



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, AUGUST 26, 2019

Roll Call, Reading and Approval of the July 22, 2019 minutes.

PUBLIC HEARINGS

1. A request from Jon McCreary for approval of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan. Said property is parts of Sections 17, 18, & 20; in Township 139N; Range 81W. Said property is vacant land on the west side of Mandan. This is the same request previously heard at July's Planning and Zoning Commission meeting as "McCreary Masterplan." It is being re-noticed to address any confusion tied to how it was described in previous public notices.

A. Staff report B. Open public hearing C. Close public hearing D. Commission action

Staff Recommendation: *To approve the amendment to the comprehensive plan as presented in Exhibit 1.*

2. A request from Alex Poole, Raymond Schaff, and Leonard & Lucia Storms for a change of zoning from Residential to MB (Industrial). The property is the North 280' of Lot "C" of Lot 1 of Auditor's Lot "E"; Lot "B" of Lot One (1) of Lot "E"; and Lot "A" Auditor's Subdivision in the SW ¼ of Section 29, Township 139N, Range 81W. The properties are located at 4081 Sunny Lane South, 4080 & 4085 Sunny Place South.

A. Staff report B. Open public hearing C. Close public hearing D. Commission action

Staff Recommendation: *Recommend denial of the zoning amendment from R7 Residential to MB Industrial in the area specified in Exhibit 1 for the reasons outlined in Exhibit 4.*

3. Consider approval of an ordinance enacting guidelines and regulations regarding murals.

A. Staff report B. Open public hearing C. Close public hearing D. Commission action

Staff Recommendation: *Recommend approval of the mural ordinance as presented in Exhibit 1.*

OTHER BUSINESS

1. Recommendations for Planning & Zoning Commission appointment.

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
July 22, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on July 22, 2019, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Klein, Helbling, Leingang, Liepitz, Renner, Camisa, Robinson

Commissioners Absent: Boehm, Klemisch, Knoll, Frank

Commissioner Camisa motions to approve the June 24, 2019 minutes. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.

The commission has an at large seat open. Letters of interest will be accepted until July 31, 2019. Appointee will fill the remainder of the term, ending in December 2022.

PUBLIC HEARINGS

1. A request from Chris Houwman (E-C ND Investments, LLC) for a preliminary plat, final plat and zone change of Midway 14th First Replat. Said property is Lots 4-6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 80W, in the City of Mandan, Morton County, North Dakota. The property is located on 14th Street NW.

A. Staff report

John Van Dyke, city planner, explains the request. The current restriction on the commercial zoning does not allow for a warehouse they want to build. A neighboring property had the restrictions removed in 2013. They are seeking a preliminary and final plat to combine the three lots into one for the expansion.

Commissioner Renner asks John about access. John says they currently have 3 driveways. If they are seeking 4, they need a variance. If the lots were to remain separate, they could technically have 2 driveways per lot making it 6 total. They are moving a fire hydrant.

There were no comments from other departments or entities. He is recommending approval.

B. Open public hearing

Chris Houwman, Malloy Electric, says the expansion is for a warehouse and support operations for the electrical repairs they do.

C. Close public hearing

D. Commission action.

Commissioner Liepitz motions to approve the preliminary plat, final plat and zone change of Midway 14th First Replat from restricted CC (Commercial) to CC (Commercial with no restrictions). Commissioner Camisa seconds. The motion passes unanimously.

2. A request from Engage Church for a zone change of Lots 11-13, Block 1, Scott's Acres First Addition and Lot 1A of Lot 1, Block 2, Scott's Acres in Section 17, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota. The request is for reconfiguration of MA (Industrial) and R7 (Single-Family Residential) zoning. The property is located at 4209 Old Red Trail.

A. Staff report

John Van Dyke, city planner, explains the request. The applicant wishes to reconfigure the existing zone change to match a reconfiguration of the lot lines that will be done by a replat. The MA (Industrial) zoning will be applied to the lots on the west side and south side. The R7 (Single-Family Residential) will remain on the east lot. There is a church on this lot.

The proposed industrial zoning abuts one of Mandan's large industrial parks. The church provides a harmonious transition from more intense industrial to lesser intense uses to the north and east. The MA and R7 zoning already exist on the property in a different configuration. Staff recommends approval of the zoning amendment.

B. Open public hearing

No public comments.

C. Close public hearing

D. Commission action

Commissioner Liepitz motions to approve the zone change. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

3. A request from Powder River Development on behalf of AT&T for a setback variance. The request is to allow a shorter setback to the property line to the leading edge of a new 200' monopole communication tower. Said property is Lot 3, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 80W, City of Mandan, Morton County, North Dakota. Located at 1450 Action Drive SE.

A. Staff report

John Van Dyke, city planner, explains the request. The applicant is asking for a setback variance of 220' to 22' from property lines for a 200' tall communication tower. He is without certainty that a collapse would not infringe upon adjacent properties. A letter from the applicant does not provide comfort of a 200' fall. He thinks 110% of the height of the structure to the property line is appropriate. There does not appear to be any special circumstances or conditions that apply to the land or buildings which the variance is sought. The NDDOT, who is in fall distance with I947, does not have an issue with this. An adjacent property owner is opposed. John recommends denial. John thinks the applicant letter does not provide the comfort that the tower would not impede on surrounding properties if it fell.

Commissioner Liepitz thinks the current setback requirement is for safety and aesthetics.

B. Open public hearing

Guy Halvorson, is a co-owner of the property to the west. He is not in favor due to the safety factor and the aesthetic.

Another nearby property owner is also not in support.

C. Close public hearing

D. Commission action

Commissioner Leingang motions to deny the variance. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

4-6. A request from WW Ranch, a Limited Partnership, for preliminary plat and zone change of Meadow Ridge 4th Addition. The request is to change the zoning from MC (Industrial) to RM (Multi-Family Residential). Said addition is part of Lot 44, Pioneer Park 1st & part of the NW ¼ of Section 22, Township 139N, Range 80W, City of Mandan, Morton County, North Dakota. The property is located at 24th St. NW and 6th Ave. NW.

A. Staff report

John Van Dyke, city planner, explains the request.

Mike Wachter on behalf of WW Ranch, a Limited Partnership is seeking a rezone of a portion of his property to RM-Residential (Multi-family). These two zoning requests apply to the two preliminary plats - Meadow Ridge 4th Addition and Meadow Ridge 5th Addition. The applicant is also seeking approval of the overall Meadow Ridge Masterplan.

While staff is providing a single staff report. These are three separate applications and should be evaluated individually. Any issues in one should not automatically hold up the other. The purpose for the individual applications is that Mr. Wachter has Meadow Ridge 4th Addition under contract and wanted to take care that any issues that might arise from Meadow Ridge 5th and the Meadow Ridge Masterplan would not incur any delays.

Comments from a pre-application meeting held on July 12 are found in Exhibit 1. All recommendations for approval by staff are subject to the comments contained therein. A site visit was performed on July 17 and the photos may be found in Exhibit 5.

The Meadow Ridge Masterplan generally conforms to the existing Future Land Use Map.

Staff recommends approval of the Meadow Ridge Masterplan.

Meadow Ridge 4th Addition

The applicant is requesting approval for a rezone from MC-Industrial to RM-Residential and a preliminary plat to create four new lots. Each lot is planned to be further subdivided in the future once a specific placement for a twin-home has been determined. The lot line would then divide the shared wall so that each side of the structure could be owned independently. Exhibit 3 contains the preliminary plat for Meadow Ridge 4th Addition.

Staff recommends approval of Meadow Ridge 4th Addition.

Meadow Ridge 5th Addition

The applicant is requesting approval for a rezone from MC-Industrial to RM-Residential and a preliminary plat to create eight new lots. As with Meadow Ridge 4th, each lot is planned to be further subdivided for the same purposes as noted above. Exhibit 4 contains the preliminary plat for Meadow Ridge 4th Addition.

Staff recommends approval of Meadow Ridge 5th Addition.

Commissioner Renner asks if the retention ponds are large enough to be able to handle the additional runoff. John says they did submit a storm water plan and intend to tie into existing ponds.

Chair Robinson asks what trigger a storm water survey. John says a building permit. Justin Froseth, City Engineer, says an in depth hydraulic analysis has to be approved before any grading can start.

Commissioner Liepitz asks if RM uses are allowed in the current MC district. John says no residential is allowed.

The consultant engineer and applicant are working together on the street naming.

WBI Energy has an easement on the property. There is a gas line to the south. Almost running along Old Red Trail. Justin says there is also a gas line that runs on the east side of 8th Avenue.

B. Open public hearing

Abe Ulmer, Toman Engineering. Meadow Ridge 4th encompassed a paved street and infrastructure already. There are dual water and sewer services there now. They built a street and did not plat previously because they wanted a second way in/out at that time. They separated the two plats in case there were any hiccups they didn't want 4th to be held up. Meadow Ridge 5th has no infrastructure at this time. There are currently 3 storm water ponds. With this platting, they had to take the water shed the natural way towards those ponds in the NW corner. There is another pond planned in the NE corner of Meadow Ridge 5th. WBI does have a gas line on the south end and the west side there is a 35'-40' wide strip.

Barbara Ziegler, 7th Ave NW, "We live in a twin home. We love the neighborhood. We're wondering about this multi-family. What does that mean in your world? Can it be rental units? Then I'm opposed to it. There are some rental units in the north part. Whoever is the owner is a very poor caretaker. Is there any way to differentiate between the twin home and multi-family and stop rental units?"

Commissioner Leingang tells her right now it is zoned commercial/industrial.

David Jundahl, 7th Ave NW, "I do live in a twin home. What I don't like about it is we have apartments now on two sides of our development. On the east side there's a huge apartment. On the north side there's apartments and now, if apartments go there, our little area there will be surrounded by nothing but apartments. The other thing is there are no street lights out there in our whole development. With this proposal, will street lights go up?"

Justin Froseth, City Engineer, says the previous Meadow Ridge developments were allowed without street lights. At the pre application meeting he said to support an assessment district for the creation of streets we would insist that street lights be incorporated for the whole development as part of the contract. This would be for the public street in the whole development.

Andy Zachmeier, Morton County Commission, “One of my portfolios is the Morton County Water Board. I know this might be preliminary because there’s no storm water management plan yet shown on this project and I’m just looking at the topography map. What appears to me by the topography map is that eventually water would have to be pushed to 1806 and eventually would go across to the refinery property. Mandan refinery has been to the Morton County Water Board several times concerned about storm water that is breaking out across their property and the amount of water that is running down 1806, and then eventually goes under the refinery property in another location. I would strongly urge that the Morton County Water Board be consulted on the storm water management plan for this project because they have great concerns about the amount of water being toward 1806 from this general vicinity. The second thing is just a general comment. Right now the property is zoned industrial. The area of that property is changing. It’s becoming more residential. The biggest concern coming from the County Planning & Zoning side and the County Commission is industrial development and what property will be there for industrial development or even job creation. Now there’s a fine line on this property you have the owner’s property rights and what their asking appears to be reasonable in changing the neighborhood and the masterplan of the city. But, it is industrial and it’s going to change. If there’s no place for job development or business development in this general vicinity, I don’t think that would be good for the city or county. If it all goes to residential, eventually, where is business going to go? One of the complaints I have heard is everybody enjoys the new football stadium and hockey arena, but there’s no place to eat and the vast majority of the people that come for the events it’s too easy to get on the interstate and go to Bismarck and do their shopping there. There’s some area where I think business interest and commercial development should still be protected or at least be considered and not totally pushed out.”

Chair Robinson asks Andy if there is regulatory concern about the water coming across the refinery property. Andy says that was his understanding that they could still be held responsible for water leaving their property and entering the Missouri. Commissioners Leingang and Renner ask Andy if residential would benefit the refinery then versus industrial. Looking at the topography map, Andy disagrees. Residential is more polluting because it is never regulated.

Commissioner Liepitz asks John to pull up the current zoning map and asks about R3.2. John explains the requested zoning. Abe Ulmer says the request for RM is to keep options open. There has been some interest in a 3 or 4 plex. Once lots are sold they are not in control of what is built.

There is a suggestion to put a restriction on the RM zoning for Meadow Ridge 4th restricted to twin homes. Mike Wachter, the developer, says the infrastructure is already in on Meadow Ridge 4th. There are 2 lines that are set up just for twin homes. In the previous development they limited it to two stories. That was part of the covenants. He encourages the home owners in Meadow Ridge 3rd to form a homeowners association to put pressure on those who aren’t compliant. There were supposed to have sprinklers.

Barbara Ziegler says she doesn't see why they would have to form a homeowners association to take care of weeds when the city notices weed cutting and spraying in the Mandan Messenger. Commissioner Camisa says the city's weed ordinance applies to noxious weeds and height of grass. The state controls the noxious weed list. There are currently 10 or 11 weeds on the list. If there are noxious weeds, which do not include dandelions, or the grass is over 6 inches, the city can enforce.

Abe Ulmer reminds everybody that a storm water report has to be approved before they can start developing. Justin adds that he can forward the report to Morton County for review.

Commissioner Leingang asks why a restriction on the RM instead of R3.2. John says the RM aligns with the future land use plan. R3.2 would be pocket zoning. The RM is consistent with what is there.

C. Close public hearing

D. Commission action

Item #4 - Commissioner Renner motions to approve Meadow Ridge 4th with the zone change restricted to single and two-family residential. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

Item #5 - Commissioner Liepitz motions to approve Meadow Ridge 5th with the zone change to RM. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

Item #6 – Commissioner Camisa motions to approve Meadow Ridge Masterplan. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

7. Consider a zoning ordinance amendment and re-enact portions of Section 101-1-3 and 105-3-14(2), 105-3-15(2), and remove Section 105-1-5(k) of the Mandan Municipal Code related to Cremation Facilities.

A. Staff report

John Van Dyke, city planner, explains the request. An ordinance was recently adopted that would restrict crematoriums to within the Mandan Union Cemetery. The City Commission directed staff to reevaluate the ordinance following a request by David Wise. John provides an alternative staff recommendations: a crematorium be placed in an industrial zoning district with a 50' setback from the property line. A 350' setback applies to existing dwellings at the time of building permit issuance. Further, staff is recommending that these standards apply to the use and that no special use permit be required.

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action

Commissioner Camisa motions to approve the zoning ordinance amendment as presented. Commissioner Liepitz seconds. Upon vote, the motion passes unanimously.

David Wise thanks everybody for the amendment and making it fair for everyone.

8. A request from John McCreary for McCreary Master Plan Subdivision. The property is parts of Sections 17, 18 & 20; Township 139N; Range 81W; City of Mandan, Morton County, North Dakota. The land is located west of Mandan.

A. Staff report

John Van Dyke, city planner, presents. Jon McCreary has submitted an application for a masterplan subdivision for approximately 1,000 acres west of Boundary Street NW. Staff may end up bringing this item back to planning & zoning at the next meeting, depending on the city attorney's advice regarding processing a comprehensive plan map amendment. The city right now does not have an application process for that. The closest is a masterplan process. This is new to staff and the city.

City staff from multiple departments met with the applicant or the applicant's representative Scott Harmstead on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

The current land use designations for this area call for low density residential throughout the majority of the land south of I-94. An open space buffer separates a mix of medium and high-density residential and commercial from the Interstate.

Exhibit 1 contains the application documents and corresponding maps. The proposed plan adjusts the location of roads, provides a mix of industrial, neighborhood commercial, and commercial closer to the interstate, and delineates open space on those areas of steep terrain and which provide natural conveyance of water.

If approved, this masterplan would replace the future uses presently planned for the area.

Staff asks the Planning and Zoning Commission to focus on the uses which may be inherent in each of these proposed designations and their spatial relationship to one-another and determine if this plan is superior than the one presently adopted by this Commission for this 1,000 acres.

The Engineering and Planning Department recommend approval of the McCreary Masterplan as presented in Exhibit 1.

Commissioner Leingang asks what the chances are an interchange would go in there at I94. The mayor says development would have to come first and there was discussion on an underpass there to connect to Old Red Trail. Justin Froseth, City Engineer, says the MPO and DOT is leaning to an interchange at 56th Avenue.

Commissioner Renner says infrastructure there is a challenge. Can there be a single point of access (Boundary) point when development starts?

Scott Harmstead, SRF Consulting Group, says Lohstreter would be second point of access. He gives a presentation.

Scott, “Thank you John for emphasizing the fact we’re focusing on the city’s comprehensive plan. The actual document says Land Use and Transportation Plan. Century Code also, in section 40-48, actually refers to it as a master plan. It’s really interchangeable. Comprehensive plan is the proposed amendment. Because it is 1,000 acres. That is why we have met with the city six times already.”

Scott shows the existing Future Land Use Map. There is a 250’ buffer space on the south side of I94. He is not sure why that is there. In their opinion, that area is suited well for light industrial rather than open space. Commercial would then buffer against that. The coulees are very significant. There is a 200’ drop from north to south towards the Heart River. All the green on their map is because of topography and water retention. The purple is possible school property. They have presented it to the school board. There are no commitments from them at this time. The rest of the plan is for multi-family and single-family residential. Scott says the city’s Functional Classification Map from the comprehensive plan is very similar. It shows Boundary extended to the west and an arterial running north/south through the site. What it doesn’t show clearly is Lohstreter, although future plans show it continuing north. This is a very long term vision. The interchange would be many years from now. They have been meeting with stakeholders and also met with the Governor to discuss the Main Street initiative. They are looking to working with the city on a development agreement. He says John mentioned potentially bringing this back as a comprehensive plan amendment, depending on legal directive. Scott suggests taking it to city commission as a recommendation to amend the comprehensive plan and let them make the final decision.

