



**AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:15 P.M.
DECEMBER 22, 2014**

Roll Call, Reading and Approval of the October 27, 2014 minutes.

OTHER BUSINESS

- 1. Ballot vote to appoint two members to the Planning & Zoning Commission.**

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
October 27, 2014

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on October 27, 2014 at 5:15 p.m. CDT.

Commissioners Present: Klein, Fleischer, Knoll, Van Beek, Leingang, Robinson, Laber, Kelly, Mehlhoff, Liepitz

Commissioners Absent: Zachmeier

Commissioner Leingang motions to approve the September 22, 2014 minutes. Commissioner Liepitz seconds. Upon vote, the motion receives unanimous approval of the Board.

Chairman Robinson comments on item #4 under new business. The Planning Department received an email today requesting the withdrawal of the request.

New Business

1.A request from John and Colleen Kulluk for final plat approval of the Replat of Lot 11, Block 2, Meadow Ridge 3rd Addition in Section 22, Township 139N, Range 81W. The property is located on 6th Avenue NW.

Bob Decker, City Planner, identifies and describes the area. This is a lot split for a duplex so both halves can be sold. The lot line has to be moved slightly. The building has started and the setback is a little off. The lot is plenty big enough and this would not affect anything. The zoning would remain RM. The Building Official has a way of linking the two lots so they could not be sold separately.

Commissioner Leingang asks if each unit will have its own lines. Bob says yes.

Doug Lalim, Building Official, asks if the surveyor did a survey of the split wall. Bob says he will verify that before the plat is finalized.

Commissioner Leingang motions to approve the final plat of the Replat of Lot 1, Block 1, Meadow Ridge 3rd Addition. Commissioner Laber seconds. Upon vote, the motion receives unanimous approval of the Board.

2. A request from Keith and Marlys Landeis for final plat approval of Brett Landeis Subdivision lying within the extraterritorial jurisdiction of the City of Mandan in Section 12, Township 139N, Range 82W. The property is located on County Road 139A.

This property is currently platted as auditor's lots. It is family owned and the parents want to transfer ownership to the son. If the son wants to pull a building permit later, he has to have the property platted. The Building and Assessing Department will not issue a building permit on auditor's lots, which are usually used for tax purposes. Bob says the auditor plats have been abused and the Planning Department often does not see them. The city has to research and dig to find the information. The property consists of 2.5 acres.

Commissioner Laber would like to see a utility easement along the section line on the southern edge. In the county, they require a 40' easement on the south border of any section lines. Bob says that can be added.

Commissioner Laber motions to approve the final plat of Brett Landeis Subdivision, with the addition of a 40' utility easement on the south section line. Commissioner Leingang seconds. Upon vote, the motion receives unanimous approval of the Board.

3. A request from Rusch Homes for final minor plat approval of Lots 3 & 4, Block 2, Meadows 7th Addition in Section 8, Township 139N, Range 81W. The property is located on Wildrye Circle NW.

Bob Decker, City Planner, describes and identifies the area. Building of the house was started and ended up being too close to the property line. Instead of requesting a variance, they are replatting to move the lot line between the two lots. Rusch Homes owns both lots. The lots are large and there is plenty of land there to move the lot line. There are no easements in the way.

Commissioner Mehlhoff motions to approve the final plat. Commissioner Knoll seconds. Upon vote, the motion receives unanimous approval of the Board.

4. A request from Premier Homes/Shoal Loop Properties for final plat approval of Lot 9, Block 1, Lakewood Commercial Park 3rd Addition Fifth Replat. They are also asking for a variance to change side yard setback to rear yard for a twin home on Lot 1, Block 1 of the replat.

This item was withdrawn.

OTHER BUSINESS

1. Recommendation to appoint two members to the Planning & Zoning Commission.

There are two positions open. President Robinson's term is up and Bernice Hilfer decided not to run again. Those who submitted letters of interest were invited to come tonight are present. The commission can defer making a decision until the next meeting. Esther Vogel submitted an interest letter and she is in the extraterritorial jurisdiction. She may forward her information to Morton County, who appoints the extraterritorial candidate when one of those positions is open. There are two extraterritorial positions on the Planning & Zoning Commission. President Robinson invites the remaining candidates to speak.

Curtis Patzell, "I've been in Bismarck-Mandan area since 1990. I moved up here and opened the first Wal-Mart store on south Washington and from there we moved to the one on Rock Island Place. I ran...store manager of those facilities for 23 years. I recently retired a little over a year ago. I intend to stay in this area. My family is in this area. I've always had an interest in being involved in the city and being involved in the area that I've worked in. I've been in numerous committees in Bismarck and I'm currently on the Mandan Growth Fund committee here in town. I've done a lot of different work along those areas. I have an interest in Mandan. I live in Mandan. We've lived here for over 10 years now. I think it's an amazing time with what's happening in the western part of North Dakota, which is also impacting this area also. I think that the leadership and the vision that the people on this committee and in the city play an important role in what Mandan is going to look like 15 and 20 years from

now. I think that part of my experiences obviously benefitted me in being able to look ahead and be able to impact some of the things that are not happening right now, but in the future. Obviously, when I moved to Bismarck in 1990 there was one store and from there we were able to develop to where we've got three Wal-Mart locations and a Sam's club now. I think tremendous growth over the 20 some years that I was part of that. I'm open to any questions that you have."

Robert Vayda, "Mr. President and Commissioners, I would like this opportunity to serve on the Mandan Planning & Zoning Commission. I've lived in Mandan for 38 years and I've seen it grow from 17,000 people to over 20,000 plus. We are now in a renaissance period of growth where very important decisions will have to be made that will affect generations to come. Planning & Zoning will have a positive role in bringing together the various groups together to bring the right balance of residential, commercial, industrial and recreational that creates a win win situation for all groups. My background can help me with this appointment. I attended CCNY in New York and graduated and went on to work for the local power company. This is a field of work that I stayed in all my life. Although my career and I have worked with land owners in the past, I've been helping land owners by using maps, topography and placement of structures. In closing, I thank you for your consideration. Is there any questions? I would be glad to answer any?"

Chris Beach, "Mr. President, Commissioners, my name is Chris Beach. I've been in the community here a couple years. My background...I'm currently a program manager and new product development with Bobcat Doosan here in town. I have background in engineering, product design, also systems design. I think the main reason I want to join here is in my previous locale I was involved in Planning & Zoning Commission there. Not only as a commissioner, but also as the board chair. City of Litchfield in Minnesota. I saw it as an important way to be a part of the community to help, again as the previous applicants have mentioned, to have some of that vision and help the community grow in an orderly and defined fashion. Yet allowing for the variances and the different opportunities that do come up within the city. I think my experience there alone was very valuable. It would very valuable to this commission in helping to approach each opportunity independently and look for the right way to do things. Obviously, we are in an unprecedented period of growth here. Although, I don't think that should be the only item we consider. We have to be thinking beyond that, because if we plan for only growth, obviously, that can lead us to future problems as well. So I think looking at the overall process, the overall situation is going to be very important as we approach the next few years here. Especially as things continue to ramp up on this side of the river. I welcome any opportunity that you would afford and again if you have any questions, I would be glad to answer."

Esther Vogel, "Good evening commissioners. Most of my information and background when there is an opening in the extraterritorial. I just wanted to let you know I am interested in a position should it open up. The way Mandan's progressing to the west it might be sooner. I might be a member of Mandan. There might be more opportunity to get a chance to get on the board."

Chair Robinson suggests to Esther that she forward her information to the county. The county appoints to the two extraterritorial seats on Mandan's Planning & Zoning commission. The city used to appoint but it changed to the county when the population reached 20,000.

Chair Robinson comments that any one of the four candidates would work well.

Commissioner Laber motions for the Planning Department staff to review the candidates as well and come back to the next meeting with their recommendation. The commission will then have a ballot vote and that next meeting. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.

2. A public hearing on proposed Ordinance 1188 adding language to the city code related to landscaping.

Bob Decker presents. This item was introduced at the last meeting and has been published as a public hearing. This is a Beautification Committee effort. Because this is covered in Chapter 21, the public hearing will take place here for recommendation to the City Commission. The idea is to have a minimum landscaping component for all land in the city instead of selective areas like the gateway, for example. They tried to define different types of property with different criteria. It was decided that that a requirement to plant trees was probably going too far. The intent is to make sure each property looks presentable and there is a time table. For example, lawns will have to be established within one year from the date an occupancy permit is issued. The construction of a building will have two years from the issuance of a building permit. This will prevent a mud lawn sitting dormant for 5, 6 or more years. This ordinance was compromised between cities that had more restrictive regulations and cities that had minimal regulations. This ordinance would be used in city limits and not in the extraterritorial jurisdiction.

Commissioner Leingang motions to recommend Ordinance 1188 to the City Commission. Commissioner Klein seconds. Upon vote, the motion receives unanimous approval of the Board.

3. A public hearing on an ordinance amending the language contained in city code relating to minor subdivision plats.

Bob Decker presents. The city's minor plat process was cumbersome. This is a simplified procedure that allows for staff review with the option of bringing it before this commission if necessary. Some of the minor plat adjustments like we had tonight of moving lot lines could be a staff function. They are just technical adjustments. Auditor's lots have been a problem because they bypass the plat process, which is more complicated and expensive. This minor plat process would simplify and alleviate that problem.

Commissioner Laber asks what the cost difference is between a minor plat and an auditor's lot. Bob says the Planning Department does not have a fee for auditor's lots. The fee structure was recently adjusted to lower the minor plat fee. The old fee structure had one fee for all plats regardless of size.

Commissioner Fleischer recommends the size of the lots to qualify as a minor plat be changed from 5 acres to 4 acres.

Commissioner Liepitz suggests adding language allowing for staff to bring any item to the Planning & Zoning Commission whenever it is prudent.

Commissioner Laber motions to change the lot size to 4 acres and add language allowing staff to bring any minor plat before Planning & Zoning it deems necessary. Ordinance 1192 is then recommended to the City Commission. Commissioner Kelly seconds. Vote passes unanimously.

4. A public hearing on an ordinance amending the language contained in city code relating to terms of office for members of the Planning and Zoning Commission.

There were questions about appointments to the Planning & Zoning Commission. Some of the language has been added to clarify what is permissible. The Mayor cannot act as Chair and before he appoints, for example, another city commission member there has to already be a certain number of member on the board. The code also did not have a start or end date for terms. Bob picked January 1st for a start date.

Commissioner Laber wants commissioners who have 3 unexcused absences within a 12 month period to be noticed. Bob says another option is to have members participate by phone if needed. There is discussion about what attendance information to include in the minutes.

Commissioner Leingang motions to recommend Ordinance 1193 to the City Commission. Commissioner Knoll seconds. Vote passes unanimously.

5. Discuss possible change in date for November meeting.

There may not be a November meeting due to no submittals at this time. The ballot vote for appointing commissioners could be done in December.

Commissioner Liepitz asks Bob about the ordinance adopting a one year moratorium in the city and its extraterritorial zone relating to opioid treatment programs. Bob explains there was an inquiry about leasing a site on Main Street for a facility. The parking would not have been inadequate. The request brought the issue up and it is not currently covered in the city's zoning code. This would fall under a medical office but they have unique criteria. A location would have to be studied for the impact of the use and developing appropriate rules and procedures.

Commissioner Leingang motions to adjourn. Commissioner Knoll seconds. Vote passes unanimously.

The meeting adjourns at 6:15 p.m.

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Planning and Zoning Commission Agenda Documentation

MEETING DATE: December 23, 2014
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Recommend applicant for appointment to Planning and Zoning Commission

STATEMENT/PURPOSE. There are two positions that have terms expiring in 2014. The city commission has asked the Planning and Zoning Commission to recommend two people to be appointed to serve on the Planning and Zoning Commission for 5 year terms beginning January 1, 2015.

BACKGROUND/ALTERNATIVES.

Notice was given requesting that persons submit letters of interest to serve on the Planning and Zoning Commission. A total of 5 responses were received. One response was from a resident in the extraterritorial area. The county appoints persons from the extraterritorial area.

Bill Robinson, current P&Z president expressed interest in being reappointed for another term. The other three applicants are Curtis Patzell, Robert Vayda and Chris Beach.

- Bill has been a member of P&Z since 1995 and works at Northland Financial.
- Curtis recently retired from Wal-Mart where he was a store manager in Bismarck.
- Bob is retired. He worked for Basin Electric Power Coop. He currently serves on the Architectural Review Commission and the Renaissance Zone Committee.
- Chris Beach recently moved to Mandan and has experience with planning activities where he formerly lived in Minnesota.

All applicants are well qualified to serve. Bill has the experience of chairing the P&Z. Curtis has years of experience in the metropolitan area in a retail environment which is one of the types of activities we would like to encourage within the city. Bob is already serving on two committees for the city so he is familiar with city government. Chris has experience in another state with similar activities.