



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, JULY 22, 2019

Roll Call, Reading and Approval of the June 24, 2019 minutes.

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 B. Open public hearing C. Close public hearing D. Commission action

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 B. Open public hearing C. Close public hearing D. Commission action

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 B. Open public hearing C. Close public hearing D. Commission action

4. 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 B. Open public hearing C. Close public hearing D. Commission action

5. A request from WW Ranch, a Limited Partnership, for preliminary plat and zone change of Meadow Ridge 5th Addition. The request is to change the zoning from MC (Industrial) to RM (Multi-Family Residential). Said addition is 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 B. Open public hearing C. Close public hearing D. Commission action

6. A request from WW Ranch, a Limited Partnership, for Meadow Ridge Masterplan. Said masterplan is part of Lot 44, Pioneer Industrial Park 1st Addition and the NW ¼ of Section 22, Township 139N, Range 80W, City of Mandan, Morton County, North Dakota.

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

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 B. Open public hearing C. Close public hearing D. Commission action

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 B. Open public hearing C. Close public hearing D. Commission action

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
June 24, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on June 24, 2019, at 5:30 p.m. CDT.

ROLL CALL

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

Commissioners Absent: Klemisch, Knoll

Commissioner Leingang motions to approve the May 29, 2019 minutes. Commissioner Camisa 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. Commissioner Laber turned in a resignation letter.

PUBLIC HEARINGS

1. A request from Joe Hillerson, Boulder Homes, for a front setback variance. Said property is the south half of Lot 17 and all of Lots 18 and 19, Block 3, Heart View Addition in Section 28, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota. The property is located on 14th Street NW.

A. Staff report.

Justin Froseth, City Engineering, is presenting for John Van Dyke, City Planner, who is out of town.

Joe Hillerson, Boulder Homes, recently acquired the property from the city with the intention of constructing a single-family residence. He is requesting a front setback variance from 15' to 6.5' Justin says the report is going to say 25' or 20' to 6.5', but he is sure the multi-family setback is 15' and not 25' or 20', so anywhere in the report it says that, it can be changed to 15'.

Several of the properties along 14th Ave NW abut the Lower Heart River. The subject property was brought into possession by the City when in the late 80s and early 90s several homes along 14th Ave. NW suffered damage due to soil erosion. The property was subsequently posted with warning signs.

Much of the property is affected by sloping topography and unstable soils.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

- 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do*

not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

The sloping topography in the rear of the property is unique to this area. Soil erosion due to adjacency to the Lower Heart River has created unsafe conditions, if the full 20' setback is enforced.

In addition, neighboring residential structures are already located closer (approx. 9') to the front property line than 15' and the granting of a variance would ensure consistency with the character of the area.

Finally, the right-of-way width for 14th Ave. NW is 80'. This is larger than the 66' typically required for a local road. The street is no larger than a standard local street. This results in a larger boulevard than normal. Problems with off-street parking encroaching into the street or sidewalk are mitigated by the larger boulevard.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

The strict standards applied to this particular property would deprive the applicant of the reasonable use of the property. Properties along the west side of 14th Ave. NW experience unique issues stemming from soil erosion that others in the neighborhood are not subject to.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The granting of the variance is in harmony with the general purposes and intent of this chapter.

There still is 24' between the front of the structure and the street. There is a 5' sidewalk in the boulevard.

Engineering and Planning recommend approval of the front setback variance from 15' to 6.5' based on the findings specified in Exhibit 3.

Commissioner Leingang asks if they are worried about the slope. Justin thinks they are comfortable building if they are granting the variance. They do have to submit an engineer foundation plan.

Mark Isaaks, Toman Engineering, has been in contact with Shawn Ouradnik, Building Official, and they will be doing a soil boring and engineering to ensure the house is built on flat ground and away from the ridgeline.

Chair Robinson also serves on the Lower Heart Board and in the past, they have received calls from others in the neighborhood of concern about spring runoff. At the time, the engineer on the board suggested sheet piled protection. He asks if his office is concerned with sluffing. Mark says their hopes are that would be reflected in the soil boring. The soil boring should tell them if there is sluffing or not. He says the outside turn of the river is more to the north of this lot. This lot is on a straight part of the river.

Commissioner Boehm asks what assurances do landowners have that there will be stability in 10 years. Mark says they would rely on the engineering foundation based on the soil borings. He is not sure the neighbors had the same extent of engineering when they were built.

Commissioner Renner asks if the city has any responsibility/liability since we sold the lot. If not, the builder and their engineer should be able to figure that out. Justin says they are required to do their due diligence with the soil borings. Without the setback variance, it may not be worth it to them. Justin said his opinion would be the city is not liable as long as the correct steps for permitting and due diligence on the builder is done.

B. Open public discussion.

Joe Hillerson, "I own Boulder Homes. I bought the lot from the city with the intent of building a single family home. Specifically, it will be for my stepson, Hunter, who's here with us as well. The city listed about 20 lots for sale a couple months back. This lot is the only one that I saw had the potential to build a home on it, to be honest. There's a lot of vegetation growing on the back side of this lot. I thought it looked stable enough to build a home on it, but I don't want to build it way in the back because I think there is more danger. This is why we're applying for the variance. We don't want to have any problems either."

C. Close public discussion.

D. Commission's action.

Commissioner Camisa motions to approve the front setback variance from 15' to 6.5' based on findings in Exhibit 3. Commissioner Leingang seconds. The motion passes with the following vote: Boehm-nay, Klein-aye, Helbling-aye, Leingang-aye, Liepitz-aye, Frank-aye, Renner-aye, Camisa-aye, Robinson-nay

2. A request from the Mandan Union Cemetery for a columbarium special use permit. The cemetery lies in Section 23, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota. The property is located at 1600 Mandan Avenue.

A. Staff report.

Justin Froseth, City Engineer, presents.

The City of Mandan, which owns and operates the Mandan Union Cemetery, is seeking a special use permit to establish a columbarium park in the green space area.

Currently, there is green space that is located within the Mandan Union Cemetery. The Mandan Union Cemetery Committee recommended the reuse of the park for the purposes of a columbarium. A columbarium is a location to store urns from loved ones who have been cremated. Currently, the Mandan Union Cemetery only has space available for burial of urns and a columbarium is an alternative placement for those who choose cremation.

The proposed columbarium has 40 “niches”, or areas to place urns. Subsequent columbariums will be installed in a similar manner to the site plan submitted upon reaching the 40-niche capacity.

Engineering and Planning recommend approval of the Special Use Permit to add a Columbarium area to the Mandan Union Cemetery.

B. Open public discussion.

Justin shows a map of the cemetery and a rendering of the garden area.

Mitch Bitz, Public Works Director, says it will sit on a concrete base. There will be 1 urn per niche. As they expand other columbariums, they may differ in how many will fit in each niche.

Commissioner Liepitz asks why they need a special use permit, if it is zoned Agricultural. Justin says he does not know the full history. Ag usually isn't built upon without a zone change. Commissioner Liepitz thinks it should be verified if a permit is needed.

Commissioner Leingang asks if there should be a zone change. Justin would not recommend changing the zoning.

C. Close public discussion.

D. Commission's action.

*Commissioner Liepitz motions to approve the columbarium special use permit.
Commissioner Camisa seconds. Upon vote, the motion passes unanimously.*

OTHER BUSINESS

1. A presentation of McCreary Masterplan Subdivision by Scott Harmstead, SRF Consulting Group.

Patrick McGarry, Development Manager, representing John McCreary. John McCreary purchased the property 5 or 6 years ago. It is 935 acres with about 565 of it developable. They are willing to provide easements for Boundary Street. They have also been working the school district on a piece of property within this development, to see if it is an option for them. They are on the school board agenda for July 15th.

Scott Harmstead, Planner with SRF Consulting Group gives a presentation. He focuses on six master plan elements.

A. Land Use.

They look at consistency of their plan with the city's plan. Their plan is consistent with the Mandan Land Use and Transportation Plan (2015), Fringe Area Road Master Plan (2014), I-94 Corridor Study, MPO Long Range Transportation Plan (Envision 2040), Mandan Zoning Classifications, and the ND Main Street Initiative. A majority of the development is residential adding 4400 residences to the city. Light industrial is planned close to the interstate with commercial behind it.

B. Development Phasing.

The first phase would begin on the east side of the property and they would continue west with each phase. This is the area closest to the city. Boundary Street extension would be key to making it work. Lohstreter would be another connection, on the south side. Current MPO and city plans show a crossing across I94 to Old Red Trail. It would be an underpass or overpass.

C. Transportation Assessment.

They looked at how much traffic this will generate and where would that traffic go. The first phase would see 90% of the traffic come from Boundary Street and about 10% from Lohstreter Road. There is a proposed arterial street going north and south that runs down the middle of the development.

D. Utility Needs Assessment.

They visited with Justin Froseth about the city's water supply plan. A pressure reducer valve would have to be installed on Boundary Street. A proposed water tower would be located in the area of the possible school property.

The sanitary sewer would connect from the current high school area. As more phases going west are built, it would connect south and to the Main Street area.

E. Storm water Approach.

They looked at the existing conditions, proposed conditions, regulatory environment, water quantity and volume control, water quality, and pond design.

F. Stakeholder Coordination.

Chair Robinson asks Justin how the city sees it playing out with this development leapfrogging the Christianson property that sits between it and the city. Justin says the most ideal would be for Christianson to be developed first, but more than likely would not be a must.

City staff has not yet fully vetted the project. There is park property as well to the east of Christianson's.

Commissioner Liepitz asks Justin how he sees the extension of Boundary Street. Justin says it would probably have to go north/northwest because of the topography. He has not seen extension plans at this time.

Commissioner Renner has concerns about traffic in and out of the development. Wasn't there discussion about putting in an interchange on I94? Even with either an overpass or underpass across I94, all that traffic would still come down Old Red Trail.

Justin says the MPO is leaning towards an interchange on I94 more to the west, by Roughrider Subdivision. It would be located at 56th Ave West. That would connect to what is identified as a northern bridge crossing over the Missouri River. That is the big, long term idea to have a bypass to a northern bridge crossing. That is not part of this project and is an idea at this time.

Justin says there is a public input meeting for the Metropolitan Transportation Plan on July 9th in Lincoln and July 10th here at city hall. A lot of these project ideas will be discussed.

Mayor Helbling says if they can figure out the connection streets and access from the west side of town, the city could grow that way. There is limited access north of town for the city to grow. If you can keep the traffic south of the interstate, it is more likely to keep that traffic going to Bismarck via the interstate.

Commissioner Camisa asks Justin if the city has plans for a development agreement with the developer. Justin agrees a development agreement would be prudent.

The masterplan consideration will come before Planning & Zoning in July. After that, it would be up to the developer to submit applications if they want to request subdivision plats or zone changes.

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

Meeting adjourns at 6:40 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on July 22, 2019
 Mandan Engineering and Planning Office Report
Midway Fourteenth Addition First Replat
 Requested Action
Zoning Amendment
Preliminary Plat
Final

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Chris Houwman (E-C ND Investments, LLC)	Chris Houwman (E-C ND Investments, LLC)	Midway 14 th First Replat (proposed)	Lots 4-6, Block 1 of Midway Fourteenth Addition	
Location City of Mandan		Proposed Land Use Electrical/Mechanical Services & Warehousing	Parcel Size 4.08 acres total	Number of Lots 3
Existing Land Use Electrical/Mechanical Services	Adjacent Land Uses Fuel Station, Vehicle Sales, Other Commercial		Current Zoning CC-Commercial (Restricted)	Proposed Zoning CC-Commercial (No Restrictions)
Fees \$1,300	Date Paid June 26, 2019	Adjacent Property Notification Sent July 3, 2019	Legal Notices Published July 12, 2019, July 19, 2019	

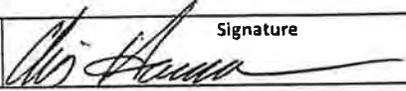
Project Description
<p>E-C ND Investments, LLC is seeking the removal of zoning restrictions to allow for a warehousing addition to their existing structure. Other properties in the same Midway 14th development underwent a zone change in 2013 to remove restrictions. This rezone request would bring the entire development under the same zoning provisions.</p> <p>The applicant is also seeking a preliminary and final plat to consolidate the three lots into one for the purposes of building expansion.</p>
<p style="text-align: center;">Agency & Other Department Comments</p> <p>No comments were received regarding this request.</p>
<p style="text-align: center;">Engineering & Planning Staff Comments</p> <p>If the preliminary and final plat are approved, additional approaches onto the property may require a variance due to the limit of two per lot.</p>
<p style="text-align: center;">Engineering & Planning Recommendation</p> <p>The Engineering and Planning Department recommend approval of the zoning amendment to CC-Commercial without restrictions as presented in Exhibit 2, the preliminary plat as presented in Exhibit 3, and the final plat which shall substantially conform to the preliminary plat.</p>
<p style="text-align: center;">Proposed Motion</p> <p>I move to recommend approval of the zoning amendment to CC-Commercial without restrictions as presented in Exhibit 2, the preliminary plat as presented in Exhibit 3, and the final plat which shall substantially conform to the preliminary plat.</p>

- List of Exhibits:
 Exhibit 1 – Application
 Exhibit 2 – DRAFT Zoning Ordinance Amendment
 Exhibit 3 – Preliminary Plat

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input checked="" type="checkbox"/>	Zone Change (\$600) <input type="checkbox"/>
<input checked="" type="checkbox"/>	Preliminary Plat up to 20 acres (\$350)		Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$400)		Zone Change with Minor Plat (\$400)
<input checked="" type="checkbox"/>	Final Plat up to 20 lots (\$350)		Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$475)		Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)		Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input checked="" type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Annexation with Minor Plat (\$200)		Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request			
Combining lots 4-6 of Midway 14th Addition into 1 lot. All lots have the same owner.			

Engineer/Surveyor			Property Owner or Applicant		
Name Tom Weigel (HBSE, Inc.)			Name Chris Houwman (E-C ND Investments, LLC)		
Address 3320 Hamilton ST. Unit 3			Address 809 W Russel St.		
City Bismarck	State ND	Zip 58503	City Sioux Falls	State SD	Zip 57104
email tweigel@hollybecksurveying.com			email chouwman@malloyelectric.com		
Phone 701-223-3546	Fax -		Phone 605-336-3693	Fax -	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input checked="" type="checkbox"/>	City	ETA	New <input checked="" type="checkbox"/> Addition	CC w/Rest.	CC No Rest.	Malloy Electric Phase 2 Expansion	
Property Address				Legal Description			
1401 Action Drive SE				Lots 4-6, Block 1 of Midway 14th Addition			
Current Use							
Commercial / Industrial							
Proposed Use							
Same				Section 31	Township 139	Range 80	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking		
4 Acres	18,450	1	18,450	-	-		

Print Name	Signature	Date
Chris Houwman		6-25-19

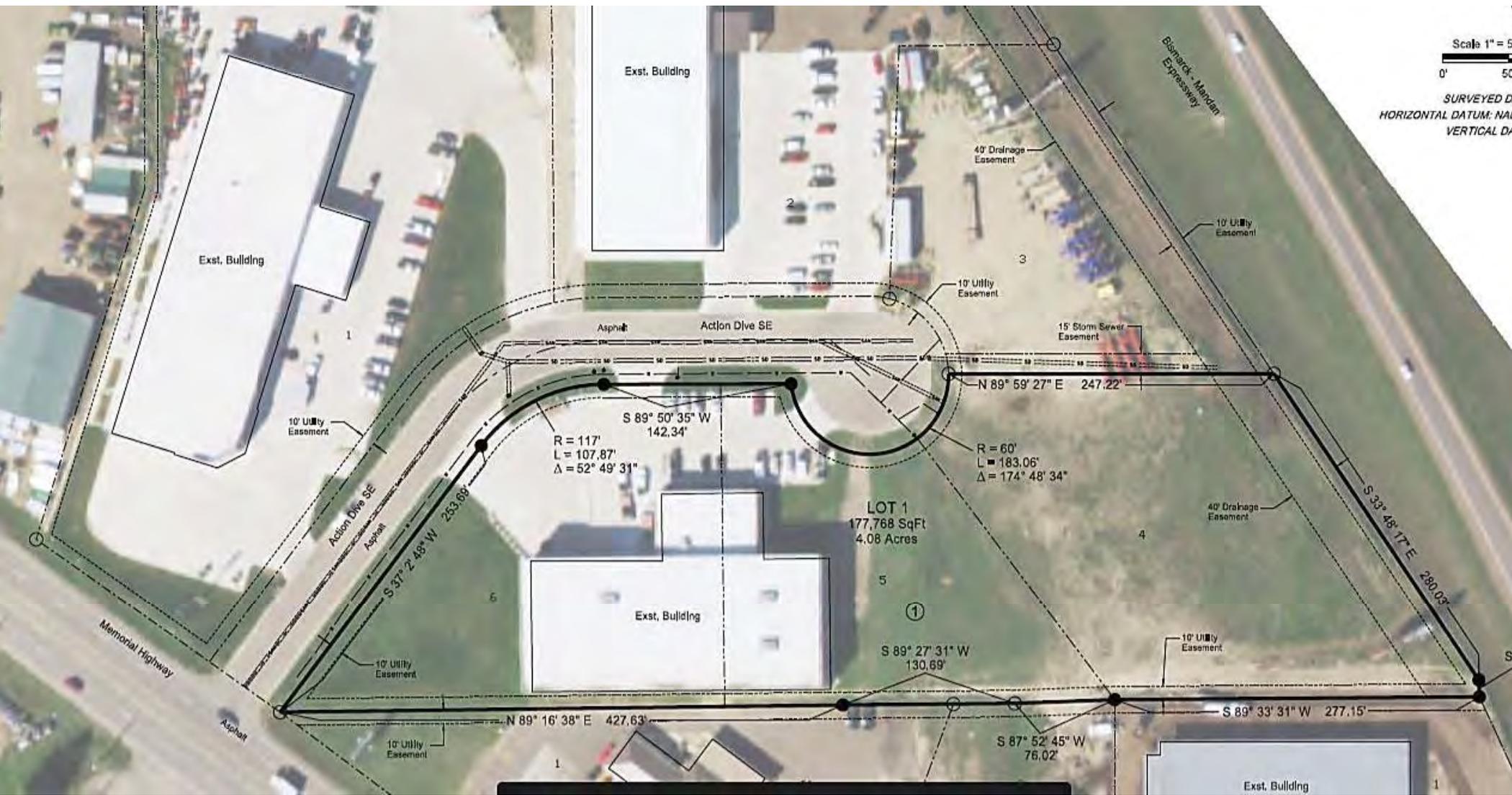
Office Use Only			
Date Received:	Initials: <i>tm</i>	Fees Paid: \$ 1600	Date 6/26/2019
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

