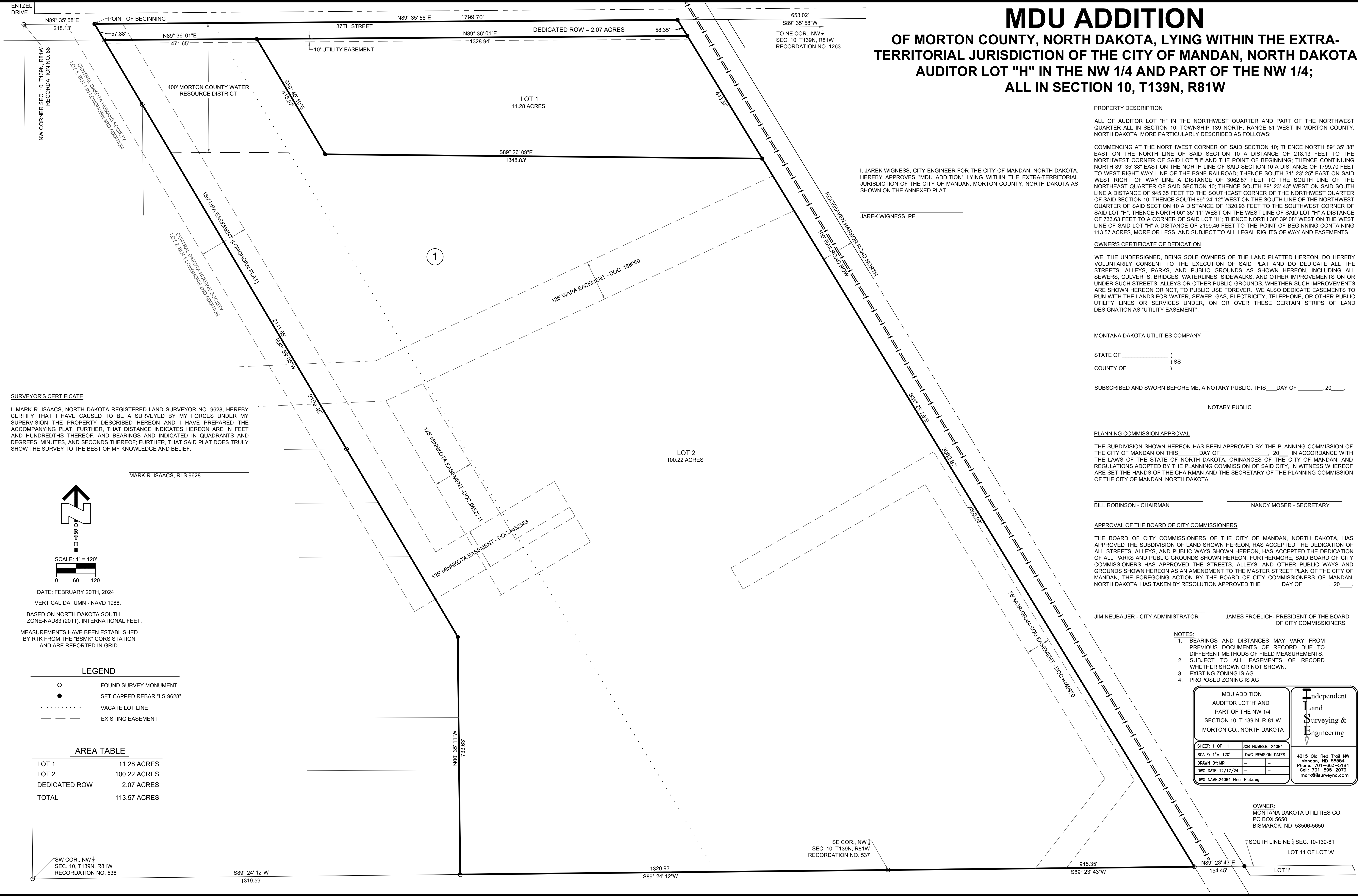
CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☐ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☒ Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ 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)	
Summary of Request (Add separate sheet(s) as necessary)	
Create 2 lots for construction of MDU Training Facility	

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name Montana Dakota Utilities, Inc.		
Address 4215 Old Red Trail NW			Address PO Box 5650		
City Mandan	State ND	Zip 58554	City Bismarck	State ND	Zip 58506
email 255-7727 mark@ilsurveynd.com			email (nathan@northwestcontracting.com)		
Phone 701-595-2079		Fax	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☐ City	☒ ETA	☐ New	☒ Addition	AG		MDU Addition
Property Address				Legal Description		
2806 37th Street, Mandan, ND				Auditor Lot "H" in the Northwest Quarter and		
Current Use						
Agriculture				Part of the Northwest Quarter of		
Proposed Use						
Training Facility				Section 10	Township 139	Range 81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
113.57 Acres						

Print Name Scott Obritsch	Signature <i>Scott M. Obritsch</i>	Date 02/20/2025
------------------------------	---------------------------------------	--------------------

Office Use Only			
Date Received:	Initials: <i>YM</i>	Fees Paid: \$ <i>400</i>	Date <i>2-21-2025</i>
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			



MDU ADDITION

OF MORTON COUNTY, NORTH DAKOTA, LYING WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, NORTH DAKOTA

AUDITOR LOT "H" IN THE NW 1/4 AND PART OF THE NW 1/4; ALL IN SECTION 10, T139N, R81W

PROPERTY DESCRIPTION

ALL OF AUDITOR LOT "H" IN THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER ALL IN SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST IN MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 89° 35' 38" EAST ON THE NORTH LINE OF SAID SECTION 10 A DISTANCE OF 218.13 FEET TO THE NORTHWEST CORNER OF SAID LOT "H" AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89° 35' 38" EAST ON THE NORTH LINE OF SAID SECTION 10 A DISTANCE OF 1799.70 FEET TO WEST RIGHT WAY LINE OF THE BSNF RAILROAD; THENCE SOUTH 31° 23' 25" EAST ON SAID WEST RIGHT OF WAY LINE A DISTANCE OF 3062.87 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE SOUTH 89° 23' 43" WEST ON SAID SOUTH LINE A DISTANCE OF 945.35 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 89° 24' 12" WEST ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 1320.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT "H"; THENCE NORTH 00° 35' 11" WEST ON THE WEST LINE OF SAID LOT "H" A DISTANCE OF 733.63 FEET TO A CORNER OF SAID LOT "H"; THENCE NORTH 30° 39' 08" WEST ON THE WEST LINE OF SAID LOT "H" A DISTANCE OF 2199.46 FEET TO THE POINT OF BEGINNING CONTAINING 113.57 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

MONTANA DAKOTA UTILITIES COMPANY

STATE OF _____)
COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 20____.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORINANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN _____ NANCY MOSER - SECRETARY _____

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 HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON, 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 MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20____.

