

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

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

B. CONSIDER APPROVAL OF MINUTES

1. *February 24, 2025 Minutes. Commissioner McLean motioned to approve the February 24, 2025 minutes. Commissioner Smith seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

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

Staff Recommendation: Planning staff recommends approval of the request..
City Principal Planner Stromme presented.

Delton and Terrie Stein requested 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 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 replatted 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

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.
- The notice was published in the Mandan News as required. Thirty-six (36) letters were sent to adjacent property owners on March 6, 2025.

- There have been no comments or opposition 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. Due to the 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.

Planner Stromme recommended approval of the request for Developers West Acres 2nd Addition zone change to R7 Residential.

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 to consider Developers West Acres 2nd Addition Zone Change to R7 Residential.

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 McLean moved to recommend approval of the request for Developers West Acres 2nd Addition Zone Change to R7 Residential. Commissioner Leingang seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Intveld: Yes; Mayor Froelich: Yes;

Smith: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes.
The motion passed.

2. *Consider MDU Addition Final Plat and Zone Change*

Staff Recommendation: Planning staff recommends approval of the request..
City Principal Planner Stromme presented.

Montana-Dakota Utilities (MDU) requested approval of a final plat and a zone change from A – Agriculture to CB – Commercial for the MDU Addition. The property is in the far northern 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. 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 property, adjacent to 37th Street.

Planning Department 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.
- 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 (27) 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;
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 MDU Addition Final Plat and Zone Change request from A - Agriculture to CB - Commercial for Lot 1, Block 1 of MDU Addition. There were no changes from the preliminary plat that was approved by this Commission.

Commissioner Mudder inquired if there will be any major changes made to 37th Street? Planner Stromme replied there will not be any major changes made rather there will be changes made to a section line right of way and the plan for them is to be platted into a future right of way arterial road.

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 request for the MDU Addition Final Plat and Zone Change request from A - Agriculture to CB - Commercial for Lot 1, Block 1 of MDU 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 Smith moved to recommend approval of the request for the MDU Addition Final Plat and Zone Change request from A - Agriculture to CB - Commercial for Lot 1, Block 1 of MDU Addition. Commissioner Mudder seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Intveld: Yes; Mayor Froelich: Yes; Smith: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes. The motion passed.

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..

City Principal Planner Stromme presented.

Cheydan Gordon requested consideration for 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 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 4,800sf to 8,000sf, the updated request would result in a cumulative accessory building total of 11,000sf — which is 6,380sf larger than what is allowed by zoning (pending final finished square footage of the home).

Adjustment of Site Planning/Ghost Plat

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

Additional Information and Public Outreach

- Application and fee of \$400 was received on February 21, 2025.
- Letters were sent to six (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.

Planner Stromme stated that the city Planning Staff recommended 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.

Commissioner Huber inquired if the property is within city limits ETA? Planner Stromme stated that he did not indicate if this property was within the ETA. Commissioner Huber inquired if it might be more appropriate to consider a zone change to all residential, as more fitting in the context of the area that it is located in? Planner Stromme stated that staff is in the development phase of the creation of a rural district. The city does not have one currently so there is no district to put this in. Commissioner Huber inquired what zoning would there be for properties that are adjacent to this along Highland Road as you travel north and west along 37th Street? Planner Stromme stated that most of the properties located in that area are in the R7 District. The analysis performed in the Zoning Study and the city's Future Land Use Plan do not call for rural style development in this area rather it calls for urban or early urban expansion. The rural land use designation would be reserved for areas about one mile out from the city. The city does not have zoning permits nor a planning basis at this time to permit large lot rural style development near the city. Commissioner Huber stated that she resides in this area and is familiar with it and that access is currently not available to the south so it is only accessed from the north off Highland Road as it turns onto 37th Street. It is on a private drive and it is very rural in characteristic in every direction except to the elementary school in this area. She commented that a property owner has acquired adjacent property of about 50 acres. Commissioner Smith stated that he had the same comments regarding the variance that it is de facto zoning rather than just a variance and that sets a bad precedence by the Commission. He said that after reviewing the future land use plan, this property is adjacent to commercial property and as pointed out by Commissioner Huber the tract next to it is a 10 acre tract. He inquired if the applicant has a desire to develop a commercial R7, should the city consider rezoning the property? Planner Stromme explained that at this time the applicant has not shared any solid development

plans for the additional land that they have in this area. His understanding is that part of the purchasing plan is not developing the land and using it for agricultural purposes. Commissioner McLean inquired if anything has been built on that land; Planner Stromme stated that the house has been constructed.

Planner Stromme stated that he has received telephone calls and has been informed that a letter is forthcoming from one of the invited individuals. Chair Robinson inquired if the 8,000 square foot structure been constructed? Planner Stromme stated that the shop nor the accessory building have not been constructed. The biggest change to note would be the placement. There are no developmental plans for the 40 acres. This request does not include any of the corridor, He stated that any future development in this area will involve roads and corridor discussions.

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

Chair Robinson inquired if the rough line shown in one of the photos would be the shop building?

Planner Stromme provided an aerial view explaining the locations of the property layout and structures including the collector road, an extension of 30th Avenue (vs. corridor).

Mark Isaacs, ILSE, came forward and spoke on behalf of the applicant. The applicant purchased the land west of these 10 acres and it runs north to south. The land directly north of these 10 acres is presently owned by Mor-Gran-Sou. In the ghost platting it shows he owns 10 acres currently and that was condensed in the ghost plat usable area into smaller lots. The variance was initially granted for 8,000 sq. ft. The applicant's plans changed due to having to store additional items and that explains why he is requesting additional buildings for cold storage items.

Commissioner Mudder inquired if that area is utilized as urban, will this hurt the value of those lots?

Planner Stromme stated that as urban density develops, so does property value, hence he would not anticipate property reductions. Commissioner McLean inquired if the future off ramp on 56th will be affected? Planner Stromme replied that this property should not affect the interchange.

Chair Robinson provided a second and third invitation to come forward to speak for or against the request for the variance for Lot 2, Block 1, North Prairie Subdivision Replat.

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 Gardner commented that it is his understanding that the north-south road would not really affect anything in terms of the north-south. Would there be an access through that property concern in the future? Planner Stromme replied that there are no major plans at this time for north-south collector in the future. It would likely be brought in as development at some point. Commissioner Gardner inquired if there were any negative or positive comment(s) received? Planner Stromme stated that the comments were related to the site of the building, however, they were not submitted formally and they were basically indicating that they be located on the north vs. the south property line. Planner Stromme explained that with relation to the position of the house, there is a three-acre lot with rural residence zoned as R7 immediately to the south of this site. Commissioner Smith commented that the property to the south and to the north appears to be basically commercial rule which is an unusual position. He has no preference with either way. Commissioner Huber stated that she is in support of approving the variance because of the zoning of the city's R7 situation or she would also be supportive of requesting the applicant to resubmit for a zone change that allows for this type of out building. Commissioner McLean inquired what the difference is between a shop and cold storage. Commissioner Smith recalled that the applicant referred to the building as a pole structure. What is the difference between a pole structure and a shop? Is that a pole barn? Building Official Singer clarified that one structure will have a foundation, and one will not. The plan for the 80 x 100 shop was a pole submitted design plan building and the pole structure that would be allowed in the ETA and not in the city's normal setting. When you have an 80 x 100 structure, engineering is involved, wherein for a pole structure, they are not.

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

Commissioner Huber moved 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 hardship of the applicant being deprived of a reasonable use of said land or building and to modify the staff finding of fact which would be the fact that the hardship is caused by the provisions of the zoning ordinance. Commissioner McLean seconded the motion. Chair Robinson called for a roll call vote: Leingang: Yes; Huber: Yes; Intveld: Yes; Mayor Froelich: Yes; Smith: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes. The motion passed.

D. OTHER BUSINESS

1. *Potential Request for Future Land Use Plan Amendment.* City Principal Planner Stromme stated that this is an informational item that warrants discussion by this Commission. The location is 40th Avenue Southwest by the new Discovery Montessori School. The zoning is residential with multi-family or single-family housing properties. There are two owners, one private and one city owner that the city received in back taxes. There are two different commercial designations on this property. There is commercial property on 40th Avenue with a condition applied in 2006 that prevents residential use on it and then there is commercial property in the back that has residential homes on it that the city owns. This

property has been available for purchase. Since 2015, the property has been high density residential to be developed on this property. The city received an offer for less than the asking for multi-use shops with a special use permit. The project stopped there. They are proposing to purchase it from the city to construct multi-use shops. The city will not accept the application with a land use plan that does not support special use commercial on it. Their plan would require amending the city's Land Use Plan to support multi-use shop development on it. The plan has been scheduled for the City Commission as to how complimentary this would be to adjacent uses. All properties in this area are residential. The nearest non-residential would be a 4–5-minute walk to the north. The city believes the proposal would present conflicts such as hours of operation, form and type of use not relevant to this area. Planner Stromme recommended that the city not entertain an application for a land use amendment for this property, but rather, attempt to resolve in other ways to help the applicant identify eventual use for this property.

Planner Stromme inquired if anyone had any comments regarding this concern. He stated that the Planning Department would not support this on behalf of the city. Commissioner McLean stated that he is familiar with this location. He inquired where access would be? Planner Stromme stated that they would not need access to the rear lot as they would combine them into one access point. Commissioner Smith commented that the city lot is a drainage area. He inquired if that is part of the storm water drainage plan and is that considered a wetland or a wetland issue? Planner Stromme explained that it has not been researched and there has not been any stormwater infrastructure on this property and any sale of it would be buyer beware. The city did not accept the terms, so there have been no claims to use it. However, any development on it would be subject to delineations on it to not cause destruction. Commissioner Huber inquired if there were ever plans for a pond in this area? Planner Stromme replied that from a review of the records, he has not found documentation such as drainage or wetlands or involvement in a storm water management plan. Since this development was approved, only two employees still work for the city. The applicant intends to submit an application for the April 4th meeting. Based on the above discussion, Planner Stromme said he is not sure enough information has been received and is available in order to present it to the City Commission.

2. *Update on Zoning Study.* City Principal Planner Stromme stated there are no major updates to present however, the bulk of the material has been reviewed and there are some additional items that will need adjusting, such as boulevard landscaping and driveway widths that will require future analysis.

Planner Stromme announced that he will be moving and will be leaving his position as City Principal Planner with the city on May 9, 2025. His recommendation to the Planning and Zoning Commission would be to focus on the timing of the completion of this project and to make sure the ordinance update is followed through. The new City Planner will need time to review the changes.

Chair Robinson extended a thank you to Planner Stromme for his dedicated services to the city of Mandan and commented that the zoning work completed over the last 12 months has been an important project.

Commissioner Huber motioned to extend congratulations and thank you to Planner Stromme for a job that has been extremely well done and that he has made the Mandan Community a better place than when he started as the city planner. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.

E. ADJOURN *There being no further business to discuss or come before the Board, a motion was*

made by Commissioner McLean and seconded by Commissioner Hammond to adjourn the meeting. Upon vote, the motion passed unanimously.

The meeting adjourned at 6:33 p.m.