



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, OCTOBER 28, 2019

Roll Call, Reading and Approval of the September 23, 2019 minutes.

PUBLIC HEARINGS

1. A request from WW Ranch, a Limited Partnership, for final plat approval of Meadow Ridge 4th Addition. Said property is part of Lot 44, Block 1, Pioneer Industrial Park 1st Addition, and part of the NW ¼ in Section 22, Township 139N, Range 81W. The property is located between 8th Avenue NW and 6th Avenue NW.

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

Staff Recommendation: To recommend approval of the final plat as presented in Exhibit 1.

2. A request from the City of Mandan and Marathon Petroleum Company for a special use permit for a water intake pump house on Lots 15 & 16, Block 2, Riverbend 2nd Addition in Section 23, Township 139N, Range 81W. The property is located at 2300 & 2304 River Drive NE.

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

Staff Recommendation: To recommend approval of the special use permit.

3. A request from Wade Vogel, Premier Homes, for approval of a preliminary plat named Waterpark Commercial Addition. Said property is a replat of Lakewood Commercial Park, Block 1, Lots 16-25 and Lots 47-55 in Section 6, Township 138N, Range 80W. The property is located on 46th Avenue SE.

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

Staff Recommendation: To recommend approval of the preliminary plat as presented in Exhibit 3 subject to the conditions in Exhibit 4.

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
September 23, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on September 23, 2019, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klein, Knoll, Leingang, Liepitz, Renner, Camisa, Vayda, Robinson

Commissioners Absent: Klemisch, Helbling, Frank

Commissioner Camisa motions to approve the August 26, 2019 minutes. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Linda Betlaf, Darin Thomas, and Tamara Wolt for annexation of Lot 2, Block 2, Bahm's 1st Addition, in Section 2, Township 138N, Range 81W. The property is located at 2503 14th Avenue SE.

A. Staff report

John Van Dyke, city planner, presents. The property owners wish to annex their 1.74 acre property into the City of Mandan to connect to city services that currently run along 14th Ave. SE in front of their property. Upon annexation, they desire to split their property through a minor plat into residential two lots as shown in Exhibit 2. This property is one of four in Bahm's 1st Addition that have yet to annex which will be required in order to connect to city services. No comments from other departments were received regarding this annexation. No additional comments. Engineering and Planning recommend to approve the request for annexation. I move to recommend approval of the property owner request for annexation of Lot 2, Block 2, Bahm's 1st Addition.

B. Open public hearing

There are no comments or questions.

C. Close public hearing

D. Commission action.

Commissioner Leingang motions to recommend approval of the annexation. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

2. A request from Innovative Energy Alliance Cooperative for a variance from the required landscaping ordinance and for standalone offices in support of an allowable industrial activity in the MA Industrial district. Said parcel of land is Lot 3, Block 1, Mandan Industrial Park, in Section 17, Township 139N, Range 81W. The property is located at 2719 34th Street NW.

A. Staff report

John Van Dyke, City Planner, presents. John says Basin is shown as the owner on the application, but a transaction occurred this summer making Innovative Energy Alliance Cooperative (IEAC) the owner. Please disregard any reference to Basin Electric. Innovative Energy is seeking a variance to the site obscuring requirement that applies to public utility service yards. IEAC is also seeking a variance to MA-Industrial to allow stand-alone offices.

This request is coming from a reallocation of assets within the energy cooperative. Through this reallocation the applicant is seeking to divide the existing lot that currently has an office building located on the same property as the utility storage yard. The offices are in support of the utility service yard and broader IEAC administrative activities.

This division would create a non-conforming office building, as it is presently not allowed as a stand-alone structure. As the obscuration requirements apply to all new development, a subdivision would trigger the need to meet the current code requirements.

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;

A special circumstance that applies is that the cooperative is a unique entity attempting to reallocate assets within the entity itself. No change in use is expected on either of the proposed lots – utility service yard or office.

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; For the cooperative to function as it sees necessary at this time, a division of the property and reallocation of ownership within the entity itself is required. A division would trigger a non-conforming use for stand-alone offices and trigger the requirement for site obscuration of the utility yard.

Further, the land is presently surrounded by industrial uses. Requiring site obscuration due to a reallocation of assets within the same entity is overly burdensome.

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 unique characteristic of this application is that the property is cooperatively utilized and will continue to be cooperatively utilized by the same partners. The use will remain unchanged and a granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. No comments from other departments were received regarding this request. Engineering and Planning recommend approval of the variance with the provisions noted in Exhibit 3 for the rationale outlined in Exhibit 4.

Exhibit 3 - Provisions of Variance

The following provisions of the variance shall apply:

- 1) Stand-alone offices shall be in support of an allowed use of the zoning district that the subject property is located within.
- 2) The site-obscuration requirement for a utility service yard is granted.

Exhibit 4 - Rationale for Approving Variance

- An internal redistribution of assets in support of the energy cooperative is the basis for this request. A division merely to reallocate assets within the same entity for the same use and character is a reasonable use of land.
- Without the granting of the variance in this case, the energy cooperative would be unnecessarily burdened by the zoning ordinance where no perceptible change in function or use is to occur.
- The utility service yard is entirely surrounded by industrial activities and currently not site-obscured.

Collectively, not individually, the above provide rationale to grant the variance.

Commissioner Liepitz asks if a plat will be coming as the application shows a plat as well. John says a plat will be forthcoming. Today we are only considering the variance.