JIM NEUBAUER - CITY ADMINISTRATOR _____ JAMES FROELICH- PRESIDENT OF THE BOARD OF CITY COMMISSIONERS _____

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING IS AG
4. PROPOSED ZONING IS AG

MDU ADDITION
AUDITOR LOT 'H' AND
PART OF THE NW 1/4
SECTION 10, T-139-N, R-81-W
MORTON CO., NORTH DAKOTA

SHEET: 1 OF 1
SCALE: 1"= 120'
DRAWN BY: MRI
DWG DATE: 12/17/24
DWG NAME: 24084 Final Plat.dwg

JOB NUMBER: 24084
DWG REVISION DATES
- -
- -
- -

Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@isurveynd.com

OWNER:
MONTANA DAKOTA UTILITIES CO.
PO BOX 5650
BISMARCK, ND 58506-5650

SOUTH LINE NE ¼ SEC. 10-139-81
LOT 11 OF LOT 'A'

LOT 'I'

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628



SCALE: 1" = 120'

DATE: FEBRUARY 20TH, 2024
VERTICAL DATUMN - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- VACATE LOT LINE
- EXISTING EASEMENT

AREA TABLE

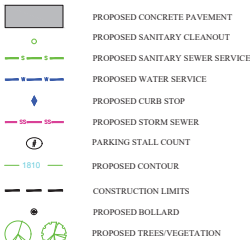
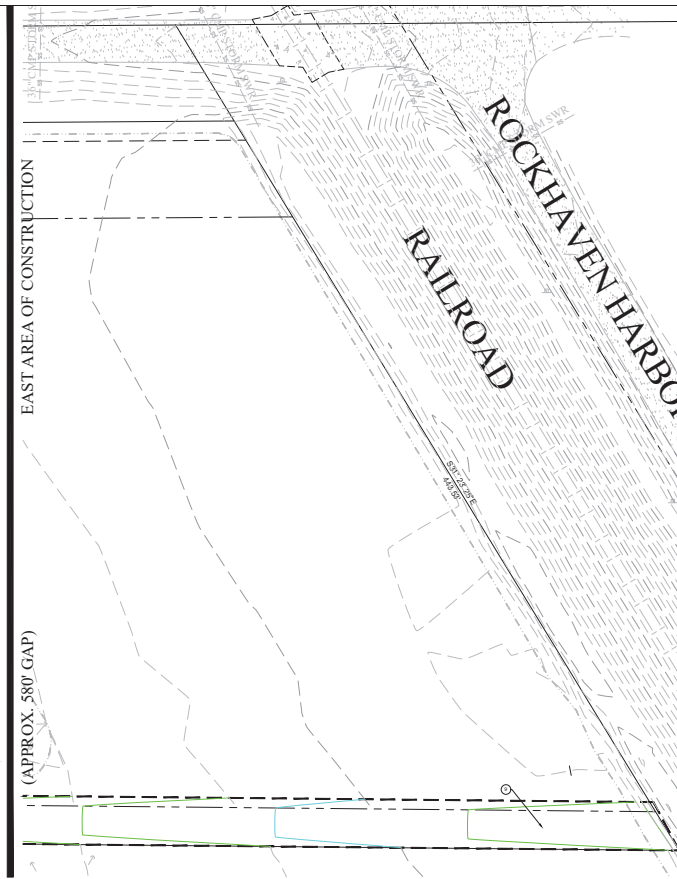
LOT 1	11.28 ACRES
LOT 2	100.22 ACRES
DEDICATED ROW	2.07 ACRES
TOTAL	113.57 ACRES

SW COR., NW ¼
SEC. 10, T139N, R81W
RECORDATION NO. 536

SE COR., NW ¼
SEC. 10, T139N, R81W
RECORDATION NO. 537







Page 25 of 42



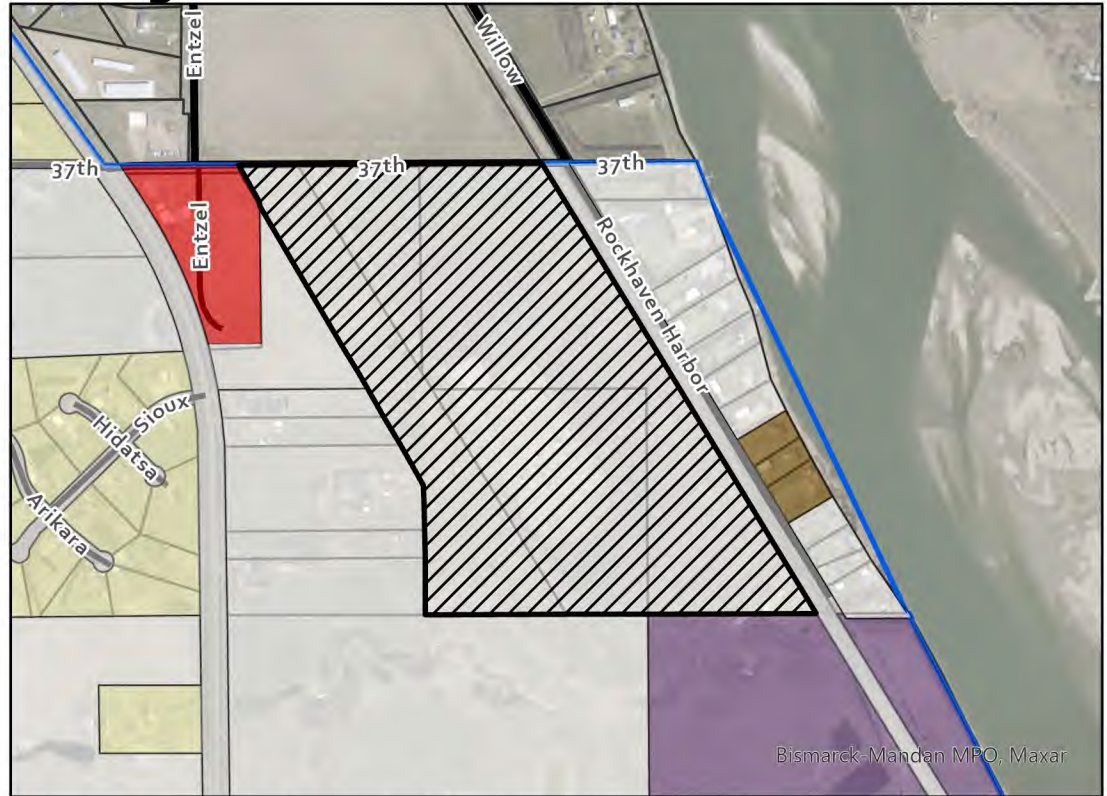
Zoning and Future Land Use Reference Map