Commissioner Liepitz asks Scott to walk through the changes on page 5 and asks to explain what the neighborhood commercial would be. Scott says the pink neighborhood commercial is meant for service station/convenience store. To the south of that is islands of multi-family because of the terrain.

Chair Robinson asks John if he has layed out previous plans next to this. John says an adjacent property owner was once the owner of this property and had brought in a masterplan. They both have been communicating.

Commissioner Liepitz asks if extended trails from current park trails will be represented on this plan, as well as parks or playgrounds. John says that would be looked at more during the platting phase. The parks do not want to commit to a specific area at this time.

Commissioner Renner asks John to explain how the chain of events on this master plan is going to work. John says when a zone change or plat application is submitted it will be looked at to see if it aligns with the future land use map.

B. Open public hearing

Lee Froehlich, lives toward the end of Lohstreter Road. His property is currently county. Nobody has talked to him regarding this development. Is there a gas line there that has been addressed? The line is not very deep. What is the development going to do to the watershed? He has been there 15 years and nobody has approached him. Currently, there is one way in and out, Lohstreter Road. A lot of traffic would be going through here. There is also a cemetery located on the south side of this property.

Denae Kautzmann, “I am not an adjacent land owner, but I’m next to Christianson property. I and my family own the property immediately west of the high school. We have not talked to

anyone about this development either. I believe this is not the strategy of the city. This does not meet with what the community wants, it does not meet with what the city land use and transportation comprehensive plan and I think if it's going to be amended, it needs to be publically noticed so members of the community have an opportunity to comment. As far as the proposed development, I'm not in favor of it, because basically it is landlocked. There are no streets right now to that property. The city's going to be forced to put streets in, or the developer. They are going to have to pay for the streets. It's also not a good or wise use of the community's resources at this point. I say that because I want you to think about the long term consequences are going to be. Think about police protection. Think about fire protection. We don't have a north side station. We have storm water issues. That's going to affect the property that my family and I own. I'm concerned about that as to how all that is going to be addressed. That sewer system is overtaxed right now. So, what are you going to do, put in a new trunk line in front of the high school and rip up Sunset Drive again? How are we going to address that? You also have public transportation issues. You're going to have busing to the school issues. I think this is going to add another mile to school busing system. I would ask that this not be approved. If you wish to amend the comprehensive plan, that you put it out for public hearing."

Scott Harmstead says the WBI gas line does bisect this property. They provided a buffer on either side with no development. They did a traffic assessment. He says this is a public hearing on a master plan that was noticed. They provided an analysis on the sewer as well. He recommends that City Commission have a public hearing on the comprehensive plan amendment.

Pat McGarry, Development Manager, "We put a lot of thought into this. I understand that there is a lot of concerns...infrastructures a big one with us. It's something I've been stressing since the very beginning. The connection to Boundary Street is a big deal. We have spent a lot of time working with the DOT, the MPO, we've also contacted the FEDs. I spoke to Kevin Kramer's office at length about this and about getting additional funding from them for a project of this nature. The school district going in is also a big part of this. School needs and is actively looking for a new high school site and they have spoken very favorably of this site. They have not made a motion to that effect. Regarding a fire station, we think a commercial zone at the very top of the property will fit that very very well. The interconnecting trails we see them connecting all the way through all these coulees. At such time when we sell off some of these larger parcels to other builders and developers, that that would be part of their plan in accordance with your ordinances that you have small parks within those master lots that we would encourage them to subdivide to single family homes. So, we know this is a lot to come forward with. We feel we've done a lot of research and we're working very closely with all departments to try to come up with solutions. The sewer. I know that that is a big deal. We have some alternate solutions. In the meantime, while the city system gets upgraded in the future or for that matter we could actually do a completely independent system so it wouldn't tax your sewer system. We looked into the water situation. We would build a tower at the top of the property that would allow more water pressure. I know water is an issue on the north side of the highway. We have put a lot of thought into this. We would ask for a favorable motion tonight for an approval of the masterplan and comprehensive plan amendment. They kind of go hand in hand. Then we would take this forward to another public hearing in front of the city commission at the next appropriate time."

Nate Vollmuth, Mandan Development Company, "I didn't come tonight to speak for or against the plan. I came to listen and just make sure our interests were spoken to if it needed

to be. We don't want to stand in the way of this development moving forward. We obviously came forward with a plan probably 4 or 5 years ago now and it just didn't pencil out at the time. We don't want to stand in the way. We encourage yourselves and the developer to continue to look at ways to have some activity out here. The one thing we struggled with as well is the absorption rate to try and fund that road is the biggest thing we had issues with.”

Randy Bakke, he is partner owner of over 600 acres to the west, says it looks like a great plan to him. This would be good for Mandan.

Commissioner Renner thinks development would have to move west of town. Development is going north and south all the time. Mayor Helbling and Commissioner Camisa agree.

C. Close public hearing

D. Commission action

Commissioner Liepitz motions to approve the zone change. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

Commissioner Leingang motions to adjourn. Commissioner Camisa seconds. Motion passes unanimously.

Meeting adjourns at 7:48 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on August 26, 2019
 Mandan Engineering and Planning Office Report
McCreary Comprehensive Plan Amendment
 Requested Action
Amendment to the City's Comprehensive Plan
(Mandan Land Use and Transportation Plan)

Application Details				
Applicant Jon McCreary	Owner Jon McCreary	Subdivision McCreary Amendment to the Comprehensive Plan		Legal Description See Exhibit 1 for Area
Location City of Mandan Extraterritorial Area		Proposed Land Use Mixed	Parcel Size 1,035 acres total	Number of Lots N/a
Existing Land Use Bare Land	Adjacent Land Uses Bare Land/Single-family		Current Zoning Agriculture	Proposed Zoning N/a
Adjacent Zoning Agriculture		Fees No Charge	Date Paid N/a	Adjacent Property Notification Sent August 9, 2019
Legal Notices Published August 16, 2019, August 23, 2019				

Project Description

This staff report reflects unchanged information from July's Planning and Zoning Commission meeting. The public hearing being held today is due to resident concern the previous public hearing was advertised as a masterplan subdivision rather than amendment to the City's comprehensive plan. The City has re-noticed the public hearing via the newspaper and sent the necessary notices to adjacent property owners with the clarifying language. Staff's recommendation remains unchanged.

Jon McCreary has submitted an application for an amendment to the comprehensive plan for approximately 1,000 acres west of Boundary St. NW.

City staff from multiple departments met with the applicant or the applicant's representative Scott Harmstead on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

The current land use designations for this area call for low density residential throughout the majority of the land south of I-94. An open space buffer separates a mix of medium and high-density residential and commercial from the Interstate.

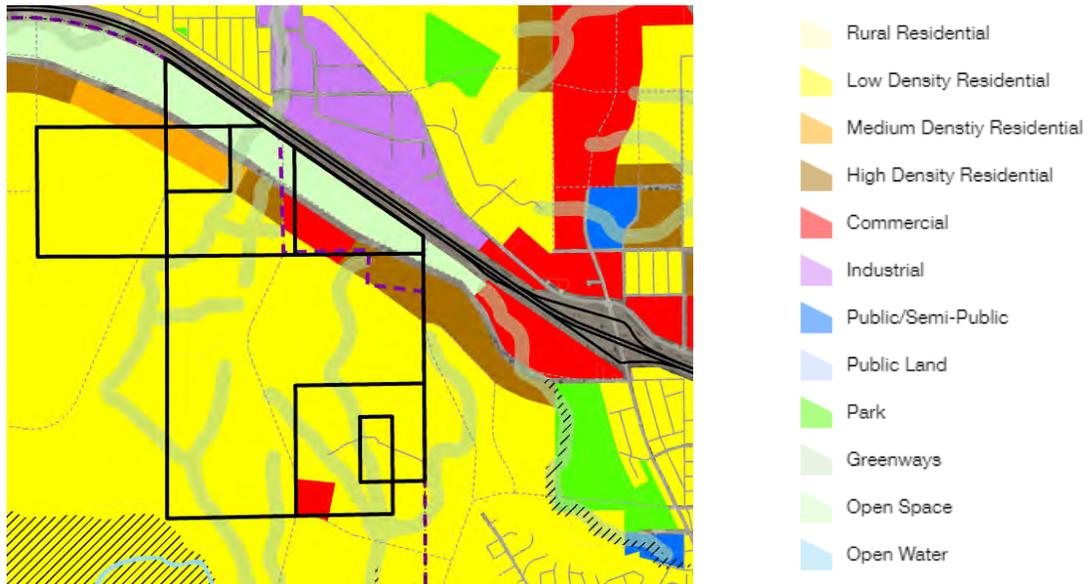


Exhibit 1 contains the proposed amendment to the comprehensive plan. The proposed plan adjusts the location of roads, provides a mix of industrial, neighborhood commercial, and commercial closer to the interstate, and delineates open space on those areas of steep terrain and which provide natural conveyance of water.

If approved, this amendment to the comprehensive plan would replace the future land uses and preliminary road layout presently planned for the area.

Agency & Other Department Comments

All comments may be found in Exhibit 2.

Engineering & Planning Staff Comments

Staff asks the Planning and Zoning Commission to focus on the uses which may be inherent in each of these proposed designations and their spatial relationship to one-another and determine if this plan is superior than the one presently adopted by this Commission for this 1,000 acres.

Engineering & Planning Recommendation

The Engineering and Planning Department recommend approval of the amendment to the comprehensive plan as presented in Exhibit 1.

Proposed Motion

I move to approve the amendment to the comprehensive plan as presented in Exhibit 1.

List of Exhibits:

Exhibit 1 – McCreary Amendment to Comprehensive Plan

Exhibit 2 – Comments

Exhibit 3 – Resolution Adopting Amendment to Comprehensive Plan

To: Mandan City Engineering and Planning Department
From: Scott Harmstead, AICP (SRF Consulting Group, Inc.) & JMAC Resources
Date: June 7, 2019
Subject: McCreary Master Plan – Development Assessment & Approach

Contents

This memorandum provides an assessment of the following issues related to the development of the McCreary property in Mandan, North Dakota:

- Summary of direction from applicable planning documents, related policies and land use restrictions
- Development phasing
- Stakeholder coordination
- Transportation assessment
- Utility needs assessment
- Stormwater approach

This information is based on the preferred master plan (See figure 1) under consideration as of the date of this memorandum.

Applicable Planning Documents, Policies, and Restrictions

Mandan Land Use and Transportation Plan (2015)

The Planned Future Land Use Map designates the subject property predominantly for low density residential. The north end of the property adjacent to I-94 is designated as a greenway that includes a future roadway alignment running parallel to I-94. Running along the southern edge of the greenway is high density residential, medium density residential, and commercial land use. The coulees within the property are identified with a narrow strip of open space.

- The master plan is largely consistent with the uses shown and the intent of the Planned Future Land Use Map, with the exception of the greenway identified along I-94. Follow-up discussion

with the city planner did not reveal a reason to preserve the greenway corridor along I-94 as provided on the Planned Land Use Map. As a result, the master plan redistributes open space areas to the coulees/drainages onsite to serve as a useful tool to protect these important areas for their stormwater/drainage, environmental, and scenic qualities.

The Future Transportation Classification Map identifies the extension of Boundary Street west across the northern tier of the property as a future minor arterial. A future minor arterial is also shown extending south from the Old Red Trail across I-94, down the center of the property. Another future minor arterial runs north/south along the eastern property line and across I-94. Future collectors are shown to support the future minor arterial system.

- The master plan largely follows the future classification system provided in the City Plan, with the exception that the master plan does not include a future minor arterial running north/south along the property's east property line.

Fringe Area Road Master Plan (Morton County-Mandan, 2014)

The MPO's Fringe Area Road Master Plan (FARMP) identifies future corridors for arterial and collector roadways across the property. These corridor alignments are similar to what is provided in the Mandan Land Use and Transportation Plan's Future Transportation Classification Map. The exception is that the alignment that runs north/south along the east edge of property is a collector in the FARMP, rather than an arterial as shown in the City's Plan.

- The master plan largely follows the future classification system provided in the FARMP.

I-94 Corridor Study

This MPO study identified needed improvements to the Sunset Drive Interchange (east of the property) and identified a future I-94 grade separation to access Old Red Trail at the north-central portion of the property.

- The buildout of the master plan is dependent upon the completion of this grade separation.

Envision 2040

Also known as the 2015-2040 Long Range Transportation Plan, this MPO document mirrors the City's Land Use and Transportation Plan Future Transportation Classification System. Shared-use path alignments are also shown to extend into the site, following the future minor arterial corridors.

- The preferred master plan largely follows Envision 2040's direction provided for the property's future arterial and collector roadways, as well the need to extend pedestrian and bicycle access to the property with shared-use paths.

Mandan Zoning Classifications

Figure 1 depicts existing zoning classifications for areas adjacent to the master plan. The proposed land uses in the master plan are shown with corresponding city zoning classifications to be considered upon future subdivision.

North Dakota Main Street Initiative

The City of Mandan has been making great strides in recent years to follow the Main Street Initiative, for example by focusing planning and infrastructure investments in the downtown area. Understanding the City's desire to follow the Initiative on a community-wide basis, noted below are the main goals (referred to as "pillars") of the Initiative and how the master plan intends to follow each.

1. Healthy, vibrant communities

Recreation. A central focus of the McCreary Master Plan is the open space afforded by the site's unique terrain. In conjunction with over 290 acres of open space available onsite, recreation will be a key component of the project, not to mention an attraction for the whole City. The open space corridors in the master plan are envisioned to provide trail corridors for hiking, biking, and other passive recreational opportunities in mixed prairie, woodland, and riparian habitat.

Mixed use neighborhood center. Just to the west of the future high school site and south of the Boundary Street extension the master plan provides mixed use commercial and multi family land use. This mixed use area is adjacent to multi family designated land use to the south. Building from the synergy offered by the future high school site and the critical mass of housing at the point of buildout, this area can serve as a walkable, vibrant neighborhood center. Note that a shared use path has been identified to pass through this area, connecting mixed use with the future high school site and Sunset Drive to the east.

Support to Downtown Mandan. At buildout, the master plan will accommodate an estimated additional 4,400 residents in the City of Mandan. This will help to increase activity downtown and lead to greater success downtown. The master plan is not intended to compete with Downtown by offering different housing options in a different setting than the unique experience only a downtown can offer. In addition, the mixed use neighborhood center is intended to support the local neighborhood needs of the master plan area, not the community as a whole. As a result, the mixed use area is scaled to a neighborhood market, rather than to provide a community-wide need.

2. 21st Century workforce

Education. Schools are a critical component of creating a 21st century workforce. The master plan accommodates a future high school site (replacement of Mandan's existing high school—see further detail under the stakeholder coordination section). Schools also serve as centers of community

gathering and activity. Based on Mandan School District needs as part of later phases of the development, the master plan is flexible to accommodate any possible elementary school needs.

Jobs. The master plan focuses on creating jobs with wages that can support a family. The light industrial and mixed-use areas are intended to provide limited retail and more office and manufacturing opportunities. As a result, capacity is available for an estimated 2,000 family-wage jobs.

3. Smart, efficient infrastructure

The development of infrastructure to support the master plan will depend on a strong public private partnership. This includes JMAC Resources, City of Mandan, State Department of Transportation, School District, Park District, and adjacent property owners. At this initial, conceptual stage of the development these partnerships are still being formed. More information pertaining to coordination with these entities can be found under the Stakeholder Coordination section of this document.

Scenic Viewshed Easement

A scenic viewshed easement is located outside of the master plan boundary on abutting property owned by Mandan Development LLC. The easement was established in 1967 and is held by the State Department of Transportation and only allows development including commercial and residential uses.

St. Joseph's Catholic Cemetery

An historic cemetery is located to the southeast of the master plan area. Coordination with the Morton Count Planning and Zoning Director noted that residential lots cannot be located within 100 feet of any gravesite. This requirement will be adhered to during the subdivision platting stage of the project, as applicable.

Development Phasing

Given the significant size of the proposed master plan (over 1,000 acres), a phasing plan has been developed. Three phases are identified, with the first phase to be developed on the eastern edge of the property and successive phases extending development to the west. Refer to figure 2 for the phasing plan.