Commissioner Renner asks if the variance stays with the property or the current land owner. John says the property.

B. Open public hearing

There are no comments or questions.

C. Close public hearing

D. Commission action

Commissioner Liepitz motions to recommend approval of the variance. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

3. A request from Val Renner and Janet Dykshoorn for a preliminary plat named Evergreen Heights 3rd Addition, a zone change, annexation and masterplan of part of Lot B of Auditor’s Subdivision and Lot 1, Block 1, Evergreen Heights in the SW ¼ of Section 35, Township 139N, Range 81W. The request is to change the zoning from A-Agricultural to CA-Neighborhood Commercial for Lots 1-3, Block 1 of the proposed Evergreen Heights 3rd Addition plat. The property is located on the west side of Highway 1806 S.

A. Staff report

John says a different version was before Planning & Zoning and City Commission a few months ago. Val Renner and Janet Dykshoorn are seeking to plat their property near 19th St. SE and S. 1806 for the purposes of commercial development. The property requesting to be platted totals 4.04 acres, with a further five (5) acres being part of a masterplan. The master planned area is not being requested to be annexed, platted, or rezoned at this time.

Mr. Renner would like to erect shop condos to for his landscaping business and to house similar contractor businesses on Lot 3, Block 1 of the proposed plat (See Exhibit 2 and 3). Lot 1 is intended for similar use as Lot 3. No residential uses are desired on these lots. Ms. Dykshoorn would like to maintain her single-family dwelling on Lot 2, Block 1.

Lots 1 through 3, Block 1 is seeking CA – Neighborhood Commercial zoning. Staff is recommending the same restrictions that applied to these lots at the previous P&Z meeting on April 22, 2019. At the time, these restrictions were amenable to both adjacent property owners and the applicant.

The master plan shows single-family residential being constructed along the west of a proposed north-south future road titled “Living Water Drive.” These are Lots 1-8, Block 3 on the masterplan. Future zoning for Lot 1, Block 2 of the masterplan is RM – multi-family.

The development proposed does not align with the comprehensive plan for the city. Despite this, staff is providing recommendation for approval based on the rationale in Exhibit X.

Several external agency and internal department comments were previously received. The requirements for final plat were constructed based on these comments.

Engineering and Planning have included a list of zoning restrictions for the proposed zone change. These are unchanged for Lots 1-3, Block 1 from the April 2019 hearing.

Engineering and Planning recommend to approve the request for annexation, zone change, and preliminary plat for the reasons outlined in Exhibit 4, subject to changes incorporated into the final plat as outlined in Exhibit 5, and restricted to uses on each lot per Exhibit 6.

Exhibit 4 - Rationale for Deviating from Land Use and Transportation Plan:

- 1) As the facility is operated and maintained by NDDOT and as they have provided approval of the layout as presented, there appears to be no substantive reason for the connection of 16th St. SE from 14th Ave. SE to 1806 S. at this time. The future land use map shows commercial in a large portion of this area. Without a direct access to 1806 S, commercial uses on Lot 1, Block 2 of the masterplan would require commercial traffic to travel through single-family residential.
- 2) Single-family residential on Block 3 of the proposed master plan is an accommodation of adjacent property owners and amenable to the applicant. As, both neighbors and the current property owner desire to see the property developed in this manner where the proposed "Living Water Drive" becomes the buffer to non-single-family uses, this zoning designation is more harmonious.
- 3) Commercial on Lots 2 & 3 of the proposed preliminary plat would utilize one of two existing approaches onto 1806 S and vacate the other. This is desirable, as it moves the arterial further toward optimization (efficiency/safety). Lot 1, Block 1 will utilize access onto 15th St. SE.

The corridor along this area is a combination of multi-family and commercial. This proposal would align with the character of the similarly positioned properties in this area.

Exhibit 5 - Requirements of Final Plat (Purpose)

- No access onto 1806 S other than by way of existing driveway approach presently serving proposed Lot 2, Block 1 of Evergreen Heights 3rd Add. (Safety)
- Approach solely serving proposed Lot 3, Block 1 of Evergreen Heights 3rd Add. shall be vacated to meet the current North Dakota Department of Transportation standards for minimum distance between approaches. (Safety)
- Montana-Dakota Utilities (MDU) requests an easement along properties abutting 1806 S of ten (10) feet to adequately provide services to the proposed lots. (Utilities)

Exhibit 6 - Recommended Zoning Restrictions by Lot/Block

Lot 1, Block 1

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.

Office-bank Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted; professional services.

Lot 2, Block 1

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.

Office Use Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted, Professional services;

Lot 3, Block 1

Office-bank Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted Professional services;

Commissioner Liepitz asks why this is back and what has changed. John says the previous version had a provision that they had to vacate the access to Ms. Dykshoorn's property. She did not want to give up her current driveway. The NDDOT would not give their blessing without that vacation of her access. There would have been too many accesses onto 1806 with 16th Street coming all the way through to 1806. The proposed masterplan zoning is also different. They are going to keep the single-family residential along the west side of Living Waters Drive. The other large lot that was slated for commercial they are now asking for multi-family.

Commissioner Renner asks which driveway to going to provide access for Lot 3, Block 1. John says they will share Ms. Dykshoorn's approach. These two properties will not have access to 16th Street in the future. 16th Street will not go through to 1806.