MDU Addition

Zoning Map Key

- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light Industrial Transition | R7 - Residential Single Family |
| DC - Downtown Core | RH - Residential Mobile Home Park |
| DF - Downtown Fringe | RM - Residential Multi-family Dwellings |
| Industrial - Morton County | RMH - Residential Mobile Home Subdivision |
| LSMHS - Trailer Park Subdivision | Residential - County Residential Zoning |
| MA - Heavy Commercial/Light Industrial | ROW - Right-of-Way |
| MB - Heavy Commercial/Heavy Industrial | City Limits |
| MC - Heavy Commercial/Light Industrial Restricted | ETA Line |
| | January '25 Planning Activities |

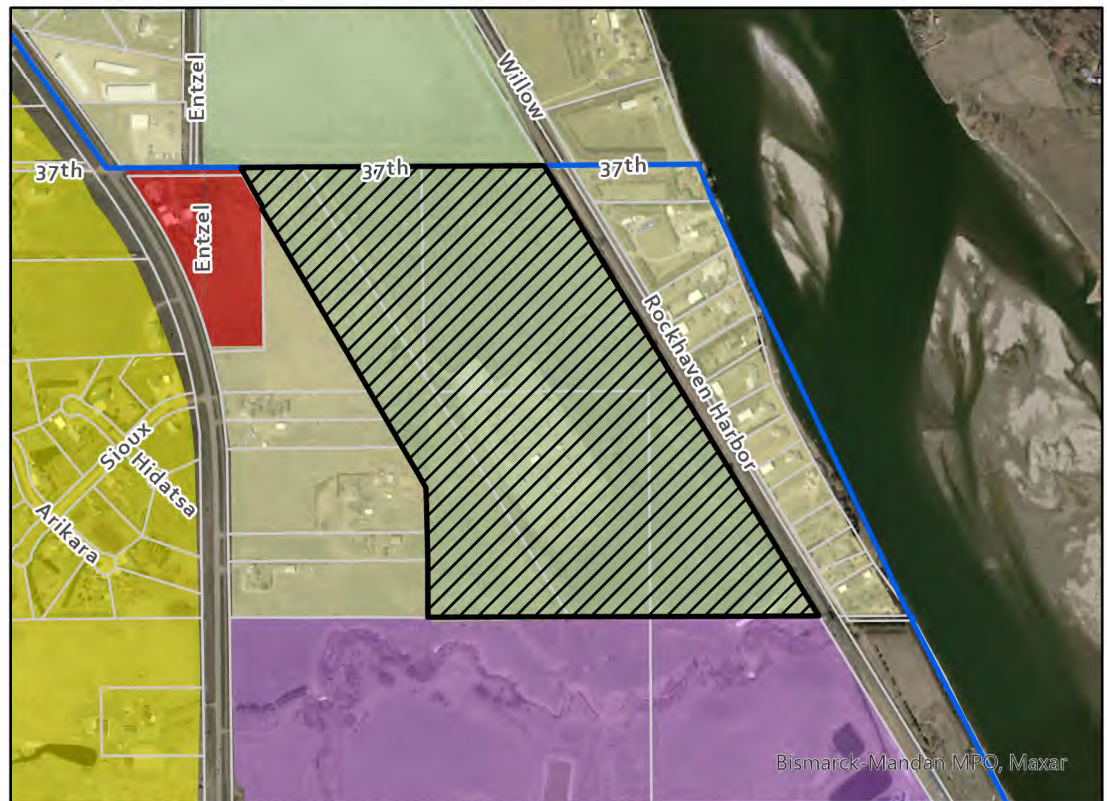
Zoning



Future Land Use Plan Key

- | |
|---------------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| January '25 Planning Activities |

Future Land Use Plan





Planning & Zoning Commission

Agenda Documentation

MEETING DATE: March 24, 2025
PREPARATION DATE: March 17, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a variance for Lot 2, Block 1, North Prairie Subdivision Replat

STATEMENT/PURPOSE:

Consider a variance for Lot 2, Block 1, North Prairie Subdivision Replat

BACKGROUND/ALTERNATIVES:

Cheydan Gordon requests consideration of a variance to Section 105-1-3 (4) of the City Code of Ordinances related to the size of accessory buildings in the R7 – Residential zoning district. The property is located in the extraterritorial area north of Mandan, south of 37th Street NW, west of Highland Rd.

History and Request Overview:

In 2023, the Planning & Zoning Commission recommended approval of a variance request allowing the applicant to construct an 8,000 square foot accessory building, exceeding the maximum allowed size for accessory buildings in the R7 – Residential zoning district, which is based on the size of the home it is accessory to.

The home on the property is ~6,200sf in size. The applicant now seeks permission to increase the square footage of accessory buildings on the property to 11,000 to permit both the 8,000sf shop and a newly-desired 3,000sf cold storage building.

Requested Variance:

The applicant's current request would substantially increase the total accessory building space on the property. While the original request sought an increase from the previously-allowable ~4,800 square feet to 8,000 square feet, the updated request would result in a cumulative accessory building total of 11,000 square feet — which is ~6,380sf larger than what is allowed by zoning (pending final finished square footage of the home).

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

Page 2 of 4

Adjustment of Site Planning/Ghost Plat

The original variance allowed the 8,000-square-foot structure, which would have been placed along the northern property line. The applicant now proposes to locate both the 8,000 square foot accessory building and the 3,000-square-foot cold storage building on the south side of the property, adjacent to the existing 3,000-square-foot shop.