Updated 1/1/2019

N:\PLANNING & ZONING\Development Application - January 2019.docx

VICINITY MAP





Scale 1" = 50'
 0' 50'
 SURVEYED DATA
 HORIZONTAL DATUM: NAD 83
 VERTICAL DATUM: NAVD 83



!! CAUTION !!
 UTILITY LOCATIONS ARE APPROXIMATE.
 CONTRACTOR IS RESPONSIBLE FOR
 VERIFYING THE LOCATIONS PRIOR TO
 EXCAVATION.
 CALL 1-800-795-0555



ND State Plane South Zone
 NAD83 (2011)
 NAVD88 (GEOID12B)



LEGEND

- Proposed Concrete
- Proposed Building
- Proposed Grading & Seeding

CURRENT PROPERTY DESCRIPTION

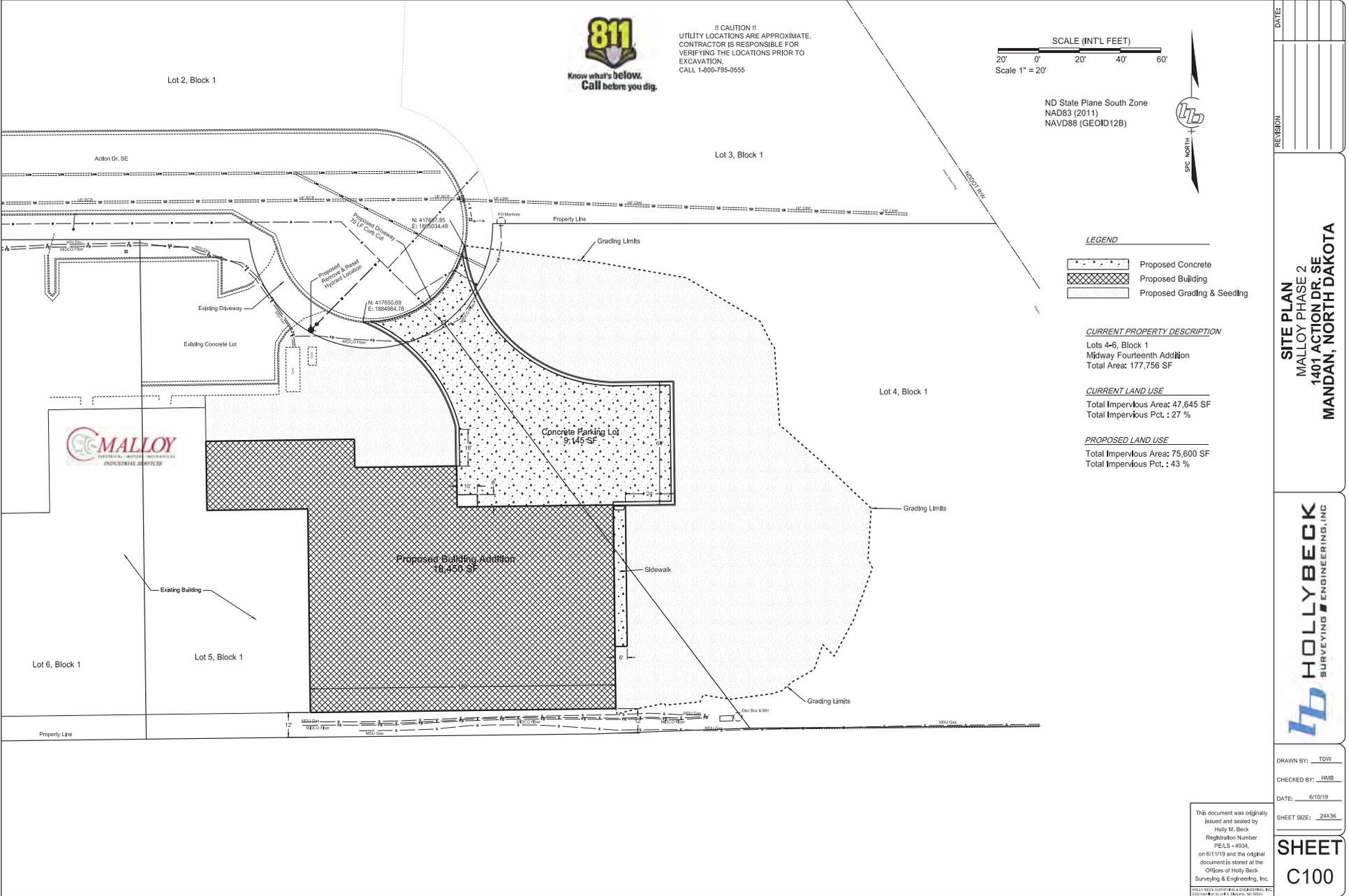
Lots 4-6, Block 1
 Midway Fourteenth Addition
 Total Area: 177,756 SF

CURRENT LAND USE

Total Impervious Area: 47,645 SF
 Total Impervious Pct.: 27 %

PROPOSED LAND USE

Total Impervious Area: 75,600 SF
 Total Impervious Pct.: 43 %



REVISION	DATE

SITE PLAN
MALLOY PHASE 2
1401 ACTION DR. SE
MANDAN, NORTH DAKOTA



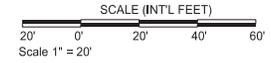
DRAWN BY: TDW
 CHECKED BY: HMB
 DATE: 6/10/19
 SHEET SIZE: 24x36

SHEET
C100

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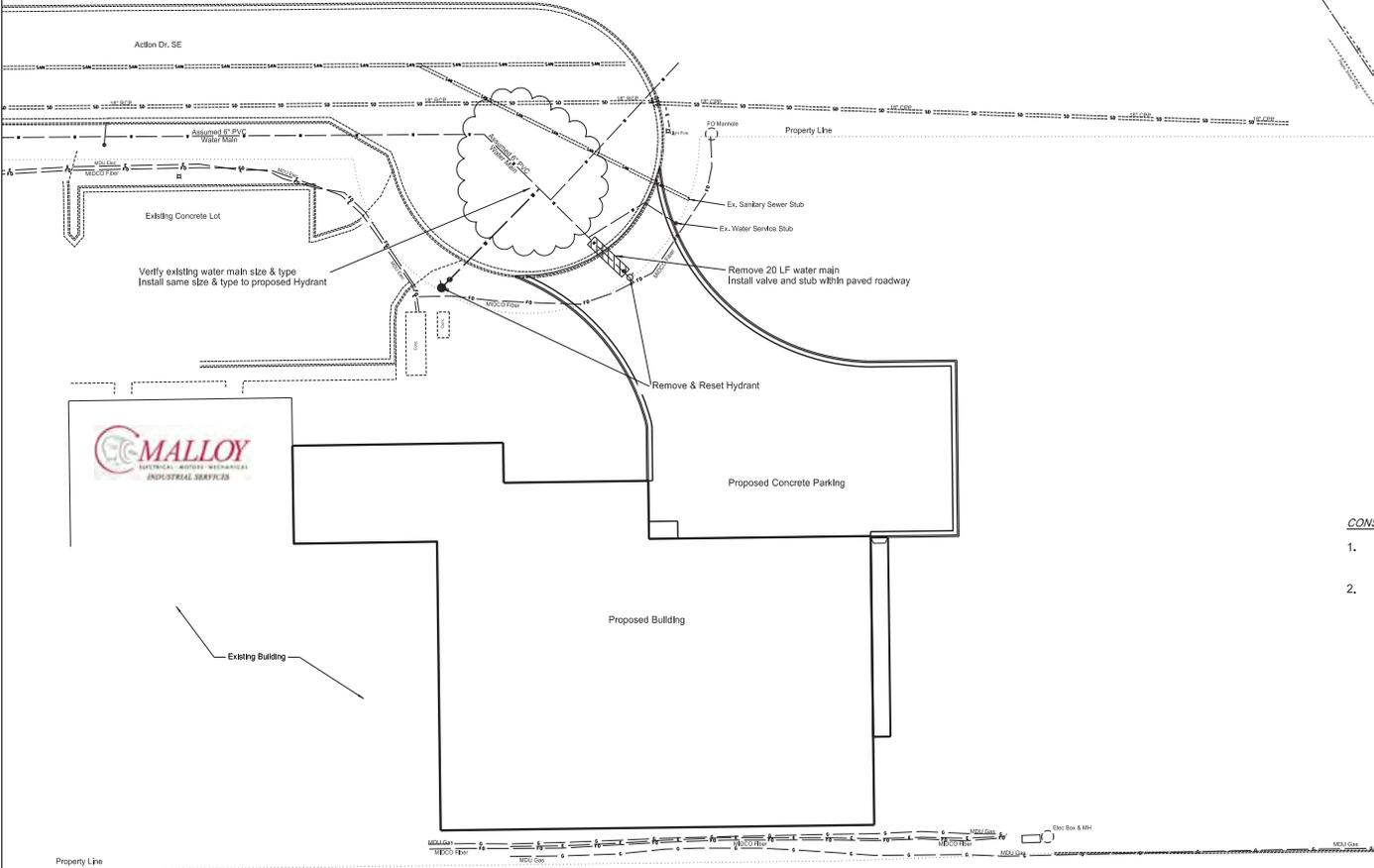
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ND State Plane South Zone
 NAD83 (2011)
 NAVD88 (GEOID12B)



REVISION	DATE



LEGEND

- Existing Water Line
- Existing Storm Sewer
- Existing Sanitary Sewer
- Existing Fiber Optic Line
- Existing Gas Line
- Existing Electrical Line
- Existing Water Valve
- Existing Hydrant
- Proposed Water Line
- Proposed Water Valve
- Proposed Hydrant

WATER SERVICE

- 6" PVC Service Line - 50 LF
- Reset Gate Valve - 1 Ea
- Reset Hydrant - 1 Ea
- Install Gate Valve - 1 Ea
- Remove Water Line - 20 LF

CONSTRUCTION NOTES

- All materials and construction methods shall conform to the construction specifications for the City of Mandan.
- All fittings, elbows and caps shall be included in the price bid for water service.

**UTILITY PLAN
 MALLOY PHASE 2
 1407 ACTION DR. SE
 MANDAN, NORTH DAKOTA**



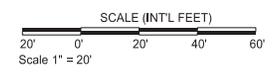
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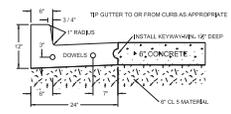
ND State Plane South Zone
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 NAVD88 (GEOID12B)



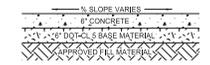
LEGEND

- - - 1635 - Existing Elevation Contour
- - - 1641 - Proposed Elevation Contour
- [Stippled Pattern] - Proposed Concrete
- [Cross-hatched Pattern] - Proposed Building

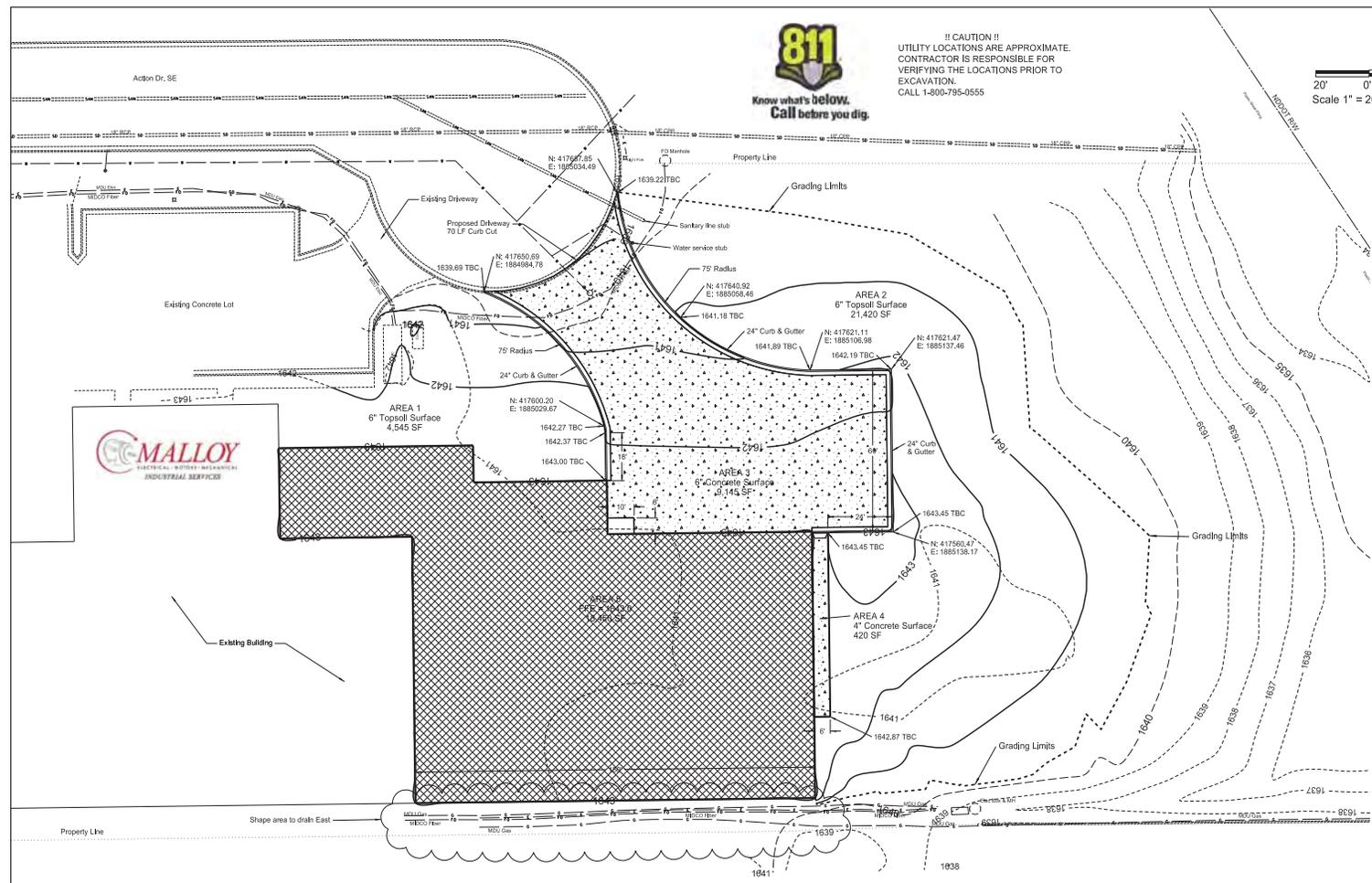
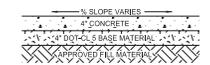
TYPICAL CURB & GUTTER
SHOW CURB AT EXPANSION AND CONTRACTION JOINTS ONLY



6" CONCRETE SURFACE



4" CONCRETE SURFACE



EARTHWORK SUMMARY

AREA	6" TOPSOIL STRIPPING (CY) (Reference only, quantity included in unclassified excavation)	UNCLASSIFIED EXCAVATION (CY)	EMBANKMENT (CY) ADDITIONAL 25% FOR SHRINKAGE	BORROW (CY)
1 - NW Grading	85	85	240	240
2 - East Grading	400	415	675	660
3 - Parking Lot	170	210	275	235
4 - Sidewalk	10	10	40	40
5 - Building	345	3,420*	4,725	4,725
TOTAL	1,010	4,120	5,955	5,900

* Note: Per the Geotechnical report, it is recommended to remove unsuitable material to a minimum of 60 inches. This material may be used for embankment in Areas 1 & 2 only.

MATERIAL QUANTITIES

- 6" Topsoil Replace - 485 CY
- Seeding - 25,980 SF
- DOT-CL 5 Agg. - 330 Tons
- 24" Curb & Gutter - 320 LF
- 6" Concrete - 170 CY
- 4" Concrete - 5 CY

CONSTRUCTION NOTES

1. On site exterior concrete materials shall conform to the City of Mandan specifications except as modified herein. Air content shall be 5% to 7%. 28 day strength shall be 4,000 PSI.
2. Excavation and embankment areas shall be compacted to 90% of the max dry density as determined by AASHTO T-180. The moisture content of the soil at the time of compaction must be no less than 2% below and no more than 5% above the optimum moisture content.

DATE:	
REVISION:	

GRADING PLAN
MALLOY PHASE 2
1401 ACTION DR. SE
MANDAN, NORTH DAKOTA



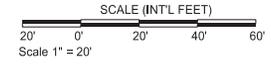
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SHEET
C300

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 NAD83 (2011)
 NAVD88 (GEOID12B)

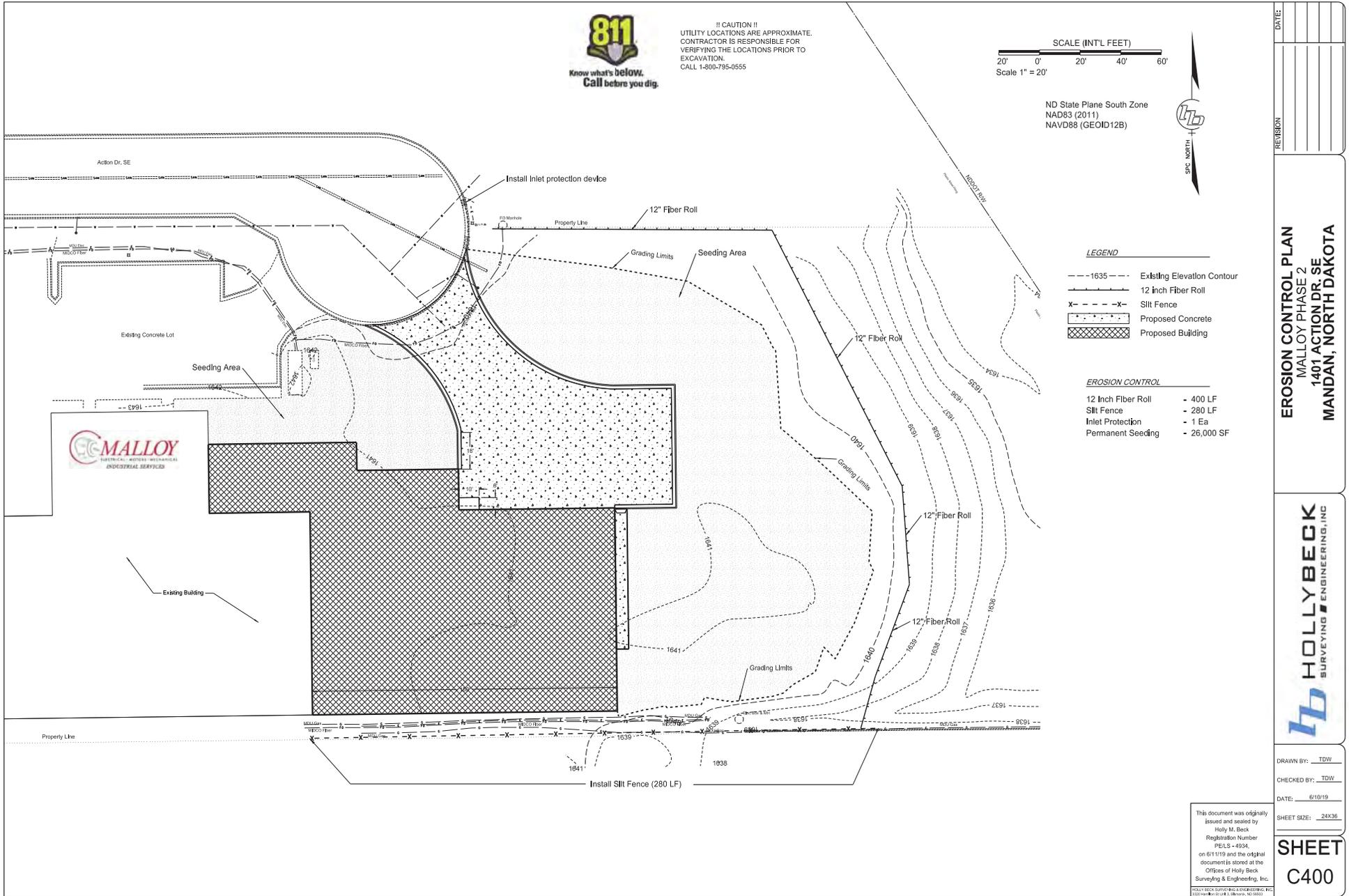


LEGEND

- - - 1635 - Existing Elevation Contour
- - - - - 12 inch Fiber Roll
- X - - - - X - Silt Fence
- ▤ - - - - Proposed Concrete
- ▨ - - - - Proposed Building

EROSION CONTROL

- 12 Inch Fiber Roll - 400 LF
- Silt Fence - 280 LF
- Inlet Protection - 1 Ea
- Permanent Seeding - 26,000 SF



REVISION	DATE

EROSION CONTROL PLAN
 MALLOY PHASE 2
 1401 ACTION DR. SE
 MANDAN, NORTH DAKOTA



DRAWN BY: TDW
 CHECKED BY: TDW
 DATE: 6/10/19
 SHEET SIZE: 24x36

SHEET
C400

This document was originally issued and sealed by Holly M. Beck, Registration Number PE/LS - 4934, on 6/11/19 and the original document is stored at the Office of Holly Beck Surveying & Engineering, Inc.