A. Open public hearing

Wade Meschke, 1810 14th Avenue SE. In talking to some of his neighbors, they seem to have no objections to the plan. He thanks the applicant for listening to neighbors. He asks John

what the maximum density would be for the multi-family on Lot 2, Block 1. John says RM allows for 30 units per acre. He would like to go on record to say they are concerned about that big of a building and it would create a lot more traffic. He asks Planning & Zoning to consider restricting the multi-family.

Commissioner Liepitz asks what access would the multi-family lot, Lot 2, Block 1 be using. John says more than likely they would be using 16th Street extension/Living Water Drive. He does not see NDDOT granting another access onto 1806.

B. Close public hearing

C. Commission action

Commissioner Liepitz motions to recommend approval of the zone change, annexation and masterplan. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

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

Meeting adjourns at 6:08 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on October 28, 2019
 Mandan Engineering and Planning Office Report
Meadow Ridge 4th
 Requested Action
Final Plat

Application Details				
Applicant	Owner	Subdivision	Legal Description	
WW Ranch, a Limited Partnership	WW Ranch, a Limited Partnership	Meadow Ridge 4 th	Part Of The NW1/4, Section 22, T139N-R81W Of The City Of Mandan, Morton County, North Dakota	
Location City of Mandan		Proposed Land Use Residential	Parcel Size 1.47 Acres	Number of Lots 4
Existing Land Use Bare Land	Adjacent Land Uses Residential	Current Zoning MC Industrial District	Proposed Zoning RM-Residential (upon recordation of final plat per approved rezone application)	Adjacent Zoning MC – Industrial District; RM Residential; R3.2 Residential; R7 - Residential
Fees \$350	Date Paid September 27, 2019	Adjacent Property Notification Sent October 8, 2019	Legal Notices Published October 18 & 25, 2019	

Project Description
<p>Mike Wachter on behalf of WW Ranch, a Limited Partnership is seeking approval for a final plat of Meadow Ridge 4th Addition. The preliminary plat, rezone to RM-multifamily residential, and masterplan were discussed and approved earlier this year. The adjacent property owners desired and the developer was willing to restrict the property to single and twin-home construction.</p> <p>Each lot is likely to be divided at a future date when building placement is determined for each residential structure.</p> <p>Staff is recommending approval of the final plat as presented in Exhibit 1.</p>
<p style="text-align: center;">Agency & Other Department Comments</p> <p>Comments noted corrections to the plat that were required before final approval. Exhibit 1 shows the plat following these necessary corrections.</p>
<p style="text-align: center;">Engineering & Planning Staff Comments</p> <p>Engineering and Planning recommend approval of the final plat as presented in Exhibit 1.</p>
<p style="text-align: center;">Engineering & Planning Recommendation</p> <p>Engineering and Planning recommend approval of the final plat as presented in Exhibit 1.</p>
<p style="text-align: center;">Proposed Motion</p> <p>I recommend approval of the final plat for Meadow Ridge 4th Addition as presented in Exhibit 1.</p>

List of Exhibits:
 Exhibit 1 – Meadow Ridge 4th Addition Final Plat

EXHIBIT 1

MEADOW RIDGE 4TH ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

PART OF LOT 44, BLOCK 2, PIONEER INDUSTRIAL PARK 1ST ADDITION, AND PART OF THE NW1/4, SECTION 22, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING A PART OF LOT 44, BLOCK 2, PIONEER INDUSTRIAL PARK 1ST ADDITION AND PART OF THE NW1/4 OF SECTION 22, TOWNSHIP 130 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF MEADOW RIDGE 3RD ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 217.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 15°30'10" EAST 66.13 FEET) AN ARC LENGTH OF 66.39 FEET TO THE P.T. (POINT OF TANGENCY) OF SAID CURVE TO THE LEFT; THENCE SOUTH 24°18'15" EAST FOR 66.76 FEET TO THE P.C. (POINT OF CURVATURE) OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 283.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 17°43'59" EAST 64.44 FEET) AN ARC LENGTH OF 64.58 FEET; THENCE SOUTH 89°57'56" WEST FOR 622.75 FEET TO A POINT ON THE EAST BOUNDARY LINE OF LOT 44, BLOCK 1, PIONEER INDUSTRIAL PARK 1ST ADDITION; THENCE NORTH 00°03'00" EAST ALONG SAID EAST BOUNDARY LINE FOR 120.00 FEET; THENCE SOUTH 89°57'56" WEST FOR 36.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 44; THENCE NORTH 00°03'00" EAST ALONG SAID WEST BOUNDARY LINE FOR 66.00 FEET; SAID POINT ALSO BEING ON THE SOUTH BOUNDARY LINE OF SAID MEADOW RIDGE 3RD ADDITION AND EXTENDED WEST; THENCE NORTH 89°57'56" EAST ALONG SAID BOUNDARY LINE FOR 593.92 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINING 2.57 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDREA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT. FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDREA L. MARQUARDT, RLS 4623

STATE OF NORTH DAKOTA)

COUNTY OF MORTON) SS

ON THIS _____ DAY OF _____, 2019, THERE APPEARED BEFORE ME ANDREA L. MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND WHO ACKNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

HARVEY SCHNEIDER
NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

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

PATRICK W. WACHTER, A PARTNER MICHAEL E. WACHTER, A PARTNER
WW RANCH LIMITED PARTNERSHIP WW RANCH LIMITED PARTNERSHIP

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2019.

_____, NOTARY PUBLIC
_____, COUNTY
MY COMMISSION EXPIRES: _____

MONTANA-DAKOTA UTILITIES CO.
SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2019.

_____, NOTARY PUBLIC
_____, COUNTY
MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS _____ DAY OF _____, 2019, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF SAID CITY OF MANDAN AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN NANCY MOSER - SECRETARY

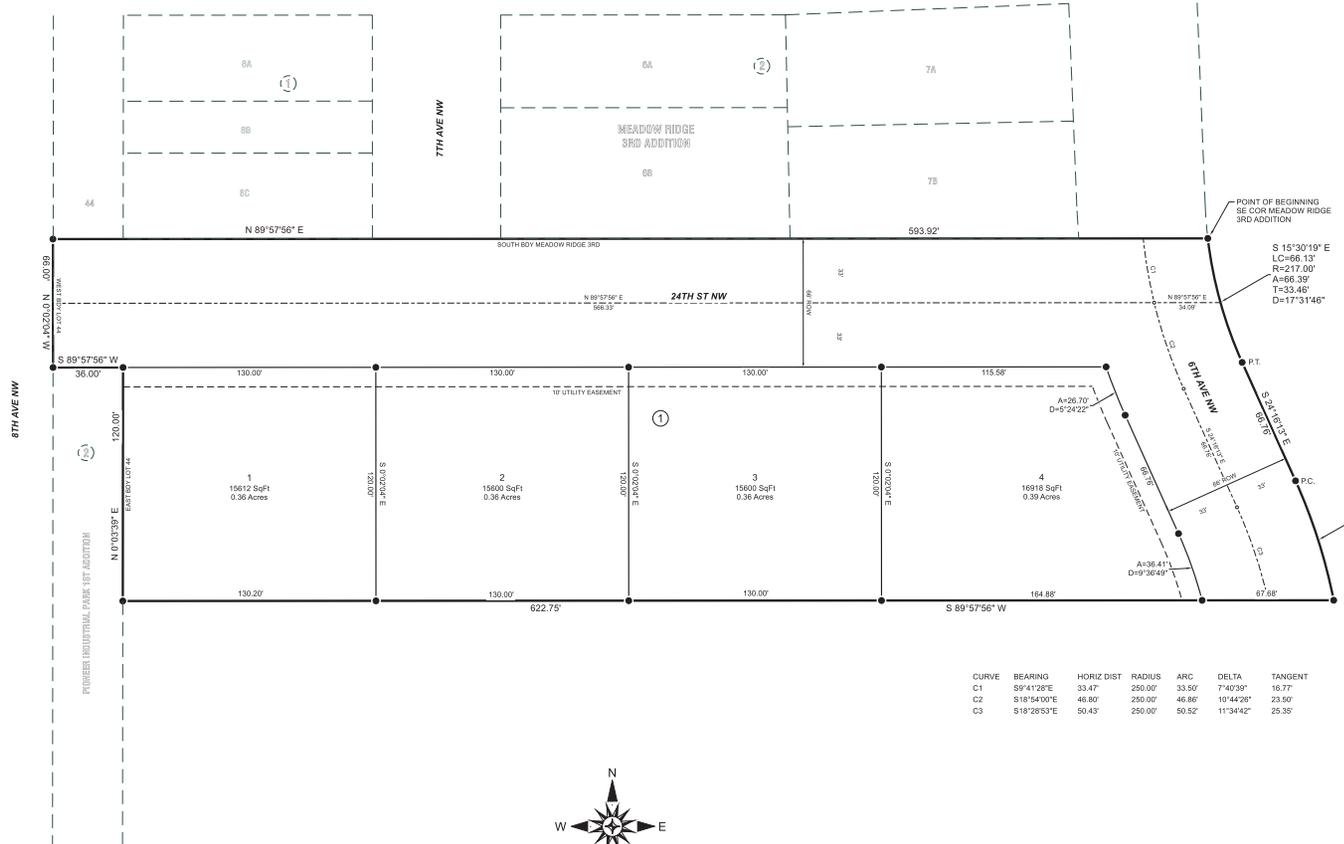
APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS _____ DAY OF _____, 2019.

JIM NEUBAUER - CITY ADMINISTRATOR TIM HELLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSTETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "MEADOW RIDGE 4TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSTETH, PE



CURVE	BEARING	HORIZ. DIST.	RADIUS	ARC	DELTA	TANGENT
C1	S8°41'28"E	33.47	250.00'	33.50'	7°40'39"	16.77'
C2	S18°54'00"E	46.80	250.00'	46.86'	10°44'26"	23.50'
C3	S19°26'53"E	50.43	250.00'	50.52'	11°34'42"	25.35'



HORIZ. DATUM: NAD83
VERT. DATUM: NAVD83



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

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

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

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
 For Meeting on October 28, 2019
 Mandan Engineering and Planning Office Report
Subdivision
 Requested Action
Special Use Permit

Application Details				
Applicant	Owner	Subdivision	Legal Description	
City of Mandan and Marathon Refinery	Marathon Refinery	Riverbend 2 nd Addition	Lots 15 and 16 of Block 2	
Location North end of River Drive NE, where pavement ends. Just north of 2208 River Drive NE.		Proposed Land Use City of Mandan and Marathon Refinery Raw Water Intake	Parcel Size 1.09 Acres Total	Number of Lots 2
Existing Land Use Vacant Residential	Adjacent Land Uses Occupied Residential		Current Zoning R7	Proposed Zoning R7 with SUP
		Adjacent Zoning R7		
Fees \$450	Date Paid Waived for City Project	Adjacent Property Notification Sent 10/9/2019	Legal Notices Published 10/18/2019	

Project Description
<p>The nature of the Raw Water Intake facility needed for the City of Mandan’s water supply best fits under the Utility Service Group category. Because of that, a special use permit is needed within the R7 zoned lots for which this facility is planned to be constructed on.</p> <p>This project has long been discussed. This location was committed to after much study and was chosen because of its size of constructible land and, more importantly, its hydraulic advantages. Basically, this location along the river has a more stable and narrow river channel that conveys water through at a higher velocity and is able to self-flush the sediments through. The current intake does not have that ability and therefore fighting sediment is a regular battle needed to keep the intake open necessary for water service to the City of Mandan and its buyer, Missouri West Rural Water.</p> <p>A public input meeting was held on October 30th of 2018. During that meeting, the project team heard concerns from the approximately 25 people who could attend. A couple of main concerns that emerged from the meeting were about construction traffic affecting the condition of the roads to and from the site as well as noise that would be generated from the facility.</p> <p>The condition of the roads has been accounted for by 1) budgeting enough in the project to mill and overlay River Drive from Missouri Drive up to the project site, 2) limiting construction project associated loads to 6 tons per axle in the project plans and 3) documenting the condition of the road before the project in order to compare it to the condition after the project is completed.</p> <p>The noise concern is greatly mitigated by construction specifications that call for well insulated walls at the intake facility. The facility will be similar to, but not quite as big as a large pump house facility that was constructed just south of the Community Bowl in Bismarck approximately five years ago. Upon visiting that site, it was evident to the project team that the noise just outside the shut door of the facility was not much more than a quiet conversation and noise is not noticed from the street about 100’ away.</p>
Agency & Other Department Comments
None.
Engineering & Planning Staff Comments

Explained in the project Description

Engineering & Planning Recommendation

Staff recommends approval of this request.

Proposed Motion

Move to recommend approval of the Special Use Permit for the Raw Water Intake facility to be located at the north end cul-de-sac of River Drive NE.



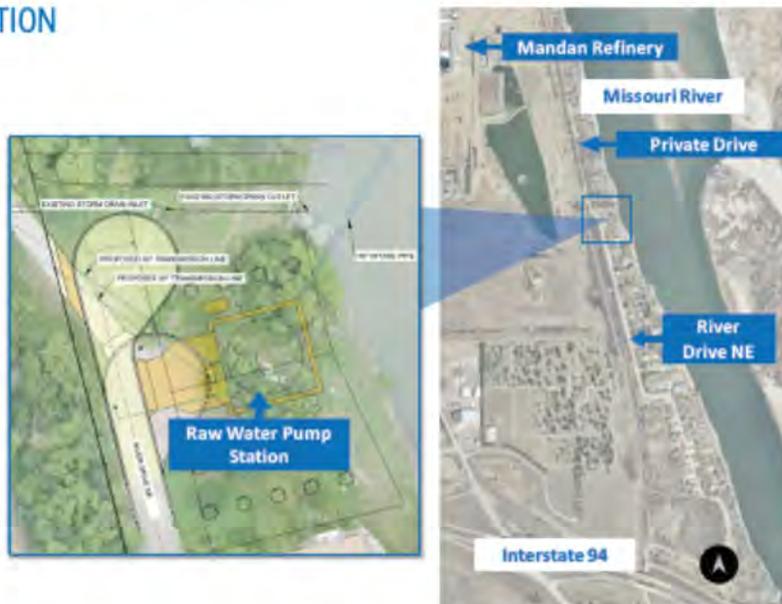
NEW RAW WATER INTAKE

October 30, 2018 PUBLIC INVOLVEMENT MEETING

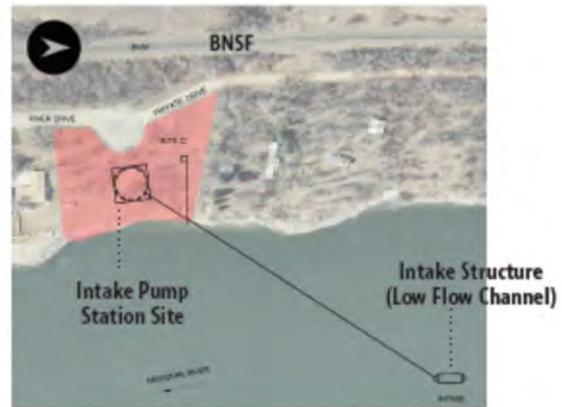
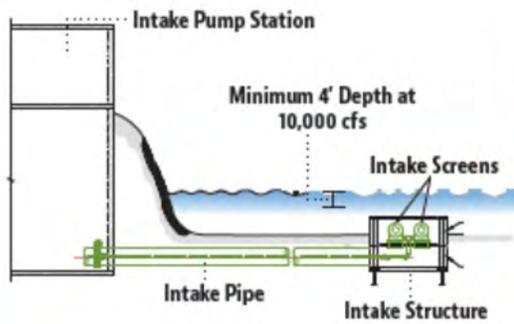
PROJECT BACKGROUND

<p>Existing intake serves City of Mandan and Marathon Petroleum Mandan Refinery.</p>	<ul style="list-style-type: none"> • City provides water to city users and Missouri West Water System • Marathon Petroleum Mandan Refinery uses water for process and cooling
<p>Need for intake replacement was identified in 2002.</p>	<ul style="list-style-type: none"> • Current intake building failing due to age (built circa 1957) • Existing intake location not ideal due to main channel shift causing maintenance, permitting, and reliability concerns
<p>Funding</p>	<ul style="list-style-type: none"> • \$22.1M project costs • City share, state funding, Marathon Petroleum funding • Marathon Petroleum is participating through: <ul style="list-style-type: none"> • Cost sharing (City portion is paid for by rates) • Long term maintenance and operations • Standby power • Land and easement contributions