The "ghost plat", which is intended to reserve areas for future development, includes both a five-acre tract of land west of the building/home site and a 100' corridor reservation for an eventual public road connecting development to the south with the future Beltway to the north. It would be supplemented by an updated development agreement if the Commission chooses to grant the variance.

Relevant Plans and Studies

The property remains in a key growth area, as identified in the following plans:

- Mandan Land Use and Transportation Plan
- Mandan Morton Fringe Area Road Masterplan
- Regional Beltway Study

These studies prioritize urban single-family residential development in this area, with a preferred minimum density of three dwelling units per acre. Additionally, this area is part of the future alignment for a collector roadway, intended to connect Old Red Trail to the planned Beltway/Northern Bridge Corridor. The applicants' existing and proposed land uses are significant departures from what the City has planned for this area and may disrupt orderly growth and development in this part of Mandan.

Impact on Growth and Development

Permitting the construction of multiple large accessory structures of this scale in a prime urban growth area introduces the risk of disorderly urban development by encouraging rural-style land use patterns. Such low-density, rural-style development can contribute to fragmented infrastructure, increased service costs, and inefficient land use. The City is going to continue growing to the northwest, and this area will not be rural in nature.

Adjacent Properties Zoning, Land Use and Future Land Use

The properties surrounding this property are zoned R7 – Residential and MA – Industrial. The future land use plan identifies this area for low-density residential and for commercial uses along the beltway corridor. Existing land uses are rural residential, vacant, a laydown yard and a shop. The property is roughly 1/3 mile from Red Trail Elementary School.

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

Page 3 of 4

Additional Information and Public Outreach

- Application and fee of \$400 was received on February 21, 2025.
- Letters were sent to 6 adjacent property owners.

Findings of Fact Zoning Variance

1. The need for a variance **is not based on special circumstances or conditions unique to the specific parcel of land** involved that are not generally applicable to other properties in this area or within the CB - Commercial / Gateway Overlay districts.
2. The hardship **is not caused by** the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance **would not deprive** the property owner of the reasonable use of the property.
4. The requested variance **is not the minimum variance** that would accomplish the relief sought by the applicant.
5. The granting of the variance **is not in harmony** with the general purposes and intent of the Zoning Ordinance.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Ghost Plat
4. Applicable Ordinance
5. Relevant Plans and Studies
6. FARMP Alignment
7. Images
8. Location Map
9. Variance Process Overview

FISCAL IMPACT:

N/A

STAFF IMPACT:

Significant staff time has gone into the review of this project between previous and

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

Page 4 of 4

current requests.

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet

RECOMMENDATION:

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

A motion to approve or grant this variance should be contingent upon an updated agreement or instrument that can be recorded against the property to reserve future development area and right-of-way for the N/S collector roadway identified in planning documents to the satisfaction of City Staff and the Bis-Man MPO.

SUGGESTED MOTION:

Move to recommend approval of the variance from Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district to permit the variance request (up to 11,000sf of accessory structure square footage configured in two buildings) due to the following hardship: **[PZ Commissioner to identify/fill in the blank]** and to modify the following Staff finding(s) of fact.

- Recommended: The Commission should require as a contingency of approval that an agreement or instrument be recorded to reserve future development space and right-of-way for the collector roadway identified in planning documents.

Move to recommend denial of the variance from Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district and accept the findings of fact due to no hardship being identified.

- This motion would permit the previously-approved 8,000sf accessory building to be constructed but not permit any additional square footage of accessory structures.

Due: 2/21/25

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) 50 x 60 x 16 post frame building not heated	

Engineer/Surveyor			Property Owner or Applicant		
Name <i>Independent Land Surveying Mark Isaacs</i>			Name <i>Cheydan Gordon</i>		
Address <i>4215 Old Red Trail</i>			Address <i>5721 Highland Rd</i>		
City <i>Mandan</i>	State <i>ND</i>	Zip <i>58554</i>	City <i>Mandan</i>	State <i>ND</i>	Zip <i>58554</i>
email <i>mark@isurveynd.com</i>			email <i>krichtine@yahoo.com</i>		
Phone <i>701 595 2079</i>		Fax	Phone <i>701 425 9915</i>		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	☒ New	☐ Addition			<i>Gordon out Building</i>
Property Address				Legal Description		
<i>5721 Highland Rd Mandan, ND 58554</i>				<i>Lot 2 Block 1 North Prairie</i>		
Current Use				<i>Sub division replat</i>		
Proposed Use						
				Section <i>8</i>	Township <i>139</i>	Range <i>81</i>
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
<i>10 acres</i>	<i>50 x 60 x 16</i>	<i>1</i>	<i>3000</i>			

Print Name <i>Cheydan Gordon</i>	Signature 	Date <i>2/21/25</i>
-------------------------------------	---	------------------------

Office Use Only			
Date Received:	Initials: <i>Ym</i>	Fees Paid: <i>\$400</i>	Date <i>2-21-2025</i>
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