EXHIBIT 2

ORDINANCE NO. 13XX

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

SECTION 1. AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

The following described properties shall be excluded from the CC Commercial District with restrictions on Railroad Trackage, Auto Laundry (Car Wash), Auto Repair Garages (as a primary use), Commercial Parking Lot/Garage, Off-premise Advertising Sign, Steam Bath, Tire/Battery Repair, Storage Building/Warehouse or any of the Wholesale Group and be **included in the CC Commercial District (no restrictions)**:

Lots 4 and 5, Block 1 of Midway Fourteenth Addition, Section 31, Township 139 North, Range 80 West, City of Mandan, Morton County, North Dakota

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

July 16, 2019

August 6, 2019

August 20, 2019

EXHIBIT 3

MIDWAY FOURTEENTH ADDITION FIRST REPLAT

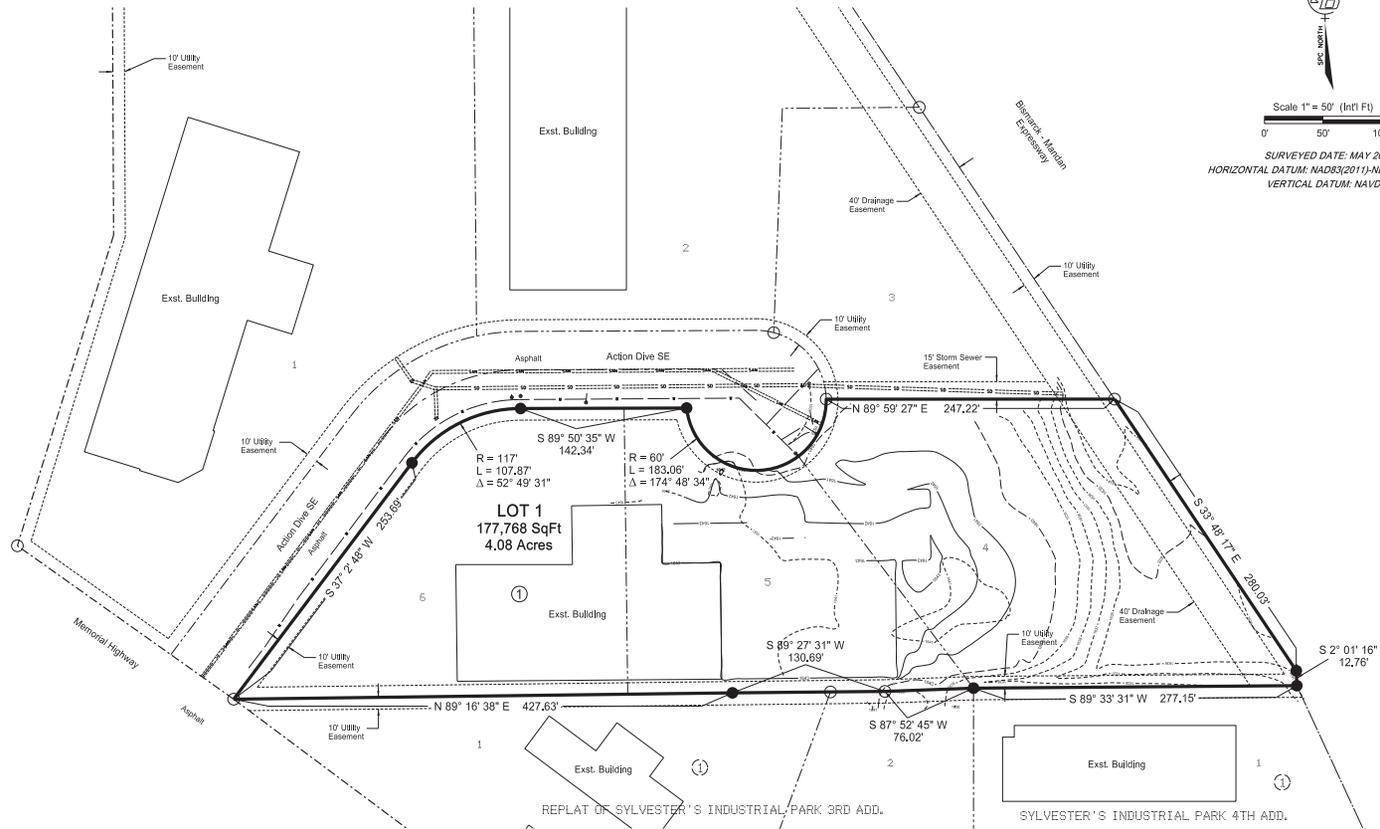
BEING A REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY FOURTEENTH ADDITION
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
CITY OF MANDAN, MORTON COUNTY
NORTH DAKOTA

VICINITY MAP



Scale 1" = 50' (Int'l Ft)
0' 50' 100'

SURVEYED DATE: MAY 2019
HORIZONTAL DATUM: NAD83(2011)-ND S
VERTICAL DATUM: NAVD 88



CURRENT DESCRIPTION OF PROPERTY

ALL OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY 14TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.08 ACRES, MORE OR LESS.

ZONING

CURRENT ZONING: Lots 4, 5, 6 - CC (Heavy Commercial Unrestricted)
Lots 4 & 5 - CC (Heavy Commercial with restrictions)
ZONING CHANGE: Lots 4, 5, 6 - CC (Heavy Commercial Unrestricted)

FLOOD INFORMATION

COMMUNITY NO: City of Mandan, 380072
MAP NUMBER: 380520102
ZONE: X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD)

LEGEND

- EXISTING LOT LINE
- PROPOSED LOT LINE
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING CONTOURS (1 FOOT)
- PROPOSED CONTOURS (1 FOOT)
- FOUND MONUMENT
- SET #5 REBAR w/ALUM CAP

PRELIMINARY PLAT



MIDWAY FOURTEENTH ADDITION FIRST REPLAT

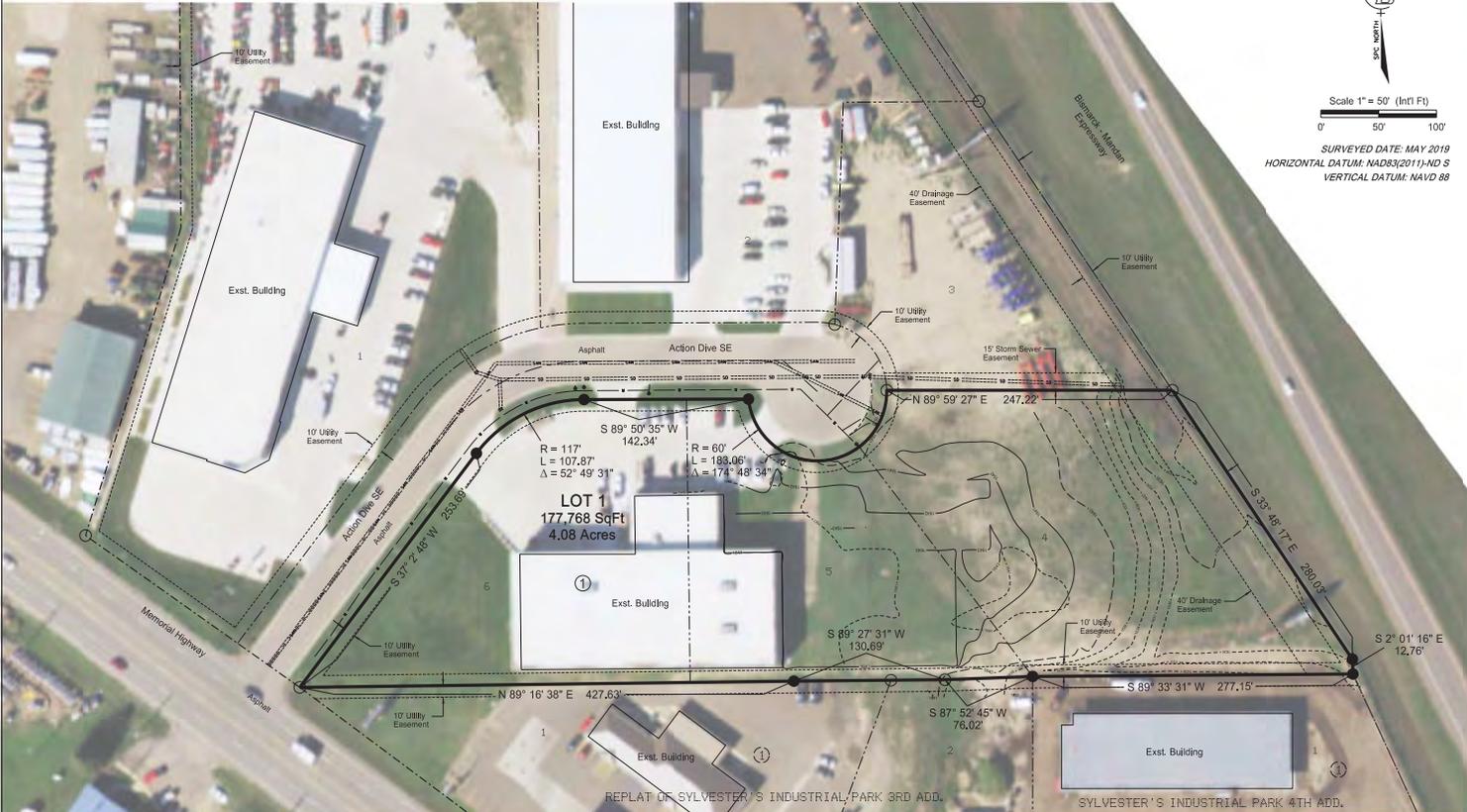
BEING A REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY FOURTEENTH ADDITION
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
CITY OF MANDAN, MORTON COUNTY
NORTH DAKOTA

VICINITY MAP



Scale 1" = 50' (Int'l Ft)
0' 50' 100'

SURVEYED DATE: MAY 2019
HORIZONTAL DATUM: NAD83(2011)-ND S
VERTICAL DATUM: NAVD 88



CURRENT DESCRIPTION OF PROPERTY

ALL OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY 14TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.08 ACRES, MORE OR LESS.

ZONING

CURRENT ZONING: Lots 4, 5, 6 - CC (Heavy Commercial Unrestricted)
Lots 4 & 5, 6 - CC (Heavy Commercial with restrictions)
ZONING CHANGE: Lots 4, 5, 6 - CC (Heavy Commercial Unrestricted)

FLOOD INFORMATION

COMMUNITY NO: City of Mandan, 380072
MAP NUMBER: 380520102
ZONE: X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD)

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- EXISTING LOT LINE
- PROPOSED LOT LINE
- EXISTING WATER MAIN
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- EXISTING CONTOURS (1 FOOT)
- PROPOSED CONTOURS (1 FOOT)
- FOUND MONUMENT
- SET #5 REBAR w/ALUM CAP

*** BACKGROUND IMAGE IS FOR APPROXIMATE REFERENCE ONLY ***

PRELIMINARY PLAT



PUBLIC HEARING #2

PUBLIC HEARING #2

Engage Addition

Requested Action

Zoning Amendment

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Engage Church	Engage Church	Lots 11-13, Block 1, Scott's Acres First Addition and Lot 1A of Lot 1, Block 2, Scott's Acres	Lots 11-13, Block 1, Scott's Acres First Addition and Lot 1A of Lot 1, Block 2, Scott's Acres	
Location		Proposed Land Use	Parcel Size	Number of Lots
City of Mandan		Church/Funeral Home	3.73 acres	1
Existing Land Use	Adjacent Land Uses		Current Zoning	Proposed Zoning
Church	Storage Units/Utility Outdoor Storage		MA Industrial/R7 Residential	MA Industrial/R7 Residential
		Adjacent Zoning		
		MA Industrial/R7 Residential	MA Industrial/R7 Residential	
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
\$700	June 21, 2019	July 3, 2019	July 12, 2019, July 19, 2019	

Project Description
<p>Engage Church is seeking to divide their property located to the southwest of the intersection of Old Red Trail NW and Highland Rd. NW and rezone one of the newly created lots to MA Industrial and the other to R7 Residential (See Exhibit 2).</p> <p>The existing zoning is MA Industrial and R7 Residential. The request is to reorient the zoning district boundaries to align with the proposed lots just noted. The MA Industrial zoning is currently located along the rear of the property. The R7 Residential is located along the front of the property (See Exhibit 1).</p> <p>Storage Units are located to the west of the proposed industrially zoned property; Utility outdoor storage is to the south. Industrial uses are more appropriate than a single family residence for the land between Engage Church and the rest of this industrial area.</p> <p>Staff recommends approval of the zoning amendment in Exhibit 3 for the reasons as outlined in Exhibit 4.</p> <p>These reasons are:</p> <ul style="list-style-type: none"> • The property to the west and south are industrial zoned; the properties to the east/north are residentially zoned • The proposed industrial zoning district boundary abuts one of Mandan's large industrial parks • The church provides a harmonious transition from more intense industrial uses to lesser intense residential uses to the north and east • The existing zoning designations of MA Industrial and R7 Residential already exist on the property in a different configuration; this is a reconfiguration of what already exists on the property

Agency & Other Department Comments
No comments were received regarding this request.
Engineering & Planning Staff Comments
See Exhibit 4
Engineering & Planning Recommendation
The Engineering and Planning Department recommend approval of the zoning amendment to MA Industrial and R7 Residential per Exhibit 3 for the reasons outlined in Exhibit 4.
Proposed Motion
I move to recommend approval of the zoning amendment to MA Industrial and R7 Residential per Exhibit 3 for the reasons outlined in Exhibit 4.

- List of Exhibits:
- Exhibit 1 – Current Configuration of Zoning District Boundaries
 - Exhibit 2 – Proposed Orientation of Zoning District Boundaries
 - Exhibit 3 – DRAFT Zoning Ordinance Amendment
 - Exhibit 4 – Rationale for Approval of Zoning Ordinance Amendment Request