PROJECT LOCATION



INTAKE SITE



RAW WATER TRANSMISSION LINE ROUTE



PRELIMINARY PROJECT SCHEDULE

Preliminary Engineering Complete	October 2018
Final Design and Bidding	November 2018 - October 2019
Construction Start	2020
Project Completion	Fall 2021
Post Construction/Warranty	Fall 2022



PUBLIC HEARING #3

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Mandan Planning and Zoning Commission Agenda Item PH3
 For Meeting on October 28, 2019
 Mandan Engineering and Planning Office Report
Waterpark Commercial Addition
 Requested Action
Preliminary Plat

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Wade Vogel on behalf of GMV LLP	GMV LLP	Waterpark Commercial Addition (proposed)	LOTS 1 THROUGH 7, BLOCK 1, WATERPARK COMMERCIAL ADDITION TO THE CITY OF MANDAN, LYING IN SECTION 6, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA	
Location City of Mandan		Proposed Land Use Commercial and Residential	Parcel Size 3.65 acres total	Number of Lots 7 (proposed)
Existing Land Use Vacant Land	Adjacent Land Uses Twin homes, mult-family, public recreation, gas station		Current Zoning PUD	Proposed Zoning PUD
		Adjacent Zoning CB –Commercial District		
Fees \$350	Date Paid September 19, 2019	Adjacent Property Notification Sent October 14, 2019	Legal Notices Published October 14, 2019 (website)	

Project Description

Wade Vogel, on behalf of GMV LLP, is seeking to combine 19 lots into 7 for the purposes of commercial and residential construction. The original plat is included as reference in Exhibit 1. Exhibit 3 shows the proposed plat, which focuses on the east and south lots of Exhibit 1.

The property is zoned PUD and subject to the requirements as outlined in Ordinance 1187 (Exhibit 2).

The property is served by private roads. The existing access easements were originally dedicated to the entire development and the rights of this easement lie with the entire development. Therefore, one of the recommendations is to include the original access easements on the final plat.

While the development receives water and sewer services from the City, the City's underground infrastructure is limited to east side of the development. Throughout the rest of the development is private underground infrastructure. Adjustments to the easement locations appear to be proposed and it will be necessary to ensure that underground infrastructure that presently serves developed lots is not interfered with and assurances are made that other lots will have access to services as necessary through this proposed replatting of lots. This same concern applies to utilities.

Finally, in speaking with Fire Chief Nardello, there may be a need for a hydrant. Staff recommends including the fire hydrant location, if any is required, on the preliminary plat that goes before City Commission. Staff feels the corrections can be made prior to ratification by City Commission and have included them in Exhibit 4.

Agency & Other Department Comments

Fire Chief Nardello's comment as included in the staff report.

Engineering & Planning Staff Comments

Comments contained in this staff report.

Engineering & Planning Recommendation

Engineering and Planning recommend to approve the preliminary plat as presented in Exhibit 3 subject to the conditions in Exhibit 4.

Proposed Motion

I move to recommend approval of the preliminary plat in Exhibit 3 subject to the conditions in Exhibit 4.

List of Exhibits:

Exhibit 1 – Original Plat of Lake Commercial Park Second Replat

Exhibit 2 – Ordinance 1187

Exhibit 3 – Preliminary Plat of Proposed Waterpark Commercial Addition

Exhibit 4 – Conditions of Approval

EXHIBIT 2

ORDINANCE NO. 1187

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 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 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

65-1810955 65-1810960 65-1810965
1. Lots 2 – 4 of Block 1 Lakewood Commercial Park located within the City of Mandan, Morton County, North Dakota shall be excluded from the MA (Industrial) zoning and shall be included in PUD District 2014-01 (Planned Unit Development) with the following conditions and restrictions.

- a. The northern 30% of the frontage along 46th Avenue SE may be developed with residential structures and access streets.
- b. Residential development shall be restricted to 2 and 4 unit buildings.
- c. Minimum lot size for the duplex lots shall be 6,000 square feet.
- d. Duplex lots may be split to allow separate ownership of each half of the duplex as specified in the R3.2 zoning district.
- e. Front, side and rear setbacks for the duplex lots shall conform to the requirements of the R3.2 zoning district.
- f. Front, side and rear setbacks for the four-plex units shall conform to the requirements of the RM zoning district.
- g. Side and rear setbacks for the commercial lots shall conform to the requirements of the CB zoning district.
- h. Structures shall not be constructed closer than 25 feet to 46th Avenue SE or closer than 5 feet to the south property line.
- i. Space shall be provided for at least two passenger vehicles and one boat or camper per dwelling unit.
- j. Guest parking spaces shall be provided at a ratio of at least one per dwelling unit.
- k. 50% of the minimum required on-site parking shall be exterior.
- l. At least the southern 40% of the frontage along 46th Avenue SE shall be developed with commercial buildings.
- m. Commercial area uses shall be limited to those in Retail Group A, Service Group A and Office-bank Group as itemized in Appendix A.
- n. The area fronting 46th Avenue SE between the residential and commercial areas shall be reserved until September 2016 for additional commercial development. After that date, if market conditions are unfavorable for additional commercial development, residential structures may be constructed in this area.
- o. Freestanding signage shall be limited to a development name sign at the northern and southern entrances and one shared sign per commercial

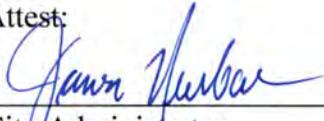
building located no closer than 5 feet to the property line along 46th Avenue SE. The signs shall be located so as not to obstruct vehicular sight triangles at the access driveways. The area around the signs shall be landscaped.

- p. The developer shall install or arrange for the installation of all on-site utilities.
- q. Fire hydrants shall be installed as directed by the City of Mandan Fire Department.
- r. There shall be no more than three vehicular access points along 46th Avenue SE.
- s. The developer shall install, or arrange to have installed, at the southern side of the southern entrance to the development opposite the driveway to the waterpark parking lot a HAWK pedestrian traffic signal. The signal shall be installed prior to the issuance of building permits for more than 36 dwelling units.
- t. The developer shall install a 5 foot wide sidewalk to city specifications within the right-of-way along 46th Avenue located near the western right-of-way boundary.
- u. Interior streets shall be named and provided with street name signs along 46th Avenue SE. Street names shall be approved by Morton County Emergency Management.
- v. All on-site paved areas shall be privately owned and maintained.
- w. Configuration of the roadways shall meet the requirements of the City of Mandan Fire Department for emergency vehicle access.
- x. Privacy fencing and/or landscaping shall be installed between the residential areas and the existing commercial development to the south.
- y. All areas on each residential lot that are not paved or concealed behind a six foot high opaque fence shall be landscaped.
- z. All areas fronting 46th Avenue SE shall be landscaped. The areas between the commercial and residential uses shall also be landscaped. The landscaping shall include shrubs and/or trees. The landscaping plan must be submitted to the city for review and approval by MARC.
- aa. A property owners association shall be created to operate and maintain all common areas and utilities.
- bb. At least 4,000 sq. ft. shall be developed as an internal common use recreation area not adjacent to the water.
- cc. Lot 1 will be a commonly owned lot managed by an HOA providing access to the water for all residents of the development and their guests.
- dd. A stormwater plan shall be submitted to and approved by the city prior to beginning any land disturbing activities.
- ee. The preliminary site plan is shown in Appendix B. A detailed site plan shall be prepared and presented to the city prior to beginning any land disturbing activities documenting compliance with the requirements contained herein.

SECTION 2. RE-ENACTMENT. Section 21-03-02 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.



President, Board of City Commissioners

Attest:


City Administrator

Public Hearing:	<u>September 2, 2014</u>
First Consideration:	<u>September 2, 2014</u>
Second Consideration and Final Reading:	<u>September 16, 2014</u>
Publication Date:	<u>October 17, 2014</u>
Recording Date:	_____

Appendix A to Ordinance 1187 establishing PUD District 2014-01

The following uses are declared to be in retail group A:

- (1) Antique store,
- (2) Appliance, radio, television store,
- (3) Auto accessory store,
- (4) Book, magazine, newspaper store,
- (5) Butcher shop,
- (6) Camera shop, art supply store,
- (7) Candy store,
- (8) Clothing, clothing accessories store,
- (9) Delicatessen,
- (10) Department store,
- (11) Drugstore,
- (12) Five and ten cent store,
- (13) Flower shop,
- (14) Furniture, office equipment store,
- (15) Gift shop,
- (16) Grocery store,
- (17) Hardware store,
- (18) Hobby, toy store,
- (19) Ice cream parlor,
- (20) Jewelry store,
- (21) Music store,
- (22) Notion, variety store,
- (23) Office supply, stationery store,
- (24) Package liquor store,
- (25) Photographic studio,
- (26) Shoe store,
- (27) Sporting goods store,
- (28) Bakery, in which nothing is baked except for retail sale on the premises.

The following uses are declared to be in service group A:

- (1) Barber shop,
- (2) Beauty shop,
- (3) Refrigerated cold storage lockers,
- (4) Dressmaker, tailor,
- (5) Dry cleaning pickup agency,
- (6) Furniture repair, upholstering,
- (7) Laundry pickup agency,
- (8) Laundry, self-service,
- (9) Milliner,
- (10) Radio, appliance repair,
- (11) Restaurant,
- (12) Shoe repair,
- (13) Soda fountain,

- (14) Watch, jewelry, camera repair,
- (15) Animal clinic,
- (16) Pet store.
- (17) Pet Grooming Commercial facility

The following uses are declared to be in the office-bank group:

- (1) Bank,
- (2) General office,
- (3) Governmental office,
- (4) Insurance office,
- (5) Personal loan agency,
- (6) Professional office,
- (7) Real estate office,
- (8) Taxicab office,
- (9) Telephone exchange,
- (10) Utility office