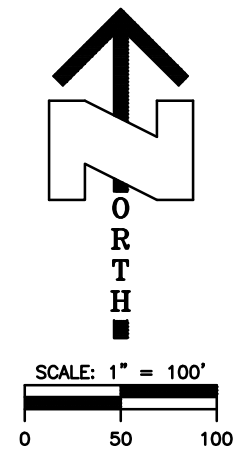
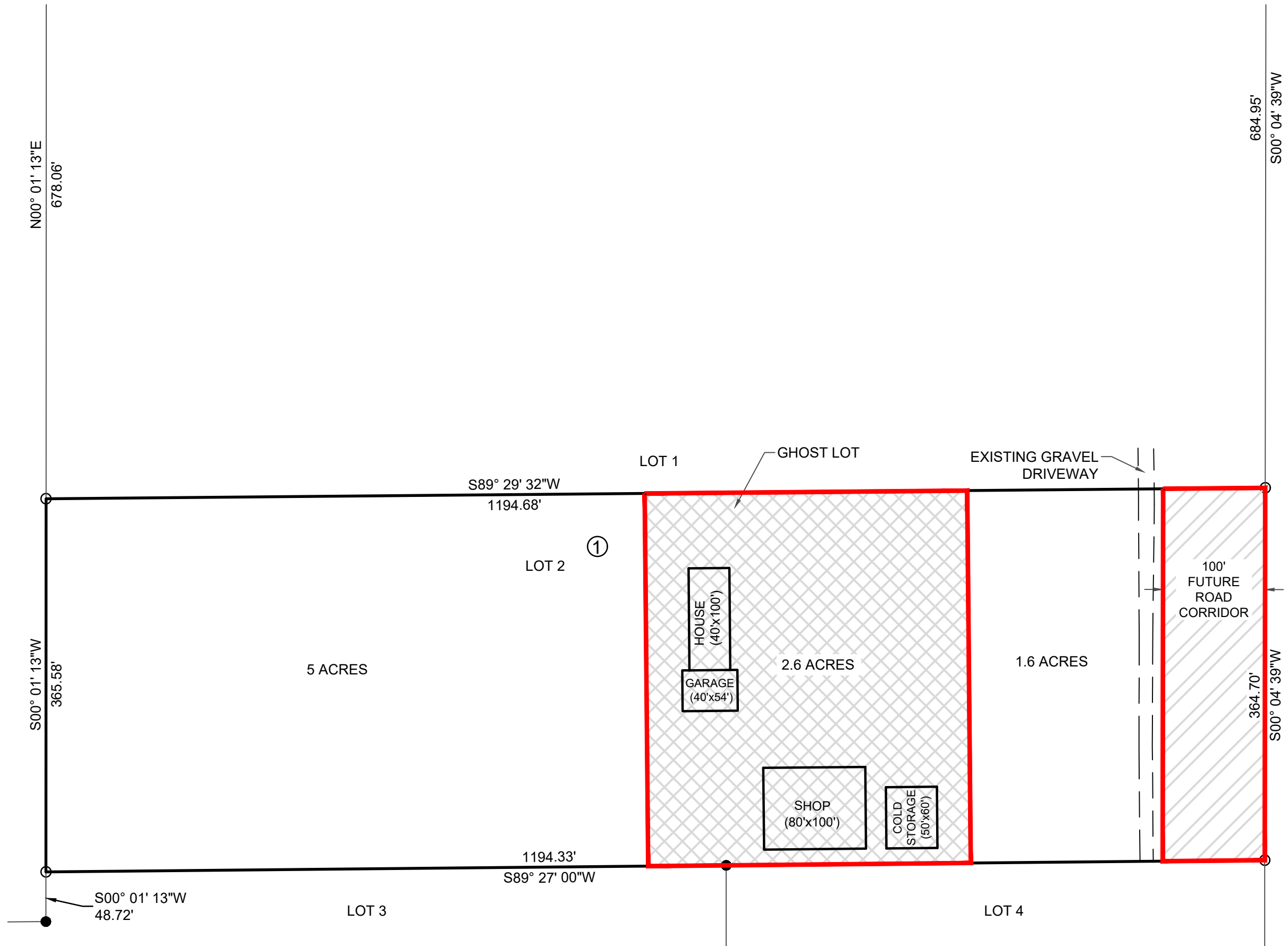
Additional Submittals

Variance

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

1. The circumstances or conditions applying to the land or buildings for which the variance is sought *Zoned R7 Even though we have 50 acres*
2. How the applicant is deprived of a reasonable use of said land or building;
we own over 100 acres in the adjoining or relative areas of the property. Several adjacent property's have multiple said building in the area or more than two.
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and *we have a private rd not maintained by city or county you have to access private property in order to get to current property*
4. The minimum variance that will accomplish the relief sought. *50 x 10 x 16 Post frame*

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



BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BSMK" CORS
STATION AND ARE REPORTED IN GRID.

CHEYDAN GORDON LOT SURVEY		I ndependent L and S urveying & E ngineering
LOT 2, BLOCK 1		
NORTH PRAIRIE SUBDIVISION		
MANDAN, ND		
SHEET: 1 OF 1	JOB NUMBER: 23057	4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-863-5184 Cell: 701-595-2079 mark@ilsurveynd.com
SCALE: 1"= 100'	DWG REVISION DATES	
DRAWN BY: MRI	2/20/25 -	
DWG DATE: 6/9/23	-	
DWG NAME: 23057 Ghost Plat.dwg		

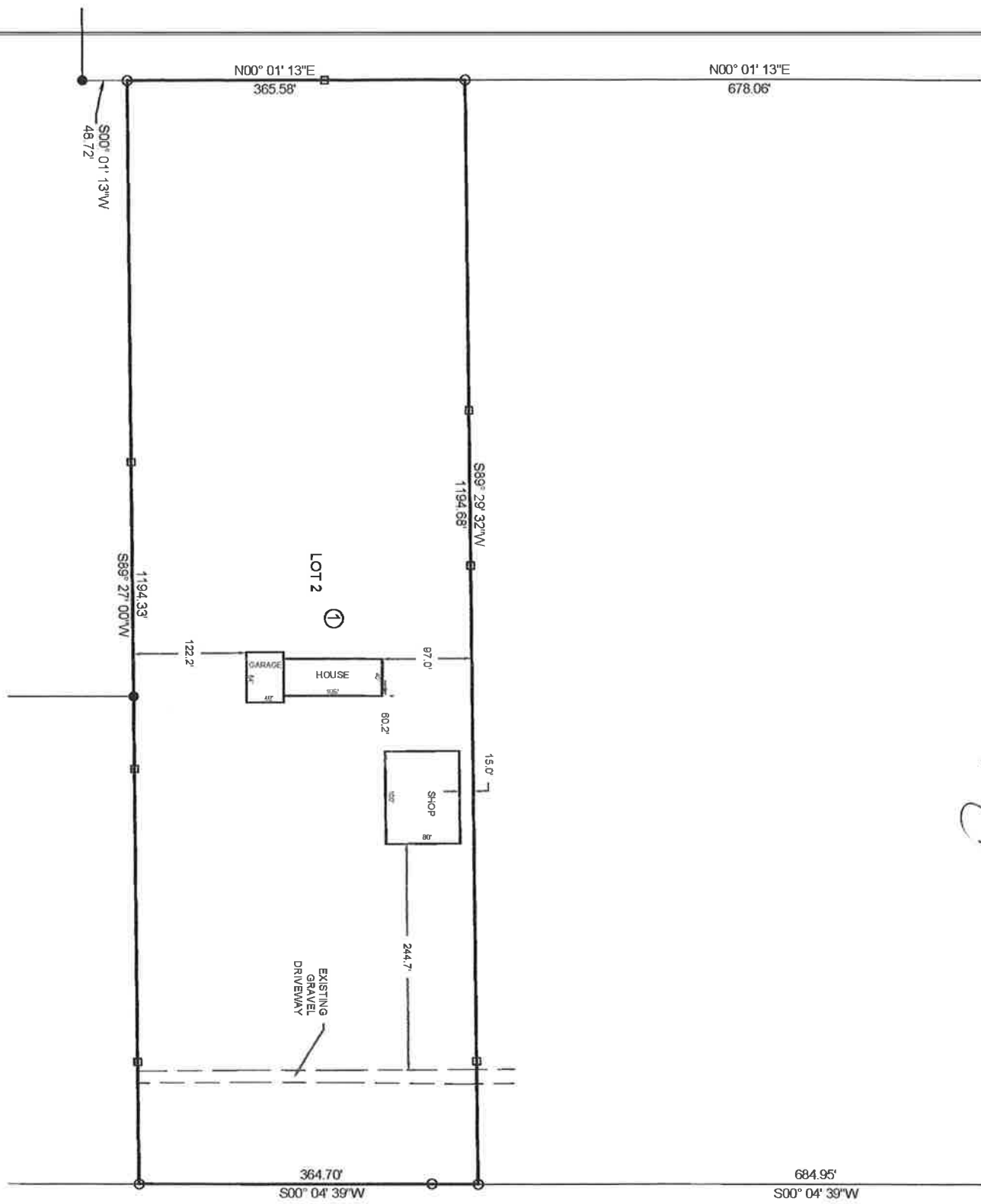
Sec. 105-1-3. Incidental uses.

