

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

August 29, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on August 29, 2016, at 5:15 p.m. CDT.

Commissioners Present: Klemisch, Klein, Knoll, Helbling, Laber, Beach, Liepitz, Frank, Robinson

Commissioners Absent: Zachmeier, Kelly, Leingang,

Commissioner Knoll motions to approve the July 25, 2016 minutes. Commissioner Frank seconds. Upon vote, the motion receives unanimous approval of the Board.

President Robinson introduces Bob Klemisch to the board as the school district representative. Mayor Helbling is also introduced.

Commissioner Beach arrives at 5:18 p.m.

NEW BUSINESS

1.A request from Verity Homes for PUD revision of all lots in Block 1, Lakewood 9th Addition in Section 1, Township 138N, Range 81W. Property is located west of 40th Avenue SE & south of 19th Street SE.

Bob Decker, City Planner, describes the request. When the PUD (planned unit development) was created for this development, a specific side yard was missed for Block 1. Currently, the side yard standard is 20% of the average width. When you have odd shaped lots the 20% average is difficult to compute. They are requesting a minimum setback of 5ø for each sideyard. This minimum does not require a fire rated wall. The state code allows for 2ø roof overhang. Because of the fire code, the 5ø would be the minimum standard.

Commissioner Liepitz motions to approve the PUD revision for Block 1 to a minimum sideyard setback of 5'. Commissioner Knoll seconds. Upon vote, motion passes unanimously.

Commissioner Laber arrives at 5:22 p.m.

2. A request from Mother Teresa Outreach, LLC, for a variance to reduce on-site parking from 2 units per dwelling to 1.5 units per dwelling and to take credit for additional parking provided in the boulevard. The property is all of Block 55, Mandan Proper in Section 27, Township 139N, Range 81W. Property is located at 406 4th Street NW in the former Mandan Junior High building.

Bob Decker, City Planner, describes the request. The school district sold the former junior high to a private developer. It has sat for several years. The Spirit of Life Church has taken ownership and is developing the property into a 39 unit affordable housing community with an elevator and community amenities. The request is to lower the parking space standard from 2 spaces per unit to 1.5 spaces per unit and take credit for additional parking provided in the boulevard.

Erin Anderson, Commonwealth Development Corporation, provides background on affordable housing and a presentation of the project. Her company is based out of Wisconsin. They are a construction, architecture and property management firm. They are going to be working with Metro Plains Management on this project. They have offices in several states and have done projects in these states as well. She worked on the 100 West Main project in Bismarck. They work with the Section 42 low income housing program. This program encourages developers to create affordable housing. In return, the developers receive tax credits. The standard for ND is 31 years minimum to provide the affordable housing in return for the tax credits. The approved applicant has a fixed rent for one year. The lease is annual. The applicants must meet income requirements. Backgrounds checks are done on the applicants. This kind of development usually has a positive influence on surrounding property values. Traditional students are not allowed, however, married students or single parent students are considered. Six units will be dedicated for homeless individuals/families. These tenants will be screened and monitored in conjunction with the church. There will be a little more flexibility in screening and selection criteria for this group. All occupants are asked to be a good neighbor, pay rent on time and take care of their home. There is a list of criminal convictions that will result in denial of an applicant. There is stringent screening on other arrests and misdemeanors. They are taking down the newest gym addition to provide fire turn around, parking and green space. The development will have 39 parking stalls in the courtyard (2 of which are handicap), 20 stalls on the east side and 28 stalls in the boulevard for a total of 87. The old gym will provide a child care center (free of charge), fitness and wellness center, community room and management office.

President Robinson says the hardship criteria are pointed out in Item A from the Spirit of Life letter.

Commissioner Laber says the Main Street boulevard parking is counted as part of the allowance. Residential is different.

Bob Decker says the downtown fringe has different criteria and does not have specific parking requirements.

Commissioner Liepitz wants to make sure the variance is specifically tied to this specific project only.

Commissioner Laber motions to approve the parking variance. Commissioner Liepitz seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. Consider approval of Ordinance No. 1241 creating Section 15 of Article 1, Chapter 1058 of the Mandan Municipal Code related to signs.

A working group was formed to go through the revisions on this ordinance. The working group had 5 working sessions on this. This is the updated draft. There are a couple of additional questions that have come up recently. One being the sight distance triangle. It is currently defined off of the property boundary. The Building Official's office recommends measuring the sight triangle from the curb. The size of the boulevards in town varies. Measuring off the curb would provide more consistency. The current standard is 25' from the

property boundary. This applies for signs, trees and anything that may block the view. Anything in the sight triangle would have a restricted maximum size. The question is 25' or 35' if measured from the curb.

The other question is on temporary signage. Right now the draft says they can be displayed for up to 90 days a year. The intent is that they are used on a temporary basis for a specific reason. There is a lot of clutter out there with this type of sign.

Commissioner Laber asks if the 5000 NITS can be converted to lumens, under the electronic sign section. Bob says a cross reference can be inserted.

Commissioner Knoll asks if the 90 days would be site specific. Bob says site specific. The sign companies would also have to register where their signs are with the building official department.

Bruce Strinden, Neuman Signs, "I've been with Neuman for about 25 years. There's a difference in signs and you probably have worked this ordinance enough so you're familiar and that difference is that between on-premise signs and off-premise signs, basically, an on-premise sign is one that Mayor Helbling might use at his business to advertise something. It could be a portable sign, which this ordinance addresses. If that same sign then, in turn, were used at his business for a restaurant down the street, then it becomes an off-premise sign. Our concern is with the federal aid system roads. Those are controlled by the rules the Department of Transportation has to go by and those are passed down by the federal government. So the federal aid system roads, once you go from an on-premise sign to an off-premise sign, at that point the sign becomes almost the same thing as a billboard. Then you're looking at a permit that would also need to be issued by the state. We did visit with somebody with the Department of Transportation today and they did confirm that was the case. At this point in time, I would recommend that you contact the Department of Transportation with this ordinance to look at that."

Commissioner Laber asks Bruce to clarify what he is asking. He is asking the city to make sure the city's rules and the federal rules are aligned. A billboard would be an off-premise sign on a federal aided road. Bob says there is a section dedicated to billboards. The temporary sign section can be looked at.

Wayne Munson, Indigo Signs, "NITS is the unit of measurement electronic sign companies are using in their federal laws. The sight triangle, I appreciate you are looking at going from the curb because that does give a sight triangle. I would like to see that 25' If you move to 35' what you're doing is asking the business owner to put up a taller and bigger sign so that sign can be read from the travelling public to be safe. I don't think that is what we are trying to do."

Kim Hegel, Awesome Signs, "We've owned this business going on ten years. I was at the city commission meeting about a month into us buying this business. Our biggest question with this whole thing because I feel like I'm fighting a battle for people that are not meeting our standards. Our signs don't get sent out, not maintained, faded lettering or anything like that. I'm driving all over and I'm seeing them. The biggest question we've had all these years is what is the problem? Nobody has been able to tell us that."

Duane Hegel, Awesome Signs, "We've asked three times in meetings and nobody has given us a direct answer. We've offered to help. To figure it out."

Kim and Duane Hegel say they maintain their signs and they are proud of how they take care of them. The best form of advertising is in front of your business. Duane says the city is trying to take away his bread and butter. The market is flooded with signs that are not being maintained. It is causing problems for businesses like theirs that take good care of their signs. Kim says a lot of the portable signs on the strip are the businesses own signs. They sit there permanently. They should have to follow the same regulations. They have a sign at Wal-Mart that is nicely maintained. Does Wal-Mart have to pay a lot of money for a permanent sign nobody will look at?

Commissioner Laber asks Kim and Duane Hegel if the only problem they have is with the length of time the portable signs are allowed. They say that is the main issue they have with this ordinance. Kim would also like to have business owned portable signs follow the same regulations.

Commissioner Laber says the temporary/portable signs need a time limit otherwise they become permanent. There is a lot of clutter out there.

Kim and Duane say there are issues in both Bismarck and Mandan with off-premise signs.

Duane says the time limit was changed from 240 days a year to 180 days a year. Now the city wants to reduce it to 90 days. That puts a hardship on his business.

Commissioner Beach thinks 90 days probably works for a majority of the signs. It sounds like there are probably a couple exceptions. Wal-Mart being one.

It is suggested that for those who want to extend the time past 90 days maybe they could apply for a special permit. This is sent back to the committee to review a possible exception permit.

Dave Mees, DHS Signs, "I pay over \$30,000 in taxes on my commercial property and it's all rental property. I do place a sign out once in a while when I have too many vacancies. If I couldn't put that out when needed, that would hurt my commercial business. His sign business does work for Dakota Travel Nurse. They have three locations in Mandan and have classes all the time. He is always changing what the signs say year round."

Bob suggests this goes back to the subcommittee before the next Planning & Zoning meeting. This can be tabled until then.

Commissioner Klemisch motions to table until the next meeting. Commissioner Frank seconds. Motion passes unanimously. Meeting adjourns at 7:10 p.m.

Commissioner Laber motions to adjourn. Commissioner Knoll seconds. Motion passes unanimously. Meeting adjourns at 7:10 p.m.