EXHIBIT 1

CURRENT ZONING CONFIGURATION

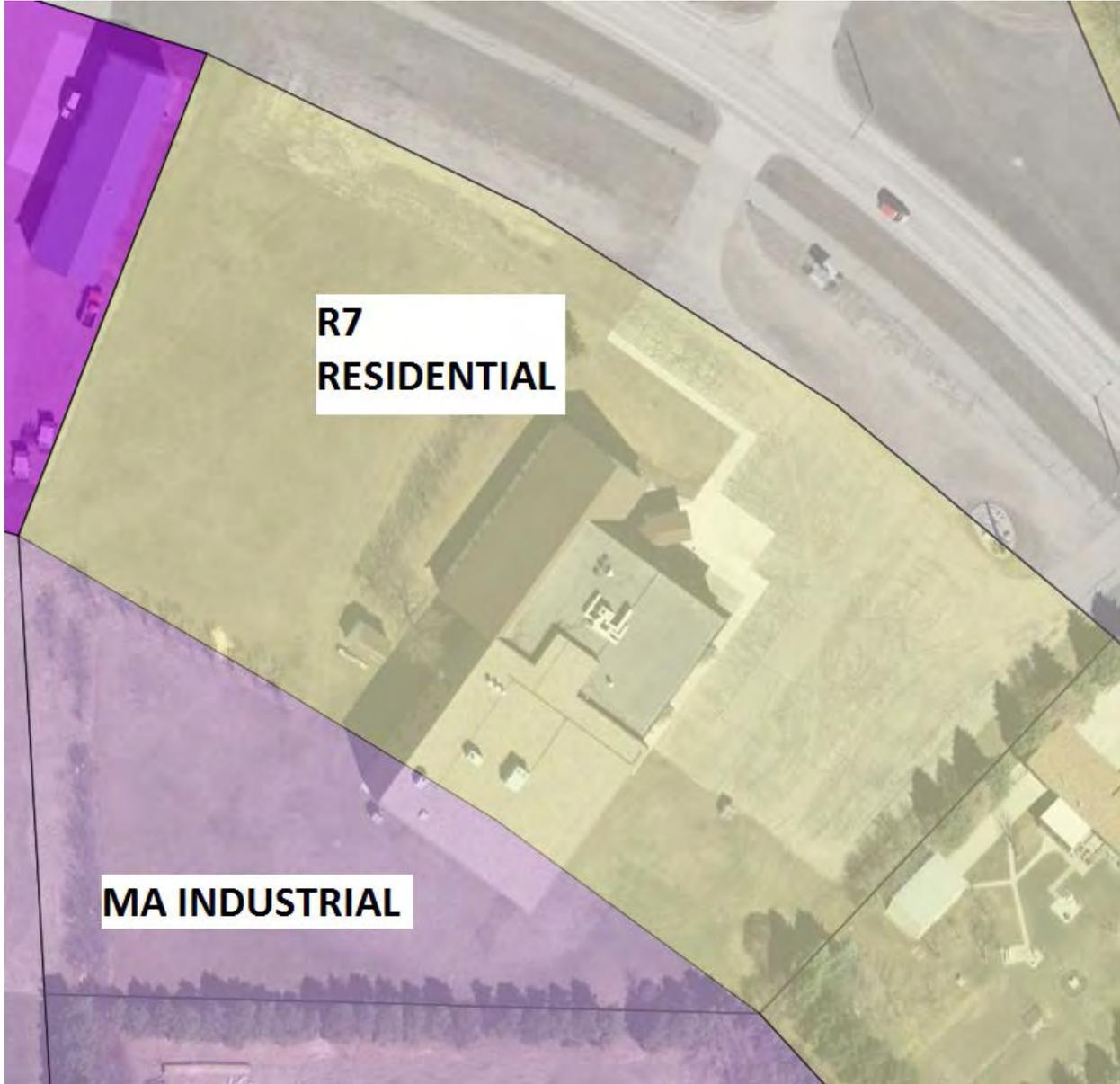
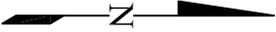
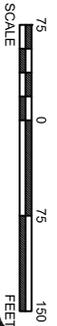
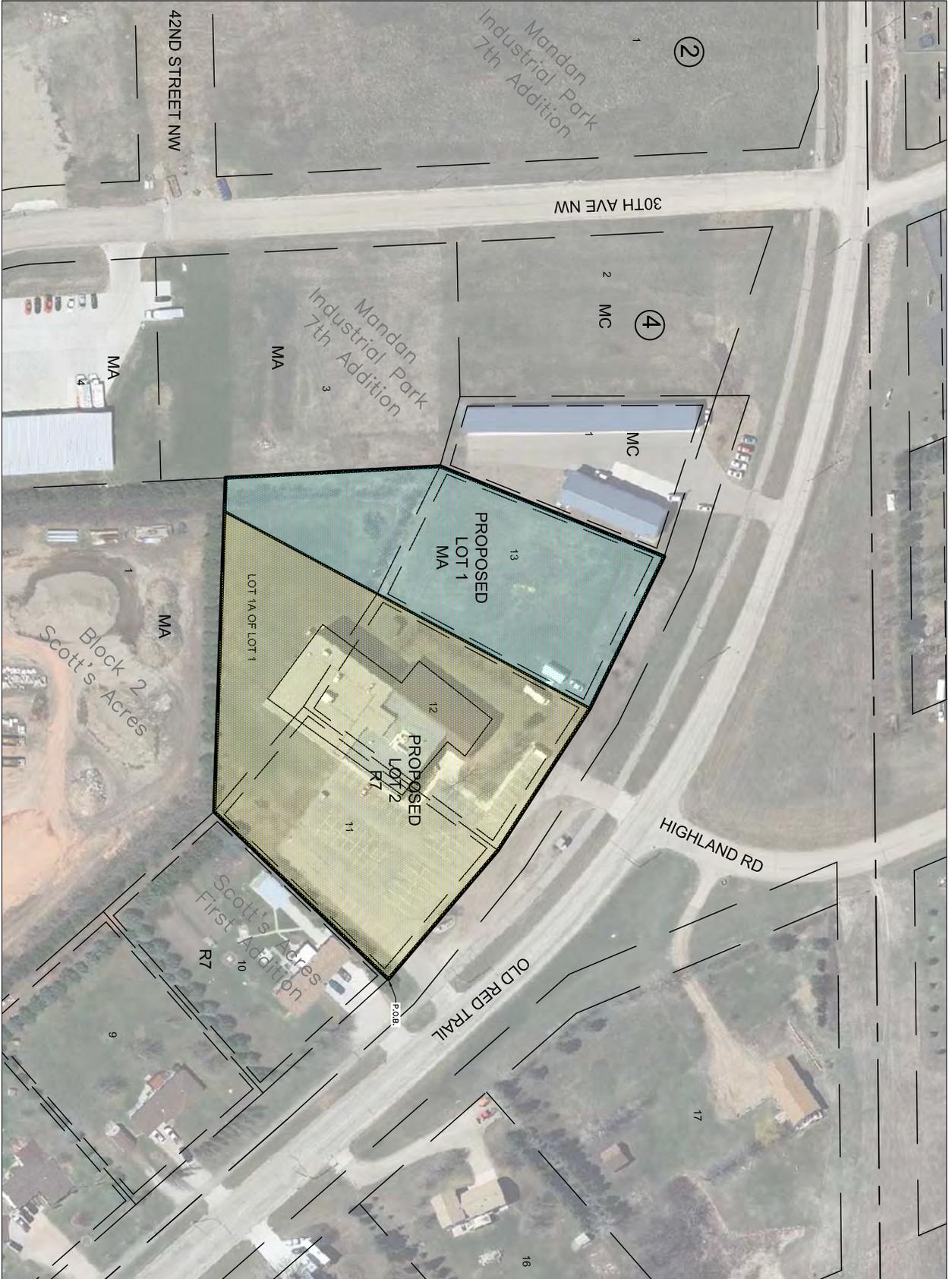


EXHIBIT 2



ENGAGE ADDITION
 ENGAGE CHURCH
 MANDAN, NORTH DAKOTA
REZONE EXHIBIT

DATE 6/21/19	REVIEWED	PROJECT NUMBER 190621-1
ADW	ADW	PROJECT#



EXHIBIT 3

ORDINANCE NO. 13XX

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

SECTION 1. AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

The following described properties located Section 17, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota shall be excluded from the MA Industrial District and R7 Residential District:

Lots 11-13, Block 1, Scott's Acres First Addition (R7 Residential District)
Lot 1A of Lot 1, Block 2, Scott's Acres (MA Industrial District)

This same property shall be included in the MA Industrial District and R7 Residential District in a reconfigured manner per the proposed plat of Engage Addition as follows:

Lot 1 – MA Industrial District
Lot 2 – R7 Residential District

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

July 16, 2019
August 6, 2019
August 20, 2019

EXHIBIT 4

- The property to the west and south are industrially zoned; the properties to the east/north are residentially zoned
- The proposed industrial zoning district boundary abuts one of Mandan's large industrial parks
- The church provides a harmonious transition from more intense industrial uses to lesser intense residential uses to the north and east
- The existing zoning designations of MA Industrial and R7 Residential already exist on the property in a different configuration; this is a reconfiguration of what already exists on the property

PUBLIC HEARING #3

PUBLIC HEARING #3

Mandan Planning and Zoning Commission Agenda Item PH3
 For Meeting on July 22, 2019
 Mandan Engineering and Planning Office Report
Lot 3, Block 1, Midway 14th Addition
 Requested Action
Communications Tower Setback Variance

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Powder River Engineering Services, LLC	Spence Koenig	Midway 14 th Addition	Lot 3, Block 1, Midway 14 th Addition	
Location		Proposed Land Use	Parcel Size	Number of Lots
1450 Action Drive SE		Telecommunications Tower	1.13 acres	1
Existing Land Use	Adjacent Land Uses	Current Zoning	Proposed Zoning	Adjacent Zoning
Commercial	Fuel Station, Vehicle Sales, Other Commercial	CC-Commercial	CC-Commercial	CC-Commercial/CC-Commercial w/Restrictions
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
\$400	07/3/2019	July 11, 2019	July 12, 2019	

Project Description

Powder River Engineering Services, LLC on behalf of Spence Koenig is applying for a variance to the setback requirement for communications towers. The setback requirement is 110% of the height of the structure to the property line. In this case, the proposed tower is 200 feet tall and would require the structure to be 220 feet from the property line. The applicants are requesting a variance from 220 feet to 22 feet. A site plan is provided in Exhibit 2. The applicants have provided a letter stamped by an engineer outlining the most likely scenario of failure (See Exhibit 3). *(There was some confusion regarding Exhibit 2 at the time of writing this staff report and it may not accurately reflect the engineering certification. Staff will provide updated information on this, if any, during the meeting on July 22, 2019)*

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

- 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;*

There do not appear to be any special circumstances or conditions that apply to the land or buildings for which the variance is sought.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

The land does not have a commercial improvement on it at this time, although it is sufficiently sized to accommodate many other commercial uses. A variance does not appear to be necessary to obtain a reasonable use of this land.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Without certainty that a structural failure would NOT result in the structure crossing a property line as the setback ordinance is in place to provide, a grant of a variance does not appear to be in harmony with the general purposes and intent of this chapter or to not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Agency & Other Department Comments

North Dakota Department of Transportation did not have concerns with this request near Interstate 94.

Engineering & Planning Recommendation

Engineering and Planning recommend denial of the setback of 220' to 22 feet for failure to meet the requirements of 105-1-12 surrounding variances to the zoning code.

Proposed Motion

I move to recommend denial of the communications tower setback from 220 feet to 22 feet for failure to meet the requirements of 105-1-12 surrounding variances to the zoning code.

List of Exhibits:

Exhibit 1 – Applicant’s Summary of Variance Request

Exhibit 2 – Site Plan

Exhibit 3 – Engineering Letter



Powder River Development Services, LLC

4332 E Park Ave.

Gilbert, AZ 85234

(614) 389-3914 Office

www.powderriverdev.com

July 3rd, 2019

TO: City of Mandan

FROM: Brandon Peterson, Powder River Development, on behalf of AT&T

RE: Request for variance relief – proposed communications tower (ref. Memorial Hwy & 40th Ave SE)

My name is Brandon Peterson and I work for Powder River Development Services on behalf of AT&T. Thank you for taking the request for setback relief related to a proposed communications tower into consideration and we hope we're able to provide all necessary materials.

The setback relief is being sought in order to locate a 200' communications monopole tower in such a way that is most favorable based on the topography of the parcel, surrounding area and to minimize the impact of the property owner's current use of the property due to very limited space available. The current setback requirement is 110% of the tower height and currently we are asking for a setback equal to 22' from the property line. To make up for this difference in distance the tower has been engineered to collapse/buckle into itself if it were to start falling so it would not fall onto the neighboring property and more than likely just lean slightly and stay in that state until removed.

In closing, thank you again for taking this variance request into consideration and I would respectfully request your approval. Thank you.

Sincerely,

Brandon Peterson

Agent on behalf of AT&T

James.ries@powderriverdev.com

612-481-2228

EXHIBIT 2



April 29, 2019

Ms. Karey Vawter
Diamond Communications LLC
820 Morris Turnpike
Suite 104
Short Hills, NJ 07078

RE: Proposed 200' Monopole for Action Drive, ND

Dear Ms. Vawter,

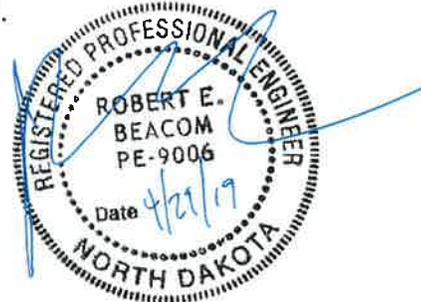
Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 111 mph with no ice and 60 mph + 1" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. **Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.** This would effectively result in a 200 ft fall zone at ground level.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Supervisor



**PUBLIC HEARINGS
4, 5 & 6**

PUBLIC HEARINGS #4, 5 & 6

Mandan Planning and Zoning Commission Agenda Item PH4-6
 For Meeting on July 22, 2019
 Mandan Engineering and Planning Office Report
Meadow Ridge 4th
Meadow Ridge 5th
Meadow Ridge Masterplan
 Requested Action
Zoning Amendment
Preliminary Plat

Application Details				
Applicant	Owner	Subdivision	Legal Description	
WW Ranch, a Limited Partnership	WW Ranch, a Limited Partnership	Meadow Ridge 4 th Meadow Ridge 5 th Meadow Ridge Masterplan	Part Of The NW1/4, Section 22, T139N-R81W Of The City Of Mandan, Morton County, North Dakota	
Location		Proposed Land Use	Parcel Size	Number of Lots
City of Mandan		Residential	33.13 acres total	Meadow Ridge 4 th – 4 lots Meadow Ridge 5 th – 8 lots Meadow Ridge Masterplan – 23 Residential; Remainder Commercial
Existing Land Use	Adjacent Land Uses		Current Zoning	Proposed Zoning
Bare Land	Residential		MC Industrial District	Meadow Ridge 4 th /5 th – RM Residential District; Remainder of Masterplan unchanged at this time
Adjacent Zoning		Adjacent Zoning		
MC – Industrial District; RM Residential; R3.2 Residential; R7 - Residential				
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
Meadow Ridge 4 th - \$950 Meadow Ridge 5 th - \$950 Meadow Ridge Masterplan – No Charge	June 21, 2019	July 8, 2019	July 12, 2019, July 19, 2019	

Project Description

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.

Meadow Ridge Masterplan

The Meadow Ridge Masterplan generally conforms to the existing Future Land Use Map (See Below):



The brown color is high-density residential. The red is commercial. The applicant is seeking that high-density residential be pushed further south and the remainder abutting Old Red Trail would be planned for commercial development. Exhibit 2 outlines the proposed lot layout for future residential construction where the remainder will be slated for commercial.

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.

Agency & Other Department Comments

All comments may be found in Exhibit 1.

Engineering & Planning Staff Comments

Any recommendation by P&Z for approval should be subject to addressing the comments contained in Exhibit 1.

Engineering & Planning Recommendation

The Engineering and Planning Department recommend approval of Meadow Ridge Masterplan, Meadow Ridge 4th Addition preliminary plat, and Meadow Ridge 5th Addition preliminary plat subject to addressing the comments in Exhibit 1.

The Engineering and Planning Department recommend approval of the zoning amendment from MC-Industrial District to RM-Residential District for Meadow Ridge 4th and 5th Additions.

Proposed Motion

Meadow Ridge Masterplan

I recommend approval of Meadow Ridge Masterplan subject to addressing the comments in Exhibit 1.

Meadow Ridge 4th Addition Preliminary Plat and Zone Change

I recommend approval of Meadow Ridge 4th Addition preliminary plat and corresponding zone change from MC-Industrial District to RM-Residential District subject to addressing the comments in Exhibit 1.

Meadow Ridge 5th Addition Preliminary Plat and Zone Change

I recommend approval of Meadow Ridge 5th Addition preliminary plat and corresponding zone change from MC-Industrial District to RM-Residential District subject to addressing the comments in Exhibit 1.

List of Exhibits:

- Exhibit 1 – Meadow Ridge Pre-planning Comments
- Exhibit 2 – Meadow Ridge Master Plan 8.5x11
- Exhibit 3 – Meadow Ridge 4th Addition Preliminary Plat
- Exhibit 4 – Meadow Ridge 5th Addition Preliminary Plat
- Exhibit 5 – Site Visit Photos

EXHIBIT 1

Meadow Ridge Masterplan / Meadow Ridge 4th & 5th preliminaries

John asks Andra to label “Future Zoning – Commercial” to the east of this property.

Justin says the neighborhood to the north doesn’t have street lights. There were discussions about lighting the development when the next phase came in. Assessing street lights would be part of the project. Andra will show existing and proposed street lighting and water stubs on the preliminary before the City Commission meeting.

Emergency Management and the Fire Department want the streets named as follows: 5th Avenue NW (runs north and south), 24th will continue, and the curvy road to be 23rd Street NW. John thinks we should overlay his map with the dwg and show Planning & Zoning the 2 layers. He will work with emergency and fire to finalize the street names before it gets to City Commission.

Andra says they may split some of the lots.

Andra will have revisions back to John by July 29th.

Other comments from those not in attendance:

Kim Fettig- I noticed on the plat they have 24 th Street curving to south. I think the north south street should be named something else to stay consistent with that area and for emergency location. 7th ave turns into 26th Street is my example.

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:

- 1. 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.*

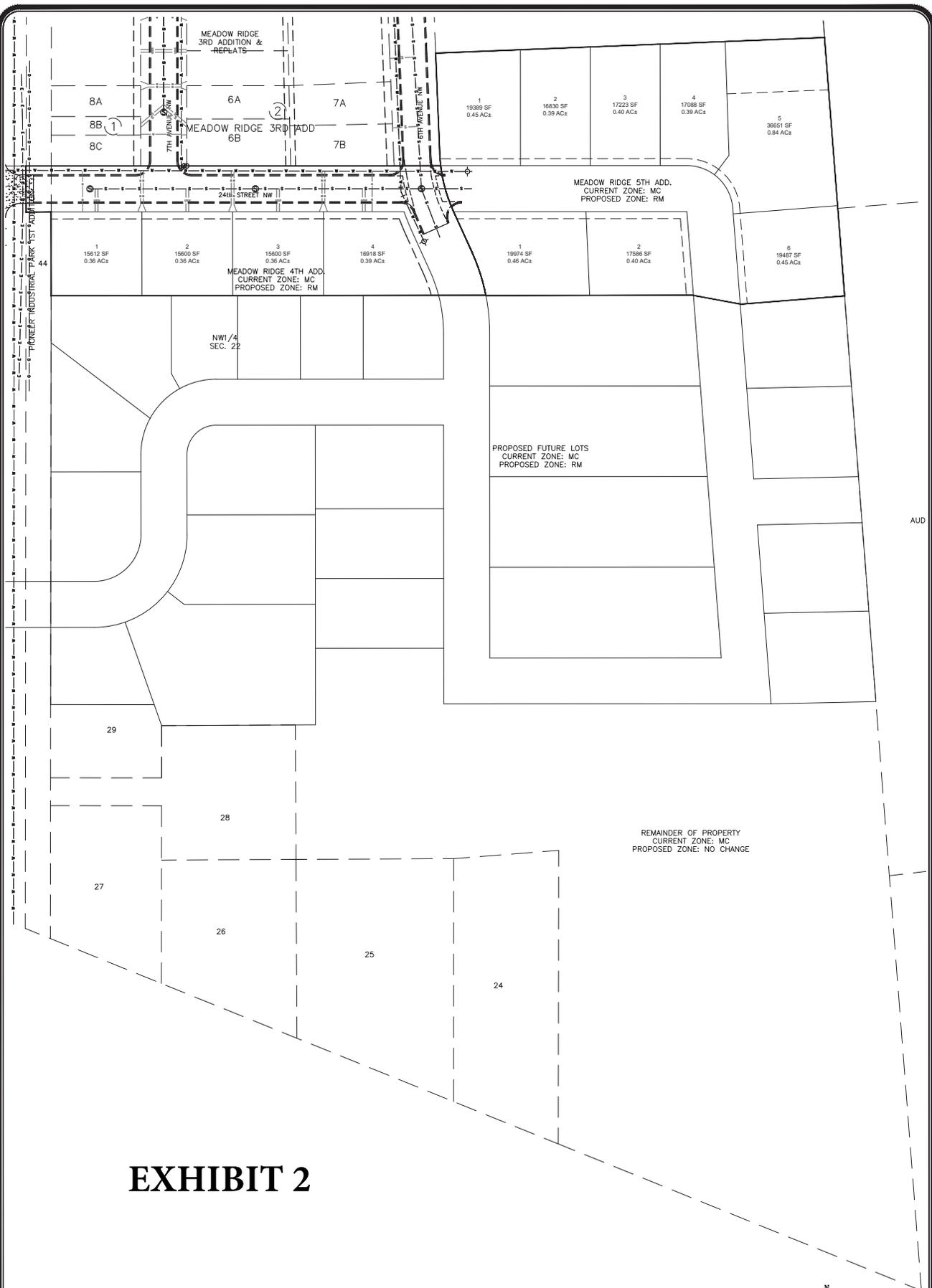


EXHIBIT 2

MASTER PLAN OF MEADOW RIDGE

PART OF LOT 44, PIONEER INDUSTRIAL PARK 1ST
ADDITION & NW1/4 SEC. 22, T139N-R81W

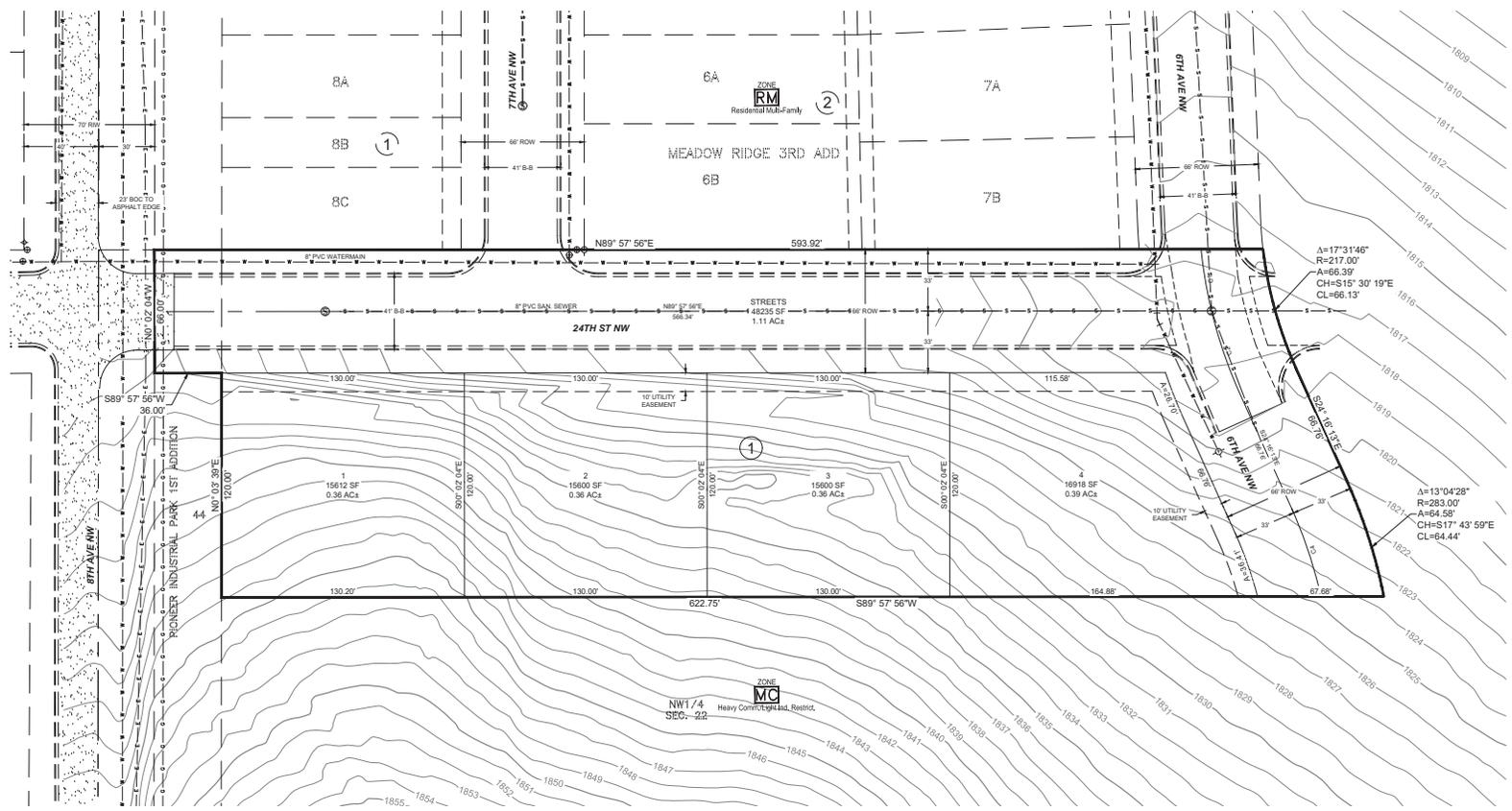
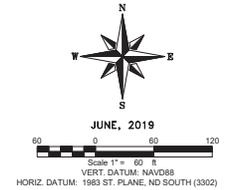
TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 * Fax: 701-663-0923

N
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 S
 JUNE, 2019
 60 0 60 120
 Scale 1" = 60 ft

MEADOW RIDGE MASTER PLAN PLATTING, 17/2019 1:50 SCALE, SHEET 1.1

PRELIMINARY PLAT
MEADOW RIDGE 4TH ADDITION
 TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 PART OF LOT 44, BLOCK 1, PIONEER PARK 1ST ADDITION, AND PART OF THE NW1/4,
 SECTION 22, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

EXHIBIT 3



LEGEND

- ⊙ EXISTING MANHOLE
- ⊠ EXISTING TELEPHONE PEDESTAL
- ⊛ EXISTING STREET LIGHT
- ⊠ EXISTING ELECTRICAL BOX
- ⊙ EXISTING TREE
- ⊙ EXISTING FIRE HYDRANT
- ⊙ EXISTING GATE VALVE
- ⊙ EXISTING SIGN
- S — S — EXISTING SANITARY SEWERMAIN
- W — W — EXISTING WATERMAIN
- ≡≡≡ EXISTING CURB & GUTTER
- SS — SS — EXISTING STORM SEWER
- G — G — EXISTING GAS LINE
- T — T — EXISTING TELEPHONE CABLE
- CW — CW — EXISTING TELEPHONE CABLE
- ⊠ EXISTING ASPHALT

CENTERLINE STREET CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	7°40'39"	250.00'	33.50'	S9°41'27"E	33.47'
C2	10°44'28"	250.00'	46.86'	S18°53'59"E	46.80'
C4	11°34'42"	250.00'	50.52'	S18°28'53"E	50.43'

OWNERS:
 WW BRANCH, A LIMITED PARTNERSHIP
 PO BOX 838
 BISMARCK, ND 58502
 MONTANA DAKOTA UTILITIES CO
 400 N. 4TH ST
 BISMARCK, ND 58501

BASIS OF BEARING:
 BASIS OF BEARING: NORTH BOUNDARY LINE
 NORTH 89° 57' 56" EAST.

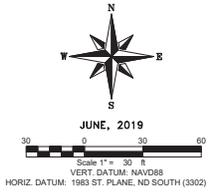
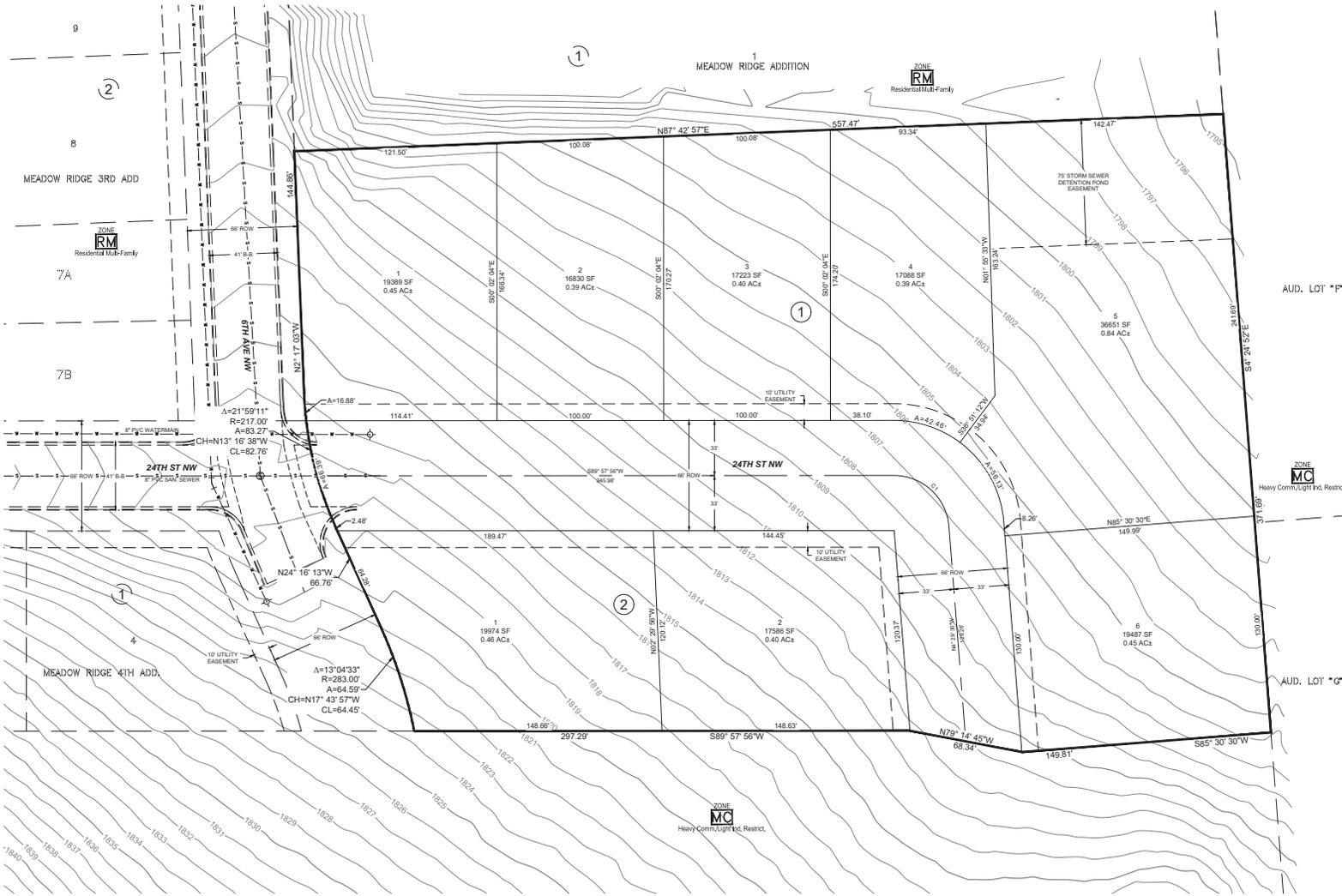
- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - TOTAL LOT ACREAGE: 1.46
 TOTAL STREET ACREAGE: 1.11
 TOTAL ACREAGE: 2.57

TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 * Fax: 701-663-0923

MEADOW RIDGE 4TH ADDITION

PRELIMINARY PLAT
MEADOW RIDGE 5TH ADDITION
 TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 PART OF THE NW1/4, SECTION 22, T139N-R81W OF THE CITY OF MANDAN, MORTON
 COUNTY, NORTH DAKOTA

EXHIBIT 4



- LEGEND**
- ⊙ EXISTING MANHOLE
 - ⊠ EXISTING TELEPHONE PEDESTAL
 - ⊛ EXISTING STREET LIGHT
 - ⊠ EXISTING ELECTRICAL BOX
 - ⊙ EXISTING TREE
 - ⊙ EXISTING FIRE HYDRANT
 - ⊙ EXISTING GATE VALVE
 - ⊙ EXISTING SIGN
 - s — s — EXISTING SANITARY SEWERMAIN
 - w — w — EXISTING WATERMAIN
 - ≡≡≡ EXISTING CURB & GUTTER
 - ss — ss — EXISTING STORM SEWER
 - g — g — EXISTING GAS LINE
 - t — t — EXISTING TELEPHONE CABLE
 - cy — cy — EXISTING TELEPHONE CABLE
 - ▨ EXISTING ASPHALT

CENTERLINE STREET CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	85°28'02"	33.10'	49.35'	N47°12'31"W	44.90'

OWNERS:
 WW RANCH, A LIMITED PARTNERSHIP
 PO BOX 839
 BISMARCK, ND 58502

BASIS OF BEARING:
 BASIS OF BEARING: NORTH BOUNDARY LINE
 NORTH 87° 42' 57" EAST.

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - TOTAL LOT ACREAGE: 3.77
 TOTAL STREET ACREAGE: 0.79
 TOTAL ACREAGE: 4.56

TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-8483 * Fax: 701-663-0923

PRELIMINARY PLAT: MEADOW RIDGE 5TH ADDITION, MORTON COUNTY, NORTH DAKOTA, OCTOBER 15, 2019, 11:00 AM, PAGE 1, 1

EXHIBIT 5

Meadow Ridge 4th/5th Site Visit Photos



24th St. NW/6th Ave. NW Facing SE



24th St. NW/6th Ave. NW Facing SW

Meadow Ridge 4th/5th Site Visit Photos



24th St. NW/6th Ave. NW Facing E



24th St. NW/6th Ave. NW Facing W

Meadow Ridge 4th/5th Site Visit Photos



24th St. NW/6th Ave. NW Facing NE

PUBLIC HEARING #7

PUBLIC HEARING #7

Mandan Planning and Zoning Commission Agenda Item PH7
 For Meeting on July 22, 2019
 Mandan Engineering and Planning Office Report
Crematoriums
 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	Adjacent Zoning N/a
Fees N/a	Date Paid N/a	Adjacent Property Notification Sent N/a	Legal Notices Published 7/12/2019 & 7/19/2019	

Project Description
<p>An ordinance was recently adopted that would restrict crematoriums to within the Mandan Union Cemetery. The Board of City Commissioners directed staff to reevaluate the ordinance as it pertains to crematoriums following a request by David Wise.</p> <p>Through the process, funeral homes in the area provided comment, several public hearings were held, and staff reviewed research and land use standards from other communities. The original staff recommendation is provided in Exhibit 1 and the final Planning and Zoning Commission recommendation can be found in Exhibit 2 for reference.</p> <p>Staff is providing an alternative recommendation at this time based on many public hearings that have occurred on the issue since the original recommendation. This recommendation can be found in Exhibit 3.</p> <p>The alternative staff recommendation is constructed to provide protections to existing home owners and developments while at the same time not being unnecessarily burdensome on the business owner. Staff is recommending that crematoriums be placed in an industrial zoning district with a 50' setback from the property line. In addition, 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. These restrictions should address the issues that arose in discussion throughout the many hearings that took place in preceding months.</p>
<p style="text-align: center;">Agency & Other Department Comments</p> <p>No comments were received for the proposed ordinance.</p>
<p style="text-align: center;">Engineering & Planning Recommendation</p> <p>Engineering and Planning recommend approval of the zoning ordinance amendment as presented in Exhibit 3.</p>
<p style="text-align: center;">Proposed Motion</p> <p>I move to recommend approval of the zoning ordinance amendment as presented in Exhibit 3.</p>

List of Exhibits:

- Exhibit 1 – Ordinance - Original Staff Recommendation
- Exhibit 2 – Ordinance - Planning and Zoning Recommendation
- Exhibit 3 – Ordinance - Alternative Staff Recommendation

EXHIBIT 1 - Draft Ordinance - Staff Recommendation

ORDINANCE NO. 1299

An Ordinance to Amend and Re-enact Sec. 101-1-3 and 105-1-5 (e) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

Section 1. Sec. 101-1-3 is added and reads:

Insert in Sec. 101-1-3 after the definition for Correctional facility the following:

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments and is subject to the following requirements:

- a. shall not be the primary use, i.e. it must be accessory or ancillary to a related and legally existing mortuary, funeral home, columbarium, or cemetery use.

Section 2. Sec. 101-1-3, definition for Funeral home or mortuary, is amended to read:

Funeral home or mortuary means a facility for the care and custody for the pre-disposition of deceased human remains, including the sale of services and merchandise for burial, cremation, and other related items, including offices, viewing rooms, chapels, and reception halls for serving the deceased and their families. ~~facility for the pre-burial preparation of human cadavers, including facilities for cremation, and including other areas for offices, purchase of burial items and services, viewing rooms and areas for the conduct of memorial services.~~

Section 3. Sec. 105-1-5 (e) is amended to read:

Cemetery, Mausoleum, Columbarium, and Crematorium. A cemetery, mausoleum, columbarium or crematorium may be permitted in an industrial or A district as a special use, provided that:

- (1) No graves shall be located less than 100 feet distant from any property line;
- (2) There shall be a strip at least 75 feet in width adjacent to all boundaries of the cemetery landscaped and maintained as a green area;

(3) In any cemetery in which there will be permitted monuments and grave markers rising above the surface of the ground, the green area shall include a dense evergreen hedge at least six feet in height; and

(4) No ~~public~~ mausoleum, columbarium, ~~crematory~~ or cemetery chapel shall be erected within 200 feet of any boundary of the lot or parcel on which it is located.

(5) No crematorium shall be erected within 300 feet of a property line.

Section 4. Sec. 101-1-3 and 105-1-5 (e) is amended and re-enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

First Consideration:

December 4, 2018

Second Consideration and Final Passage:

December 18, 2018

EXHIBIT 2 - Draft Ordinance - Planning and Zoning Commission Recommendation

ORDINANCE NO. 1299

An Ordinance to Amend and Re-enact Sec. 101-1-3 and 105-1-5 (e) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

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Insert in Sec. 101-1-3 after the definition for Correctional facility the following:

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments and is subject to the following requirements:

- a. shall not be the primary use, i.e. it must be accessory or ancillary to a related and legally existing mortuary, funeral home, columbarium, or cemetery use.

Crematorium equipment means the primary piece of capital performing the task of reducing remains to bone fragments.

Section 2. Sec. 101-1-3, definition for Funeral home or mortuary, is amended to read:

Funeral home or mortuary means a facility for the care and custody for the pre-disposition of deceased human remains, including the sale of services and merchandise for burial, cremation, and other related items, including offices, viewing rooms, chapels, and reception halls for serving the deceased and their families. facility for the pre-burial preparation of human cadavers, including facilities for cremation, and including other areas for offices, purchase of burial items and services, viewing rooms and areas for the conduct of memorial services.

Section 3. Sec. 105-1-5 (e) is amended to read:

Cemetery, Mausoleum, Columbarium, and Crematorium. A cemetery, mausoleum, columbarium or crematorium may be permitted in an industrial or A district as a special use, provided that:

- (1) No graves shall be located less than 100 feet distant from any property line;

- (2) There shall be a strip at least 75 feet in width adjacent to all boundaries of the cemetery landscaped and maintained as a green area;
- (3) In any cemetery in which there will be permitted monuments and grave markers rising above the surface of the ground, the green area shall include a dense evergreen hedge at least six feet in height; and
- (4) No ~~public~~ mausoleum, columbarium, ~~crematory~~ or cemetery chapel shall be erected within 200 feet of any boundary of the lot or parcel on which it is located.
- (5) No crematorium equipment shall be placed within 100 feet of a property line excepting along adjacent right-of-way.

Section 4. Sec. 101-1-3 and 105-1-5 (e) is amended and re-enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

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

January 28, 2019
February 19, 2019
March 5, 2019

EXHIBIT 3 - Draft Ordinance - Alternative Staff Recommendation

ORDINANCE NO. 13XX

An Ordinance to Amend and Re-enact Portions of Sec. 101-1-3, 105-3-14 (2), 105-3-15 (2), and Remove Sec. 105-1-5 (k) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

Section 1. Sec. 105-1-5 (k) is removed.

~~Crematorium. A crematorium may be permitted as a special use with the following minimum restrictions:~~

- ~~(1) No crematorium equipment shall be placed within 100 feet of a property line excepting along adjacent right of way; and~~
- ~~(2) Crematoriums shall be located within the Mandan Union Cemetery.~~

Section 2. Sec. 101-1-3 and is amended and re-enacted.

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments.

The following standards shall apply:

- (1) Crematorium equipment shall be located a minimum of fifty (50) feet from a property line.
- (2) Crematorium equipment shall be located a minimum of three-hundred-fifty (350) feet from an existing dwelling.

Section 3. Sec. 105-3-14 (2) q. related to permitted uses in the MA Industrial District is added.

q. Crematorium

Section 4. Sec. 105-3-15 (2) v. related to permitted uses in the MB Industrial District is added.

v. Crematorium

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

Planning and Zoning:

First Consideration:

Second Consideration and Final Passage:

July 22, 2019

August 20, 2019

September 3, 2019

PUBLIC HEARING #8

PUBLIC HEARING #8

Mandan Planning and Zoning Commission Agenda Item PH8
 For Meeting on July 22, 2019
 Mandan Engineering and Planning Office Report
McCreary Masterplan
 Requested Action
Masterplan Subdivision

Application Details				
Applicant	Owner	Subdivision	Legal Description	
WW Ranch, a Limited Partnership	WW Ranch, a Limited Partnership	McCreary Masterplan	See Exhibit 1 for Area	
Location		Proposed Land Use	Parcel Size	Number of Lots
City of Mandan Extraterritorial Area		Mixed	1,035 acres total	N/a
Existing Land Use	Adjacent Land Uses		Proposed Zoning	Adjacent Zoning
Bare Land	Bare Land/Single-family		N/a	Agriculture
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
No Charge	N/a	July 3, 2019	July 12, 2019, July 19, 2019	

Project Description

Jon McCreary has submitted an application for a masterplan subdivision 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.

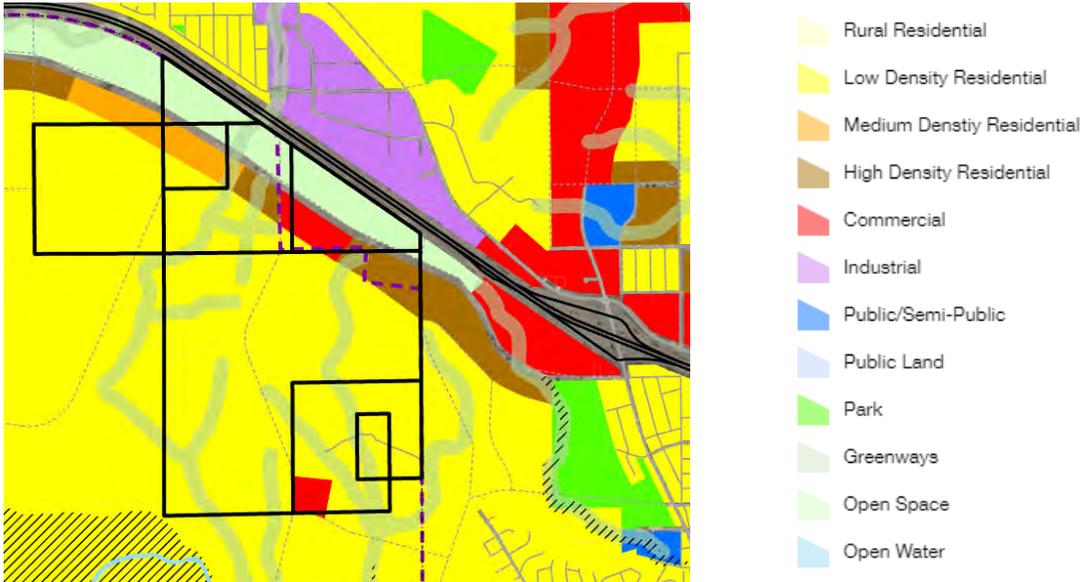


Exhibit 1 contains the application documents and corresponding maps. The proposed plan adjusts the location of roads, provides a mix of industrial, neighborhood commercial, and commercial closer to the interstate, and delineates open space on those areas of steep terrain and which provide natural conveyance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

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

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 McCreary Masterplan as presented in Exhibit 1.

Proposed Motion

I move to approve the McCreary Masterplan as presented in Exhibit 1.

List of Exhibits:

Exhibit 1 – McCreary Masterplan

Exhibit 2 – Comments

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

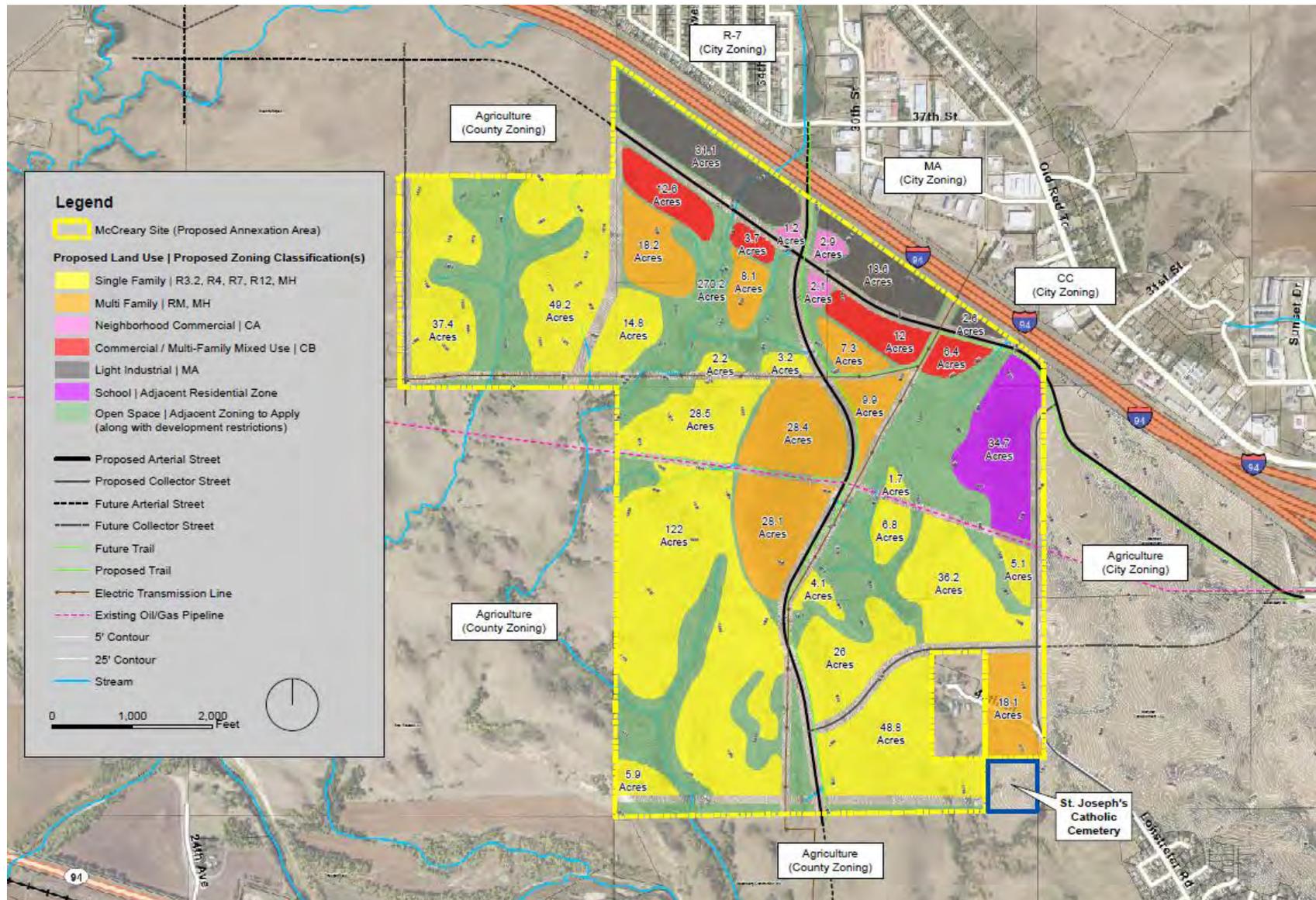
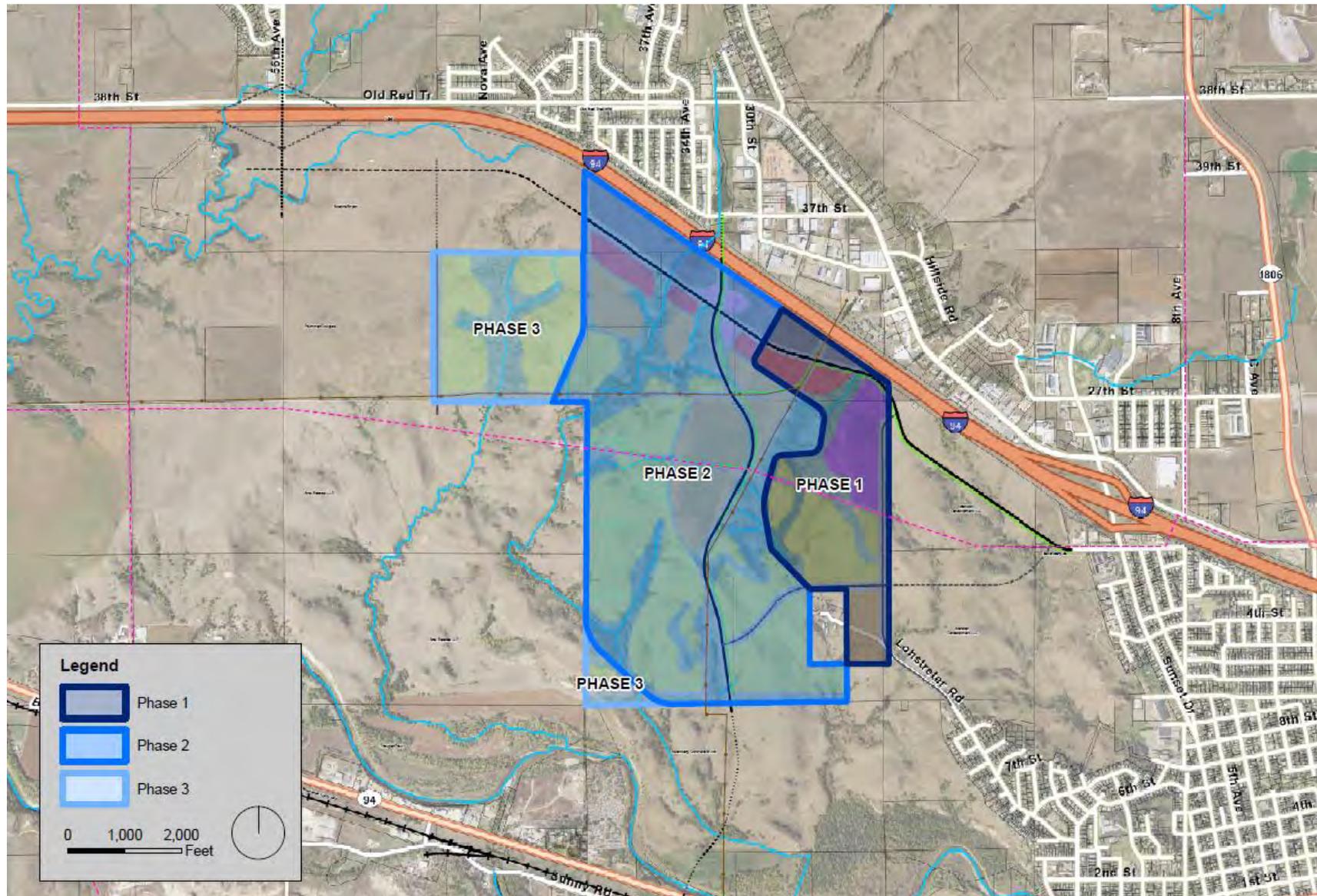


Figure 2 – Phasing Plan



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.

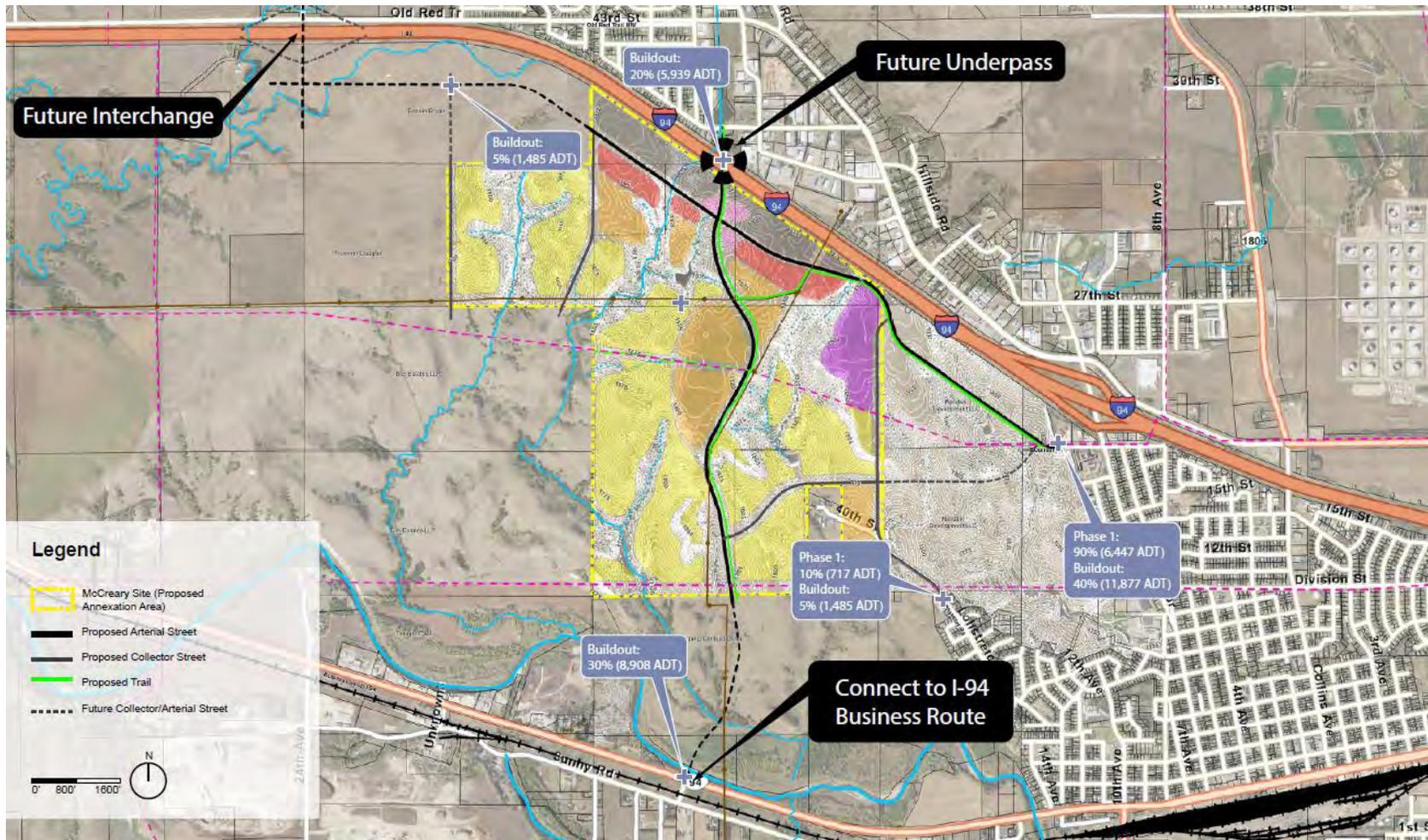
Note that there are a few key items that remain to be determined. This includes potential future roadway links or extensions, initially with the future connection to I-94 Business Route to the south and subsequently the future I-94 and 56th Avenue Interchange to the west. These connections should