The uses of land and buildings permitted in the several districts established by this chapter are designed by listing the principal uses permitted. In addition to such principal uses, it is the intent of this chapter and this section to permit, in each district, those uses customarily incidental to any principal use permitted in the district. Such permitted incidental uses are specifically listed as follows, and any listed use is permitted on the same lot with the principal use to which it is incidental:

(4) *Accessory structures.*

- g. *Size.* For R3.2, R4, R7, RH and RMH districts, the total square footage of all accessory buildings may not exceed ten percent of the lot area and the maximum size of any accessory building shall be no greater than 75 percent the size of the primary structure on the lot. For RM, CA, and CB and CC districts, the total square footage of all accessory buildings may not exceed 20 percent of the lot area.

Highland Rd



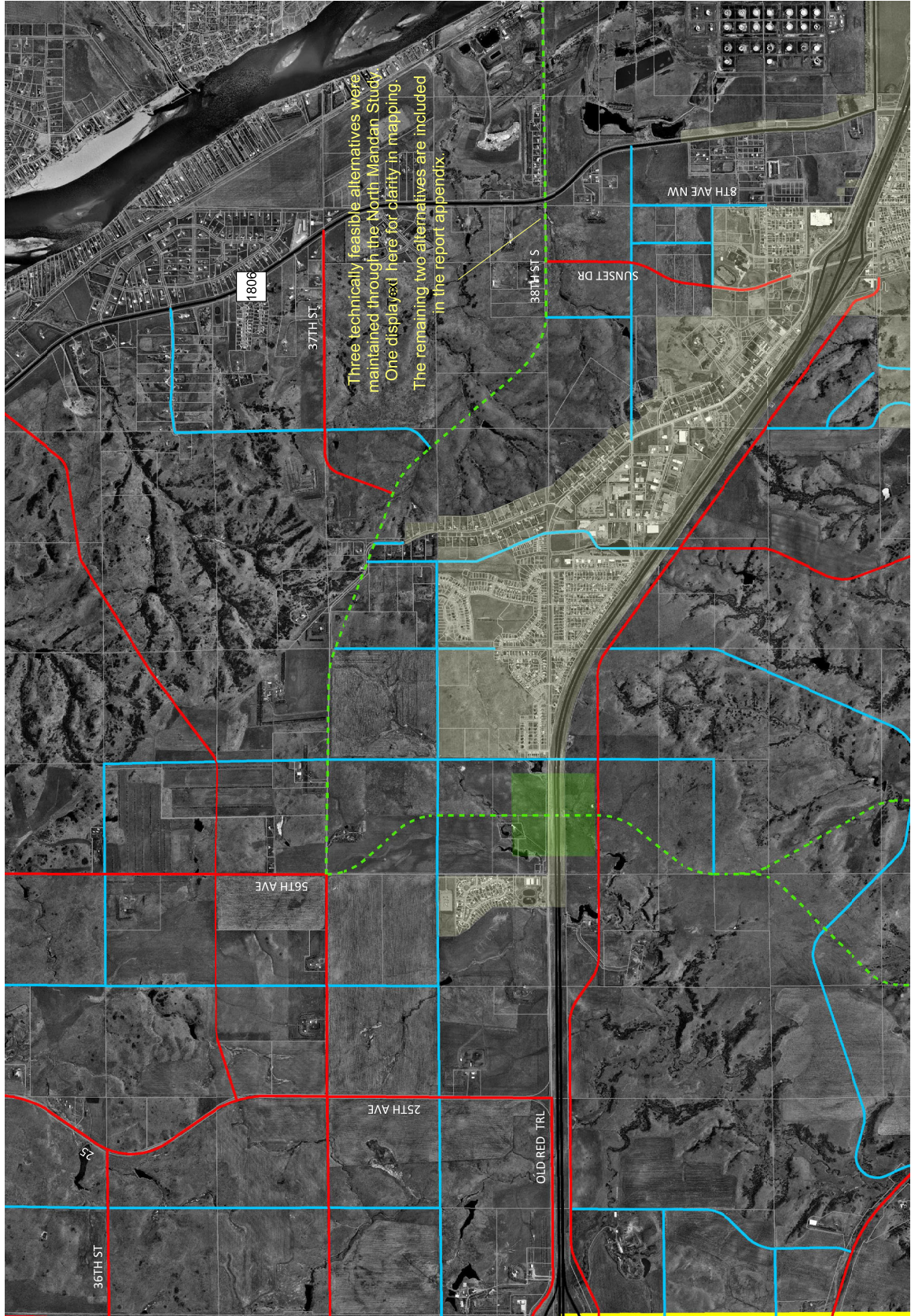
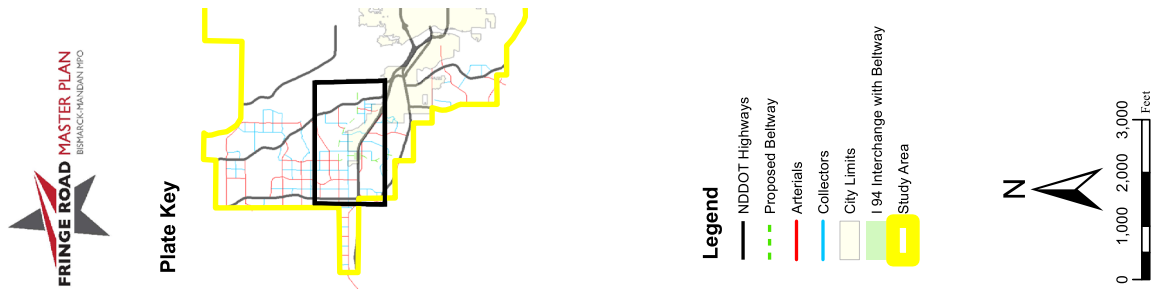
BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BSM" CORN
STATION AND ARE REPORTED IN GRID.