Figure 1 – Master Plan

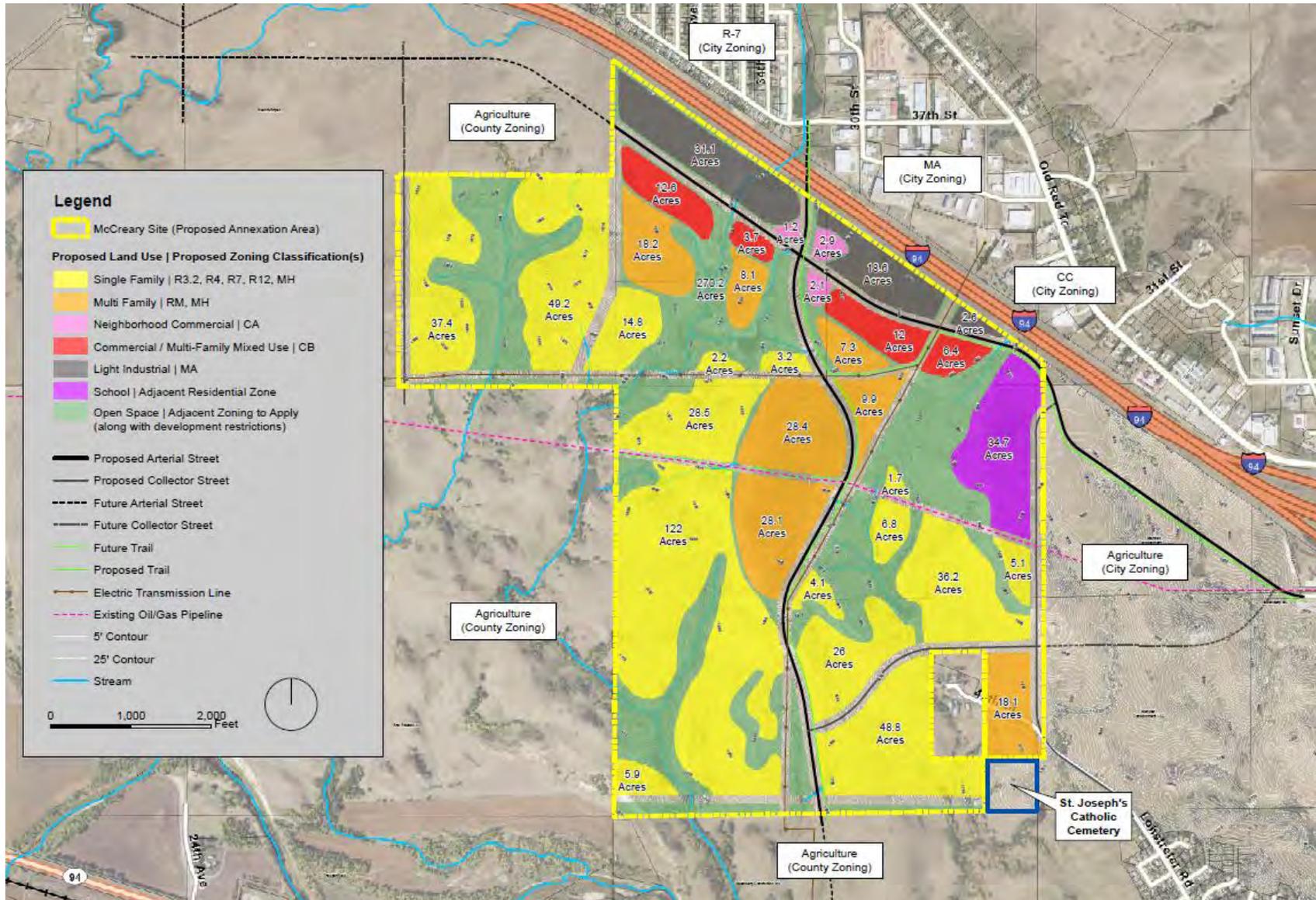
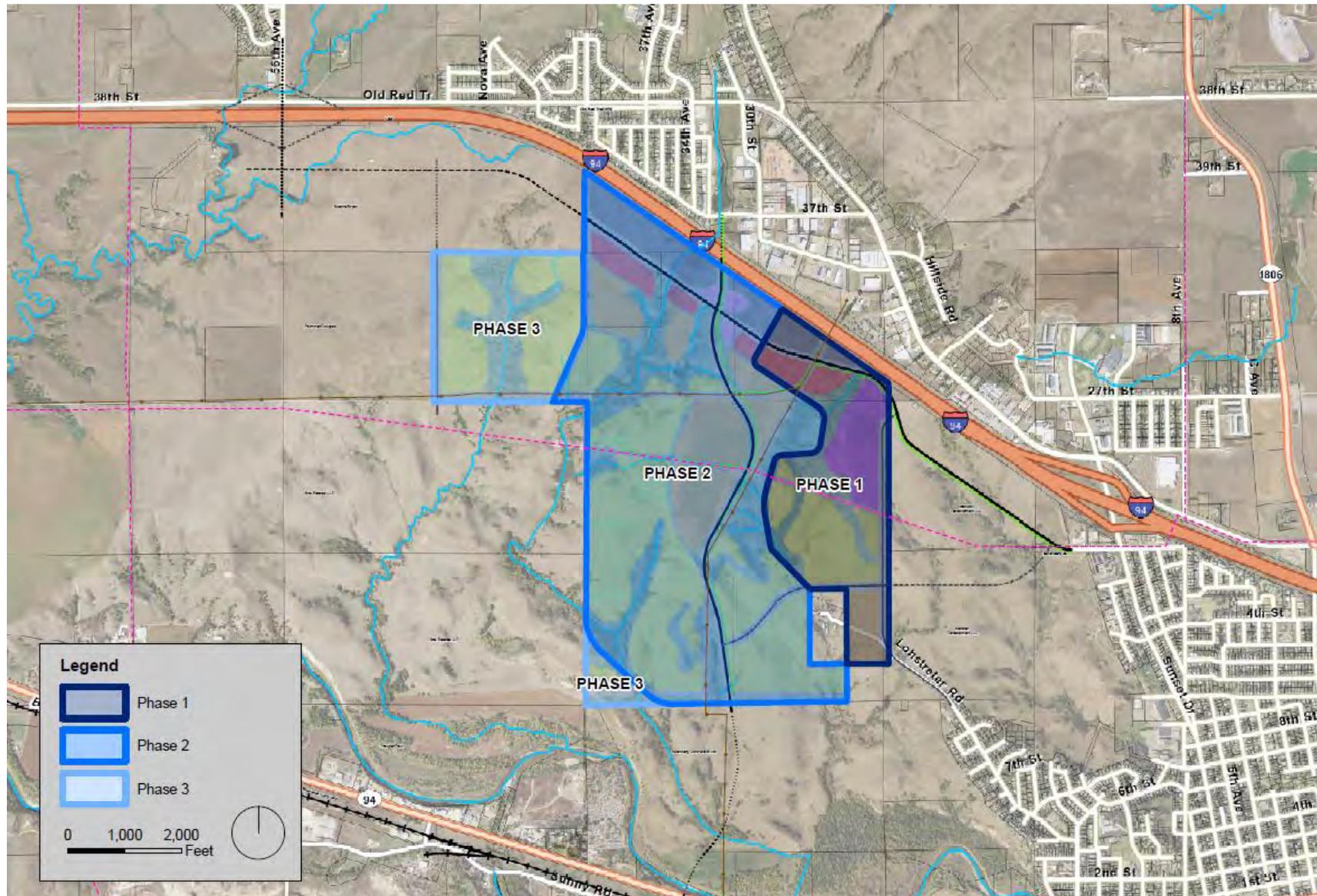


Figure 2 – Phasing Plan



Stakeholder Coordination

Mandan Public Schools

Development of the master plan has involved coordination with the Mandan School District. The District is currently looking at multiple sites to relocate the existing high school. The master plan looks to help the District solve the need for a new high school site and identifies the northeast corner of the master plan for the future high school. Coordination is ongoing with the District.

Mandan Park District

Coordination has also taken place with the Park District. At this time, coordination has involved discussion of future shared use paths on the property (and connecting the property to the developed portion of the City). Coordination will continue into the future regarding park space needs, use of open space within the master plan, and parks and recreation funding.

Mandan Development LLC

Mandan Development LLC, development company, owns property between the master plan area and the developed portion of the City along Sunset Drive. The owner is open to the use of the property to provide ingress/egress across the property in the form of transportation and sewer improvements. This property is planned for a mix of residential and commercial development in the City's Comprehensive Plan (note that this property has been annexed into the City). It is envisioned that infrastructure connections built on the property will help to initiate development of the property. Discussion with the development company is ongoing and positive.

Transportation Assessment

Traffic Operations

The purpose of this section is to provide an overview of the preliminary transportation assessment approach, findings, and key considerations. Significant information includes a summary of land uses associated with three development phases, access management, and phasing/implementation considerations. Additional detail with respect to specific traffic controls and turn lanes are expected to be evaluated at a future time.

A key component to evaluating the McCreary site’s transportation system was to review previous Bismarck Mandan Metropolitan Planning Organization (MPO) and City of Mandan planning documents (i.e. Mandan Land Use and Transportation Plan (2015), the Fringe Area Road Master Plan (Morton County-Mandan, 2014), the I-94 Corridor Study, and Envision 2040). These resources have identified key corridors to enhance short-term and long-term vehicular and pedestrian/bicycle connectivity.

Land Use & Traffic Generation

Land uses proposed for each development phase were evaluated to determine associated estimated trip generation per cumulative phases. A summary of the land uses and equivalent average daily traffic volumes for each phase are illustrated in Table 1.

Table 1. Proposed Development Phases Trip Generation Summary

Phase 1		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
General Light Industrial (110)	137,000 SF	680
Single Family Housing (210)	140 DU	1,322
Low-Rise Multi-Family Housing (220)	169 DU	1,238
High School (530)	1,400 Students	2,842
General Office Building (710)	111,078 SF	1,082
Phase 1 Subtotal		7,164
Phases 1 and 2		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
General Light Industrial (110)	733,115 SF	3,636
Single Family Housing (210)	830 DU	7,835
Low-Rise Multi-Family Housing (220)	1,074 DU	7,862
High School (530)	1,400 Students	2,842
General Office Building (710)	265,105 SF	2,582
Gas Station w/ Convenience Store (945)	12 Vehicle Fuel Positions	2,464
Phases 1 and 2 Subtotal		27,221

Table 1. Continued

Phases 1, 2 & 3 (Full Build-out)

Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
General Light Industrial (110)	733,115 SF	3,636
Single Family Housing (210)	1,092 DU	10,308
Low-Rise Multi-Family Housing (220)	1,074 DU	7,862
High School (530)	1,400 Students	2,842
General Office Building (710)	265,105 SF	2,582
Gas Station w/ Convenience Store (945)	12 Vehicle Fuel Positions	2,464
Phases 1 - 3 / Full Build - Out, Total Site Trips		29,694

Roadway Connections

Potential future connections are identified in Figure 3. This graphic’s focus is on the primary roadways (i.e. arterials and collectors) within the site for all three phases. However, as development occurs, several internal public/private roadways are expected to be included to help circulation and access within the area, reducing dependence on the primary roadways within the site.

A key connection within the development is Boundary Street, running parallel to I-94 along the northern edge of the proposed development. In the short-term this roadway will be a local road/collector, expanding into an arterial as part of Phase 2. Boundary Street is an integral element to providing access to I-94, as well as access throughout the northern and western portions of Mandan.

An essential component to the property’s transportation network is the proposed minor arterial extending from the Old Red Trail north/south across I-94 via a grade separated underpass. This centrally located roadway provides an additional option to access southern and northern portions of Mandan in Phase 2. This arterial’s southern connection is projected to be located at the existing I-94 Business Route and Sunny Lane South intersection.

Four collectors have been identified throughout the site. The first proposed collector runs east/west, connecting Boundary Street and the north/south arterial roughly in the center of the property. The three remaining collectors run north/south, with one of them providing a connection between Boundary Street and Lohstreter Road on the east side of the site (in Phase 1), whereas the remaining two provide connections to Phase 3 single-family developments in the northwestern corner of the development.

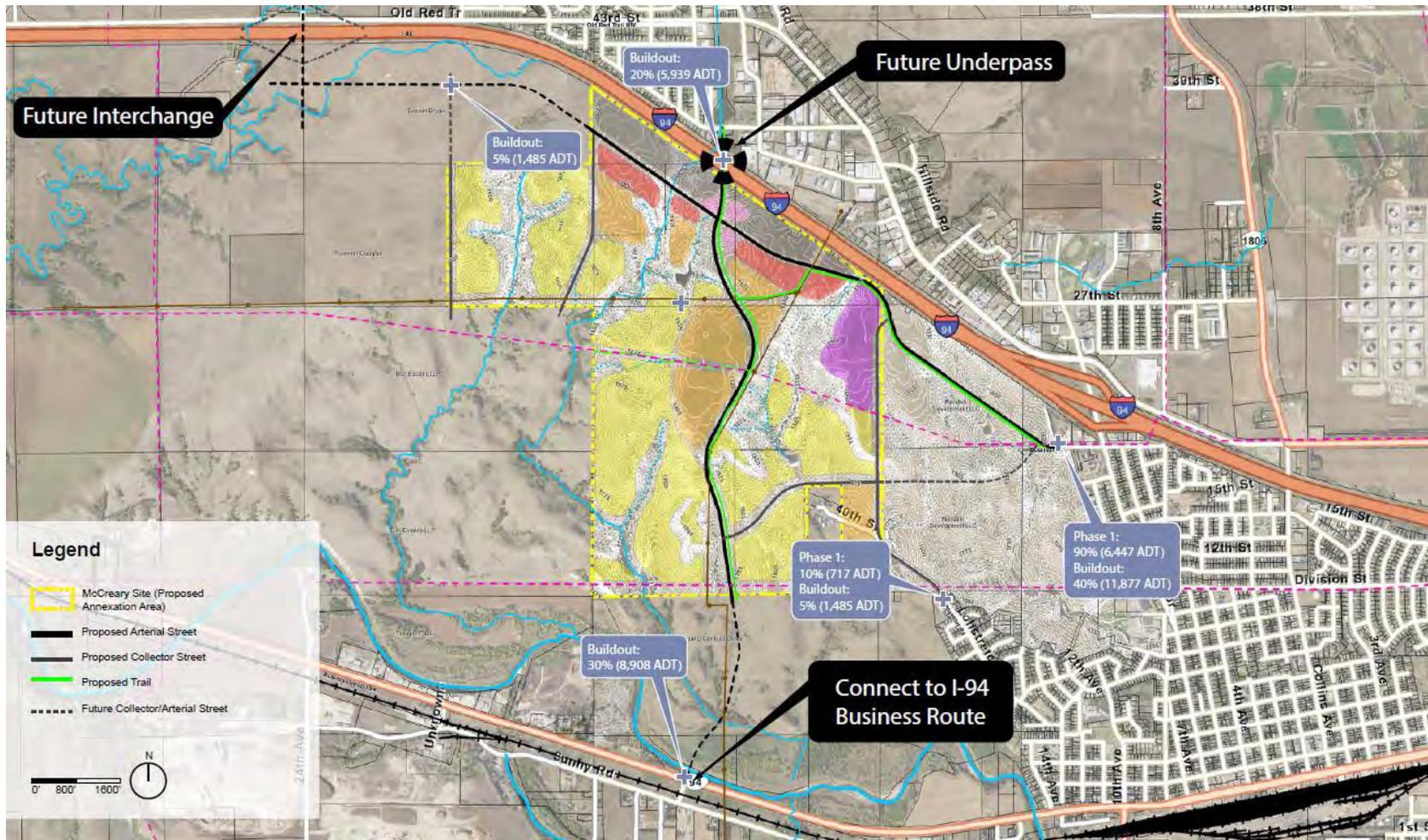
Note that there are a few key items that remain to be determined. This includes potential future roadway links or extensions, initially with the future connection to I-94 Business Route to the south and subsequently the future I-94 and 56th Avenue Interchange to the west. These connections should

be reviewed in more detail as development continues within the site to help limit any interim and/or long-term capacity or safety issues within the area.

Preliminary Trip Distribution

Figure 3 shows anticipated trips generated for Phase 1 of the development and buildout. Note that the trip distribution analysis was qualitative and not based from the regional travel demand model. Use of the travel demand model will produce a more accurate projection of possible trip distribution from the development. Note the likely heavy share of total trips projected to use the Boundary Street/Sunset Drive intersection in Phase I and continuing to buildout. Not to be overstated is the importance of connecting the development to Business Route 94 and Old Red Trail as part of Phase 2 development.

Figure 3 – Conceptual Transportation Plan & Qualitative Trip Distribution



Transportation Network Phase Implementation

Results of the Phase 1 transportation network review indicate that most of the Phase 1 roadways illustrated in Figure 3 are expected to provide sufficient capacity under Phase 1 development conditions. As mentioned previously, the north/south proposed minor arterial extending from the Old Red Trail across I-94 via a grade separated underpass is an important roadway to the Phase 2 transportation improvements. Lastly, the Phase 3 extension of Boundary Street is crucial for completing the north route connection to the proposed future interchange at 56th Avenue. This interchange will provide some relief from the need to use the existing Sunset Drive I-94 interchange (which is approximately 3 miles to the east).

Other Considerations

Boundary Road/Sunset Drive Intersection

The Boundary Road/Sunset Drive intersection currently has side-street stop control. This intersection will serve as a primary gateway into the proposed development, primarily under Phase 1 conditions until the future I-94 underpass and the future 56th Avenue interchange can be constructed. The Sunset Drive intersection fits City’s transportation plan guidance as a full-access intersection and is planned in the MPO’s Envision 2040 to be signalized. Specifically, Envision 2040 identifies the Boundary Road/Sunset Drive as a “short term” project (2015-2023) with a \$660,000 cost (cost based on 2023). Further discussion with respect to the specific intersection configuration will need to be determined through coordination with area stakeholders.