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

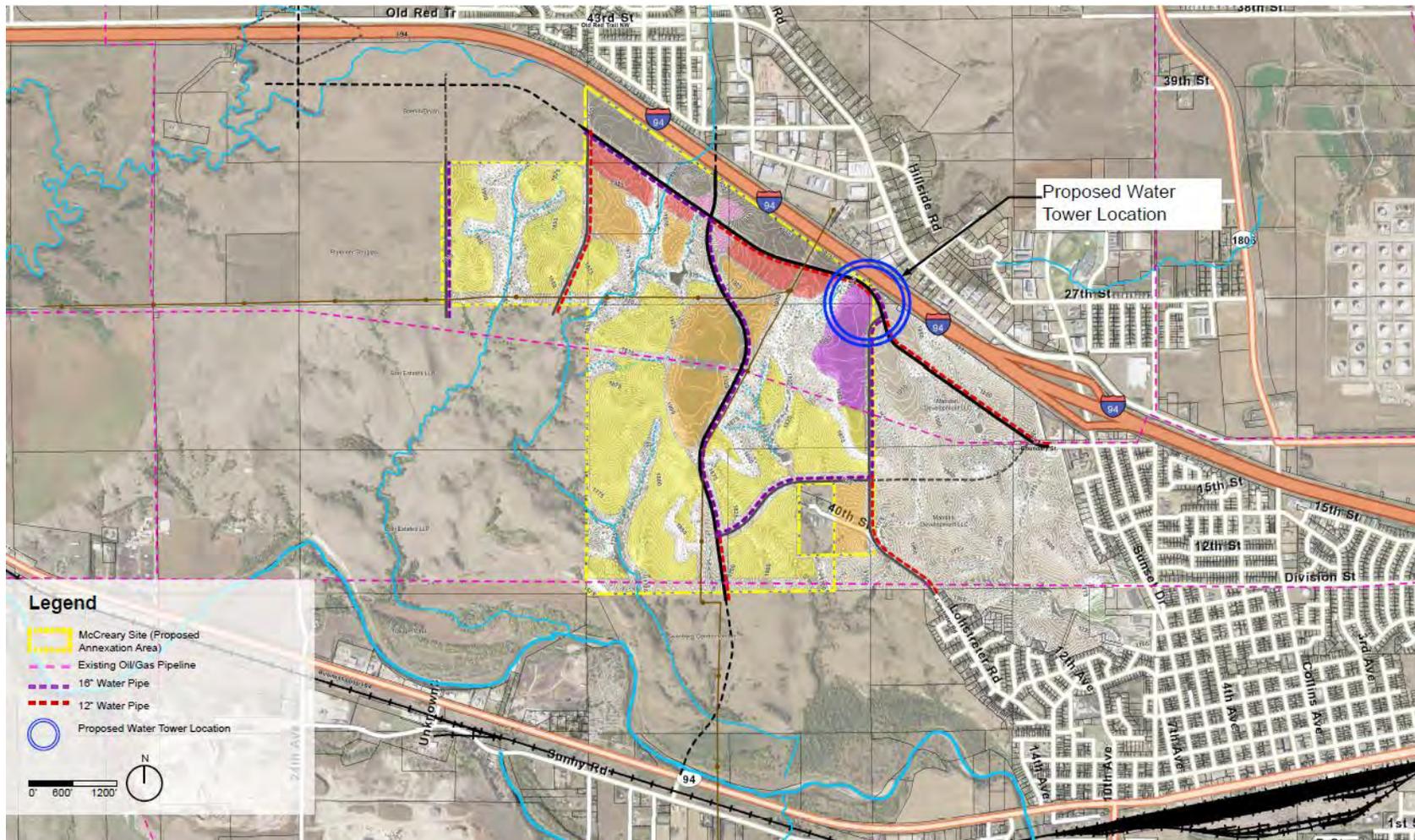
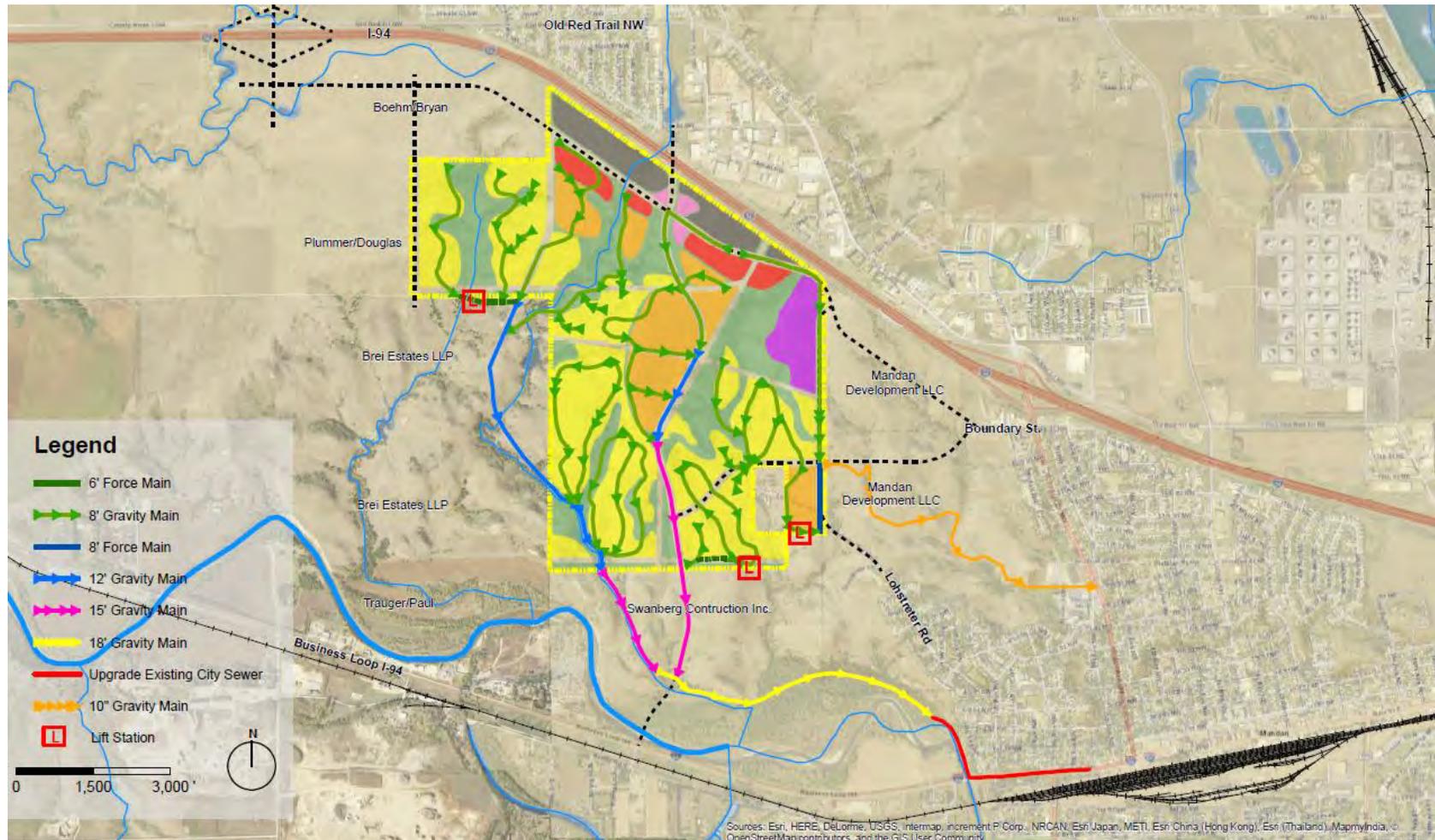


Figure 5 – Conceptual Sanitary Sewer Plan



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

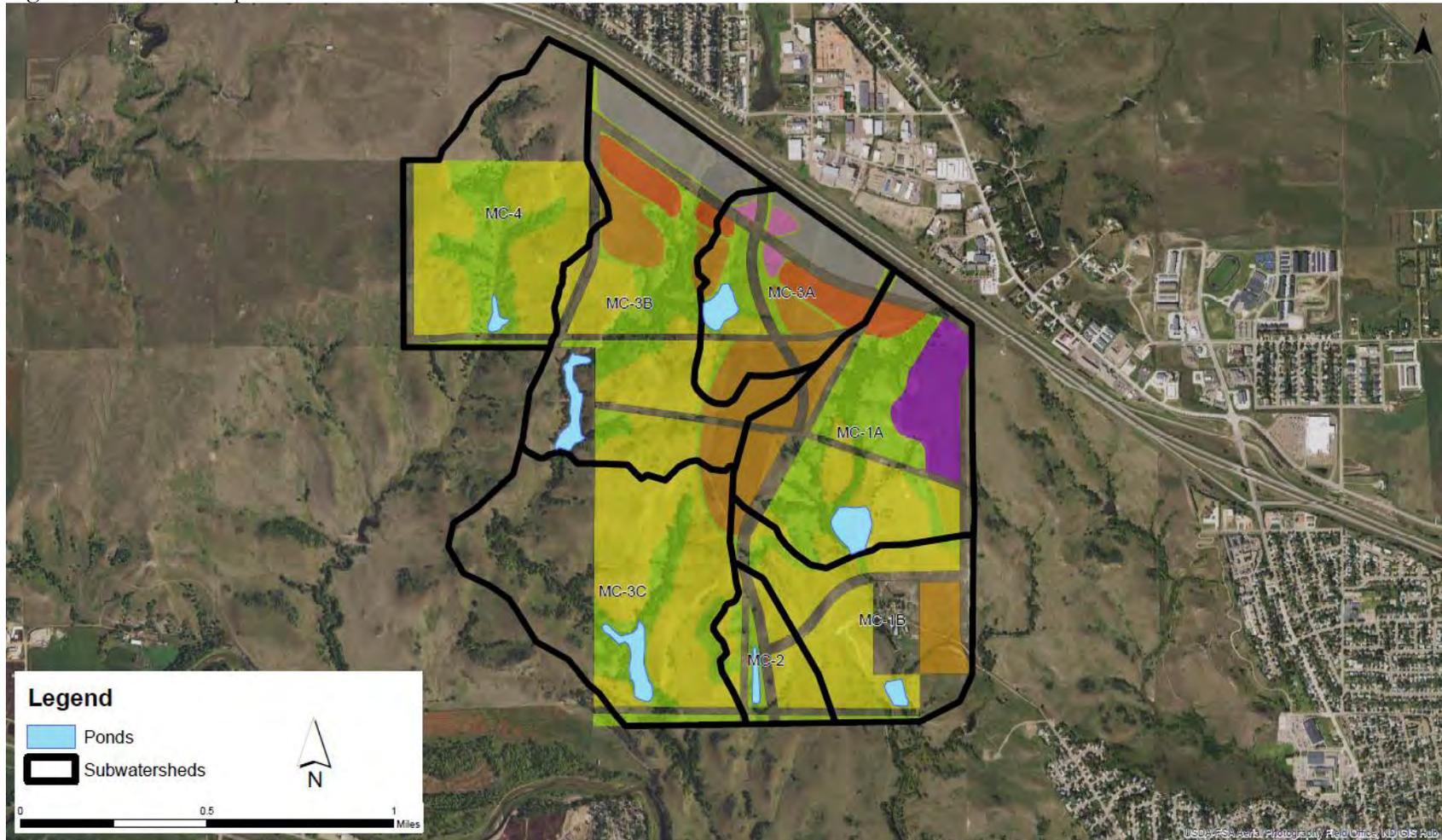
One of the goals of the McCreary Master Plan is to determine locations and approximate sizes for stormwater detention basins. Using available topographic, land use information, and Atlas-14 rainfall, existing and proposed hydrologic models were created based on the pre- and post-development site conditions.

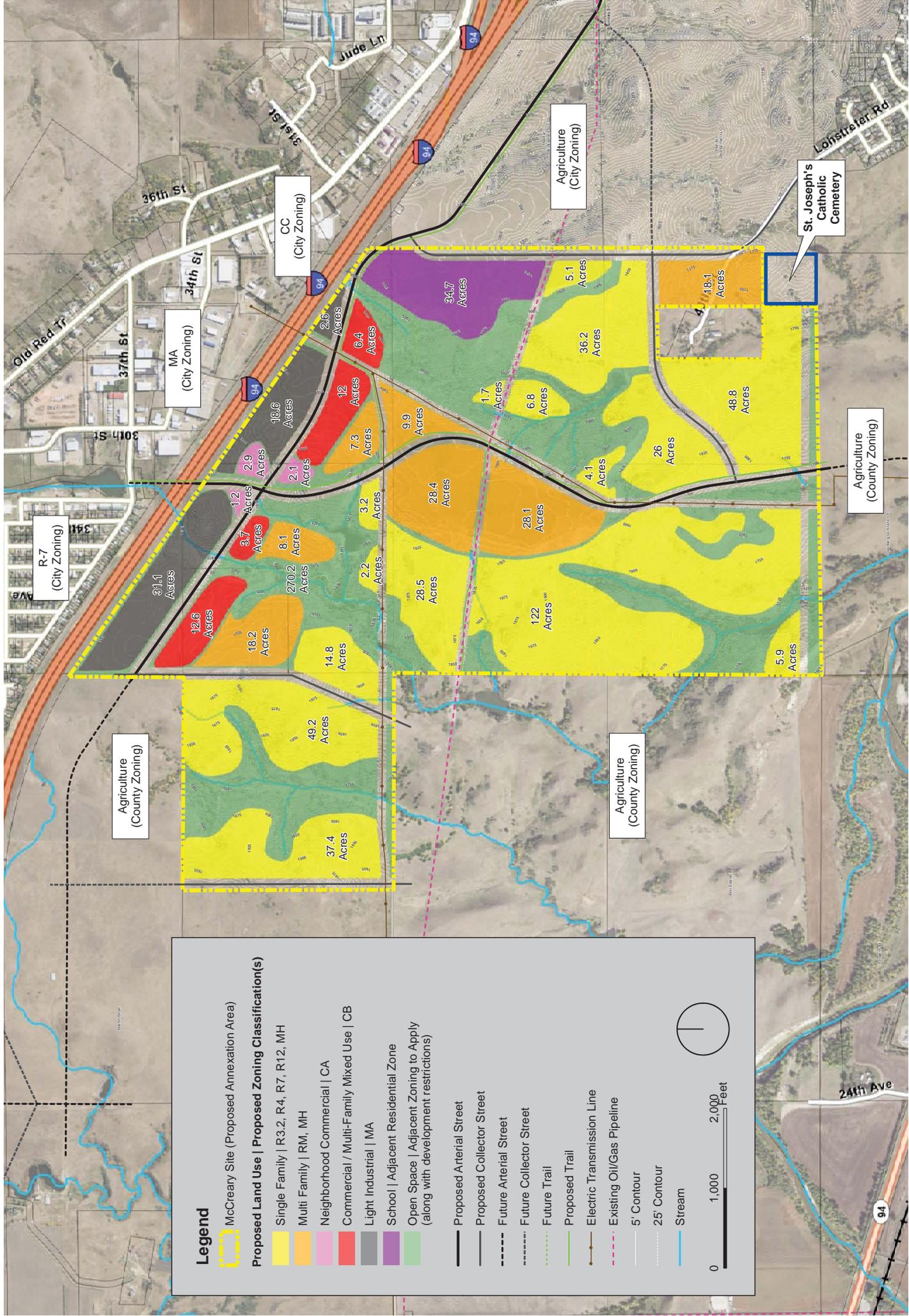
Detention basins were preliminarily sized using NURP guidelines to develop approximate pond volumes. The pond sizes were further refined by inputting the pond volume into the hydrologic model. Site topography and the proposed land use plan were then analyzed to locate areas where the required pond footprint 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)

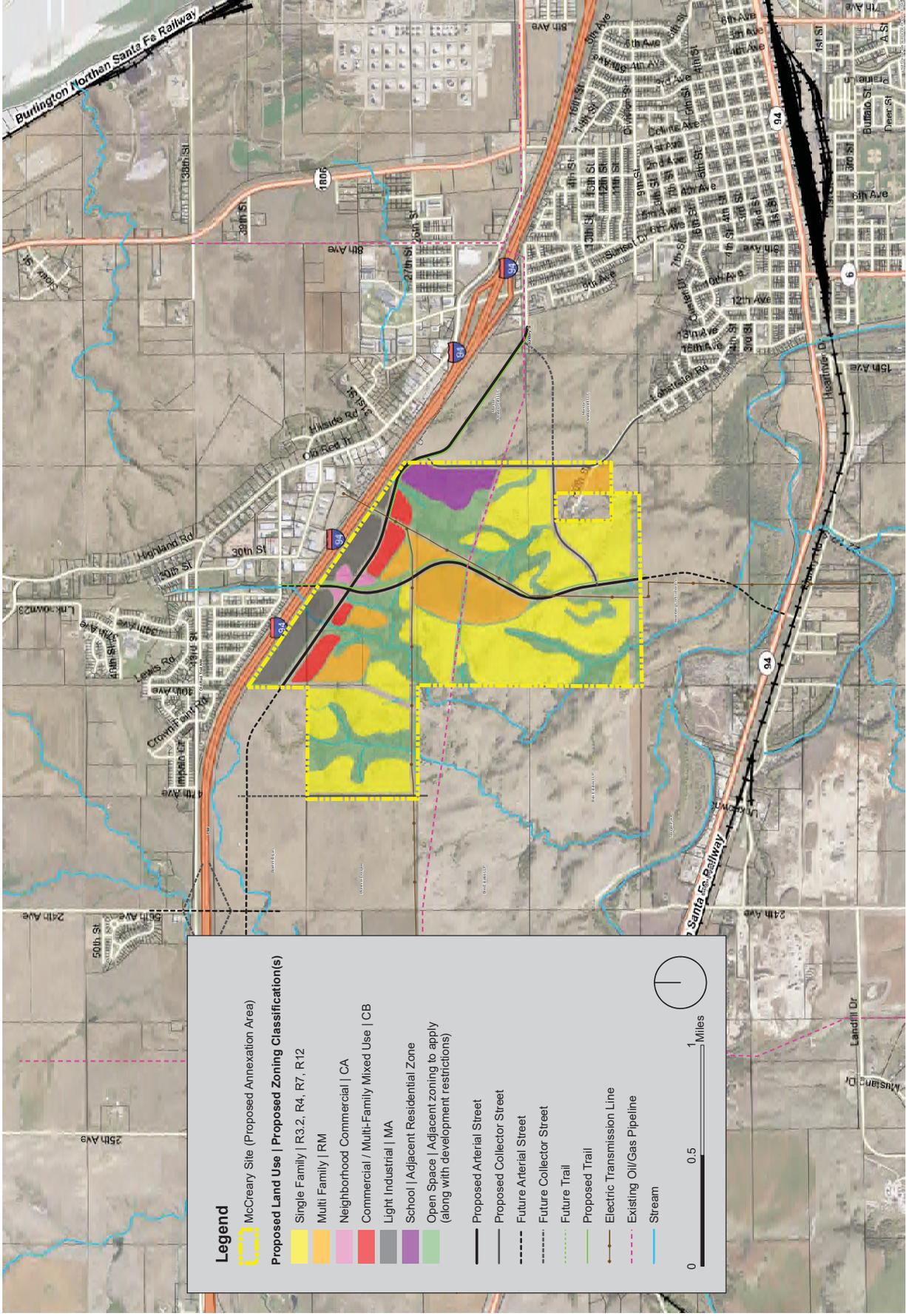
- Single Family | R3.2, R4, R7, R12, MH
- Multi Family | RM, MH
- Neighborhood Commercial | CA
- Commercial / Multi-Family Mixed Use | CB
- Light Industrial | MA
- School | Adjacent Residential Zone
- Open Space | Adjacent Zoning to Apply (along with development restrictions)