LEGEND

- FOUND SURVEY MONUMENT
- SET 1/2" CAPPED REBAR "LS-9628"
- ✕ EXISTING FENCE
- (R) RECORD DEED MEASUREMENT
- SET WOOD STAKE

CERTAIN GORDON LOT SURVEY LOT 2, BLOCK 1 NORTH PALMER SUBDIVISION MANLY, ND		Independent Surveying & Engineering
SHEET 1 OF 1 SCALE 1" = 100' DRAWN BY: JMS DATE: 4/13/23 JOB NO: 22087	JOB NUMBER: 22087 DATE: 4/13/23 JOB NO: 22087	4115 Old Hwy 100 NE PO Box 201-202-203 58101-0201 701-281-2019 info@jmsurvey.com



Images





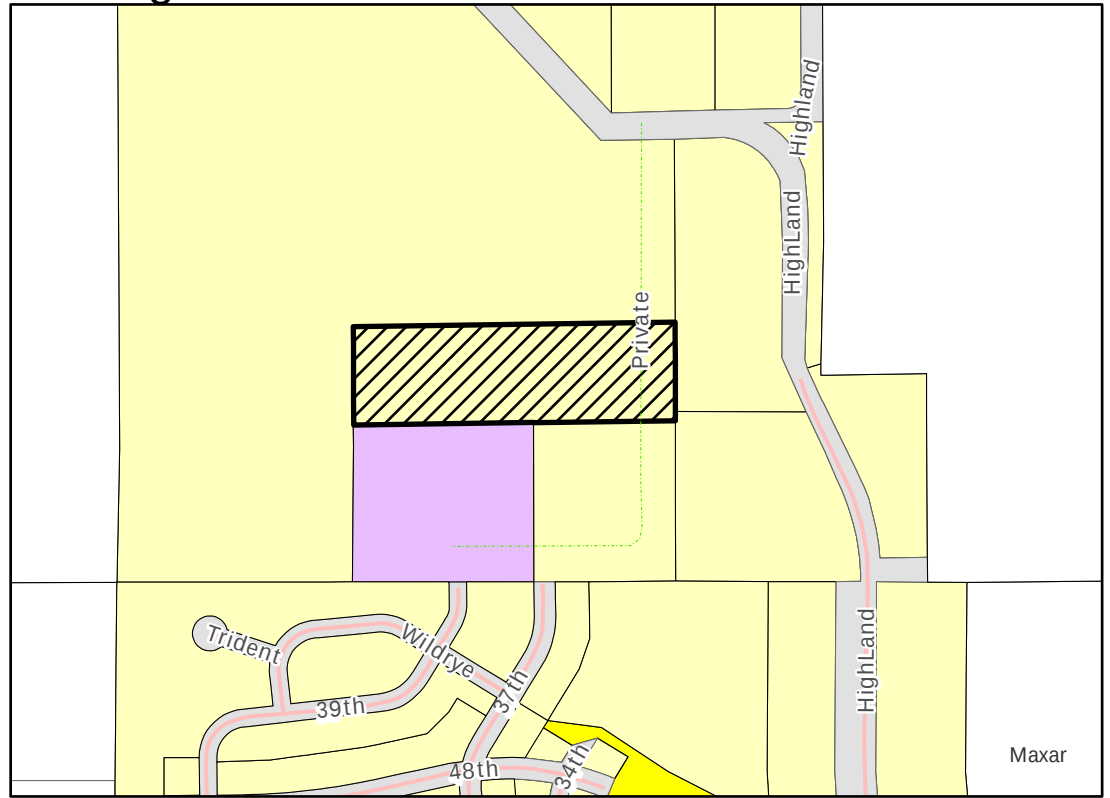
Zoning and Future Land Use Reference Map