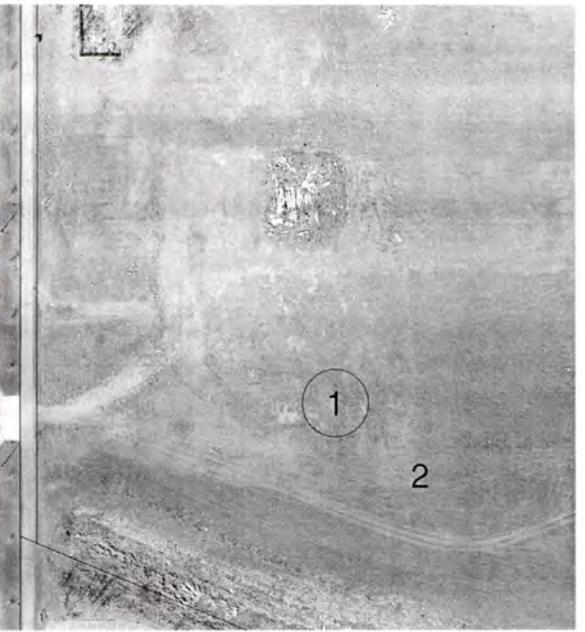
Auditor's Office Morton Co., ND
TRANSFER ACCEPTED

10-24-14
DAWN R. RHONE, County Auditor
By: Kathy Rance Deputy

21ST ST SE

THE VILLAS AT LAKEWOOD

46TH AVENUE SE

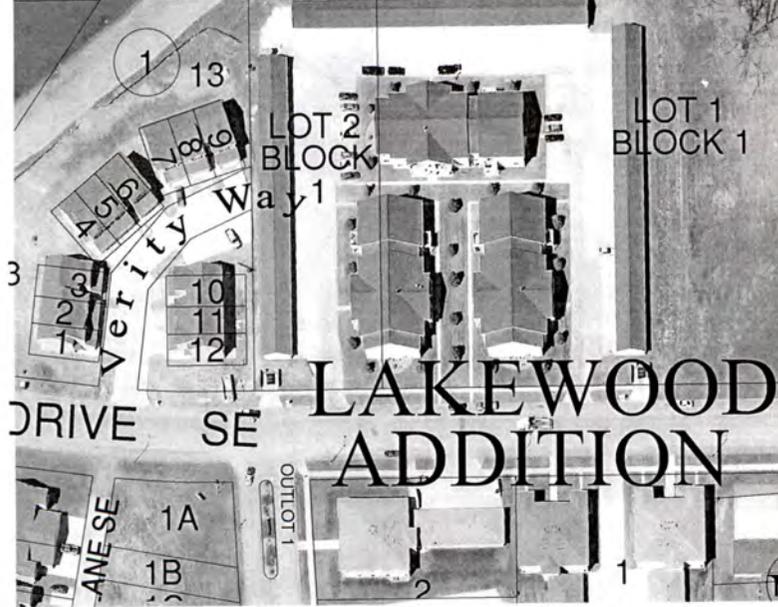


Zone Change

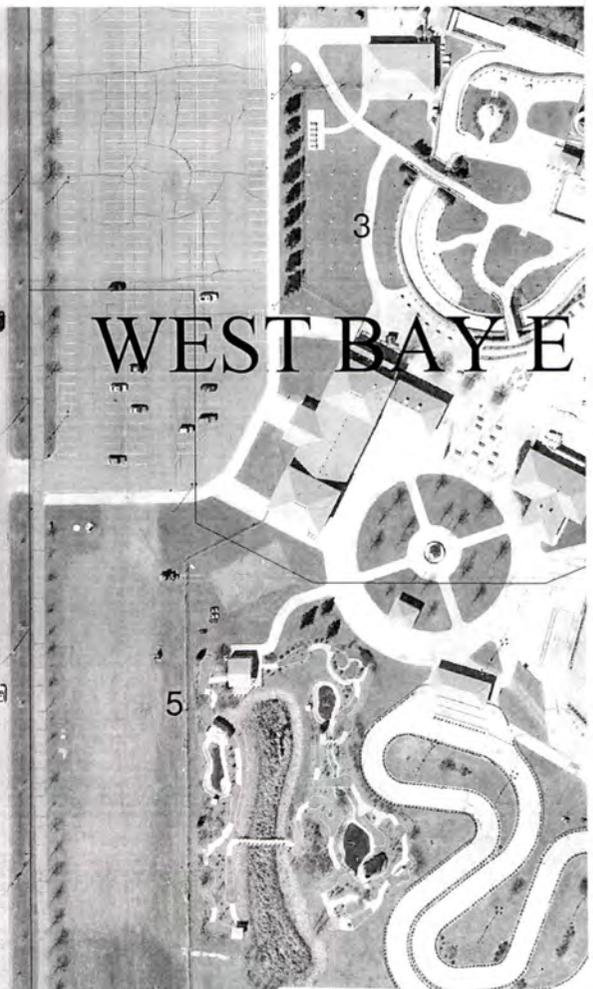
WOOD COMM. PARK 1ST

PUD

WEST BAY E



LAKEWOOD ADDITION



COUNTY RECORDER, MORTON COUNTY, ND **460450**
I certify that this instrument was filed and recorded.
Carrole Schaner, County Recorder Fee \$38.00 *Clg.*
By Carrole Schaner October 24, 2014 3:11:05 PM

County Recorder **460450**
Morton County
Mandan ND 58554 Page 7 of 7



EXHIBIT 4

Conditions of Approval

- 1) Undivided interest language that applies to Lakewood Commercial Park shall be incorporated onto the final plat and any resulting deeds to avoid any confusion that may arise with regard to ownership following the combination of lots.
- 2) Ensure that underground infrastructure that presently serves developed lots is not interfered with and assurances are made that other lots will have access to services as necessary through this proposed replatting of lots.
- 3) Ensure that utility easements that serve developed lots are not interfered with and assurances are made that other lots will have access to utility services as necessary through this proposed replatting of lots.
- 4) Hydrant(s) to be included as necessary following consultation with the Fire Department.