Access Management

As development occurs and the roadway network is developed, adherence to the Fringe Road Design Criteria – Access Location recommendations (see Table 2 below) should occur.

Table 2. Relationship between Functional Classification and Design Characteristics

Functional Classification	Distance Served (and Length of Route)	Intersection Spacing/Access Points	Direct Land Access?
Other Principal Arterial	Multiple miles to across the region	5 per mile	No
Major Collector	Multiple miles	9 per mile	No
Minor Collector	1 to 2 miles	Could provide direct land access	Allowed

source: Fringe Road Area Master Plan, September 2014

Traffic Controls

Once the internal roadway network has been identified and confirmed with area stakeholders, additional analysis is expected to occur to refine specific traffic control and turn lane needs, as well as the approximate implementation timeframe.

Pedestrian and Bicycle Connections

Discussion with Cole Higlin, Park District Director, confirmed desire to extend existing shared-use paths as contemplated in the Mandan Land Use and Transportation Plan, as well as in Envision 2040. An existing shared-use path extends from Mandan High School north to the western terminus of Boundary Road.

As part of Phase 1 of development, the extension of this path along Boundary Street as it is improved west to the property is contemplated. If access through the coulee/drainage system is desired for the property, only single-track natural surface trails are recommended to be improved in those areas due to the challenges of developing a standard shared-use path in such terrain. Future development phases include extension of the shared-use path system throughout the development, including along the north/south minor arterial and further west along an existing oil/gas transmission line easement.

Utility Needs Assessment

It is important to first note that three separate utility lines currently cross the master plan area. These are shown in Figure 1 (Master Plan graphic) and include the following:

- Gas transmission line running east/west across the center of the site.
- Gas transmission line running east/west across the southern edge of the site.
- Electrical transmission lines generally running north/south through the center of the site.

The master plan has been designed to avoid any conflict with these utility corridors. The corridors are identified as an opportunity in some areas to provide an adjacent alignment for a shared use path.

Cursory-level water and sanitary sewer system extension concepts have been developed for the master plan (see Figures 4 and 5). The City's water and sanitary sewer master plans were used as a starting point in developing the extension concepts. Due to the greater scale of development envisioned for the subject property as opposed to the City water and sanitary sewer master plan, significant adjustments were made to accommodate a greater amount of growth on the subject property (in particular, increased development close to the southern property line and at lower

elevations than what has previously been contemplated for the subject property). MDU maintains gas lines in the project vicinity and the master plan intends to utilize this service.

Mandan Sanitary Sewer Master Plan (Amended 2013)

The Mandan Sanitary Sewer Master Plan contemplated future growth within the subject property's northern tier, adjacent to I-94. To serve at least the initial phase of development, the City Engineer has recommended connection to the City's existing 10-inch gravity main located at Sunset Drive adjacent to Mandan High School. Buildout will require significant extensions to the City's sanitary sewer system and treatment facility beyond those envisioned in the City's Sanitary Sewer Master Plan.

Mandan Water System Master Plan (Amended 2013)

The City Engineer has indicated that the Boundary Road pressure-reducing valve improvements identified in the Water System Master Plan will need to occur to allow water service for the initial phase of development. The Master Plan identifies this water system improvement as a 2014 Capital Improvement Plan project with an estimated cost of \$114,000. Buildout of the master plan will require the extension of water mains as depicted in Figure 4. Figure 4 also identifies a location for a future water tower. This concept was carried over from the City's Water System Master Plan for the same approximate location as shown.

Figure 4 – Conceptual Water Supply Plan

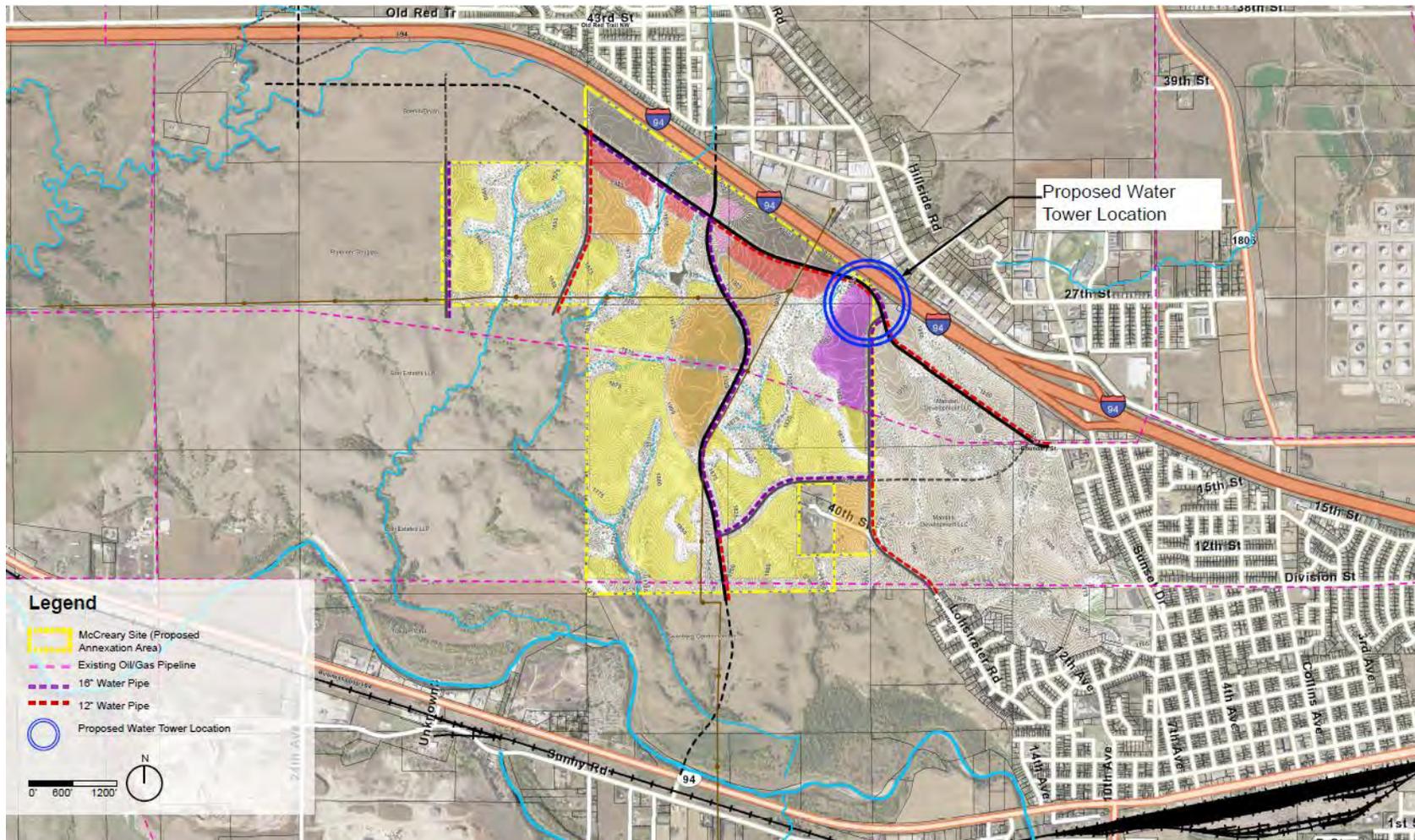
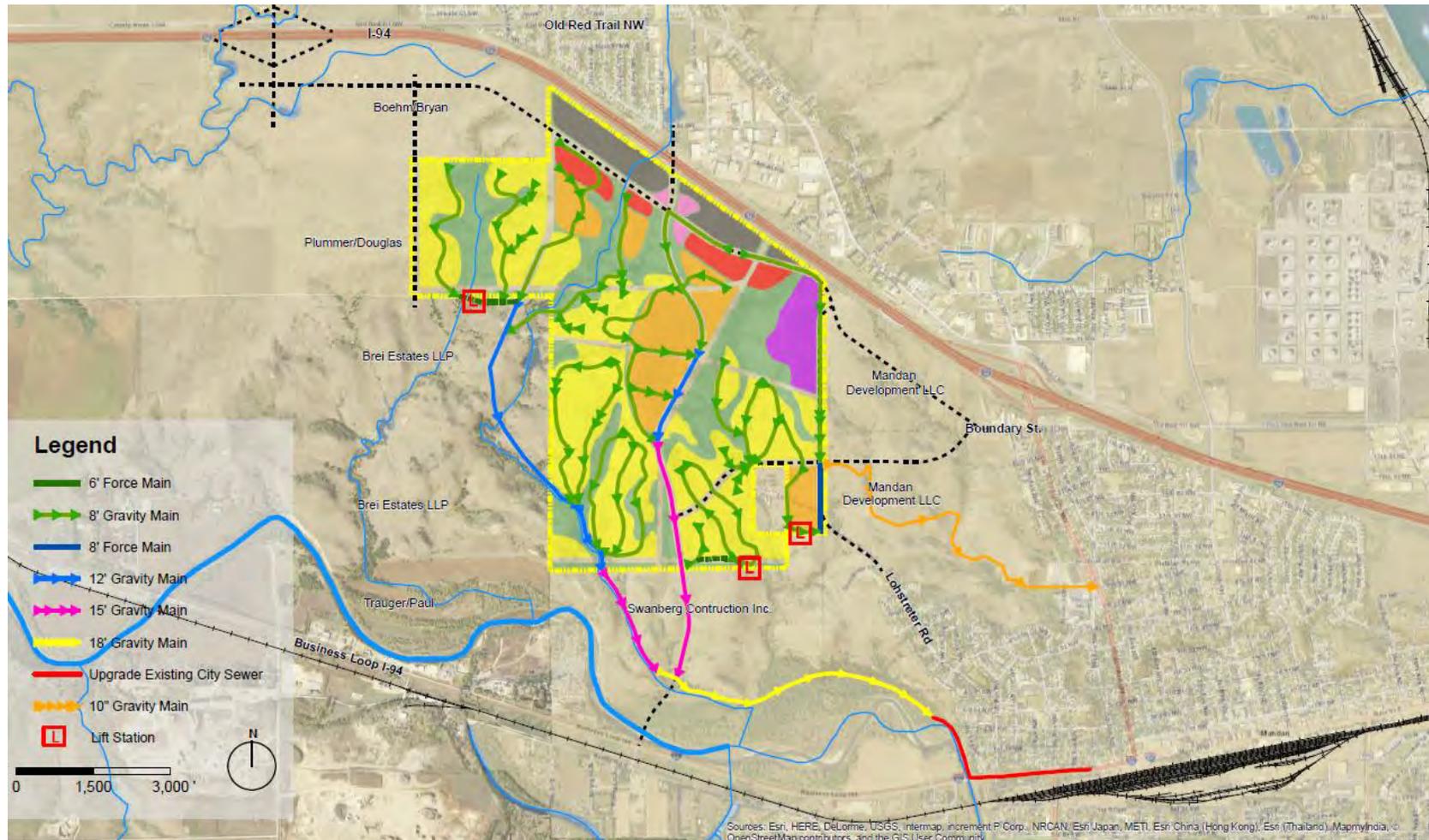


Figure 5 – Conceptual Sanitary Sewer Plan



Stormwater Approach

Existing Condition

The existing land use of the proposed development site consists of a farm house and pasture land for cattle. Topography is steep with a series of ravines that accumulate flow to 4 distinct discharge points from the site. Berms were constructed within a few of the ravines some time before 1997 to provide cattle watering areas, which incidentally provide detention for stormwater runoff and reduce peak discharge rates.

Proposed Condition

The proposed 1,051-acre development includes the addition of commercial and residential area, adding roughly 402 acres of new impervious surface. Due to the steep terrain it is assumed that flow patterns will match the existing condition. The new roadways will have curb and gutter, allowing for roadway and development drainage to be picked up in storm sewer and directed towards the stormwater ponds located at the downstream ends of the existing ravines.

Regulatory Environment

The project site is located within the City of Mandan (City), within the Morton County Water Resource District. The City is the local government unit (LGU) for water resources-related permitting within the district and the project is designed to meet their requirements.

Water Quantity and Volume Control

The water from the project is diverted into the ravines. City rules require discharge rates for the 2-, 10-, and 100-year storm events to be less than or equal to existing peak discharge rates using the city-specific Intensity-Duration-Frequency (IDF) curve. Atlas-14 rainfall, which is more restrictive than the city provided IDF curve, was used instead based on guidance from the North Dakota Department of Transportation (NDDOT). In addition, City rules state that detention basins should provide a minimum of one foot of freeboard above the 100-year surface elevation.

Water Quality

City rules state that stormwater management facilities should be designed to enhance the quality of stormwater runoff. For the concept level design, it is assumed that sizing the basins to meet NURP requirements is reasonable because this will provide dead storage volume for water quality treatment, and the necessary live storage to provide the required rate control.

Pond Design

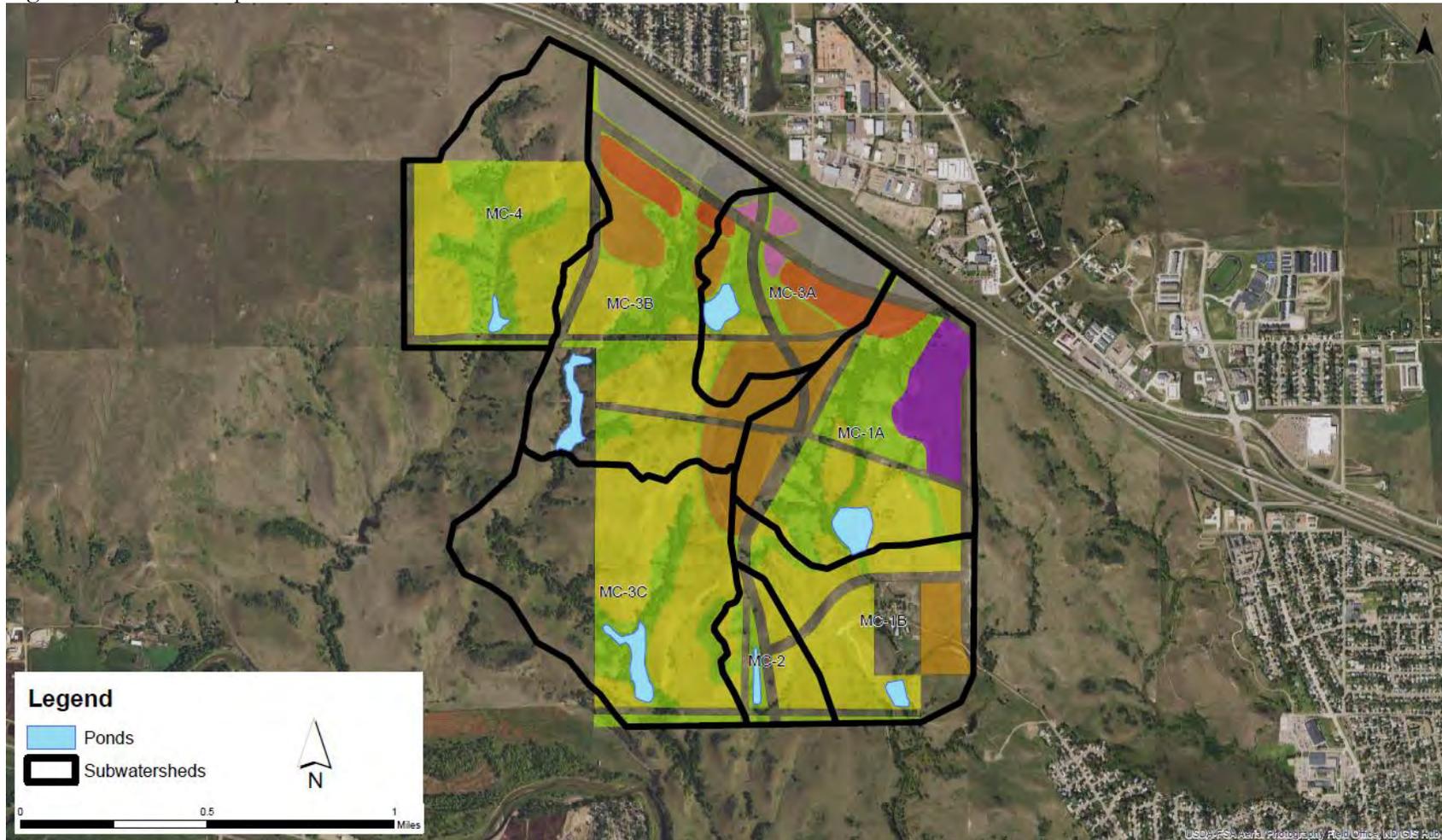
One of the goals of the McCreary Master Plan is to determine locations and approximate sizes for stormwater detention basins. Using available topographic, land use information, and Atlas-14 rainfall, existing and proposed hydrologic models were created based on the pre- and post-development site conditions.

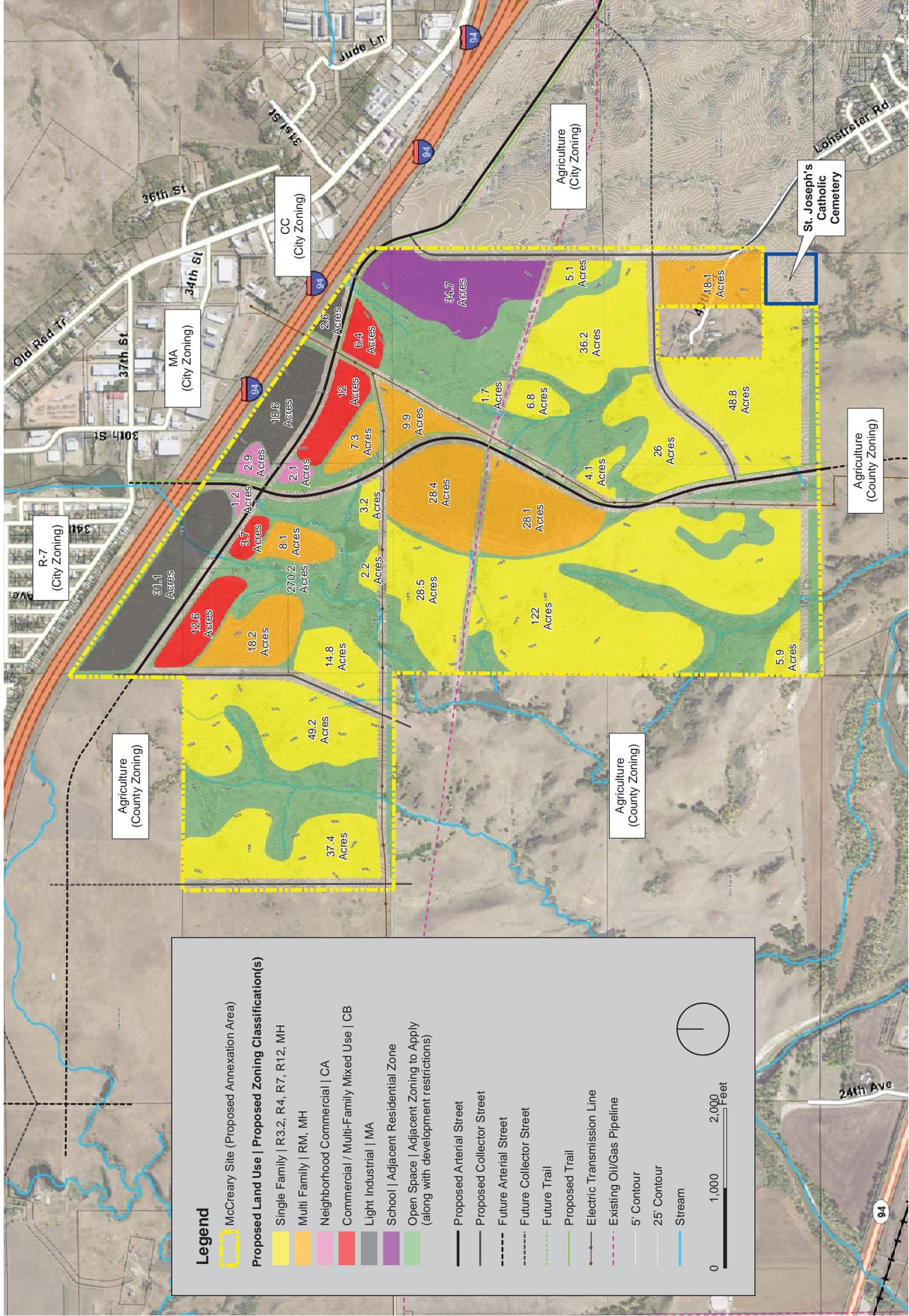
Detention basins were preliminarily sized using NURP guidelines to develop approximate pond volumes. The pond sizes were further refined by inputting the pond volume into the hydrologic model. Site topography and the proposed land use plan were then analyzed to locate areas where the required pond footprint would feasibly fit. Pond footprints and locations are shown in Figure 6. See Table 3 for a summary of the existing and proposed peak discharge rates.

Table 3. Discharge Rate Summary

	2-yr		10-yr		100-yr	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
MC-1	116.3	98.33	359.22	236.31	932.87	725.97
MC-2	29.83	10.08	65.94	19.39	144.54	30.36
MC-3	168.19	71.33	455.65	182.9	1100.94	818.81
MC-4	117.28	71.15	259.12	172.72	569.95	318.1

Figure 6 – Pond Footprints and Location





Legend

McCreary Site (Proposed Annexation Area)

Proposed Land Use | Proposed Zoning Classification(s)

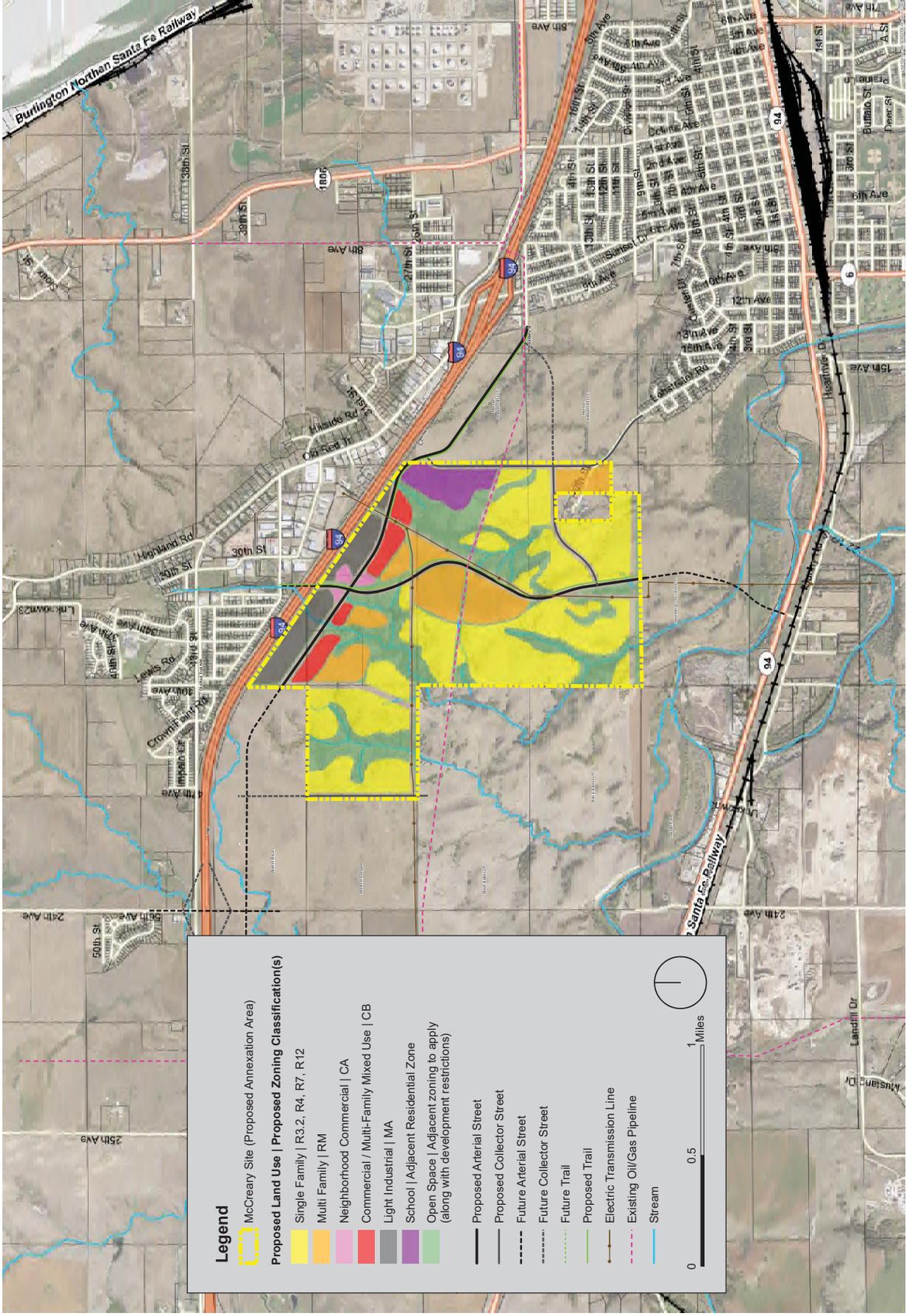
- Single Family | R3.2, R4, R7, R12, MH
- Multi Family | RM, MH
- Neighborhood Commercial | CA
- Commercial / Multi-Family Mixed Use | CB
- Light Industrial | MA
- School | Adjacent Residential Zone
- Open Space | Adjacent Zoning to Apply (along with development restrictions)

Infrastructure

- Proposed Arterial Street
- Proposed Collector Street
- Future Arterial Street
- Future Collector Street
- Future Trail
- Proposed Trail
- Electric Transmission Line
- Existing Oil/Gas Pipeline
- 5' Contour
- 25' Contour
- Stream

Scale

0 1,000 2,000 Feet



Legend

- McCreary Site (Proposed Annexation Area)
- Proposed Land Use | Proposed Zoning Classification(s)**
- Single Family | R3.2, R4, R7, R12
- Multi Family | RM
- Neighborhood Commercial | CA
- Commercial / Multi-Family Mixed Use | CB
- Light Industrial | MA
- School | Adjacent Residential Zone
- Open Space | Adjacent zoning to apply (along with development restrictions)
- Proposed Arterial Street
- Proposed Collector Street
- Future Arterial Street
- Future Collector Street
- Future Trail
- Proposed Trail
- Electric Transmission Line
- Existing Oil/Gas Pipeline
- Stream

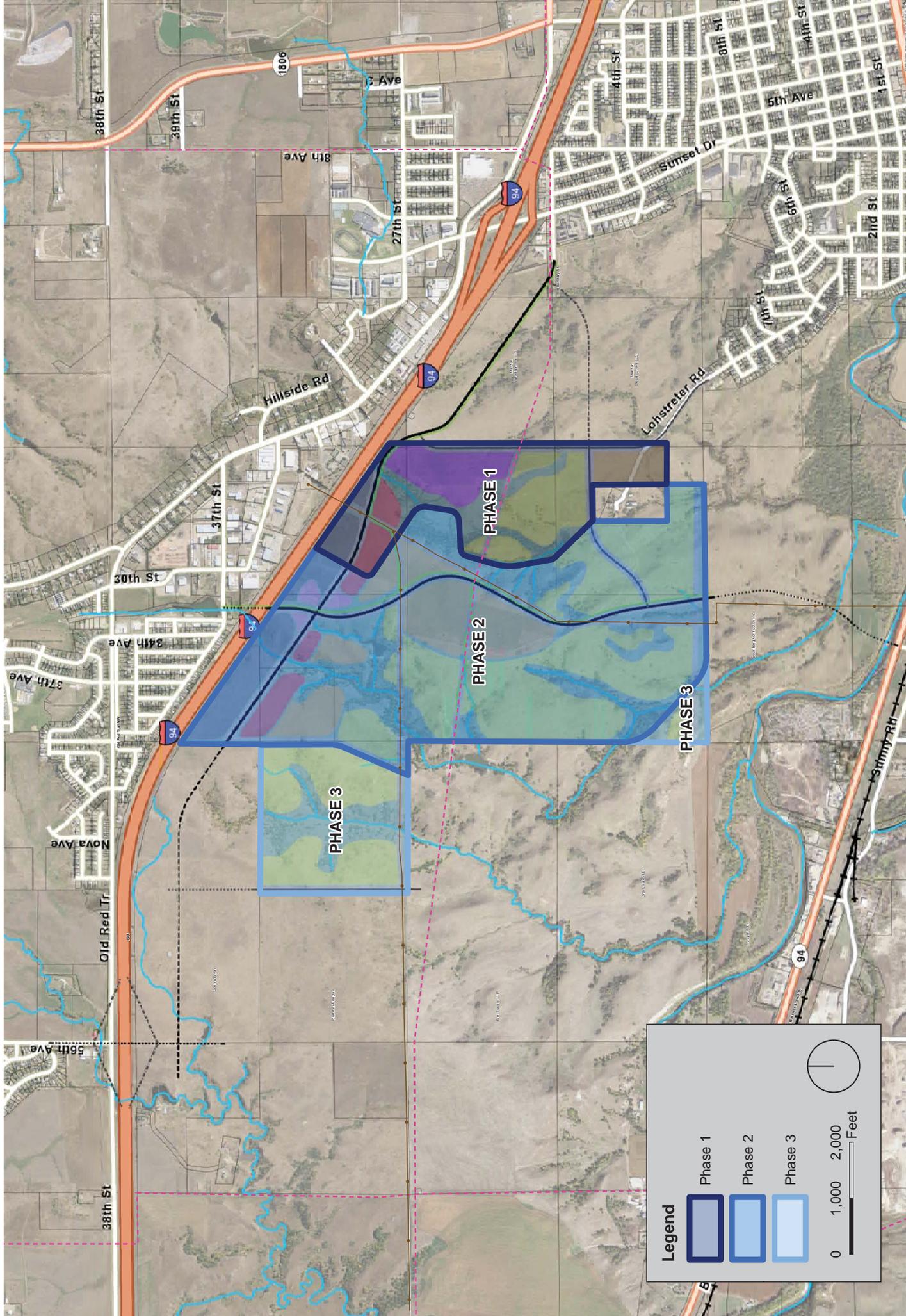
0 0.5 1 Miles

McCreary Master Plan - Vicinity

JMAC Resources
Mandan, ND

May 30, 2019



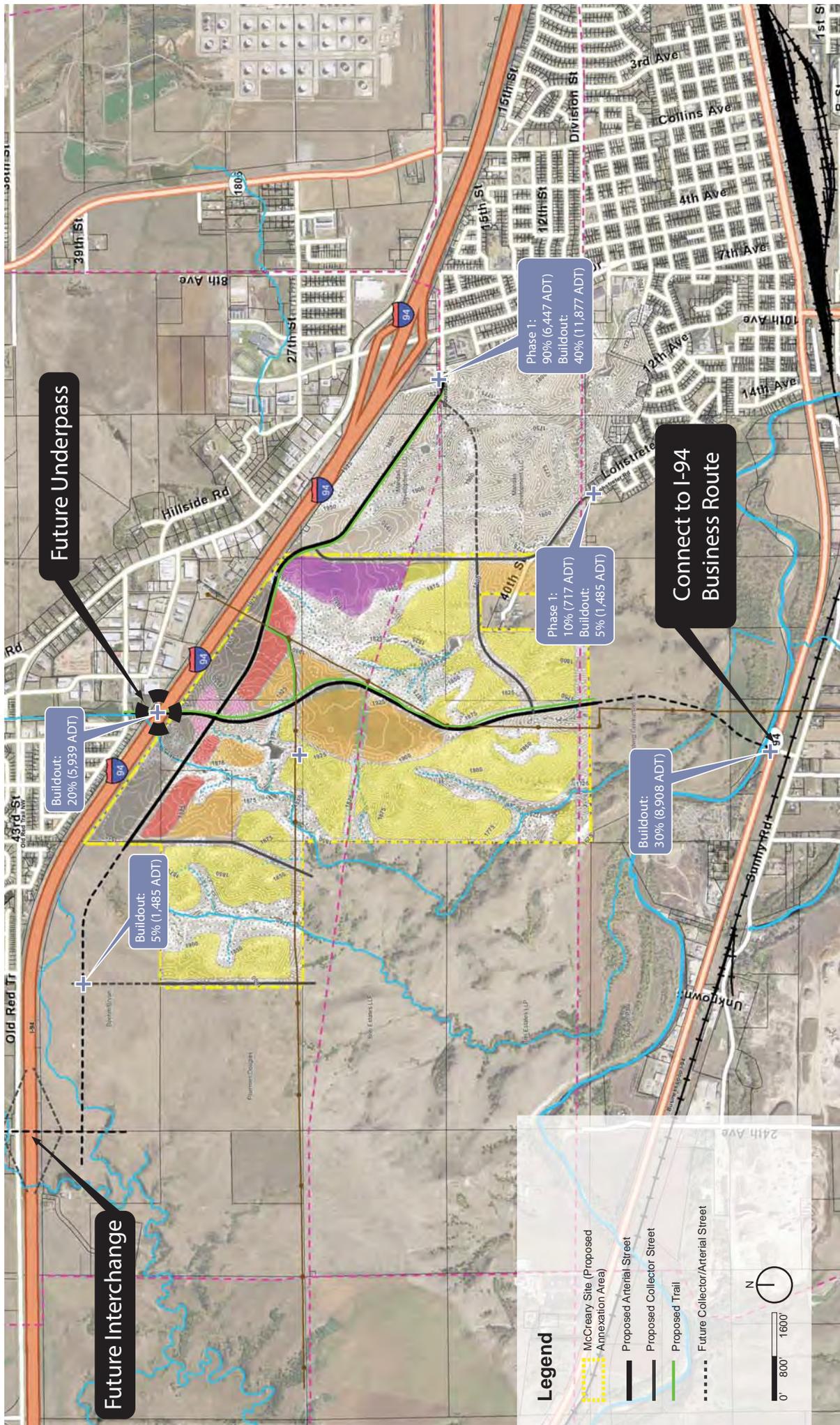


McCreary Master Plan

JMAC Resources
Mandan, ND

May 30, 2019



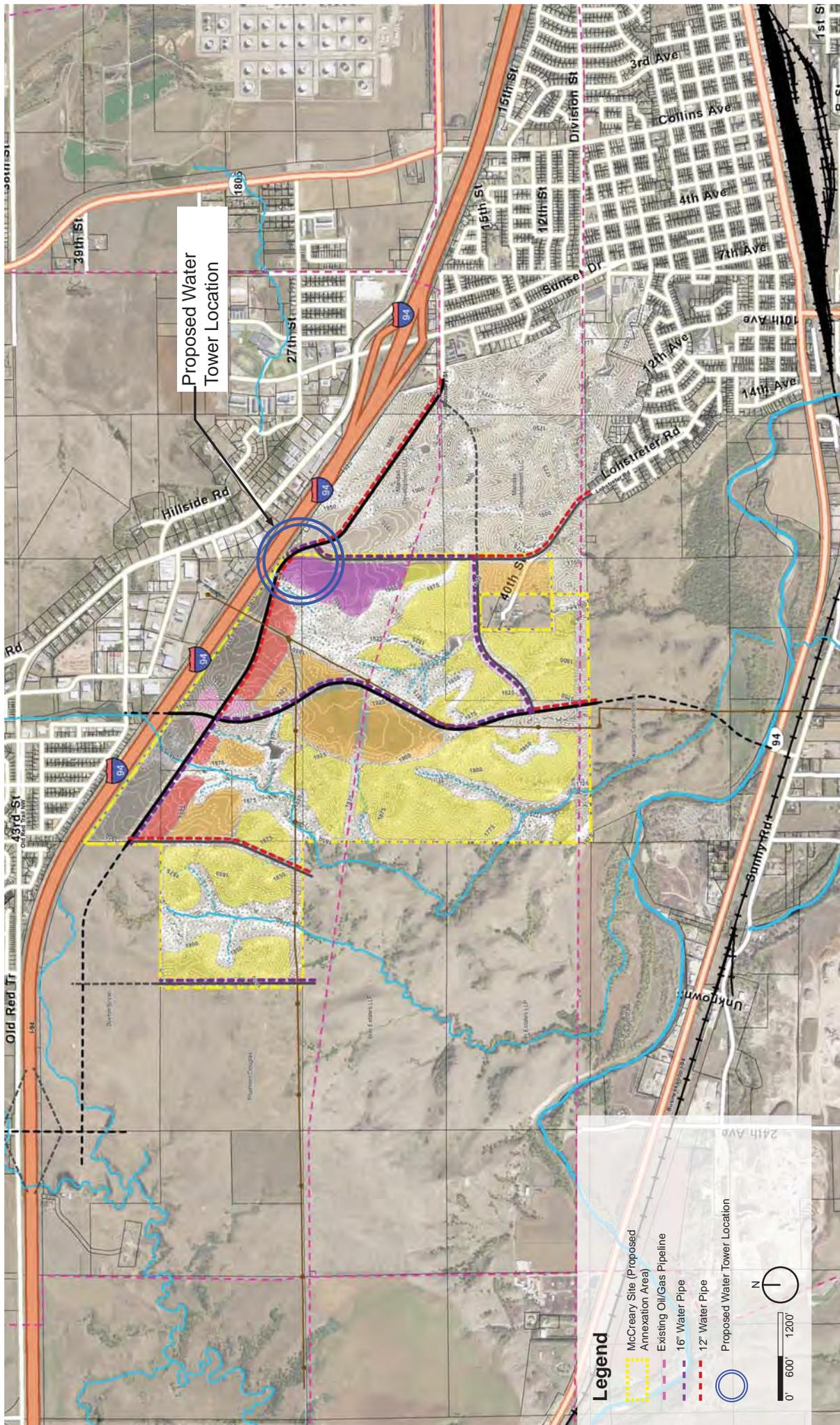


McCreary Transportation Plan

JMAC Resources
Mandan, ND

May 21, 2019





McCreary Water Supply Plan

JMAC Resources
Mandan, ND

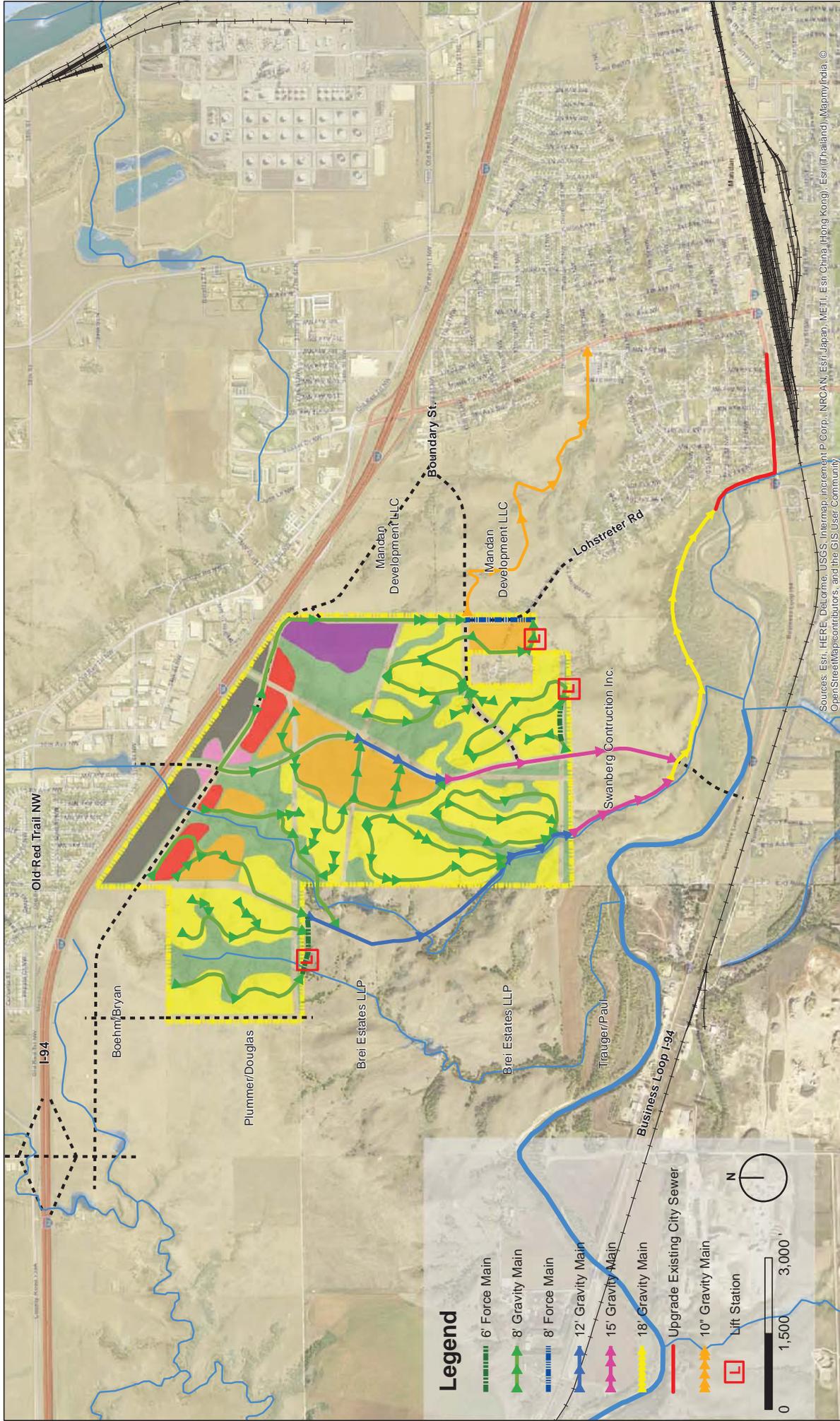
May 21, 2019



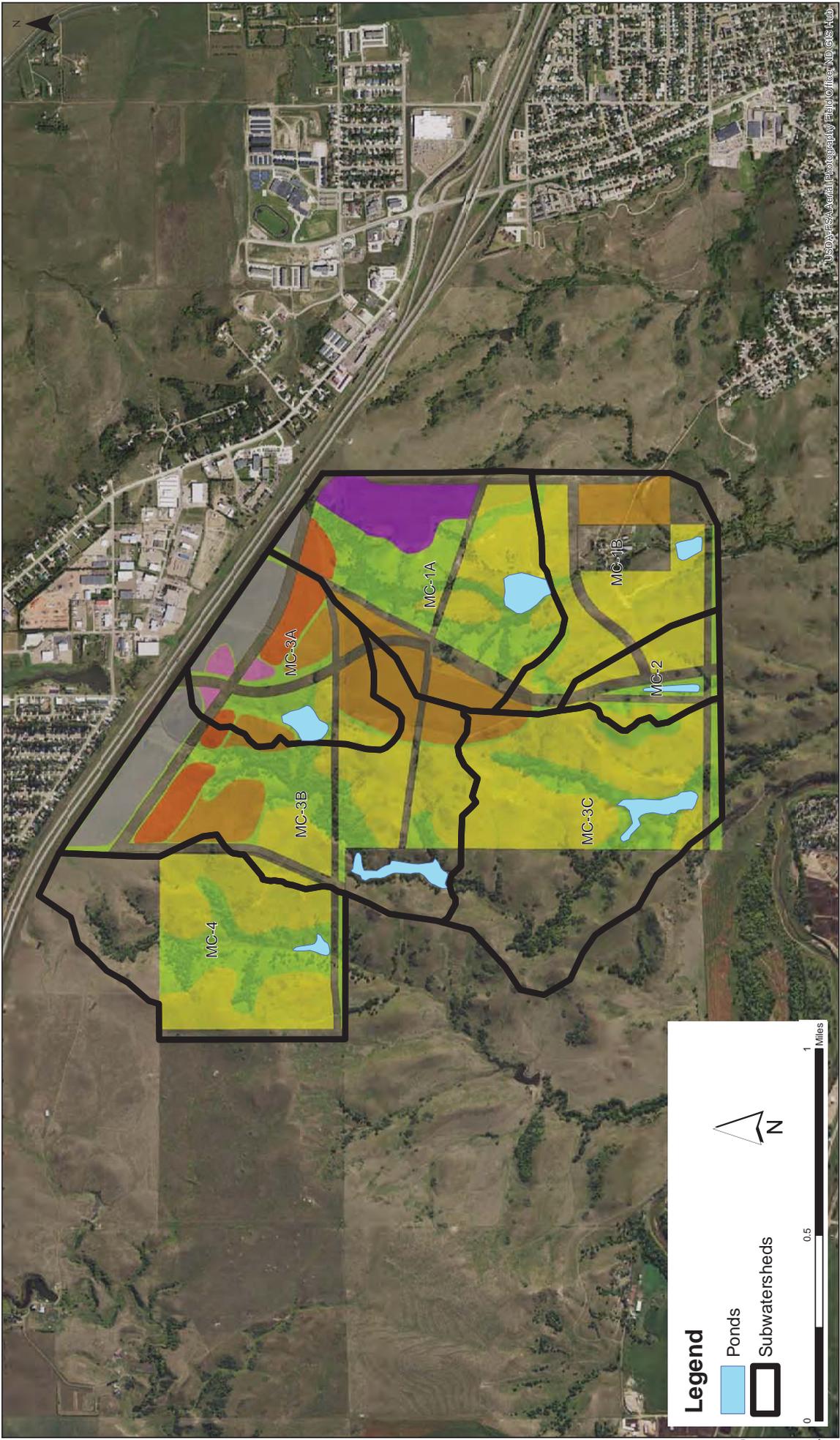
Legend

- McCreary Site (Proposed Annexation Area)
- Existing Oil/Gas Pipeline
- 16" Water Pipe
- 12" Water Pipe
- Proposed Water Tower Location

N
 0 600 1200



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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Legend

- Ponds
- Subwatersheds

0 0.5 1 Miles

SRF
 Subwatersheds and Pond Locations
 McCreary Master Plan
 JIMAC Resources

EXHIBIT 2

McCreary Masterplan

Other comments from those not in attendance:

William Hanley, WBI Energy - WBI Energy Transmission Inc., owns and operates the high pressure natural gas pipelines in the Meadow Ridge Masterplan, in Section 22, T139N, R81W and in the McCreary Masterplan, in Section 19,20, T139N, R81W in Morton County, North Dakota. Below is easement criteria, this is to keep the WBI's easement clear to maintain the pipeline that is placed in the area of plat and zone changes. The Meadow Ridge Masterplan has a 33-foot, either side of the centerline of that pipeline instead of 25-foot and stated below. McCreary Masterplan, in Section 19,20 has two pipelines that placed parallel, in that case 25-foot either side of pipelines. I have been in communication with personal working on Meadow Ridge, have not talked anybody with the McCreary project. Yes, with the short notice, I will not be able to attend the pre-planning meeting. Please pass the easement restrictions to the engineering personal for each projects. WBI Energy Transmission Inc., requests that the wording of the Criteria for WBI Energy Easements be placed on each plat, our hope is that, this will help the developer to keep the pipeline easement clear.

Criteria on WBI Energy deeded property:

No activity without approval of WBI Energy.

Criteria for WBI Energy easements:

- 1. No fencing, trees, shrubs, rocks, or boulders, shall be allowed within 25 feet of our pipeline facilities.*
- 2. No utility or other parallel encroachments are allowed within 25 feet of our pipeline facilities.*
- 3. Any proposed equipment crossings must have WBI Energy prior approval.*
- 4. No structures, either permanent or temporary are allowed within 25 feet of our pipeline facilities.*
- 5. Any proposed grading, ground disturbance, paving, cement and, or utility installation, within 25 feet of our pipeline facilities, must have written approval of WBI ENERGY TRANSMISSION INC.*
- 6. Any proposed water drainage re-routes or retention ponds over or within 25 feet of WBI Energy facilities must have prior approval of WBI ENERGY TRANSMISSION INC.*

Morton County Comments

Morton County Planning and Zoning

- 1) Portions of the area encompassed by the master plan already experience issues of slope slumping. It is recommended that City of Mandan require geotechnical analysis as a component of any major subdivision plat applications that would come forward in this area, in the interest of public safety.
- 2) Sanitary sewer and storm sewer lines “downstream” of the proposed development already experience capacity issues. The impacts of the proposed subdivision should be understood to extend to existing and/or proposed trunk sewer lines (i.e. the line running along Sunset or the line that would be proposed to cross I-94 and run east down Old Red Trail).
- 3) Due to the terrain of the proposed area, infrastructure costs will be significantly higher, compared to flatter areas. It is recommended the City not absorb the infrastructure costs associated with the proposed development.

Natalie Pierce, Director of Planning and Zoning

- 1) Infrastructure concerns aside, generally the layout of the master plan looks adequate. One thing that sticks out is that the high school is almost completely isolated from residential areas – which would preclude walking or biking to school.
- 2) I support the incorporation of greenspace throughout the development rather than the strip along I-94 that is proposed in the future land use plan. This arrangement will provide stormwater facilities, and opportunities for trails and local parks.
- 3) The arrangement of commercial, neighborhood commercial and light industrial zones (mirroring the industrial uses on the north side of I-94). Although the width of the light industrial zone seems somewhat narrow and may limit the uses that could locate there. If the expectation is for uses like self-storage, this layout looks good.

EXHIBIT 3

RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE CITY OF MANDAN, NORTH DAKOTA Planning and Zoning Commission City of Mandan, North Dakota

WHEREAS, North Dakota Century Code Section 40-48-08 requires that the planning commission make and adopt a master plan for the physical development of the municipality and of any land outside its boundaries which, in the commission's judgement, bears a relation to the planning of the municipality; and

WHEREAS, North Dakota Century Code Section 40-48-09 requires that the planning commission make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory; and

WHEREAS, North Dakota Century Code Section 40-48-10 requires that before adopting the master plan or any part of it or any substantial amendment thereof, the planning commission hold at least one public hearing thereon; and

WHEREAS, Jon McCreary, in consultation with SRF Consulting Group, Inc. have conducted an in-depth evaluation of the subject area; and

WHEREAS, The amendment is greatly informed by other plans, including the Mandan Land Use and Transportation Plan, Fringe Area Road Master Plan, I-94 Corridor Study, and Envision 2040; and

WHEREAS, The amended configuration of roads and land uses are found to be superior to those previously adopted; and

WHEREAS, City staff met with the applicant and their consultant numerous times to adjust the layout that would solicit staff recommendation of approval and align with the desires of the applicant; and

WHEREAS, Nothing in this amendment is a guarantee of City financial assistance or assurance of support of any development application that is deemed too premature in its timing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA, THAT:

1. The Future Land Use Map of the Comprehensive Plan is hereby amended; and
2. If any goal, objective, or policy of the originally adopted Comprehensive Plan shall be found to be in conflict with the amendment, the originally adopted Comprehensive Plan shall prevail; and
3. The Comprehensive Plan shall be presented to the City Commission for approval as required by North Dakota Century Code Section 40-48-11; and
4. Upon approval by the City Commission, staff is instructed to publish and distribute the plan; and
5. Staff is instructed to report back to the Planning and Zoning Commission at least

annually regarding implementation of the plan.

Dated this 26th day of August 2019

President, Planning and Zoning Commission

ATTEST:

Planning and Zoning Secretary

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2

For Meeting on August 26, 2019

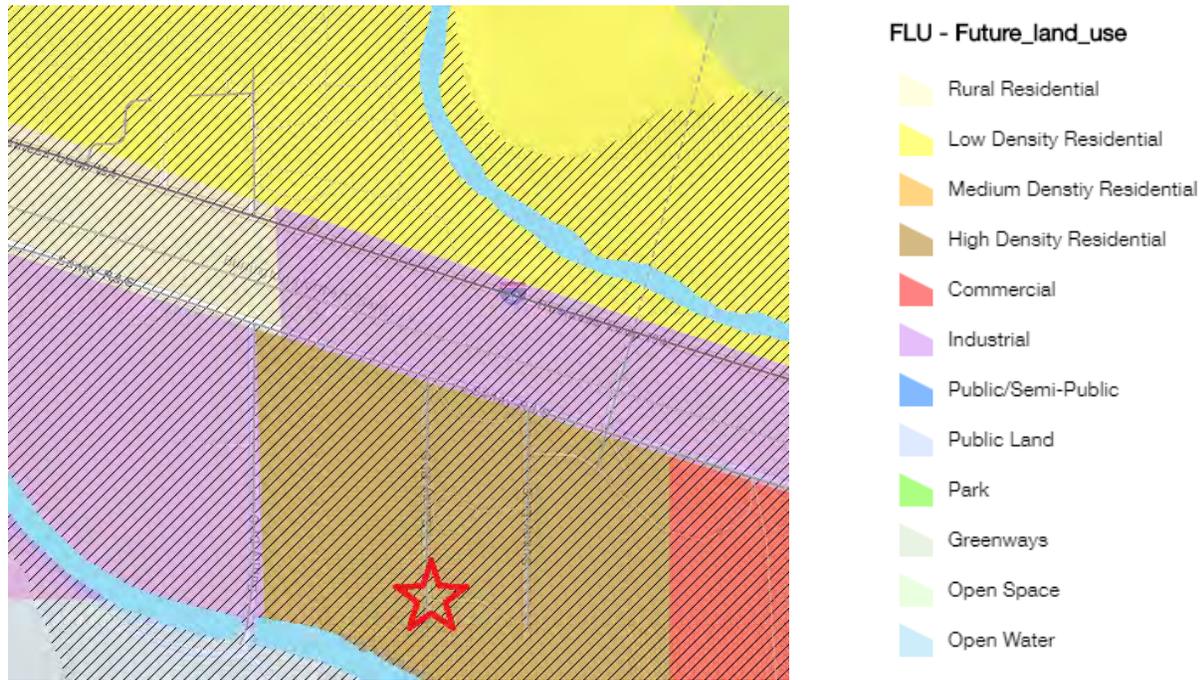
Sunny Ln/Sunny Pl. Rezone

Requested Action

Zoning Amendment

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Alex Pool Raymond Schaff Leonard & Lucia Storms	Alex Pool Raymond Schaff Leonard & Lucia Storms	See Legal	The property is the North 280' of Lot "C" of Lot 1 of Auditor's Lot "E"; Lot "B" of Lot One (1) of Lot "E"; and Lot "A" Auditor's Subdivision in the SW ¼ of Section 29, Township 139N, Range 81W.	
Location		Proposed Land Use	Parcel Size	Number of Lots
City of Mandan (ETA)		Wrecking yard, trucking, Misc. Industrial	Approx. 26 acres	N/a
Existing Land Use	Adjacent Land Uses		Current Zoning	Proposed Zoning
Residential	Residential		R7 Residential	MB Industrial
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
\$600	May 9, 2019	August 8, 2019	August 16, 2019, August 23, 2019	

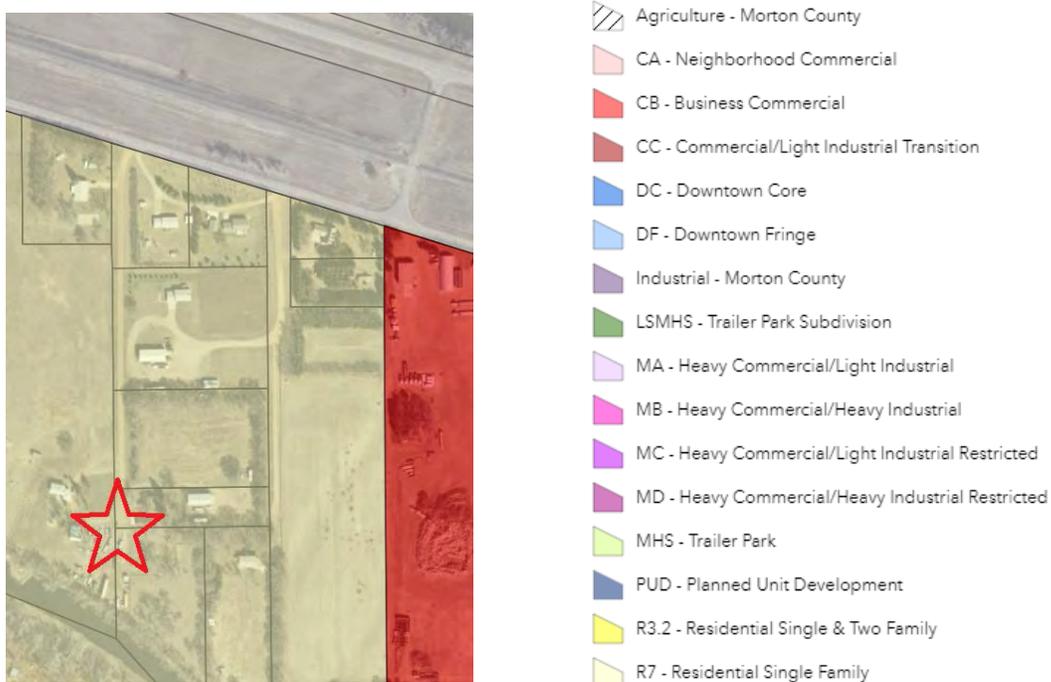
Project Description
<p>The applicant's wish to rezone their property from R-7 Residential to MB-Industrial. The area is largely residentially zoned, although there are commercial/industrial uses in the vicinity. The following link provides pictures of the area: https://arcg.is/1vOKzX The purple colored numbers are those pictures of industrial facilities in the area. The red colored numbers are of the applicant's property.</p> <p>This rezone request is premised on a zoning violation as a result of adjacent property owner complaints to the City of Mandan and Morton County for having an accumulation of vehicles stored outside stemming from a wrecking operation on Mr. Poole's property (See Exhibits 1 and 2).</p> <p>While Raymond Schaff's signature is on the letter, he has since joined in the application along with the other two applicants and no longer opposes the industrial rezoning of the area (See Exhibit 3).</p> <p>The future land use designation for the property is high-density residential (see image below; red star marks area of rezone request).</p>



The purple is industrial, red is commercial, and yellow is low-density residential. The hashed overlay denotes the 100-year floodplain.

Industrial zoning in the floodplain creates additional problems when floods occur. In the case of a junkyard, vehicle fluids and components from vehicles are more likely to produce environmental and public health/safety hazards than single-family dwellings.

Existing zoning in the area is largely R-7 residential and agriculture. There is a property that went through a commercial rezone in 2011 to the east of the applicant's property denoted by a star (see below red colored property).



If this zone change is approved, the industrial zoning designation will be entirely surrounded by R-7 residential. Industrial and residential uses are disharmonious and incompatible in close proximity, leading to complaints from land owners.

Finally, access to the majority of land that is part of this request is dependent on an access easement that passes through many of the property owners that have complained about the industrial activity occurring on Mr. Poole's property. A rezone to industrial would create the potential for heavier machinery and vehicles to access the property through the easement and damage the existing private gravel road.

In summary, staff is recommending denial of the proposed rezone for the reasons outlined in Exhibit 4.

Agency & Other Department Comments

Alex Pool's property is an active enforcement complaint from several neighbors for trucking/junk yard-related activity.

Engineering & Planning Staff Comments

See Exhibit 4

Engineering & Planning Recommendation

Engineering and Planning recommend denial of the zoning amendment from R-7 Residential to MB Industrial in the area specified in Exhibit 1 for the reasons outlined in Exhibit 4.

Proposed Motion

I move to recommend denial of the zoning amendment from R-7 Residential to MB Industrial in the area specified in Exhibit 1 for the reasons outlined in Exhibit 4.

List of Exhibits:

Exhibit 1 – Neighbors' Complaint

Exhibit 2 – Alex Poole Property Images

Exhibit 3 – Letter of Intent from Raymond Schaff

Exhibit 4 – Rationale for Recommendation of Denial

EXHIBIT 1

January 7, 2019

Morton County Planning and Zoning
2916 37th St NW
Mandan ND 58854

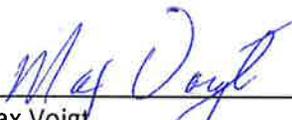
Dear Board Members:

We, the undersigned property owners, are writing regarding the issue with the property owned by Alexander Pool, parcel 410204000. The property in question has an accumulation of junk and junk vehicles. The property is considered to be residential. It should also be noted the property in question is also zoned flood plain. Our concern is that having a junk yard in our back yard will certainly devalue our properties.

Initially, we contacted Candy Fleck regarding this matter. Ms. Fleck did make contact with Mr. Pool and gave him a time frame to remove the junk. Mr. Pool did start to remove some of the junk but continued to bring more junk in. We have on numerous occasions been in contact with Candy Fleck and John Van Dyke regarding the cleanup of the property, however, the issue has not gotten resolved. Recently, we were told that this is not a city issue but rather a county issue. We contacted Commissioner Andy Zachmeier and on December 26th, 2018, Andy did come out to check out the property. He also contacted Candy Fleck, but was told that there is no documentation regarding this issue. Andy did agree that this needs to be addressed by the Morton County State's Attorney, Morton County Planning and Zoning Committee and the City of Mandan Planning and Zoning Committee.

We are asking these three agencies to look into the matter and resolve the issue in a timely manner.

Thanks for your time and consideration.



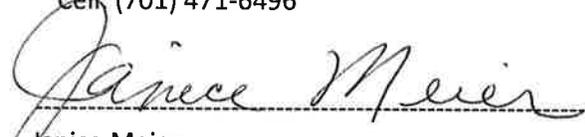
Max Voigt
2270 Sunny Rd S, Mandan ND 58554
Cell: (701) 425-6924



Jim Sackman
2278 Sunny Rd S, Mandan, ND
Cell: (701) 471-6496



Greg Wetch
4072 Sunny Lane S, Mandan ND 58554
Cell: (701) 391-3067

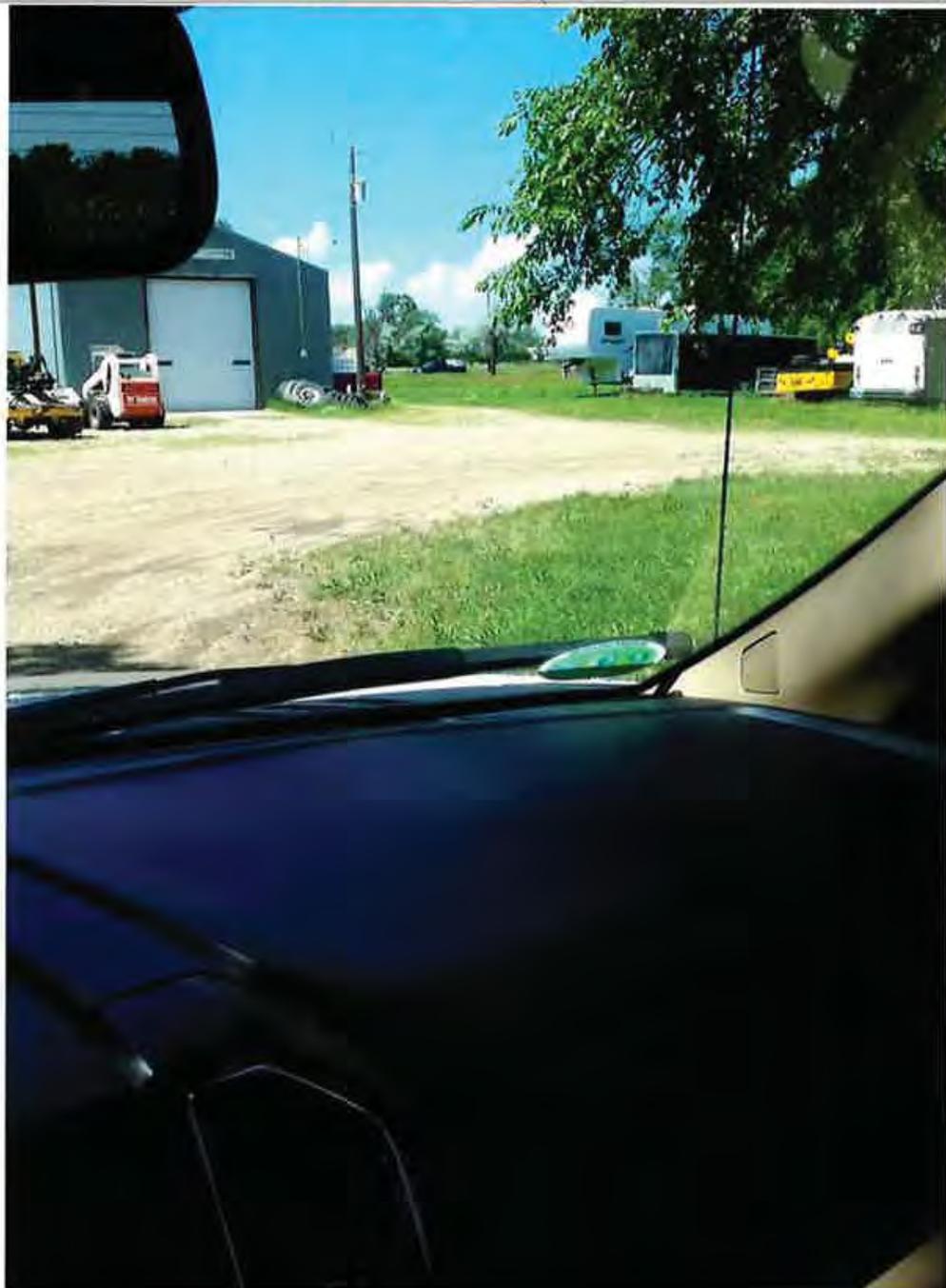


Janice Meier
4095 Sunny Ln S, Mandan ND 58554
(701) 663-8130

cc: Morton County States Attorney
210 2nd Ave NW, Mandan ND 58554

John Van Dyke
Engineering and Planning Director
205 Second Ave NW, Mandan ND 58554

EXHIBIT 2





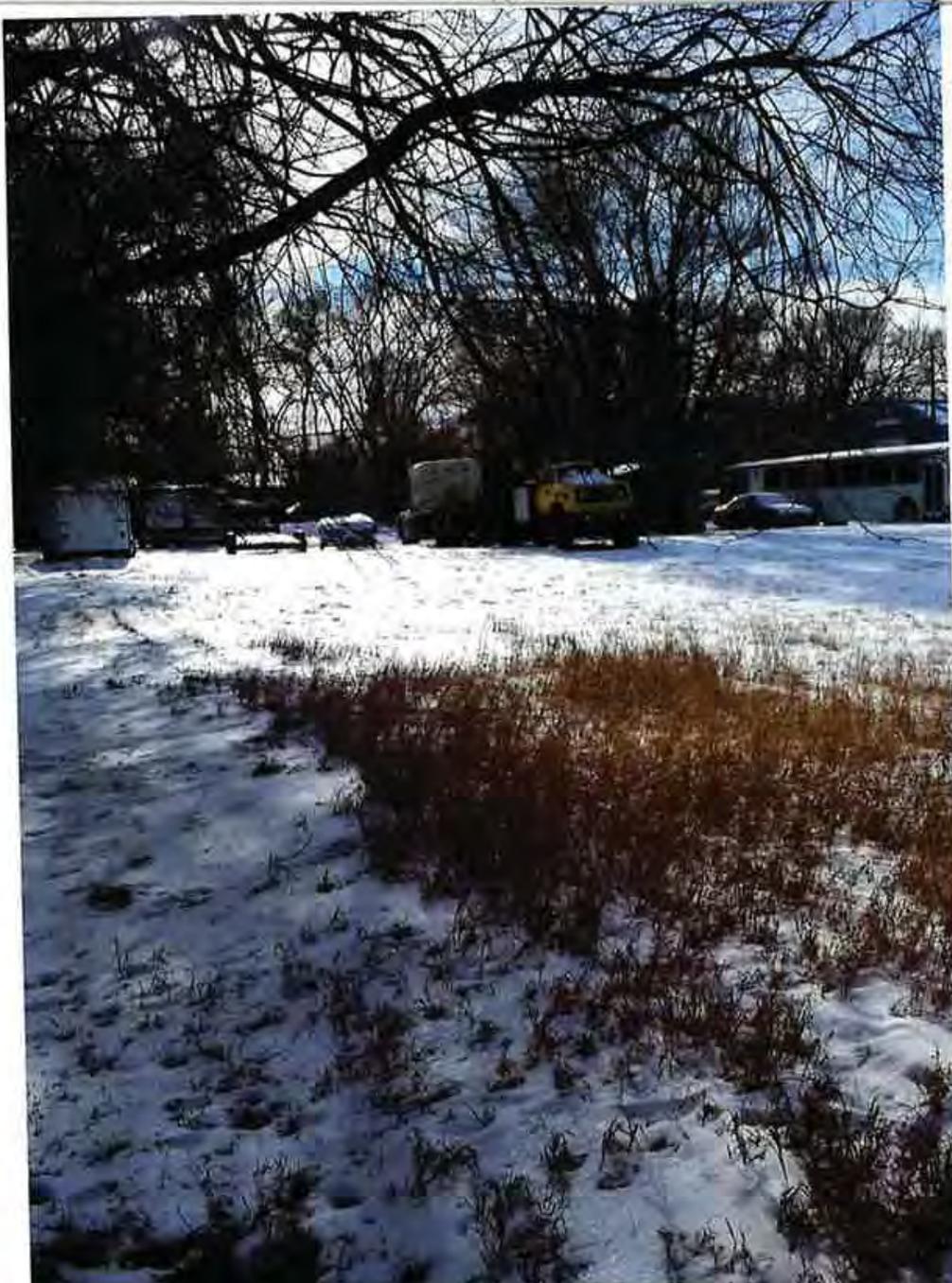








EXHIBIT 3

Property of Raymond Schaff

The property has been used as a trucking terminal for 50 years. A large heated shop, capable of holding up to four semi-tractors is located on the property. The shop is used to store the trucks and fix them, as needed. The trucks deliver a variety of agricultural and other goods both short and long-haul distances.

Exhibit 4 - Rationale for Denial

- The Land Use and Transportation Plan of the City of Mandan denotes a land use of high-density residential; not industrial
- Industrial uses, such as junkyards, when located in the floodplain can have additional adverse effects on the environment and public health/safety compared with residential uses due to the amount and type of outdoor storage present in the event of a flood (vehicle fluids, additional debris becoming waterborne, etc.)
- Many neighbors oppose the existing use presently exercised by Mr. Poole (wrecking service).
- The access serving the applicant's properties are gravel roads established by easement only. These roads pass through the properties of several of the property owners that oppose the uses that would be allowed if this rezone request was approved.
- While there are industrial/commercial uses in the vicinity, none of these are directly adjacent to the properties part of the rezone request. A zoning designation of MB Industrial (heavy industrial) would be surrounded by R-7 Residential (single-family) zoning. These two zones are disharmonious, incompatible zoning districts and likely to create complaints from residents of the area.

PUBLIC HEARING #3

PUBLIC HEARING #3

Mandan Planning and Zoning Commission Agenda Item PH3
 For Meeting on August 26, 2019
 Mandan Engineering and Planning Office Report
Murals
 Requested Action
Ordinance Text/Map Amendment

Application Details				
Applicant N/a	Owner N/a	Subdivision N/a	Legal Description City of Mandan	
Location City of Mandan		Proposed Land Use N/a	Parcel Size N/a	Number of Lots N/a
Existing Land Use N/a	Adjacent Land Uses N/a		Current Zoning N/a	Proposed Zoning N/a
Fees N/a	Date Paid N/a	Adjacent Property Notification Sent N/a	Legal Notices Published 8/16/2019 & 8/23/2019	

Project Description
<p>The DRAFT mural ordinance as seen in Exhibit 1 is the end product of several drafts exchanged with the Lonesome Dove’s attorneys in an effort to resolve the Federal Court Lawsuit. In that lawsuit, the Plaintiffs raised certain constitutional concerns. While the City attorneys do not believe the previous mural ordinance embedded in the City’s sign code violates the constitution as claimed by Lonesome Dove’s attorneys, Exhibit 1 provides for a much simplified permitting process while at the same time fulfilling the legitimate interests of the City in preserving public safety, traffic and pedestrian safety, aesthetics, and property values. The City’s attorneys believe Exhibit 1 is fully in keeping with constitutional considerations, which the City is committed to uphold.</p> <p>Residential Districts Not Regulated</p> <p>The mural ordinance does not regulate residential districts, rather leaving neighborhood home-owners’ associations and other legal processes to address this issue.</p> <p>Permitting & Maintenance</p> <p>A permitting process is required for structurally affixed murals to ensure that any mural not applied by painting directly onto a building is done safely and in keeping with the building code. Murals painted directly onto buildings have a streamlined permitting process, including the requirement the materials used to paint onto the structure are adequate to withstand North Dakota weather well into the future. The painted mural permit also requires documentation of the original condition of the mural after it has been applied, which provides a baseline if the mural should become degraded. If a mural painted directly to a building fades, chips, or peels, through inadequate upkeep or weathering, or is vandalized, the overall aesthetics of the building and surrounding area begins to degrade and risks becoming an eyesore. Such scenarios lead to blight, negatively affecting property values. The ordinance provides for a mechanism for the City to put the mural owner on notice of degradation or vandalism of a mural and provides for a reasonable time period to bring the mural back into its original condition.</p> <p>Summary of Mural Standards</p> <p>The standards for murals ensure that they are not applied directly to significant architectural elements or building materials. They provide that the mural not interfere with building ingress, egress, or obscure street addresses needed for first responders in the event of any emergency.</p>

Murals are limited to two per structure, as non-residential districts are already afforded additional means to convey messages through the sign ordinance. The Mandan Architectural Review Committee (MARC) will be called upon to review any application that is denied or conditionally approved because of the significant architectural elements standard. The standards also address concerns with traffic and pedestrian safety in order to ensure that messaging is not a dangerous distraction. Minimizing distractions to motorists and pedestrians is also the reasoning behind the 25% limitation on murals applied to the street-fronting sides of buildings.

Existing Murals

Existing murals that predate the previous mural provisions and the anticipated passage of Exhibit 1 into law by future vote of the City Commission would be considered lawful nonconforming (in other words, they will be grandfathered in). It is the belief of City Engineering and Planning that the Lonesome Dove painted sign would be considered lawful conforming per the language provided in Exhibit 1. The City will apply Exhibit 1 prospectively to new murals that are applied following its anticipated adoption.

Agency & Other Department Comments

Engineering & Planning Recommendation

Engineering and Planning recommend approval the mural ordinance as presented in Exhibit 1.

Proposed Motion

I move to recommend approval of the mural ordinance as presented in Exhibit 1.

EXHIBIT 1

ORDINANCE NO. 13XX

An Ordinance to Amend a portion of Section 105-1-15 (b) and Enact Sec. 105-1-17 of the Mandan Code of Ordinances related to the definition and placement of murals

WHEREAS: Clarification is needed surrounding how murals may be regulated and to what degree;

WHEREAS: There is a need to remove the possibility or appearance of content-oriented permitting review processes while at the same time preserving and promoting aesthetics, traffic and public safety, and property values;

WHEREAS: The City of Mandan is actively and directly contributing to aesthetic improvements and economic development and revitalization through financial incentive programs such as the Downtown Storefront Improvement Program and the establishment of design standards in the Downtown Core, Downtown Fringe, and Gateway and Memorial Highway Overlay Districts;

WHEREAS: Alleyway beautification including, but not limited to, the use of murals is a recommendation stemming from the Mandan Downtown Subarea Study;

WHEREAS: Public art is an important tool used in the creation of place and a component of economic development;

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1. Amended. A portion of Section 105-1-15 (b) related to the definition of Figurative wall mural is amended as follows:

~~Figurative wall mural means an illustration, diagram or design, not intended to sell a product or to advertise an establishment, that is used for aesthetic purposes or to enhance architectural features of a building.~~

Section 2. Amended. A portion of Section 105-1-15 (j) related to the prohibition of painted signs and wall murals as follows:

~~(9) No sign or wall mural shall be painted on any building without prior approval from the MARC.~~

Section 3. Repealed. Building Mural Guidelines adopted by the Mandan City Commission on August 21, 2018 are repealed.

Section 4. Enacted. Section 105-1-17 related to display of public art:

Sec. 105-1-17 – Public Art

(a) Murals

(1) Purpose. It is the purpose of this Section to promote art within the City of Mandan while preserving significant architectural elements and an orderly appearance, preserving public safety, traffic and pedestrian safety, as well as preserving property values. This Section applies to all commercial, industrial, and downtown districts. Murals are not regulated in residential districts.

(2) Definitions. The established definitions are for purposes of this Section only.

Mural means a hand-painted or hand-tiled work of visual and original art that is either affixed to or painted directly on the exterior of a structure with the permission of the property owner. A mural does not include any display containing an electrical or mechanical component and does not include any changing image art display.

Mural area means the portion of a structure that is generally free of windows, doors, or major architectural elements or details.

Mural size means the smallest rectangle containing the art which encompasses all of the letters, designs, and symbols therein.

Street-fronting side means the side of a structure that orients toward the street by plus or minus forty-five degrees from parallel to the subject street.

Structure means fence or window, door, or wall of a building, where a mural will be applied directly or affixed.

(3) Permit required. A permit is required for any mural viewable from any public street, trail, park, or other right-of-way. A mural applicant may submit a complete application and any necessary non-refundable application fee to the planner or the planner's designee and shall await receipt of the permit prior to beginning work applying the proposed mural to the structure. A permit shall be tied to the mural for which it is being applied.

(4) Submitted Color Rendering or Photographs. Within seven (7) days of the date of completion of the mural for which a permit has been granted, the permittee shall provide the planner or planner's designee a color rendering or a sufficient number of photographs of the completed mural that faithfully represent the following:

i. The color rendering of the mural;

- ii. Dimensions of the mural;
 - iii. Dimensions of the mural area; and
 - iv. Location on the structure.
- (5) Revocation. A permit may be revoked by the planner or the planner's designee because of non-compliance with the permitting process, or because of substantial degradation of the original artwork as measured against the submitted color rendering or photographs, whether the cause of such substantial degradation is due to a lack of maintenance or exposure to time or weather. A mural shall be removed and the structure brought back into substantial conformity of the original aesthetic of the structure within sixty (60) days of revocation. If conformity with the original aesthetic of the structure cannot be achieved within sixty (60) days due to weather, artist unavailability, or other extenuating circumstance, an extension may be granted by the planner or the planner's designee.
- (6) Revocation Due to Vandalism. If the artwork is vandalized resulting in substantial degradation of or damage to the artwork, it shall be brought into conformity with the submitted color rendering or photographs within six (6) months from the date of the issuance of written notice by the City. If it cannot be brought back into such substantial conformity within six (6) months due to weather, artist unavailability, or other extenuating circumstance, an extension may be granted by the planner or the planner's designee.
- (7) Appeal. An applicant may appeal a denial or a conditional approval of a permit, or a permittee may appeal a revocation of a permit, by timely request for a hearing before the Board of City Commissioners. The request for hearing must be received by the City planner or the planner's designee within ten (10) business days following the date of the notice of revocation, conditional approval, or denial. The Board of City Commissioners shall hold a hearing on the applicant's or permittee's request for appeal hearing and shall render a final decision on the matter at or within a reasonable time after said hearing. A separate, non-refundable appeal fee may be required as established by the Board of City Commissioners.
- (8) Non-Affixed Mural Application. In order to obtain necessary permission for a non-affixed mural, which is typically applied by painting, an applicant may submit a complete application to the planner or the planner's designee. Upon receipt of the complete application, the planner or planner's designee shall seasonably issue the permit and shall provide the applicant with a copy of the mural standards set forth in this Section. A complete application for a non-affixed mural permit shall include:
- a. General form established by staff to document applicant, property owner, artist, and property information, including necessary signatures demonstrating owner permission.
 - b. Proposed materials to be used for the non-affixed mural.

- c. Proposed maintenance plan to address degradation due to time, weather, and other exposures.
 - d. Written acknowledgement of understanding of the requirements as set forth in this Section.
- (9) Affixed Mural Application. In order to obtain necessary permission for a mural affixed to a structure, whether mechanically or by some other construction method, an applicant may submit a complete application to the planner or the planner's designee. A complete application for an affixed mural permit shall include:
- a. General form established by staff to document applicant, property owner, artist, contractor, and property information, including necessary signatures demonstrating owner permission.
 - b. Proposed maintenance plan to address degradation and structural integrity concerns of the mural fixture due to time, weather, and other exposures.
 - c. Proposed means, methods and materials to be used to securely and safely affix the mural to the structure.
 - d. Proof of any necessary completed building permit application, fee, and other information required by the building inspection department in relation to the mural fixture.
 - e. Written acknowledgement of understanding of the requirements as set forth in this Section.
- (10) Period of Review Necessary – Affixed Murals. The planner or planner's designee shall seasonably inform the affixed mural applicant of any additional information required to complete the application, to complete the planner's or planner's designee's review of the application, or to complete any necessary further review and decision by the MARC or building inspection department. If a complete affixed mural application is not approved, such decision shall be accompanied by reasons within any correspondence to the applicant. Reasons for conditional approval or denial may only include non-conformity with the standards set forth in this section.

To the extent a complete affixed mural application is received and no additional review or action by the MARC or building inspection department is necessary, the planner or planner's designee shall provide approval, conditional approval, or denial of the application within ten (10) days of such receipt, subject to appeal pursuant to Paragraph 7 of this Section.

To the extent MARC or building inspection department review should be necessary to decide whether the application does or does not meet the standards set forth under Sub-Paragraphs 11(c) or (d) of this Section or other sections of the Mandan Code of Ordinances, the planner or planner's designee must forward the application in a timely manner to the MARC or building inspection department such that a decision can be timely rendered. Any decision by the MARC or the building inspection department is subject to appeal pursuant to Paragraph 7 of this Section.

- (11) Standards. The following standards shall apply to both affixed and non-affixed murals.
- a. A mural shall not contain illustrations or text that are obscene or incite violence.
 - b. A mural shall not be installed on any original facade of a building listed as a contributing structure of an historic district or independently listed on the National Historic Register, unless the mural may be attached to a removable panel without damage to the underlying historic facade and the manner of affixture does not constitute a safety hazard.
 - c. A mural may not be applied to, cover over, or obscure significant architectural elements or significant building materials, including, but not limited to, any balustrade, colonnade, column, cornice, cresting, entablature, frieze, grille, latticework, lintel, lunette, molding, parapet, relief, or spandrel, or any structure or part thereof constructed of stone, cut stone, marble, granite, or glass block.
 - d. Mural materials and application processes shall be appropriate to the environment, the structure and surface upon which the mural will be applied to ensure durability and longevity of the mural, and so as not to impede building use, occupant safety, public safety, or traffic safety.
 - e. Pursuant to the sign code, Section 105-1-15, businesses have ample opportunity to advertise and to express ideas, including on street-fronting sides of buildings. The City has lawful aesthetic, public safety, and traffic safety interests in minimizing the number and total area of signs and murals that are directly observable to pedestrian and automotive traffic. Only one mural, not larger than twenty-five (25) percent of the total square footage of the street-fronting side, may be applied to the street-fronting side of a structure's mural area.
 - f. No mural shall extend beyond the building or structure to which it is painted or affixed or otherwise interfere with the functionality of other components supporting the use of the building or structure. These other components include, but are not limited to, existing signs, external lighting, utilities, sidewalks, parking, building or street address, and ingress/egress.
 - g. A mural shall be a two-dimensional medium, except for minor three-dimensional surface variations of the structure on which the mural is directly applied.
 - h. No structure shall contain more than two murals.

(12) Severability. If any part, sentence, phrase, clause, term, or word in this Section of Mandan Code of Ordinances relating to Public Art is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality of or lawfulness of the remainder of this Section, the Mandan Code of Ordinances, or any other Mandan regulation regulating signage, billboards, murals, or Public Art.

Section 3. Sec. 105-1-15 (b) is amended and re-enacted and 105-1-17 is enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

Planning and Zoning Commission:

First Consideration:

Second Consideration and Final Passage:

TBD

TBD

TBD

OTHER BUSINESS # 1

OTHER BUSINESS # 1

June 20, 2019

Mr. Jim Neubauer

City Administrator

City Hall

205 2nd Ave NW

Mandan, ND 58554

Dear. Mr. Neubauer:

I would like to be considered for appointment to the Mandan Planning and Zoning Commission. Experiences including, but not limited to, my current employment with Mandan Walmart Store #2033.

Familiarity with customers concerns regarding zoning, platting, annexations, transportation studies and variances. Previous experiences were working with Mr. Bob Decker on a Multi-family zoning and work group.

I am very interested in filing the role with fresh new ideas, always listening to both sides of disagreements, I am very knowledgeable and I do not table projects I always look for a resolution and I can also bring a lot of creativity to the commission.

As Mandan grows, it is very important that P&Z reflects on the interests of the city and utterly important re-connects with the business and building development industries. As a long-time city of mandan resident, I am a true believer of helping the City of Mandan and giving back to the Mandan community.

Respectfully yours,

Ms. Victoria L. Vayda