Lot 2, Block 1, North Prairie Subdivision Replat

Zoning

Zoning Map Key

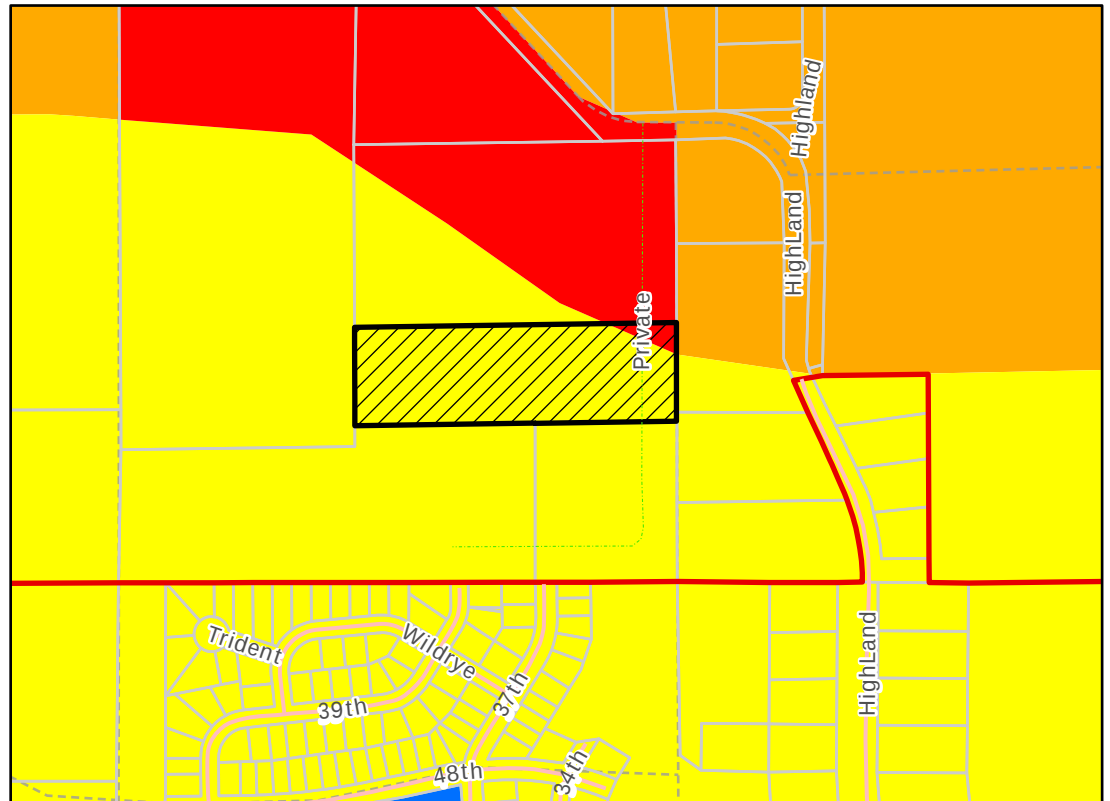
- | | |
|--|--|
| Agriculture - City of Mandan | MD - Heavy Commercial/ Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light Industrial Transition | R7 - Residential Single Family |
| DC - Downtown Core | RH - Residential Mobile Home Park |
| DF - Downtown Fringe | RM - Residential Multi-family Dwellings |
| Industrial - Morton County | RMH - Residential Mobile Home Subdivision |
| LSMHS - Trailer Park Subdivision | Residential - County Residential Zoning |
| MA - Heavy Commercial/ Light Industrial | ROW - Right-of-Way |
| MB - Heavy Commercial/ Heavy Industrial | 06-Township Gravel |
| MC - Heavy Commercial/ Light Industrial Restricted | 09-City Secondary Streets |
| | 13-Private Rd |



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 |
| Future Roadway Alignment |
| City Limits |
| ETA Line |
| August Planning Activities |
| 06-Township Gravel |
| 09-City Secondary Streets |
| 13-Private Rd |

Future Land Use Plan



City of Mandan
Planning Department
8/9/23

0 0.13 0.25 0.5 Miles



Planning & Zoning

Variance Overview and Review Process

Overview:

The Planning and Zoning Commission considers requests to vary from regulations outlined in the zoning ordinance, and makes a recommendation to the Board of City Commissioners to deny, approve, or approve with conditions. A variance is permission granted by the Board of City Commissioners to waive or alter a requirement in the zoning ordinance. The Board of City Commissioners then chooses to deny, approve, or approve with conditions all requests received.

The intent of zoning regulations is to preserve and protect property use and value, promoting health and general welfare. Zoning regulations are laws, and staff review applications for compliance with these laws. If a project does not meet regulations outlined in the zoning ordinance, it cannot be administratively approved by staff. Property owners may apply to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission and City Commission may find a hardship unique to the property and may grant a variance after findings of fact to support the Board's decision are made.

Hardships can be proven when a special circumstance exists within a property that does not generally apply to other properties. Special circumstances **MUST** involve: "exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition by reason which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case."

Review Process

Staff Reports and Staff Review

Staff Reports for variance requests outline the applicants request, identify sections of the zoning ordinance the applicant is requesting to vary from, and will include a standard list of five findings of fact outlined in the zoning ordinance and a recommendation. A statement of hardship is submitted by the applicant, and supplements the staff report.

The findings of fact included in a staff report are modeled from the zoning ordinance, and are written assuming that none of the findings of fact needed to approve the request can be met. They are written this way because the project cannot be administratively approved by staff, as it does not meet the regulations outlined in the zoning ordinance.

The recommendation included is not specific to an approval or denial of the request, staff has previously determined that the request cannot be administratively approved for failure to meet regulations outlined in

the zoning ordinance. The recommendation is for commissioners to review the staff report, identify a hardship, and to modify the findings of fact as necessary to support the board's motion.

Planning and Zoning Commission Review

For each request for a variance, the Planning and Zoning Commission reviews the request, findings of fact, identifies a hardship and modifies the findings of fact as necessary to support the decision. This should involve amending all the findings of fact.

Findings: Any Variance

To grant a variance, the commission must find that:

1. There are special circumstances or conditions applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood or zoning district.
 - a. **Examples**
 - i. Exceptionally irregular lot
 - ii. Exceptionally narrow lot
 - iii. Exceptionally shallow lot
 - iv. Exceptionally steep lot
 - v. Other exceptional physical condition or
 - vi. Other exceptional topographical condition.
2. By reason of item #1 above, strict application of the zoning ordinance would result in an unnecessary hardship that would deprive the owner of a reasonable use of the land or structure.
3. If #1 and #2 are found, then the Board must also make all of the following additional findings:
 - a. The variance is necessary for the reasonable use of the land or building
 - b. It is the minimum variance that will accomplish the relief for the applicant
 - c. This variance is in harmony with the general purposes and intents of the zoning ordinances, and
 - d. This variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Motion:

Staff includes two proposed motions, one recommending approval of the variance request and another recommending denial of the variance request.

- o Motion to recommend approval of a variance request:
 - This must include an identification of hardship, and modification to the findings of fact.
 - Example: I move to *approve* this variance request from [section of the ordinance] to [applicant's request] **due to the hardship being** [insert unique circumstance of the property].
 - Staff will prompt commissioners to modify the findings of fact.
- o Motion to recommend denial of a variance request:
 - Example: I move to deny this variance request from [section of ordinance] to [insert applicant request] on [lot/property] **due to no hardship being identified**.
 - This would accept the findings of fact staff presented.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: March 24, 2025
PREPARATION DATE: March 20, 2025
SUBMITTING DEPARTMENT:
DEPARTMENT DIRECTOR:
PRESENTER:
SUBJECT:

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

ATTACHMENTS:

None

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:



Planning & Zoning Commission

Agenda Documentation

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FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION: