

MANDAN PLANNING AND ZONING COMMISSION  
MANDAN CITY HALL BUILDING  
February 22, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on February 22, 2016, at 5:15 p.m. CDT.

Commissioners Present: Zachmeier, Fleischer, Kelly, Klein, Knoll, Van Beek, Laber, Liepitz, Beach, Robinson

Commissioners Absent: Leingang, Mehlhoff

*Commissioner Laber motions to approve the November 30, 2016 minutes. Commissioner Knoll seconds. Upon vote, the motion receives unanimous approval of the Board.*

**NEW BUSINESS**

**1. Preliminary concept plan of Force Contracting (Old Red Trail east of Roughrider Circle).**

Bob Decker, City Planner, describes the property. This is outside of city limits in the two mile extraterritorial jurisdiction. This is a basic concept plan. This is the first step in drafting a preliminary plat. The property will have to be annexed and rezoned. The concept is to place residential on the east side, commercial along Old Red Trail, and denser residential and commercial along 56<sup>th</sup>. He is looking for comments, concerns or thoughts on this concept. This is for review and no motions have to be made on this at this time.

There is water and sewer available. A pump station is on the southeast corner that serves Roughrider. A possible access from Old Red Trail and other street modifications are being reviewed. Access on Old Red Trail would be limited. The northeast quadrant would be the first phase.

Chair Robinson asks what their thoughts are on the commercial zoning. Bob says it would be a low intensity commercial.

The comprehensive plan called for industrial further to the west. The MPO Long Range Transportation Plan designated a crossing of I94 in this area. That will not happen anytime soon. There is opportunity to offset the I94 crossing and route it appropriately.

There is a drainage way where a park could be located. The developer is going to discuss this with Parks and Recreation.

An existing single family home will stay.

Chair Robinson says there would have to be some outlet for the multi-residential.

Commission Laber is concerned the mixed use was put together like a puzzle. The slew would not be fair to just give to Parks and Rec to maintain. The commercial seems to back right up to the twin homes. There is no space between. Otherwise, the commercial is in an appropriate place. It does not seem to be a cohesive plan. The residents moved out there for a reason. The roads are not going to be improved for a long time yet. The work on Old Red

Trail is not coming out this far. The entrances need to be wide enough and able to handle the traffic impact. She would like to see a really good plan for traffic management.

Commissioner Beach leaves at 5:30 p.m.

Bob says some of these same concerns were brought up in the staff review meeting. These are good comments to bring to the developer. The DOT will only allow so many entrances off of Old Red Trail. He does not want to see many entrances into the commercial shops.

Chair Robinson says the area is somewhat isolated and can't see retail or industrial here. The commercial needs to be defined.

Bob will visit with Force Contracting.

## **2. Request by Ben Schaaf for a front setback variance on Lot 14, Block 3, Denison's Industrial Park Replat of Block 2.**

Bob Decker describes the area. This property is directly east of the sports complex site. This is in a small industrial subdivision that was platted in 1977. Located at the Mandan Avenue and Old Red Trail intersection where it curves by Tesoro. The plat shows a 35' building setback. The building setback is no longer allowed on plats according to state law. Most of the buildings in this subdivision are set back 35'. Most of these businesses have taken two lots, so the area is open and spread out. The applicant is requesting permission to expand his front office area into the front setback. The streets are wide enough for parking on both sides and have curb and gutter. A fire hydrant is across the street. There are street lights, but no sidewalks. Utility easement is behind the property. Area has mostly gravel yards.

Commissioner Zachmeier does not agree with how the staff report is worded. It should be amended to read Section 109-1-7 and not Section 105-1-12 that authorizes the Board of Adjustment grants variances if the request meets certain conditions. Planning & Zoning are not the Board of Adjustment. Bob says Planning & Zoning reviews and makes a recommendation to the City Commission who acts as the Board of Adjustment. Bob will ask for Malcolm Brown's, City Attorney, opinion.

The MC (Light Non-nuisance Industrial/Heavy Commercial) zone requires a 35' setback. This property has enough available land to put another building, but expanding the office space toward the front makes the most sense.

Ben Schaaf, "That 35' area is really a mud hole and a weed grower. I could put it to good use. If I put a 25' x 50' area on the east side of my building, that would screw up my whole operation. With trucks coming in and cranes, forklifts and what not. That is why I'd like to go to the north. The south end is all warehousing. I got three overhead doors on the south end of it. The office I have right now is 20' x 50' on the north end. If I add another 20', that would give me 45' x 50' office area. The whole other end is shop and warehousing. It is already set up as an office."

*Commissioner Fleischer motions to have City Attorney, Malcolm Brown, interpret if all criteria listed in the code for granting a variance has to be met or if only one has to be met. The board would also like Attorney Brown's opinion on the wording of Section 105-1-12 in the staff report. Commissioner Laber seconds. Upon vote, motion passes unanimously.*

## **OTHER BUSINESS**

### **1. Discussion on revised Municode Sections 105-1-6 through 105-1-13.**

Bob Decker wants to remind the commissioners to review the suggested changes to this section of the code and email their suggestions or comments to him. This has been circulated to other city staff.

Commissioner Liepitz asks about the construction of sidewalks, Section 105-1-7. He reads that as the developer would have the responsibility to get sidewalks in. Bob says there needs to be some kind of developer's agreement to get sidewalks in so it doesn't impede the neighborhood for a long time. Right now, there are empty lots within a developed subdivision with that piece of sidewalk missing. It impacts pedestrians and kids walking to school.

### **2. Appointment to open commissioner seat.**

*Commissioner Knoll motions to appoint Bob Leingang to another term. Mayor Van Beek seconds. Upon vote, motion passes unanimously.*

*Mayor Van Beek motions to adjourn. Commissioner Klein seconds. Motion passes unanimously. Meeting adjourns at 6:14 p.m.*