Infrastructure and Features

- 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 and Orientation

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

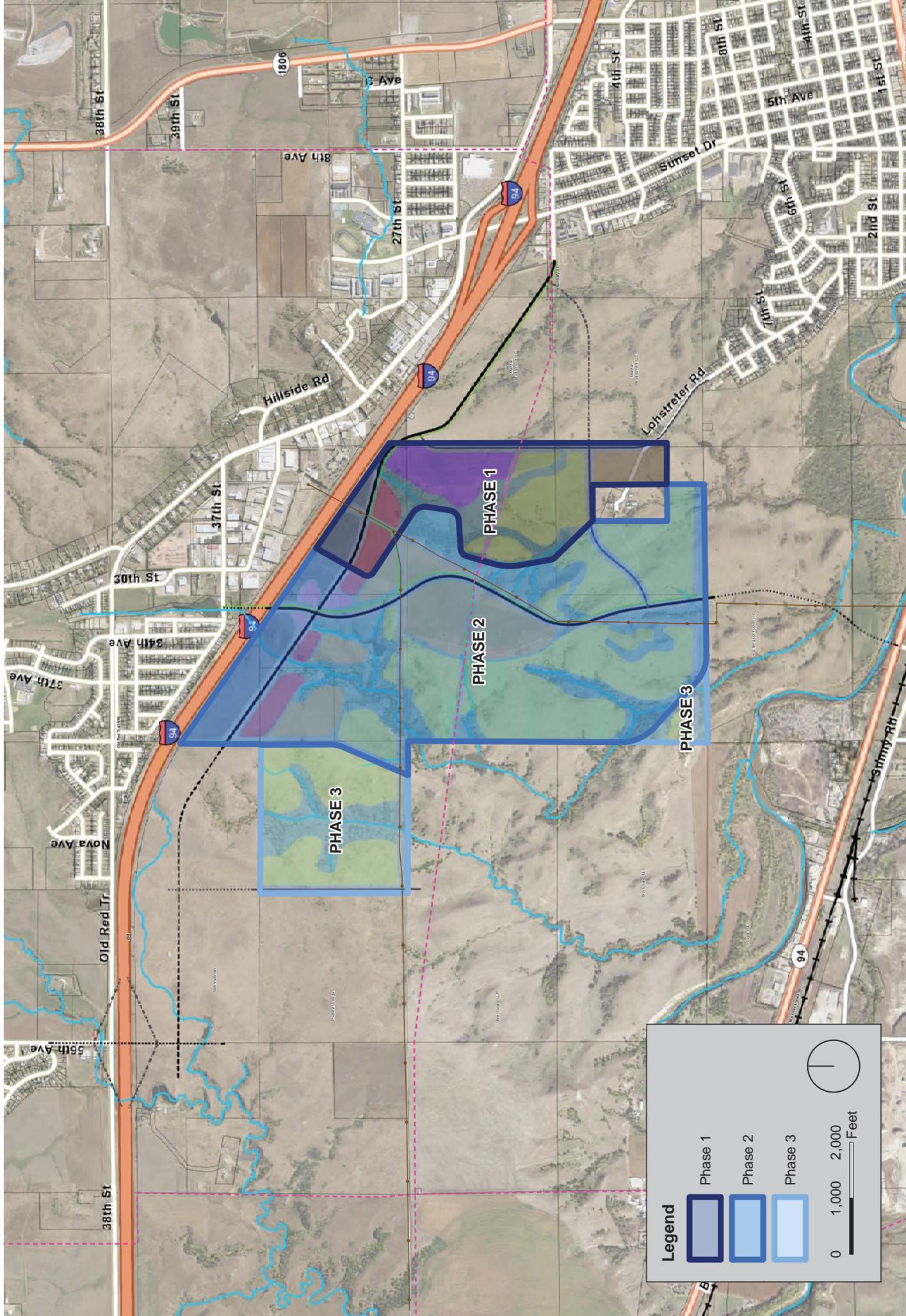
0 0.5 1 Miles

McCreary Master Plan - Vicinity

JMAC Resources
Mandan, ND

May 30, 2019



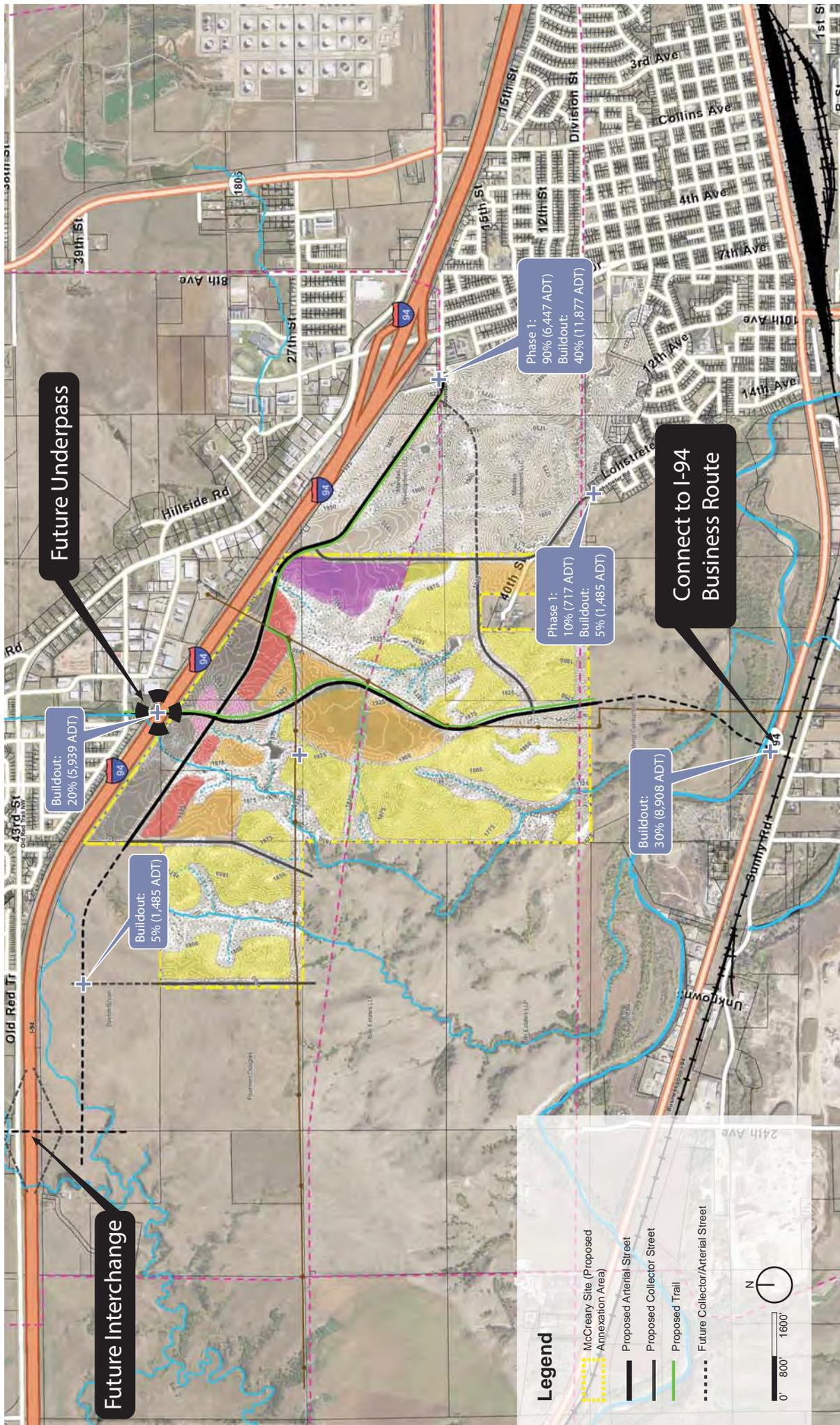


McCreary Master Plan

JMAC Resources
Mandan, ND

May 30, 2019





Future Underpass

Buildout:
20% (5,939 ADT)

Buildout:
5% (1,485 ADT)

Phase 1:
90% (6,447 ADT)
Buildout:
40% (1,877 ADT)

Phase 1:
10% (717 ADT)
Buildout:
5% (1,485 ADT)

Buildout:
30% (8,908 ADT)

**Connect to I-94
Business Route**

Future Interchange

Legend

- McCreary Site (Proposed Annexation Area)
- Proposed Arterial Street
- Proposed Collector Street
- Proposed Trail
- Future Collector/Arterial Street

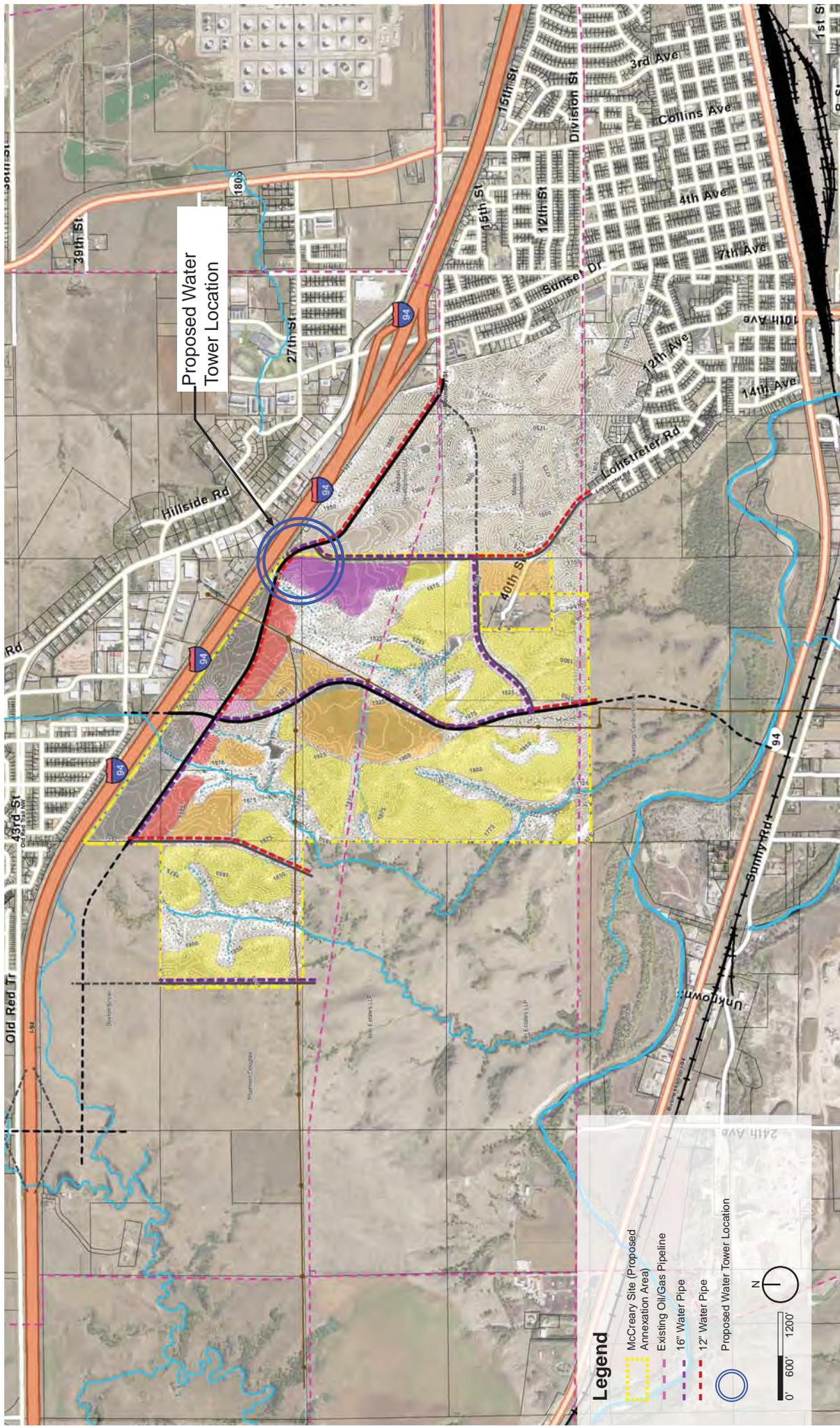


McCreary Transportation Plan

JMAC Resources
Mandan, ND



May 21, 2019



McCreary Water Supply Plan

JMAC Resources
Mandan, ND

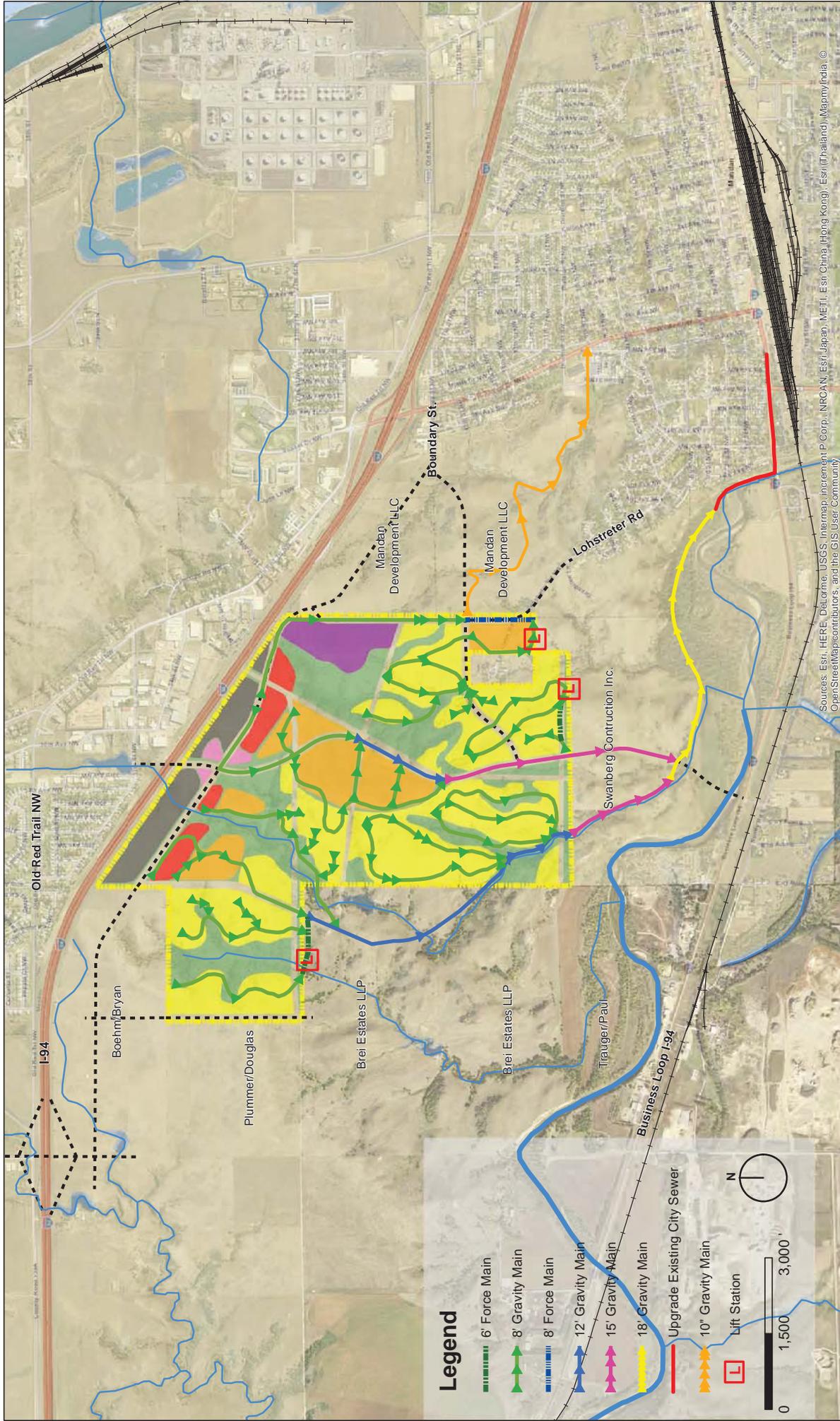
May 21, 2019



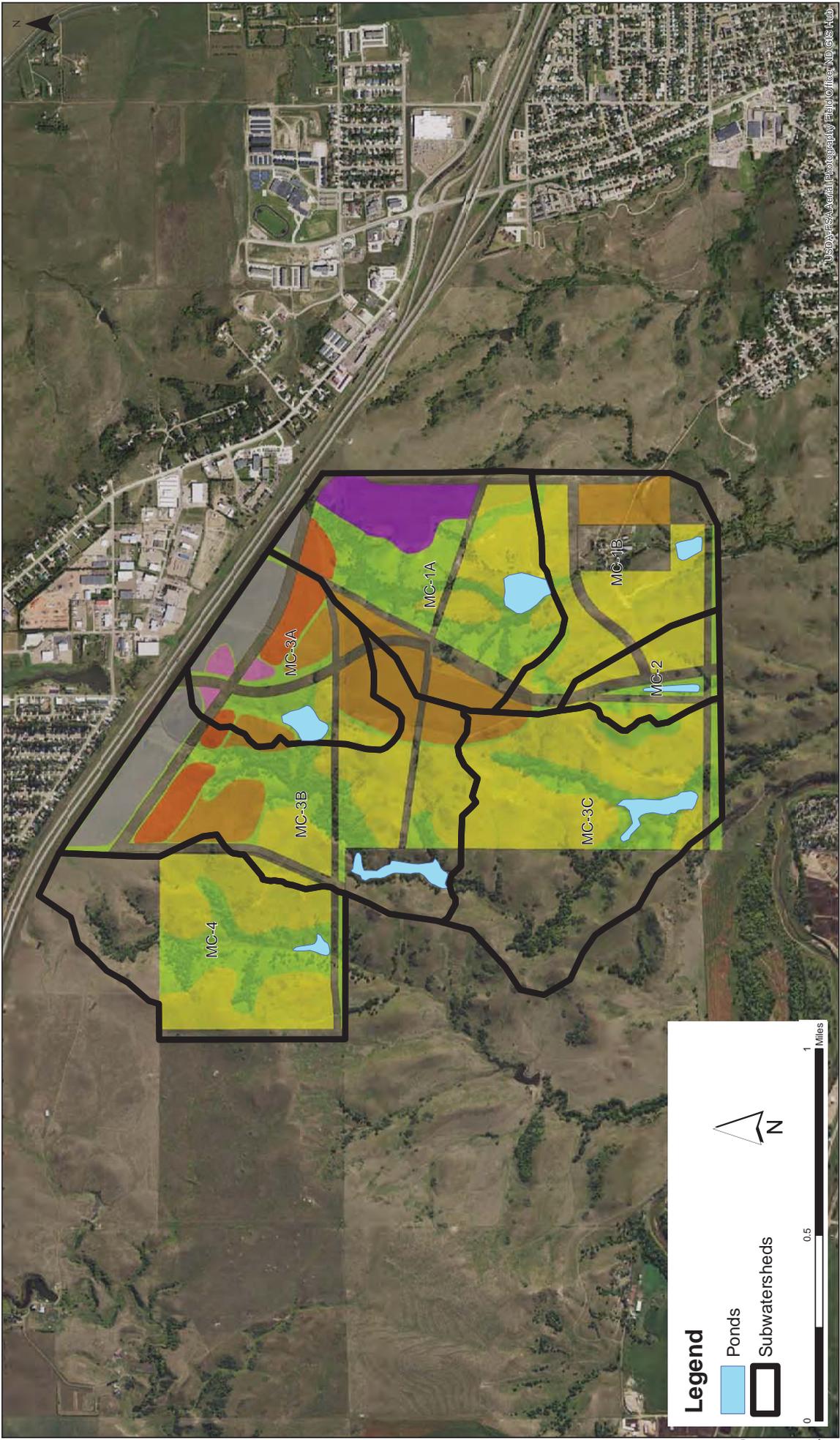
Legend

- 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

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.